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SUMMARY: The document below is a modern-spelling edition of *A Conference about the Next Succession to the Crown of England*.

The frame story of *A Conference* is a fictitious conference in Amsterdam in the spring of 1593, fully described in the Preface to Part I. In that fictitious frame story, the principal speakers are two lawyers, the one an expert in the civil law of England, the other an expert in the common law. This frame story in itself makes it clear that the author himself had a legal background. The civil lawyer puts forward his arguments in Part I (or rather, the author of *A Conference* puts forward his arguments through the mouth of the fictitious civil lawyer). In Part II, it is the turn of the fictitious expert in the common law. The title page promises that ‘a new & perfect arbour or genealogy of the descents of all the Kings and Princes of England from the Conquest unto this day’ can be found at the end of the tract whereby the claims of all the current pretenders to the English crown will be made plain. This ‘arbour’ or genealogy may have been based on the work of Francis Peto (see below, and TNA SP 70/137, ff. 319-21). Unfortunately this promise is not fulfilled. The ‘arbour or genealogy’ does not appear, suggesting that the author of *A Conference* did not play a role in the book’s publication.

*A Conference* is a well organized and well thought out presentation. As noted above, it is divided into two parts, whose contents are summarized immediately before the author’s dedication of the book to Robert Devereux, 2nd Earl of Essex:

*THE SUM OF BOTH PARTS MORE IN PARTICULAR*

*The first declareth by many proofs & arguments that the next propinquity or ancestry of blood alone, though it were certainly known, yet that it is not sufficient to be admitted to a crown without other conditions and circumstances requisite be found also in the person pretendant.*

*The second examineth the titles and pretensions of all such as may have claim or action to the crown of England at this day, what may be said for them and what against them, and in the end, though he leave the matter extreme doubtful as touching the best right, yet he giveth certain conjectures about some persons that are likest to prevail.*

Throughout the tract the author emphasizes the true Lancastrian line of succession, of which the members of the house of Tudor were not lineal descendants since they derived their claim from John of Gaunt’s mistress, Catherine Swynford. The author demonstrates that the true Lancastrian line is that of King Philip of Spain and his daughter, the Infanta, descendants of John of Gaunt’s first wife, Blanche of Lancaster. Although he does not make much of it, perhaps for fear of endangering their lives, the author points out that a branch of this true Lancastrian line exists in England in the Howard, Percy and Arundel families, who were also descended from the family of Blanche of Lancaster.

Since the contents of each chapter are set out in a table immediately after the dedication to Essex, it is unnecessary to rehearse them here, other than to point out that in Chapter

VIII, in which the author sets out the claims to the English crown of the house of Portugal, he digresses at length on the bastardy of Don Antonio (1531-1595), who had sought refuge in England and was currently living there, and whose pretensions to the crown of Portugal were being supported by the Queen and Privy Council. The author takes a negative view of the English support for Don Antonio's pretensions to the crown of Portugal, as indicated by his ironic comment on p. 179:

*Thus passed the matter in the case of Don Antonio, who, if he had been legitimate, no doubt but by all right he should have been preferred before all the other pretenders to the crown of Portugal, and must be at this day towards the crown of England before all those that pretend to the house of Portugal if we grant him to be legitimate, and much more clearly may he pretend to the Dukedom of Lancaster, as before hath been declared, for that it must descend to the lawful heir of Lady Philippe, Queen of Portugal, whereof ensueth also one consideration not impertinent to us in England, that seeing we hold him there for true King of Portugal, I see not how we can deny him his right to the said Dukedom at least of Lancaster, whereof if we would give him but the possession with all the appurtenances as they lie, it were no evil entertainment for him in our country until he could get the possession of the crown in his own.*

The author of *A Conference* is commonly stated to have been the Jesuit Robert Parsons. Parsons was also at one time considered to be the author of *Leicester's Commonwealth* (1584), which, in terms of its frame story, content and style is very similar in many respects to *A Conference*. However the *Oxford Dictionary of National Biography* now states that Parsons was almost certainly not the author of *Leicester's Commonwealth*. The claim that Parsons was the author of *A Conference* is equally lacking in support, although he indisputably had something to do with its publication, and with preventing the Catholic authorities from inhibiting its publication.

The principal reason for doubting Parsons' authorship of *A Conference* is that the known facts of his life fail to match the profile of the author revealed by internal evidence in the tract. For example, Parsons lacked the extensive legal knowledge which the author of *A Conference* demonstrably possessed. Moreover Disraeli, in *Amenities of Literature*, Vol. II, p. 85, states that Parsons had only slight acquaintance with French, whereas the author of *A Conference* is fluent in that language, and cites numerous histories and other works in French in his marginal comments. In addition, these same marginal comments indicate that the author had access to a very extensive and expensive library while writing *A Conference*, a fact which rules out Parsons as the author from a very practical standpoint since Parsons, who lived in exile for most of his adult life, was founding seminaries in Spain at the time *A Conference* was written in late 1593, and the likelihood that he had access to a personal library of this sort is virtually nil. Moreover modern commentators appear to have taken little notice of indications in the tract suggesting that the author was living and writing *in England* and was *not* living in Spain. These indications include the phrases 'a hundred shillings', 'which is as much as Lord Chancellor with us', 'to us in England', 'in our country', 'to draw near homeward', 'at home', 'from thence' (meaning Spain), as well as comments which would have been ill-received by King Philip of Spain, on whose sufferance Robert Parsons was living in Spain at the time, and on whose

assistance he depended, such as the statements that King Philip came from a junior line ('cometh of Don Sancho, the younger brother'), that he had taken Portugal 'by force', and might 'prejudice greatly the English liberty' and bring the English 'into servitude' if he succeeded to the crown of England, and that he should confer his claim to the English crown on his daughter, the Infanta, rather 'than that the King of Spain should pretend for himself'.

Another very significant argument against Parsons' authorship is that *A Conference* is entirely lacking in Catholic sentiments, and in fact the author's use on several occasions of the phrase 'true religion' in connection with the word 'establishment' has distinctly Protestant overtones, as do his references to the Archbishop of Canterbury as 'my Lord of Canterbury' and as 'Primate of England'. His references to 'the Romish religion' and to 'the Roman party', to Catholics as 'Papists', as those who 'call themselves Catholics', and as 'recusants', also suggest a Protestant author.

The immense scholarship and fluency in foreign languages of the author of *A Conference* are manifested in his citation of his sources. For example, as his authority for the account of the controversy concerning the succession to the Portuguese crown in January 1580 he cites a 10-volume work in Italian and a work in Latin:

*. . . for which the authors that I have read about this matter, which are principally two, the first named Hierom Franke, a gentleman of Genoa who wrote ten books in Italian of the union of the crown of Portugal to the crown of Castilia, and the second is named Ioanes Antonius Viperanus, a Sicilian, as I take him, who wrote one book only in Latin, De obtenta Portugallia a rege Catholico Phillippo, 'Of Portugal got by King Philip the Catholic', both these books (I say) out of whom principally I have taken the points which here I will touch do severally set down the causes following why the King Cardinal did reject the pretence of Don Antonio before all other pretenders, and pronounced him a bastard.*

The 10-volume work in Italian is *Dell' Unione del Regno di Portogallo Alla Corona di Castiglia Istoria* by Signor Ieronimo de Franchi Conestaggio, gentiluomo Genovese (Genoa: Girolamo Bartoli, 1585). The work in Latin is *De obtenta Portugalia a Rege Catholico Phillippo Historia* by Giovanni Antonio Viperano (Naples: Salviani Orazio, 1588). An English edition of the former was published in 1600 by Edward Blount under the title *The Historie of the Uniting of the Kingdom of Portugall to the Crowne of Castill*.

See:

[http://books.google.ca/books/about/Dell\\_Unione\\_del\\_regno\\_di\\_Portogallo\\_alla.html?id=Sjs8AAAACAAJ&redir\\_esc=y](http://books.google.ca/books/about/Dell_Unione_del_regno_di_Portogallo_alla.html?id=Sjs8AAAACAAJ&redir_esc=y).

<http://www.europeana.eu/portal/record/92005/AA3013CCB9DBAC8FFF2733A52FBDEE6E2DC45C78.html>.

<http://www.bibliopolis.com/main/books/results.html?publisher=Blount&search=1&sortb>

y=pricedesc.

The author of *A Conference* cites an enormous range of sources including Plato, Aristotle, Demosthenes, Pomponius Mela (translated by Oxford's uncle, Arthur Golding), Tacitus, Theophrastus, Cicero, Plutarch, Dionysius Halicarnassus, Seneca, Livy, Eutropius, Orosius, Suetonius, Quintus Curtius Rufus, Titus Flavius Josephus, Johannes Zonaras, St. Jerome, St Chrysostom, St. Isidore, Lucas de Tuy, Sebastian of Salamanca, Einhard, Widukind of Corvey, Saxo Grammaticus, Johann Sleidan, Martin Kromer, Bartolus de Saxoferrato, Paolo Giovio, Paulus Aemilius Veronensis, Giovanni Tarcagnola, Lodovico Guicciardini, Albert Krantz, Antoninus Florentinus, Jeronimo de Franchi Conestaggio, Giovanni Antonio Viperano, Ranulf Higden, Matthew of Westminster, Thomas Walsingham, Polydore Vergil, John Stow, Sir Thomas More, John Hales, Sir Anthony Browne, John Lesley, Bishop of Ross, George Lily, Raphael Holinshed, Jean Froissart, Jean Bodin, Jean du Tillet, Guillaume de Nangis, Philippe de Commines, Gilbert Genebrard(?), Gulielmus Benedictus [=Guillaume Benoit], Baldus de Ubaldis, Francois de Belleforest, Pedro Mexia, Bernard de Girard, Seigneur du Haillan, Andre Thevet, Jean Papire Masson, Esteban de Garibay and Ambrosio de Morales.

The author's exceptional use of language also suggests that he was not Parsons. Forty-three coinages and early usages in *A Conference* are already credited to the author of *A Conference* in the online edition of the *Oxford English Dictionary*. Many of those noted below are not yet cited in the OED, and have been submitted to the OED for consideration by the author of this modern-spelling edition of *A Conference*.

For example, the prefatory material to Part I includes, as coinages and as early usages in specific senses, the nouns 'action' and 'feature' (both noted in the OED), 'gratitude', 'putting *back*' and 'exclusion', the verbs 'happen *out*' and 'negotiate', and the adjectives 'eminent', 'unpublished' and 'civilian'. Chapter I of Part I has the nouns 'sociability' and 'conversation' (both noted in the OED), 'insolent', 'outrageous', 'canton', 'Lacedaemonian', and 'Candian'. Chapter II of Part I contains additional coinages and early uses including the nouns 'reflection' (noted in the OED), 'disunion', 'concupiscences', 'Cortes', 'ordination', 'deposed', 'hold', 'knot', 'flattery' and 'account giving', and the adjectives 'brutified' (noted by the OED), 'deified', 'inflexible', 'capable' and 'irregular'. Chapter III of Part I includes the nouns 'ring' (noted in the OED), 'Damascus', 'interlude', 'astronomy' (used attributively), 'dependence', 'builder' and 'deprived (as absolute), the adjectives 'pious' (noted in the OED) and 'odious', and the verbs 'attribute' and 'overrule'. Chapter IV of Part I contains the nouns 'butt' (noted in the OED), 'sensuality', 'dominion' and 'help', the verb 'embroil', the adverb 'discourteous', and the phrase 'de facto'. Chapter V of Part I includes the noun 'astipulation' (noted in the OED), the verbs 'avow' and 'embase' (both noted in the OED) and 'assist', the adjectives 'reciprocal', 'turbulent', 'catholic', 'Arian', 'Gothish' and 'improbable', the adverb 'amply', and the phrases 'man-at-arms' and 'herald at arms'. Chapter VI of Part I contains the nouns 'rigour', 'eldership' and 'espouse' (all three noted in the OED) and 'espousal', and the verb 'convince' (noted in the OED). Chapter VII of Part I has the nouns 'Frank', 'gristle hair' and 'Castilian', the verb 'prejudicate' (noted in the OED), and the adjectives 'far-fetched', 'settled', 'infidel' and

‘last-named’. Chapter VIII of Part I includes the nouns ‘stuttering’ (noted in the OED) and ‘great-aunt’, the verb ‘snatch’, the adjectives ‘prejudical’ and ‘small’ (both noted in the OED), and the adverb ‘downwards’. Chapter IX of Part I has the nouns ‘under-governor’, ‘gentility’ (noted in the OED) and ‘Indian’, and the adjective ‘Levitical’

The Preface to Part II and Chapter I of Part II also contain several coinages and early uses, including the nouns ‘titler’, impugning, ‘maxima’, ‘barring’, ‘incongruities’ and ‘legitimizing’, the verbs ‘legitimated’ and ‘retain’, and the adjective ‘well-read/well-readen’. Chapter II also contains a number of coinages and early uses, including the noun ‘affliction’, the verb ‘disunite’, and the adjectives ‘incapable’ and ‘uncapable’. Chapter III contains several coinages, including the nouns ‘arbour’, and ‘gentleman-porter’. Chapter IV also contains several coinages and early uses, including the nouns ‘establishing’, descendant, ‘baron’ and ‘feme’ (both noted in the OED), ‘watchfulness’, ‘Maccabee’ and ‘barony’, the verb ‘invade’, the adjectives ‘pretendant’, ‘removed’ and ‘Lancastrian’, and the adverb ‘maturely’. The same is true of Chapter V, which contains the nouns ‘Irish’ (noted in the OED), ‘disposing’ and ‘subordination’, the verb ‘reside’, the adverb ‘downward’, and the phrase ‘within age’. Similarly, Chapter VI contains several words coined by the author as well as early usages, including the noun ‘illegitimation’, the verb ‘condole’, and the adjective ‘first-begotten’, as does Chapter VII, which includes the nouns ‘debarring’ and ‘rehabilitating’, the verbs ‘commodate’ and ‘restore *in blood*’ (noted in the OED), and the adjectives ‘attainted’ and ‘alien-born’. In Chapter VIII, the noun ‘infant’ and the adjectives ‘descendant’ and ‘transversal’ are noted by the OED, while other usages not noted by the OED include the adjectives ‘legitimated’ and ‘foreign-born’, the verb ‘improved’ in the sense of ‘proved’, the gerund ‘confessing’, the noun ‘dependence’ in the sense of ‘a body of dependents’. Chapter IX also contains a number of coinages and early usages, including the nouns ‘Welsh’ (noted in the OED), ‘aversion’, ‘evening-song’, ‘watchfulness’, ‘apprehension’, ‘Biscayan’, ‘delict’, ‘massacring’, ‘contentment’, ‘invitation’, ‘pretender’ and ‘representation’, the verbs ‘apart’, and ‘discourse’, and the adjectives ‘dispassionate’, ‘remiss’, ‘capable’, ‘ensuing’ and ‘impugned’. The same is true of Chapter X, which has the nouns ‘bulk’, ‘tide’, ‘compartitions’ and ‘pretendant’, the verbs ‘facilitate’ and ‘disenable’, and the adjectives ‘vigorous’, ‘executed’ and ‘regnant’.

It is also noteworthy that the author of *A Conference* uses a great number of words for which the OED cites Shakespeare, rather than the author of *A Conference*. According to the orthodox chronology, Shakespeare’s career had barely begun in late 1593 when *A Conference* was written, and according to that chronology the author of *A Conference* used a large number of unusual or rare words, or used words in certain senses, before Shakespeare used them. For example, the word ‘conjunction’ was used by the author of *A Conference* four years before Shakespeare used it, and in precisely the same sense and with respect to the same topic:

*And first of all I am of opinion that the Earl of Huntingdon and such other pretenders as are of the house of York alone, before the conjunction of both houses by King Henry the Seventh . . . .* (p. 141)

From the online edition of the *Oxford English Dictionary*

*1. a. The action of conjoining; the fact or condition of being conjoined; union, connection, combination.*

*1597 Shakespeare Richard III v. viii. 20 We will vnite the white rose and the red, Smile heauen vpon this faire coniunction.*

Similarly, ‘commonwealth’ was first used attributively, according to the *OED*, by Nashe in 1592, and then by Shakespeare in 1616:

*7. attrib.*

*1592 T. Nashe Pierce Penilesse (Brit. Libr. copy) sig. I2, Cloaking of bad actions with Common-wealth pretences.*

*a1616 Shakespeare Henry VI, Pt. 2 (1623) i. iii. 157, I come to talke of Common-wealth Affayres.*

However the author of *A Conference* used Shakespeare’s exact phrase many years earlier:

*. . . all these, I say, do make their entrance to treat of their commonwealth affairs from this first principle, to wit, that man by nature is sociable. (p. 4)*

Moreover the author of *A Conference* uses a favourite Shakespeare phrase, ‘sugared words’, as well as the phrases ‘man’s eyes’ and ‘lords and owners’ in a manner reminiscent of Sonnets 29 and 94, and mentions Tarquin only months before Shakespeare published *The Rape of Lucrece*. Compare also the Archbishop of Canterbury’s speech in Shakespeare’s *Henry V* with the discussion of the Salic law in *A Conference* and references to Pharamond, Hugh Capet, Pepin, Childeric and others. The author of *A Conference* is also conversant with the historical background of the play *Edmund Ironside*, which has been attributed to Shakespeare by Eric Sams.

When taken as a whole, the attributes of the author of *A Conference* all suggest that he was Edward de Vere (1550-1604), 17th Earl of Oxford -- his complex sentence structure, clear expository style, and word coinages; his extensive legal knowledge; his encyclopaedic knowledge of history; his travels in Italy and Flanders; his intimate familiarity with the genealogy and history of members of the nobility; his adoption of the perspective of the nobility in *A Conference*, including the tone and content of the dedication to Essex, which is that of a nobleman to a nobleman, as well as his outrage at the ‘massacring’ of the nobility (among them an Earl of Oxford) by English kings, and, in contrast, his frequent references to the ‘vulgar people’ and the ‘vulgar sort of men’; his fluency in classical and foreign languages; his quotation of Ovid (*nitimur in vetitum semper*); his fascination with and knowledge of all things political, including taxes and impositions; his references to the Magna Carta barons (among whom was Oxford’s ancestor, the 3rd Earl of Oxford), and to King Richard II’s favourite, Robert de Vere, 9th Earl of Oxford; his knowledge of details of the accession of Queen Mary, which was supported by Oxford’s father, the 16th Earl, and his mention of the visit of John, Duke of Finland in 1559, with whose entertainment in England the 16th Earl was involved; his

allusion to the Sicilian Vespers, which Oxford also alluded to in a 1572 letter to his father-in-law, Lord Burghley; his comment on Lord Burghley's preference for Arbella Stuart as successor to the Queen; his mention of the restoration in blood of the Earl of Arundel, son of Oxford's first cousin, Thomas Howard, 4th Duke of Norfolk; his references to Francis Peto and Richard Shelley, whom Oxford knew, and his use of the dialogue format for *A Conference* used earlier by Oxford's tutor, Sir Thomas Smith in *A Dialogue of the Queen's Marriage*. Moreover Oxford was personally acquainted with the composer Robert Parsons (c.1535-72) of the Chapel Royal (see TNA SP 12/151/46, ff. 103-4), who may have had some connection with the Jesuit Robert Parsons. In addition, Luke Astlowe, with whom Parsons travelled in Italy, was Oxford's servant, and related to Oxford by marriage.

Although evidence is found throughout *A Conference*, three particular points in Chapter VIII (which contains a lengthy digression on Don Antonio) indicate Oxford's authorship: the author's fluency in languages other than English, his personal attitude to Don Antonio, and his use of the rare word 'interested'. Oxford was fluent in several languages; he was appointed by the Queen to accompany Don Antonio when he left England (see Nelson, Alan, *Monstrous Adversary*, (Liverpool University Press, 2003), p. 274); and he used the rare word 'interested', also used in Chapter VIII of *A Conference*. According to the OED, 'interested' was first used in 1587 in Holinshed's *Chronicles*; its second use was in *A Conference*. Oxford then used this rare word in a letter to his brother-in-law, Sir Robert Cecil, on 22 November 1601, making his usage of it only the third recorded usage:

. . . . whereby shall ensue no prejudice unto any of the pretenders which suggest to be interested in any of the said lands in regard that, if the *Queen* have no title, there passeth nothing to me. . . . and thus desiring you to bear with the weakness of my lame hand I take my leave from Hackney, this 22th of November, 1601.

Moreover Oxford eventually played an active part in the succession in 1603 in sounding out the loyalties of the Earl of Lincoln a few days before the Queen's death (see TNA SP 14/3/77, ff. 134-5 and TNA SP 14/4/14, ff. 27-9), and was perhaps King James' secret correspondent "40", whose identity was known only to King James and to King James' other principal secret correspondent, Oxford's brother-in-law, Sir Robert Cecil.

The emphasis placed on specific candidates at the end of *A Conference* obscures, perhaps deliberately, the candidacy of King Philip of Spain, who by lineal descent had first claim to the English crown if the true Lancastrian line were to be the sole factor considered. King Philip's personal claim is essentially ignored by the author of *A Conference* at the end of the tract (although not in earlier chapters), and it is suggested that King Philip bestow it on his daughter, the Infanta, who would eventually inherit not only her father's claim as the lineal descendant of the true Lancastrian line, but also her mother's claim as a lineal descendant of William the Conqueror. The author of *A Conference* also briefly mentions in Chapters II and III that there were lineal descendants of the true Lancastrian line in England, chiefly the Howards, Percys and Arundels (the latter being Howards as well). But having mentioned the existence of these English

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claimants, the author of *A Conference* quickly moves on, causing their claims to fade from his readers' memories. Considering the emphasis throughout *A Conference* on the manner in which the Tudors and Yorkists had eliminated all members of the English nobility who had traces of the blood royal in their veins, the author's discretion in the case of the Howard, Percy and Arundel claimants is understandable. He was clearly reluctant to place these English Lancastrian claimants in danger by emphasizing their place in the true Lancastrian line of succession.

The fact that there were claimants in England of the true Lancastrian line (the Howards, Percys and Arundels) perhaps helps to explain earlier historical events such as the execution of Oxford's uncle, Henry Howard (1516/17-1547), Earl of Surrey, by King Henry VIII for allegedly quartering the royal arms. It also perhaps explains Queen Elizabeth's aversion to the senior branch of the Howard family throughout her reign, and in particular her reaction when the Earl of Leicester raised her suspicions about the prospective marriage of Henry Howard's eldest son and heir, Thomas Howard (1537-1572), 4th Duke of Norfolk, to Mary, Queen of Scots, since that marriage would have united the foremost English claimant in the true Lancastrian line and the foremost claimant in the Tudor line (Mary, Queen of Scots). The author of *A Conference*, and perhaps Queen Elizabeth herself, clearly placed little reliance on the provisions of Henry VIII's will and the two Acts of Parliament which displaced Mary, Queen of Scots, from the line of succession. The author's overall thesis is that the governed have the right to choose when the current monarch leaves no issue, which in the end is what occurred when King James, the son of Mary, Queen of Scots, was chosen to succeed Queen Elizabeth.

It is also telling that the author of *A Conference* deliberately omits mention of Queen Mary Tudor in his genealogy of the descendants of John of Gaunt and his second wife, Lady Constance. He sets out the senior branch of this line from King Ferdinand and Queen Isabella (their elder daughter, Joan, was the grandmother of King Philip of Spain), but he omits the junior branch from King Ferdinand and Queen Isabella (their youngest daughter, Catherine of Aragon, and King Henry VIII were the parents of Queen Mary Tudor). The author of *A Conference* seems here to be clearly avoiding inflaming Queen Elizabeth's ire, because to have pointed that out would have emphasized that Queen Mary Tudor was descended from the true Lancastrian line, whereas her half-sister, Queen Elizabeth, was not.

This fact perhaps explains why the 16th Earl of Oxford supported Queen Mary Tudor. The Earls of Oxford (as the author of *A Conference* specifically points out) were among the strongest supporters in England of the true Lancastrian line. It appears that modern commentators have failed to consider that Queen Mary Tudor was a lineal descendant of that line through her mother, Catherine of Aragon, and that that might have been a principal reason behind the 16th Earl's early support for Queen Mary.

*A Conference* provides a historical background for Shakespeare's English history plays, and in fact the perspective from which Shakespeare wrote the English history plays cannot be distinguished from that of the author of *A Conference*. Moreover the author of

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*A Conference* provides page references to the 1577 edition of Holinshed, which was likely the edition used by Shakespeare.

The modern spelling transcript of Part II of *A Conference* below was prepared from a digitized copy of the original volume at the Lyon Public Library (Bibliothèque jésuite des Fontaines). See:

[http://books.google.ca/books/about/A\\_conference\\_about\\_the\\_next\\_succession\\_o.html?id=kOQbU56suzcC&redir\\_esc=y](http://books.google.ca/books/about/A_conference_about_the_next_succession_o.html?id=kOQbU56suzcC&redir_esc=y).

The final three pages of the preface to Part II, and the first page of Chapter I of Part II are lacking in that copy, and have been added to the transcript below from another copy. The pages in the prefaces are unnumbered in the original, but have been numbered for convenience in the transcript below.

The marginal annotations, many of which contain page references to historical sources, have been transcribed and inserted immediately after the page number, marked MN. Unfortunately this disrupts the flow of the text in some instances. The spelling of Thomas Walsingham, Froissart, Polydore Vergil and Holinshed in the marginal annotations has been modernized, but the names of numerous other writers referred to in the marginal annotations have been left in the original spelling.

A CONFERENCE ABOUT THE NEXT SUCCESSION TO THE CROWN OF  
ENGLAND

DIVIDED INTO TWO PARTS

Whereof the first containeth the discourse of a civil lawyer, how and in what manner propinquity of blood is to be preferred, and the second the speech of a temporal lawyer about the particular titles of all such as do or may pretend within England or without to the next succession.

Whereunto is also added a new & perfect arbour or genealogy of the descents of all the Kings and Princes of England from the Conquest unto this day, whereby each man's pretence is made more plain.

Directed to the Right Honourable the Earl of Essex of her Majesty's Privy Council & of the noble Order of the Garter.

Published by R. Doleman

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## MDXCIII

## THE SUM OF BOTH PARTS MORE IN PARTICULAR

The first declareth by many proofs & arguments that the next propinquity or ancestry of blood alone, though it were certainly known, yet that it is not sufficient to be admitted to a crown without other conditions and circumstances requisite be found also in the person pretendant.

The second examineth the titles and pretensions of all such as may have claim or action to the crown of England at this day, what may be said for them and what against them, and in the end, though he leave the matter extreme doubtful as touching the best right, yet he giveth certain conjectures about some persons that are likest to prevail.

TO THE RIGHT HONOURABLE THE EARL OF ESSEX OF HER MAJESTY'S  
PRIVY COUNCIL

Two principal causes among others, Right Honourable, are wont to invite me to dedicate any book or treatise to a person in authority, the one, private duty & obligation, the other, public utility, in respect that the matter may concern that person for the common good. And to confess the truth, both of these jointly have moved me at this time to present unto your Honour above others the two books ensuing, which contain a conference had in Holland not long since about the pretences & pretenders to the crown of England, as your Honour shall perceive by the preface of each book, & therefore bereof [sic for 'hereof'] I shall need say no more, but only declare the foresaid two causes for this dedication.

First then I say that my particular obligation towards your Honour's person riseth partly of good turns and benefits received by some friends of mine at your Lordship's hands in your last voyage & exploits in France, but principally of far greater favours received from your noble ancestors, I mean not only your father, whose untimely death was to England no small wound, but of your grandfather also, that worthy knight, Sir Walter [sic?] Devereux, who though he lived not to come to those titles of honour whereunto he was born, yet left he behind him so rare a memory for his excellent parts of learning, wit, feature of body, courtesy & other such noble commendations as none in England perhaps the like in our time, wherein also hath lived your Honour's great-grandfather, Sir Henry [sic?] Devereux, Viscount Ferrers, well remembered yet by divers of my said friends obliged unto him, as also recorded by our English histories, as well for his merits & worthiness as in like manner for his match with the heir of the most famous & noble house of the Bourchiers, Earls of Essex, whereof also your Honour is known to be descended, & to hold at this day as well their nobility of blood as dignity of title, & this shall serve in this place for my particular obligation, whereof perhaps hereafter upon

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other occasion I may give further relation and testimony to the world in token of my gratitude.

But for the second point of public utility, I thought no man more fit than your Honour to dedicate these two books unto which treat of the succession to the crown of England, for that no man is in more high & eminent place or dignity at this day in our realm than yourself, whether we respect your nobility, or calling, or favour with your prince, or high liking of the people, & consequently no man like to have a greater part or sway in deciding of this great affair (when time shall come for that determination) than your Honour and those that will assist you & are likest to follow your fame and fortune.

And for that it is not convenient for your Honour to be unskilful in a matter which concerneth your person & the whole realm so much as this doth, and finding this conference had by two learned lawyers to handle the question very pithily and exactly, and yet with much modesty and without offence of any, and with particular affection and devotion to her Majesty & with special care of her safety, I thought not expedient to let it lie unpublished, as also I judged that no hands were fitter to receive the same, nor any protection more secure or plausible, than that of your Honour, whom God long preserve in all true honour and felicity to the comfort of your Lordship's faithful servants & clients & to the public benefit of your country. From my chamber in Amsterdam this last of December, 1593.

Your Honour's most affectionate,

R. Doleman

#### THE CONTENTS OF THE FIRST PART

The preface containing the occasion of this treatise, with the subject, purpose & parts thereof.

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#### THE PREFACE CONTAINING THE OCCASION OF THIS TREATISE, WITH THE SUBJECT, PURPOSE AND PARTS THEREOF

[p. 1]

MN: Occasion of meeting

MN: The matter of succession discussed

There chanced not long ago (I mean in the months of April and May of this last year '93) to meet in Amsterdam in Holland certain gentlemen of divers nations, qualities and affections, as well in religion as otherwise (yet the most part English and Irish), and they had been in divers countries, studied different arts, and followed unlike professions, some of soldiers, some of lawyers both temporal & civil, others of mere travellers to learn experience and policy, and for that the advices which daily came from England at that time (the Parliament being then in hand) gave occasion to discourse of English affairs, they fell into divers points concerning the same, but yet none was treated so largely or so seriously as was the matter of succession and competitors to the crown for that it was presumed a great while that something would be determined thereof in that Parliament,

though one or two of the wisest of that company held ever the contrary opinion. But when at length news was brought that nothing

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MN: Master Bromley, Master Wentworth

MN: Two lawyers [=lawyers]

at all had been done therein, but rather that one or two (as was reported) had been checked or committed for speaking in the same, then came it in question among these gentlemen what should be the causes of such proceeding in a matter so weighty and so necessary for all Englishmen to know.

But two gentlemen lawyers of the company, one of the common law and the other a civilian, alleged so many reasons for justifying the Queen's Majesty's doings in this behalf as all did seem satisfied, for that it was made plain that it could not stand with the safety either of her Majesty or of the realm or of the party himself who should be preferred that any declaration of heir apparent should be made during the life of her Majesty that now is, how dangerous soever the delay thereof may be esteemed for the time to come.

And so the end of this speech brought in presently the beginning of another, to wit, what were like to be these dangers, and who might be likest of the pretenders to prevail after her Majesty, about which matter there was much discoursed by divers parties, but the conclusion of all was that both these points remained very doubtful, but much more the second, who should prevail of the competitors, which they said did make the former point less doubtful of the multitude of dangers that thereby did hang over the commonwealth of England, though it wanted not doubt also in particular what and where they should fall, for (said they) wheresoever many pretenders of the blood royal are known to be competitors to a crown,

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MN: Many pretenders to the crown of England

MN: Succession doubtful, & why

there cannot choose but many perils also must be imminent to the realm.

To this one of the company said that he did not see how there could be either so many pretenders to the crown as the day before had been spoken of in that place (for the common lawyer before named, newly come out of England, had told them that he had heard of some 9 or 10 or more plots that were debated within the realm for so many pretenders), or if there were any such great number descended of the blood royal, yet their titles could not be so doubtful, seeing it was an easy matter to discern who was next in descent of blood, and who not.

Not so easy, quoth the gentleman lawyer, for that although it cannot be denied but that there is among all such as may pretend at this day a certain known order and degree of

nearness in blood to some King or Queen that hath possessed the crown before them, and in this descent it is known also commonly who descendeth of the elder house and who of the younger, and other suchlike vulgar circumstances, yet notwithstanding, for that there be many other points considerable in this affair, as the right of the first stock whereof each part doth spring, the disabling of the same stock afterwards by attainders or otherwise, the bastardies or other particular impediments that may have fallen upon each descent or branch thereof, all these things (said he) may alter the course of common supposed right in him or her that is taken to be next in blood, as proving them not to be truly and lawfully the nearest, though they be the next in degree.

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MN: Three or four principal heads of pretenders

MN: 1. Lancaster

MN: 2. York

MN: 3. The two houses joined

As for example (said he) the whole multitude of competitors or pretenders which I conceive may come in consideration or have action or claim to the crown after her Majesty that now is may be reduced to three or four first heads or principal stocks, to wit, to the house of Lancaster apart, as descended of John of Gaunt, Duke of Lancaster, by his first wife, Blanche, sole heir of the Duchy of Lancaster. And of this branch or stock the most known offspring in these our days are those princes that are lineally descended of Don Juan the First [=John I], surnamed *de Boa Memoria*, tenth King of Portugal, who married with Philippe, the eldest daughter of the said John of Gaunt by his first wife, Blanche, and these princes are King Philip of Spain, now King also of Portugal, & the Dukes of Parma and Braganza, who descended of the same race, as also the Duke of Savoy one degree after them.

The second stock is of the house of York apart, descending of George, the Duke of Clarence, second brother to King Edward the Fourth, who being put to death by the King's order in Calais, left a daughter by whom are descended the Earl of Huntingdon with his brothers, which also have children, and the offspring of Geoffrey Pole, and Sir Thomas Barrington, who married the other sister of her that was married to the Hastings.

The third stock was in King Henry the Seventh, who being himself of the house of Lancaster, and marrying the eldest daughter of Edward the Fourth of the house of York, is presumed to have joined these two houses together, and from this man by his two

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MN: Circumstances of the time present

daughters (for of his son, who was King Henry the Eight, there remaineth only the Queen that now is) there hath proceeded the house of Scotland divided into the families of the King of Scots and Arbella, as also the progeny of the two Earls yet living of Hertford and Derby. Unto these three heads, which are commonly known to all men, some of our days do add also a fourth, which may seem more ancient than either of all these three, to wit,

by the Dukes of Brittany, who are descended divers ways of the blood royal of England, as may easily be declared, whose heir at this day by lineal descent is the Infanta of Spain named Dona Isabella Clara Eugenia, daughter to King Philip. So that hereby we come to discover no less than ten or eleven families that may pretend, and have all of them friends in England and elsewhere (as yesterday I told you) who do not fail in secret to negotiate and lay plots for them, for that there are none of these so far off but to their friends it seemeth (the times standing as they do) that reasons may be given for their preferment, and good hope conceived of prevailing.

You do well to add (said a captain there present) ‘the times standing as they do’, or at leastwise as they are like to stand when this matter must come to trial, at what time I believe not you lawyers but we soldiers must determine this title, and then (no doubt) if there were not only these ten by you named, but twenty more also of the blood royal that would pretend, and had friends and money to stand by them, we should admit their causes to examination,

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MN: The Roman conclave

and perhaps give sentence for him that by your laws would soonest be excluded, for when matters come to snatching, it is hard to say who shall have the better part.

I do not add this circumstance of the time (said the lawyer) as though it were the only or principal point which maketh doubtful the matter of succession, though I confess that it helpeth thereunto greatly in respect of the great variety of men’s affections at this day in religion, which do incline them commonly to judge for him whom they best love, but besides this I do say that were the times never so quiet, and religion never so uniform, yet are there great doubts in many men’s heads about the lawfulness of divers pretensions of the families before named, but if you add unto this the said wonderful diversity in matters of religion also which this time yieldeth, you shall find the event much more doubtful, and consequently it is no marvel though many may remain in hope to prevail, seeing that where many are admitted to stand for a preferment, there divers may have probability also of speeding.

An example you may take (said the civilian lawyer) in the Roman conclave at the Pope’s election, where among three or fourscore Cardinals that enter in for electors, few there are that have not hope also to be elected, not for that they see themselves all as well qualified as others, but because oftentimes when divers that are more forward by likelihood cannot be agreed upon, it falleth to the lot of him that is farthest off, and so it may among your pretenders (quoth he) in England.

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MN: Succession includeth also some kind of election

MN: Of this more afterwards, Cap 4 & 5

MN: Nearuess [sic for ‘nearness’] only in blood not sufficient

Your example (said the temporal lawyer) confirmeth somewhat of that I mean, though it be not altogether in like matter or manner, for that the Pope is made by election, & here we talk of a King by succession.

Your succession, said the civilian, includeth also an election or approbation of the commonwealth, and so doth the succession of all kings in Christendom besides, as well appeareth by the manner of their new admission at their coronations, where the people are demanded again *if they be content to accept such a man for their king*, though his title of nearness by blood be never so clear. And therefore much more it is like to be in this case of English pretenders now, where their lawful nearness in blood is so doubtful as you have signified, & so I do come to confirm your former proposition of the doubtfulness of the next successor in England with another reason besides that which you have alleged of the ambiguity of their true propinquity in blood, for I say further that albeit the nearness of each man's succession in blood were evidently known, yet were it very uncertain (as things now stand in England and in the rest of Christendom round about) who should prevail, for that it is not enough for a man to be next only in blood, thereby to pretend a crown, but that other circumstances also must concur, which if they want, the bare propinquity or ancetry [=ancestry] of blood may justly be rejected, and he that is second, third, fourth, fifth or last may lawfully be preferred before the first, and this by all law both divine and human, and by all reason, conscience and custom of all nations Christian.

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MN: More to be considered besides succession in the pretenders

To this said the temporal lawyer, You go further, sir, than I had meant to do or did conceive of the matter, for my meaning only was to show how many pretenders there be to the English crown at this day, & how doubtful the pretension of divers of the chief of them be in respect of the many exclusions, stops and bars that their adversaries or fellow competitors do lay against them, and now you do add further that albeit these stops were taken away, and their propinquity in blood were manifest, yet for other considerations the course of their next succession by birth may be justly altered upon such considerations as you insinuate that the English may have in the admission of their next King or Queen after her Majesty that now is, which indeed (if it be true) maketh the matter of succession much more doubtful that I pretended, which I confess I have not so much studied or thought of, for that our common law goeth no further ordinarily than to the next successor in blood to consider whether he be lawfully descended or no, thereby to give him the crown.

I confess (said the civilian) that ordinarily neither your law nor ours doth go any further, especially in those realms where the government goeth by succession of blood, which I think to be the best of all other ways, but yet there may happen out such extraordinary cases sometimes against this ordinary rule as your common law must needs take also consideration of them, except it will be contrary to all other law and reason both divine and human, as for example if it should fall out that the next in blood should be a natural fool

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MN: Two principal points handled in this book

or a madman, if he should be taken by Turks or Moors in his infancy & brought up in their religion and would maintain the same in your country with all his forces, and other like urgent cases wherein it is not probable but that your common law must needs have further consideration than of the bare propinquity of blood only, for that otherwise it should be a very imperfect law that hath not provided for accidents so weighty and important as these are for saving and conserving of your commonwealth.

At this speech the residue of the company began to smile to see the two lawyers grow into some heat and comparison of their professions. But yet for that both their asseverations did tend to prove one thing, which was the first proposition set down, to wit, that the next successor of England must needs be very doubtful, they requested them both with very great instance that each one would be content to prove his assertion apart, to wit, the temporal lawyer to show that the titles and pretension of all those ten or eleven families of the English blood royal which remain at this day are ambiguous and doubtful according to the common laws of England, and the civilian to declare that albeit their titles by succession were clear, yet that as things stand now in that realm and other countries near adjoining, there may be a great doubt which of them shall prevail.

This, I say, was the request of the whole company, and the lawyers were content to take it upon them, and according to these two points it was agreed that the whole speech or conference should be divided into two

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MN: Two parts of this conference

parts, and that the civil lawyer should begin first, for that it seemed that his assertion, being well declared and proved, would give much light to the other, and so he promised to do, and to be as brief, clear & perspicuous as he might, and to reduce all that he would say to certain principal heads and chapters, thereby the better to be understood & remembered, and so he began in manner and form following.

## CHAPTER 1

That succession to government by nearness of blood is not by law of nature or divine, but only by human and positive laws of every particular commonwealth, and consequently may upon just causes be altered by the same

The examples before alleged (said the civilian lawyer) of a mad or furious heir apparent, or of one that were by education a Turk or Moor in religion, or by nature deprived of his wit or senses, do plainly prove that propinquity of birth or blood alone, without other

circumstances, is not sufficient to be preferred to a crown, for that no reason or law, religion or wisdom in the world can admit such persons to the government of a commonwealth by whom no good, but destruction may be expected to the same, seeing that government was ordained for the benefit of the weal public, and not otherwise.

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MN: Bellay [=Pierre de Belloy] apollog. pro reg. cap. 20

MN: Not only succession sufficient

And albeit some one or two in these our days have affirmed the contrary, and published the same in writing for the defence, flattery or advancement of some prince whom they favour, affirming that even a fool, mad or furious man, or otherwise so wicked as he would endeavor to destroy the commonwealth, were to be admitted to the seat-royal without further consideration if he be next in blood, yet this is so manifestly against all reason and conscience, and against the very first end and purpose of institution of commonwealths and magistrates, as it shall not need to be refuted in this place, albeit afterwards there will not want place and commodity for the same.

Hereof it doth ensue that some other conditions also must needs be requisite for coming to government by succession besides the only propinquity or priority in blood, and that these conditions must be assigned and limited out by some higher authority than is that of the Prince himself who is bound and limited thereby, and yet it seemeth evident they are not prescribed by any law of nature or divine for that then they should be both immutable and the selfsame in all countries (as God and nature are one & the same to all without change), where notwithstanding we see that these conditions and circumstances of succeeding by birth are divers or different in different countries, as also they are subject to changes according to the diversity of kingdoms, realms &

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MN: That no particular form of government is of nature

To live in company is natural to man, & the ground of all commonwealths

people, as after shall be showed more in particular, whereby we are forced to conclude that every particular country and commonwealth hath prescribed these conditions to itself, and hath authority to do the same.

For better proof whereof it is first of all to be supposed that, albeit sociability or inclination to live together in company, man with man, (whereof ensueth both city and commonwealth, as Aristotle gathereth in his first book of *Politics*), be of nature, and consequently also of God, that is author of nature, though government in like manner and jurisdiction of magistrates which doth follow necessarily upon this living together in company be also of nature, yet the particular form or manner of this or that government in this or that fashion, as to have many governors, few, or one, and those either kings, dukes, earls or the like, or that they should have this or that authority more or less, for longer or shorter time, or be taken by succession or election, themselves and their children, or next in blood, all these things (I say) are not by law either natural or divine

(for then, as hath been said, they should be all one in all countries and nations, seeing God and nature is one to all), but they are ordained by particular positive laws of every country, as afterwards more largely shall be proved.

But now that sociability in mankind, or inclination to live in company, is by nature, and consequently ordained by God for the common

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MN: Plato de repub. Cicero de repub. Aristotle polit.

MN: Divers praefes.

MN: I. Inclination universal. Pompon. Mela. [=Pomponius Mela] lib. 7(?). cap. 3. 4.

Tacit. [=Tacitus] 1(?). 8.

MN: 2. Speech

benefit of all is an easy thing to prove, seeing that all ground of realms and commonwealths dependeth of this point as of their first principle, for that a commonwealth is nothing else but the good government of a multitude gathered together to live in one, & therefore all old philosophers, lawmakers and wise men that have treated of government or commonwealths, as Plato in his ten most excellent books which he wrote of this matter, intituling them *Of the Commonwealth*, and Marcus Cicero, that famous councillor, in other six books that he writ of the same matter under the same title. And Aristotle, that perhaps excelleth them both, in eight books which he called his *Politics*, all these, I say, do make their entrance to treat of their commonwealth affairs from this first principle, to wit, that man by nature is sociable, and inclined to live in company, whereof do proceed first all private houses, then villages, then towns, then cities, then kingdoms & commonwealths.

This ground & principle then do they prove by divers evident reasons, as first, for that in all nations, never so wild or barbarous, we see by experience that by one way or other they endeavor to live together, either in cities, towns, villages, caves, woods, tents or other like manner according to the custom of each country, which universal instinct could never be in all but by impression of nature itself.

Secondly, they prove the same by that the use of

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MN: Aristot. 1.I. pol. c. 1.2.3.4

MN: 3. Imbecility of man. Theoph. lib. de Plaut. Plutarch. co. de fortuna, & lib. de pietatem in parent.

MN: Note this saying of Aristotle

speech is given to man for this end and purpose, for that little available were this privilege of speaking if men should live alone & converse with none.

Thirdly, not only Aristotle but Theophrastus, also Plutarch and others, do confirm the same by the poor estate & condition wherein man is born, more infirm than any other

creature, though by creation he be lord & governor of all the rest, for whereas each other creature is born in a certain sort armed and defended in itself, as the bull with his horns, the boar with his tusk, the bear & wolf with their teeth, the bird with her feathers against cold & with her wings to fly away, the hart & hare with their swiftness and the like, only man is born feeble and naked, not able to provide or defend himself in many years but only by the help of others, which is a token that he is born to live in company, and to be holpen by others, & this not only for his necessity and help at his beginning whiles he is in this imbecility, but also for his more commodious living in the rest of his days afterwards, seeing no man of himself is sufficient for himself, & he that liveth alone can have no benefit of others, or do any to others, wherefore wittily said Aristotle in the second chapter of his first book of *Politics*, that he which flieth to live in society is either *Deus aut bellua*, a god or a beast, for that either he doth it because he hath no need of any, which is proper to God, or else for that he will do good to none,

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MN: 4. The use of justice and friendship

MN: Cicero lib. de amicitia

MN: The use of charity & helping one another. August. lib. de amicitia

MN: Gen. 2.v.18

and feeleth not that natural instinct which man hath to live in conversation, which is a sign rather of a beast than of a man.

Cicero doth add another reason for this purpose, to wit, the use of certain principal virtues given unto man, but principally justice & friendship, which should be utterly in vain and to no utility if man should not live in company of others, for seeing the office of justice is to distribute to every one his own, where no number is, there no distribution can be used, as also neither any act of friendship, which yet in the society of man is so necessary & usual (saith this excellent man) *vt nec aqua nec igne nec ipso sole pluribus in locis vtamur, quam amicitia*, that we use neither water nor fire nor the sun itself in more places or occasions than friendship.

And to this effect of using friendship, love and charity the one towards the other do Christian doctors also, and especially St Augustine in his book of friendship, reduce the institution of this natural instinct of living in company, which seemeth also to be confirmed by God himself in those words of Genesis, *Dixit quoque Dominus Deus: non est bonum hominem esse solum, faciamus, ei adiutorium, simile sibi*, God said, It is not good that man should be alone; let us make unto him a help or assistant like unto himself, of which words is deduced that as this first society of our first parents was of God, & for so great purpose as here is set down, the one to be holpen by the other, so all other societies in like

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MN: That government & jurisdiction of magistrates is also of nature.

MN: I. Necessity

MN: Job 10.v.22.

manner which grow of this first stand upon the same ground of God's ordination for the selfsame end of man's utility.

And I have been the longer in speaking of this natural instinct to society for that it is the first fountain of all the rest that ensueth in a commonwealth, as hath been said, for of this come families, villages, towns, castles, cities and commonwealths, all which Aristotle in his books before-named doth prove to be of nature, for that this first inclination to live together (whereof all those other things do spring) is of nature, as hath been declared.

Out of this is the second point before-mentioned deduced, to wit, that government also, superiority & jurisdiction of magistrates, is likewise of nature for that it followeth of the former, and seeing that it is impossible for men to live together with help and commodity of the one to the other except there be some magistrate or other to keep order among them, without which order there is nothing else to be hoped for, as Job saith, but horror and confusion, as for example, wheresoever a multitude is gathered together, if there be not some to repress the insolent, to assist the impotent, reward the virtuous, chasten the outrageous, and minister some kind of justice and equality unto the inhabitants, their living together would be far more hurtful than their living asunder, for that one would consume and devour the other, and so we see that upon living together followeth of necessity

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MN: 2. Consent of nations. Cicero li 1. de natura Deorum

MN: 3. The civil law

MN: Lib. I. digest. tit. 2

MN: I. Scripture

MN: Prov. 3 Rom. 13

All which is confirmed also by the consent & use of all nations throughout the world, which general consent Cicero calleth *ipsius vocem naturae*, the voice of nature herself, for there was never yet nation found, either of ancient time or now in our days by the discovery of the Indies or elsewhere among whom men living together had not some kind of magistrate or superior to govern them, which evidently declareth that this point of magistrates is also of nature, and from God that created nature, which point our civil law doth prove in like manner in the very beginning of our digests where the second title of the first book is *De origine iuris civilis & omnium magistratuum*, of the beginning of the civil law and of all magistrates, which beginning is referred to this first principle of natural instinct and God's institution. And last of all, that God did concur also expressly with this instinct of nature our divines do prove by clear testimony of Holy Scripture, as when God saith to Solomon, By me Kings do reign, and St Paul to the Romans avoucheth that authority is not but of God, and therefore he which resisteth authority resisteth God. Which is to be understood of authority, power or jurisdiction in itself, according to the first institution, as also when it is lawfully laid upon any person, for otherwise when it is either wrongfully taken or unjustly

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MN: Particular form of government is free

MN: Arist. li. 2. polit.

used, it may be resisted in divers cases, as afterwards more in particular shall be declared, for then it is not lawful authority.

These two points then are of nature, to wit, the commonwealth, and government of the same by magistrates, but what kind of government each commonwealth will have, whether *democratia*, which is popular government by the people itself, as Athens, Thebes and many other cities of Greece had in old time, & as the cantons of Swizers [=Swissers] at this day have, or else *aristocratia*, which is the government of some certain chosen number of the best, as the Romans many years were governed by consuls and senators, and at this day the states of this country of Holland do imitate the same, or else *monarchia*, which is the regiment of one, and this again either of an emperor, king, duke, earl or the like, these particular forms of government (I say) are not determined by God or nature, as the other two points before (for then they should be all one in all nations as the other are, seeing God and nature are one to all, as often hath been said), but these particular forms are left unto every nation and country to choose that form of government which they shall like best and think most fit for the natures and conditions of their people, which Aristotle proveth throughout all the second and fourth books of his *Politics*, very largely laying down divers kinds of governments in his days, as namely in Greece that of the Milesians, Lacedaemonians,

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MN: Diversity of government in divers countries and times.

MN: Rome

MN: Africa & Greece

MN: Italy

Candians and others, and showing the causes of their differences, which he attributeth to the diversity of men's natures, customs, educations and other such causes that made them make choice of such or such form of government

And this might be proved also by infinite other examples both of times past and present, and in all nations and countries both Christian and otherwise, which have not had only different fashions of governments the one from the other, but even among themselves at one time one form of government and another at other times, for the Romans first had kings, and after rejecting them for their evil government they chose consuls, which were two governors for every year, whose authority yet they limited by a multitude of senators which were of their counsel [=council?], and these men's power was restrained also by adding tribunes of the people, and some time dictators, and finally they came to be governed last of all by emperors.

The like might be said of Carthage in Africa, and many cities and commonwealths of Greece, which in divers seasons and upon divers causes have taken different forms of government to themselves.

The like we see in Europe at this day, for in only Italy what different forms of government have you? Naples hath a King for their Sovereign, Rome the Pope, and under him one senator in place of so many as were wont to be in

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MN: Dukes for kings, and kings for dukes

MN: Spain

MN: Boeme. Polonia.

that commonwealth. Venice and Genoa have senators & dukes, but little authority have their dukes. Florence, Ferrara, Mantua, Parma, Urbin [=Urbino] and Savoy have their dukes only without senators, and their power is absolute. Milan was once a kingdom, but now a dukedom. The like is of Burgundy, Lorraine, Bavire [=Bavaria], Gascony and Brittany the lesser, all which once had their distinct kings, and now have dukes for their supreme governors. The like may be said of all Germany, that many years together had one king over all, which now is divided into so many dukedoms, earldoms & other like titles of supreme princes.

But the contrary is of Castile, Aragon, Portugal, Barcelona and other kingdoms this day in Spain, which were first earldoms only, and after dukedoms, and then kingdoms, and now again are all under one monarchy. The like is of Boeme [=Bohemia] and Polonia [=Poland], which were but dukedoms in old time, and now are kingdoms. The like may be said of France also after the expulsion of the Romans, which was first a monarchy under Pharamond, their first king, and so continued for many years under Clodion [=Clodio], Merouys [=Merovech], Childeric and Clodonaeus [=Clovis?], their first christened kings, but after they divided it into four kingdoms, to wit, one of Paris, another of Soissons, the third of Orleans, and the fourth of Metz, and so it continued for divers years, but yet afterwards they made it one monarchy again.

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MN: England

MN: The Jews lib. Gene.

MN: Lib. Exo. Lib. Iob. Lib. Iud. Lib. I. Reg.

MN: Lib. Machab.

MN: The realm chooseth her form of government

England also was first a monarchy under the Britains, and then a province under the Romans, and after that divided into seven kingdoms at once under the Saxons, and now a monarchy again under the English, and all this by God's permission and approbation, who in token thereof suffered his own peculiar people also of Israel to be under divers manners of governments in divers times, as first under patriarchs, Abraham, Isaac and

Jacob, then under captains, as Moses, Joshua, and the like, then under judges, as Othniel, Aiod [=Ehud?] and Gedion [=Gideon], then under high priests, as Hely [=Eli] and Samuel, then under kings, as Saul, David and the rest, & then under captains & high priests again, as Zorobabel, Judas Maccabeus & his brethren, until the government was lastly taken from them, and they brought under the power of the Romans and foreign kings appointed by them.

So as of all this there can be no doubt but that the commonwealth hath power to choose their own fashion of government, as also to change the same upon reasonable causes, as we see they have done in all times and countries, and God no doubt approveth what the realm determineth in this point, for otherwise nothing could be certain, for that of these changes doth depend all that hath succeeded sithence.

In like manner is it evident that as the commonwealth hath this authority to choose and

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MN: The commonwealth limiteth the governor's authority

change her government, so hath she also to limit the same with what laws and conditions she pleaseth, whereof ensueth the great diversity of authority and power which each one of the former governments hath, as for example, the consuls of Rome were but for one year, other officers and magistrates were for more or less time, as their commonwealth did allot them. The Dukes of Venice at this day are for their lives (except in certain cases wherein they may be deposed), & those of Genoa only for two years, and their power (as I have said) is very small and much limited, and their heirs have no claim or pretence at all after them to that dignity as the children and next of kin of other dukes of Italy have, though in different sort also, for that the dukedoms of Ferrara, Urbin and Parma are limited only to heirs male, and for defect thereof to return to the Pope or See of Rome. Florence and Mantua for like defects are to return to the Empire, and do not pass to the heirs female of to the next of kin as Savoy and some others do.

And now if we respect God and nature, as well might all these governments follow one law as so different, for that neither God nor nature prescribeth any of these particular forms, but concurrerth with any that the commonwealth itself appointeth, and so it is to be believed that God and nature concurred as well with Italy when it had but one Prince, as now when it hath so many, and the like with Germany,

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MN: A natural prince

and the like also with Switzerland, which once was one commonwealth only under the dukes and marquises of Austria, and now are divided into thirteen cantons or commonwealths under popular magistrates of their own, as hath been said, so as when men talk of a natural prince or natural successor (as many times I have heard the word used), if it be understood of one that is born within the same realm or country, and so of our own natural blood, it hath some sense, though he may be both good or bad (and none

hath been worse or more cruel many times than home-born princes), but if it be meant as though any prince had his particular government or interest to succeed by institution of nature, it is ridiculous, for that nature giveth it not, as hath been declared, but the particular constitution of every commonwealth within itself. And so much for this first point, which must be the ground to all the rest that I have to say.

## CHAPTER II

Of the form of monarchies and kingdoms in particular, and the different laws whereby they are to be obtained, holden and governed in divers countries according as each commonwealth hath chosen & established

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MN: A monarchy the best government

MN: Arist. li. 4. pol. 2. c. 9. Seneca. Plutarch

All that hitherto hath been spoken hath appertained to all princely and supreme government in general, but now for that our matter in question is concerning the succession to a kingdom, good reason that we should reduce our speech unto this form of government in particular.

First of all then is to be considered that of all other forms of government the monarchy of a king in itself appeareth to be the most excellent and perfect, and so do hold not only Aristotle in his forenamed books of *Politics*, & namely in his third (with this only condition, that he govern by laws), but Seneca also, and Plutarch in his *Morals*, & namely in that special treatise wherein he discusseth *an seni sit Respub: tractanda*, whether an old man ought to take upon him the government of a commonwealth or no, where he saith that *regnum inter omnes respub: consumatissima & prima est*, a kingdom is the most perfect commonwealth among all other, & the very first, that is to say, the most

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MN: The antiquity of monarchy

MN: I. Reg. 8

MN: Dionsy. Haly l. 5. Cornel. Tacit. l. 3 Cicero l. I. Offic.

Hierom. l. 2. epist. 12 Chrisost. l(?) 10. 23

perfect for that it hath most commodities and least inconveniences in itself of any other government, and it is the first of all other for that all people commonly made their choice at the beginning of this kind of government, so as of all other it is most ancient, for so we read that among the Syrians, Medes and Persians their first governors were kings, and when the children of Israel did ask a king at the hands of Samuel, which was a thousand years before the coming of Christ, they alleged for one reason that all nations round about them had kings for their governors, and at the very same time the chiefest cities and commonwealths of Greece, as the Lacedaemonians, Athenians, Corinthians and others,

whereof divers afterwards took other governments unto themselves for the abuses in kingly government committed, at that time were governed by kings, as at large proveth Dionysius Halicarnasseus [=Halicarnassus], Cornelius Tacitus, Cicero & others.

The Romans also began with kings, as before I have noted, and the reason of this is for that, as our Christian doctors do gather (especially St Jerome and St Chrysostom), this kind of government resembleth most of all the government of God, that is but one. It representeth the excellency of one sun that lighteneth all the planets, of one soul in the body that governeth all the powers and members thereof, and finally they show it also to be most conform unto nature by example of the bees, which do

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MN: I. Pet. 3

MN: Two points to be noted

MN: How St Peter calleth a king most excellent

choose unto themselves a king, and do live under a monarchy, as the most excellentest of all other governments, to which purpose also I have heard alleged sometimes by divers those words of St Peter, *Subiecti estote omni humanae creaturae propter Deum, siue regi quasi precellenti: siue ducibus ab eo missis, &c.*, Be you subject of every human creature for God's cause, whether it be to a king, as the most excellent, or to dukes sent by God for the punishment of evil men and praise of the good. Out of which words some do note two points, first that as on the one side the Apostle doth plainly teach that the magistrate's authority is from God by his first institution in that he saith we must be subject to them for God's cause, so on the other side he calleth it a *human creature*, or a thing created by man, for that by man's free choice this particular form of government (as all other also) is appointed in every commonwealth, as before hath been declared, and that by man's election and consent the same is laid upon some particular man or woman according to the laws of every country, all which maketh it rightly to be called both a human creature, and yet from God.

The second point which divers do note out of these words is that St Peter calleth a king most excellent, which though it may be understood in respect of the duke's authority, whereof immediately there followeth mention, yet may it seem also to be taken and verified of kingly authority in respect of all other governments,

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MN: Utilities of a kingdom and inconveniences of other governments

MN: Cicero l. I. office. Democratia

seeing that at this time when the Apostle wrote this epistle the chief governor of the world was not called king but emperor, and therefore seeing in such a time St Peter arfirmeth the state of kingly government to be most excellent, it may seem he meant it absolutely, signifying thereby that this is the best kind of government among all others, though to confess the truth, between the title of king and emperor there is little or no

difference in substance, but only in name, for that the authority is equal; every king is an emperor in his own kingdom.

And finally the excellency of this government above all other is not only proved by the perfection thereof in itself, as for that it is most ancient, simple and conform unto nature, & most resembling the government of God himself, as hath been said, but by the effects also and utility that it bringeth unto the subjects, with far less inconveniences than any other form of government whatsoever, if we compare them together, for in the monarchy of one king there is more unity, agreement and conformity, and thereby also celerity commonly in dispatching of business and in defending the commonwealth than where many heads be, less passions also in one man than in many, as for example in *democratia* where the common people do bear the chief sway, which is *bellua multorum capitum*, as Cicero wisely said, that is, a beast of many heads, there is nothing but sedition,

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MN: Miseries of popular government in Italy

MN: Aristocratia

trouble, tumults, outrages and injustices committed upon every little occasion, especially where crafty and cunning men may be admitted to incense or assuage them with sugared words, such as were the orators in Athens and other cities of Greece that had this government, and the tribunes of the people of Rome, and other such popular and plausible men who could move the waves, raise up the winds and enkindle the fire of the vulgar people's affections, passions or furies at their pleasure, by which we see that of all other commonwealths these of popular government have soonest come to ruin, which might be showed not only by old examples of Greece, Asia and Africa, but also of many cities in Italy, as Florence, Bologna, Siena, Pisa, Arezzo, Spoleto, Perugia, Padua and others, which upon the fall or diminution of the Roman Empire (under which they were before), took unto themselves popular governments, wherein they were so tossed with continual sedition, mutines, and banding of factions as they could never have end thereof, until after infinite murders, massacres and inundation of blood they came in the end to be under the monarch of some one prince or other, as at this day they remain, so that of all other governments this is the worst.

The second form, which is called *oligarchia* or *aristocratia* (for that a few, and those presumed to be the best, are joined together in authority), as it doth participate something

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MN: Tit. liv. I. 30

MN: Eutrop. I. 3 Oros. I. 5. & 6

of both the other governments, to wit, of *monarchia* and *democratia*, or rather tempereth them both, so hath it both good and evil in it, but yet inclineth more to the evil for the disunion that commonly by man's infirmity & malice is among those heads, for which cause the states before-named of Venice and Genoa, which were wont to have simply this government of *aristocratia*, in that their regiment was by certain chose [sic?] senators,

were enforced in the end to choose dukes also as heads of their senates for avoiding of dissension, and so they have them at this day, though their authority be but small, as hath been said.

We see also by the examples of Carthage & Rome, where government of *aristocratia* took place, that the division and factions among the senators of Carthage was the cause why aid and succour was not sent to Hannibal, their captain in Italy, after his so great and important victory at Cannas [=Cannae], which was the very cause of the saving of the Roman Empire and the loss of their own. As also afterwards the emulations, discord and disunion of the Roman senators among themselves in the affairs and contentions of Marius and Silla [Sulla], and of Pompey and Caesar, was the occasion of all their destruction, & of their commonwealth with them.

Evident then it is that of all other governments the monarchy is the best & least subject to the inconveniences that other governments

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MN: The cause why laws be added to kings

MN: Arist. I. 3. pol. c vlt.

have, and if the prince that governeth alone & hath supreme authority to himself, as he resembleth God in this point of sole government, so could he resemble him also in wise, discreet and just government and in ruling without passion, no doubt but that nothing more excellent in the world could be desired for the perfect felicity of his subjects, but for that a king or prince is a man as others be, and thereby not only subject to errors in judgment but also to passionate affections in his will, for this cause it was necessary that the commonwealth, as it gave him this great power over them, so it should assign him also the best helps that might be for directing and rectifying both his will and judgment, and make him therein as like in government to God, whom he representeth, as man's frailty can reach unto.

For this consideration they assigned to him first of all the assistance and direction of law whereby to govern, which law Aristotle saith *Est mens quaedam nullo perturbata affectu*, it is a certain mind disquieted with no disordinate affection, as men's minds commonly be, for that when a law is made, for the most part it is made upon due consideration and deliberation, and without perturbation of evil affections, as anger, envy, hatred, rashness, or the like passions, and it is referred to some good end and commodity of the commonwealth, which law, being once made, remaineth so still without alteration or partial affection, being

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MN: A notable saying, Arist. I. 3. Pol. c. 12

MN: Arist. 1. I. Pol. c. 2

MN: Divers names & properties of laws

MN: Cic. lib. 2. office.

indifferent to all and partial to none, but telleth one tale to every man, & in this it resembleth the perfection, as it were, of God himself, for the which cause the said philosopher in the same place addeth a notable wise saying, to wit, *that he which joineth a law to govern with the prince, joineth God to the prince, but he that joineth to the prince his affection to govern, joineth a beast*, for that men's affections and concupiscenses are common also to beasts, so that a prince ruling by law is more than a man, or a man deified, and a prince ruling by affections is less than a man, or a man brutified. In another place also the same philpsopher [sic for 'philosopher'] saith that a prince that leaveth law and ruleth himself & others by his own appetite and affections *of all creatures is the worst, and of all beasts is the most furious and dangerous*, for that nothing is so outrageous as injustice armed, and no armour is so strong as wit and authority, whereof the first he hath in that he is a man, and the other in that he is a prince.

For this cause, then, all commonwealths have prescribed laws unto their princes to govern thereby, as by a most excellent, certain & immutable rule, to which sense Cicero said, *Leges sunt inuentae vt omnibus semper vna & eadem voce loquerentur*, Laws were invented to the end they should speak in one and the selfsame sense to all men. For which very reason in like manner these laws have been called by philosophers a rule or square, inflexible, and by

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MN: Law is the discipline of a weal public

Psal. 2.

MN: The councils of princes a great help

Aristotle in particular a mind without passion, as hath been said, but the prophet David, who was also a prince & king, seemeth to call it by the name of discipline, for that as discipline doth keep all the parts of a man or of a particular house in order, so law well ministered keepeth all the parts of a commonwealth in good order, and to sheow [sic for 'show'] how severely God exacteth this at all princes' hands, he saith these words, And now learn ye kings, and be instructed you that judge the world; serve God in fear, and rejoyce in him with trembling; embrace ye discipline, least he enter into wrath, and so ye perish from the way of righteousness. Which words, being uttered by a prophet and king, do contain divers points of much consideration for this purpose, as first, that kings and prince [sic?] are bound to learn law and discipline, and secondly, to observe the same with great humility and fear of God's wrath, and thirdly, that if they do not, they shall perish from the way of righteousness, as though the greatest plague of all to a prince were to lose the way of righteousness, law, and reason in his government, and to give himself over to passion and his own will, whereby they are sure to come to shipwreck. And thus much of the first help.

The second help that commonwealths have given to their kings and princes, especially in later ages, hath been certain councils and councillors with whom to consult in matters of most importance, as we see the Parliaments

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MN: Arist. I. 4 Pol. c. 10

MN: The monarchy of England tempered

MN: The restraints of kingly power in all estates

of England and France, the courtes [=Cortes] in Spain, and Diets in Germany, without which no matter of great moment can be concluded, and besides this commonly every King hath his Privy Council whom he is bound to hear, and this was done to temper somewhat the absolute form of a monarchy, whose danger is by reason of his sole authority to fall into tyranny, as Aristotle wisely noteth in his fourth book of *Politics*, showing the inconvenience or dangers of this government, which is the cause that we have few or no simple monarchies now in the world, especially among Christians, but all are mixed lightly with divers points of the other two forms of government also, and namely in England all three do enter more or less, for in that there is one King or Queen, it is a monarchy; in that it hath certain councils which must be heard, it participateth of *aristocratia*, and in that the commonalty have their voices and burgesses in Parliament, it taketh part also of *democratia*, or popular government, all which limitations of the prince's absolute authority, as you see, do come for the commonwealth, as having authority above their princes for their restraint to the good of the realm, as more at large shall be proved hereafter.

From like authority and for like considerations have come the limitations of other kings and kingly power in all times and countries from the beginning, both touching themselves

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MN: Roman kings

MN: Liv. lib. I. dec. 1

MN: Grecian kings

MN: Arist. li. 2. c. 8. polit., Plutarch in Lycurg.

and their posterity and successors, as briefly in this place I shall declare.

And first of all, if we will consider the two most renowned and allowed states of all the world, I mean of the Romans and Grecians, we shall find that both of them began with kings, but yet with far different laws and restraints about their authorities, for in Rome the kings that succeeded Romulus, their first founder, had as great and absolute authority as ours have nowadays, but yet their children or next in blood succeeded them not of necessity, but new kings were chosen partly by the senate and partly by the people, as Titus Livius testifieth, so as of three most excellent kings that ensued immediately after Romulus, to wit, Numa Pompilius, Tullius Hostilius, & Tarquinus Priscus, none of them were of the blood royal nor of kin the one to the other, no, nor yet Romans born, but chosen rather from among strangers for their virtue and valour, and that by election of the senate and consent of the people.

In Greece, and namely among the Lacedaemonians, which was the most eminent kingdom among others at that time, the succession of children after their fathers was

more certain, but yet as Aristotle noteth, their authority & power was so restrained by certain officers of the people named ephori (which commonly were five in number) as they were not only checked and chastened by them, if occasion served,

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MN: Cic. lib. 2. offic.

MN: Why kings were restrained by laws

MN: Cic. lib. 3, de legibus

but also deprived and sometimes put to death, for which cause the said philosopher did justly mislike this eminent jurisdiction of the ephori over their kings, but yet hereby we see what authority the commonwealth had in this case, and what their meaning was in making laws and restraining their kings' power, to wit, thereby the more to bind them to do justice, which Cicero in his *Offices* uttereth in these words, *Iustitiae fruendae causa apud maiores nostros & in Asia & in Europa bene morati reges olim sunt constituti, &c., at cum ius aequabile ab vno viro homines non consequerentur, inuentae sunt leges*, Good kings were appointed in old time among our ancestors in Asia and Europe to the end thereby to obtain justice, but when men could not obtain equal justice at one man's hands, they invented laws.

The same reason yieldeth the same philosopher in another place, not only of the first institution of kingdoms, but also of the change thereof again into other governments when these were abused, *Omnes antiquae gentes regibus quondam paruerunt, &c.*, that is, all old nations did live under kingdoms at the beginning, which kind of government first they gave unto the most just and wisest men which they could find, and also after, for love of them, they gave the same to their posterity or next in kin, as now also it remaineth where kingly government is in use, but other countries which liked not that form of government, and have shaken

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MN: Why kingly government was left in Rome

Titus Livius l. I(?) dec. i(?)

Livius ibidem

it off, have done it not that they will not be under any, but for that they will not be ever under one only.

Thus far Cicero, and he speaketh this principally in defence of his own commonwealth, I mean the Roman, which had cast off that kind of government, as before hath been said, for the offence they had taken against certain kings of theirs, and first of all against Romulus himself, their first founder, for reigning at his pleasure without law, as Titus Livius testifieth, for which cause the senators at length slew him, and cut him in small pieces. And afterwards they were greatly grieved at the entering of Servus Tullius, their sixth king, for that he gat the crown by fraud and not by election of the senate and special approbation of the people as he should have done, but most of all they were exasperated by the proceeding of their seventh king, named Lucius Tarquinius, surnamed the Proud,

who for that (as Livius saith) he neglected the laws of government prescribed to him by the commonwealth, as namely in that he consulted not with the senate in matters of great importance, & for that he made war & peace of his own head, & for that he appointed to himself a guard, as though he had mistrusted the people, and for that he did use injustice to divers particular men, and suffered his children to be insolent, he was expelled with all his posterity, and the government of Rome changed from a kingdom unto the regiment of consuls,

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MN: Restraints of kingdoms in Europe

MN: Sleydan lib. 8. An. 1532

MN: Blond. Dicad. 2. li. 3, Crant. li. cap. 25.

after two hundred years that the other had endured.

And thus much for those kingdoms of Italy and Greece. And if likewise we will look upon other kingdoms of Europe, we shall see the very same, to wit, that every kingdom & country hath his particular laws prescribed to their kings by the commonwealth, both for their government, authority and succession in the same, for if we behold the Roman Empire itself as it is at this day annexed to the German electors, though it be the first in dignity among Christian princes, yet shall we see it so restrained by particular laws as the Emperor can do much less in his state than other kings in theirs, for he can neither make war nor exact any contribution of men or money thereunto but by the free leave and consent of all the states of the German Diet or Parliament, and for his children or next in kin, they have no action, interest or pretence at all to succeed in their father's dignity but only by free election if they shall be thought worthy. Nay, one of the chiefest points that the Emperor must swear at his entrance, as Sleydan [=Johannes Sleidan] writeth, is this, that he shall never go about to make the dignity of the Emperor peculiar or hereditary to his family, but leave it unto the seven electors free in their power to choose his successor according to the law made by the Pope Gregory the Fifth and the Emperor Charles the Fourth in this behalf.

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MN: Kingdoms of Polonia and Boemia

MN: Herbert li. 9. hist. Polon., Cromerus [=Martin Kromer] lib. 3. Hist. Polon.

MN: Kings of Spain and France and England

MN: Concil. blet. 4. c. 74. & concil. f. c. 3

The kingdoms of Polonia [=Poland] & Boemia [=Bohemia] do go much after the same fashion, both for their restraint of power and succession to their kings. For first touching their authority, they have great limitation, neither can they do anything of great moment without the consent of certain principal men called palatines or castellans, neither may their children or next of blood succeed except they be chosen, as in the Empire.

In Spain, France and England the privileges of kings are far more eminent in both these points for that both their authority is much more absolute and their next in blood do

ordinarily succeed, but yet in different manner, for as touching authority, it seemeth that the Kings of Spain and France have greater than the King of England, for that every ordination of these two Kings is law in itself without further approbation of the commonwealth, which holdeth not in England, where no general law can be made without consent of Parliament, but in the other point of succession, it appeareth that the restraint is far greater in those other two countries than in England, for that in Spain the next in blood cannot succeed, be he never so lawfully descended, but by a new approbation of the nobility and bishops and states of the realm, as it is expressly set down in the two ancient councils of Toledo the fourth and fifth. In confirmation whereof we see at this day that the King of Spain's own son cannot

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MN: Peculiar manner of succession

MN: An. 1340, Paul. Anil. hist. Franc. l. 2., Gerard du Hayllan [=Girard du Haillan], lib. 14. hist. Franc.

MN: Fran. Belfor [=Francois de Belleforest] lib. 5. cap. I. An. 1327

succeed nor be called prince except he be first sworn by the said nobility and states in token of their new consent, and so we have seen it practiced in our days towards three or four of king Philip's children which have succeeded the one after the other in the title of princes of Spain, and at every change a new oath required at the subjects' hands for their admission to the said dignity, which is not used in the King's children of France or England.

In France the world knoweth how women are not admitted to succeed in the crown, be they never so near in blood, neither any of their issue, though it be male. For which cause I doubt not but you remember how King Edward the Third of England, though he were son & heir unto a daughter of France whose three brethren were Kings, and left her sole heir to her father, King Philip the Fourth, surnamed the Fair, yet was he put by the crown, as also was the King of Navarre at the same time, who was son and heir unto this woman's eldest brother's daughter, named Lewis Huttin [=Hutin], King of France, (which King of Navarre thereby seemed also to be before King Edward of England), but yet were they both put by it, and Philip de Valois, a brother's son of Philip the Fair, was preferred to it by general decree of the states of France, and by verdict of the whole Parliament of Paris gathered about the same affair.

Neither did it avail that the two Kings

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MN: Reasons for succession of women

MN: The Infanta of Spain & Prince of Lorraine

MN: Gerard du Haillan Lib. 13. Hist. Franc. & Anno 1317. & lib. 14. An. 1328. & lib. 3. de l'Estat defrunce(?) [sic?]

aforesaid alleged that it was against reason & conscience and custom of all nations to exclude women from the succession of the crown which appertained unto them by

propinquity of blood, seeing both nature & God hath made them capable of such succession everywhere, as it appeareth by example of all other nations, and in the Old Testament among the people of God itself, where we see women have been admitted unto kingdoms by succession, but all this (I say) prevailed not with the French, as it doth not also at this day for the admission of Dona Isabella Eugenia Clara, Infanta of Spain, unto the said crown of France, though by descent of blood there be no question of her next propinquity for that she is the eldest child of the last King's eldest sister.

The like exclusion is made against the Prince of Lorraine that now liveth, though he be a man and nephew to the last King, for that his title is by a woman, to wit, his mother, that was younger sister unto the last King Henry of France.

And albeit the law called Salica by the Frenchmen by virtue whereof they pretend to exclude the succession of women be no very ancient law, as the French themselves do confess, and much less made by Pharamond, their first King, or in those ancient times, as others without ground do affirm, yet do we see that it is sufficient to bind all princes and subjects of that realm to observe the same, and to alter

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MN: Kings lawfully possessed may be deprived

the course of natural descent and nearness of blood, as we have seen, and that the King of Navarre and some other of his race by virtue of this only law do pretend at this day to be next in succession to this goodly crown, though in nearness of blood they be farther off by many degrees from the last King Henry the Third [=Henri III of France] than either the foresaid Infanta of Spain or the Prince of Lorraine that now is, who are children of his own sisters, which point yet in England were great disorder, and would not be suffered for that our laws are otherwise, & who made these laws but the commonwealth itself?

By all which we see that divers kingdoms have divers laws and customs in the matter of succession, and that it is not enough (as often I have said) for a man to allege bare propinquity of blood thereby to prevail, for that he may be excluded or put back by divers other circumstances and for sundry other reasons, which afterward we shall discuss.

Yea, not only in this point (said he) hath the commonwealth authority to put back the next inheritors upon lawful considerations, but also to dispossess them that have been lawfully put in possession if they fulfil not the laws and conditions by which and for which their dignity was given them. Which point, as it cannot serve for wicked men to be troublesome unto their governors for their own interests or appetites, so yet when it is done upon just and

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MN: A markable circumstance

MN: Against rebellious people and contemnors of princes

urgent causes and by public authority of the whole body, the justice thereof is plain, not only by the grounds and reasons before alleged, but also by those examples of the Romans and Grecians already mentioned, who lawfully deposed their kings upon just considerations, & changed also their monarchy and kingly government into other forms of regiment. And it might be proved also by examples of all other nations, and this perhaps with a circumstance which I know not whether every man here have considered the same, to wit, that God hath wonderfully concurred for the most part with such judicial acts of the commonwealth against their evil princes, not only in prospering the same, but by giving them also commonly some notable successor in place of the deposed, thereby both to justify the fact and to remedy the fault of him that went before.

To this all the company answered that they had never much thought nor made reflection upon any such circumstance, and therefore that it could not be but a point of much novelty to hear the same discussed, requesting him to say what he had observed or read in that behalf.

I am content (said he) but yet with this preface, that I am far from the opinion of those people of our days, or of old, who make so little account of their duty towards princes, as be their title what it will, yet for every mislike of

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MN: 2. Pet. 2. 10, Judae(?) 9

MN: Titles of princes once settled not to be examined by private men

their own they are ready to band against them wheresoever they think they may make their party good, inventing a thousand calumniationes for their discredit without conscience or reason, whom indeed I do think to have little conscience or none at all, but rather to be those whom the Apostles St Peter and St Jude did speak of when they said, *Nouit Dominus iniquos in diem iudicij reseruare, cruciandas, magis autem eos qui dominationem contemnunt, audaces, sibi placentes, &c.*, God knoweth how to reserve the wicked unto the Day of Judgment, there to be tormented, but yet much more those which do contemn domination or government, and are bold, and liking of themselves. Thus much ther [sic].

Nay, further, I am of opinion that whatsoever a prince's title be, if once he be settled in the crown and admitted by the commonwealth (for of all other holds I esteem the tenure of a crown, if so it may be termed, the most irregular and extraordinary), every man is bound to settle his conscience to obey the same in all that lawfully he may command, and this without examination of his title or interest, for that (as I have said), God disposeth of kingdoms and worketh his will in princes' affairs as he pleaseth, and this by extraordinary means, oftentimes so that if we should examine the titles at this day of all the princes of Christendom by the ordinary rule of private men's rights, successions or tenures, we should find so many knots and difficulties as it were hard

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MN: Against flatterers that yield too much power to princes

MN: Absurd flatteries uttered by Bellay & others

for any law to make the same plain but only the supreme law of God's disposition, which can dispense in what he listeth.

This is my opinion in this behalf for true and quiet obedience, and yet on the other side, as far off am I from the abject and wicked flattery of such as affirm princes to be subject to no law or limitation at all, either in authority, government, life or succession, but as though by nature they had been created kings from the beginning of the world, or as though the commonwealth had been made for them, and not they for the commonwealth, or as though they had begotten or purchased or given life to the weal public, and not that the weal public had exalted them or given them their authority, honour and dignity, so these flatterers do free them from all obligation, duty, reverence or respect unto the whole body whereof they are the heads, nay, expressly they say and affirm that *all men's goods, bodies and lives are the princes' at their pleasures to dispose of; that they are under no law or account giving whatsoever; that they succeed by nature and generation only, and not by any authority, admission or approbation of the commonwealth, and that consequently no merit or demerit of their persons is to be respected, nor any consideration of their natures or qualities, to wit, of capacity, disposition or other personal circumstances is to be had or admitted, and do what they list, no authority is there under God to chasten them.*

All these absurd paradoxes have some men of

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MN: Belloy [=Pierre de Belloy] in apolog. cath. [=Apologia Catholica] & apolog. pro rege

MN: The purpose of the next chapter

our days uttered in flattery of princes, and namely of late one Belloy, a Frenchman (as before I signified), in two books which he called apologies, the one Catholic and the other for the King, both which he seemeth to write in favour of the King of Navarre (and as other also call him, King of France), but in my opinion he deserveth small commendation or reward to defend a king's title with such assertions and propositions as do destroy all law, reason, conscience and commonwealth, and do bring all to such absolute tyranny as no realm ever did or could suffer among civil people, no, not under the dominion of the Turk himself at this day, where yet some proportion of equity is held between the prince and the people both in government and succession, though nothing so much as in Christian nations.

Wherefore to avoid these two extremes I shall prove unto you the mean before mentioned, to wit, that as all the duty, reverence, love and obedience before-named is to be yielded unto every prince which the commonwealth hath once established, so yet retaineth still the commonwealth her authority not only to restrain the same prince if he be exorbitant, but also to chasten and remove him upon due & weighty considerations, and that the same hath been done and practiced at many times in most nations, both

Christian & otherwise, with right good success to the weal public, and this shall be the argument (if you think good) of

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our next meeting, for that now it is late, and I would be loth to have you go away with my take half told, for that it is a matter of much moment, as tomorrow you shall hear.

All were content with this resolution, and so departed every man to his lodging with purpose to return the next morning somewhat more early than their accustomed hour, to the end the matter might be thoroughly debated.

### CHAPTER III

Of kings lawfully chastised by their commonwealths for their misgovernment, and of the good and prosperous success that God commonly hath given to the same

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MN: Two points to be proved

The company was no sooner come together the next morning but they were all at the civilian lawyer to perform his promise, and to prosecute the matter he had propounded the night before, to whom he answered, You require of me (if I be not deceived) two points jointly to be proved unto you, the first that commonwealths have chastised sometimes lawfully their lawful princes, though never so lawfully they were descended or otherwise lawfully put in possession of their crown, and second, that this hath

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MN: Nothing here spoken against due respect to princes

fallen out ever, or for the most part, commodious to the weal public, & that it may seem that God approved and prospered the same by the good success and successors that ensued thereof. Which two points I am content (quoth he) to show unto you by some examples, for that the reasons hereof have in part been declared before, & shall be more in particular hereafter, but yet must I do this with the protestation before-mentioned, that nothing be taken out of this my speech against the sacred authority and due respect and obedience that all men do owe unto princes, both by God's law and nature, as hath been proved, but only this shall serve to show that as nothing under God is more honourable, amiable, profitable or sovereign than a good prince, so nothing is more pestilent, or bringeth so general destruction and desolation, as an evil prince. And therefore as the whole body is of more authority than the only head, and may cure the head if it be out of tune, so may the weal public cure or cut off their heads if they infest the rest, seeing that a body civil may have divers heads by succession, and is not bound ever to one, as a body natural is, which body natural, if it had the same ability that when it had an aching or

sickly head it could cut it off and take another, I doubt not but it would so do, and that all men would confess that it had authority sufficient & reason to do the same rather than all the other parts should perish or live in pain and continual torment,

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MN: Deprivations of kings recounted in Scripture

MN: I. Reg. 31, 4. Reg. 21. 44

but yet much more clear is the matter that we have in hand for disburdening ourselves of wicked princes, as now I shall begin to prove unto you.

And for proof of both the points jointly which you require, I might begin perhaps with some examples out of the Scripture itself but that some man may chance to say that these things recounted there of the Jews were not so much to be reputed for acts of the commonwealth as for particular ordinations of God himself, which yet is not anything against me, but rather maketh much for our purpose, for that the matter is more authorized hereby, seeing that whatsoever God did ordain or put in ure in his commonwealth, that may also be practiced by other commonwealths now having his authority and approbation for the same. Wherefore (said he) though I do hasten to examples that are more nearer home, and more proper to the particulier [sic for 'particular'] purpose whereof we treat, yet can I not omit to note some two or three out of the Bible that do appertain to this purpose also, & these are the deprivation and putting to death of two wicked Kings of Judah named Saul and Amon (though both them were lawfully placed in that dignity), and the bringing in of David and Josias [=Josiah] in their rooms, who were the two most excellent princes that ever that nation or any other (I think) have had to govern them.

And first King Saul, though he were elected

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MN: King Josias

MN: 2. Paralip. [=Paralipomenon] 34-5

MN: 2 Paralip. 35

MN: King David

MN: Xenophon in Cyropaed. [=Cyropaedia]

by God (as you know) to that royal throne, yet was he slain by the Philistians by God's order, as it was foretold him, for his disobedience & not fulfilling the law & limits prescribed unto him. Amon was lawful King also, & that by natural descent & succession, for he was son & heir to King Manasses, whom he succeeded, and yet was he slain by his own people, *quia non ambulauit in via Domini*, for that he walked not in the way prescribed unto him by God, and unto these two Kings so deprived, God gave two successors, as I have named, the like whereof are not to be found in the whole rank of kings for a thousand years together, for of Josias it is written, *Fecit quod erat rectum in conspectu Domini, & non declinauit neque ad dextram neque ad sinistram*, he did that which was right in the sight of God, neither did he decline unto the right hand nor the left.

He reigned 31 years, and Hieremias [=Jeremiah] the prophet that lived in his time, loved so extremely this good King as he never ceased afterwards to lament his death, as the Scripture saith.

As for King David, it shall not be needful to say anything how excellent a king he was, for as many learned men do note, he was a most perfect pattern for all kings that should follow in the world, not as King Cyrus, whom Xenophon did paint out more according to his own imagination of a perfect king that he wished than to the truth of the story, but rather as one that passed far in acts that which

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Nich. Macha. l. 2. c. 2. in Tit. Liuius [=Titus Livius Foro Juliensis]

August. l. de Gran.

MN: The wisdom and piety of King David

MN: I. Paralip. 15, I Psal. 22. & 25

is written of him, and this not only in matters of religion, piety and devotion, but also of chivalry, valour, wisdom & policy, neither is it true which Nicholas Machavel [=Machiavelli], the Florentine, and some others of his new unchristian school do affirm for defacing of Christian virtue, *that religion and piety are lets oftentimes to politic and wise government, and do break or weaken the high spirits of magnanimous men to take in hand great enterprises for the commonwealth.* This (I say) is extreme false, for that as divines are wont to say (and it is most true) grace doth not destroy or corrupt, but perfecteth nature, so as he which by nature is valiant, wise, liberal or politic shall be the more if also he be pious and religious. Which we see evidently in King David, who notwithstanding all his piety, yet omitted he nothing appertaining to the state and government of a noble, wise and politic prince. For first of all he began with reformation of his own court and realm in matter of good life and service of God, wherein he used the counsel and direction of Gad and of Nathan the prophet, as also of Abiathar and Hiram, the chief priests, and of Heman, his wise counsellor. He reduced the whole clergy into 24 degrees, appointing four thousand singers with divers sorts of musical instruments under Asaph, Heman and other principal men that should be heads of the choir. He appointed all officers needful both for his court and also the commonwealth, with the arms of the crown,

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MN: The arms of King David

MN: His valour in chivalry

MN: King David's victories

MN: 2. Reg. 8(?)

MN: I. Paralip. 18

MN: 2. Reg. 23, Joseph. [=Titus Flavius Josephus] l. 7 antiq. [=Antiquitates Judaicae] c. 10

which was a lion in remembrance of the lion which he had slain with his own hands when he was a child, he ordained a mint with a peculiar form of money to be stamped, took order for distributing relief unto the poor, & other like acts of a prudent and pious prince.

After all this he turned himself to his old exercise of wars, to which he was given from his childhood, being wonderful valiant of his own person, as appeareth by the lion and bear that he slew with his own hands, and the courage wherewith he took upon him the combat with Goliath, and as he had showed himself a great warrior and renowned captain many years in the service of Saul against the Philistians, and had gained many noble victories, so much more did he after he was King himself, for that he conquered not only the Philistians, but also the Amorites, Idumaeans, Moabites, with the kings and people of Damasco [=Damascus] and all Syria, even unto the river Euphrates, & left all these countries peaceable to his successor, and the scripture recounteth in one only chapter how that in three or four battles wherein David himself was present within the space of two or three years almost a hundred thousand horse and foot slain by him, and that himself slew in his days eight hundred with his own hands, and that he made by his example thirty & seven such captains as each one of them was able to lead and govern a whole army, and yet among all these

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MN: 2. Reg. 7

MN: His humility, charity and devotion

MN: Kings put down among the Romans, & what successors they had

expenses of wars had he care to lay up so much money and treasure as was sufficient for the building of that huge and wonderful temple after him which he recommended to his son, Solomon, and amidst all this valour and courage of so warlike a King and captain, had he so much humility as to humble himself to Nathan the prophet when he came to rebuke him for his fault, and so much patience and charity as to pardon Semei that reviled him and threw stones at him in the highway as he went, and among so many and continual businesses, both martial and civil, & great affairs of the commonwealth, he had time to write so many psalms as we see, and to sing praises seven times a day to Almighty God, and to feel that devotion at his death which we read of, & finally, he so lived and so died as never prince (I think) before him nor perhaps after him so joined together both valour and virtue, courage and humility, wisdom and piety, government and devotion, nobility and religion. Wherefore, though I have been somewhat longer than I would in this example, yet hath it not been from the purpose to note somewhat in particular what two worthy Kings were put up by God in place of two other by him deprived & deposed.

And now if we will leave the Hebrews and return to the Romans, of whom we spake before, we shall find divers things notable in that state also to the purpose we have in hand,

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MN: Halicar [=Dionysius Halicarnassus?] l. 2

MN: Tertul. [=Tertullian] li du praescrip. contra haeres, Justin Martyr apolog.

MN: Tit. liu. [=Titus Livius] li I. dec. I, Eutrop. [=Eutropius] l. I

For before I told you how that Romulus, their first King, having by little and little declined into tyranny, he was slain and cut in pieces by the senate (which at that time contained a hundred in number), and in his place was chosen Numa Pompilius, the notablest King that ever they had, who prescribed all their order of religion and manner of sacrifices, imitating therein and in divers other points the rites and ceremonies of the Jews, as Tertullian and other Fathers do note. He began also the building of their Capitol, added the two months of January and February to the year, and did other such notable things for that commonwealth.

Again, when Tarquinius the Proud, their seventh and last King, was expelled by the same senate for his evil government, and the whole manner of government changed, as before hath been touched, we see the success was prosperous, for that not only no hurt came thereby to the commonwealth, but exceeding much good, seeing their government and increase of empire was so prosperous under their consuls for many years, in such sort that whereas at the end of their Kings' government they had but fifteen miles' territory without their city, it is known that when their consuls' government ended and was changed by Julius Caesar their territory reached more than fifteen thousand miles in compass, for that they had not only all Europe under their dominion, but the principal parts also of Asia and Africa, so as this chastisement

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MN: Caesar Augustus

MN: Dion [=Dionysius Halicarnassus?] in Caesa., Sueton [=Suetonius] in Caesa

MN: Nero Vespasian

MN: Cornel. Tacit. [=Cornelius Tacitus] lib. 20. & 21., Egesip. [=Hegesippus?] l. 5.

MN: Eutrop. [=Eutropius] in vita Caesa.

so justly laid upon their Kings was profitable and beneficial to their commonwealth also.

Moreover when Julius Caesar upon particular ambition had broken all laws, both human and divine, and taken all government into his own hands alone, he was in revenge hereof slain, as the world knoweth, by senators in the senate-house, and Octavianus Augustus preferred in his room, who proved afterwards the most famous Emperor that ever was.

I might note also how Nero, sixth Emperor of Rome, which succeeded lawfully his uncle, Claudius, in the empire, and being afterward deposed and sentenced to death by the senate for his wicked government (which was the first judicial sentence that ever the senate gave against emperor), albeit peace ensued not presently, but that Galba, Otho and Vitellius, three great captains of the Empire, made some little interludes of tragical killing of one the other, yet within few months the whole Empire by that means fell upon Vespasian and his son, Titus, two of the best governors that those times ever saw.

The like might be noted of the noble rank of five excellent good Emperors, to wit, Nerva, Trajan, Hadrian, Antoninus Pius, and Marcus Aurelius, that ensued in the Empire by the just death of cruel Domitian, which execution the senate is thought in secret to have procured (being not able to perform it openly by justice), which

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MN: Heliogabalus

MN: An. Dni. [=Anno Domini] 124

MN: Alius lamp.(?) in vita Heliog.

was seen by that that when the act was done, the senate did presently by public decree allow of the same, and disannulled all his barbarous acts for their exceeding cruelty, and commanded his arms and memories to be pulled down everywhere, and chose for his successor one Cocceus [=Cocceius] Nerva, an Italian, a man of excellent virtue, by whom they enjoyed not only the most prosperous time of his government, but of all those other four before-named that ensued him, no less worthy than himself.

Not long after the succession of these excellent good Emperors there came to the crown by lawful descent of blood a youth named Antoninus Heliogabalus, son of the Emperor Antoninus Caracalla, and nephew to the most famous and noble Emperor Septimius Severus that died in England. Which youth, as he was greatly loved and honoured a great while for so worthy a grandfather, so afterwards for his own most beastly life and foul actions he was deprived and put to death by the soldiers of Rome at the request & common desire both of the people and senate when he had reigned six years, and yet was but twenty years of age when he was put down, and his death & deprivation was approved by public act of the senate, who ordained also in his detestation that never Emperor after him should be called more Antoninus, & so it was observed, though no other name had ever been more grateful before to the world for the remembrance of the

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MN: Alexander Severus

MN: Herod. [=Herodotus?] in vit. seuer.

MN: Maxentius Constantin.

good Emperors that had been so called.

This man being chastised, as is said, there was preferred to the Empire in his room a goodly young man of his next kindred named Alexander Severus, son to Mamonea, which was sister to Heliogabalus his mother, and being admitted by common consent both of the senate, people and army, he proved one of the most rarest princes for his valour and virtue that ever the Roman Empire hath had, so as the worthiness of Severus seemed to recompense fully the wickedness of Heliogabalus.

I might name divers other such examples, & among the rest that of Maxentius, who being lawfully possessed of the Empire in Rome, as it seemed (for that he was son to Maximinianus, the Emperor that reigned with Diocletian), yet for his tyrannous

government that was intolerable, it is supposed that the senate (not being able to match him in open strenght [sic for 'strength']), sent privily into England & France to invite Constantine to come and do justice upon him, and so he did, and he being drowned in the river of Tiber, Constantine, surnamed afterward the Great, succeeded in the Empire, and was the man that all men know, and the first Emperor that publicly professed himself a Christian, and planted our faith over all the world, & this of the Roman Empire.

And if we will come lower down & nearer home, we have yet another example, more markable perhaps than all the rest, which was

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MN: The change of the East Empire

MN: Charles the Great

MN: An. 200

MN: Two changes in France, Belfor. [=Belleforest] l. I, Girard [=Girard du Haillan] l. 3. Aemil. [=Paulus Aemilius Veronensis] l. 2., Clem. Baudin. en la chronique des Roys de France

the change of the Empire from the East to the West for the evil government of Constantine the Sixth, who was deposed first, and his eyes put out by his own mother, Irene, and the Empire usurped by her, but being not able to rule it in such order as was needful for so great a monarchy (though otherwise she were one of the rarest women for valour and wisdom that ever the world had), she was deprived thereof by the sentence of Leo the Third, Pope of Rome, and by consent of all the people and senate of that city, and Charles, King of France and of Germany (surnamed afterward the Great), was crowned Emperor of the West, and so hath that succession remained unto this day, and many worthy men have succeeded therein, & infinite acts of jurisdiction have been exercised by this authority which were all unjust and tyrannical if this change of the Empire and deposition of Irene and her son for their evil government had not been lawful.

It were long to run over all other kingdoms, yet some I shall touch in such points as are most notorious.

The two famous changes that have been made of the royal line in France, the first from the race of Pharamond and Clodoveus to the line of Pepin, and the second from the race of Pepin again to the line of Hugo Capetus [=Hugh Capet] that endureth unto this day, whereon are they founded but upon the judicial chastisement and deposition of two evil princes, the first of Childeric

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MN: Reasons of deprivation

MN: Hugo Capet, anno 933(?)

the Third, lawful King of France, who after ten years that he had reigned, was deposed by Zachary the Pope at the request of the whole nobility and clergy of France, or rather his deprivation was by them, and confirmed by the Pope, to whom they alleged this reason

for their doing in that behalf, as Girard putteth it down in both his French chronicles, I mean the large and the abbreviation, to wit, that their oath to Childeric was to honour, serve, obey, maintain and defend him against all men as long as he was just, religious, valiant, clement, and would resist the enemies of the crown, punish the wicked and conserve the good, and defend the Christian faith. And forasmuch as these promises (said they) were conditional, they ought not to hold or bind longer than that they were reciprocally observed on both parts, which seeing they were not on the part of Childeric, they would not be any longer his subjects, and so desired Zacharias to absolve them from their oaths, which he did, and by this means Childeric was deposed and put into a monastery, where he died, and in his place Pepin was chosen and crowned King, whose posterity reigned for many years after him, and were such noble Kings as all the world can testify.

And so continued this race of Pepin in the royal throne for almost two hundred years together until Hugo Capetus, who was put into the same throne by the same authority of

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MN: Examples of Spain

MN: Concil Tolet. 4. cap 4., Ambros. moral. l. 11 cap. 17

MN: Isidor. [=Isidore] in Hist. Hispan.

the commonwealth, and Charles of Lorraine, last of the race of Pepin, for the evil satisfaction which the French nation had of him, was put by it, and kept prisoner during his life in the castle of Orleans. And thus much do affirm all the French histories, and do attribute to these changes the prosperity and greatness of their present kingdom and monarchy, & thus much for France, where many other examples might be alleged, as of King Lewis the Third, surnamed Faineant, for that he was unprofitable, and of Charles, surnamed le Gros, that succeeded him, both of them deposed by the states of France, and other the like, of whom I shall have occasion to speak afterwards to another purpose.

But now, if you please, let us step over the Pyrenees mountains and look into Spain, where there will not fail us also divers examples, both before the oppression of that realm by the Moors, as also after. For that before, to wit about the year of Christ 630, we read of a lawful King named Flavio Suintila put down and deprived, both he and his posterity, in the Fourth Council National of Toledo, and one Sissinando [=Sisenand] confirmed in his place, notwithstanding that Suintila were at the beginning of his reign a very good King, and much commended by St Isidorus [=Isidore], Archbishop of Seville, who yet in the said Council was the first man that subscribed to his deprivation.

After the entrance of the Moors also, when

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MN: Estevan de Garibay [=Esteban de Garibay] l. 13 de la hist. de Espa. c. 15

MN: Tabulae Astron. Alfonsinae

MN: King Don Alonso deposed

MN: Don Pedro Cruel deposed

Spain was reduced again to the order & government of Spanish Kings, we read that about the year of Christ 1292 one Don Alonso [=Alfonso], the Eleventh of that name, King of Castile & Leon, succeeded his father Fernando, surnamed the Saint, and himself obtained the surname of Sabio and Astrologo, that is to say, of wise, and of an astrologer, for his excellent learning & peculiar skill in that art, as may well appear by the astronomy tables that at this day go under his name, which are the most perfect [sic for 'perfect'] and exact that ever were set forth, by judgment of the learned.

This man, for his evil government, and especially for tyranny used towards two nephews of his, as the Spanish chronicler Garavay [=Esteban de Garibay] writeth, was deposed of his kingdom by a public Act of Parliament in the town of Valladolid after he had reigned 30 years, and his own son, Don Sancho the Fourth, was crowned in his place, who for his valiant acts was surnamed El Bravo, and it turned to great commodity of the commonwealth.

The same commonwealth of Spain some years after, to wit, about the year of Christ 1368, having to their King one Don Pedro, surnamed the Cruel for his injurious proceeding with his subjects, though otherwise he were lawfully seised also of the crown as son and heir to King Don Alonso the Twelfth, and had reigned among them 18 years, yet for his evil government they resolved to depose him, and so

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MN: Garibay l. 14. c. 40. 41

sent for a bastard brother of his named Henry that lived in France, requesting him that he would come with some force of Frenchmen to assist them in that act and take the crown upon himself, which he did, and by the help of the Spaniards and French soldiers he drave the said Peter out of Spain, and himself was crowned. And albeit Edward, surnamed the Black Prince of England, by order of his father, King Edward the Third, restored once again the said Peter, yet was it not durable, for that Henry, having the favour of the Spaniards, returned again, and deprived Peter the second time, and slew him in fight hand to hand, which made show of more particular favour of God in this behalf to Henry, and so he remained King of Spain, as doth also his progeny enjoy the same unto this day, though by nature he was a bastard, as had been said, and notwithstanding that King Peter left two daughters which were led away into England, and there married to great princes.

And this King Henry so put up in his place was called King Henry the Second of this name, and proved a most excellent King, and for his great nobility in conversation and prowess in chivalry was called by excellency El Cavallero, the knightly [sic for 'knightly'] King, and for his exceeding benignity and liberality was surnamed also El de las Mercedes, which is to say, the King that gave many gifts, or the liberal, frank and bountiful King, which was a great change from the other,

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MN: In Portugal

MN: King Don Sancho 2. deposed

MN: Garibay lib. 4. de hist. Portug. c. 19

MN: Lib. 6 decret tit. 6. de supplenda cap. Grand. I

surnamed Cruel, that King Peter had before, & so you see that always I give you a good King in place of the bad deposed.

In Portugal also, before I go out of Spain, I will allege you one example more, which is of Don Sancho the Second, surnamed Capelo, fourth King of Portugal, lawful son and heir unto Don Alonso surnamed El Gardo [sic for 'Gordo'], who whas [sic for 'was'] third King of Portugal. This Don Sancho, after he had reigned 34 years, was deprived for his defects in government by the universal consent of all Portugal, & this his first deprivation from all kingly rule and authority (leaving him only the bare name of King) was approved by a general council in Lyons, Pope Innocentius the 4 being there present, who at the petition or instance of the whole realm of Portugal by the ambassadors, the Archbishop of Braga, Bishop of Comibra [sic for 'Coimbra'], and divers of the nobility sent to Lyons for that purpose, did authorize the said state of Portugal to put in supreme government one Don Alonso, brother to the said King Don Sancho, who was at that time Earl of Boulogne in Picardy by right of his wife, and so the Portugals did, & further also a little after they deprived their said King, and did drive him out of his realm into Castilla [=Castile], where he lived all the rest of his life in banishment, and died in Toledo without ever returning, and this decree of the council and Pope at Lyons for authorizing of this fact is yet extant in our canon law in the sixth book of *Decretals* now in print. And

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MN: Garibay in hist. de Portug. li. 34. cab. 20. & 21

MN: The Emperors of Greece

MN: Glicas in Annal. part. 4. Zon. Annal co. 3. in vita Michael Calapha.

MN: In Polonia

this King Don Alonso the Third which in this sort was put up against his brother was peaceably & prosperously King of Portugal all the days of his life, & he was a notable King, & among other great exploits he was the first that set Portugal free from all subjection, dependence and homage to the kingdom of Castile, which unto his time it had acknowledged, and he left for his successor his son and heir, Don Dionysio, El Fabricador, to wit, the great builder, for that he builded and founded above forty and four great towns in Portugal, and was a most rare prince, and his offspring ruleth in Portugal unto this day.

Infinite other examples could I allege if I would examine the lives and descents of these and other kingdoms with their princes, and namely if I would speak of the Greek Emperors deprived for their evil government, not so much by popular mutiny (which often happened among them) as by consent and grave deliberation of the whole state and weal public, as Michael Calaphates, for that he had trodden the cross of Christ under his

feet and was otherwise also a wicked man, as also the Emperor Nicephorus Botoniates for his dissolute life and preferring wicked men to authority and the like, whereof I might name many, but it would be too long.

What should I name here the deposition made of princes in our days by other commonwealths, as in Polonia of Henry the Third that

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MN: In literis reip. Polon. ad Henr. Valesium pag. 182. 184., Vide Gagneum part. I de rebus Polon.

MN: In Suetia

MN: Poilin.(?) l. 32. histor. de Franc. An. 1568

MN: In Denmark

was last King of France, & before that had been sworn King of Polonia, of which crown of Polonia he was deprived by public Act of Parliament for his departing thence without licence, and not returning at his day by the said state appointed, and denounced by public letters of peremptory commandment which are yet extant.

What should I name the deprivations of Henry, [sic for 'Eric'?] late King of Seutia [=Sweden], who being lawful successor and lawfully in possession after his father, Gustanus [sic for 'Gustavus'], was yet put down by that commonwealth and deprived, and his brother made King in his place, who, if you remember, was in England in the beginning of this Queen's reign, & whose son reigneth at this day & is King also of Polonia, and this fact was not only allowed of at home by all the states of that country, but also abroad, as namely of Maximilian the Emperor, and approned [sic for 'approved'] also by the King of Denmark, and by all the princes of Germany near about that realm, who saw the reasonable causes which that commonwealth had to proceed as it did.

And a little before that the like was practiced also in Denmark against Cisternus [sic for 'Christian?'], their lawful King if we respect his descent in blood, for he was son to King John that reigned afore him, and crowned in his father's life, but yet afterwards for his intolerable cruelty he was deprived and driven into banishment, together with his wife and three children, all which

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MN: Sleydan. l. 4. hist. An. 1532. Munst. l. 3(?) Cosmogra. in descript. Dauide. Paulus Iouius [=Paolo Giovio] in viris illust. [=Vitae Virorum Illustrium]

MN: Examples of England

MN: King John deposed

MN: Polydore, Historia Angliae l. 15. An. 1212

were disinherited, & his uncle, Frederick, Prince of Holsatia [=Holstein], was chosen King, whose progeny yet remaineth in the crown, & the other, though he were married to the sister of Charles the Fifth, last Emperor of that name, and were of kin also to King

Henry the Eight of England, yet could he never get to be restored, but passed his time miserably, partly in banishment and partly in prison, until he died.

But it shall be best perhaps to end this narration with an example or two out of England itself, for that nowhere else have I read more markable accidents touching his point than in England, and for brevity' sake I shall touch only two or three happened since the Conquest, for that I will go no higher, though I might, as appeareth by the example of King Edwin & other, neither will I begin to stand much upon the example of King John, though well also I might, for that by his evil government he made himself both so odious at home & contemptible abroad (having lost Normandy, Gascony, Guyenne, and all the rest in effect which the crown of England had in France), as first of all he was both excommunicated and deposed by sentence of the Pope at the suit of his own people, and was enforced to make his peace by resigning his crown into the hands of Pandulf, the Pope's legate, as Polydore recounteth, and afterwards falling back again to his old defects and naughty government, albeit by his promise to the Pope to go and make war

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MN: An. 1214

MN: An. 1216

MN: King Henry the Third

against the Turks if he might be quiet at home, and that his kingdom should be perpetually tributary to the See of Rome, he procured him to be of his side for a time and against the barons, yet that stayed not them to proceed to his deprivation, which they did effectuate, first at Canterbury and after at London, in the eighteenth & last year of King John's reign, and meant also to have disinherited his son, Henry, which was afterward named King Henry the Third, and at that time a child of eight years old only, and all this in punishment of the father, if he had lived, and for that cause they called into England Lodovick, the Prince of France, son to King Philip the Second and father to Saint Lewis the Ninth, and chose him for their King, and did swear him fealty with general consent in London the year of Our Lord 1216. And but that the death of King John that presently ensued altered the whole course of that designment, and moved them to turn their purposes and accept of his son, Henry, before matters were fully established for King Lodowick, it was most likely that France and England would have been joined by these means under one crown.

But in the end, as I have said, King Henry the Third was admitted, and he proved a very worthy King after so evil as had gone before him and had been deposed (which is a circumstance that you must always note in this narration), and he reigned more years than ever King in

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MN: King Edward the Second deposed

MN: Polydore l. 18. *Historia Anglicanae*. Anno 1326

MN: Stow in the life of King Edward the 2

MN: the manner of deprimation [sic for 'deprivation'] of a King

MN: See Stow and Holinshed in this man's life

England did before or after him, for he reigned full 53 years, & left his son & heir, Edward the First, not inferior to himself in manhood & virtue, who reigned 34 years, and left a son named Edward the Second, who falling into the same defects of government or worse than King John, his great-grandfather had done, was after 19 years' reign deposed also by Act of Parliament holden at London the year 1326, & his body adjudged to perpetual prison, in which he was at that present in the castle of Wallingford, whither divers both bishops, lords & knights of the Parliament were sent unto him to denounce the sentence of the realm against him, to wit, how they had deprived him, and chosen Edward, his son, in his place, for which act of choosing his son he thanked them heartily and with many tears, acknowledged his own unworthiness, whereupon he was degraded, his name of King first taken from him, and he appointed to be called Edward of Carnarvon from that hour forward, and then his crown and ring were taken away, and the steward of his house brake the staff of his office in his presence, and discharged his servants of their service, and all other people of their obedience or allegiance toward him, and towards his maintenance he had only a hundred marks a year allowed for his expenses, and then was he delivered also into the hands of certain particular keepers, who led him prisoner from thence by divers other places,

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MN: King Edward the Third

MN: King Richard 2 deposed

MN: Polydore l. 20. Historia Aug. [sic for 'Ang.'] 1399

using him with extreme indignity in the way, until at last they took his life from him in the castle of Berkeley, and his son, Edward the Third, reigned in his place, who if we respect either valour, prowess, length of reign, acts of chivalry, or the multitude of famous princes his children left behind him, was one of the noblest Kings that ever England had, though he were chosen in the place of a very evil one, as you have seen.

But what shall we say? Is this worthiness which God giveth commonly to the successors at these changes perpetual or certain by descent? No, truly, nor the example of one prince's punishment maketh another to beware, for the next successor after this noble Edward, which was King Richard the Second, though he were not his son, but his son's son, to wit, son and heir to the excellent and renowned [sic for 'renowned'] Black Prince of Wales, this Richard (I say), forgetting the miserable end of his great-grandfather for evil government, as also the felicity and virtue of his father and grandfather, for the contrary suffered himself to be abused and misled by evil councillors to the great hurt & disquietness of the realm. For which cause, after he had reigned 22 years, he was also deposed by Act of Parliament holden in London the year of Our Lord 1399, and condemned to perpetual prison in the castle of Pomfret [=Pontefract], where he was soon after put to death also, and used as the other before had been, and in this

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MN: King Henry the 6 deposed

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MN: Polydore lib. 23. Historia Anglic.

man's place by free election was chosen for King the noble knight, Henry, Duke of Lancaster, who proved afterwards so notable a King, as the world knoweth, and was father to King Henry the Fifth, surnamed commonly the Alexander of England, for that as Alexander the Great conquered the most part of Asia in the space of 9 or 10 years, so did this Henry conquer France in less than the like time.

I might reckon also in this number of princes deposed for defect in government (though otherwise he were no evil man in life) this King Henry the Fourth's nephew [=grandson], I mean King Henry the Sixth, who after almost forty years' reign was deposed and imprisoned and put to death also, together with his son, the Prince of Wales, by Edward the Fourth of the house of York, & the same was confirmed by the Commons, and especially by the people of London, and afterwards also by public Act of Parliament, in respect not only of the title which King Edward pretended, but also and especially for that King Henry did suffer himself to be overruled by the Queen, his wife, and had broken the articles of agreement made by the Parliament between him and the Duke of York and solemnly sworn on both sides the 8 of October in the year 1459, in punishment whereof and of his other negligent and evil government (though for his own particular life he was a good man, as hath been said), sentence was given against him, partly by force and partly by law,

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MN: King Richard 3 deposed

MN: An. 1487

and King Edward the Fourth was put in his place, who was no evil King, as all Englishmen well know, but one of the renowndest for martial acts and justice that hath worn the England crown.

But after this man again there fell another accident much more notorious, which was that Richard, Duke of Gloucester, this King Edward's younger brother, did put to death his two nephews, this man's children, to wit, King Edward the Fifth and his little brother, & made himself King, and albeit he sinned grievously by taking upon him the crown in this wicked manner, yet when his nephews were once dead, he might in reason seem to be lawful King, both in respect that he was the next male in blood after his said brother, as also for that by divers Acts of Parliament both before and after the death of those infants his title was authorized and made good, and yet no man will say (I think) but that he was lawfully also deposed again afterward by the commonwealth, which called out of France Henry, Earl of Richmond, to chastise him and to put him down, and so he did, and took from him both life and kingdom in the field, and was King himself after him by the name of King Henry the Seventh, and no man, I suppose, will say but that he was lawfully King also, which yet cannot be except the other might lawfully be deposed, & moreover, as I said at the beginning, I would have you consider in all these mutations,

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MN: A point much to be noted

what men commonly have succeeded in the places of such as have been deposed, as namely in England in the place of those five Kings before-named that were deprived, to wit, John, Edward the Second, Richard the Second, Henry the Sixth and Richard the Third, there have succeeded the three Henrys, to wit, the Third, Fourth and Seventh, & two Edwards, the Third and Fourth, all most rare & valiant princes, who have done infinite important acts in their commonwealths, and among other have raised many houses to nobility, put down others, changed states both abroad and at home, distributed ecclesiastical dignities, altered the course of descent in the blood royal, and the like, all which was unjust and is void at this day if the changes and deprivations of the former princes could not be made, and consequently none of these that do pretend the crown of England at this day can have any title at all, for that from those men they descend who were put up in place of the deprived.

And this may be sufficient for proof of the two principal points which you required to be discussed in the beginning of this speech, to wit, that lawful princes have oftentimes by their commonwealths been lawfully deposed for misgovernment, and that God hath allowed and assisted the same with good success unto the weal public, and if this be so, or might be so, in kings lawfully set in possession, then much more hath the said commonwealth power &

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authority to alter the succession of such as do but yet pretend to that dignity if there be due reason and causes for the same, which is the head point that first we began to treat of, said the civilian, and with this ended his speech without saying any more.

### CHAPTER III

Wherein consisteth principally the lawfulness of proceeding against princes which in the former chapter is mentioned, what interest princes have in their subjects' goods or lives, how oaths doth bind or may be broken by subjects towards princes, and finally the difference between a good king and a tyrant

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MN: The reply of the temporal lawyer

When the civilian had ended his speech, the temporal lawyer looked upon the standers-by to see whether any would reply or no, and perceiving all to hold their peace, he began to say in this manner. Truly, sir, I cannot deny but the examples are many that you have alleged, and they seem to prove sufficiently that which you affirmed at the beginning, to wit, that the princes by you named were deprived and put down by their commonwealths

for their evil government, and good successors commonly raised up in their places, and that the commonwealth had authority

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MN: Belloy. apolog. catholic. part. 2. paragraf. 9. & apol. pro rege. cap. 9

MN: An objection out of the prophet Samuel

also to do it I do not greatly doubt, at leastwise, they did it *de facto*, and now to call these facts in question were to embroil and turn upside down all the states of Christendom, as you have well signified, but yet for that you have added this word ‘lawfully’ so many times in the course of your narration, I would you took the pain to tell us also by what law they did the same, seeing that Belloy, whom you have named before, and some other of his opinion do affirm that, albeit by nature the commonwealth have authority over the prince to choose and appoint him at the beginning, as you have well proved out of Aristotle and other ways, yet having once made him, and given up all their authority unto him, he is now no more subject to their correction or restraint, but remaineth absolute of himself without respect to any but only to God alone, which they prove by the example of every particular man that hath authority to make his master or prince of his inferior, but not afterwards to put him down again or to deprive him of the authority which he gave him, though he should not bear himself well and gratefully, but discourteous rather, & injuriously towards him that gave him first this authority.

To which also they do allege the speech of the prophet Samuel in the first Book of the Kings, where the people of Israel demanded to have a king to govern over them as other nations round about them had, and to leave

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MN: I. Reg. 8(?)

MN: The power of a king, or rather, of a tyrant

the government of the high priest under whom at that day they were. At which demand both God himself and Samuel were grievously offended, and Samuel by God’s express order protested unto them in this manner, Well (quoth he), you will have a King; hearken then to this that I will say, *Hoc erit ius regis, qui imperaturus est vobis*, this shall be the right and power of the King that shall rule over you, to wit, he shall take from you your children, both sons and daughters, your fields & vineyards, your harvest also, and rents, your servants, handmaids & herds of cattle, and shall give them to his servants, and you shall cry unto God in that day from the face of this your King whom you have chosen, and God shall not hear you, for that you have demanded a King to govern you. Thus far the prophet.

Out of all which discourse and speech of the prophet these men do gather that a King is nothing so restrained in his power or limited to law as you have affirmed, but rather that his law is his own will, as by these words of the prophet may appear, and much less may the commonwealth chastise or deprive him for exceeding the limits of law or doing his will, seeing that here in this place God doth foretell that princes oftentimes shall commit

excesses and injuries, and yet doth he not therefore will them to chasten or depose them for the same, but rather insinuateth that they must take it patiently for their sins, and cry to God for remedy,

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MN: Belloy apolog. part. 2. parag. 7 & Apol. pro rege c. 6. & 24. & 26

MN: Great absurdities and flatteries

MN: Cic. lib. 2. offic.

and persevere therein, though he do not at the first hearken to them or grant their redress. Hitherto the temporal lawyer.

Whereunto answered the civilian that he confessed that Belloy & other his companions that wrote in flattery of princes in these our days did not only affirm these things that the temporal lawyer had alleged, *and that princes were lawless, and subject to no account, reason or correction, whatsoever they did,* but also (which is yet more absurd and pernicious to all commonwealths) *that all goods, chattels, possessions and whatsoever else commodities temporal of the commonwealth are properly the king's, and that their subjects have only the use thereof without any propriety at all, so as when the king will, he may take it from them by right,* without injustice or injury, which assertions do overthrow wholly the very nature & substance of a commonwealth itself.

For first, to say that a king is subject to no law or limitation at all, but may do what he will, is against all that I have alleged before of the very institution of a commonwealth, which was to live together in justice and order, & as I showed out of Cicero speaking of the first kings, *Iustitiae fruendae causa bene morati Reges olim sunt constituti,* for enjoying of justice were kings appointed in old time that were of good life, but if they be bound to no justice at all, but must be borne and obeyed be they never so wicked, then is the end and butt of the commonwealth & of all royal authority utterly frustrate,

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MN: Another absurdity

MN: Institut. imperial l. 2. Tit. I

MN: Division of goods by civil law

then may we set up public murderers, ravishers, thieves and spoilers to devour us instead of kings and governors to defend us, for such indeed are kings that follow no law but passion and sensuality, and do commit injustice by their public authority, & then finally were all those kings before-mentioned both of the Jews, gentiles and Christians unlawfully deprived, and their successors unlawfully put up in their places, and consequently all princes living in Christianity at this day who are descended of them are intruders, and no lawful princes.

By the second saying also, that all temporalities are properly the prince's and that subjects have only the use thereof without any interest of their own, no less absurdities do follow than of the former assertion, for that first, it is against the very first principle and

fouodation [sic for 'foundation'] of our civil law, which at the first entrance and beginning maketh this division of goods, *that some are common by nature to all men, as the air, the sea and the like; other are public to all of one city or country, but yet not common to all in general, as rivers, ports and other such; some are of the community of a city or commonwealth, but yet not common to every particular person of that city, as common rents, theatres, the public house and the like; some are of none, nor properly of any man's goods, as churches and sacred things; & some are proper to particular men, as those which every man possesseth of his own*, which division of Justinian the Emperor and his most

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MN: Slaves & freemen

MN: Arist. lib. I. polit. c. 4. & 5

MN: Arist. li. I. cap. 3

MN: Mark this reason

learned lawyers is not good if the prince be lord proprietary of all. Nay, he that made this division, being Emperor, did great injury also to himself in assigning that to others which by the opinion of Belloy and his fellows was properly & truly his own, in that he was Emperor and lord of the world.

Besides all this, so absurd a saying is this as it overthroweth the whole nature of a commonwealth itself, and maketh all subjects to be but very slaves, for that slaves and bondmen, as Aristotle saith, in this do differ from freemen, that slaves have only the use of things without property or interest, and cannot acquire or get to themselves any dominion or true right in anything, for that whatsoever they do get, it accrueth to their master & not to themselves. And for that the condition of an ox or an ass is the very same in respect of a poor man that hath no slave, for that the ox or ass getteth nothing to himself, but only to his master, and can be lord of nothing of that for which he laboureth, for this cause wittily also said Aristotle that *bos aut asinus pauperi agricolae pro seruo est*, an ox or an ass is to a poor husbandman instead of a bondman. And so seeing that Belloy will needs have the state and condition of all subjects to be like unto this in respect of their prince, and that they have nothing in propriety, but only the use, and that all dominion is properly the prince's, what doth the other than make all subjects not only slaves,

[p. 69, misnumbered 66]

MN: Divers evident reasons against Belloy

MN: 3. Reg. 21

MN: Cap. inouamus 10. de causibus & c. super quibusdam 26 & (?) de verborum signif.

but also oxen and asses and *pecora campi*.

Last of all (for I will not overload you with reasons in a matter so evident), if all subjects' goods be properly the king's, why then was Achab [=Ahab] and Jezebel, King and Queen of Israel, so reprehended by Elias & so punished by God for taking away Naboth's

vineyard, seeing they took but that which was their own? Nay, why was not Naboth accused of iniquity, rebellion and treason for that he did not yield up presently his vineyard when his princes demanded the same, seeing it was not his, but theirs? Why do the kings of England, France and Spain ask money of their subjects in parliaments if they might take it as their own? Why are those contributions termed by the names of subsidies, helps, benevolences, loans, prests, contributions and the like, if all be due, and not voluntary of the subject's part? How have Parliaments oftentimes denied to their princes such helps of money as they demanded? Why are there judges appointed to determine matter of suits and pleas between the prince and his subjects if all be his and the subject have nothing of his own? And last of all, why doth the canon law, which is a part also of my profession, and received in most countries of the world, so straitly inhibit all princes, upon pain of excommunication, to impose new impositions & taxes upon their people without great consideration and necessity and free consent of the givers, if all be the prince's and nothing of the

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MN: The answer to the objection out of the prophet Samuel.

MN: Arist. 1. 5. pol. c. 11. Joseph. [=Josephus] l. 6. antiq. [=Antiquitates] c. 4

subject? Nay, why be all princes generally at this day prohibited to alienate anything of their own crown without consent of their people if they only be lords of all, and the people have interest in nothing?

And hereby also we may gather what the prophet Samuel meant when he threatened the Jews with the disorders of kings that should reign over them, not that these disorders were lawful or appertained to a righteous king, but that seeing they refused to be under the moderate government of their high priests & other governors which God had given them hitherto, and required to be ruled by kings as other heathen nations of Egypt, Babylon, Syria and Persia were, whose manner of government not only historiographers but philosophers also, and Aristotle among the rest, doth note to have been very tyrannical, yet for that the Jews would needs have that government as a matter of more pomp and glory than that which hitherto they had had, Samuel did first insinuate unto them what extortion and wickedness those heathen kings did use commonly over their people in taking their children, servants, wives, goods and the like from them, and that many kings of Israel should do the like, and take it for their right and sovereignty, and should oppress and tyrannize over them, and enforce them to cry out to God for help, and they should not find remedy, for that so headily they had demanded this change of government, which highly

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MN: Deut. 17. 3. Reg. 2.(?) & 10. Psal. 3

MN: By what law princes are punished

highly displeased Almighty God, and this is the true meaning of that place, if it be well considered, and not to authorize hereby injustice or wickedness in any king, seeing the principal points recorded to all princes & kings throughout the whole course of Scripture

are *diligere iudicium & iustitiam, apprehendere disciplinam, & facere veritatem*, that is to say, to love judgment and justice, to admit discipline, & to execute truth, and this is the instruction that God gave to the Jews in Deuteronomy for their kings when they should have them, which God foretold many years before they had any, and this is the admonition that King David left unto his son and successor, Solomon, at his death, and by him to all other kings and princes, and for want of observing these points of judgment, justice, discipline & truth we see not only Achab [=Ahab] and Jezebel before-mentioned grievously punished, but many other kings also by God himself, as Achaz, Manasses, Joachim and the like, which had not been justice on God's part so to punish them if it had been lawful for them to use that manner of proceeding towards their people as these good instructors of princes in our days most fondly and wickedly do affirm. And thus much for that place.

But to the first point which you asked, by what law the commonwealths that are mentioned in the former chapters did punish their evil priuces [sic for 'princes'], I have answered you before, that it is by all law both divine and human, divine

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MN: The difference between a private man & a commonwealth

for that God doth approve that form of government which every commonwealth doth choose unto itself, as also the conditions, statutes and limitations which itself shall appoint unto her princes, as largely before hath been declared, and by all human law also, for that all law, both natural, national and positive, doth teach us that princes are subject to law & order, and that the commonwealth which gave them their authority for the common good of all may also restrain or take the same away again if they abuse it to the common evil.

And whereas these men say that like as if a private man should make his inferior or equal to be his prince he could not after restrain the same again, and so neither the commonwealth, having once delivered away her authority, I answer first that the comparison is not altogether like, for that a private man, though he give his voice to make a prince, yet he, being but one, maketh not the prince wholly as the commonwealth doth, and therefore no marvel though it lie not in a particular man's hand to unmake him again. Besides this, a private man, having given his voice to make his prince, remaineth subject and inferior to the same, but the whole body, though it be governed by the prince as by the head, yet is in [sic for 'it'] not inferior but superior to the prince, neither so giveth the commonwealth her authority and power up to any prince that she depriveth herself utterly of the same when need shall require to

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MN: The prince's authority but sub delegate

MN: In regulis vtrinque iuris vide in fine sexti Decret. reg.(?) 75. 69

use it for her defence for which she gave it.

And finally (which is the chiefest reason of all, & the very ground and foundation indeed of all kings' authority among Christians), the power and authority which the prince hath from the commonwealth is in very truth not absolute, but *potestas vicaria* or *deligata* [sic?], as we civilians call it, that is to say, a power delegate, or power by commission from the commonwealth, which is given with such restrictions, cautels and conditions, yea, with such plain exceptions, promises and oaths of both parties (I mean between the king and commonwealth at the day of his admission or coronation) as if the same be not kept, but wilfully broken on either part, then is the other not bound to observe his promise neither, though never so solemnly made or sworn, for that in all bargains, agreements and contracts where one part is bound mutually and reciprocally to the other by oath, vow or condition, there if one side go from his promise, the other standeth not obliged to perform his, and this is so notorious by all law, both of nature and nations, and so conform to all reason and equity, that it is put among the very rules of both the civil and canon law, where it is said, *frustra fidem sibi quis postulat seruari ab eo, cui fidem a se prestitam seruare recusat*, he doth in vain require promise to be kept unto him at another man's hands to whom he refuseth to perform that which himself promised, and again, *Non abstringitur quis iuramento*

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MN: When an oath bindeth not

MN: Cicero li. I. offic.

MN: A clear example

*ad implendum, quod iurauit, si ab alio [sic?] parte non impletur, cuius respectu praebeuit iuramentum*, a man is not bound to perform that which by oath he promised if on the other part that be not performed in respect whereof this oath was made, as, for example, if two should swear the one to assist the other upon the way in all respects, & after falling upon enemies that were either kin or friends to the one of them, & he should take their part against his fellow, clear it is that the other were not bound to keep his oath towards that party that hath so wickedly broken it to him.

Nay, not only in this case that is so evident and palpable by nature itself, but in many others also is it both lawful, honest and convenient to leave sometimes the performance of our oath, as namely when the fulfilling thereof should contain any notable hurt or inconvenience against religion, piety, justice, honesty or the weal public, or against the party himself to whom it was made, as if a man had sworn to restore a sword to a mad or furious man, wherewith it were likely he would destroy himself and others, and other like cases which Cicero putteth down in his first book of *Offices*, and deduceth them from the very ground of nature and reason itself, & saith that it were contrary to the duty of a good or honest man in such cases to perform his promise.

Our divines also do allege the example of

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MN: Matth. 24

MN: Regul. 63.(?) in fine 6 Decret.

MN: Decret. Greg. 1. 2. tit. 24

MN: Decret. part. 2. causa. 22. quest. 4. c. 5. & qu 5. per totum

Herod that had sworn to the daughter of Herodias to give her what she demanded, who demanding the head of St John Baptist, though Herod were sorry for the same, yet saith the text, *that for his oath's sake he commanded it to be performed*, which yet no man will deny but that it had been far better left unperformed, and the oath better broken than fulfilled, according to another rule of the law which saith, *In malis promissis fidem non expedit obseruari*, it is not expedient to keep our promise in things evil promised.

And finally to this purpose, to wit, to determine how many ways an oath taken may be lawfully broken, or not kept, there is a whole title in the canon law containing 36 chapters wherein are set down many and divers most excellent and evident cases about the same determined by Gregory the First & other ancient Popes and Doctors, and in the second part of the decretal there is alleged this sentence out of Isidorus, and established for law, *In malis promissis rescinde fidem, in turpi voto muta decretum, impia enim promissio, quae scelere impletur*, that is, in evil promises perform not your word, in an unlawful vow or oath change your determination, for it is an impious promise which cannot be fulfilled but with wickedness, and the very same matter is handled in the question following, which is the fifth, throughout 23 whole chapters together.

So as nothing is more largely handled in

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MN: Two principal cases when oaths hold not towards a prince.

MN: Aemil. 1. 2. hist. Franc. Belfor in vita childer Girard. lib. 3

MN: The speech of the French ambassador for deprivation of their king

our law, both civil and canon, than this matter of promises and oaths, how and when and why and in what cases they hold or bind, and when not. All which to apply it now unto our matter of kings that we have in hand, we are to understand that two evident cases are touched here, as you see, when a subject's oath or promise of obedience may be left unperformed towards his prince, the first when the prince observeth not at all his promise and oath made to the commonwealth at his admission or coronation, & the other when it should turn to the notable damage of the weal public (for whose only good the prince's office was ordained, as often before hath been said and proved) if the subject should keep and perform his oath and promise made unto his prince.

And both these cases are touched in the deprivation of Childeric, the last King of France of the first line of Pharamond, which was recounted in the former chapter, for that as Paulus Aemilius, Belleforest, Girard and other French stories do testify, the Bishop of Wirtsburg [=Wurzburg], that in the name of all the nobility and commonwealth of France made his speech to Zachary the Pope for his deposition and for the election of Pepin in his place, alleged these two reasons, saying:

Truth it is that the French have sworn fidelity unto Childeric as to their true and natural King, but yet with condition that he on his part should also perform the points that

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MN: The conclusion how and when oaths do not bind subjects

are incident to his office, which are to defend the commonwealth, protect the church of Christ, resist the wicked, advance the good and the like, and if he do this, then the French are ready to continue their obedience and allegiance unto him, but if he be apt for none of these things, neither fit either for a captain in war or for a head in peace, and if nothing else may be expected whiles he is King but detriment to the state, ignominy to the nation, danger to Christian religion and destruction to the weal public, then it is lawful for you no doubt (most Holy Father) to deliver the French from this band of their oath, & to rectify that no promise can bind this nation in particular to that which may be hurtful to all Christendom in general. Thus far that Bishop, & his speech was allowed, & Childeric deposed, and Pepin made King in his place, as the world knoweth.

By this then you see, said the civilian lawyer, the ground whereon dependeth the righteous & lawful deposition and chastisement of wicked princes, to wit, their failing in their oath & promises which they made at their first entrance that they would rule and govern justly according to law, conscience, equity and religion, wherein when they fail or wilfully decline, casting behind them all respect of obligation & duty to the end for which they were made princes and advanced in dignity above the rest, then is the commonwealth not only free from all oaths made by her of obedience or allegiance

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MN: The difference between a king & a tyrant

MN: Plat. dial. I. de repub., Arist. li.2. Pol. c. 5

MN: Bart. [=Bartolus de Saxoferrato] li. de tyrannide

to such unworthy princes, but is bound moreover, for saving the whole body, to resist, chasten and remove such evil head if she be able, for that otherwise all would come to destruction, ruin and public desolation.

And here now come in all those considerations which old philosophers, lawmakers, and such others as have treated of commonwealths are wont to lay down of the difference and contrariety between a king and a tyrant, for that a king (as both Plato and Aristotle do declare) when once he declineth from his duty becometh a tyrant, that is to say, of the best and most sovereign thing upon earth the worst and most hurtful creature under heaven, for that as the end & office of a king is to make happy his commonwealth, so the butt of a tyrant is to destroy the same. And finally, the whole difference is reduced to the principal head that before I have mentioned, to wit, that a king ruleth according to equity, oath, conscience, justice and law prescribed unto him, and the other is enemy to all these conditions, whereof if you will read many more particulars & signs to know a tyrant by, I will remit you to a special book set forth of this matter by one Bartolus, father (as you know) of our civil law, where the matter is handled largely, as also how lawful and

commendable it is to resist any tyrant, and finally he concludeth with Cicero in his books *De legibus* where he saith, vt populo

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MN: Cicero. li. 3.(?) de legibus

MN: Cod. l. 2.(?). tit. 14. 9.(?) digna

MN: Suet. c. 23 in Calig.

MN: Zon. tom. 2.(?) in Traian

MN: See in the capter [sic for 'chapter'] following

*magistratus, ita magistratui present leges*, a good prince or magistrate maketh his account that, as he is over the people, so laws are over him, and a tyrant the contrary. And greatly is commended the saying of Theodosius and Valentinian, two worthy Emperors, recorded in our civil law, who said, *Digna vox est maiestate regnantis, legibus se alligatum fateri*, it is a speech worthy of the majesty of him that reigneth to confess that he is bound unto the laws, and the contrary saying of the tyrant Caius Caligula is justly detested by all writers, who said unto one, as Suetonius reporteth, *Memento mihi omnia & in omnes licere*, remember that all things are lawful unto me and against all men without exception. The saying also of the famous Emperor Trajan deserveth immortal memory and commendation, who when he delivered the sword to a pretor or governor of Rome to do justice, he added these words, *Take this sword, and if I do reign justly, use it for me, and if not, then use it against me*, which in effect and substance are the very same worlds which our Christian princes at this day do use at their entrance and coronations when they promise and swear to rule justly and according to the laws, statutes and ordinances of their country, and upon that condition do take the oaths of their subjects' obedience, protesting therewithal *that if they perform not this, that then their subjects are free as before from all allegiance*, and then may the commonwealth, as also the very officers themselves

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MN: The speech of a soldier

MN: The occasion of the next chapter

of such a king, use their sword against him who gave it to them for the public good if need so require, as Trajan commanded.

It was truly the word of a noble prince, said a captain of the company there present, and rightly deserved he to be well obeyed who gave so liberal and just a commission to be disobeyed. But for that you said they that are princes nowadays do the like in effect at their admission to government and at their coronations, I would be glad to hear what they say or swear at this their entrance, for certain I am that afterwards I find very few princes that are contented to have this point put in excecution [sic for 'execution'], I mean to be disobeyed, whatsoever they do or howsoever they live, and moreover I say that whatsoever you lawyers sit and talk of princes' right in your studies, yet I find no way but hanging for a man of my profession if he shall disobey the worst prince that liveth, & you

lawyers will be the first that shall give sentence against him if he chance to come before you in judgment.

True it is, said the civilian, where martial authority taketh place, there no question of right availeth to be disputed, & if a lawyer or any other man else be in fear or danger of his own life, he will rather give sentence against another than receive it against himself, but we talk not here what men may be driven to do by fear or force of evil princes, but what in right, equity and good conscience may be

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done, and this not so much by private or particular men (who may not be over-busy in examining princes' rights, or whether they perform their duties or not) as by the commonwealth upon urgent necessity and due deliberation had against evil princes that break openly their oaths and promises made at their first entrance, which promises, for that you are desirous to understand them, I am content to pass over also unto this point, and so much the rather for that it maketh much to the purpose we have in hand, or rather it is the very true ground indeed both of all lawful government and subjection among Christian people, for that by this oath both the prince and subject do come to know and agree upon their duties and obligations, the one towards the other, as also both of them towards God & their native country. But for that this morning seemeth now much spent, and my stomach telleth me that our dinner cannot be far off, let us defer this matter, if you please, until after noon, at what time we shall crown a king between us here with much more facility when we shall have less occasions of hunger to distract our cogitations.

## CHAPTER V

Of the coronation of princes and manner of their admission to their authority and the oaths which they do make in the same unto the commonwealth for their good government

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MN: The first ground of laws & limits to princes

Dinner being ended, the civilian lawyer began to prosecute the matter propounded in the end of the former chapter concerning oaths and promises made by princes at their first admission to government, wherein first he declared that forasmuch as not nature but the election and consent of the people had made their first princes from the beginning of the world, as largely before and often had been demonstrated, most certain it appeared, and conform to all reason, that they were not preferred to this eminent power and dignity over others without some conditions and promises made also on their parts for using well this supreme authority given unto them, seeing it is not likely (quoth he) that any people would ever yield to put their lives, goods and liberties in the hands of another without

some promise and assurance of justice and equity to be used towards them, and hereof he said it came to pass that both the Romans and Grecians to their ancient kings

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MN: Entrance of tyrants into their government

MN: The rites of admitting Christian kings

prescribed those laws and limits which before have been specified.

And in every commonwealth the more orderly the prince cometh to his crown and dignity, the more express and certain have been ever these conditions and agreements between him and the people, as on the other side the more violently the prince getteth his authority, or by tyranny and disorder, as those ancient and first tyrants of Assyria, to wit, Nimrod, Belus and the like, that by mere force and guile gat rule over others, and the old kings of Egypt and Babylon, and those of the Roman Emperors that by violence of soldiers only gat into the royal seat, and all such as at this day do get by force to reign among the Turks, among these (I say) it is no marvel though few conditions of just dealing may be expected, though I doubt not but yet to their followers and advancers these men also do make large promises of good government at the beginning, as all ambitious men are wont to do, though with little intention of performance.

But in all good and well ordered commonwealths where matters pass by reason, conscience, wisdom and consultation, and especially since Christian religion hath prevailed & given perfection to that natural light which moral good men had before in matters of government, since that time (I say) this point of mutual and reciprocal oaths between princes and subjects at the day of their coronation or

[p. 84]

MN: The manner of admitting Greek Emperors at their coronation

admission (for all are not crowned) have been much more established, made clear and put in ure. And this form of agreement and convention between the commonwealth and their Christian head or king hath been reduced to a more sacred and religious kind of union and concord than before, for that the whole action hath been done by bishops and ecclesiastical prelates, and the astipulation and promises made on both sides have passed and been given, received and registered with great reverence in sacred places and with great solemnity of religious ceremonies, which before were not so much used, though always there were some. And therefore our examples at this time shall be only of Christian commonwealths, for that they are more peculiarly to our purpose, as you will confess.

First, then, to begin with the East or Greek Emperors of Constantinople as the most anicient [sic for 'ancient'] among other, for that after the Empire once translated from Rome to Constantinople by our Constantine the Great, and the first Christian Emperor that ever did publicly show himself for such, these Greek Emperors were the most eminent princes of all Christianity, among whom I do find that albeit their coming to the

crown were nothing so orderly for the most part as at this day it is used, but many times the means thereof were turbulent and seditious, yet find I (as I say) that above a thousand years gone they were wont to have

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MN: Zonar. [Johannes Zonaras] tom. 3. Annal. in vita Anastas. Niceph. 1. 16. cap. 29, Euagr. 1. 2. cap. 32

an oath exacted at their hands by the Patriarch of Constantinople, who was their chief prelate, for thus writeth Zonaras of the coronation of Anastatius [=Anastasius] the First that succeeded Zeno about the year of Christ 524, *Antequam coronaretur, fidei confessionem scriptam, qua polliceretur, se in dogmatibus Ecclesiasticis nihil esse nouaturum, ab eo exegit patriarcha Euphemius vir sanctus & orthodoxus*, the Patriarch Euphemius, being a holy and catholic man, required of Anastatius, elected Emperor, before he was crowned, a confession in writing wherein he should promise to change or innovate nothing in matters pertaining to the doctrine of the church. Thus much Zonaras, & the same have Nicephorus, Evagrius & others.

And not only this, but divers other conditions also doth the same author insinuate that this Anastatius promised at his coronation before he could be crowned, as among other things the taking away of certain tributes and impositions, the giving of offices without money, and other like points appertaining to reformation and good government, which he performed for a time in the beginning of his government, but after fell into the heresies of the Eutichians [=Eutychians], & banished this same good Patriarch [=Patriarch] Euphemius that had crowned him, & he thrived [+not?] thereafter for that he was slain by a thunderbolt from heaven after he had reigned 27 years, and was accounted for a very wicked man by all writers for that he had broken (as they said) the conditions, *quas graui iuramento*

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MN: Vbi supt.

MN: The Grecian Emperor's oath

MN: Zon. Tom. 3. in vita Mich. An. 820

*scriptis relato confirmasset*, that is to say, the conditions which he had confirmed & avowed with a grave oath, as saith Evagrius.

The like I read about 300 years after recorded by the same author of the Emperor Michael the First in these words, *Michael vbi diluxit, magnam ecclesiam ingressus, a Patriarcha Nicephoro imperatorio diademate est ornatus, postulato prius scripto, quo promitteret, se nulla ecclesiae institutae violaturum, neque christianorum sanguine manus contaminaturum*, which is, Michel [sic for 'Michael'], new chosen Emperor, came early in the morning into the great church of Constantinople, and was crowned there with the imperial crown by the hands of Nicephorus the Patriarch [=Patriarch], but yet so as he was first required to swear and promise by writing that he would not violate the ordinances of the church, nor contaminate his hands with Christian blood, which in effect is as much to

say as that he should reign godly & justly. And many other such examples might be alleged, but by this it is easy to see what was the fashion of admitting and crowning those Grecian Emperors by their patriarchs in the name of all the commonwealth, which commonwealth was not satisfied with an oath except also it were set down in writing.

And if we pass to the Latin & West Empire which about this very time was restored by Zachary the Pope and by the whole commonwealth of Rome (as before hath been showed, and was given to Charles the Great and his

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MN: Saxo. Gram. li. 10., Cranzius [=Albert Krantz] lib. 3. metrop. [=Metropolis] c. 12.

MN: The crowning of Oth the First

posterity), we shall find that this point is more settled and more inviolably kept yet in this empire than in the other, for albeit that this Empire of the West went by succession for the most part at the beginning until afterwards it was appointed by Pope Gregory the Fifth to pass by the election of certain princes in Germany that now enjoy that privilege to be electors, yet shall we see always that they even before this constitution, when this dignity went by succession, were never admitted to the same without this circumstance of swearing to conditions of righteous government, the form and manner of which admission, for that I find it set down more perfectly and particularly in the coronation of Otho [=Otto] the First than of any other Emperor, and that by many authors, and that this Otho was son and heir unto the famous Emperor Henry the First of that name, Duke of Saxony, surnamed the Falconer for the great delight he had in the flight [=sic for 'flight?'] of falcons, for these causes I mean to begin with the coronation of this man before any other.

This Otho, then, son (as I have said) to Henry the First, though being his eldest son he were also his heir, and so named by Henry himself to the inheritance of the said crown of Germany, yet was he not admitted thereunto until he had made his oath and received his new approbation by the people, for so the story saith that the Archbishop of Moguntia [=Mainz] (who is the chief primate of all Germany),

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MN: Whitinchindus [=Widukind of Corvey] gest. Saxon. [=Res Gestae Saxonicae] lib. I

MN: Ensigns of the Empire

MN: Witichin l. 2

MN: Vbi supra

bringing him to the altar where he must swear, said these words unto the people, Behold I bring you here Otho, chosen by God & appointed out by his father, Henry, our Lord, and now made King by all the princes of this empire; if this election please you, do you signify the same by holding up your hands to heaven. Thus far are the words of the historiographer, and then he addeth that all held up their hands, and thereupon the said Archbishop turned about to the altar where lay all the ornaments and ensigns of the Empire, as the sword with the girdle, the cloak with the bracelets, the staff with the

sceptre and diadem, every one whereof the Archbishop put upon the Emperor, telling him the signification of each thing and what it did bind him unto, as for example when he put the sword about him he said, *Accipe hunc gladium quo ijcias omnes Christi aduersarios & malos christianos, autoritate diuina per Episcopos tibi tradita*, which is, take unto thee this sword whereby thou mayest cast out and drive away all the enemies of Christ, whether they be barbarous infidels or evil Christians, and this by the authority of God delivered unto thee by us that are bishops.

And thus he did with all other ornaments and ensigns, telling the signification and obligation of every one, and taking the Emperor's promise to perform all.

And after all, the historiographer concludeth thus, *Rex perfufus [sic for 'perfusus'] oleo sancto, coronatur diademate aureo, ab Episcopis & ab eisdem ad solium regale ducitur*

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MN: Election

MN: German electors

MN: Blend. decad. 2. li. 3, Crant. [=Albert Krantz] l. 4. cap. 25

& *in eo collocatur*, that is, the King, being anointed with holy oil, was crowned by the bishops, and by the same was brought to the royal seat, and therein placed. This happened about the year of Christ 940, and the ceremony is recounted more amply in this man's coronation than in any other, both for that he was a very noble prince, and the very first of the German nation that was lawfully and orderly preferred to the imperial seat after that it passed from the children of Charles the Great, and there be divers points worthy the noting in this example, and among other that albeit he were lawful King and Emperor by succession, as also by appointment of his father, yet was he chosen and admitted again by the princes and people, & that he swore to fulfill all those points and conditions which the signification of the imperial ornaments did bind him unto.

After this about 60 years or more Pope Gregory the 5 in a synod holden in Rome did by the consent of Otho the Third, Emperor and nephew [=grandson] unto this other Otho of whom we have now treated, appoint a certain form of election for the time to come of the German Emperor, to wit, that he should be chosen by six princes of Germany, three ecclesiastical, which are the Archbishop of Moguntia [=Mainz], Colen [=Cologne] & Treuires [=Trier], & three temporal Lords, to wit, the Duke of Saxony, the Count Palatine of Rhene [=Rhine], and the Marquis of Brandeburge [=Brandenburg], and when these six voices should happen to be

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MN: Sleyd. li. I histor. An. 1519

MN: The manner of the Emperor's coronation at this day

MN: Sleyd. vbi supra

equally divided, then that the Duke of Boemia [=Bohemia] (for then it was no kingdom) should have place also to determine the election, all which was determined in the year of

Christ 996 in Rome, and approved afterward by all the princes of Germany, and allowed by all other Christian princes and states of the world, and so endureth unto this day. And among all other points, this of his coronation and his oath to be taken for his well government was and is most exactly set down & recorded by many historiographers of that time and since, but I shall allege them only out of John Sleydan, as the most convenient author for this our time and purpose.

First of all, then, he writeth that after any man is chosen Emperor he is to be called only Caesar, and the King of the Romans, and not Emperor until he be crowned, and the conditions which he sweareth unto presently after his election, *are to defend the Christian and Catholic religion, to defend the Pope and Church of Rome, whose advocate he is, to minister justice equally to all, to follow peace, to keep and observe all laws, rights and privileges of the Empire, not to alienate or engage the possessions of the Empire, to condemn no man without hearing his cause, but to suffer the course of law to have his place in all and whatsoever he shall do; otherwise, that it be void and of no validity at all.*

Unto all these articles he sweareth first by his legates, & then he giveth a copy of his oath in writing to every one of the six electors, and

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MN: Interrogatories to the Emperor

MN: Imperial ornaments

MN: Second oath

after this he goeth to the city of Aquis-gran [=Aachen] to be crowned in the great church, where about the middle of the Mass the Archbishop of Cologne goeth unto him in the presence of all the people and asketh *whether he be ready to swear and promise to observe the Catholic religion, defend the Church, minister justice, protect the widows and fatherless, and yield dutiful honour and obedience to the Pope of Rome*, whereunto he answering that he is ready to do all this, the Archbishop leadeth him to the high altar where he sweareth in express words all these articles, which being done, the said Archbishop, turning himself to the princes of the Empire and people there present, *doth ask them whether they be content to swear obedience and fealty unto him, who answering yea*, he is anointed by the said Archbishop before the altar, and then do come the other two Archbishops of Moguntia and Treueris, and do lead him into the vestry, where certain deacons are ready to apparel him in his robes, and do set him in a chair, upon whom the Archbishop of Cologne saith certain prayers, and then delivereth him a sword drawn, and putteth a ring upon his finger, and giveth him a sceptre in his hand, & then all the three Archbishops together do put on the crown upon his head, and leading him so crowned and apparelled unto the high altar again, he sweareth the second time *that he will do the part of a good, Christian and Catholic Emperor*, which being ended, he is brought back and placed in the imperial seat & throne,

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MN: To be noted

MN: The manner of coronation in Polonia

MN: Alex Guaguinrerum Polon. Tom. I. & Oricho in Chimer. fol. 80(?). & 106

where all the princes of the empire do swear obedience and faith unto him, beginning with the three Archbishops, and continuing on with the three other electors, and so all the rest in order, which is a notable and majestic manner of admitting and authorizing of a prince, as you see, and it is to be marked among other things that the Emperor sweareth three times, once by his deputies and twice by himself, before his subjects swear once unto him, and yet will Belloy, as you have heard, needs have subjects only bound to their princes, and the prince nothing at all bound to them again.

In Polonia, which being first a dukedom was made a kingdom about the same time that this form of electing of the German Emperor was prescribed, the manner of coronation of their kings is in substance the very same that we have declared to be of the Emperor. For first of all the Archbishop of Guesua [=Gniezno], metropolitan of all Polonia, cometh to the King standing before the high altar, and saith unto him these words, *Whereas you are, right noble prince, to receive at our hands this day, who are (though unworthily) in place of Christ for execution of this function, the sacred anointing and other ceremonies, ensigns and ornaments appertaining to the kings of this land, it shall be well that we admonish you in a few words what the charge importeth which you are to take upon you etc.*

Thus he beginneth, and after this he declareth unto him for what end he is made king,

[p. 93, misnumbered 39]

MN: The King of Poland's oath

MN: Bodin [=Jean Bodin] de rep. [=Les Six Livres de la Republique] l. 2. c. 9

MN: The admission of Kings in Spain

what the obligation of that place and dignity bindeth him unto, and unto what points he must swear, what do signify the sword, the ring, the sceptre and the crown that he is to receive, and at the delivery of each of these things he maketh both a short exhortation unto him and prayer unto God for him. And the King's oath is in these words, *Promitto coram Deo & angelis eius*, I do promise and swear before God and his angels that I will do law and justice to all, and keep the peace of Christ his church and the union of his Catholic faith, and will do and cause to be done due and canonical honour unto the bishops of this land and to the rest of the clergy, and if (which God forbid) I should break my oath, I am content that the inhabitants of this kingdom shall owe no duty or obedience unto me, as God shall help me and God's holy Gospels.

After this oath made by the King and received by the subjects, the Lord Marshal General of the whole kingdom doth ask with a loud voice of all the councillors, nobility & people there present *whether they be content to submit themselves unto this King or no*, who answering yea, the archbishop doth end the residue of the ceremonies, & doth place him in the royal throne, where all his subjects do homage unto him. And this for Polonia.

In Spain I do find that the manner of admitting their kings was different and not the same before and after the destruction thereof

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MN: Amb. Morales [=Ambrosio de Morales] li. 11. c. 17 hist. Hisp. praefat. eiusdem concilij

MN: The humility of King Sissinandus

MN: Concil. Tol. 4. c. 74

by the Moors, but yet that in both times their kings did swear in effect the selfsame points which before have been mentioned in other kingdoms. For first, before the entering of the Moors, when Spain remained yet one general monarchy under the Goths, it is recorded in the Fourth National Council of Toledo, which was holden the year of Our Lord 633 according to Ambrosio Morales, the most learned & diligent historiographer of Spain (though other do appoint it some few years after), in this Council (I say) it is said that their new King, Sissinandus, (who had expelled Suintila, their former King, for his evil government), this King Sissinandus, I say, coming into the said Council in the third year of his reign accompanied [sic for 'accompanied'] with a most magnificent number of nobles that waited on him, did fall down prostrate upon the ground before the archbishops and bishops there gathered together, which were 70 in number, and desired them with tears to pray for him, and to determine in that Council that which should be needful and most convenient both for maintaining of God's religion, and also for upholding and prospering the whole commonwealth, whereupon those fathers, after matters of religion and reformation of manners which they handled in 73 chapters, in the end and last chapter they come to handle matters of estate also. And first of all they do confirm the deposition of King Suintila, together with his wife, brother and

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MN: Ambros. Maral. l. 11(?) cap. 17

MN: Cap. 74

MN: Conditions of reigning in Spain

children, and all for his great wickedness, which in the Council is recounted, and they do deprive them not only of all title to the crown, but also of all other goods and possessions, movables & immovables, saving only that which the new King's mercy should bestow upon them, and in this Council was present and subscribed first of all other St Isidorus, Archbishop of Seville, who, writing his history of Spain, dedicated the same unto this King Sissinandus, [=Sisenand] and speaketh infinite good in the same of the virtues of King Suintila that was now deposed and condemned in this said Council, whereby it is to [+be?] presumed that he had changed much his life afterward, and became so wicked a man as here is reported.

After this, the Council confirmeth the title of Sissinandus, and maketh decrees for the defence thereof, but yet insinuateth what points he was bound unto and whereunto he had sworn when they said unto him, *Te quoque praesentem regem ac futuros aetatum sequentium principes &c.*, We do require you, that are our present King, and all other our

princes that shall follow hereafter, with the humility which is convenient, that you be meek & moderate towards your subjects, and that you govern your people in justice and piety, and that none of you do give sentence alone against any man in cause of life and death but with the consent of your public council and with those that be governors in matters of judgment. And against all kings that are to come, we do promulgate

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MN: Ambros. Moral. l. 11. cap. 23 & 24

MN: Concil. 5. cap. 2. 3. 4. 5. & conc. 6. cap. 16. 17. 18

this sentence, that if any of them shall, against the reverence of our laws, exercise cruel authority with proud domination and kingly pomp, only following their own concupiscence in wickedness, that they are condemned by Christ with the sentence of excommunication, and have their separation both from him and us to everlasting judgment. And this much of that Council.

But in the next two years after the end of this Council, King Sissinandus being now dead, and one Chintilla [=Chintila] made King in his place, there were other two Councils gathered in Toledo, the first whereof was but provincial, and the second national, and they are named by the names of the Fifth and Sixth Councils of Toledo. In the which Councils, according to the manner of the Goths (who being once converted from the Arian heresy were very catholic and devout ever after, and governed themselves most by their clergy), and not only matters of religion were handled, but also of state and of the commonwealth, especially about the succession to the crown, safety of the prince, provision for his children, friends, officers and favourites after his death, and against such as without election or approbation of the commonwealth did aspire to the same, all these points, I say, were determined in these Councils, and among other points a very severe decree was made in the Sixth Council concerning the King's oath at his admission in these words,

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MN: Concil. Td. 6. c. 3

MN: The King of Spain's oath at his admission

MN: Ambros. Moral. lib. I. cap. 23

MN: The destruction of Spain

MN: The beginning of the restitution of Spain

MN: Ambros. Moral. li. 13. c. I. & 2 de la Chron. de Esp.

*Consonam vno corde & ore promulgamus Deo placituram sententiam*, We do promulgate with one heart and mouth this sentence agreeable & pleasing unto God, and do decree the same with the consent and deliberation of the nobles and peers of this realm, that whosoever in time to come shall be advanced to the honour and preferment of this kingdom, he shall not be placed in the royal seat until among other conditions he have promised by the sacrament of an oath that he will suffer no man to break the catholic faith etc. Thus far that synod or Council. By which words especially those [sic?] (among other conditions) is made evident that those princes swear not only to keep the faith, but

also such other conditions of good government as were touched before in the Fourth Council, and these things were determined while their King Chintilla was present in Toledo, as Ambrosio Morales noteth. And thus much of Spain before the entrance of the Moors and before the dividing thereof into many kingdoms, which happened about a hundred years after this, to wit, in the year of Our Saviour 713 and 714.

But after the Moors had gained all Spain and divided it between them into divers kingdoms, yet God provided that within four or five years the Christians that were left and fled to the mountains of Asturias & Biscay found a certain young prince named Don Pelayo of the ancient blood of the Gothish [=Gothish] kings, who was

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MN: Kingdoms in Spain

MN: The Gothish law of Don Pelayo, King of Spain

MN: Ambros. Moral. li. 13. cap. 2

also fled thither, and miraculously saved from the enemies, whom they chose straightways to be their King, and he began presently the recovery of Spain, and was called first King of Asturias, and afterward of Leon, and after his successors gat to be Kings also of Castilia, and then of Toledo, and then of Aragon, Barcelona, Valencia, Murcia, Cartagena, Jaen, Cordua [=Cordoba], Granado [=Granada], Seville, Portugal and Navarra [=Navarre], all which were different kingdoms at that time, so made by the Moors, as hath been said. And all these kingdoms were gained again by little and little in more than 7 hundred years' space, which were lost in less than two years, and they never came again indeed into one monarchy as they were under Don Rodrigo, their last King that lost the whole, until the year of Our Lord 1582, when Don Philip, now King of Spain, reunited again unto that crown the kingdom of Portugal, which was the last piece that remained separated, and this was almost 900 years after Spain was first lost.

But now to our purpose. The chronicler of Spain named Ambrosio Morales doth record in his chronicle a certain law written in the Gothish tongue, and left since the time of this Don Pelayo, the first King after the unifersal [sic for 'universal'] destruction of Spain, and the title of the law is this, *Como se an de leuantar Rey en Espana, y como el ha de Jurar los fueros*, that is to say, How men must make their king in Spain, and how he must swear to the privileges and liberties of

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MN: Lucas Episcop. Tuyens. [=Lucas, Bishop of Tuy] in histor. Hispan. Lodou de molin(?). lib. de hered.

MN: The old Spanish ceremonies in making their King

that nation, and then he putteth the articles of the law, whereof the first saith thus, *Before all things it is established for a law, liberty and privilege of Spain that the king is to be placed by voices and consent perpetually, and this to the intent that no evil king may enter without consent of the people, seeing they are to give co [sic for 'to'] him that*

*which with their blood and labours they have gained of the Moors.* Thus far goeth this first article, which is the more to be marked for that divers, and those most ancient Spanish authors, do say that from this Don Pelayo the succession of kings descended ever by propinquity of blood, and yet we see that election was joined therewithal in express terms.

The second part of the law containeth the manner of ceremonies used in those old days at the admission of their kings, which is expressed in these words, Let the king be chosen & admitted in the metropolitan city of this kingdom, or at leastwise in some cathedral church, and the night before he is exalted let him watch all night in the church, and the next day let him hear Mass, and let him offer at Mass a piece of scarlet and some of his own money, and after let him communicate, and when they come to lift him up, let him step upon a buckler or target, and let the chief and principal men there present hold the target, and so lifting him up, let them and the people cry three times, as hard as they can, *Real, Real, Real.* Then let the King command some of his own money

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MN: The present manner of Spain

to be cast among the people to the quantity of a hundred shillings, and to the end he may give all men to understand that no man now is above him, let himself tie on his own sword in the form of a cross, & let no knight or other man bear a sword that day but only the king.

This was the old fashion of making kings in Spain, which in effect and substance remaineth still, though the manner thereof be somewhat altered, for that the Spanish kings be not crowned, but have another ceremony for their admission equal to coronation which is performed by the Archbishop of Toledo, Primate of all Spain, as the other coronations before-mentioned are by the Archbishop of Moguntia to the Emperor, and by the Archbishop of Guesna [=Gniezno] to the King of Polonia, and by the Archbishop of Praga [=Prague] to the King of Boemia, and by the Archbishop of Braga to the King of Portugal, and by the Archbishop of Canterbury to the King of England, and by the Archbishop of Rheims to the King of France, of which realm of France we may not omit to say somewhat in particular seeing it is so goodly a kingdom and so near to England, not only in situation but also in laws, manners & customs, and as the race of English kings have come from them in divers manners since the Conquest, so may it be also supposed that the principal ceremonies and circumstances of this action of coronation hath been received in like manner from them.

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MN: The manner of French coronation

MN: The old ceremonies

MN: Belfor. l. 3. c. 20, Theuet. [=Andre Thevet] cosmograph. vniuers. [=La Cosmographie Universelle] l. 15. cap. 2., Papir. masson. [=Jean Papire Masson] annal.[=Anualium Libri Quatuor] l. 3. pag 2. 15.

MN: Gerand [sic for 'Girard'] l. 3. delib. estat. fol. 238

First, then, touching the act of coronation and admission of the King of France, even as before I have said of Spain, so also in this kingdom do I find two manners of that action, the one more ancient, which the French do say hath endured in substance from their first Christian king named Clodoveus [=Clovis] unto this day, which is about eleven hundred years for that Clodoveus was christened the year of Our Lord 490 in the city of Rheims by St Remigius, bishop of that city, and anointed also and crowned King by the same bishop, which manner and order of anointing and coronation endured after for about 6 hundred years unto the time of Henry the First & King Philip the First, his son, both Kings of France. At what time (which is about 500 years ago) both the chroniclers and cosmographers of France do testify that there was a peculiar book in the library of the church of Beavais [=Beauvais] containing the particular order of this action which had endured from Clodoveus unto that time. Which order, for so much as toucheth the solemnity of officers in the coronation and other like circumstances, was far different at that time from that which is now, for that in those days there were no peers of France appointed to assist the same coronation, which now are the chief and the greatest part of that solemnity. Yea, Girard du Haillan, Secretary of France, in his third book of the affairs and state of that kingdom, saith that the ceremonies of crowning

[p. 102, misnumbered 202]

MN: Francis Belfor. hist. fran. [=Grandes Annales et Histoire Generale de France?] lib. 3. c. 20 in vita Philip. I

MN: The coronation of King Philip the First

MN: The speech of the father

their old kings were much after the fashion which I have noted a little before in this very chapter out of the law of Don Pelayo, first King of Spain after the Moors, for that they were lifted up and carried about upon a target by the chief subjects there present as the Spaniards were.

But as touching the principal point of that action, which is the substance of admitting the king unto his royal authority, and oath by him made of governing well and justly, and of the reciprocal oath of obedience made to him again by his subjects, it was not much different from that which now is, as shall appear by the coronation of the foresaid Philip the First, who was crowned in the life and presence of his father, King Henry, after the fashion then used, in the year of Christ 1059, and it was in manner following, as Nangis [=Guillaume de Nangis] and Tillet [=Jean du Tillet], both authors of great authority among the French, do recount it, and Francis Belleforest out of them both repeateth the same at large in these words following:

King Henry the First of this name, seeing himself very old and feeble, made an assembly of all the states of France in the city of Paris in the year of Christ 1059, where bringing in his young son and heir, Philip, that was but 9 years of age, before them all he said as followeth:

Hitherto, my dear friends and subjects, I have been the head of your nobility & men-at-arms,

[p. 103, misnumbered 203]

MN: Notes upon the King's speeches

but now by mine age and disposition of body I do well perceive that ere it be long I must be separated from you, and therefore I do desire you that if ever you have loved me, you show it now in giving your consent and approbation that this, my son, may be admitted for your king, and apparelled with the royal ornaments of this crown of France, and that you will swear fealty unto him, and do him homage.

Thus said the King, and then having asked every one of the assistance in particular for his consent apart, and afterwards the whole assembly in general whether they would swear obedience to him or no, and finding all to promise with a good will, he passed over the feast of the Ascension with great joy in Paris, and after went to Rheims with all the court and train to celebrate the coronation upon the feast of Whit Sunday.

Thus far are the words of William de Nangis alleged in the story of France by Belleforest, and it is to be nored [sic for 'noted'] first how the King did request the nobility & people to admit his son, and secondly, how he did ask their consents apart, for that these two points do evidently confirm that which I said at the beginning that only succession is not sufficient, but that coronation ever requireth a new consent, which also includeth a certain election or new approbation of the subjects.

This is proved also most manifestly by the very order of coronation which ensueth in

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MN: Memoires du Tillet e. du sacre des Roys

MN: The particular manner of coronation

MN: Profession of faith

MN: The oath of the King of France

Belleforest, taken word for word out of Tillet [=Jean du Tillet?] in his treatise of Recordes in the chapter of anointing the Kings of France in these words:

In the year of grace 1059 and 32 of the reign of King Henry the First of this name of France, and in the 4 year of the seat and bishopric of Gervays [=Gervais], Archbishop of Rheims, and in the 23 day of May, being Whit Sunday, King Philip the First was anointed by the said Archbishop Gervays in the great church of Rheims before the altar of Our Lady with the order & ceremony that ensueth.

The Mass being begun, when it came to the reading of the epistle, the said Lord Archbishop, turning about to Philip, the prince, that was there present, declared unto him what was the Catholic faith, and asked him whether he did believe it & whether he would defend it against all persons whatsoever, who affirming that he would, his oath was

brought unto him whereunto he must swear, which he took and read with a loud voice, and signed it with his own hand, and the words of the oath were these:

*Le Philippe par le grace de Dieu prochain d'estre ordonne Roy de France, promets au iour de mon sacre deuant Dieu & ses sanctes, &c.*, that is, in English (for I will not repeat all the oath in French seeing it is somewhat long), I, Philip, by the grace of God near to be ordained King of France, do promise in this day of my anointing before Almighty God and all his saints that I will conserve

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MN: Belfor. 1. 3. cap. 20

unto you that are ecclesiastical prelates all canonical privileges and all law and justice due unto every one of you, and I will defend you by the help of God so much as shall lie in my power, and as every king ought to do, and as by right and equity he is bound to defend every bishop and church to him committed within his realm, and furthermore I shall administer justice unto all people given me in charge, and shall preserve unto them the defence of laws and equity appertaining unto them so far-forth as shall lie in my authority, so God shall help me, and his holy evangelists.

This oath was read by the King holding his hands between the hands of the Archbishop of Rheims, and the Bishop of Syen and Bisanson [=Besancon?], legates of the Pope standing by with a very great number of other bishops of the realm. And the said Archbishop, taking the cross of St Remigius in his hands, he showed first unto all the audience the ancient authority which the Archbishops of Rheims had even from time of St Remigius, that baptized their first Christian king, Clodoveus, to anoint & crown the Kings of France, which he said was confirmed unto them by privilege of the Pope Hormisda [=Hormisdas] that lived in the year of Christ 516, and after also by Pope Victor, and this being done, he then (by licence first asked of King Henry, the father, there present), did choose Philip for King. *Il esleut le dit Philippe son fils, en, & pour Roy de France*, which is, word for word, the Archbishop chose

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MN: The people's election and admission

MN: The later order of coronation in France

the said Philip, King Henry's son, in and for King of France, which the legates of the Pope presently confirmed, and all the bishops, abbots and clergy, with the nobility & people in their order, did the like, crying out three times in these words, *Nous le approuoans(?)*, *nous le voulons*, *soit fait nostre Roy*, that is, We approve his election, we will have him, let him be made our King, & presently was sung *Te Deum laudamus* in the choir, and the rest of the ceremonies of anointing and coronation were done according to the ancient order of this solemnity used in the time of King Philip's predecessors, Kings of France.

Thus far do French stories recount the old & ancient manner of anointing and crowning their Kings of France, which had endured, as I have said, for almost 600 years, that is to say, from Clodoveus unto this King Philip the First, who was crowned in France 7 years before our William Conqueror (who also was present at this coronation, & had the third place among the temporal princes as Duke of Normandy) entered into England, but after this time the manner and ceremonies was somewhat altered, and made more majestic in outward show, & this especially by King Lewis, surnamed the Younger, nephew to the foresaid King Philip, who leaving the substance of the action as it was before, caused divers external additions of honour and majesty to be adjoined thereunto, especially for the coronation of his son,

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MN: The 12 peers of France & their offices in the coronation

MN: Temporal peers

MN: To be noted

Philip the Second, surnamed Augustus, whom he caused also to be crowned in his days as his grandfather Philip had been, and as himself had been also in his father's days.

This man, among other royal ceremonies, ordained the offices of the twelve peers of France, 6 ecclesiastical and 6 temporal, who are they which ever since have had the chiefest places and offices in this great action, for that the foresaid Archbishop of Rheims, intituled also Duke of Rheims, hath the first and highest place of all others, and anointeth & crowneth the King; the Bishop & Duke of Laon beareth the glass of sacred oil; the Bishop & Duke of Langres the cross; the Bishop and Earl of Beauvais the mantle royal; the Bishop & Earl of Noyon the King's girdle; and last of all, the Bishop and Earl of Chalons doth carry the ring, and these are the six ecclesiastical peers of France with their offices in the coronation.

The temporal peers are the Duke of Burgundy, dean of the order, who in this day of coronation holdeth the crown; the Duke of Gascony & Guyenne, the first banner quartered; the Duke of Normandy, the 2 banner quartered; the Earl of Tholosa [=Toulouse?], the golden spurs; the Earl of Champanie [=Champagne], the banner royal or standard of war, and the Earl of Flanders the sword royal, so as there are 3 Dukes & 3 Earls in every one of both ranks of spiritual & temporal Lords. And as Girard noteth, the King is apparelled on this day 3 times and in 3 several

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MN: Girard du Haillan li. 3 de l'estat. pag. 240. 242. & 258

MN: The ceremonies used at this day

MN: Francis Belf. in vita Augustus

MN: The coronation of Philip. 2. Augustus

sorts, the first as a priest, the second as a king and martyr, the third as a judge, and finally he saith that this solemnity of anointing and crowning the King of France is the most magnificent, gorgeous and majestic thing that may be seen in the world, for which he

referreth us not only to the particular coronations of these two ancient King Philips, the First & Second, but also to the late coronation of Henry the Second, father to the last Kings of France, which is also in print, and indeed is a very goodly and most notable thing to be read, though indeed much more to be seen.

But to say a word or two more of Philip Augustus before I pass any further, which happened in the year 1179 and in the 25 of the reign of our King Henry the 2 of England, who as the French stories say was present also at this coronation, and had his rank among the peers as Duke of Normandy, and held the King's crown in his hand, & one of his sons had his rank also as Duke of Gascony, & the form used in this coronation was the very same which is used at this day in the admission of the Kings of France, in recounting whereof I will let pass all the particular ceremonies which are largely to be read in Francis Belleforest in the place before-mentioned, and I will repeat only the King's oath, which the said author recounteth in these words.

The Archbishop of Rheims, being vested in his pontifical attire, and come to the altar to

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MN: The oath of the French King used at this day

begin Mass (where the King also was upon a high seat placed), he turned to him and said these words in the name of all the clergy and churches of France, Sire, that which we require at your hands this day is that you promise unto us that you will keep all canonical privileges, law and justice due to be kept [sic for 'kept] & defended as a good king is bound to do in his realm, and to every bishop and church to him committed, whereunto the King answered, *I do promise and avow to every one of you and to every church to you committed that I will keep and maintain all canonical privileges, law and justice due to every man to the uttermost of my power, and by God's help shall defend you as a good King is bound to do in his realm.* This being done, the King did swear and make his oath, laying his hands upon the Gospel, in these words following, *Au nom de Iesus Christ, ie iure & promets au peuple christien a moy suiect ces choses, &c.*, which is in English, In the name of Jesus Christ I do swear and promise to all Christian people subject unto me these points ensuing, first, to procure that all my subjects be kept in the union of the church, and I will defend them from all excess, rapine, extortion and iniquity; secondly, I will take order that in all judgments justice shall be kept with equity and mercy, to the end that God of his mercy may conserve unto me, with you, my people, his holy grace and mercy. Thirdly, I shall endeavor as much as possibly shall lie in me to chase and drive out of my realm and all my dominions all

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MN: The Archbishop's blessing & speech to the new King

such as the church hath or shall declare for heretics, as God shall help me and his holy Gospels. Thus sweareth the King, and then kisseth the Gospels, and mediately is sung *Te Deum laudamus*, and after that are said many particular prayers by the Archbishop, and then is the King vested, and the ring, sceptre, crown and other kingly ornaments and

ensigns are brought & put upon him, with declaration first what they signify, & then particular prayers are made to God that their signification may be by the King fulfilled.

And after all ended, the Archbishop with the bishops do bless him, and say these words unto him, *God, which reigneth in heaven and governeth all kingdoms, bless you etc. Be you stable and constant, and hold your place and right from henceforth which here is committed and laid upon you by the authority of Almighty God and by this present tradition and delivery which we, the bishops and other servants of God do make unto you of the same, and remember you in place convenient to bear so much more respect & reverence unto the clergy by how much nearer than other men you have seen them to approach to God's altar, to the end that Jesus Christ, mediator of God and man, may confirm and maintain you by the clergy and people in this your royal seat and throne, who, being Lord of Lords and King of Kings, make you reign with him and his Father in the life and glory everlasting.*

Thus saith the Archbishop unto him, and after this he is led by him and the other peers

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MN: The manner of coronations taken from France

MN: I. Reg. 10. & 16., 3. Reg. 2.

MN: 2. Reg. I

unto the seat royal, where the crown is put upon his head, and many other large ceremonies used which may be read in the author aforesaid, and are too long for this place. And yet have I been the larger in this matter of France for that I do not think it to be improbable which this author and others do note, to wit, that most nations round about have taken their particular forms of anointing and crowning their kings from this ancient custom of France, though the substance thereof, I mean of their sacring and anointing, be deduced from examples of far more antiquity, to wit, from the very first kings among the people of Israel, whom God caused to be anointed by his priests and prophets in token of his election and as a singular privilege of honour and pre-eminence unto them, whereof King David made so great account when he said to the soldier that had killed Saul, his enemy, in the war, *Quare non timuisti mittere manum tuam in Christum Domini*, Why didst thou not fear to lay thy hands upon the anointed of God? And he put him to death for it, notwithstanding that Saul had been long before deposed and rejected by God, and that himself had lawfully borne arms against him for many days, so much was that ceremony of anointing esteemed in those days, & so hath it been ever since among Christian people also, for that kings hereby are made sacred, and do not only participate with priests, but also with Christ himself, who hath his name of this

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MN: The holy oil of Rheims

MN: Belfo. l. 3. cap. 57

MN: Esteuan. Garribay. lib. 22. c. I

circumstance of anointing, as all the world knoweth.

Probable then I say it is that albeit the substance of this ceremony of anointing kings be much elder than the Christian kingdom of France, yet is this particular and majestic manner of doing the same by way of coronation the most ancient in France above all other kingdoms round about, especially if it began with their first Christian King, Clodoveus, not full 500 years after Christ, as French authors do hold. At what time also they recount a great miracle of holy oil sent from heaven by an angel for anointing Clodoveus, whereof they say they have still remaining for the anointing of their kings at Rheims, which point I will not stand to treat or discourse in this place, but rather will refer my reader to the foresaid chapter of Francis Belleforest, chronicler of France, who allegeth divers writers of almost 500 years' antiquity that write of the same, but howsoever that be, very probable it seemeth that all the ceremonies of coronation in Germany & Polonia before recited (which had their beginning long after the reign of Clodoveus) might be taken from thence, and so the affinity and likeness of the one to the other doth seem to agree, and Garibay also, the chronicler of Spain and of Navarra [=Navarre], in his 22 book, talking of this custom of anointing and crowning the Kings of Navarra, saith that this excellent custom began there (I mean in Navarra) above 800 years

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MN: Kings crowned in Navarra and not in Spain

MN: The English coronation taken from he [sic for 'the'] French

MN: Le Sacre des Roys

past, and was brought in by certain Earls of Champagne of France named Theobalds, who coming to attain that crown, brought with them that reverent ceremony of anointing & crowning their kings according to the use of the French, which custom endureth until this day in that part of Navarra that is under the house of Vandome [=Vendome], albeit in the other that is under the Spaniards (which is far the greater) it was left off in the year 1513 when Ferdinand, surnamed the Catholic, King of Spain, entered thereupon, for that the Spanish Kings are never anointed nor crowned, but otherwise admitted by the commonwealth, as before I have declared.

But among all other kingdoms it seemeth that England hath most particularly taken this custom and ceremony from France, not only for the reason before alleged that divers of our English Kings have come out of France, as William Conqueror, born in Normandy, King Stephen, son to the Earl of Blois and Boulogne, a Frenchman, and King Henry the Second, born likewise in France and son to the Earl of Anjou, but also for that in very deed the thing itself is all one in both nations, and albeit I have not seen any particular book of this action in England as in French there is, yet it is easy to gather by stories what is used in England about this affair.

For first of all, that the Archbishop of Canterbury doth ordinarily do thes [sic] ceremony in England,

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MN: Polydore lib. 23. Historia Angliae in vita Henrici

MN: In vita D. Thom. Cantuar. apud furium(?) in mense Decembris

as the Archbishop of Rheims doth it in France, there is no doubt, & with the same solemnity and honour according to the condition and state of our country, and Polydore Virgil in his story noteth that Pope Alexander did interdict and suspend the Archbishop of York with his two assistants, the Bishops of London & Salisbury, for that in the absence of Thomas Becket, Archbishop of Canterbury, and without his licence, they did crown King Henry the Second's son, named also Henry, at his father's persuasion, and divers do attribute the unfortunate success of the said King Henry the Younger that rebelled against his father to this disorderly and violent coronation by his father's appointment. Secondly, that the first thing which the said Archbishop requireth at the new King's hands at his coronation is about religion, church matters and the clergy (as in France we have seen), it appeareth evidently by these words which the same Archbishop Thomas (surnamed commonly the Martyr), remaining in banishment, wrote to the same King Henry the Second, which are these, *Memores sitis confessionis quam fecistis & posuistis super altare apud Westmonasterium de seruanda Ecclesiae libertate, quando consecrati fuistis, & vncti in regem a praedecessore nostro Thebaldo*, which is, Do you call to your remembrance the confession which you made and laid upon the altar at Westminster for keeping & defending the liberty of the church when you were consecrated and anointed

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MN: The speech of another Archbishop of Canterbury to the King

MN: Stow in vita Henrici 4

King by Thebaldus, our predecessor. By which words appeareth that as the King of England was consecrated and anointed in those days by the Archbishop of Canterbury, so did he swear and give up his oath also in writing, and for more solemnity and obligation laid it down, or rather offered it up, with his own hands upon the altar, so much as was required [sic for 'required?'] of him by the said Archbishop & clergy for the special safety of religion and theis [sic for 'their?'] ecclesiastical liberties, which is the selfsame point that we have seen before, as well in the oath of the Kings of France as also of Polonia and Spain and of the Emperors both Grecian and Roman.

The very like admonition in effect I find made by another Thomas, Archbishop of Canterbury, to another King Henry, to wit, by Thomas Arundel to King Henry the Fourth, when in a Parliament holden at Coventry in the year 1404 the King was tempted by certain temporal men to take away the temporalities from the clergy, whereunto when the said Archbishop Thomas had answered by divers reasons, at last turning to the King he besought him (saith Stow) *to remember the oath which he voluntarily made that he would honour & defend the church and ministers thereof, wherefore he desired him to permit and suffer the church to enjoy the privileges and liberties which in time of his predecessors it did enjoy, and to fear that King which reigneth in heaven, and by whom all other kings do*

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MN: Holingsh in his Cro. pag. 476. & 1005

MN: The Kings of England

*reign; moreover he desired him to consider his promise also to all the realm, which was that he would preserve unto every man their right and title, so far as in him lay. By which speech of the Archbishop the King was so far moved as he would hear no more of that bill of the laity, but said that he would leave the church in as good estate or better than he found it, and so he did, but yet hereby we come to learn what oath the Kings of England do make at their coronations touching the church and clergy.*

The other conditions also, of good government, are partly touched in the speech of the Archbishop, and much more expressly set down in the King of England's oath recorded by ancient writers, for that he sweareth, as both Holinshed and others do testify in their English stories in these very words, to wit, *That he will during his life bear reverence & honour unto Almighty God and to his Catholic church and unto his ministers, and that he will administer law and justice equally to all, and take away all unjust laws.*

Which after he had sworn, laying his hands upon the Gospels, then doth the Archbishop (turning about to the people) declare what the King hath promised and sworn, and by the mouth of a herald at arms asketh their consents, whether they be content to *submit themselves unto this man as unto their King or no, under the conditions proposed*, whereunto when they have yielded themselves, then beginneth the Archbishop to put upon him the regal ornaments,

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MN: Regal ornaments

MN: Stow in vita Richardi 2 in fine

MN: Admission and coronation of King Henry 4

as the sword, the ring, the sceptre and crown, as before in the French coronation you have heard, and namely he giveth him the sceptre of St Edward the Confessor, and then he addeth also the same words of commission and exhortation as the other doth, to wit, *stand and hold thy place and keep thy oath*, and thereunto adjoineth a great commination or threat on the behalf of Almighty God if he should take upon him that dignity without firm purpose to observe the things which this day he hath sworn, and this is the sum of the English coronation, which you may read also by piecemeal in John Stow (according as other things in that his brief collection are set down), but especially you shall see it in the admissions as well of the said King Henry the Fourth now last mentioned as also of King Edward the Fourth at their first entrances to the crown, for in the admission of King Henry Stow showeth how the people were demanded thrice *whether they were content to admit him for their King*, and that the Archbishop of Canterbury (who was the same Thomas Arundel of whom we spake before) did read unto them what this new King was bound by oath unto, and then he took the ring wherewith he was to wed him to the commonwealth (which wedding importeth, as you know, an oath and mutual obligation on both sides in every marriage), and the Earl of Northumberland, High Constable of England for that day, was willed to show the said ring

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MN: The coronation of King Edward 4

MN: Stow in vita Henr. 6. pag. 709

to the people that they might thereby see the band whereby their King was bound unto them. And then it was put upon his finger, and the King kissed the Constable in sign of acceptance, fell on his knees also to prayer that he might observe his promise, and other like ceremonies, saith Stow, were used, and this was done the 13 of October 1359, and therefore upon good reason might this same Archbishop put him afterward in mind of this his oath, as before I have showed that he did.

At the admission also of King Edward the Fourth, Stow noteth in his *Chronicle* that first, the people's consent was demanded very solemnly in St John's Field by London the 29 of February in the year 1460, notwithstanding that King Edward had proved his title by succession before in the Parliament holden at Westminster, and now this consent of the people being had (or he being thus elected, as Stow's words are), he went the next day in procession at Paul's, and offered there, and after *Te Deum* being sung, he was with great royalty conveyed to Westminster, and there in the Hall set in the king's seat with *St Edward's sceptre in his hand*, and then the people were asked again if they would have him King, and they cried, Yea, yea. Thus far Stow.

And if any would take exception against these of King Henry and King Edward the 4 because they entered and began their reigns upon the deprivation of other Kings then living, there

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MN: The conclusion of this chapter

are yet many living in England that have seen the several coronations of King Edward the 6, Queen Mary & Queen Elizabeth that now reigneth, & can witness that at all and every of their coronations the consent of the people and their acceptation of those princes is not only demanded by the public cry of a herald at arms which standeth on both the sides of the high scaffold or stage whereon the prince is crowned, and the people's answer expected till they cry, Yea, yea, but also that the said princes gave there their corporal oath upon the Evangelists unto the Bishop that crowned them to uphold & maintain the faith afore-named with the liberties and privileges of the church, as also to govern by justice and law, as hath been said, which oaths no doubt have been sworn and taken most solemnly by all the Kings and Queens of England from the days of King Edward the Confessor at the least, and he that will see more points of these oaths set down in particular, let him read Magna Carta, and he will be satisfied.

By all which, and by infinite more that might be said and alleged in this matter and to this purpose, it is most evident (said the civilian lawyer) that this agreement, bargain and contract between the King and his commonwealth at his first admission is as certain and firm (notwithstanding any pretence or interest he hath or may have by succession) as any contract or marriage in the world can be when it is

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MN: Absurd assertions of Belloy

solemnized by words *de praesenti* (as our law speaketh) between parties espoused before by words *de futuro*, which is an act that expresseth this other most lively, as afterward more at large I shall show unto you, and consequently I must needs affirm to be most absurd, base and impious that flattery before-mentioned of Belloy & his companions in their books before cited, where he holdeth *that only succession of blood is the thing, without further approbation, which maketh a king, and that the people's consent to him that is next by birth is nothing at all needful, be he what he will, and that his admission, inunction or coronation is only a matter of external ceremony without any effect at all for increase or confirmation of his right*, these (I say) are unlearned, fond & wicked assertions in flattery of princes to the manifest ruin of commonwealths and perverting of all law, order & reason, which assertions, albeit they have been sufficiently (as I suppose) refuted before, yet mean I to stand a little more upon them in this place for more evident demonstration of so important a truth, as also to see & examine what may duly be attributed to bare succession alone, to the end that no man may think we mean to improve or embase that which we esteem in so high degree and think that the best and surest way of maintaining kingly government in the world is to have it go by succession, as it doth at this day in England and in most other states of Europe besides, though yet with the limitations & conditions due thereunto,

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whereof I shall now begin to treat more in particular, but after some little pause, if you please, for that his other narration hath well wearied me.

## CHAPTER VI

What is due to only succession by birth, and what interest or right an heir apparent hath to the crown before he be crowned or admitted by the commonwealth, and how justly he may be put back if he have not the other parts requisite also

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Very reasonable it seemed to all the whole assembly that some intermission or pause should be admitted as the civilian had required, and this as well for the commodity of the hearers, who desire to confer together more in particular of the points already discussed, as also of the speaker, who with reason affirmed that he was somewhat weary, seeing he had continued his speech so long together. And so with one consent they rose all and went into an orchard adjoining to the house, and after some hours' space returned again for that every man seemed very desirous to hear this other matter debated of the interest of

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MN: Gross flattery

princes before their coronation for that they said it touched the very point itself now in question in England, and that which is like to be in action also, ere it be long, wherefore they desired the civilian to begin his discourse, and first of all to set down the very words of Belloy about this matter, as also the places where he writeth the same, for that his assertions appeared to them very strange & opposite to all reason of state & practice of the world, as also contrary to all that which hitherto had been said and treated.

Whereto the civilian answered, true it is that they are so, and more plain and gross flatteries than ever I have read uttered by any man to any prince or tyrant whatsoever, albeit most of them (as you know) have not failed to find as shameless flatterers as themselves were either vain or wicked princes, and for my part I am of opinion that these propositions of Belloy will rather hurt and hinder than profit the prince for whom and in whose favour he is thought to have written them, which is the King of Navarra [=Navarre], whom hereby he would advance (as he seemeth) and have admitted to the crown of France without all consent or admission of the realm. But I for my part, as I doubt not greatly of his title by propinquity of blood according to the law Salic, so on the other side am I of opinion that these propositions of Belloy in his behalf that he should enter by only title of birth without condition,

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MN: The propositions of Belloy apolog. cath. part. 2. par.(?) 7

MN. Matth. 6

consent or approbation of the realm, as also without oath, anointing or coronation, yea, of necessity without restraint or obligation to fulfil any law or to observe any privileges to church, chapel, clergy or nobility, or to be checked by the whole realm if he rule amiss, these things, I say, are rather to terrify the people and set them more against his entrance than to advance his title, and therefore in my poor judgment it was neither wisely written by the one nor politicly permitted by the other. And to the end you may see what reason I have to give this censure, I shall here set down his own propositions touching this matter as I find them in his own words. First, then, he avoucheth that all families which enjoy kingdoms in the world were placed therein by God only, and that he alone can change the same, which if he refer unto God's universal providence *quae attingit a fine vsque in finem fortiter*, as the Scripture saith, and without which a sparrow falleth not on the ground, as Our Saviour testifieth, no many will deny but all is from God, either by his ordinance or permission, but if we talk (as we do) of the next & immediate causes of empires, princes & of their changes, clear it is that men also do & may concur therein, and that God hath left them lawful authority so to do, and to dispose thereof for the public benefit, as largely before hath been declared, & consequently to say that God only doth these things, & leaveth nothing to man's judgment therein is

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MN: 2. Apolog. Cathol. part. I. parag. 7

MN: 3. Apolog. pro rege. c. 6(?) & 34

MN: 4. Apolog. Cathol. part. 2. parag. 7 & pro rege cap. 9

against all reason, use & experience of the world.

The second proposition of Belloy is *that where such princes be once placed in government, and the law of succession by birth established, there the prince's children or next of kin do necessarily succeed by only birth without any new choice or approbation of the people, nobility or clergy, or of the whole commonwealth together.* And to this assertion he joineth another as strange as this, which is *that a king never dieth, for that whensoever or howsoever he ceaseth by any means to govern, then entereth the successor by birth, not as heir to the former, but as lawful governor of the realm without any admission at all, having his authority only by the condition of his birth, and not by adoption or choice of any.* Which two propositions, albeit they have been sufficiently refuted by that which hath been spoken in the last two chapters going before, yet shall I now again convince more amply the untruth thereof.

Other two propositions he addeth which partly have been touched and answered before, and yet I mean to repeat them again in this place for that they appertain to this purpose. His former is *that a prince once entered to government, and so placed as hath been said, is under no law or restraint at all of his authority, but that himself only is the quick and living law, and that no limitation can be given unto him by any power under heaven except it be by his own will, and that no nation or commonwealth can appoint or prescribe how they will obey, or how their prince shall govern them, but must leave*

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MN: Apolog. pro rege cap. 20

*his authority free from all bands of law, and this either willingly or by violence is to be procured.* By which words it seemeth that he painteth out a perfect pattern of a tyrannical government, which how it may further the King of Navarre's pretence in the case he standeth in presently in France I do not see.

His other proposition is *that albeit the heir apparent which is next by birth to any crown should be never so impotent or unfit to govern, as if (for example's sake) he should be deprived of his senses, mad, furious, lunatic, a fool or the like, or that he should be known on the other side to be most malicious, wicked, vicious or abominable, or should degenerate into a very beast, yea, if it were known that he should go about to destroy the commonwealth and drown the ship which he had to guide, yet (saith this man) he must be sacred and holy unto us, and admitted without contradiction [sic for 'contradiction] to his inheritance which God & nature hath laid upon him, & his direction, restraint or punishment must only be remitted to God alone, for that no man or commonwealth may reform or restrain him.* Thus saith Belloy, which I doubt not will seem unto you rather belly and base doctrine than to come from the head of any learned or discreet man that regardeth the end why commonwealths and kingdoms and all governments were ordained

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by God and nature, and not the flattering or adoring of any one miserable man that shall stand over them to destroy the whole.

But now to the particular matter that we

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MN: Succession of princes by birth better than mere election, and why

MN: 2. reason

MN: 3

are to treat, which is what is to be attributed to this succession or propinquity of birth alone, I am of opinion, as before I signified, that albeit there want not reasons on both sides among learned men what kind of providing governors to commonwealths is best, whether by simple and free election only or by succession of birth, my opinion (I say) is that succession is much to be preferred, not for that it wanteth all difficulties and inconveniences (which all temporal things upon earth have) but like as before I have showed of the particular government of a monarch in respect of other forms of regiment, to wit, that it wanted not all but had fewer inconveniences than other forms of regiment have, so say I also of this, that albeit some inconveniences want not in succession, yet are they commonly far less and fewer than would follow by mere election, which is subject to great and continual dangers of ambition, emulation, division, sedition and contention, which do bring with them evident peril of universal destruction & desolation of the whole body, & this at every change of the prince, which change on the other side is much assured by succession, for that great occasions of strife and contention are thereby cut off.

And besides this, the prince who is in present possession, knowing that his son or next of kin is to be his heir, hath more care to leave the realm in good order, as we see that

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the husbandman hath to till and manure that ground which is his own and to remain to his posterity.

A third commodity also there is for that less mutations and alterations are seen in the commonwealth where succession prevaieth, for that the son following his father doth commonly retain the same friends, councillors, officers [sic for 'officers'] and servants which his father had before him, pursueth the same actions and intentions with the same manner of proceeding for the most part, whereas he that entereth by election, being an alien to him that went before him, & never lightly his friend, doth change, alter and turn upside down all things.

Furthermore (which may be also a fourth reason), he that entereth by succession, for that he is either born a prince or hath been much respected still for his title to the crown, bringeth with him less passions of hatred, emulation, anger, envy or revenge against particular men (for that no man durst offend him) than doth he which entereth by only election, for that he having been a subject and equal to others before his advancement,

and thereby holden contention with many, especially at this election, must needs have matter of quarrel with many, which he will seek easily to revenge when he is in authority, as on the other side also such as were his equals before will bear him less respect, & more unwillingly be under him than if by birth he had been their sovereign.

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MN: 5. The pre-eminence of *primogenitura*

MN: Genes. 15 & 49., Deut. 21 & 15., 2. Paralip. [=Paralipomenon] 21. & 3., Exod. 3. & 2.(?), Rom. 9. & 13

MN: Genes. 28 & 27

MN: Two points to be noted

These and divers other are the commodities of succession, whereunto we may also add the pre-eminence and privilege of primogenitura [=primogeniture] and ancetry [=ancestry] of birth so much respected & commended by Holy Writ, not only in men but in all other creatures also, whose firstborn were dedicated to God himself, and one notable example among other occurreth to my mind of the two sons of Isaac, of the which two, albeit God had ordained to choose the younger before he was born, at [sic for 'as'] St Paul testifieth, and to reject the elder, that is to say, that Jacob should inherit the benediction and not Esau, yet would God have this younger to procure the said privilege of eldership from Esau by divers means, as first by bargain and after by guile, according to the story we read in Genesis. Out of which story two points may be pondered much to our purpose, first that primogenitura or eldership of birth (as I have said), was greatly respected by God, and according to that all the descents and successions of kings were commonly among that people, for that ordinarily the eldest son ever succeeded his father in the crown of Jewry. And the second point is that God would show even in this beginning that yet this privilege was not so inviolable but that upon just causes it might be broken, as it was by this his choice of Jacob, the younger, and rejecting Esau, the elder, and many times after in matter of government the same was practiced by God himself, as when Juda [=Judah], the

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MN: Genes. 29. & 49., Exod. I

MN: 2. Reg. 5., I. Paral. [=Paralipomenon] 3

MN: Two cases resolved

MN: The remede of inconveniences by succession

fourth tribe and not Ruben [=Rueben], the first & eldest, was appointed by God to enjoy the sceptre and crown of the Jews, as also when King David died, not his first, second or third son, but his tenth in order, to wit, Solomon, who was also the fourth that he had by Bersabee [=Bathsheba], was appointed for his successor.

So that in very deed we have here both our two cases that were propounded in the beginning overruled and determined by authority and example of Holy Writ itself, namely and first of all that priority and propinquity of blood in succession is greatly to be honoured, regarded and preferred in all affairs of dignity and principality, and yet (which

is the second point) are we not so absolutely & peremptorily bound thereunto always but that upon just and urgent occasions that course may be altered and broken.

Which licence or liberty is indeed the only (or at leastwise) the most principal remedy for such inconveniences as do or may ensue of the course of succession, which inconveniences, as before I showed to be far less and fewer than are wont to follow of bare election alone, yet did I confess also that some did or might fall out, as namely that the person who by succession of blood is next may be unable or unfit or pernicious to govern, in which cases the remedy is (as before hath been declared) either to help and assist him by laws, directions and wise counsels, if he be capable thereunto,

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MN: Election & succession do help the one thother

or else to remove him and take in another of the same blood royal (though further off in degree or propinquity) in his place.

And this is and hath been the custom and practice of all kingdoms and commonwealths from the beginning since succession hath been established among them, as afterwards I shall demonstrate unto you by great store of evident examples and precedents, & by this means we come to remedy the difficulties and inconveniences of both kinds of making our kings and princes, which are election and succession, as hath been said, for by succession we do remedy the inconveniences and dangers before-mentioned of bare election, to wit, of strife, banding, ambition and the like, and by this other mean of adding also election, consent and approbation of the realm to succession we remedy the inconveniences of bare succession alone, which inconveniences are principally that some unapt, impotent or evil prince may be offered sometimes to enter by priority of blood, whereof the realm may deliver itself by this other means of not admitting him, so as election by succession and succession again by elected in salved, & the one made a preservative and treacle to the other, & this is the wisdom and high policy left by God and nature to every commonwealth for their own conservation and maintenance, and every man that is of reason and judgment, and void of passion, will not only allow, but

[p. 131, misnumbered 231]

MN: Answer to the 2 principal questions

MN: Succession greatly co [sic for 'to'] be respected

MN: What an heir apparent is before his coronation

also highly commend the same.

Now then to answer in particular to the two questions made at the beginning of this speech, to wit, what is to be attributed to succession alone, and secondly, what interest a prince hath thereby to any crown before he be crowned or admitted by the ommonwealth [sic for 'commonwealth']. To the first I say that to succession alone or priority of blood only great honour, reverence and respect ought to be borne, as before hath been declared, for that it is the principal circumstance and condition which leadeth us to the next

succession of the crown infallibly and without all strife if his propinquity be clear and evident and that other necessary circumstances and conditions do concur also in the same person, which conditions were appointed and set down at the same time and by the same authority that this law of succession was established, for that both the one & the other of these two points were ordained by the commonwealth, to wit, that the elder and first in blood should succeed, and that he should be such a person as can and will govern to the public weal of all, as often and largely before hath been avouched and proved.

To the second question I answer that an heir apparent to a crown before his coronation and admission by the realm, if he have the conditions before required, hath the same interest to the kingdom which the King of Romans or Caesar hath to the German Empire

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MN: Examples of marriage

after his election and before he be crowned, or to use a more familiar example to Englishmen, as the Mayor of London hath to the mayoralty after he is chosen and before he be admitted or have taken his oath. For as this man in rigour is not truly mayor, nor hath not his jurisdiction before his oath and admission, nor the other is properly Emperor before he be crowned, so is not an heir apparent truly King, though his predecessor be dead and he next in succession, until he be crowned or admitted by the commonwealth.

Another example is there in marriage also whereby our matter is made more plain, for in this contract go both the betrothing and actual joining together of the parties in wedlock. The first is done by words *de futuro* or for the time to come, and is not properly marriage, but espousal only; the other is by words *de praesenti*, that is, by mutual present consent given of both parties, and this second is only and properly true marriage, which two points are expressly represented in the state of an heir apparent and of a crowned king, for that the heir apparent by propinquity of blood is only espoused or betrothed to the commonwealth for the time to come, and is married afterwards by present mutual consent of both parties in the contract and knitting up of the matter at his coronation by the oaths which either part maketh the one to take the other, & by putting on the ring and other wedding garments before

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MN: What respect is due to an heir apparent

MN: Why princes do count their years from the death of their predecessors

MN: Girard du Haillan l. 3. d l'estate [De l'Estat et Succez des Affaires de France] pag. 241

mentioned in their coronations, by all which the heir apparent (which before was but espouse) is made now the true king and husband of the commonwealth, which before he was not by only succession, but only a betrothed spouse or designed king, as hath been declared.

Wherefore it followeth also that the commonwealth oweth no allegiance or subjection unto the heir apparent in rigour of justice until he be crowned or admitted, though his predecessor be dead, for that in very deed until that time he is not their true king & sovereign, though for better keeping of order & avoiding of tumults all commonwealths lightly that have their princes by succession have ordained in these later ages that from the death of the former princes all matters of government shall pass in the name of his next successor (if his succession be clear), and this (as I say) for avoiding of garboils and under supposal of confirmation and approbation afterward of the commonwealth at his coronation, for which cause also, and for better account of years, it was ordained that the beginning of the successor's reign should be reckoned from the day of the death of his predecessor, and not from the day of his coronation, as otherwise in rigour it ought to be, and as in old time it was accustomed to be, as Girard, Secretary and chronicler of France, doth wisely note in his third book of the estate and affairs of France, to wit, that

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MN: No heir apparent king before his coronation

MN: An evident argument

MN: A rare example of King Henry V

kings in old time were wont to account the years of their reigns from the day only of their anointing and coronation.

This point also that heirs apparent are not true kings until their coronation, how just soever their title of succession otherwise be, and though their predecessors be dead, it might be confirmed by many other arguments, but especially and above all others for that the realm is asked again three times at their coronation *whether they will have such a man to be king* or no, as before hath been showed, which thing were in vain to ask if he were truly king, as Belloy saith, before his coronation.

Again we see in all the forms and different manners of coronations before-recited that after the prince hath sworn divers times to govern well and justly, then do the subjects taken other oaths of obedience and allegiance, and not before, which argueth that before they were not bound unto him by allegiance, and as for the princes of England, it is expressly noted by English historiographers in their coronations how that no allegiance is due unto them before they be crowned, & that only it happened to Henry the Fifth, among all other Kings his predecessors, to have this privilege, and this for his exceeding towardliness & for the great affection of the people towards him, that he had homage done unto him before his coronation and oath taken, whereof Polydore writeth in these words, *Princeps Henricus facto patris funere*

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MN: Polydore Vergil lib. 22. Historia Angliae in vita Henrici V

MN: Stow in the beginning of the life of King Henry V

*concilium principum apud Westmonasterium conuocandum curat, in quo dum de rege creando more maiorum agitabatur, esse tibi, continuo aliquot Principes vltro in eius*

*verba iurare coeperunt, quod benevolentia officium nulli antea priusquam rex renunciatus esset, praestitum constat, adeo Henricus ab ineunto aetate spem omnibus optimae indolis fecit*, which in English is this, Prince Henry, after he had finished his father's funerals, caused a Parliament to be gathered at Westminster, where whiles consultation was had according to the ancient custom of England about creating a new king, behold upon the sudden certain of the nobility of their own free wills began to swear obedience and leyalty [sic for 'loyalty'] unto him, which demonstration of love and goodwill is well known that is [sic for 'it'] was never showed to any prince before until he was declared king, so great was the hope that men had of the towardliness of this Prince Henry even from his tender age. Thus far Polydore in his story of England. And the very same thing expresseth John Stow also in his chronicle in these words, *To this noble Prince by assent of the Parliament all the states of the realm after three days offered to do fealty before he was crowned or had solemnized bu [sic for 'by'] oath well and justly to govern the commonwealth, which offer before was never found to be made to any prince of England.* Thus much Stow, in whose narration, as also in that of Polydore, it may be noted that King Henry the Fifth was not called King until after his coronation, but only Prince, though his father, King Henry the

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MN: Notes of this act.

MN: 2

MN: 3

MN: 4

MN: Admission of more importance than succession

Fourth had been dead now almost a month before, and secondly, that the Parliament consulted *de Rege creando more maiorum* (as Polydore his words are), that is, of making a new king according to the ancient custom of their ancestors, which argueth that he was not yet king, though his father were dead, nor that the manner of our old English ancestors was to account him so before his admission.

Thirdly, that this demonstration of goodwill of the nobility to acknowledge him for king before his coronation *and oath solemnized well and justly to govern the realm* was very extraordinary and of mere goodwill. And last of all, *that this was never done to any prince before King Henry the Fifth*, all which points do demonstrate that it is the coronation and admission that maketh a perfect and true king, whatsoever the title by succession be otherwise, & that except the admission of the commonwealth be joined to succession, it is not sufficient to make a lawful king, and of the two the second is of far more importance, to wit, the consent and admission of the realm, than nearness of blood by succession alone.

This I might prove by many examples in England itself, where admission hath prevailed against right of succession, as in William Rufus that succeeded the Conqueror, and in King Henry the First, his brother, in King Stephen, King John and others, who by only admission of the realm were kings against the order of

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MN: See their last words to their friends in Sir Thomas More and Stow

MN: Why divers kings caused their sons to be crowned in their own days

succession, as after more at large I shall show you in a particular speech which of this point I shall make unto you, and very specially it may be seen in the two examples before mentioned of the admission of the two Kings Henry and Edward, both surnamed the Fourth, whose entrances to the crown, if a man do well consider, he shall find that both of them founded the best part and most surest of their titles upon the election, consent and goodwill of the people, yea, both of them at their dying days having some remorse of conscience (as it seemed) for that they had caused so many men to die for maintenance of their several rights and titles had no better way to appease their own minds but by thinking that they were placed in that room by the voice of the realm, and consequently might lawfully defend the same, & punish such as went about to deprive them.

Moreover you shall find, if you look into the doings of princes in all ages, that such kings as were most politic and had any least doubt or suspicion of troubles about the title after their deaths, have caused their sons to be crowned in their own days, trusting more to this than to their title by succession, though they were never so lawfully & lineally descended. And of this I could allege you many examples out of divers countries, but especially in France since the last line of Capetus came unto that crown, for this did Hugh Capetus himself procure to be done to Robert, his

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MN: Girard(?) du Haillan lib. 6. hist. an. 1001., An. 1032., An. 1061

MN: An. 1131

MN: An. 1180

MN: 3. Reg. I

MN: Polydore & Stow in vita Henrici II

eldest son in his own days, and the like did King Robert procure for his younger son, Henry the First, as Girard holdeth, and excluded his elder only by crowning Henry in his own days. Henry also did entreat the states of France (as before you have heard) to admit & crown Philip the First, his eldest son, whiles himself reigned, and this man's son, Luys [=Louis] le Gros, did the same also unto two sons of his, first to Philip, and after his death to Luys the younger, both which where [sic for 'were'] crowned in their father's lifetime, & this Luys again the younger, which is the seventh of that name, for more assuring of his son named Philip the Second, entreated the realm to admit & crown him also in his own days with that great solemnity which in the former chapter hath been declared.

And for this very same cause of security it is not to be doubted but that always the prince of Spain is sworn and admitted by the realm during his father's reign, as before hath been said. The same consideration also moved King David to crown his son Solomon in his own days, as afterward more in particular shall be declared, and finally our King Henry also the Second of England, considering the alteration that the realm had made in

admitting King Stephen before him against the order of lineal succession by propinquity of blood, and fearing that the like might happen also after him, caused his eldest son named likewise

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MN: The occasion of the next chapter

Henry, to be crowned in his lifetime, so as England had two King Henrys living at one time with equal authority, and this was done in the 16 year of his reign and in the year of Our Lord 1170, but his device had no good success for that King Henry the younger made war soon after upon King Henry the elder, & had both the Kings of France and Scotland & many nobles of England and Normandy to take his part, for which cause it is thought that this thing hath never been put in practice again since that time in England, but yet hereby it is evident what the opinion of the world was in those days of the force of coronation and admission of the commonwealth, & how little propinquity of blood prevaileth without that.

And for more ample proof hereof, and fuller conclusion of all the whole matter, I had thought to have laid down also in this place some number of the most notorious examples that I have read (for I have read many) wherein the commonwealth upon just occasions hath extended her authority to alter the natural course of succession by birth, but for that the thing requireth some little study and looking over some notes that I have taken out of stories for help of memory, I shall defer it until our next meeting, at what time I shall by God's grace make this point very clear, and so end my whole discourse, for I see that I have been much longer than at the beginning I purposed,

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and now I desire much to give place unto our temporal lawyer here present, who (I doubt not) hath matter to say of more delectation & pleasure than this, though you of your courtesies have done me so much favour as to hear me hitherto with patience and attention. Whereunto the whole company answered that not with patience but with great pleasure, delight and contentation they had heard him, and so they would do the temporal lawyer also in his turn, but yet they desired him that nothing of this discourse might be omitted, but wholly finished, for that it gave very great satisfaction to all, and opened many important points unto them which they had never thought of before, and with this they parted for that night, every man unto his lodging & habitation.

## CHAPTER VII

How the next succession by propinquity of blood hath oftentimes been put back by the commonwealth, & others further off admitted in their places, even in those kingdoms where succession prevaileth, with many examples of the kingdoms of Israel and Spain

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At the next meeting the civilian came in very pensive, as though his head had been full

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MN: The civilian cloyed with copy

MN: Objections

of study, whereof being asked the reason, he answered that he had revolved many stories since his departure about the point which he promised to treat of, & that he had found such store and great variety of matter as he knew not well where to begin, and much less where to end, for (quoth he) if I should begin with the Grecian kings before-mentioned, it were infinite that might be alleged, and perhaps some man would say they were over-old and far-fetched examples, and cannot be precedents to us in these ages, & if I lay before you the examples of Roman Kings and Emperors put in and out against the law and right of succession, the same men perhaps will answer that it was by force and injury of mutinous soldiers, whereunto that commonwealth was greatly subject. And if I should bring forth any precedents and examples of Holy Scriptures, some other might chance to reply that this was by particular privilege wherein God Almighty would deal and dispose of things against the ordinary course of man's law as best liked himself, whose will is more than law, and whose actions are right itself, for that he is Lord of all, and to be limited by no rule or law of man, but yet that this is not properly the act of a commonwealth as our question demandeth [sic for 'demandeth'].

Thus (I say) it may be that some man would reply, and therefore having store enough of plain and evident matter which hath no exception for that it hath happened in settled

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MN: The example of the Jews 3. Reg. 3(?)

MN: King Saul

MN: 3. Reg. 3 & 21

commonwealths, & those near home, where the law of succession is received and established, to wit, in Spain, France and England, I shall retire myself to them alone, but yet putting you in mind before I pass any further that it is a matter much to be marked how God dealt in this point with the people of Israel at the beginning after he had granted to them that they should have the same government of kings that other nations round about them had, whose kings did ordinarily reign by succession as ours do at this day and as all the kings of the Jews did afterwards, and yet this notwithstanding, God at the beginning, to wit, at the very entrance of their first kings, would show plainly that this law of succeeding of the one the other by birth and propinquity of blood (though for the most part it should prevail), yet that it was not so precisely necessary but that upon just causes it might be altered.

For proof whereof we are to consider that albeit he made Saul a true and lawful king over the Jews, & consequently also gave him all kingly privileges, benefits and prerogatives

belonging to that degree and state, whereof one principal (as you know) is to have his children succeed after him in the crown, yet after his death God suffered not any one of his generation to succeed him, though he left behind him many children, and among others Isboseth, a prince of 40 years of age, whom Abner, the general captain of that nation, with eleven tribes

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MN: An objection answered

MN: 2. Reg. 9

MN: King David made by election

MN: 3. Reg. 3. & 5

followed for a time as their lawful lord and master by succession until God checked them for it, and induced them to reject him, though heir apparent by descent, and to cleave to David, newly elected King, who was a stranger by birth, & no kin at all to the King deceased.

And if you say here that this was for the sin of Saul, whom God had rejected, I do confess it, but yet this is nothing against our purpose for that we pretend not that a prince that is next in blood can justly be put back except it be for his own defects or those of his ancestors. And moreover I would have you consider that by this it is evident that the fault of the father may prejudicate the son's right to the crown, albeit the son have no part in the fault, as we may see in this example, not only of Isboseth that was punished and deprived for the offence of Saul, his father (notwithstanding he had been proclaimed king, as hath been said) but also of Jonathas, Saul's other son, who was so good a man and so much praised in Holy Scripture, & yet he being slain in war and leaving a son named Miphiboseth [=Mephibosheth], he was put back also, though by nearness of blood he had great interest in the succession, as you see, and much before David.

But David being placed in the crown by election, free consent & admission of the people of Israel as the Scripture plainly testifieth (though by motion and direction of God himself), we must confess, and no man I think

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MN: Psal. 131(?)

MN: 3. Paral. 6

MN: Adonias, the elder son, rejected

MN: 3. Reg. I

will deny but that he had given unto him therewith all kingly privileges, pre-eminences and regalities, even in the highest degree as was convenient to such a state, and among other the Scripture expressly nameth that in particular it was assured him by God that *his seed should reign after him, yea, and that forever*, but yet we do not find this to be performed to any of his elder sons (as by order of succession it should seem to appertain), no, nor to any of their offspring or descents, but only to Solomon, which was his younger and tenth son, and the fourth only by Bersabee, as before hath been touched.

True it is that the Scripture recounteth how Adonias, David's elder son, that was of rare beauty & a very godly young prince, seeing his father now very old & impotent, & to lie on his death-bed, & himself heir apparent by antiquity of blood after the death of Absalom [=Absalom], his elder brother that was slain before, he had determined to have proclaimed himself heir apparent in Jerusalem before his father died, & for that purpose had ordained a great assembly & banquet, [+and?] had called unto it both the high priest, Abiathar, & divers of the clergy, as also the general captain of all the army of Israel named Joab, with other of the nobility, and with them all the rest of his brethren that were sons to King David saving only Solomon, together with many other princes & great men both spiritual & temporal of that estate, and had prepared for

[p. 145, misnumbered 245]

MN: The motives of Adonias

MN: Persuasion to King David to make Solomon his successor

MN: 3. Reg. I

them a great feast, as I have said, meaning that very day to proclaim himself heir apparent to the crown, and to be crowned, as indeed by succession of blood it appertained unto him, and this he attempted so much the rather by counsel of his friends for that he saw the King, his father, very old and impotent and ready to die, and had taken no order at all for his successor, and moreover Adonias had understood how that Bersabee, Solomon's mother, had some hope to have her son reign after David upon a certain promise that David in his youth had made unto her thereof, as also she had in the special favour and friendship which Nathan the prophet and Sadoc the priest (who could do much with the old King David) did bear unto her son, Solomon, above all the rest of his brethren.

Hereupon (I say) these two, that is to say, Queen Bersabee & Nathan the prophet, coming together to the old man as he lay on his bed, and putting him in mind of his promise and oath made to Bersabee for the preferment of her son, and showing besides how that Adonias, without his order and consent, had gathered an assembly to make himself king even that very day (which did put the old King in very great fear and anger), and further also telling him (which pleased him well) *quod oculi totius Israel in eum respicerent, vt indicaret eis, quis sederet in solio suo post ipsum*, that is, that the eyes of all Israel were upon him to see whom he

[p. 146, misnumbered 128]

MN: The coronation of Solomon

MN: 3 Reg. 1(?)

MN: A point to be noted

would commend unto them to sit in his seat after him, which was as much to say as that the whole commonwealth referred it to his choice which of his sons should reign after him.

Upon these reasons and persuasions (I say) the good old King was content that they should take Solomon out of hand, and put him upon the King's own mule, and carry him about the streets of Jerusalem accompanied [sic for 'accompanied'] with his guard and court, and crying with sound of trumpets *Viuat Rex Salomon*, and that Sadoc, the priest, should anoint him, and after that he should be brought back and placed in the royal throne in the palace, and so indeed he was, at what time King David himself, being not able through impotency to rise out of his bed, did him honour and reverence from the place where he lay, for so saith the Scripture, *adorauit rex in lectulo suo*, King David adored his son, Solomon, thus crowned, even from his bed, all which no doubt, though it may seem to have been wrought by human means and policy, yet must we confess that it was principally by the special instinct of God himself, as by the sequel and success we see, so that hereby also we are taught that these & like determinations of the people, magistrates & commonwealths about admitting or refusing of princes to reign or not to reign over them when their designments are to good ends and for just respects and causes are allowed also by God, and oftentimes are his

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MN: The manner of admission of the prince Roboam

MN: 3. Reg. 12

MN: 3. Reg. 11

MN: 5. Reg. 13. & 21

own special dirfts {sic for 'drifts'} and dispositions, though they seem to come from man.

Whereof no one thing can give a more evident proof than that which ensued afterward to prince Roboam [=Rehoboam], the lawful son and heir of this King Solomon, who after his father's death coming to Sichem, where all the people of Israel were gathered together for his coronation and admission according to his right by succession (for until that time we see he was not accounted true king, though his father was dead,) and this is to be noted, the people began to propose unto him certain conditions for taking away of some hard and heavy impositions laid upon them by Solomon, his father (an evident precedent of the oath and conditions that princes do swear unto in these days at their coronation), whereunto when Roboam refused to yield, ten tribes of the twelve refused to admit him for their king, but chose rather one Jeroboam, Roboam's servant, that was a mere stranger and but of poor parentage, & made him their lawful king, & God allowed thereof, as the Scripture in express words doth testify, and when Roboam, that took himself to be openly injured hereby, would by arms have pursued his title, and had gathered together an army of a hundred and fourscore thousand chosen soldiers (as the Scripture saith) to punish these rebels, as he called them, & to reduce these io [sic for '10] tribes to their due obedience of their natural prince, God appeared unto one

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MN: Four races of Spanish kings

MN: Ambros. moral. lib. 11. hist. c. 12

Semeia, a holy man, & bade him go to the camp of Roboam, and tell them plainly that he would not have them to fight against their brethren that had chosen another king, but that every man should go home to his house and live quietly under the king which each party had, and so they did, and this was the end of that tumult which God, for the sins of Solomon, had permitted and allowed of. And thus much by the way I thought good to touch out of Holy Scripture concerning the Jewish commonwealth even at the beginning, for that it may give light to all the rest which after I am to treat of, for if God permitted and allowed this in his own commonwealth that was to be the example and pattern of all others that should ensue, no doubt but that he approveth also the same in other realms when just occasions are offered, either for his service, the good of the people and realm, or else for punishment of the sins and wickedness of some princes, that the ordinary line of succession be altered.

Now then to pass on further, and to begin with the kingdoms of Spain, supposing ever this ground of God's ordinance, as hath been declared, first I say that Spain hath had three or four races or descents of kings, as France also and England have had, and the first race was from the Goths, which began their reign in Spain after the expulsion of the Romans about the year of Christ 416, to whom the Spaniard referreth all his old nobility, as the Frenchman doth to the German Franks and the English to the Saxons which entered France and England in the very same age that the other did Spain, & the race of Gothish kings endured by the space of 300 years until Spain was lost unto the Moors.

The second race is from Don Pelayo, that was chosen first King of Asturia and of the mountain country of Spain after the destruction thereof by the Moors about the year of Christ 717, as before hath been touched, which race continued & increased & added kingdom unto kingdom for the space of other three hundred years, to wit, until the year of Christ 1034, when Don Sancho Mayor, King of Navarra, gat unto his power the earldom also of Aragon and Castilia, and made them kingdoms, and divided them among his children, and to his second son, named Don Fernando, surnamed afterward the Great, he gave not only the said earldom of Castilia with title of kingdom, but by marrying also of the sister of Don Dermudo [=Bermudo? Vermudo?], King of Leon and Asturias, he joined all those kingdoms together, & so began from that day forward the third race of the Kings of Navarre to reign in Castel [=Castile], and so endured for five hundred years until the year of Christ 1540, when the house of Austria entered to reign there by marriage of the daughter and heir of Don Ferdinando, surnamed the Catholic, and this was the fourth race of Spanish kings after the Romans, which endureth until this day.

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MN: Examples of the first race

MN: Concil. Tol. 5. c. 3

And albeit in all these four races and ranks of royal descents divers examples might be alleged for manifest proof of my purpose, yet will I not deal with the first race for that it is evident by the Councils of Toledo before alleged (which were holden in that very time) that in those days express election was joined with succession, as by the deposition of King Suintila and putting back of all his children, as also by the election & approbation

of King Sisinando that was further off by succession, hath been insinuated before, & in the Fifth Council of that age in Toledo it is decreed expressly in these words, *Si quis talia meditatus fuerit* (talking of pretending to be king) *quem nec electio omnium perficit, nec Gothica gentis nobilitas ad hunc honoris apicem trahit: sit consortio Catholicorum priuatus, & diuino anathemate condemnatus*, If any man shall imagine (saith these Fathers) or go about to aspire to the kingdom whom the election & choice of all the realm doth not make perfect, nor the nobility of the Gothish nation doth draw to the height of this dignity, let him be deprived of all catholic society, and damned by the curse of Almighty God, by which words is insinuated that not only the nobility of Gothish blood or nearness by succession was required for the making of their king, but much more the choice or admission of all the realm wherein this Council putteth the perfection of his title.

The like determination was made in another

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MN: Conc. Tol. 4. cap. 74

MN: Examples of the 2 race

MN: Episcop. Tuyens [=Lucas de Tuy] l. I. histoia Ludou. de Molin. li. de hared.

MN: King Don Pelayo

Council at the same place before this that I have alleged, & the words are these, *Nullus apud nos presumptione regnum arripiat, sed defuncto in pace principe, optimates gentis cum sacerdotibus successorem regni communi concilio constituent*, which in English is thus, Let no man with us snatch the kingdom by presumption, but the former prince being dead in peace, let the nobility of the nation, together with the priests and clergy, appoint the successor of the kingdom by common council, which is as much to say as if he had said, Let no man enter upon the kingdom by presumption of succession alone, but let the Lords temporal and spiritual by common voice see what is best for the weal public.

Now then, according to these ancient decrees, albeit in the second race of Don Pelayo the law of succession by propinquity of blood was reuewed [sic for 'renewed'] and much more established than before, as the ancient Bishop of Tuys [=Tuy] and Molina and other Spanish writers do testify, yet that the next in blood was oftentimes put back by the commonwealth upon just causes these examples following shall testify, as briefly recounted as I can possibly.

Don Pelayo died in the year of Our Lord 737, and left a son named Don Favila, who was King after his father, and reigned two years only. After whose death none of his children were admitted for king, though he left divers, as all writers do testify. But as Don Lucas, the

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MN: Ambros. Mor. l. 13. cap. 6. 9. 10(?)

MN: Sebast. Episc. Salam. in hist. Hisp.

MN: K. Don Alonso y Don fruela

MN: Moral. li. 33. cap. 17 An. 768

Bishop of Tuy, a very ancient author, writeth, *Aldefonsus Catholicus ab vniuerso populo Gothorum eligitur*, that is (as the chronicler Moralis [=Morales] doth translate in Spanish), Don Alonso, surnamed the Catholic, was chosen to be king by all voices of the Gothish nation. This Don Alonso was son-in-law to the former King Favila, as Morales saith, for that he had his daughter, Ermenesenda, in marriage, & he was preferred before the King's own sons only for that they were young & unable to govern, as the said historiographer testifieth. And how well this fell out for the commonwealth, and how excellent a king this Don Alonso proved, Morales showeth at large from the tenth chapter of his thirteenth book until the 17, and Sebastianus, Bishop of Salamanca, that lived in the same time, writeth that of his valiant acts he was surnamed the Great.

To this famous Don Alonso succeeded his son, Don Fruela, the First of that name, who was a noble king for 10 years' space, and had divers excellent victories against the Moors, but afterward declining to tyranny, he became hateful to his subjects, and for that he put to death wrongfully his own brother, Don Vimerano, a prince of excellent parts, and rarely beloved of the Spaniards, he was himself put down and put to death by them in the year of Christ 768. And albeit this king left two goodly children behind him which were lawfully begotten upon his Queen, Dona Munia, the one of them a son called Don Alonso & the other a

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MN: Many breaches of succession

MN: Moral. c. 21, King Don Aurelio

MN: King Don Silo

MN: King Don Alonso the Chaste

MN: Mor. l. 23. cap. 25

daughter called Dona Ximea, yet for the hatred conceived against their father neither of them was admitted by the realm to succeed him, but rather his cousin-german named Don Aurelio, brother's son to Don Alonso the Catholic, was preferred, and reigned peaceably six years, and then dying without issue, for that the hatred of the Spaniards was not yet ended against the memory of King Fruela, they would not yet admit any of his generation, but rather excluded them again the second time, and admitted a brother-in-law of his named Don Silo that was married to his sister, Dona Adosinda, daughter to the foresaid noble King Catholic Alonso.

So that here we see twice the right heirs of the King Don Fruela for his evil government were put back.

But Don Silo being dead without issue, as also Don Aurelio was before him, and the Spaniards' anger against King Fruela being now well assuaged, they admitted to the kingdom his foresaid son, Don Alonso the younger, surnamed afterward the Chaste, whom now twice before they had put back, as you have seen, but now they admitted him, though his reign at the first endured very little for that a certain bastard uncle of his

named Don Mauregato [=Mauregatus] by help of the Moors put him out, and reigned by force 6 years, and in the end dying without issue, the matter came in deliberation again whether the King Don Alonso the Chaste that yet lived and had been hidden in a monastery of

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MN: a strange deliberation

MN: Great authority of commonwealth

Galicia during the time of the tyrant should return again to govern, or rather that his cousin-german, Don Vermudo, [=Bermudo] son to his uncle, the prince Vimerano (whom we showed before to have been slain by this man's father, King Fruela) should be elected in his place. And the realm of Spain determined the second, to wit, that Don Vermudo, though he were much further off by propinquity [=sic for 'propinquity'] of blood, and within ecclesiastical order also (for that he had been made deacon) should be admitted, partly for that he was judged for the more valiant and able prince than the other, who seemed to be made more acquainted now with the life of monks and religious men than of a king, having first been brought up among them for 10 or 12 years' space whiles Don Aurelio and Don Silo reigned after the death of his father, King Fruela, and secondly again other six years during the reign of the tyrant Mauregato, for which cause they esteemed the other to be fitter, as also for the different memories of their two fathers, King Fruela and Prince Vimerano, whereof the first was hateful & the other most dear, as before hath been declared, neither do any of the bishops historiographers of Spain, to wit, that of Toledo, Besa, Salamanca or Ture [=Tuy?], that lived all about those days & wrote the story, reprehend this fact of the realm of Spain, or put any doubt whether it were lawful or no for the causes before recited.

True it is that after three years' reign, this

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MN: King Alonso the Chaste reigneth the second time

MN: Moral c. 28. & 29. An. 791

MN: Moral. li. 13. cap. 45 46. Anno 842

MN: A horrible tribute

King Vermudo, being weary of kingly life, and feeling some scruple of conscience that being deacon he had forsaken the life ecclesiastical, and married (though by dispensation of the Pope, as Morales saith), and entangled himself with the affairs of a kingdom, he resigned willingly the government unto his said cousin, Don Alonso the Chaste, and himself lived after a private life for divers years, but this Don Alonso, who now the fourth time had been deprived of his succession, as you have seen, deceived the expectation of the Spaniards that accounted him a monk, for he proved the most valiant and excellent king that ever that nation had, both for his virtue, valour, victories against the Moors, building of towns, castles, churches, monasteries and other such works of Christianity as Morales recounteth, and he [sic for 'he'] reigned after this his last admission one and fifty years, & had great friendship with King Charles the Great of

France, who lived in the same time with him. And this man, among other most noble exploits, so tamed the Moors of his country as during his days he never paid that cruel and horrible tribute which before & after was paid by the Christians to the Moors, which was a hundred young maidens and fifty sons of gentlemen every year to be brought up in the religion of Mahomet among those infidel tyrants. And finally this man, after so much affliction, came to be one of the most renowned princes of the world.

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MN: King Don Ramiro I by election

MN Moral. c. 51

MN: The kingdom of Spain a maiorasgo

After this Don Alonso, who left no children, for that he would never marry, but lived all his life in chastity, there succeeded to him by election his nephew named Don Ramiro, son to the former said King Don Vermudo, the Deacon, that gave this man the crown, as you have heard, of whose election Morales writeth these words, *Muerto el Rey Don Alonso el casto, sue eligido por los perlades y grandes del reyno, el Rey Don Ramiro primero deste nombre, hyio del Rey Don vermudo el diacono*, that is, the King Don Alonso the Chaste being dead, there was chosen King by the prelates & nobility of the realm Don Ramiro the First of this name, son of King Vermudo the Deacon, who resigned his crown to Don Alonso, and it is to be noted that albeit this Don Ramiro was next in blood to the succession after the death of his uncle, Don Alonso, without children, yet was he chosen by the states, as here it is said in express words.

Moreover it is to be noted that albeit this author, Ambrosia Morales, and other Spanish writers do say that in the time of this King Ramiro the law of succession by propinquity in blood was so revived and strongly confirmed that as the kingdom of Spain was made as *maiorasgo* [=mayorazgo], as he termeth it, which is an inheritance so entailed and tied only to the next in blood as there is no possibility to alter the same, and that from this time forward the king always caused his eldest son to be named king or prince, & so ever to be sworn by the realm & nobility,

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MN: King Don Ordonio An. 924

MN: Moral. l. 16. cap I. An. 924

MN: Don Alonso 4

yet shall we find this ordinance and succession oftentimes to have been broken upon several considerations, as this author himself in that very chapter confesseth.

As for example, after four descents from this man, which were Don Ordonio [=Ordonio] the First, this man's son, and Don Alonso the Third, Don Garzia [=Garcia] and Don Ordonio the Second, all four kings by orderly succession, it happened that in the year of Christ 924 Don Ordonio the Second dying, left four sons and one daughter lawfully begotten, and yet the state of Spain displaced them all, and gave the kingdom to their uncle, Don Fruela Second, brother to their father, Don Ordonio, and Morales saith that

there appeareth no other reason hereof but only for that these sons of the king deceased were young, and not so apt to govern well the realm as their uncle was.

But after a year's reign this King Fruela died also, & left divers children at man's estate, and then did the Spaniards as much against them as they had done for him before against the children of his elder brother. For they put them all by the crown, & chose for their king Don Alonso the Fourth, which was eldest son to Don Ordonio the Second before-named that had been last king saving one, and this man also (I mean Don Alonso the Fourth) leaving afterward his kingdom and betaking himself to a religious habit, offered to the commonwealth of Spain his eldest son lawfully begotten

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MN: Don Ramiro Moral. lib. 19 cap. 20. An. 930

MN: Don Ordonio 3. An. 950

MN: Don Sancho I

MN: Moral. l. 16. cap. 29. An. 950

named Don Ordonio to be their king, but they refused him, and took his brother (I mean this King's brother) and uncle to the young prince, named Don Ramiro, who reigned 19 years, and was a most excellent king, and gained Madrid from the Moors, though noted of cruelty for imprisoning and pulling out the eyes afterward of this King Don Alonso the 4 and all his children and nephews for that he would have left his habit and returned to be king again. But this fact my author Morales excuseth, saying that it was requisite for peace and safety of the realm, so as here you see two most manifest alterations of lineal succession together by order of the commonwealth.

Furthermore, after this noble King Don Ramiro the Second succeeded as heir apparent to the crown his elder son, Don Ordonio the third of this name, in the year of Our Saviour 950, but this succession endured no long than unto his own death, which was after 7 years, for then, albeit he left a son named El Enfante Don Vermudo, yet he was not admitted, but rather his brother, Don Sancho the First of this name, surnamed El Gordo, who was uncle to the young prince. And the reason for this alteration Morales giveth in these words, *El succeder en el regno, al hermano, fue por la racon ordinaria de ser el enfante, Don Vermudo nino y no bastante para el gouierno y difenca de la terra*, which is, the cause why the King's brother and not his son succeeded in the crown was for the ordinary

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MN: Mor. l. 17. c. 1. 2. 3. 4

MN: The end of the race of Don Pelayo

MN: Of the descents following

reason (so often before alleged) for that the infant or young Prince Vermudo was a little child, and not sufficient for government and defence of the country.

Truth it is that after this Don Sancho had reigned, and his son and heir named Don Ramiro the Third after him, for the space of 30 years in all, then was this youth, Don Vermudo (that is now put back) called by the realm to the succession of the crown, and made king by the name of King Vermudo the Second, who left after him Don Alonso the 5, and he again his son, Don Vermudo the Third, who marrying his sister, Dona Sancha (that was his heir) unto Don Fernando, first earl & then King of Castile (who was second son to Don Sancho Mayor, King of Navarre, as before hath been said), he joined by these means the kingdoms of Leon and Castile together, which were separate before, and so ended the line of Don Pelayo, first Christian King of Spain after the entrance of the Moors, which had endured now three hundred years, and the blood of Navarre entered, as you see, and so continued therein until the entrance of those of Austria, as before hath been said, which was almost 5 hundred years together.

And thus much I thought good to note out of the stories of Spain for this first descent of the Spanish kings after the entrance of the Moors, neither mean I to pass much further, both for that it would be overlong, as also for

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MN: Spanish examples in the second descent

MN: An. 1201

MN: Garib. li. 21. cap. 12 & 37(?)

MN: Lady Eleanor, an Englishwoman, Queen of Spain

that mine author, Morales, who is the most diligent that hath written the chronicles of that nation, endeth here his story with King Vermudo, the Third and last of the Gothish blood.

Notwithstanding, if I would go on further, there would not want divers evident examples also to the same purpose which Stephen Garabay [=Garibay], another chonicler [sic for 'chronicler'] of Spain, doth touch in the continuation of this story, whereof for example's sake only I will name two or three among the rest.

And first, about the year of Christ 1201 there was a marriage made by King John of England for Dona Blanca, his niece, that is to say, the daughter of his sister, Dame Eleanor, and of Don Alonso the 9 of that name, King and Queen of Spain, which Blanca was to marry the prince of France named Luys [=Louis], son & heir to King Philip surnamed Augustus, which Luys was afterward King of France by the name of Luys the 8, & was father to Luys the 9, surnamed the Saint.

This Lady Blanca was niece, as I have said, unto King John and to King Richard the First of England, for that he mother, Lady Eleanor, was their sister, and daughter to King Henry the Second, and King John made this marriage thereby to make peace with the French, and was content to give for her dowry (for that he could not tell how to recover them again) all those towns & countries which the said King Philip had taken upon the English by this King's evil government in Normandy and

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MN: Garib. l. 13. cap. 10(?), An. 1207

MN: An English Queen grandmother to two king saints at once

MN: Another beach of succession

Gascony, and moreover promise was made that if the Prince Henry of Spain (that was the only brother to the said Lady Blanche) should die without issue (as after he did), then this Lady should succeed in the crown of Spain also, but yet afterward the state of Spain would not perform this, but rather admitted her younger sister, Dona Berenguela, married to the Prince of Leon, and excluded both Blanche and her son, the King St Luys[=Louis] of France, against the evident right of succession and propinquity of blood, & the only reason they yielded hereof was not to admit strangers to the crown, as Garabay [=Garibay] testifieth.

This happened then, and I do note by the way that this Dona Berenguela, second daughter of Queen Eleanor, the Englishwoman, was married (as hath been said) to the Prince of Leon, and had by him Don Fernando the Third of that name, King of Castilia, surnamed also the Saint, so as the two daughters of an English Queen had two kings saints for their sons at one time, the elder of France and the younger of Spain.

After this again about threescore years, the Prince of Spain named Don Alonso, surnamed de la Cerda for that he was born with a great gristle hair on his breast called *cerda* in Spanish, which Don Alonso was nephew to the King Fernando the saint, & married with the daughter of Saint Luys, King of France, named also Blanca, as her grandmother was, and had by her two sons called Alonso & Hernando de la Cerda,

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MN: The Cerdas put back from the crown 1276

MN: Garabay l. 15. c. I. an. 1363

as the prince, their father, was named, which father of theirs dying before the King, the grandfather left them commended to the realm as lawful heirs apparent to the crown, yet for that a certain uncle of theirs named Don Sancho, younger brother to their father, which Don Sancho was surnamed afterward El Bravo for his valour, and was a great warrior, and more like to manage well the matters of war than they, he was made heir apparent of Spain and they put back in their grandfather's time, and by his and the realm's consent (their father, as I have said, being dead), and this was done in a general Parliament holden at Segovia in the year 1276, and after this Don Sancho was made King in the year 1284, and the two princes put into prison, but afterward, at the suit of their uncle, King Philip the Third of France, they were let out again, and endued with certain lands, and so they remain unto this day, and of these do come the Dukes of Medina Celi and all the rest of the house of Cerda, which are of much nobility in Spain at this time, and King Philip that reigneth cometh of Don Sancho, the younger brother.

Not long after this again, when Don Pedro, surnamed the Cruel, King of Castile, was driven out, and his bastard brother, Henry the Second, set up in his place, as before hath

been mentioned, the Duke of Lancaster, John of Gaunt, having married Dona Constantia, the said King Peter's daughter & heir, pretended by succession the

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MN: Many alterations of lineal descent

MN: Don John the First, a bastard, made King of Portugal

said crown of Castile, as indeed it appertained unto him, but yet the state of Spain denied it flatly, and defended it by arms, and they prevailed against John of Gaunt, as did also the race of Henry the Bastard against his lawful brother, & the race of Don Sancho, the uncle, against his lawful nephew, as hath been showed, and that of Dona Berenguela against her elder sister, all which races do reign unto this day, & these three changes of the true live [sic for 'line'] happened within two ages, and in the third and principal descent of the Spanish Kings, when this matter of succession was most assuredly and perfectly established, and yet who will deny but that the Kings of Spain who hold by the later titles at this day be true and lawful Kings?

Well, one example will I give you more out of the kingdom of Portugal, and so will I make an end with these countries. This King Henry the Bastard, last-named King of Spain, had a son that succeeded him in the crown of Spain named John the First, who married the daughter and heir, named Dona Beatrix, of King Fernando the First of Portugal, but yet after the death of the said King Fernando the states of Portugal would never agree to admit him for their king for not subjecting themselves by that means to the Castilians, and for that cause they rather took for their king a bastard brother of the said late King, Don Fernando, whose name was Don Juan, a youth of 20 years old who had been master of a militar order in

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MN: Garib. l. 15 cap. 22. & li. 34. c. 39

Portugal named de Avis [=Aviz], and so they excluded Dona Beatrix, Queen of Castile, that was their lawful heir, and chose this young man, and married him afterwards to the Lady Philippe, daughter of John of Gaunt, Duke of Lancaster, by his first wife Blanche, Duchess and heir of Lancaster, in whose right the Kings of Portugal and their descendants do pretend unto this day a certain interest to the house of Lancaster, which I leave to our temporal lawyer to discuss, but hereby we see what an ordinary matter in hath been in Spain and Portugal to alter the line of next succession upon any reasonable consideration which they imagined to be for their weal public, and the like we shall find in France & England, which even now I will begin to treat of.

## CHAPTER VIII

Divers other examples out of the states of France and England for proof that the next in blood are sometimes put back from succession, and how God had approved the same with good success

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MN: Of the state of France

As concerning the state of France, I have noted before that albeit since the entrance of their first King Pharamond with his Franks out of Germany, which was about the year

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MN: An. 419

MN: An. 751

MN: An. 988

MN: Examples of the 2 rank of French Kings

of Christ 419, they have never had any stranger come to wear their crown, which they attribute to the benefit of their law Salic that forbiddeth women to reign, yet among themselves have they changed twice their whole race and lineage of kings, once in the entrance of King Pepin that put out the line of Pharamond about the year 751, and again in the promotion of King Hugo Capetus [=Hugh Capet] that put out the line of Pepin in the year 988, so as they have had three descents and races of kings, as well as the Spaniards, the first of Pharamond, the 2 of Pepin, and the 3 of Capetus which endureth unto this present, if it be not altered now by the exclusion that divers pretend to make of the King of Navarre and other princes of the blood royal of the house of Bourbon.

Wherefore as I did before in the Spaniards, so I will here let pass the first rank of all of the French kings for that some men may say perhaps that the commonwealth and law of succession was not so well settled in those days as it hath been afterward in time of King Pepin, Charles the Great and their descendants, as also for that it were in very deed overtedious to examine and peruse all three ranks of Kings in France, as you will say when you shall see what store I have to allege out of the second rank only, which began with the exclusion and deposition of their lawful King Childeric the Third and election of King Pepin, as before you have heard at large declared

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MN: King Pepin by election An. 751

MN: King Charles by election

MN: Girard du Haillan l. 3. an. 768

in the third chapter of this discourse, & it shall not be needful to repeat the same again in this place.

Pepin then, surnamed le Bref, or the Little, for his small stature (though he were a giant in deeds), being made King of France by mere election in the year of Christ 751, after 22 kings that had reigned of the first line of Pharamond for the space of more than three

hundred years, and being so famous and worthy a king, as all the world knoweth, reigned 18 years, & then left his states and kingdoms by succession unto his eldest son, Charles, surnamed afterward the Great for his famous and heroical acts. And albeit the whole kingdom of France appertained unto him alone by the law of succession, as hath been said, his father being king and he his eldest son, yet would the realm of France show their authority in his admission, which Girard setteth down in these words, *Estant Pepin decede, les Francois esleurent Rois, Charles & Carlomon, ses fils, a la charge, qu'ils partageroient entre eux, egalemt, le royaume*, which is, King Pepin being dead, the Frenchmen chose for their kings his two sons, Charles and Carlomon [=Carloman], with condition that they should part equally between them the realm. Wherein is to be noted not only the election of the commonwealth, besides succession, but also the heavy condition laid upon the heir to part half of his kingdom with his younger brother. And the very same

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MN: Eginard, Belfor. li. 2. cap. 5

MN: The uncle preferred before the nephew

MN: Paul. mili [=sic for 'Aemilius?'] hist. Franc.

MN: King Luys de bonnaire, An. 814

MN: Girard l. 5. An. 834

words hath Eginard [=Einhard], an ancient French writer, in the life of this Charles the Great, to wit, that the French state in a public assembly did choose two princes to be their kings, with express condition to divide the realm equally, as Francis Belleforest citeth his words, which two French authors (I mean Girard and Belleforest) I shall use principally hereafter in the rest of my citations.

After three years that these two brethren had reigned together, King Carlomon, the younger, died, and left many sons, the elder whereof was named Adalgise, but Belleforest saith that *the Lords ecclesiastical & temporal of France swore fidelity and obedience to Charles without any respect or regard at all of the children of Carlomon, who yet by right of succession should have been preferred*, & Paulus Emilius [=Aemilius], a Latin writer, saith, *proceres regni ad Carolum vltro venientes, regem eum totius Galliae salutarunt*, that is, the nobility of the realm, coming of their own accord unto Charles, saluted him King of all France, whereby is showed that this exclusion of the children of Carlomon was not by force or tyranny, but by free deliberation of the realm.

After Charles the Great reigned by succession his only sonue [sic for 'son'], Luys [=Louis] the First, surnamed de Bonnaire of his courtesy, who entering to reign in the year 817 [sic for '814?'] with great applause of all men for the exceeding grateful memory of his father, was yet afterward, at the pursuit principally of his own three sons by his first wife (which were Lothair, Pepin and Luys), deposed,

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MN: An. 840

MN: An. 878(?)

MN: Baudin en la Chronique, pag. 119(?), Girard l. 1 An. 879

MN: Two bastards preferred

first in a council at Lyons, and then again at Compeigne [=Compiegne], and put into a monastery, though afterward he came to reign again, and his fourth son by his second wife (which son was named Charles le Chauve for that he was bald) succeeded him in the states of France, though after many battles against his eldest brother, Lothaire, to whom by succession the same appertained.

After Charles the Bald succeeded Luys the Second, surnamed le Begue for his stuttering, who was not eldest, but third son unto his father, for the second died before his father, & the eldest was put by his succession for his cruel [sic for 'cruel'] demeanour. This Luys also was like to have been deprived by the states at his first entrance for the hatred conceived against his father, Charles the Bald, but that he calling a solemn Parliament at Compeigne [=Compiegne], as Girard saith, he made the people, clergy and nobility many fair promises to have their goodwills. This Luys the Stuttering left two bastard sons by a concubine who were called Luys and Carlomon, as also he left a little infant newly born of his lawful wife, Adeltrude, daughter to King Alfred of England, which infant was King of France afterward by the name of Charles the Simple, albeit not immediately after the death of his father, for that the nobles of France said that they had need of a man to be king, & not a child, as Girard reporteth, & therefore the whole state of France chose for their kings the two

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MN: An. 881

MN: Luys Faineant King of France An. 886

MN: Charles 4 le Gros King of France

MN: Girard. li. 5. An. 888

foresaid bastards Luys the Third and Carlomon the First of that name jointly, and they were crowned most solemnly, & divided the whole realm between them, in the year of Christ 881, and Queen Adeltrude with her child, true heir of France, fled into England to her father, and there brought him up for divers years, in which time she saw four or five Kings reign in his place in France one after the other, for briefly thus it passed.

Of these two bastard Kings the elder, named Luys, reigned but four years, & died without issue. The second, that is Carlomon, lived but one year after him, and left a son called also Luys, which succeeded in the kingdom by the name of Luys the Fifth, and surnamed Faineant for his idle and slothful life. For which, as also for his vicious behavior, and in particular for taking out and marrying a nun of the Abbey of St Baudour [=Bathild] at Chells [=Chelles] by Paris, he was deprived, and made a monk in the Abbey of St Denis, where he died, and in his place was chosen King of France and crowned with great solemnity Charles [sic for 'Charles'] the 4, Emperor of Rome, surnamed le Gros for that he was fat and corpulent. He was nephew to Charles the Bald before mentioned, and therefore the French stories say that he came to the crown of France partly by succession

and partly by election, but for succession we see that it was nothing worth, forso much as Charles the Simple, the right heir, was alive in England, whom it seemeth that

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MN: Odo a king and after duke, of whom came Hugo Capetus

the Frenchmen had quite forgotten, seeing that now they had not only excluded him three times already, as you have heard, but afterwards also again when this Gross Charles was for his evil government by them deposed and deprived, not only of the kingdom of France but also of his empire which he had before he was King, & was brought into such miserable penury, as divers write, that he perished for want. At this time, I say, the states of France would not yet admit Charles the Simple (though hitherto his simplicity did not appear, but he seemed a goodly prince), but rather they chose for King one Odo [=Eudes], Earl of Paris and Duke of Angiers [=Angers], and caused him to be crowned.

But yet after a few years being weary of this man's government, and moved also somewhat with compassion towards the youth that was in England, they resolved to depose Odo, and so they did whiles he was absent in Gascony, and called Charles the Simple out of England to Paris, and restored him to the kingdom of France, leaving only to Odo for recompense the state of Aquitaine with title of a Duke, wherewith in fine he contented himself, seeing that he could get no more. But yet his posterity by virtue of this election pretended ever after a title to the crown of France, and never left it off until at length by Hugo Capetus they gat it, for Hugh descended of this King and Duke Odo.

This King Charles then, surnamed the Simple,

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MN: Rafe [=Ralph, Rudolph] I, King of France. An. 927

MN: An. 929

an Englishwoman's son, as you have heard, being thus admitted to the crown of France, he took to wife an Englishwoman named Elgina or Ogin [=Eadgifu], daughter of King Edward the Elder, by whom he had a son named Lewys, and himself being a simple man, as hath been said, was allured to go to the castle of Peronne in Picardy where he was made prisoner, and forced to resign his kingdom unto Rafe [=Ralph, Rudolph], King of Burgundy, and soon after he died through misery in the same castle, and his Queen, Ogin, fled into England with her little son, Luys, unto her uncle, King Adelstan, as Queen Adeltrude had done before with her son unto King Alfred, and one of the chief in this action for putting down of the simple [=Simple?] was Count Hugh, surnamed the Great, Earl of Paris, father unto Hugo Capetus which after was King.

But this new King Rafe [=Ralph, Rudolph] lived but three years after, and then the states of France, considering the right title of Luys, the lawful child of King Charles the Simple, which Luys was commonly called now in France by the name of d'Outremer, that is, Beyond-the-Sea, for that he had been brought up in England, the said states being also greatly and continually solicited hereunto by the ambassadors of King Adelstan of

England and by William, Duke of Normandy, surnamed Long Spear, great-grandfather to William the Conqueror, who by the King of England was gained also to be of the young

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MN: Luys 4 d'Outremer

MN: The true geyre [sic for 'heir'] of France excluded

MN: Hugh Capet, otherwise Snatch Cap, 988

prince's part, for these considerations (I say) they resolved to call him into France out of England, as his father had been before him, and to admit and crown him King, and so they did, and he reigned 27 years, and was a good prince, & died peaceably in his bed the year of Christ 945 [sic for '954?'].

This King Luys d'Outremer left two sons behind him. The eldest was called Lothaire the First, who succeeded him in the crown of France, and the second was named Charles, whom he made Duke of Lorraine. Lothaire dying left one only son named Luys, as his grandfather was, who was King of France by the name of Luys the 5, and dying without issue after two years that he had reigned, the crown was to have gone by lineal succession unto his uncle, Charles, the Duke of Lorraine, second son to Luys d'Outremer, as is evident, but the states of France did put him by it for mislike they had of his person, and did choose Hugo Capetus, Earl of Paris, and so ended the second line of Pepin and of Charles the Great, and entered the race of Hugo Capetus which endureth until this day, and the French stories do say that this surname Capet was given to him when he was a boy for that he was wont to snatch away his fellows' caps from their heads, whereof he was termed Snatch Cap, which some do interpret to be an abodement that he should snatch also a crown from the true owner's head in time, as afterward we see it fell out,

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MN: Belfor. li. 3 cap I. An. 988

MN: Defence of Hugh Capetus' title

though yet he had it by election and approbation of the commonwealth, as I have said.

And in this respect all the French chroniclers, who otherwise are most earnest defenders of their law of succession, do justify this title of Hugo Capetus against Charles, for which cause Francis Belleforest doth allege the saying of William Nangis, an ancient and diligent chronicler of the Abbey of St Denis in France, who defendeth King Capetus in these words, *We may not grant in any case that Hugh Capet may be esteemed an invader or usurper of the crown of France, seeing the lords, prelates, princes and governors of the realm did call him to this dignity, and choose him for their King and Sovereign Lord.* Thus much Nangis. Upon which words Belleforest saith as followeth, I have laid before you the words and censure of this good religious man for that they seem to me to touch the quick, for in very truth we cannot by any other means defend the title of Hugh Capet from usurpation and felony than to justify his coming to the crown by the consent and will of the commonwealth, and in this I may well excuse me from inconstancy and contradiction to myself that have so earnestly defended succession before, for he that will

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consider how and with what conditions I defended that shall easily see also that I am not here contrary to the same. Thus much Belleforest.

I think it not amiss also to put down here some part of the oration or speech which

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MN: The embassage of the states of France unto Charles of Lorraine

MN: Girard l. 6. an. 988(?)

the ambassador that was sent at that time from the state of France unto Charles of Lorraine after their election of Hugh Capet and Charles' exclusion did use unto him in their names, which speech Girard doth recount in these words:

Every man knoweth (Lord Charles) that the succession of the crown and realm of France according to the ordinary laws and rights of the same belongeth unto you and not unto Hugh Capet, now our King. but yet the very same laws which do give unto you this right of succession do judge you also unworthy of the same for that you have not endeavoured hitherto to frame your life and manners according to the prescript of those laws, nor according to the use & custom of your country of France, but rather have allied yourself with the German nation, our old enemies, and have acquainted yourself with their vile and base manners. Wherefore, seeing you have forsaken & abandoned the ancient virtue, sweetness and amity of the French, we have also abandoned and left you, and have chosen Hugh Capet for our King, and have put you back, and this without any scruple or prejudice of our consciences at all, esteeming it far better and more just to live under Hugh Capet, the present possessor of the crown, with enjoying the ancient use of our laws, customs, privileges and liberties, than under you, the inheritor by nearness of blood, in oppression, strange customs, and

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MN: Note this comparison

MN: Examples out of the third time of France

cruelty. For even as those which are to make a voyage in a ship upon a dangerous sea do not so much respect whether the pilot which is to guide the stern be owner of the ship or no, but rather whether he be skilful, valiant and like to bring them in safety to their way's end or to drown them among the waves, even so our principal care is that we have a good prince to lead and guide us happily in this way of civil and politic life, which is the end why princes were appointed, for that this man is fitter to be our King.

This message did the states of France send to Charles of Lorraine in defence of their doings, and with this he lost his succession forever, and afterwards his life also in prison, and the Frenchmen thought themselves secure in conscience, as you see, for doing the same, which God hath also since seemed to confirm with the succession and happy success of so many noble and most Christian Kings as have issued out of this line of Hugo Capetus unto this day.

And this spoken now of the second line of France I take to be sufficient for proof of our purpose without going any further, for that if we do but number these kings already named that have reigned in this second race from King Pepin downwards unto Hugh Capet (which are about 17 or 18 kings in 238 years), we shall find that not some few, but the most part of them did both enter and enjoy their crowns and dignities contrary to the law

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MN: Girard li. 6. an. 1032

MN: King Henry I preferred before his elder brother

MN: William Conqueror, how he came to be Duke of Normandy

MN: Girard l. 6 Anno 1032. & 1037

of lineal descent and of next succession of blood. Whereof also there would not want divers examples in the third and last descent since Hugo Capetus' time if we would pass further to examine the stories thereof. For not to go further down than to the very next descent after Hugh, which was King Robert, his son, Girard affirmeth in his story that of his two sons which he had, named Robert and Henry, Robert the elder was put back, and his younger brother, Henry, made King of France, & reigned many years by the name of Henry the First, & this he saith happened partly for that Robert was but a simple man in respect of Henry, and partly also for that Henry was greatly favoured and assisted in this pretence by Duke Robert of Normandy, father to our William the Conqueror, and in recompense hereof, this King Henry afterward assisted the said William, bastard son to Robert, for the attaining of the dukedom of Normandy after the death of the said Duke Robert, his father, notwithstanding that Duke Robert had two lawful brothers alive at that time whose names were Manger [sic for 'Mauger'], Archbishop of Roan [=Rouen], and William, Earl of Argues [=Arques] in Normandy, who pretended by succession to be preferred. But the states of Normandy, at the request of Duke Robert when he went to the Holy Land (in which journey he died), as also for avoiding of dissension and wars that otherwise might ensue, were content to exclude the uncles and admit the bastard son, who was

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MN: Sons excluded for the father's offences

MN: Girard lib. 7. An. 1110

MN: Belfor. l. 4. c. 2.(?) & l. 5

MN: Cominaeus in comentar. l. I.(?) in vita Ludouic. 11

also assisted by the forces of the King of France, as hath been said, so as no scruple it seemed there was in those days either to prefer King Henry to the crown of France before his elder brother, or Duke William, the bastard son, to the Duchy of Normandy before his lawful uncles upon such dow [sic for 'due'] considerations as those states may be presumed to have had for their doings.

I read also that some years after, to wit, in the year 1110, when Philip the First of France, son and heir to this King Henry, of whose solemn coronation you have heard before in

the seventh(?) chapter, was deceased, the people of France were so offended with his evil life and government as divers were of opinion to disinherit his son, Lewis the Sixth, surnamed le Gros, for his sake, and so was he like to have been indeed, as may appear by the chronicle of France, if some of his party had not caused him to be crowned in haste and out of order in Orleans for preventing the matter.

The like doth Philip Cominaeus in his story of King Luys the Eleventh declare how that the state of France had once determined to have disinherited his son, Charles, named after the Eight, and to put him back from his succession for their hatred to his father if the said father had not died while the other was very young. As I noted before also, that it happened in King Henry the Third of England, who was once condemned by the barons to be disinherited for the fault of King John, his

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MN: Examples of the realm of England

MN: Divers races of English Kings

father, and Lewys, the princo [sic for 'prince'] of France chosen in his place, but that the death of King John did alter that course intended by the English nobility, so as this matter is neither new nor unaccustomed in all foreign countries, and now will I pass also a little to our English stories, to see whether the like may be found in them or no.

And first of all that the realm of England hath had as great variety, changes and diversity in the races of their kings as any one realm in the world it seemeth evident, for that first of all, after the Britains, it had Romans for their governors for many years, and then of them & their Roman blood they had kings again of their own, as appeareth by that valiant King Aurelius Ambrosius, who resisted so manfully and prudently the Saxons. For a time after this they had kings of the Saxon & English blood, and after them of the Danes, and then of the Normans, & after them again of the French, & last of all it seemeth to have returned to the Britains again in King Henry the 7 for that his father came of that race, and now you know there be pretenders of divers nations, I mean both of Scottish, Spanish and Italian blood, so that England is like to participate with all their neighbours round about them, & and I for my part do feel myself much of the French opinion before alleged, that so the ship be well & happily guided, I esteem it not much important of what race or nation the pilot be. But now to our purpose.

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MN: The name of England and English

MN: King Egbert the first monarch of England

MN: Polydore hist. aug. [sic for 'ang?'] li. 4 in fine

MN: An. 802

I mean to pass over the first and ancient ranks of kings, as well of the British & Roman as also of the Saxon races, until King Egbert the First of this name, King of the West Saxons and almost of all the rest of England besides, who therefore is said to be properly the first

monarch of the Saxon blood, and he that first of all commanded that realm to be called England, which ever since hath been observed.

This man Egbert, being a young gentleman of a noble house in the west parts of England, who had in jealousy by his king, Britricus (who was the 16 king from Cerdicius, first king of the West Saxons, as he was also the last of his blood). And for that he suspected that this Egbert, for his great prowess, might come in time to be chosen king, he banished him into France, where he lived divers years, and was a captain under the famous King Pepin that was father of Charles the Great, and hearing afterwards that King Britricus was dead, he returned into England, where Polydore saith, *omnium consensu rex creatur*, that he was created or chosen king by consent and voice of all men, though yet he were not next by propinquity of blood royal, as is most evident, and yet he proved the most excellent king that ever the Saxons had before or perhaps after, and his election happened in the year of Christ 8 hundred and two, when King Pepin the First of that race reigned (as hath been said) in France,

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MN: King Pepin of France

MN: King Adelwolfe [=Aethelwulf] An. 829

MN: King Alfred. 872

MN: King Edward elder. An. 900

so as this monarchy of Egbert and that of Pepin (whereof we have alleged so many examples in the former chapter), began, as it were, together, and both of them (I mean both Pepin and Egbert) came to their crowns by election of the people, as here you see.

This king Egbert or Egbrich, as others do write him, left a lawful son behind him named Ethelwolfe or Adeluulfe, or Edolph (for all is one) who succeeded him in the kingdom, and was as worthy a man as his father, and this Adeluulfe again had four lawful sons, who all in their turns succeeded by just and lawful order in the crown, to wit, Ethelbald, Ethelbert, Ethelred and Alfred, for that none of the former three had any children, and all the later [=latter?] three were most excellent princes, especially Alfred or Alured, the last of all four, whose acts are wonderful, and who among other his renowned gests drave Rollo, that famous captain of the Danes, from the borders of England with all his company into France, where he gat the country or province named then Neustria, & now Normandy, and was the first Duke of that province and nation, and from whom our William Conqueror came afterwards in the sixth descent. This man erected also the university of Oxford, being very learned himself, builded divers goodly monasteries and churches, and dying left as famous a son behind him as himself, which was Edward the First, surnamed the Senior or Elder.

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MN: King Aleston(?) the Bastard preferred. An. 924

MN: Polydore l. 5. Historia Angliae

MN: Stow pag. 130. An. 924

MN: King Edmond. I. An. 940

This King Edward dying left two sons lawfully begotten of his wife, Edgina, the one named Prince Edmund and the other Eldred, & a third illegitimate whose name was Adelstan, whom he had by a concubine. But yet for that this man was esteemed to be of more valour than the other, he was preferred to the crown before the two other princes legitimate, for so testifieth Polydore in these words, *Adelstanus ex concubina Edwardi filius, rex a papulo [sic for 'populo'] consalutatur atque ad kingstonum opidum more maiorum ab Athelmo Cautuariensi [sic for 'Cantuariensi'] Archiepiscopo coronatur*, which is, Adelstan, the son of King Edward by a concubine, was made king by the people, and was crowned according to the old custom by Athelme [=Athelm], Archbishop of Canterbury, at the town of Kingston. Thus far Polydore, and Stow addeth further these words, *His coronation was celebrated in the marketplace upon a stage erected on high that the king might better be seen of the multitude. He was a prince of worthy memory, valiant and wise in all his acts, & brought this land into one perfect monarchy, for he expelled utterly the Danes and quieted the Welshmen.* Thus much Stow of the success of choosing this king bastard to reign. To whose acts might be added that he conquered Scotland, and brought Constantine, their king, to do him homage, and restored Luys d'Outremer, his sister's son, to the kingdom of France, as before hath been signified.

This man dying without issue, his lawful brother, Edmond [=Edmund], put back before, was admitted

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MN: The uncle preferred before the nephews 946. Polid. l. 6

MN: Stow in his chronicles

MN: Edgar a famous King

to the crown, who being of excellent expectation, died after 6 years, and left two lawful sons, but yet for that they were young they were both put back by the realm and their uncle, Eldred, was preferred before them, so saith Polydore, *Genuit Edmondus ex Egilda vxore Eduinum & Edgarum, qui cum etate pueri essent, post Eldredum deinde regnarunt*, King Edmond begat of his wife, Egilda, two sons named Edwin and Edgar, who for that they were but children in years were put back, and reigned afterward after their uncle, Eldred. The like saith Stow, and yieldeth the same reason in these words, *Eldred succeeded Edmond, his brother, for that his sons, Edwin and Edgar, were thought too young to take so great a charge upon them.*

This Eldred, though he entered, as you see, against the right of the nephews, yet saith Polydore and Stow that he had all men's goodwill, and was crowned as his brother had been at Kingston by Odo, Archbishop of Canterbury, and reigned 9 years with great goodwill and praise of all men. He died at last without issue, and so his elder nephew, Edwin, was admitted to the crown, but yet after four years he was deposed again for his lewd and vicious life, and his younger brother, Edgar, admitted in his place in the year of Christ 959.

This King Edgar that entered by deposition of his brother was one of the rarest princes that the world had in his time, both for peace and war, justice, piety and valour. Stow saith he

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MN: King Edward martyrizd

MN: King Etheldred 978

MN: Polydore l. 7. Historia Anglie

kept a navy of three thousand and 6 hundred ships distributed in divers parts for defence of the realm. Also that he built and restored 47 monasteries at his own charges, and did other many such acts. He was father to King Edward the Martyr, & grandfather to King Edward the Confessor, though by two different wives, for by his first wife named Egilfred [=Aethelflaed] he had Edward, after martyrizd, and by his second wife, Alfred [=Alfrida, Aelfthryth], he had Etheldred [=Ethelred], father to Edward the Confessor, & to the end that Etheldred might reign, his mother, Alfred, caused King Edward, the son of Egilfred, to be slain after King Edgar, her husband, was dead.

After this so shameful murder of King Edward many good men of the realm were of opinion not to admit the succession of Etheldred, his half-brother, both in respect of the murder of King Edward, his elder brother, committed for his sake, as also for that he seemed a man not fit to govern, and of this opinion among others was the holy man Dunston [=Dunstan], Archbishop of Canterbury, as Polydore saith, who at length in flat words denied to consecrate him, but seeing the most part of the realm bent on Etheldred's side, he foretold them that it would repent them after, and that in this man's life the realm should be destroyed, as indeed it was, and he ran away to Normandy, and left Sweno [=Sweyn] and his Danes in possession of the realm, though afterward, Sweno being dead, he returned again, and died in London.

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MN: King Edmond Ironside

MN: Queen Emma, mother to King Edward the Confessor

MN: Many breaches of lineal succession

This Etheldred had two wives, the first Ethelgina [=Aelfgifu], an Englishwoman, by whom he had Prince Edmund, surnamed Ironside for his great strength and valour, who succeeded his father in the crown of England for a year, and at his death left two sons, which after shall be named, and besides this, Etheldred had by his first wife other two sons, Edwin [=Edwig?] and Adelston [=Aethelstan?], and one daughter named Edgina, all which were either slain by the Danes or died without issue.

The second wife of Etheldred was called Emma, sister to Richard, Duke of Normandy, who was grandfather to William the Conqueror, to wit, father to Duke Robert that was father to William, so as Emma was great-aunt to this William, and she bare unto King Etheldred two sons, the first Edward, who was afterward named King Edward the

Confessor, and Alerud [=Alfred], who was slain traitorously by the Earl of Kent, as presently we shall show.

After the death also of King Etheldred, Queen Emma was married to the Dane, King Canutus the First of that name, surnamed the Great, that was King of England after Etheldred & Edmond Ironside, his son, and to him she bare a son named Hardicanutus, who reigned also in England before King Edward the Confessor.

Now then to come to our purpose. He that will consider the passing of the crown of England from the death of Edmonde Ironside, elder son of King Eltheldred, until the possession thereof gotten by William, Duke of

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MN: Sons of King Edmond Ironside

MN: King Canutus the First 1018

Normandy, to wit, for the space of 50 years, shall easily see what authority the commonwealth hath in such affairs to alter titles of succession according as public necessity or utility shall require, for thus briefly the matter passed.

King Eltheldred, seeing himself too weak for Sweno, the King of Danes, that was entered the land, fled with his wife, Emma, and her two children, Edward and Alerud, unto her brother, Duke Richard of Normandy, & there remained until the death of Sweno, and he being dead, Etheldred returned into England, made a certain agreement and division of the realm between him & Canutus, the son of Sweno, and so died, leaving his eldest son, Edmond Ironside, to succeed him, who soon after dying also, left the whole realm to the said Canutus, and that by plain covenant, as Canutus pretended, that the longest liver should have all, whereupon the said Canutus took the two children of King Edmond Ironside named Edmond and Edward, and sent them over into Sweveland (which at that time was subject also unto him), and caused them to be brought up honourably, of which two, the elder, named Edmond, died without issue, but Edward was married, and had divers children, as after shall be touched.

Etheldred and his son, Edmond, being dead, Canutus the Dane was admitted for King of England by the whole Parliament & consent

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MN: King Harald the bastard 1038

MN: Polydore l. 8. *Historia Angliae*

of the realm, and crowned by Alerud, Archbishop of Canterbury, as Polydore saith, & he proved an excellent king, went to Rome, and was allowed by that see also. He did many works of charity, showed himself a good Christian & very loving and kind to Englishmen, married Queen Emma, an Englishwoman and mother to King Edward the Confessor, & had by her a son named Hardicanutus, and so died & was much mourned

by the English after he had reigned 20 years, though his entrance and title was partly by force and partly by election, as before you have heard.

After this Canutus the First, surnamed the Great (for that he was King jointly both of England, Norway and Denmark) was dead, Polydore saith that all the states of the realm met together at Oxford *to consult whom they should make king, and at last by the more part of voices was chosen Harald, the first son of Canutus by a concubine*, by which election we see injury was done to the lineal succession of three parties, first to the sons of King Edmond Ironside that were in Sweveland, then to the princes Edward and Alerud, sons to King Ethelred and brothers to Ironside that were in Normandy, and thirdly to Hardicanutus, son to Canutus by his lawful wife, Emma, to whom it was also assured at her marriage that her issue should succeed if she had any by Canutus.

After the death of this Harald, who died in Oxford, where he was elected, within three

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MN: King Hardicanutus. Anno 1041

MN: Alured, the younger brother, preferred

years after his election, there came from Denmark Hardicanutus to claim the crown that his father & brother had possessed before him, of whose coming Polydore saith, *libentissimis animis accipitur communique omnium consensu rex dicitur*, he was received with great goodwill of all, and by common consent made king, and this was done by the states without any respect had of the succession of those princes in Normandy and Sweveland who by birth were before him, as hath been showed, and this is the 2 breach of lineal descent after Etheldred.

But this Hardicanutus being dead also upon the sudden at a certain banquet in Lambeth by London without issue within two years after his coronation, the states of the realm had determined to choose Aludred [=Alfred] for their king, who was younger brother to Edward, and for that cause sent for him out of Normandy, as Polydore recounteth, and had made him king without all doubt (for that he was esteemed more stirring & valiant than his elder brother, Edward), had not Earl Goodwin [=Godwin] of Kent, fearing the young man's stomach, raised a strong faction against him, and thereupon also caused him to be traitorously murdered as he passed through Kent toward London, nor had the state herein any respect to antiquity of blood for that before Alured were both his own elder brother, Prince Edward (who after him was chosen king), and before them both were Edmond and Edward, the children of their elder brother, Edmon [sic for 'Edmond'] Ironside,

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MN: King Edward the Confessor made king against right of succession

MN: Prince Edward the Outlaw and his children put back

as hath been said, and this the third breach of lineal descent.

But this notwithstanding, Alerud being slain, Prince Edward was made King, *tanta publica laetitia* (saith Polydore) *vt certatim pro eius foelici principatu, cuncti vota facerent*, that is, he was made king with such universal joy and contentment of all men as every man contended who should pray and make most vows to God for his happy reign, and according to this was the success, for he was a most excellent prince, and almost miraculously he reigned with great peace and void of all war at home and abroad for the space of almost 20 years, after so infinite broils as had been before him and ensued after him, and yet his title by succession cannot be justified, as you see, for that his eldest brother's son was then alive, to wit, Prince Edward, surnamed the Outlaw, who in this king's reign came into England and brought his wife and three lawful children with him, to wit, Edgar, Margaret & Christian, but yet was not this good King Edward so scrupulous as to give over his kingdom to any of them, or to doubt of the right of his own title which he had by election of the commonwealth against the order of succession.

This King Edward being dead without issue, Polydore saith that the states made a great consultation whom they should make king, and first of all it seemeth they excluded him that was only next by propinquity in blood, which was

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MN: Polydore l. 8

MN: Harald, second king by election. 1066

MN: Polydore vbi sup.

MN: William, Duke of Normandy, King of England. An. 1066. by election

Edgar Adelin [=Aetheling], son to the said Prince Edward the Outlaw, now departed, and nephew to King Edmond Ironside, and the reason of this exclusion is alleged by Polydore in these words, *is puer aetatu nondum regno gubernando matures erat*, that is, he being [sic for 'being'] a child of so small years, was not ripe enough to govern the kingdom, and then he saith that Harald, son of Earl Goodwin by the daughter of Canutus the First, proclaimed himself king, and moreover he addeth, *Non displicuit omnino id factum populo, quo plurimum spei in Haraldī virtute habebat, itaque more maiorum sacratus est*, which is, this fact of Harald displeased not at all the people of England for that they had great hope in the virtue of this Harald, & so was he anointed and crowned according to the fashion of the ancient Kings of England, by which words we may see that Harald had also the approbation of the realm to be king, notwithstanding that little Edgar was present, as hath been said, so as this was the fourth breach of succession at this time.

But in the mean space William, Duke of Normandy, pretended that he was chosen before by King Edward the Confessor, and that the realm had given their consent thereunto, and that King Edward left the same testified in his last will and testament, and albeit none of our English authors do avow the same clearly, yet do many other foreign writers hold it, and it seemeth very probable that some such thing

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MN: Girard. li. 6. an. 1065

MN: Chron Cassin. l. 3 cap. 34

MN: Antoninus [=Antoninus Florentinus] part. 2 chron. [=Chronicon Partibus Tribus?] tit. 16. cap 5. par(?). 1

had passed, both for that Duke William had many in England that did favour his pretence at his entrance, as also, as Girard in his French story saith, that at his first coming to London he punished divers by name for that they had broken their oaths and promises in that behalf. And moreover it appeareth that by alleging this title of election he moved divers princes abroad to favour him in that action, as in a just quarrel, which is not like they should have done if he had pretended only a conquest, or his title of consanguinity, which could be of no importance in the world for that effect seeing it was no other but that his grandfather and King Edward's mother were brother and sister, which could give him no pretence at all to the succession of the crown by blood, and yet we see that divers princes did assist him, and among others, the French chronicler Girard, so often named before, writeth that Alexander the Second, Pope of Rome (whose holiness was so much esteemed in those days as one Constantinus Afer wrote a book of his miracles), being informed by Duke William of the justness of his pretence, did send him his benediction, and a precious ring of gold, with a hallowed banner, by which he got the victory. Thus writeth Girard in his French chronicles. And Antoninus, Archbishop of Florence, surnamed Saint, writing of this matter in his chronicles, speaketh great good of William Conqueror, and commendeth his enterprise. But

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MN: Examples after the Conquest

MN: Polydore in vita Gul. Conq.

MN: William Rufus King An. 1087

howsoever, this was the victory we see he gat, and God prospered his pretence, and hath confirmed his offspring in the crown of England more than 500 years together, so as now, accounting from the death of King Edmond Ironside unto this man, we shall find (as before I have said) in less than 50 years that 5 or 6 kings were made in England one after another by only authority and approbation of the commonwealth, contrary to the ordinary course of lineal succession by propinquity of blood.

And all this is before the Conquest, but if we should pass any further down, we should find more examples than before. For first, the two sons of the Conqueror himself that succeeded after him, to wit, William Rufus and Henry the First, were they not both younger brothers to Robert, Duke of Normandy, to whom the most part of the realm was inclined (as Polydore saith) to have given the kingdom presently after the Conqueror's death, as due to him by succession, notwithstanding that William, for particular displeasure against his elder son, had ordained the contrary in his testament, but that Robert being absent in the war of Jerusalem, the holy and learned man, Lanfranke [=Lanfranc] (as he was accounted then), Archbishop of Canterbury, being deceived with vain hope of William Rufus' good nature, persuaded them the contrary, who was at that day of high estimation & authority in England,

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MN: Henry I. An. 1200

MN: Mathild. the Empress

and so might induce the realm to do what he liked.

By like means gat Henry, his younger brother, the same crown afterwards, to wit, by fair promises to the people and by help principally of Henry Newborow [=Newburgh], Earl of Warwick, that dealt with the nobility for him, and Maurice, Bishop of London, with the clergy, for that Anselme, Archbishop of Canterbury, was in banishment. Besides this also it did greatly help his cause that his elder brother, Robert (to whom the crown by right appertained), was absent again this second time in the war of Jerusalem, and so lost thereby his kingdom as before, Henry having no other title in the world unto it but by election and admission of the people, which yet he so defended afterwards against his said brother, Robert, that came to claim it by the sword, and God did so prosper him therein, as he took his said elder brother prisoner, and so kept him for many years until he died in prison most pitifully.

But this King Henry dying, left a daughter behind him named Mawde or Mathilde, which being married first to the Emperor Henry the Fifth, he died without issue, and then was she married again the second time to Geoffrey Plantagenet, Earl of Anjou in France, to whom she bare a son named Henry, which this King Henry, his grandfather, caused to be declared for heir apparent to the crown in his days, but yet after his decease, for that Stephen, Earl

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MN: King Stephen entered against succession 1135

MN: An Act of Parliament about succession 1153

MN: King Richard and King John 1190

of Boulogne, born of Adela, daughter to William the Conqueror, was thought by the state of England to be more fit to govern and to defend the land (for that he was at man's age), than was Prince Henry, a child, or Maude, his mother, he was admitted, and Henry put back, and this chiefly at the persuasion of Henry, Bishop of Winchester, brother to the said Stephen, as also by the solicitation of the Abbot of Glastonbury and others, who thought belike they might do the same with good conscience for the good of the realm, though the event proved not so well for that it drew all England into factions and divisions, for avoiding and ending whereof the states some years after in a Parliament at Wallingford made an agreement that Stephen should be lawful king during his life only, and that Henry and his offspring should succeed him, and that Prince William, King Stephen's son, should be deprived of his succession to the crown and made only Earl of Norfolk. Thus did the state dispose of the crown at that time, which was in the year of Christ 1153.

To this Henry succeeded by order his eldest son then living named Richard and surnamed Cordelyon [=Coeur de Lion] for his valour, but after him again, the succession was broken. For that John, King Henry's youngest son, to wit, younger brother to Richard,

whom his father, the King, had left so unprovided as in jest he was called by the French *Jean sens* [sic?] *terre*, as if you would

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MN: Prince Arthur put back

MN: Two sisters of Prince Arthur, Duke of Britain

MN: King John and his son rejected 1216

say Sir John Lackland, this man, I say, was after the death of his brother admitted and crowned by the states of England, and Arthur, Duke of Britain, son and heir to Geoffrey (that was elder brother to John), was against the ordinary course of succession excluded. And albeit this Arthur did seek to remedy the matter by war, yet it seemed that God did more defend this election of the commonwealth than the right title of Arthur by succession, for that Arthur was overcome and taken by King John, though he had the King of France on his side, and he died pitifully in prison, or rather, as most authors do hold, he was put to death by King John his uncle's own hands in the castle of Roan [=Rouen], thereby to make his title of succession more clear, which yet could not be, for that as well Stow in his *Chronicle* as also Matthew of Westminster and others before him do write that Geoffrey, besides this son, left two daughters also by the Lady Constance, his wife, Countess & heir of Britain [=Brittany], which by the law of England should have succeeded before John, but of this small account seemed to be made at that day.

Some years after when the barons and states of England misliked utterly the government and proceeding of this King John, they rejected him again, & chose Luys, the prince of France, to be their king, and did swear fealty to him in London, as before hath been said, and they deprived also the young Prince Henry, his son,

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MN: The titles of York & Lancaster

that was at that time but of 8 years old, but upon the death of his father, King John, that shortly after ensued, they recalled again that sentence, & admitted this Henry to the crown by the name of King Henry the Third, and disannulled the oath and allegiance made unto Luys, Prince of France, and so King Henry reigned for the space of 53 years afterwards, the longest reign (as I think) that any before or after him hath had in England.

Moreover you know that from this King Henry the Third do take their first beginning the two branches of York and Lancaster which after fell to so great contention about the crown, into which, if we would enter, we should see plainly, as before hath been noted, that the best of all their titles after the deposition of King Richard the Second depended of this authority of the commonwealth, for that as the people were affected and the greater part prevailed, so were their titles either allowed, confirmed, altered or disannulled by parliaments, and yet may not we well affirm but that either part, when they were in possession and confirmed therein by these parliaments, were lawful kings, and that God concurred with them as with true princes for government of their people, for if we should deny this point, as before hath been noted, great inconveniences would follow, & we

should shake the states of most princes in the world at this day, as by examples which already I have alleged in part may appear.

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MN: The conclusion of this chapter

And with this also I mean to conclude and end this discourse in like manner, affirming that as on the one side propinquity of blood is a great pre-eminence towards the attaining of any crown, so yet doth it not ever bind the commonwealth to yield thereunto if weightier reasons should urge them to the contrary, neither is the commonwealth bound always to shut her eyes and to admit at haphazard or of necessity everyone that is next by succession of blood, as Belloy falsely & fondly affirmeth, but rather she is bound to consider well and maturely the person that is to enter, whether he be like to perform his duty and charge committed unto him or no, for that otherwise to admit him that is an enemy or unfit is but to destroy the commonwealth and him together. This is my opinion, and this seemeth to me to be conform to all reason, law, religion, piety, wisdom and policy, and to the use and custom of all well-governed commonwealths in the world, neither do I mean hereby to prejudice any prince's pretence of succession to any crown or dignity in the world, but rather do hold that he ought to enjoy his pre-eminence, but yet so that he be not prejudicial thereby to the whole body, which is ever to be respected more than any one person, whatsoever Belloy or other of his opinion do say to the contrary.

Thus said the civilian, and being called upon and drawn to a new matter by the question

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that ensueth, he made his last discourse & conclusion of the whole matter in manner following.

## CHAPTER IX

What are the principal points which a commonwealth ought to respect in admitting or excluding of any prince that pretendeth to succeed, wherein is handled largely also of the diversity of religions and other such causes

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MN: Causes of excluding princes

After the civilian had alleged all these examples of succession altered or rejected by public authority of commonwealths, and of the allowance and approbation & good success which for the most part God seemeth to have given unto the same, one of the company brake forth and said that this point appeared so evident unto him as no doubt in the world could be made thereof, I mean whether this thing in itself be lawful or no, to alter sometimes the course of succession, seeing that all commonwealths of Christendom

had done it so often. Only, he said, that it remained somewhat doubtful [sic for 'doubtful'] unto him whether the causes alleged in these mutations and changes before mentioned were always sufficient or no, for that sometimes they seemed to him but weak

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MN: Who must judge of the lawful causes of exclusions

and slender, as when (for example) the uncle was preferred before the nephews for that he was a man and the other children, which cause and reason hath oftentimes been alleged in the former examples both of Spain, France and England, as also when the younger or bastard brother is admitted, & the elder and legitimate excluded, for that the one is a warrior & the other not, and other suchlike causes are yielded (said he) in the exclusions before rehearsed, which yet seem not sometimes weighty enough for so great an affair.

To this answered the civilian that according to their law, both civil and canon (which thing also he affirmed to be founded in great reason), it is a matter most certain that he who is judge and hath to give the sentence in the thing itself is also to judge of the cause, for thereof is he called 'judge', and if he have authority in the one, good reason he should also have power to discern the other, so as if we grant, according to the form & proofs, that the realm or commonwealth hath power to admit or put back the prince or pretender to the crown, then must we also confess that the same commonwealth hath authority to judge of the lawfulness of the causes. And considering further that it is in their own affair & in a matter that hath his whole beginning, continuance and substance from them alone, I mean from the commonwealth, for that no man is king or prince by institution of nature,

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as before hath been declared, but every king and king's son hath his dignity and pre-eminence above other men by authority only of the commonwealth, who can affirm the contrary, said the civilian, but that God doth allow for a just and sufficient cause in this behalf the only will and judgment of the weal public itself, supposing always (as in reason we may) that a whole realm will never agree by orderly way of judgment (for of this only I mean, and not of any particular faction of private men against their heir apparent) to exclude or put back the next heir in blood and succession without a reasonable cause in their sight and censure? And seeing that they only are to be judges of this case (as now I have said), we are to presume that what they determine is just and lawful for the time, and if at one time they should determine one thing, & the contrary at another (as they did often in England during the contention between York & Lancaster and in other like occasions), what can a private man judge otherwise but that they had different reasons and motions to lead them at different times, and they being properly lords and owners of the whole business committed unto them, it is enough for every particular man to subject himself to that which his commonwealth doth in this behalf, and to obey simply without any further inquisition, except he should see that open injustice were done therein, or God manifestly

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MN: Open injustice to be resisted

MN: What are the chief points to be regarded in a prince's admission

offended, and the realm endangered.

Open injustice I call (said he) when not the true commonwealth but some faction of wicked men should offer to determine this matter without lawful authority of the realm committed to them, and I call manifest offence of God and danger of the realm when such a man is preferred to the crown as is evident that he will do what lieth in him to the prejudice of them both, I mean both of God's glory and the public wealth, as for example, if a Turk or Moor (as before I have said) or some other notorious wicked man or tyrant should be offered by succession or otherwise to govern among Christians, in which cases every man (no doubt) is bound to resist what he can, for that the very end and intent for which all government was first ordained is herein manifestly impugned.

Thus the civilian discoursed, and the whole company seemed to like very well thereof, for that they said his opinion appeared both prudent and pious, and by this occasion it came also presently in question what were the true causes and principal points which ought to be chiefly regarded, as well by the commonwealth as by every particular man, in this great action of furthering or hindering any prince towards a crown. And they said unto the civilian that if he would discuss in like manner this point unto them, it would be a very apt and good conclusion to all his former speech and discourses,

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MN: Whence the reasons of admitting or rejecting a prince are to be taken

which having been of authority that weal publics have over princes' titles, this other of the causes and considerations that ought to lead them for use and exercise of the same authority would fall very fit and necessary for the upshot of all.

Hereto the civilian answered that he well saw the fitness and importance of the matter, and therefore that he was content to speak a word or two more thereof, notwithstanding that much had been said already therein, to wit, in all those points which had been disputed about the end of government and why it was appointed, which end (said he) seeing it is (as largely hath been proved before) to defend, preserve and benefit the commonwealth, here-hence, that is, from this consideration of the weal public, are to be deduced all other considerations of most importance for discerning a good or evil prince. For that whosoever is most likely to defend, preserve and benefit most his realm and subjects, he is most to be allowed and desired, as most conform to the end for which government was ordained.

And on the contrary side, he that is least like to do this deserveth least to be preferred, and here (quoth he) you see doth enter also that consideration mentioned by you before which divers commonwealths had in putting back oftentimes children & impotent people

(though otherwise next in blood) from succession, and preferring more able men, though further off by

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MN: Girard li. 3. de l'Estat pag. 242

MN: Three principal points to be considered

descent, for that they were more like to defend well their realm and subjects than the others were.

But to proceed (said he) more distinctly and more perspicuously in this matter, I would have you call to mind one point among others which I alleged before out of Girard, the French author, to wit, that the King of France in his coronation is now apparelled three times in one day, once as a priest, & then as a judge, and last as a king armed, thereby to signify three things committed to his charge, first religion, then justice, then manhood and chivalry for the defence of the realm.

This division seemeth to me very good and fit (quoth he), and to comprehend all that a weal public hath need of for her happy state and felicity both in soul and body, and for her end both supernatural and natural. For by the first, which is religion, her subjects do attain unto their end spiritual & supernatural, which is the salvation of their souls, & by the second and third, which are justice and defence, they enjoy their felicity temporal, which is to live in peace among themselves and safety from their enemies, for which cause it seemeth that these are the three points which most are to be regarded in every prince that cometh to government, and much more in him that is not yet admitted thereunto, but offereth himself to the commonwealth for the same purpose.

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MN: Why he resolveth to treat of religion principally

and for that the later [=latter?] two of these three points, which are justice & manhood, hath been often had in consideration in the examples of changes before mentioned, and the first point, which is religion, hath rarely or never at all been talked of for that in former times the prince and the people were always of one and the same religion, and scarce ever any question or doubt fell in that behalf (which yet in our days is the principal difference and chiefest difficulty of all other), for these causes (I say) shall I accommodate myself to the circumstance of the time wherein we live and to the present case which is in question betwixt us about the succession of England, and leaving aside those other two considerations of justice and chivalry in a king, which are far less important than the other (though yet so highly regarded by ancient commonwealths, as you have heard), I shall treat principally of religion in this place, as of the first and highest and most necessary point of all other to be considered in the admission of any prince for the profit of his subjects, for that without this he destroyeth all, and with this, albeit he should have defects in the other two points of justice and manhood, yet may it be holpen, or his defect or negligence may be supplied much by others, as after I shall show more in particular, but if he want fear of God or care of religion, or be perversely

persuaded therein, the damage of the weal public in inestimable. First of all, then, for better

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MN: The chief end of a commonwealth supernatural

MN: Philosophers and lawmakers, what end they had of their doings

understanding of this point we are to suppose that the first, chiefest and highest end that God and nature appointed to every commonwealth was not so much the temporal felicity of the body as the supernatural and everlasting of the soul, and this was not only revealed to the Jews by Holy Scripture, but also unto the gentiles and heathens by the instinct and light of nature itself. For by this light of natural reason the learned sort of them came to understand the immortality of the soul, & that her felicity, perfection and full contentment, which they called her final end and *summum bonum*, could not be in this life nor in anything created under heaven, but must needs be in the life to come, and that by attaining to enjoy some infinite, endless & immortal object which could fully satisfy the appetite of our soul, & this could be no other than God, the Maker of all, himself. And that consequently all other things of this transitory life and of this human commonwealth subject to man's eyes are ordained to serve and be subordinate & directed to the other higher end, and that all man's actions in this world are first of all and in the highest degree to be employed to the recognizing, serving and honouring of this great Lord that governeth the whole, as author and end of all.

To this light, I say, came the heathens even by the instinct and direction of nature, whereof ensued that there was never yet pagan philosopher

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MN: The commonwealth of beasts

MN: the natural end of man's commonwealth

that wrote of framing a good commonwealth, as Socrates, Plato, Plutarch, Cicero and others, neither lawmaker among them that left ordinances for the same purpose, as Deucalion, Minos, Zaleucus, Lycurgus, Solon, Ion, Numa or the like, which besides the temporal end of directing things well for the body had not especial care also of matters appertaining to the mind, to wit, of nourishing, honouring and rewarding of virtue, and for restraining and punishing of vice and wickedness, whereby is evident that their end and butt was to make their citizens good and virtuous, which was a higher end than to have a bare consideration of temporal and bodily benefits only, as many governors of our days (though Christians in name) seem to have, who pretend to no higher end in their government than bodily wealth and a certain temporal king [sic for 'kind'] of peace and justice among their subjects, which divers beasts also do reach unto in their congregations and commonwealths, as is to be seen among emmets and bees, cranes, lions and other such creatures that by instinct of nature are sociable and do live in company, and consequently also do maintain so much order and policy in their commonwealth as is needful for their preservation and continuance.

But nature taught man a far higher and more excellent end in his commonwealth, which was not only to provide for those

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MN: Sacrifices and oblations by nature

MN: Gen. 8

MN: Iob. I

bodily benefits that are common also to creatures without reason, but much more for those of the mind, and above all for the serving of that high and supreme God that is the beginning & end of all the rest. For whose service also they learned by the same instinct and institution of nature that the chiefest and supremest honour that could be done unto him in this life by man was the honour of sacrifice and oblations, which we see was begun and practised even in those first beginnings of the law of nature before the Levitical law and the particular forms of this same law were prescribed by Moses. For so we read in Genesis of Noe [=Noah] that he made an altar and offered sacrifices to God upon the same of all the beasts and birds that he had in the ark, *odoratusque est Dominus odorem suavitatis*, and God received the smell of these sacrifices as a sweet smell. Which is to say that God was highly pleased therewith, and the like we read of Job, that was a gentile, and lived before Moses, *Sanctificabat filios consurgensque diluculo offerebat holocausta per dies singulos*, He did sanctify his children, and rising early in the morning did offer for them holocausts or burnt sacrifices every day.

This men used in those days, and this they were taught by law of nature, I mean both to honour God above all things, and to honour him by this particular way of sacrifices, which is proved also evidently by that which at this day is found and seen in the Indians, where

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MN: The chief end of a commonwealth & magistrates is religion

MN: Genebrard l. I.(?) Chronol. de I aetate Genes. 25. & 29. Deut. 21. 2. Paral. [=Paralipomenon] 28(?)

never any notice of Moses' law came, and yet no nation hath ever been found among them that acknowledgeth not some kind of God, and offereth not some kind of sacrifice unto him.

And albeit in the particular means of honouring this God, as also in distinguishing between false gods and the true God, these people of the Indians have fallen into most gross & infinite errors, as also the gentiles of Europe, Asia and Africa did by the craft & subtilty of the devil, which abusing their ignorance did thrust himself into the place of God, and derived & drew those sacrifices and supreme honours unto himself which were due to God alone, yet is it evident hereby (and this is sufficient for our purpose) that by God & nature the highest and chiefest end of every commonwealth is *Cultus Dei*, the service of God and religion, and consequently that the principal care & charge of a prince and magistrate even by nature itself is to look thereunto, whereof all antiquity both

among Jews and gentiles were wont to have so great regard as for many years and ages their kings & chief magistrates were also priests, and divers learned men do hold that the privilege and pre-eminence of primogenitura or the firstborn children so much esteemed in the law of nature (as before we have seen) consisted principally in this, that the eldest sons were priests, & had the charge and dignity of this greatest action of all

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MN: Regard of religion among gentiles

MN: Cicero li. 3. quest. tusc. & de natura deorum lib. I

MN: Plutarch aduersus Colotem [=Colotes]

MN: Aristo. l. 7. politi. c. 8(?)

MN: The absurd atheisme [sic for 'atheism?'] of our time in politics

other upon earth which our temporal magistrates so little regard now.

And this respect and reverence towards religion was so greatly planted in the breasts of all nations by nature herself as Cicero pronounced this general sentence in his time, *Nulla est gens tam fera, nulla tam immanis, cuius mentem non imbuerit deorum colenorum religio*, There is no nation so fierce or barbarous whose minds are not endued with some religion of worshipping gods.

And Plutarch, writing against a certain atheist of his time, saith thus, If you travel far countries you may chance to find some cities without learning, without kings, without riches, without money, but a city without temples and without gods and sacrifices no man yet hath ever seen. And finally, Aristotle in his *Politics*, having numbered divers things necessary to a commonwealth, addeth these words, *Quintum & primum. Circa rem. diuinam cultus, quod sacerdotium sacrificiumque vocant*, In the fifth place (which indeed ought to be the first of all other) is necessary to a commonwealth the honour and service due unto God, which men commonly do comprehend by the words of priesthood and sacrifice.

All this I have alleged to confute even by the principles of nature herself the absurd opinions of divers atheists of our time that will seem to be great politiques [=politics], who affirm that religion ought not to be so greatly respected in a prince or by a prince as though

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MN: See before the oaths made by princes at their coronations in the 4 chapter

MN: The oath to governors for defence of religion

it were his chiefest care or the matter of most importance in his government, which you see how false and impious it is, even among the gentiles themselves, but much more among Christians, who have so much the greater obligation to take to heart this matter of religion by how much greater light & knowledge they have of God, and therefore we see that in all the princes' oaths which before you have heard recited to be made & taken by them at their admission & coronation the first and principal point of all other is about

religion & maintenance thereof, and according to this oath also of supreme princes not only to defend and maintain religion by themselves in all their states, but also by their lieutenants and under-governors, we have in our civil law a very solemn form of an oath which Justinian the Emperor above a thousand and 50 years gone was wont to give to all his governors of countries, cities and other places before they could be admitted to their charges, and for that it is very effectual, & that you may see thereby what care there was of this matter at that time, and what manner of solemn and religious protestations, as also imprecations, they did use therein, it shall not be amiss perhaps to repeat the same in his own words, which are these following.

The title in the civil law is *iuramentum quod Praestatur, iis qui administrationes accipiunt*, the oath which is given to them that receive governments, and then the oath beginneth thus:

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MN: Collat. a Nouella constit. Iustin. 3.(?) tit. 3(?)

MN: note the form of this oath written Anno Domini 560

*Iuro per Deum omnipotentem & filium eius vnigenitum Dominum nostrum Iesum Christum & Spiritum sanctum, & per sanctam gloriosam dei genitricem & semper virginem Mariam, & per quatuor euangelia quae in manibus meis teneo, & per sanctos archangelos Michaellem & Gabrielem puram conscientiam germanumque seruitium me seruaturum sacratissimis nostris Dominis Iustiniano & Theodosiae coniugi eius, occasione traditae mihi ab eorum pietate administrationis. Et quod communicator sum sanctissimae Dei Catholicae & Apostolicae Ecclesiae, & nullo modo vel tempore aduersabor ei, nec alium quoscunque permittam quantum possibilitatem habeam, & si vero non haec omnia seruauero, recipiam omniae incommodae hic & in futuro seculo in terribili iudicio magni Domini Dei & saluatoris nostri Iesu Christi. & habebo partem cum Iuda & cum lepra Giezi, & cum tremore Cain, insuper & poenis quae lege eorum pietatis continentur ero subiectus*, which in English is thus, I do swear by Almighty God, and by his holy Son, our Lord Jesus Christ, and by the Holy Ghost, and by the holy glorious Mother of God, the perpetual Virgin Marie, and by the four Holy Gospels which I do hold in my hand, & by the holy Archangels St Michael and St Gabriel, that I will keep a pure conscience, & perform true service unto the sacred persons of our Lords and Princes Justinian and Theodosia, his wife, in all occasions of this government by their benignity committed unto me. Moreover I do swear that I am communicant and member of the most holy, catholic and apostolic church of God, and that I shall never at any

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time hereafter be contrary to the same, nor suffer any other to be, as much as shall lie in my possibility to let. And if I should break this oath and not observe any point thereof, I am content to receive any punishment both in this world as also in the world to come in that last and most terrible judgment of our great Lord and Saviour Jesus Christ, and to have my part with Judas, as also with the leprosy of Giezi, and with the fear and

trembling of damned Cain, and besides all this I shall be subject to all punishments that are ordained in the laws of their Majesties concerning this affair.

This oath did all the governors of Christian countries take in old time when Christian Emperors did flourish, and it hath remained for a law and precedent ever since to all posterity. And if we join this with the other oaths before set down in the fifth chapter which emperors and kings did make themselves (unto their ecclesiastical prelates at their first admission) about this point, we should see nothing was so much respected in admission of a prince or governor (nor ought to be) as religion, for that (as I have said before) this is the chiefest, greatest & highest end of every commonwealth, intended both by God and nature to assist their subjects to the attaining of their supernatural end by honouring and serving God in this life and by living virtuously, for that otherwise God should draw no other fruit or commodity out of human commonwealths

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MN: How great a defect is want of religion in a magistrate

MN: Lack of religion the chiefest cause to exclude a pretender

MN: Vide Digest. li. 23. tit I leg. 8(?) & 10

than of an assembly of brutish creatures maintained only and governed for to eat, drink and live in peace, as before hath been declared.

But the end of man being far higher than this, it followeth that whatsoever prince or magistrate doth not attend with care to assist and help his subjects to this end omitteth the first and principal part of his charge, and committeth high treason against his Lord and Master in whose place he is, and consequently is not fit for that charge and dignity, though he should perform the other two parts never so well of temporal justice and valour in his person, which two other points do appertain principally to the human felicity and baser end of man's weal public, and much more of a Christian.

Hereof it ensueth also that nothing in the world can so justly exclude an heir apparent from his succession as want of religion, nor any cause whatsoever justify and clear the conscience of the commonwealth or of particular men that in this case should resist his entrance as if they judge him faulty in this point, which is the head of all the rest, and for which all the rest do serve.

You do remember that before I compared an heir apparent unto a spouse betrothed only and not yet married to the commonwealth, which espousal or betrothing, according to all law both divine and human, may

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MN: Math. 14., Marc. 10

MN: I. Cor. 7

MN: Lib. 4 decret Greg. tit. 19. c. 7

MN: Whether difference in religion be infidelity

be broken and made void much easier and upon far lesser causes than an actual perfect marrying may, of which our Saviour himself said, *Quos Deus coniunxit homo non seperat*, Whom God hath joined let to [sic for 'no'] man separate, and yet Saint Paul to the Corinthians determineth plainly that if two gentiles married together in their gentility (which none denieth to be true marriage for so much as concerneth the civil contract), and afterward the one of them being made a Christian, the other will not live with him or her, or if he do, yet not without blaspheming of God & tempting him to sin, in this case (I say) the Apostle teacheth, and out of him the canon law setteth it down for a decree, that this is sufficient to break & dissolve utterly this heathen marriage, although consummate between these two parties, and that the Christian may marry again, and this only for the want of religion in the other party, which being so in actual marriage already made and consummate, how much more may it serve to undo a bare betrothing, which is the case of a pretender only to a crown, as before hath been showed.

But you may say perhaps that Saint Paul speaketh of an infidel or heathen that denieth Christ plainly, and with whom the other party cannot live without danger of sin and leeing his faith, which is not the case of a Christian prince though he be somewhat different from me in religion, to

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MN: Act 23. 2. Cor. 8(?), 3. Cor. 5., 3. Pet. 3

MN: Math. 18

MN: How he that doth against his own conscience sinneth

MN: Rom. 14., I.(?) Cor. 8. & 10

which is answered that supposing there is but one only religion that can be true among Christians, as both reason and Athanasius his Creed doth plainly teach us, and moreover seeing that to me there can be no other faith or religion available for my salvation than only that which I myself do believe, for that my own conscience must testify for me or against me, certain it is that unto me and my conscience he which in any point believeth otherwise than I do, and standeth wilfully in the same, is an infidel, for that he believeth not that which in my faith and conscience is the only and sole truth whereby he must be saved. And if our Saviour Christ himself in his Gospel doth will certain men to be held for heathens, not so much for difference in faith and religion as for lack of humility & obedience to the church, how much more may I hold him so that in my opinion is an enemy to the truth, and consequently so long as I have this opinion of him, albeit his religion were never so true, yet so long (I say) as I have this contrary persuasion of him, I shall do against my conscience and sin damnably in the sight of God to prefer him to a charge where he may draw many other to his own error and perdition, wherein I do persuade myself that he remaineth.

This doctrine (which is common among all divines) is founded upon that discourse of St Paul to the Romans and Corinthians against such Christians as, being invited to

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MN: See upon this place of St Paul, St Chrisost. hom. 36. in hanc(?) epistolam, Orig. l. 10., Theodoc.(?) in hunc locum

banquets and tables of gentiles, and finding meats offered to idols (which themselves do judge to be unlawful to eat), did yet eat the same, both to the scandal of other infirm men there present, as also against their own judgment and conscience, which the Apostle saith was a damnable sin, and this not for that the thing in itself was evil or unlawful, as he showeth, but for that they did judge it so, and yet did the contrary. *Qui discernit si manducauerit, damnatus est*, saith the Apostle. He that discerneth or maketh a difference between this meat and others, as judging this to be unlawful, and yet eateth the same, he is damned, that is to say, he sinneth damnably or mortally. Whereof the same Apostle yieldeth presently this reason, *Quia non ex fide*, for that he eateth not according to his faith or belief, but rather contrary, for that he believing it to be evil and unlawful doth notwithstanding eat the same, and hereupon St Paul inferreth this universal proposition, *Omne autem quod non est ex fide peccatum est*, All that is not of faith or according to a man's own belief is sin to him, for that it is against his own conscience, judgment & belief, believing one thing and doing another, and seeing our own conscience must be our witness at the Last Day to condemn or deliver us, as before I have said, he must needs sin grievously (or damnably, as the Apostle here saith), who committeth anything against his own

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MN: How dangerous to favour a pretender of a contrary religion

conscience, though otherwise the thing were not only indifferent, but very good also in itself, for that of the doer's part there wanteth no malice or will to sin, seeing he doth that which he apprehendeth to be naught [sic?], though in itself it be not.

And now to apply all this to our purpose for England and for the matter we have in hand, I affirm and hold that for any man to give his help, consent or assistance towards the making of a king whom he judgeth or believeth to be faulty in religion, & consequently would advance either no religion or the wrong if he were in authority, is a most grievous and damnable sin to him that doth it, of what side soever the truth be, or how good or bad soever the party be that is preferred. For if St Paul have pronounced so absolutely and plainly in the place before alleged that even in eating of a piece of meat it is damnable for a man to discern and yet to eat, what may we think will it be in so great and important a matter as the making of a king is for a man to dissemble or do against his own conscience & judgment, that is to say, to discern and judge that he is an infidel or heretic or wicked man or atheist or erronens [sic for 'erroneous'] in religion, and yet to further his advancement and government over Christians, where he shall be able to pervert infinite and to pull down all honour & service due unto God, and whether he do this evil afterwards or not,

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MN: Against wisdom and policy to prefer a prince of a contrary religion

yet shall I be guilty of all this, for that knowing and persuading myself that he is like or in disposition to do it, yet for fear, flattery, carelessness, kindred, emulation against others, vain pretence of title, lack of zeal to God's cause, or for other the like passions or temporal respects, I do favour, further or soothe him in his pretences, or do not resist him when it lieth in my power, by all which I do justly make myself guilty of all the evils, hurts, miseries and calamities both temporal and spiritual which afterward by his evil government do or may ensue, for that I knowing him to be such a one, did notwithstanding assist his promotion.

And thus much now for matter of conscience, but if we consider reason of state also, and wordly [=worldly] policy, it cannot be but great folly & oversight for a man of what religion soever he be to promote to a kingdom in which himself must live one of a contrary religion to himself, for let the bargains and agreements be what they will, and fair promises & vain hopes never so great, yet seeing the prince once made and settled must needs proceed according to the principles of his own religion, it followeth also that he must come quickly to break with the other party, though before he loved him never so well (which yet perhaps is very hard if not impossible for two of different religions to love sincerely), but if it were . . . .

[PAGES 218-19 MISSING]

this I make an end, thanking you most heartily for your patience and craving pardon for that I have been overlong, or for any other fault that in this speech I have committed.

FINIS

#### THE PREFACE OF THE SECOND PART

[p. 1]

MN: A protestation of the lawyer

The civilian had no sooner ended his discourse but all the company, being most desirous to hear what the temporal lawyer had prepared to say about the several titles of the present pretenders to the crown of England, began with one accord to request him earnestly for the performance of his promised speech in that behalf, who showing himself neither unwilling nor unready for the same, told them that he was content to yield to their desires, but yet with one condition, which was that he would take in hand this matter with the same asseveration and protestation with [sic?] the civilian in some occasions had used before him, and it liked him well, to wit, that having to speak in this discourse of many princes, peers and nobles of the royal blood of England (to all which by law of nature, equity and reason he said that

[p. 2]

MN: Why the [sic for 'he?'] will not determine of any one title

he bare reverent honour and respect), and to discuss their several pretensions, rights, interest and titles to the crown, he said that his meaning was to offend, hurt or prejudice none, nor to determine anything resolutely(?) in favour or hindrance of any of their pretences or claims, of what side, family, faction, religion or other party soever he or she were, but rather plainly and indifferently, without hatred or partial affection to or against any, to lay down sincerely what he had heard or read or of himself conceived that might justly be alleged in favour or disfavor of every titler.

And so much the rather he said that he would do this for that in very truth the civilian's speech had put him in a great indifferency concerning matter of succession, & had taken out of his head many scrupulosities about nice points of nearness in blood by the many examples & reasons that he had alleged of the proceeding of Christian commonwealths in this affair, preferring oftentimes him that was further off in blood upon other considerations of more weight & importance, which point seemed to him to have been so evidently proved as no man can deny it, & much less condemn the same without the inconveniences before alleged & mentioned

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of calling all in doubt that now is established in the world, considering that not only foreign countries, but England also itself, so often hath used the same, putting back the next in blood.

Wherefore he said that forso much as commonwealths and the consent, will and desire of each realm was proved to have high and sovereign authority in this affair, and that as on the one side nearness of blood was to be respected, so on the other there wanted not sundry considerations & circumstances of as great moment as this, or rather greater, for that oftentimes these considerations had been preferred before nearness of blood, as hath been declared. I do not know, quoth he, who of the pretenders may next obtain the garland, whatsoever his right by propinquity be, so he have some (as I think all have that do pretend), and therefore I mean not to stand upon the justification or impugning of any one title, but rather to leave la [sic for 'all'] to God and to them that must one day try & judge the same in England, to whom I suppose this speech of mine cannot be but grateful & commodious for the better understanding & discerning of those matters where of necessity, ere it be long, they must be judges & umpires when God shall appoint, and consequently

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for them to be ignorant or unacquainted with the same (as men say that commonly most in England at this day are) cannot be but very inconvenient and dangerous.

In this manner he spake, and after this he began his discourse, setting down first of all the sundry books and treatises which he understood had been made or written hitherto of this affair.

## CHAPTER I

Of the divers books and treatises that have been written heretofore about the titles of such as pretend to the crown of England, and what they do contain in favour or disfavor of sundry pretenders

[p. 1]

MN: The book of Hales [=John Hales] and Sir Nicholas Bacon

According to the variety of men's judgments and affections in this behalf, so said the lawyer, that divers had written diversely in sundry books & treatises that had come to light, & went among men from hand to hand, though all were not printed. And first of all he said that not long after her Majesty's coming to the crown there appeared a certain book written in the favour of the house of Suffolk, and especially of the children of the Earl of Hertford by the Lady Catherine Grey, which book offended highly the Queen and nobles of England, and was afterwards found to be written by one Hales, surnamed of the Club-foot, who was Clerk of the Hamper [=Hanaper], & Sir Nicholas Bacon, then Lord Keeper, was presumed

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MN: The butt of Hales' book

MN: First reason

also to have had a principal part in the same, for which he was like to have lost his office if Sir Anthony Browne, that had been Chief Judge of the Common Pleas in Queen Mary's time, would have accepted thereof when her Majesty offered the same unto him and my Lord of Leicester earnestly exhorted him to take it, but he refused it for that he was of different religion from the state, and so Sir Nicholas Bacon remained with the same at the great instance of Sir William Cecil, now Lord Treasurer, who though he were thought to be privy also to the said book, yet was the matter so wisely laid upon Hales and Bacon as Sir William was kept free, thereby to have the more authority and grace to procure the other's pardon, as he did.

The bent and butt of this book was, as I have said, to prefer the title of the Lady Catherine Grey, daughter of the Lady Frances, Duchess of Suffolk, which Frances was daughter to Mary, the younger daughter of King Henry the Seventh, before the title of the Queen of Scots then living & of her son, which were descended of Lady Margaret, eldest daughter of the said Henry. And the reasons which this book did allege for the same were principally two, the first that the laws of England did not admit any stranger or alien to inherit in England, to wit, any such as were born out of the allegiance of our realm (for so are the words of the law), and for that the Queen

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MN: 2 reason

MN: The book of M. Morgan and Judge Browne [=Sir Anthony Browne]

of Scots and her son are known to be so born, therefore they could not succeed, and consequently that the house of Suffolk, descended of the second daughter, must enter in their place.

The second reason is for that there is given authority to King Henry the Eight by two several Acts of Parliament in the 28 and 36 year of his reign to dispose of the succession by his last will & testament as he should think best among those of his kindred that did pretend after his children, and that the said King, according to his commission, did ordain that if his own children did die without issue, then the offspring of his younger sister, Mary, that were born in England should be preferred before the issue of the elder, that was Margaret, married into Scotland. And this was the effect of this first book.

Against this book were written two other soon after, the first by one Morgan, a divine (if I remember well), sometimes fellow of Oriel College in Oxford, a man of good account for learning among those that knew him, & he was thought be [sic for 'to'] have written the said book by the advice and assistance of the foresaid Judge Browne, which thing is made the more credible by the many authorities of our common law which therein are alleged, and the parts of this book (if I forget not) were three, or rather they were three books of one treatise, the first whereof did take upon it to clear the

[p. 4]

MN: Answer to the 1 reason

said Queen of Scots for the murder of the Lord Darly [=Darnley], her husband, which by many was laid against her. And the second did handle her title to the crown of England, and the third did answer the book of John Knox the Scot intituled *Against the Monstrous Government of Women*, of all which three points, for that the second, that concerneth the title, is that which properly appertaineth to our purpose, and for that the same is handled again and more largely in the second book set out not long after by John Lesley, Lord Bishop of Ross in Scotland, who at that time was ambassador for the said Queen of Scots in England, and handled the same matter more abundantly which Master Morgan had done before him, I shall say no more of this book of Master Morgan, but shall pass over to that of the Bishop, which in this point of succession containeth also whatsoever the other hath, so as by declaring the contents of the one we shall come also to see what is in the other.

The intent, then, of this book of the Bishop of Ross is to refute the other book of Hales and Bacon, and especially in the two points before mentioned which they alleged for their principles [=principals?], to wit, about foreign birth and King Henry's testament. And against the first of these two points the Bishop allegeth many proofs that there is no such maxima in the common laws of England to disherit a prince born out of the land from his or her right of

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[p. 5]

MN: To the 2 reason

succession that they have by blood. And this first for that the statute made for barring of aliens to inherit in England (which was in the 25 year of the reign of King Edward the Third) is only to be understood of particular men's inheritance, and no ways to be extended to the succession of the crown, as by comparison of many other like cases is declared, and secondly, for that there is express exception in the same statute of the King's children and offspring, and thirdly, for that the practice hath always been contrary, both before and after the Conquest, to wit, that divers princes born out of the realm have succeeded.

The other principle also concerning King Henry's testament the Bishop impugneth first by divers reasons & incongruities whereby it may be presumed that King Henry never made any such testament, and if he did, yet could it not hold in law. And secondly, also by witness of the Lord Paget that was of the Privy Council in those days, & of Sir Edward Montague, Lord Chief Justice, and of one William Clark that set the King's stamp to the writing, all which avowed before the Council and Parliament in Queen Mary's time that the said testament was signed after the King was past sense and memory.

And finally, the said Bishop concludeth that the line of Scotland is the next every way, both in respect of the house of Lancaster and also of York, for that they are next heirs to King Henry

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MN: Hekhington's book

the Eight, who by his father was heir to the house of Lancaster, and by his mother to the house of York.

But after these three books was written a fourth by one Robert Highinton, secretary in time past to the Earl of Northumberland, a man well-read in stories, and especially of our country, who is said to be dead some years past in Paris. This man impugneth all three former books in divers principal points, and draweth the crown from both their pretenders, I mean as well from the house of Scotland as from that of Suffolk. And first against the book of Hales and Sir Nicholas Bacon written (as hath been said) in favour of the house of Suffolk, Highinton holdeth with the Bishop and Morgan that these two principles laid by the other of foreign birth and of King Henry's testament against the Scottish line are of no validity, as neither their reasons for legitimating of the Earl of Hertford's children, which afterward shall be handled.

And secondly, he is against both Morgan & the Bishop of Ross also in divers important points, and in the very principal of all, for that this man (I mean Highinton), maketh the King of Spain to be the next and most rightful [sic for 'rightful'] pretender by the house of Lancaster, for proof whereof he holdeth first, that King Henry the 7 had no title indeed to

the crown by Lancaster, but only by the house of York, that is to say, by his marriage of Queen Elizabeth, elder

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daughter to King Edward the Fourth, for that albeit himself were descended by his mother from John of Gaunt, Duke of Lancaster, yet this was but by his third wife, Catherine Swynford, and that the true heirs of Lancaster (to whom, saith he, appertained only the succession after the death of King Henry the Sixth and his son) remained only in Portugal by the marriage of Lady Philippe, daughter of the foresaid Blanche, to King John the First of Portugal, & that forasmuch as King Philip of Spain, saith this man, hath now succeeded to all the right of the Kings of Portugal, to him appertaineth also the only right succession of the house of Lancaster, and that all the other descendants of King Henry the 7 are to pretend only by the title of York, I mean as well the line of Scotland as also of Suffolk and Huntingdon, for that in the house of Lancaster King Philip is evidently before them all.

Thus holdeth Highington, alleging divers stories, arguments and probabilities for the same, & then adjoineth two other propositions which do import most of all, to wit, that the title of the house of Lancaster was far better than that of York, not for that Edmund Crookback, first founder of the house of Lancaster, who was son to King Henry the Third and brother to King Edward the First, was eldest to the said Edward, and injuriously put

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MN: George Lilly [=Lyly] in fine Epit. chronic. Anglie

back for his deformity in body, as both the said Bishop of Ross and George Lyly [=Lily] do falsely hold and this man refuteth by many good arguments, but for that John of Gaunt, Duke of Lancaster, being the eldest son that King Edward the Third had alive when he died, should in right have succeeded in the crown, as this man holdeth, and should have been preferred before Richard the Second that was the Black Prince's son, who was a degree further off from King Edward the Third, his grandfather, than was John of Gaunt, to whom King Edward was father, and by this occasion this man cometh to discuss at large the opinions of the lawyers whether the uncle or the nephew should be preferred in the succession of a crown, to wit, whether the younger brother or the elder brother's son if his father be dead without being seised of the same (which is a point that in the civil law hath great disputation and many great authors on each side, as this man showeth), and the matter also wanteth not examples on both parts in the succession of divers English kings, as our friend the civil lawyer did signify also in his discourse & we may chance to have occasion to handle the same again and more largely hereafter.

These points toucheth Highinton, though divers other he leave untouched which are of much importance for the resolution, as whether after the line extinguished of King Henry the 4, which was the eldest son of John of

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MN: Sundry important points

MN: Divers other notes and pamphlets

Gaunt, there should have entered the line of Lady Philippe, eldest daughter lawfully begotten of Blanche, first wife of John of Gaunt, or else the race of John, Earl of Somerset, younger son by his third wife, which then was baseborn but legitimated by Parliament, for of Philippe do come the Kings of Portugal, and of John came King Henry the Seventh. And again these points had been to be disputed as well touching the succession to the dukedom of Lancaster alone, as also to the crown jointly, all which articles shall severally afterward by handled in their places. And thus much of this book.

More than these four books I have not seen written of this affair, though I have heard of one made in Flanders in the behalf of the Duke of Parma that is now, who by his mother descendeth of the same line of Portugal that the King of Spain doth, and as this book pretendeth (if we respect the ordinary course of English laws in particular men's inheritances), he is to be preferred before the said King or any other of the house of Portugal for that his mother descended of the younger son and the King of the elder daughter of the King of Portugal, and albeit according to the law of Portugal the King was adjudged next heir to that crown, yet, say they, by our laws of England he cannot be, which after must be examined.

Thus saith that book, and he allegeth

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MN: Sir Richard Shelly [=Shelley]

MN: Franc. Peto

many reasons for the same, as it hath been told me (for as I said, I never came to have a view of the whole book), but divers of his arguments I have seen laid together, which I shall afterwards in place convenient alleage unto you, with the answers, censures and replies that the contrary parties do make thereunto.

Divers other papers, notes and memories I have seen also (said he), as well touching the succession of those whom I have named as of others, for that Sir Richard Shelley, who died some years ago in Venice, by the name of Lord Prior of St John's of England had gathered divers points touching these affairs, & many more than he had Master Francis Peto that died in Milan, and was a very curious and well-readen man in genealogies, as may appear by sundry papers that I have seen of his. There want not also divers in England who have travailed much in this business, and I have had the perusing of some of their labours, though I dare not discover their names lest thereby I should hurt them, which were not convenient. But one great trouble find I in them all, that every man seeketh to draw the whole water unto his own mill, and to make that title always most clear whom he most favoureth, and this with so great probability of reason and authority many times as it is hard to retain a man's consent from that which is said until he have

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read the reasons of the other party, and this also is a great proof of the wonderful ambiguity

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MN: A treatise in the behalf of the Infanta of Spain

and doubtfulness which in this most important affair is to be found.

And by the way also I had almost forgotten to tell you how that of late I have lighted upon a certain new discourse and treatise made in the behalf of the King of Spain's eldest daughter whom he had by his wife, Isabel, the eldest sister of the last King of France, which Isabel and her daughter, the Infanta of Spain, called also Isabel, are presumed to be the lawful heirs to the state of Brittany and to all other states that by that means of Brittany or otherwise by women have come to France, or have or may fall upon a woman of the house of France, as the states of England and other states thereunto annexed may, for that they follow not the law Salic of France, and so this treatise proveth that by divers ways and for sundry considerations this Princess of Spain is also of the blood royal of England, and may among others be intituled to that crown by a particular title of her own beside the pretence which her father, the King, or her brother, the Prince of Spain, have for themselves by the house of Portugal, all which reasons and considerations I shall allege afterward in their place & time, or at leastwise the chief & principal of them.

And to the end that they may be understood the better, as also the clearness and pretensions of all the rest that have interest in this affair, I shall first of all for a beginning and foundation

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to all the rest that shall or may be spoken hereafter set down by way of historical narration all the descents of our English Kings and pretenders that may important [sic for 'import'] to this our purpose from the Conquest unto our time, which being compared with the tree itself of genealogies that shall be added in the end of this conference will make the matter more plain and pleasant to the reader.

## CHAPTER II

Of the succession of the crown of England from the Conquest unto the time of King Edward the Third, with the beginning of three principal lineages of the English blood royal dispersed into the houses of Brittany, Lancaster and York

[p. 12]

MN: Descent of William the Conqueror

No man is ignorant, said the lawyer, how William the Conqueror came to the crown of England, which was indeed by dint of sword, though he pretended that he was chosen by the will and testament of King Edward the Confessor. But howsoever this were, his posterity hath endured until this day, and two and twenty princes of his race have worn the English crown after him for the space of more than 5 hundred years, and how many more may yet do the same God only knoweth, but if we follow probability we

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MN: The miseries of Duke Robert and his son

cannot want of them, seeing his blood is so dispersed over the world at this day, as by this declaration ensuing will appear.

This King William, according to Polydore and other chronicles of England, had by his wife Matilda, daughter of Baldwin, Earl of Flanders, four sons and five daughters. His eldest son was Robert, whom he left Duke of Normandy, who was afterward deprived of that dukedom by his younger and fourth brother, Henry, when he came to be King of England. His second son was Richard, that died in his youth. His third was William, surnamed Rufus, for that he was of red hair, and the fourth was Henry, which two last sons were both Kings of England, one after the other, as the world knoweth, by the names of William the Second and Henry the First.

The Conqueror's daughters were first, Cecily, that was a nun, and the second, Constantia, that was married to Alain, surnamed Fergant, Duke of Brittany, and the third was Adela or Alis, married to Stephen, County Palatine of Blois, Champagne and Ghartres [sic for 'Chartres'] in France, and the other two Polydore saith, died before they were married, and so their names were not recorded.

These are the children of King William the Conqueror, among whom after his death there was much strife about the succession. For first his eldest son, Duke Robert, who by order of ancestry by birth should have succeeded

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MN: Stow in vit Gul. Conquest

MN: William, son of Duke Robert

him in all his estates, was put back, first from the kingdom of England by his third brother, William Rufus, upon a pretence of the Conqueror's will and testament, for particular affection that he had to this, his said third son, William, though as Stow writeth, almost all the nobility of England were against William's entrance. But in the end, agreement was made between the two brothers, with condition that if William should die without issue, then that Robert should succeed him, and to this accord both the princes themselves and twelve principal peers of each side were sworn, but yet after when William died without issue this was not observed, but Henry, the fourth son, entered, and deprived Robert not only of this his succession to England but also of his dukedom of Normandy that he had enjoyed peaceably before all the time of his brother,

Rufus, and moreover he took him prisoner & so carried him into England, and there kept him until his death, which happened in the castle of Cardiff in the year 1134.

And whereas this Duke Robert had a goodly prince to this [sic for 'his'] son named William, who was Duke of Normandy by his father & Earl of Flanders in the right of his grandmother that was the Conqueror's wife & daughter of Baldwin, Earl of Flanders, as hath been said, and was established in both these states by the help of Lewis the 6, surnamed Le Gros, King of France, and admitted to do homage to him for

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MN: Belfor. l. 3 cap. 42. An. 1128

MN: King William Rufus

the said states, his uncle, King Henry of England, was so violent against him as first he drave him out of the state of Normandy, and secondly, he set up and maintained a competitor or two against him in Flanders, by whom finally he was slain in the year of Christ 1128 before the town of Alost [=Aalst?] by an arrow after he had gotten the upper hand in the field, and so ended the race of the first son of King William the Conqueror, to wit, of Duke Robert, which Robert lived after the death of his said son and heir, Duke William, six years in prison in the castle of Cardiff, and pined away with sorry and misery, as both the French and English histories do agree.

The second son of the Conqueror, named Richard, died, as before hath been said, in his father's time, and left no issue at all, as did neither the third son, William Rufus, though he reigned 13 years after his father, the Conqueror, in which time he established the succession of the crown by consent of the states of England to his elder brother Duke Robert's issue, as hath been said, though afterward it was not observed.

This King Rufus came to the crown principally by the help and favour of Lanfrancus, Archbishop of Canterbury, who greatly repented himself afterward of the error which in that point he had committed upon hope of his good government, which proved extreme evil.

But this King William Rufus being slain afterward by the error of a crossbow in New

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MN: Tarcagnotta [=Giovanni Tarcagnota] l. 2 del hist. del mondo [=Delle Istorie del mondo]

MN: King Henry

MN: Polydore in vita Henrici I

MN: The house of Brittany by the elder daughter of the Conqueror

MN: Belfor. l. 3 pag. 423

Forest, as is well known, and this at such time as the foresaid Duke Robert, his elder brother (to whom the crown by succession appertained) was absent in the war of the Holy Land, where (according as most authors do write) he was chosen King of Jerusalem, but

refused it upon hope of the kingdom of England. But he, returning home, found that his fourth brother, Henry, partly by fair promises and partly by force had invaded the crown in the year 1100, and so he reigned 35 years, and had issue divers sons and daughters, but all were either drowned in the seas coming out of Normandy, or else died otherwise before their father, except only Mathildis [=Matilda], who was first married to Henry the Emperor, first of that name, and after his death without issue, to Geoffrey Plantagenet, Duke of Anjou, Touraine and Maine in France, by whom she had Henry which reigned after King Stephen by the name of Henry the Second. And thus much of the sons of William the Conqueror.

Of his two daughters that lived to be married and had issue, the elder, named Constance, was married to Alain Fergant, Duke of Brittany, who was son to Hoel, Earl of Nantes, and was made Duke of Brittany by William Conqueror's means in manner following.

Duke Robert of Normandy, father to the Conqueror, when he went in pilgrimage unto the Holy Land (in which voyage he died), left for governor of Normandy under the protection

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MN: Conan, Duke of Brittany, poisoned by William Conqueror

MN: Belfor. l. 3 cap. 12., An. 1065 ex chronic. dionis(?)

of King Henry the First of France, Duke Alain the First of Brittany, which Alain had issue Conan the First, who being a stirring prince of about 24 years old when Duke William began to treat of passing over into England, he showed himself not to favour much that enterprise, which Duke William fearing, caused him to be poisoned with a pair of perfumed gloves, as the French stories do report, and caused to be set up in his place and made Duke one Hoel, Earl of Nantes, who to gratify William sent his son Alain, surnamed Fergant, with 5000 soldiers to pass over into England with him, and so he did, & William afterward in recompense hereof gave him his eldest daughter, Constantia, in marriage, with the earldom of Richmond, by whom he had issue Conan the Second, surnamed Le Gros, who had issue a son and a daughter. The son was called Hoel, as his grandfather was, and the daughter's name was Bertha, married to Eudo, Earl of Porhet [=Porhoet] in Normandy, & for that this Duke Conan liked better his daughter and his son-in-law, her husband, than he did Hoel, his own son, he disavowed him in his death-bed, and made his said daughter his heir, who had by the said Eudo a son named Conan, surnamed the Younger, which was the third Duke of that name, and this man had one only daughter and heir named Lady Constance, who was married to the third son of King Henry the

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MN: The daughters of Spain are of the blood royal of England

MN: The houses of Blois

Second named Geoffrey, & elder brother to King John that after came to reign, & by this Lord Geoffrey she had issue Arthur, the second Duke of Brittany, whom King John, his uncle, put back from the crown of England and caused to be put to death, as after shall be showed, and he dying without issue, his mother, Constance, Duchess & heir of Brittany, married again with a prince of her own house, whom after we shall name in the prosecution of this line, and by him she had issue that hath endured until this day, the last whereof hitherto is the Lady Isabella, Infanta of Spain, & that other of Savoy, her sister, whom by this means we see to have descended from King William the Conqueror by his eldest daughter, Lady Constance, as also by divers other participations of the blood royal of England, as afterwards will appear.

Now then, to come to the second daughter of King William the Conqueror, or rather the third (for that the first of all was a nun, as before hath been noted), her name was Adela or Alis, as hath been said, and she was married in France to Stephen, Count Palatine of Champagne, Chartres and Blois, by whom she had a son called also Stephen, who by his grandmother was Earl also of Boulogne in Picardy, and after the death of his uncle, King Henry of England, was by the favour of the English nobility, and especially by the help of his own brother, the Lord Henry of Blois that was

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MN: Why Stephen was admitted king of [+England?]

MN: Girard. l. 6, Belfor. l. 3

Bishop of Winchester and jointly Abbot of Glastonbury, made King of England, and this both in respect that Matilda, daughter of King Henry the First, was a woman, and her son, Henry, Duke of Anjou, a very child, & one degree farther off from the Conqueror and from Kings [sic for 'King'] Rufus than Stephen was, as also for that this King Henry the First (as hath been signified before) was judged by many to have entered wrongfully unto the crown, and thereby to have made both himself and his posterity incapable of succession by the violence which he used against both his elder brother, Robert, and his nephew, Duke William, that was son and heir to Robert, who by nature and law were both of them held for soveraintes(?) to John by those that favoured them and their pretensions.

But yet howsoever this were, we see that the Duke of Brittany that lived at that day should evidently have succeeded before Stephen for that he was descended of the elder daughter of the Conqueror, and Stephen of the younger, though Stephen by the commodity he had of the nearness of his port and haven of Boulogne unto England, as the French stories do say (for Calais was of no importance at that time), and the friendship and familiarity he had gotten in England during the reign of his two uncles, King Rufus and King Henry, and especially by the help of his brother, the Bishop and Abbot, as hath been said, he gat the start of all the rest,

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MN: The issue of King Stephen

MN: King Henry the 2

MN: Belfor. l. 3 cap. 50. An. 1151., Gerard. [=Girard du Haillan] l. 3.(?) pag. 549

and the states of England admitted him.

This man, although he had two sons, namely Eustachius, Duke of Normandy, and William, Earl of Norfolk, yet left they no issue. And his daughter, Marie, was married to Matthew of Flanders, of whom, if any issue remains, it fell afterward upon the house of Austria, that succeeded in those states.

To King Stephen, who left no issue, succeeded by composition, after much war, Henry, Duke of Anjou, son and heir to Matilda before named, daughter of Henry the First, which Henry, named afterward the Second, took to wife Eleanor, daughter and heir of William, Duke of Aquitaine & Earl of Poitiers, which Eleanor had been married before to the King of France, Lewis the 7, and bare him two daughters, but upon dislike conceived by the one against the other, they were divorced under pretence of being within the fourth degree of consanguinity, and so by second marriage Eleanor was wife to this said Henry, who afterward was King of England by name of King Henry the Second, that procured the death of Thomas Becket, Archbishop of Canterbury, and was both before and after the greatest enemy that ever Lewis, the King of France, had in the world, and much the greater for his marriage, by which Henry was made far stronger, for by this woman he came to be Duke of all Aquitaine, that is, of Gascony and Guyenne, and Earl of all the country of Poitiers, whereas before also

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MN: King Henry the 2 by his issue, Stow in vita Henci [sic for 'Henrici']

MN: King Richard

MN: Duke Geoffrey

by his father's inheritance he was Duke both of Anjou, Touraine and Maine, & by his mother, Matilda, King Henry's daughter of England, he came to be King of England & Duke of Normandy, and by his own industry he gat also to be Lord of Ireland, as also to bring Scotland under his homage, so as he enlarged the kingdom of England most of any other King before or after him.

This King Henry the Second, as Stow recounteth, had by Lady Eleanor five sons and three daughters. His eldest son was named William, that died young. His second was Henry, whom he caused to be crowned in his own lifetime, whereby he received much trouble, but in the end this son died before his father without issue. His third son was Richard, surnamed for his valour Cor de leon [=Coeur de Lion], who reigned after his father by the name of Richard the First, and died without issue in the year of Christ 1199.

His fourth son, named Geoffrey, married Lady Constance, daughter and heir of Brittany, as before hath been said, and dying, left a son by her named Arthur, which was Duke of Brittany after him, and pretended also to be King of England, but was put by it by his uncle John, that took him also prisoner, and kept him so in the castle first of Falaise in

Normandy and then in Rouen until he caused him to be put to death, or slew him with his own hands, as French stories, write, in the year 1204.

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MN: Paradyn(?) apud Belforest  
 MN: Belfor. l. 3 cap. 71. An. 1203  
 MN: Belfor. l. 4 cap. 4  
 MN: K. John and his issue  
 MN: Miseries that fell upon King John

This Duke Arthur left behind him two sisters, as Stow writeth in his chronicles, but others write that it was but one, and at leastwise I find but one named by the French stories, which was Eleanor, whom they say King John also caused to be murdered in England a [sic] little before her brother, the Duke, was put to death in Normandy, and this was the end of the issue of Geoffrey, whose wife, Constance, Duchess of Brittany, married again after this murder of her children unto one Guy, Viscount of Thouars, and had by him two daughters, whereof the eldest, named Alis, was Duchess of Brittany, by whom the race hath been continued unto our time.

The fifth son of King Henry the Second was named John, who after the death of his brother, Richard, by help of his mother, Eleanor, and of Hubert, Archbishop of Canterbury, drawn thereunto by his said mother, gat to be King, and put back his nephew, Arthur, whom King Richard before his departure to the war of the Holy Land had caused to be declared heir apparent, but John prevailed, and made away both nephew and niece, as before hath been said, for which fact he was detested of many in the world abroad, and in France by Act of Parliament deprived of all the states he had in those parts. Soon after also the Pope gave sentence of deprivation against him, and his own barons took arms to execute the sentence, and finally they deposed both him and

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MN: Polydore, Holinshed & Stow in vitae Iohannis  
 MN: The issue of King Henry the 2 his daughters  
 MN: Belfor. l. 3 cap. 49., An. 1152  
 MN: The issue of Lady Eleanor, Queen of Spain

his young son, Henry, being then but a child of 8 years old, and this in the 18 year of his reign and in the year of Christ 1215, and Lewis the 8 of that name, prince at that time, but afterward King of France, was chosen King of England, & sworn in London and placed in the Tower, though soon after by the sudden death of King John that course was altered again, & Henry, his son, admitted for King.

And thus much of the sons of King Henry the Second, but of his daughters by the same Lady Eleanor, heir of Gascony, Belleforest in his story of France, hath these words following: King Henry had four daughters by Eleanor of Aquitaine, the eldest whereof was married to Alonso, the 9 of that name, King of Castile, of which marriage issued Queen Blanche, mother to Saint Lewis, King of France. The second of these two

daughters was espoused to Alexis, Emperor of Constantinople. The third was married to the Duke of Saxony, and the fourth was given to the Earl of Tholosa [=Toulouse], thus being the French stories of these daughters.

Of the marriage of the eldest daughter of these four (whose name was Eleanor, also as her mother's was) with King Alonso the 9 of Castile there proceeded many children, but only one son that lived, whose name was Henry, who was King of Castile after his father by the name of Henry the First, and died quickly without issue, and besides this Henry, two daughters also were born of the same marriage,

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MN: Polydore l. 25(?) in vit Iohan

MN: Stephen Garib. li 32.(?) cap 31

MN: queen Berenguela

of which the eldest and heir named Blanche was married by intercession of her uncle, King John of England, with the foresaid Prince Lewis of France, with this express condition, as both Polydore in his English story & Garibay, the chronicler of Spain, do affirm, that she should have for her dowry all the states that King John had lost in France, which were almost all that he had there, and this to the end he might not seem to have lost them by force, but to have given them with the marriage of his niece, and so this marriage was made, and her husband, Lewis, was afterward chosen also King of England by the barons, and sworn in London, as before hath been said, & hereby also the Infanta of Spain before mentioned, that is descended lineally from both these princes, I mean as well from Queen Blanche as from Lewis, is proved to have her pretence fortified to the interest of England, as afterward shall be declared more at large in due place.

The second daughter of King Alonso the 9 by Queen Eleanor was named Berenguela, and was married to the Prince of Leon in Spain, and had by him a son named Fernando, who afterward, when King Henry, her brother, was dead, was admitted by the Castilians for their King by the name of Fernando the Fourth, as before the civilian hath noted, and Blanche, with her son, Saint Lewis, though she were the elder, was put by the crown against all right

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MN: Garibay li. 12. c. 52

MN: Pretences of the Infanta of Spain to English & French states

of succession, as Garibay, the Spaniard chronicler, noteth and confesseth.

Hereby then some do gather that as the first interest which the crown of England had to the states of Gascony, Guyenne and Poitiers came by a woman, so also did it come to France by the right of this foresaid Blanche, whereof the favourers of the Infanta of Spain do say that she being now first and next in blood of that house ought to inherit all these and suchlike states as are inheritable by women or came by women, as the former states of Gascony and Guyenne did to King Henry the Second by Queen Eleanor, his wife, and

Normandy by Matilda, his mother, and both of them to France by this former interest of Blanche, and more they say that his [sic for 'this'] Lady Blanche, mother to King Saint Lewis, whose heir at this day the Infanta of Spain is, should by right have inherited the kingdom of England also after the murder of Duke Arthur and his sister, Eleanor for that she was the next of kin unto them at that time which could be capable to succeed them, for that King John himself was incapable of their succession whom he had murdered, and his son, Henry, was not then born, nor in divers years after, and if he had been, yet could he receive no interest thereunto by his father, who had none himself, of all which points there will be more particular occasion to speak hereafter.

Now then I come to speak of King Henry

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MN: King Henry the 3 and his issue

MN: The meeting of three houses

MN: Prince Edward, Duke Edmond

MN: Lady Beatrix, daughter of King Henry 3

the Third, who was son to this King John, and from whom all the three houses before mentioned of Brittany, Lancaster and York do seem to issue as a triple branch out of one tree, albeit the royal line of Brittany is more ancient, and was divided before even from William Conqueror's time, as hath been showed, yet do they knit again in this King Henry, for that of King Henry the Third his eldest son, named Prince Edward the First, descended Edward the Second, and of him Edward the Third, from whom properly riseth the house of York. And of his second son, Edmund, surnamed Crookbacks [sic for 'Crookback'], County Palatine of Lancaster, issued the Dukes of Lancaster, until in the third descent, when the Lady Blanche, heir of that house, matched with John of Gaunt, third son of King Edward the Third, from which marriage rose afterward the formal division of these two houses of Lancaster and York, & also two distinct branches of Lancaster.

Besides these two sons, King Henry the Third had a daughter named Lady Beatrix, whom he married to John the Second of that name, Duke of Brittany, who after was slain at Lyons in France by the fall of an old wall in the coronation of Pope Clement the 5 of that name in the year of Christ 1298, and for that the friends of the Infanta of Spain do seek to strengthen her title by this her descent also of the royal blood of England from Henry the Third, as afterward shall be declared, I will briefly

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MN: The pedigree of the Dukes of Brittany

MN: The great contention between the houses of Montford and Blois in Brittany

MN: Burgundy and Orleans

in this place continue the pedigree of the house of Brittany from that I left before even to our days.

I showed before in this chapter that Geoffrey, the third son to King Henry the Second, and Duke of Brittany by his wife, being dead, & his two children, Arthur and Eleanor, put to death by their uncle, King John, in England, as before hath been said, it fell out that Constance, Duchess and heir of Brittany, married again to Guy, Viscount of Thouars, and had by him two daughters, whereof the eldest, named Alis, was Duchess of Brittany, and married to Peter Brien, Earl of Drosse [=Dreux], and by him had John the First of that name, Duke of Brittany, which John the First had issue John the second, who married Lady Beatrix before mentioned, daughter to King Henry the Third, and by her had the second Arthur, Duke of Brittany, to whom succeeded his eldest son by his first wife, named John the Third, who dying without issue, left the very same trouble and garboil in Brittany about the succession between the two noble houses of Blois and Montfort, the one maintained by France and the other by England, as soon after upon the very like occasion happened in England between the houses of Lancaster & York, as after shall be showed. And not long after that again the like affliction also ensued in France (though not for succession, but upon other occasions) between the great and royal houses of Burgundy and Orleans,

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MN: The controversy between the house of Montford and Blois

whereby all three commonwealths (I mean England, Brittany and France) were like to have come to destruction and utter desolation.

And for that it may serve much to our purpose hereafter to understand well this controversy of Brittany, I think it not amiss in few words to declare the same in this place. Thus then it happened.

The foresaid Arthur, the Second of that name, Duke of Brittany and son of Lady Beatrix, that was daughter (as hath been said) to King Henry the Third of England, had two wives, the first named Beatrix as his mother was, and by this he had two sons, John, that succeeded him in the state by the name of Duke John the Third, and Guy, that dying before his elder brother, left a daughter and heir named Joan, and surnamed the Lane, for that she halted, who was married to the Earl of Blois that was nephew to Philip of Valois, King of France, for that he was born of his sister.

And besides these two children, the said Duke Arthur had by his second wife, named Yolande, Countess and heir of the earldom of Montfort, another son called John Breno, who in the right of his mother was Earl of Montfort. And afterward when Duke John the Third came to die without issue, the question was who should succeed him in his dukedom, the uncle or the niece, that is to say, his third brother, John Breno, by half blood, or else his niece, Joan the Lane, that was daughter and heir to

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MN: A question about succession between the uncle and the niece

MN: The house of Blois overcome

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MN: The succession of the Montfords in Brittany

his second brother, Guy, of whole blood, that is by father and mother, which Lady Joan was married to the Earl of Blois, as hath been said. And first this matter was handled in the Parliament of Paris, the King himself sitting in judgment with all his peers the 30 day of September 1341, and adjudged it to the Earl of Blois, both for that his wife was heir to the elder brother, as also for that Duke John by his testament and consent of the states had appointed her to be his heir, but yet King Edward the Third and states of England did judge it otherwise, and preferred John Montfort, not knowing that the very like case was to fall out very soon after in England, I mean they judged the state to John Breno, Earl of Montfort, younger brother to Guy, & they did assist him, and his son after him, with all their forces for the gaining and holding of that state.

And albeit at the beginning it seemed that matters went against Montfort, for that himself was taken prisoner in Nantes and carried captive to Paris where he died in prison, yet his son, John, by the assistance of the English armies, gat the dukedom afterward, and slew the Earl of Blois, and was peaceably Duke of Brittany by the name of John the Fourth, and his posterity hath endured until this day, as briefly here I will declare.

This Duke John the Fourth of the house of Montfort had issue John the Fifth, & he Francis the First, who dying without issue, left the

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MN: Francis, last Duke of Brittany

MN: How the dukedom of Brittany was united to France

dukedom to Peter, his brother, and Peter having no children neither, he left it to his uncle Arthur, the third brother to his father, John the Fifth, and this Arthur was Earl of Richmond in England, as some of his ancestors had been before him by gifts of the Kings of England.

This Arthur dying without issue left the dukedom unto his nephew, to wit, his brother's son, Francis the Second, who was the last male child of that race, and was he that had once determined to have delivered Henry, Earl of Richmond, unto his enemy, King Edward the Fourth, and after him to King Richard the 3, but that Henry's good fortune reserved him to come to be King of England.

This Duke Francis had a daughter and heir named Anna, married first to Charles the Eight, King of France, and after his death without issue to his successor, Lewis the 12, by whom she had a daughter named Claudia that was heir to Brittany, though not to the crown of France by reason of the law Salic that holdeth against women in the kingdom of France but not in Brittany, and to the end this dukedom should not be disunited again from the said crown of France, this daughter, Claudia, was married to Francis, Duke of Angouleme, heir apparent to the crown of France, by whom she had issue Henry, that was afterward King of France and was father to the last King of that country, and to Isabel, mother of the

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MN: The issue male of King Henry the 3

MN: The Bishop of Ross [=John Lesley] in his book of the Queen of Scots' title [=A Defence of the Honour]

MN: George Lilly [=Lily] in fine epitomes chron. Anglie

Infanta of Spain and of her sister, the Duchess of Savoy that now is, by which also some do affirm that the said Princess or Infanta of Spain, albeit she be barred from the succession of France by their pretended law Salic, yet is her title manifest to the dukedom of Brittany, that came by a woman, as we have showed. And thus much of the house of Brittany and of the Princess of Spain, how she is of the blood royal of England from the time of William Conqueror himself by his eldest daughter, as also by other Kings after him. And now we shall return to prosecute the issue of these two sons of King Henry the Third, to wit, of Edward and Edmund, which before we left.

I showed you before how King Henry the Third had two sons, Edward the Prince that was King after his father by the name of Edward the First, and Edmund, surnamed Crookback by some writers, who whas [sic for 'was'] the first Earl and County Palatine of Lancaster, and beginner of that house.

And albeit some writers of our time have affirmed, or at leastwise much inclined to favour, a certain old report that Edmund should be the elder brother to Edward, and put back only for his deformity of his body (whereof Polydore doth speak in the beginning of the reign of King Henry the Fourth, and as well the Bishop of Ross, as also George Lylly [=Lily], do seem to believe it), yet evident it seemeth that it was but a fable, as before I have noted, and

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That Edward was the elder Matheus West in vit Henrici 3. Holinshed. Ibidem pag. 654

MN: 2.

now again I shall briefly prove it by these reasons following, for that it importeth very much for deciding the controversy between the houses of Lancaster and York.

The first reason then is for that all ancient historiographers of England, and among them Matheus Westmonasteriensis that lived at the same time, do affirm the contrary, and do make Edward to be elder than Edmund by six years and two days, for that they appoint the birth of Prince Edward to have been upon the 16 day of June in the year of Christ 1239 & the 24 of the reign of his father, King Henry, and the birth of Lord Edmund to have followed upon the 18 day of the same month 6 years after, to wit, in the year of Our lord 1245, and they do name the godfathers and godmothers of them both together, with the peculiar solemnities and feasts that were celebrated at their several nativities, so as it seemeth there can be no error in this matter.

The 2 reason is for that we read that this Lord Edmund was a goodly, wise and discreet prince, notwithstanding that some authors call him Crookback, and that he was highly in the favour both of his father, King Henry, as also of his brother, King Edward, and employed by them in many great wars and other affairs of state both in France & otherwhere, which argueth that there was no such great defect in him as should move his father and the realm to deprive him of his succession.

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MN: 3.

MN: Holinshed in vit Henrici 3. pag. 740. & 777

MN: 4.

MN: Edmund's line never pretended to the crown

Thirdly, we read that King Henry procured by divers ways and means the advancement of this Lord Edmund, as giving him the earldoms of Leicester & Derby, besides that of Lancaster, as also procuring by all means possible & with exceeding great charges to have him made King of Naples & Sicily by Pope Innocentius, which had been no policy to have done if he had been put back from his inheritance in England, for that it had been to have armed him against his brother, the King.

Fourthly, we see that at the death of his father, King Henry the Third, this Lord Edmund was principally left in charge with the realm, his elder brother, Prince Edward, being scarcely returned from the war of Asia, at what time he had good occasion to challenge his own right to the crown if he had had any, seeing he wanted no power thereunto, having three goodly sons at that time alive born of his wife, Queen Blanche, Dowager of Navarre, who had been married before to Henry, King of Navarre and County of Champagne, to whom she had borne only one daughter that was married to Philip le Bel, King of France.

But we shall never read that either he or any of his children made any such claim, but that they lived in very good agreement & high grace with King Edward the First, as his children did also with King Edward the Second until he began to be misled in government, and then the two sons of this Lord Edmund,

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MN: 5. Note this consequent

MN: 6. The eldership of Edmund a fiction

MN: Polydore In fine vitae Henr. 3

(I mean both Thomas and Henry, that successively were Earls of Lancaster), made war upon the said Edward the Second, and were the principal doers in his deposition & in setting up of his son, Edward the Third, in his place, at what time it is evident that they might have put in also for themselves if their title had been such as this report maketh it.

A fifth reason is for that if this had been so, that Edmund, Earl of Lancaster, had been the elder brother, then had the controversy between the two houses of York and Lancaster

been most clear and without all doubt at all, for then had the house of York had no pretence of right in the world, and then were it evident that the heirs general of Blanche, Duchess of Lancaster, wife of John of Gaunt, to wit, the descendants of Lady Philippe, her daughter that was married into Portugal, these, I say, and none other were apparent and true heirs to the crown of England at this day, and all the other of the house of York usurpers, as well King Henry the 7 as all his posterity & offspring, for that one of them have descended of the said Blanche, as is manifest.

And therefore, lastly, the matter standeth (no doubt) as Polydore holdeth in the latter end of the life of King Henry the Third, where having mentioned these two sons, Edward & Edmund, he addeth these words, *There wanted not certain men long time after this that affirmed this Edmund to be the elder son to King Henry the Third, and to*

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MN: The issue of King Edward the First

*have been deprived of his inheritance for that he was deformed in body, but these things were feigned to the end that King Henry the Fourth, that came by his mother's side of this Edmund, might seem to have come to the kingdom by right, whereas indeed he gat it by force.*

Thus saith Polydore in this place, but afterward, in the beginning of the life of the said King Henry the 4, he saith that some would have had King Henry to have pretended this title among other reasons, but that the more part accounting it but a mere fable, it was omitted.

Now then, it being clear that, of these two sons of King Henry the Third, Prince Edward was the elder and lawful heir, it remaineth only that we set down their several descents unto the times of King Edward the Third and his children, in whose days the dissension & controversy between these royal houses of York and Lancaster began to break forth.

And for the issue of Edward that was King after his father by the name of King Edward the First, it is evident that albeit by two several wives he had a dozen children, male and female, yet only his fourth son by his first wife, called also Edward (who was King after him by the name of King Edward the Second) left issue that remained, which Edward the Second, being afterward for his evil government deposed, left issue Edward the Third,

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MN: The issue of Edmund Crouchback

who was made King by election of the people in his place, and after a long and prosperous reign left divers sons whereof after we shall speak, and among them his third son, named John of Gaunt, married Lady Blanche, daughter and heir of the house of Lancaster and of the forenamed Lord Edmund Crouchback, by which Blanche John of Gaunt became Duke of Lancaster, so as the lines of these two brethren, Edward and

Edmund, did meet and join again in the fourth descent, as now shall appear by declaration of the issue of the foresaid Lord Edmund.

Edmund, then, the second son of King Henry the Third, being made County Palatine of Lancaster as also Earl of Leicester and of Derby by his father, King Henry, as hath been said, had issue three sons, to wit, Thomas, Henry and John, among whom he divided his three states, making Thomas, his eldest son, County Palatine of Lancaster, Henry, Earl of Leicester, & John, Earl of Derby. But Thomas, the eldest, & John, the youngest, dying without issue, all three states fell again upon Henry, the second son, which Henry had issue one son and three daughters. His son was named Henry, the Second of that name, Earl of Lancaster, and made Duke of Lancaster by King Edward the Third, and he had one only daughter & heir named Blanche, who was married unto John of Gaunt, as before hath been said. But Duke Henry's three sisters, named Joan, Mary and

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MN: Collateral lines of Lancaster

Eleanor, were all married to divers principal men of the realm, for that Joan was married to John, Lord Mowbray, of whom are descended the Howards of the house of Norfolk at this day, and Mary was married to Henry, Lord Percy, from whom cometh the house of the Earls of Northumberland, and Eleanor was married to Richard, Earl of Arundel, whence is issued also by his mother's side the Earl of Arundel that now is, so as of this ancient line of Lancaster there want not noble houses within the realm at this day, issued thence before the controversy fell out between York & this family, of which controversy, how it rose and how it was continued, I shall now begin to make more particular declaration, taking my beginning from the children of King Edward the Third, who were the causers of this fatal dissension.

### CHAPTER III

Of the succession of English Kings from King Edward the Third unto our days, with the particular causes of dissension between the families of York and Lancaster more largely declared

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King Edward the Third, surnamed by the English the Victorious, though he had many children, whereof some died without issue, which appertain not to us to treat of,

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MN: The red rose and the white

MN: Issue of the Black Prince

yet had he five sons that left issue behind them, to wit, Edward, the eldest, that was Prince of Wales, surnamed the Black Prince; Lionel, Duke of Clarence, which was the 2 son; John of Gaunt, so called for that he was born in that city, that was the third son and by his wife was Duke of Lancaster; and fourthly, Edmund, surnamed of Langley for that he was also born there, and was duke of York; & last of all, Thomas, the fifth son, surnamed of Woodstock for the same reason of his birth, and was Duke of Gloucester.

All these five Dukes, being great princes and sons of one King, left issue behind them as shall be declared, and for that the descendants of the third and fourth of these sons, to wit, of the Dukes of Lancaster and York, came afterward to strive who had best title to reign, thereof it came that the controversy had his name of these two families, which for more distinction' sake, & the better to be known, took upon them for their ensigns a rose of two different colours, to wit, the white rose and the red, as all the world knoweth, whereof the white served for York and the red for Lancaster.

To begin, then, to show the issue of all these five princes, it is to be noted that the two elder of them, to wit, Prince Edward, and his second brother, Lionel, Duke of Clarence, died both of them before King Edward, their father, and left each of them an heir, for that Prince

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MN: The issue of Lionel, the 2 son

MN: The issue of Edmund, the 4 son

Edward left a son named Richard, who succeeded in the crown immediately after his grandfather by the name of King Richard the Second, but afterward for his evil government was deposed, and died in prison without issue, and so was ended in him the succession of the first son of King Edward.

The second son, Lionel, dying also before his father, left behind him one only daughter and heir named Philippe, who was married to one Edmund Mortimer, Earl of March, and he had by her a son and heir named Roger Mortimer, which Roger had issue two sons named Edmund and Roger, which died both without children, and one daughter named Anne Mortimer, which was married unto Richard Plantagenet, Earl of Cambridge, second son unto Edmund Langley, Duke of York, which Duke Edmund was fourth son, as hath been said, unto King Edward the Third, and for that this Richard Plantagenet married the said Anne, as hath been said, hereby it came to pass that the house of York joined two titles in one, to wit, that of Lionel, Duke of Clarence, which was the second son of King Edward the Third, & that of Edmund Langley, Duke of York, which was the fourth son, and albeit this Richard Plantagenet himself never came to be Duke of York for that he was put to death whiles his elder brother lived by King Henry the Fifth for a conspiracy discovered in Southampton against the said King when he was

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MN: The issue of Thomas, the 5 son

going over into France with his army, yet he left a son behind him named also Richard, who afterward came to be Duke of York by the death of his uncle, which uncle was slain soon after in the battle of Agincourt in France, & this Richard began first of all to prosecute openly his quarrel for the title of the crown against the house of Lancaster, as a little afterward more in particular shall be declared, as also shall be showed how that this 2 Richard, Duke of York, being slain also in the same quarrel, left a son named Edward, Earl of March, who after much trouble gat to be King by the name of King Edward the 4 by the oppression and putting down of King Henry the 6 of the house of Lancaster, and was the first King of the house of York, whose genealogy we shall lay down more largely afterwards in place convenient.

And now it followeth in order that we should speak of John of Gaunt, the third son, but for that his descent is great, I shall first show the descent of the fifth and last son of King Edward, who was Thomas of Woodstock, Duke of Gloucester and Earl of Buckingham, that was put to death afterward, or rather murdered wrongfully, by order of his nephew, King Richard the Second, and left only one daughter and heir named Anna, who was married to the Lord Stafford, whose family afterward in regard of this marriage came to be Dukes of Buckingham, & were put down by King

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MN: The issue of the 3 son, Duke of Lanca[n] [sic for 'Lancaster']

Richard the Third and King Henry the Eight, albeit some of the blood and name do remain yet still in England.

And thus having brought to an end the issue of three sons of King Edward, to wit, of the first, second & fifth, & touched also somewhat of the fourth, there resteth to prosecute more fully the issues & descents of the third & fourth sons, to wit, of John of Gaunt, Duke of Lancaster, and of Edmund Langley, Duke of York, which are the heads of these two noble families, which thing I shall do in this place with all brevity and perspicuity possible, beginning first with the house of Lancaster.

John of Gaunt, third son of King Edward, being Duke of Lancaster by his wife, as hath been said, had three wives in all, and by every one of them had issue, though the Bishop of Ross in his great Latin arbour of the genealogies of the Kings of England printed in Paris in the year 1580 assigneth but one wife only to this John of Gaunt, and consequently that all his children were born of her, which is a great and manifest error, and causeth great confusion in all the rest which in his book of the Queen of Scots' title he buildeth hereon, for that it being evident that only the first wife was daughter and heir of the house of Lancaster, and John of Gaunt Duke thereof by her, it followeth that the children only that were born of her can pretend properly to the inheritance of that house, and not others born of John of

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MN: The issue of Lady Blanche

MN: Lady Philippe, married into Portugal, and her issue

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MN: Lady Elizabeth, second daughter

Gaunt by other wives, as all the world will confess.

First then, as I have said, this John of Gaunt married Blanche, daughter and heir of Henry, Duke of Lancaster, and had by her one son only, and two daughters. The son was called Henry, Earl of Derby, and after made Duke of Hereford by King Richard the Second, and after that came to be Duke also of Lancaster by the death of his father, and lastly was made King by the deposition of his cousin-german, the said King Richard, and reigned 13 years by the name of King Henry the Fourth, and was the first King of the house of Lancaster, of the right of whose title examination shall be made afterwards.

The first of the two daughters which John of Gaunt had by Blanche was named Philippe, who was married to John the First of that name, King of Portugal, by whom she had issue Edward, King of Portugal, and he Alfonsus the Fifth, & he John the Second, & so one after another even unto our days.

The second daughter of John of Gaunt by Lady Blanche was named Elizabeth, who was married to John Holland, Duke of Exeter, & she had issue by him another John, Duke of Exeter, and he had issue Henry, Duke of Exeter, that died without issue male, leaving only one daughter named Anne, who was married to Sir Thomas Neville, knight, and

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MN: The issue of King Henry the 4

by him had issue Ralph Neville, third Earl of Westmorland, whose lineal heir is at this day Lord Charles Neville, Earl oft [sic for 'of'] Westmorland, that liveth banished in Flanders.

And this is all the issue that John of Gaunt had by Lady Blanche, his first wife, saving only that I had forgotten to prosecute the issue of Henry, his first son, surnamed of Bolingbroke, that was afterward called King Henry the Fourth, which King had 4 sons and two daughters. His daughters were Blanche and Philippe, the first married to William, Duke of Bavaria, and the second to Eric, King of Denmark, and both of them died without children.

The four sons were first, Henry that reigned after him by the name of Henry the Fifth, and the second was Thomas, Duke of Clarence, the third was John, Duke of Bedford, and the fourth was Humphrey, Duke of Gloucester, all which three Dukes died without issue or were slain in wars of the realm, so as only King Henry the Fifth, their elder brother, had issue one son, named Henry also, that was King and reigned 40 years by the name of Henry the Sixth, who had issue Prince Edward, & both of them (I mean both father & son) were murdered by order or permission of Edward, Duke of York, who afterward took the crown upon him by the name of King Edward the Fourth, as before hath been said,

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MN: The issue of John of Gaunt by his 2 wife

MN: The controversy in Spain between King Peter the Cruel and his bastard brother

so as in this King Henry the 6 and his son, Prince Edward, ended all the blood royal male of the house of Lancaster by Blanche, the first wife of John of Gaunt, and the inheritance of the said Lady Blanche returned by right of succession, as the favourers of the house of Portugal affirm, though others deny it, unto the heirs of Lady Philippe, her eldest daughter, married into Portugal, whose nephew, named Alfonsus the Fifth, King of Portugal, lived at that day when King Henry the 6 and his heir were made away. And this much of John of Gaunt's first marriage.

But after the death of the Lady Blanche, John of Gaunt married the Lady Constance, daughter and heir of Peter the First, surnamed the Cruel, King of Castile, who being driven out of his kingdom by Henry, his bastard brother, assisted thereunto by the French, he fled to Bordeaux with his wife & two daughters, where he found Prince Edward, eldest son to King Edward the Third, by whom he was restored, and for pledge of his fidelity and performance of other conditions that the said King Peter had promised to the Prince, he left his two daughters with him, which daughters being sent afterwards into England, the eldest of them, named Constance, was married to John of Gaunt, and by her title he named himself for divers years afterward King of Castile, and went to gain the same by arms when Peter, her father, was slain by his foresaid bastard

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MN: Garibey l. 15. c. 26

MN: Of Lady Catherine Swynford, Holinshed in vita Richardi 2. pag. 1088

brother, but yet some years after that again there was an agreement made between the said John of Gaunt and John, the First of that name, King of Castile, son and heir of the foresaid Henry the bastard, with condition that Catherine, the only daughter of John of Gaunt by Lady Constance should marry with Henry the Third, Prince of Castile, son and heir of the said King John and nephew to the bastard Henry the 2, and by this means was ended that controversy between England and Castile, and the said Lady Catherine had issue by King Henry John the 2, King of Castile, & he Isabel that married with Ferdinando, the Catholic King of Aragon, and joined by that marriage both those kingdoms together, and by him she had a daughter named Joan, that married Philip, Duke of Austria and Burgundy, and by him had Charles the Fifth that was Emperor and father to King Philip that now reigneth in Spain, who (as we see) is descended two ways from John of Gaunt, Duke of Lancaster, to wit, by two daughters begotten of two wives, Blanche and Constance, neither had John of Gaunt any more children by Constance but only this daughter Catherine, of whom we have spoken, wherefore now we shall speak of his third wife, that was Lady Catherine Swynford.

This Lady Catherine, as English histories do note, was born in Henault in Flanders, & was daughter to a knight of that country called

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Sir Payne de Ruet [=Payn Roelt], and she was brought up in her youth in the Duke of Lancaster's house, and attended upon his first wife, Lady Blanche, and being fair of personage, grew in such favour with the Duke as in the time of his second wife, Constance, he kept this Catherine for his concubine, and begat upon her four children, to wit, three sons and a daughter, which daughter (whose name was Jane) was married to Ralph, Earl of Westmorland, called commonly in those days Daw Raby, of whom descended the Earls of Westmorland that ensued. His three sons were John, Thomas, and Henry, and John was first Earl and then Duke of Somerset, Thomas was first Marquis Dorset and then Duke of Exeter, Henry was Bishop of Winchester and after Cardinal.

And after John of Gaunt had begotten all these 4 children upon Catherine, he married her to a knight in England named Swynford, which knight lived not many years after, & John of Gaunt coming home to England from Aquitaine, where he had been for divers years, and seeing this old concubine of his, Catherine, to be now a widow, and himself also without a wife (for that Lady Constance was dead a little before), for the love that he bore to the children which he had begotten of her, he determined to marry her, and thereby the rather to legitimate her children, though himself were old now, and all his kindred

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The Duke of Lancaster's bastards made legitimate, Holinshed in vita Rich. 2. pag. 1090

MN: The issue of Catherine Swynford's children

MN: King Henry 7

MN: The Dukes of Somerset

utterly against the marriage, and so not full two years before his death, to wit, in the year of Christ 1396, he married her, and the next year after, in a Parliament begun at Westminster the 22 of January Anno Domini 1397, he caused all his said issue to be legitimated which he had begotten upon this Lady Swynford before she was his wife.

But now to go forward to declare the issue of these three sons of John of Gaunt by Catherine Swynford, two of them, that is, Thomas, Duke of Exeter, and Henry, Cardinal and Bishop of Winchester, died without issue. John, the eldest son, that was Earl of Somerset, had issue two sons, John and Edmund. John, that was Duke of Somerset, had issue one only daughter named Margaret, who was married to Edmund Tudor, Earl of Richmond, by whom he had a son named Henry, Earl also of Richmond, who after was afterward made King by the name of Henry the Seventh, & was father to King Henry the Eight, and grandfather to the Queen's Majesty that now is, & this is the issue of John, the first son to the Duke of Somerset.

Edmund, the second son to John, Earl of Somerset, was first Earl of Mortain, and then after the death of his brother John (who died without issue male, as hath been said) was created by King Henry the Sixth Duke of Somerset, and both he and almost all his

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MN: Polydore Historia Anglie lib 23  
 MN: Holinshed in vita Edwardi 4. pa. 1314 & 1340  
 MN: What heirs of Lancaster now remain in

kin were slain in the quarrel of the said King Henry the 6 and for defence of the house of Lancaster against York. For first this Edmund himself was slain in the battle of St Albans against Richard, Duke and first pretender of York, in the year 1456, leaving behind him three goodly sons, to wit, Henry, Edmund & John, whereof Henry succeeded his father in the Duchy of Somerset, and was taken and beheaded in the same quarrel at Hexham in the year 1463, dying without issue. Edmund likewise succeeded his brother, Henry, in the Duchy of Somerset, and was taken in the battle of Tewkesbury in the same quarrel, and there beheaded the 7 of May 1471, leaving no issue. John also, the third brother, Marquis of Dorset, was slain in the same battle of Tewkesbury, and left no issue, and so in these two noblemen ceased utterly all the issue male of the line of Lancaster by the children of John of Gaunt begotten upon Lady Swynford, his third wife, so that all which remained of this woman was only Margaret, Countess of Richmond, mother to King Henry the 7, which King Henry the 7 and all that do descend from him in England or out of England do hold the right of Lancaster only by this third marriage of Catherine Swynford, as hath been showed, and no ways of Blanche, the first wife, or of Constance, the second. And this is enough in this place of the descents of John of Gaunt and of the house of Lancaster, and therefore I shall

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MN: The issue of the house of York  
 MN: Richard, Earl of Cambridge, executed  
 MN: Richard, Duke of York, slain

over to show the issue of the house of York.

I touched briefly before how Edmund Langley, Duke of York, fourth son of King Edward the Third, had two sons, Edward, Earl of Rutland and Duke of Aumarle [=Aumale], that succeeded his father afterward in the Duchy of York, and was slain without children under King Henry the 5 in the battle of Agincourt in France, and Richard, Earl of Cambridge, which married Lady Anne Mortimer, as before hath been said, that was heir of the house of Clarence, to wit, of Lionel, Duke of Clarence, second son to King Edward the Third, by which marriage be joined together the two titles of the second & fourth sons of King Edward, and being himself convinced of a conspiracy against the King, Henry the 5, was put to death in Southampton in the year of Christ 1415 and third of the reign of King Henry the 5, and fifth day of August.

This Richard had issue by Lady Anne Mortimer a son named Richard, who succeeded his uncle, Edward, Duke of York, in the same Duchy, and afterward finding himself strong, made claim to the crown in the behalf of his mother, and declaring himself chief of the faction of the white rose, gave occasion of many cruel battles against them of the red rose

and house of Lancaster, and in one of the battles which was given in the year 1460 at Wakefield, himself was slain, leaving behind

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Edward, Duke of York and King his issue

him three sons, Edward, George and Richard, whereof Edward was afterward [sic for 'afterward'] King of England by the name of Edward the Fourth, George was Duke of Clarence, and put to death in Calais in a butt of sack or malmsey by the commandment of the King, his brother, & Richard was Duke of Gloucester, and afterward King by murdering his own nephews, and was called King Richard the Third.

Edward, the eldest of these three brothers, which afterward was King, had issue two sons, Edward & Richard, both put to death in the Tower of London by their cruel uncle, Richard. He had also five daughters, the last four whereof I do purposely omit for that of none of them there remaineth any issue, but the eldest of all, named Elizabeth, was married to King Henry the 7 of the house of Lancaster, and had by him issue King Henry the 8 and two daughters, the one married unto Scotland, whereof are descended the King of Scots and Arbella, & the other married to Charles Brandon, Duke of Suffolk, whereof are issued the children of the Earls of Hertford and Derby, as after more at large shall be handled. And this is the issue of the first brother of the house of York.

The second brother, George, Duke of Clarence, had issue by his wife, Lady Isabel, heir to the earldoms of Warwick and Salisbury, one son named Edward, Earl of Warwick, who was put to death afterward in his youth by

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MN: The line of the Pooles [=Poles]

MN: The line of the Hastings

MN: The Baringtons [=Barringtons]

King Henry the 7, and left no issue. This Duke George had also one daughter named Margaret, admitted by King Henry the Eight (at what time he sent her into Wales with the Princess Mary) to be Countess of Salisbury, but yet married very meanly to a knight of Wales name Sir Richard Poole [=Pole], by whom she had four sons, Henry, Arthur, Geoffrey and Reginald, the last whereof was Cardinal, and the other two, Arthur and Geoffrey, had issue, for Arthur had two daughters, Mary and Margaret. Mary was married to Sir John Stanny, & Margaret to Sir Thomas Fitzherbert. Sir Geoffrey Pole had also issue another Geoffrey Pole, and he had issue Arthur and Geoffrey, which yet live.

Now then, to return to the first son of the Countess of Salisbury named Henry, that was Lord Montague, and put to death, both he and his mother, by King Henry the 8. This man, I say, left two daughters, Catherine and Winifred. Catherine was married to Sir Francis Hastings, Earl of Huntingdon, by which marriage issued Sir Henry Hastings, now Earl of Huntingdon, and Sir George Hastings, his brother, who hath divers children. And Winifred, the younger daughter, was married to Sir Thomas Barrington, knight, who also

wanteth not issue. And this of the second brother of the house of York, to wit, of the Duke of Clarence.

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MN: King Richard 3

The third brother, Richard, Duke of Gloucester, and afterward King, left no issue, so as this is all that is needful to be spoken of the house of York, in which we see that the first and principal competitor is the King of Scots, and after him Arbella, and the children of the Earls of Hertford and Derby are also competitors of the same house, as descended by the daughter of the first brother, Edward, Duke of York and King of England, and then the Earl of Huntingdon and his generation, as also the Poles, Barringtons, and others before named are or may be titlers of York, as descended of George, Duke of Clarence, second son of Richard, Duke of York, all which issue yet seem to remain only within the compass of the house of York for that by the former pedigree of the house of Lancaster it seemeth to the favourers of this house that none of these other competitors are properly of the line of Lancaster, for that King Henry the 7 coming only of John of Gaunt by Catherine Swynford, his third wife, could have no part in Lady Blanche that was only inheritor of that house, as to these men seemeth evident.

Only then it remaineth for the ending of this chapter to explain somewhat more clearly the descent of King Henry the 7 and of his issue, for better understanding whereof you must consider that King Henry the 7, being of the house of Lancaster in the manner that you have heard, and marrying Elizabeth, the eldest

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MN: Issue of King Henry the 7

MN: Issue of the Lady Mary of Scotland

daughter of the contrary house of York, did seem to join both houses together, & make an end of that bloody controversy, though others now will say no, but howsoever that was (which after shall be examined), clear it is that he had by that marriage one only son that left issue, and two daughters. His son was King Henry the 7, who by three several wives had three children that have reigned after him, to wit, King Edward the 6 by Queen Jane Seymour, Queen Mary by Queen Catherine of Spain, and Queen Elizabeth by Queen Anne Boleyn, of all which three children no issue hath remained, so as now we must return to consider the issue of his daughters.

The eldest daughter of King Henry the 7, named Margaret, was married by her first marriage to James the Fourth, King of Scots, who had issue James the 5, & he again Lady Mary, late Queen of Scots and Dowager of France, put to death not long ago in England, who left issue James the 6, now King of Scots. And by her second marriage the said Lady Margaret, after the death of King James the 4, took for husband Archibald Douglas, Earl of Angus in Scotland, by whom she had one only daughter named Margaret, which was married to Matthew Stewart, Earl of Lennox, and by him she had two sons, to wit,

Henry, Lord Darly [=Darnley], and Charles Stewart. Henry married the foresaid Lady Mary, Queen of Scotland, & was murdered in Edinburgh in the year

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MN: Issue of Mary, 2 sister to King Henry

MN: Lady Frances

MN: Stow. An. 7. Edward 6

1566, as the world knoweth, and Charles, his brother, married Elizabeth, the daughter of Sir William Candish [=Cavendish] in England, by whom he had one only daughter yet living named Arbella, another competitor of the crown of England by the house of York. And this much of the first daughter of King Henry the 7. Mary, the second daughter of King Henry the 7, & younger sister to King Henry the 8, was married first to Lewis the 12, King of France, by whom she had no issue, and afterward to Charles Brandon, Duke of Suffolk, by whom she had two daughters, to wit, Frances and Eleanor. The Lady Frances was married first to Henry Grey, Marquis of Dorset & after Duke of Suffolk, beheaded by Queen Mary, and by him she had three daughters, to wit, Jane, Catherine and Mary. The Lady Jane, eldest of the three, was married to Lord Guildford Dudley, son to John Dudley, late Duke of Northumberland, with whom (I mean with her husband & father-in-law) she was beheaded soon after for being proclaimed Queen upon the death of King Edward the Sixth. The Lady Catherine, second daughter, married first the Lord Henry Herbert, Earl of Pembroke, and left by him again, she died afterward in the Tower, where she was prisoner for having had two children by Edward Seymour, Earl of Hertford, without sufficient proof that she was married to him, and the two children are yet living, to wit, Henry [sic?] Seymour, commonly called Lord Beauchamp, and Edward

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MNL Of Lady Eleanor of Suffolk

Seymour, his brother. The Lady Mary, the third sister, though she was betrothed to Arthur, Lord Grey of Wilton, and married after to Martin Keyes, gentleman-porter, yet hath she left no issue, as far as I understand.

This then is the end of the issue of Lady Frances, first of the two daughters of Queen Mary of France by Charles Brandon, Duke of Suffolk, for albeit the said Lady Frances, after the beheading of the said Henry, Lord Grey, Duke of Suffolk, her first husband, married again one Adrian Stokes, her servant, & had a son by him, yet it lived not, but died very soon after.

Now then to speak of the younger daughter of the said French Queen and Duke named Eleanor, she was married to Henry Clifford, Earl of Cumberland, who had by her a daughter named Margaret that was married to Lord Henry Stanley, Earl of Derby, by whom she hath a plentiful issue, as Ferdinand, now Earl of Derby, William Stanley, Francis Stanley and others. And this is all that needeth to be spoken of these descents of our English kings, princes, peers or competitors to the crown for this place, and therefore now it resteth only that we begin to examine what different pretensions are framed by

divers parties upon these descents and genealogies, which is the principal point of this our discourse.

#### Chapter IV

Of the great and general controversy and contention between the two houses royal of Lancaster and York, and which of them may seem to have had the better right to the crown by way of succession

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MN: Variety of authors' opinions about this controversy

And first of all, before I do descend to treat in particular of the different pretences of several persons and families that have issued out of these two royal lineages of Lancaster and York, it shall perhaps not be amiss to discuss with some attention what is or hath or may be said on both sides for the general controversy that lieth between them, yet undecided in many men's opinions, notwithstanding there hath been so much stir about the same, & not only writing and disputing, but also fighting and murdering for many years. And truly, if we look into divers histories, records and authors which have written of this matter, we shall find that every one of them speaketh commonly according to the time wherein they lived, for that all such as wrote in the time of the three Henrys, Fourth, Fifth and Sixth, Kings of the house of Lancaster, they make the title of Lancaster very clear and undoubted, but such others as wrote since that time (whiles the house of York hath held the sceptre), they have spoken in far different manner, as

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MN: Polydore in fine vit. Henr. 3. & initio vit. Henr. 4. & in vit. Rich. An. 1386

MN: The allegations of the house of York

namely Polydore, that wrote in King Henry the 8 his time, and others that have followed him since, do take all right from the house of Lancaster, and give the same to the house of York, wherefore the best way I suppose will be not so much to consider what historiographers do say according to their affections or interests, as what reasons and proofs be alleged of every side, for that by this we shall more easily come to judge where the right or wrong doth lie.

First, therefore, the defenders of the house of York do allege that their title is plain and evident for that as in the former chapter hath been declared, Richard, Duke of York, first pretender of this house, whose father was son to Edmund Langley, Duke of York, fourth son of King Edward the Third, and his mother, Anne Mortimer, that was niece once removed and sole heir to Lionel, Duke of Clarence, second son of the said King Edward, this Richard (I say), Duke of York, pretended that forsomuch as he had two titles joined together in himself, and was lawful heir as well to Duke Lionel, the second brother, as to

Duke Edmund, the fourth, that he was to be preferred in succession of the crown after the death of King Richard the Second, heir of the first son of King Edward, before the issue of John of Gaunt, that was but third son to the said King Edward, and consequently that Henry Bolingbroke, John of Gaunt's son, Duke of

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MN: The story of the controversy between Lancaster & York

Lancaster, called afterward King Henry the Fourth, entered upon the crown by tyranny & violence, first for deposing the true and lawful King Richard, and secondly for taking the kingdom upon himself, which kingdom after the death of the foresaid King Richard (which happened in the year 1399) belonged to Edmund Mortimer, Earl of March, then living, and after his death to Anne Mortimer, his sister, married to Richard, Earl of Cambridge, father to this Richard, pretendant Duke of York, as hath been said, for that this Edmund and Anne Mortimer were children to Roger Mortimer, son of Philippe, that was daughter to Duke Lionel, which Lionel was elder uncle to King Richard, and before John of Gaunt, the younger brother, whose son took the crown upon him.

For the better understanding of which pretence and allegation of the house of York against Lancaster we must note the story following, to wit, that King Edward the Third, seeing in his old age that Prince Edward, his eldest son, whom of all his children he loved most dearly, was dead (though there wanted not much doubt in some men's heads, as after shall be showed, who ought to succeed), yet the old man, for the exceeding affection he bare to the dead Prince, would hear nothing in that behalf, but appointed Richard, the said Prince Edward's only son and heir, to succeed him in the kingdom, and made the same to be

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MN: Polydore in vita Richard. 2. lib. 20

MN: King Richard's deposition

confirmed by Act of Parliament, and enforced all his children then alive to swear to the same, which were John of Gaunt, Duke of Lancaster, his third and eldest son that then lived (for Lionel, his second son, Duke of Clarence, was dead before), and Edmund Langley and Thomas Woodstock, Earls at that time, but after Dukes of York & Gloucester, & so King Richard reigned with good obedience of his uncles and their children for 20 years together, but in the end when he grew insolent, & had put to death his uncle, the Duke of Gloucester, together with the Earl of Arundel, and banished many others of the nobility, and among them the Archbishop of Canterbury, as also his own cousin-german, Henry, Duke of Hereford & after of Lancaster, son and heir of John of Gaunt, and had made many wicked statutes, as well against the church and state ecclesiastical, as also to entangle the realm and nobility with feigned crimes of treason against his regality, as then he term them, the principal men of the realm, seeing a fit occasion offered by the King's absence in Ireland, called home out of France the foresaid Henry, Duke of Lancaster, with the Archbishop of Canterbury, Earls of Arundel and

Warwick, and other which were in banishment, and by common consent gathered upon the sudden such an army to assist them in England as they took the King,

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MN: Chief points of the controversy between Lancaster and York

MN: Three points about King Richard's deposition

brought him to London, and there in a Parliament laying together the intolerable faults of his government, they deprived him of all regal dignity, as before they had done to his great-grandfather, King Edward the Second, & then by universal consent of the Parliament and people there present they chose & admitted the said Henry, Duke of Lancaster, to be their King, who continued so all the days of his life, and left the crown upon his son and son's son after him by the space of threescore years until this Richard, before-named Duke of York, made challenge of the same in manner and form as before hath been showed.

Now then, the story being this, the question is first whether Richard the Second were justly deposed or no, and secondly, whether after his deposition the house of York or house of Lancaster should have entered, and thirdly, if the house of Lancaster did commit any wrong or injustice at their first entrance to the crown, yet whether the continuance of so many years in possession, with so many approbations and confirmations thereof by the commonwealth, were not sufficient to legitimate their right.

Concerning which points many things are alleged by the favourers of both families, and in the first point touching the lawfulness or unlawfulness of King Richard's deposition, three articles especially do seem most considerable, to wit, about the thing in itself, whether a lawful king may be deposed upon just causes,

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MN: That a true King may be deposed

MN: 1. reason

& secondly, about these causes in King Richard's deposition, to wit, whether they were just or sufficient for deposition of the said King, and lastly, about the manner of doing it, whether the same were good and orderly or not.

And touching the first of these three points, which is that a king upon just cause may be deposed, I think both parties, though never so contrary between themselves, will easily agree, and the civil lawyer seemeth to me to have proved it so evidently before throughout his whole discourse as I think very little may be said against the same. For he hath declared (if you remember) both by reason, authority & examples of all nations Christian that this may and hath and ought to be done when urgent occasions are offered. And first by reason he showeth it for that all kingly authority is given them only by the commonwealth, & that with this express condition, that they shall govern according to law and equity, that this is the cause of their exaltation above other men, that this is the end of their government, the butt of their authority, the star and pole by which they ought

to direct their stern, to wit, the good of the people, by the weal of their subjects, by the benefit of the realm, which end being taken away or perverted, the king becometh a tyrant, a tiger, a fierce lion, a ravening wolf, a public enemy, and a bloody murderer, which were against all reason both natural and moral, that a commonwealth

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MN: 2. authority

MN: 3. examples

MN: Whether the causes were sufficient of King Richard's deposition

could not deliver itself from so eminent [=imminent?] a destruction.

By authority also you have heard it proved of all lawmakers, philosophers, lawyers, divines and governors of commonwealths who have set down in the statutes and ordinances that kings shall swear and protest at their entrance to government that they will observe and perform the conditions there promised, & otherwise to have no interest in that dignity & sovereignty.

By examples in like manner of all realms Christian he declared how that oftentimes they have deposed their princes for just causes, and that God hath concurred and assisted wonderfully the same, sending them commonly very good kings after those that were deprived, and in no country more than in England itself, yea, in the very line and family of this King Richard, whose noble grandfather, King Edward the Third, was exalted to the crown by a most solemn deposition of his predecessor, King Edward the Second, wherefore in this point there can be little controversy, and therefore we shall pass unto the second, which is whether the causes were good and just for which this King Richard was esteemed worthy to be deposed.

And in this second point much more difference there is betwixt York and Lancaster,

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MN: The house of York chief doer in deposing King Richard

MN: Polydore lib. 20. histor. Angl.

and between the white rose and the red, for that the house of York, seeking to make the other odious, as though they had entered by tyranny & cruelty, doth not stick to avouch that King Richard was unjustly deposed, but against this the house of Lancaster allegeth first, that the house of York cannot justly say this for that the chief prince assistant to the deposing of King Richard was Lord Edmund himself, Duke of York, and head of that family, together with Edward, Earl of Rutland & Duke of Aumarle [=Aumale], his eldest son and heir, yea, and his younger son also, Richard, Earl of Cambridge, father to this Richard that now pretendeth, for so do write both Stow, Holinshed and other chroniclers of England that those princes of the house of York did principally assist Henry, Duke of Lancaster, in getting the crown and deposing King Richard, & Polydore, speaking of the wicked government of King Richard and of the first cogitation about the deposing him when King Henry of Lancaster was yet in France, banished, and seemed not to think of

any such matter, he hath these words: *Sed Edmundo Eboracensium duci, ea res cum primis bilem commouit, quod rex omnia iam iura peruerteret, quod antea parricidio, & postea rapinis se obstrinxisset, &c.*, that is, This matter of the wicked government of King Richard did principally offend his uncle, Edmund, Duke of York, for that the saw the King now to

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MN: Addit. ad Polycronicon [=Polychronicon]

MN: Testimony of stories

pervert all law and equity, and that as before he had defiled himself with parricide, that is, with the murder of his own uncle, the Duke of Gloucester, brother to this Edmund, so now he entangled himself also with rapine, in that he took by violence the goods and inheritance of John of Gaunt, late deceased, which did belong to Henry, Duke of Lancaster, his cousin-german, by which words of Polydore, as also for that the Duke of Lancaster coming out of Brittany accompanied only with threescore persons (as some stories say) chose first to go into Yorkshire, and to enter at Ravenspur at the mouth of the Humber, as all the world knoweth, which he would never have done if the princes of York had not principally favoured him in that action, all this (I say) is an evident argument that those princes of the house of York were then the chief doers in this deposition, and consequently cannot allege now with reason that the said Richard was deposed unjustly.

Secondly the house of Lancaster allegeth for the justifying of this deposition the opinions of all historiographers that ever have written of this matter, whether they be English, French, Dutch, Latin, or of any other nation or language, who all with one accord do affirm that King Richard's government was intolerable, & he worthy of deposition, whereof he that will see more, let him read Thomas of

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MN: The evil government of King Richard

MN: Stow in vit. rRch. 2. pag. 502.(?) regni 11(?)

MN: A great insolency

Walsingham and John Frosard [=Froissart] in the life of King Richard.

Thirdly, they of Lancaster do allege the particular outrages and insolences of King Richard's government, and first the suffering himself to be carried away with evil counsel of his favourites, and then the perverting of all laws generally under his government, as before you have heard out of Polydore, the joining with his minions for oppressing the nobility, of which Stow hath these words: The King being at Bristol with Robert de Vere, Duke of Ireland, & Michael de la Pole, Earl of Suffolk, devised how to take away the Duke of Gloucester, the Earls of Arundel, Warwick, Derby and Nottingham, and others whose deaths they conspired. Thus saith Stow. And soon after, they executed the most par [sic for 'part'] of their devises, for that Thomas of Woodstock, Duke of Gloucester, was made away without law or process, the Earl of Arundel also was put to death, and

Warwick was banished, and so was also Thomas Arundel, Archbishop of Canterbury, by like injustice, and the like was done to Henry, Duke of Hereford and after of Lancaster, and among other insolences he suffered Robert Vere to dishonour and put from him his wife, a noble and goodly young Lady (as Stow saith), and born of Lady Isabel, King Richard's aunt that was daughter to King Edward the Third, and suffered Vere to marry another openly, to her disgrace and dishonour of her kindred. And finally, in the last Parliament that ever he held,

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MN: The Evil Parliament, Stow an. 21 regni Richard.

MN: The Duke of Lancaster called by common request

MN: Froissart, Walsingham

which was in the 21 year of his reign, commonly called the Evil Parliament, he would needs have all authority absolute granted to certain favourites of his, which Thomas Walsingham saith were not above 6 or 7, to determine of all matters with all full authority as if they only had been the whole realm, which was nothing indeed but to take all authority to himself only, and Stow in his chronicle hath these words following, This Parliament began about the 15 of September in the year 1397, at the beginning whereof Edward Stafford, Bishop of Exeter, Lord Chancellor of England, made a proposition or sermon in which he affirmed that the power of the King was alone and perfect of itself, and those that do impeach it were worthy to suffer pain of the law etc. Thus saith Stow. By all which is evident how exorbitant and contrary to all law and equity this King's government was.

Fourthly and lastly, those of Lancaster do allege for justifying of this deprivation that Duke Henry was called home by express letters of the more and better part of all the realm, and that he came wholly (in a manner) unarmed, considering his person, for that Froissart saith he had but three ships only out of Brittany, and Walsingham saith he had but 15 lances and 400 footmen, and the additions to Polychronicon, as before I noted, do avouch that when he landed at Ravenspur

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MN: Whether the manner of deposing King Richard were good

in the county of York he had but threescore men in all to begin the reformation of his realm against so potent a tyrant as King Richard was then accounted, and yet was the concourse of all people so great and general unto him that within few days he achieved the matter, and that without any battle or bloodshed at all, & thus much for the justness of the cause.

But now if we will consider the manner and form of this act, they of Lancaster do affirm also that it could not be executed in better no more convenient order, first for that it was done by the choice and invitation of all the realm or greater and better part thereof, as hath been said. Secondly, for that is [sic for 'it'] was done without slaughter, and thirdly for that the King was deposed by Act of Parliament, and himself convinced of his

unworthy government, and brought to confess that he was worthily deprived, and that he willingly and freely resigned the same, neither can there by any more circumstances required (say these men) for any lawful deposition of a prince.

And if any man will yet object and say that, notwithstanding all this, there was violence, for that Duke Henry was armed and by force of arms brought this to pass, they of Lancaster do answer that this is true, that he brought the matter to an

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MN: Arms necessary for removing an evil prince

MN: Examples of kings punished by external forces

end by forces for that an evil King cannot be removed but by force of arms if we expect the ordinary way of remedy left by God unto the commonwealth, for seeing that a tyrannical or obstinate evil prince is an armed enemy with his feet set on the realm's head, certain it is that he cannot be driven nor plucked from thence, nor brought in order, but by force of arms. And if you say that God may remedy the matter otherwise, and take him away by sickness and such means, it is answered that God will not always bind himself to work miracles or to use extraordinary means in bringing those things to pass which he hath left in the hands of men & of commonwealths to effectuate by ordinary way of wisdom and justice. As, for example, it were an easy thing (say these men) for God Almighty [sic for 'Almighty'] also when any wicked man breaketh his law by theft, murder or the like to punish him immediately by death or otherwise himself, & yet he will not so do, but will have the realm to punish him, and that by force of arms also if otherwise it cannot be done, and this as well for example and terror of others as also to let men understand that God hath left power upon earth to do justice in his name when need requireth.

And for particular precedents of punishing of evil princes in like manner by force & violence when other means will not serve, these men say that besides all the great multitude of

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MN: King Eglon slain in his chamber

MN: Iud. 3

MN: Saul put down by violence

MN: I. Par.(?) coveti.(?) 9(?)

examples alleged before by the civil lawyer in his fourth chapter about evil kings deposed, there is great variety of several manners how the same hath been done by God's own ordinance recounted in Holy Writ, as first when the Scripture saith in the Books of Judges that Aod was stirred up by God to kill Eglon, King of the Moabites, that persecuted the people of Israel, and the manner was to feign a secret embassage or message unto him, and so to slay him in his chamber, as he did, & God delivered his people by that means, and chose this particular way, whereas none will deny but that he

might have done it by many other means less odious to the world than this was, that seemed so cruel and full of treason.

Again they show that when God had rejected King Saul for his wickedness, and determined to depose him, he chose to do it by raising of David against him and by defending and assisting David both in arms and otherwise divers years against Saul, and in the end raised the Philistians also against him, who after divers battles cut off his head and carried it up and down the country upon a pole, and presented it in all the temples of their idols, and in the end left it pitched up in the temple of Dagon, all which God might have spared, & have taken him away quietly [sic for 'quietly'] without bloodshed if he would, but he chose this second way.

In like manner when he would punish King

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MN: 2.(?) Roboam deposed by his subjects of ten tribes

MN: 3. Reg. 11 & 12

MN: 2. Paralip. cap. 10

MN: Joram & his mother Jesebel deposed by force

Roboam for the sins of Solomon, his father, and yet spare him also in part for the sake of his grandfather, David, he caused a rebellion to be raised against him by Jeroboam, his servant, and more than three parts of four of his people to rebel against him, and this by God's own instinct and motion and by his express allowance thereof after it was done, as the Scripture avoucheth, and if Roboam had fought against them for this fault (as once he had thought to do, and was prepared with a main army), no doubt but they might have lawfully slain him for that now these ten tribes that forsook him had just authority to depose him for his evil government, and for not yielding to their just request made unto him for easing them of those grievous tributes laid upon them, as the Scripture reporteth, for albeit God had a meaning to punish him for the sins of his father, Solomon, yet suffered he that Roboam also should give just occasion himself for the people to leave him, as appeareth by the story, and this is God's high wisdom, justice, providence and sweet disposition in human affairs.

Another example of punishing and deposing evil princes by force they do allege out of the first Book of Kings, where God appointed Elizeus the prophet to send the son of another prophet to anoint Jehu, captain of Joram [=Jehoram], King of Israel, which Joram was son to the Queen Jezebel, and to persuade Jehu to

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MN: 4. Reg. 9

MN: 5. Athalia deprived by force

MN: 4. Reg. 11

take arms against his said King and against his mother, the Queen, and to deprive them both not only of their kingdoms but also of their lives, and so he did, for the Scripture

saith, *Coniuravit ergo Iehu contra Ioram*, Jehu did conjure and conspire at the persuasion of this prophet with the rest of his fellow captains against his King, Joram, and Queen Jezebel, the King's mother, to put them down and to put them to death with all the ignomy he could devise, and God allowed thereof, and persuaded the same by so holy a prophet as Elizeus was, whereby we may assure ourselves that the fact was not only lawful, but also most godly, albeit in itself it might seem abominable.

And in the same Book of Kings within two chapters after there is another example how God moved Joiada, High Priest of Jerusalem, to persuade the captains and colonels of that city to conspire against Athalia the Queen, that had reigned 6 years, and to arm themselves with the armour of the Temple for that purpose, and to besiege the palace where she lay, and to kill all them that should offer or go about to defend her, & so they did, and having taken her alive, she was put to death also by sentence of the said High Priest, and the fact was allowed by God, and highly commended in the Scripture, and Joas, young King of the blood royal, was crowned in her place, & all this might have been done, as you see, without such

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MN: Whether Lancaster or York should have entered after King Richard

trouble of arms & bloodshed, if God would, but he appointed this several means for working of this will and for relieving of commonwealths oppressed by evil princes. And this seemeth sufficient proof to these men that King Richard of England might be removed by force of arms, his life and government being so evil and pernicious as before hath been showed.

It remaineth, then, that we pass to the second principal point proposed in the beginning, which was that, supposing this deprivation of King Richard was just and lawful, what house by right should have succeeded him, either that of Lacaster [sic for 'Lancaster'], as it did, or the other of York.

And first of all it is to be understood that at that very time when King Richard was deposed the house of York had no pretence or little at all to the crown for that Edmund Mortimer, Earl of March, nephew to the Lady Philippe, was then alive, with his sister, Anne Mortimer, married to Richard, Earl of Cambridge, by which Anne the house of York did after make their claim, but could not do so yet for that the said Edmund, her brother, was living, and so continued many years after, as appeareth, for that we read that he was alive 16 years after this, to wit, in the third year of the reign of King Henry the Fifth when his said brother-in-law was put to death in Southampton,

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MN: Polydore l. 20. in vit. Richard.

MN: Stow in vita Richard. 3(?)

whom this Edmund appeached, as shall be showed. And that this Edmund was now Earl of March when King Richard was deposed, and not his father, Roger, (as Polydore

mistaketh) is evident by that that the said Roger was slain in Ireland a little before the deposition of King Richard, to wit, in the year 1398, and not many months after he had been declared heir apparent by King Richard, and Roger's father, named Edmund also, husband of the Lady Philippe, died some three years before him, that is, before Roger, as after will be seen, so as seeing that at the deposition of King Richard this Edmund Mortimer, elder brother to Anne, was yet living, the question cannot be whether the house of York should have entered to the crown presently after the deprivation of King Richard, for they had yet no pretence, as hath been showed, but whether this Edmund Mortimer, as heir of Lionel, Duke of Clarence, or else Henry, the Duke of Lancaster, heir of John of Gaunt, should have entered. For as for the house of York, there was yet no question, as appeareth also by Stow in his chronicle, who setteth down how that after the said deposition of Richard, the Archbishop of Canterbury asked the people three times whom they would have to be their King, whether the Duke of York there standing present or not, and they answered no. And then he asked the second time if they would have his

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MN: Whether the Earl of March or Duke of Lancaster should have succeeded to King Richard

eldest son, the Duke of Aumarle [=Aumale], and they said no. He asked the third time if they would have his youngest son, Richard, Earl of Cambridge, and they said no. Thus writeth Stow, whereby it is evident that albeit this Earl of Cambridge had married now the sister of Edmund Mortimer, by whom his posterity claimed afterward, yet could he not pretend at this time, her brother being yet alive, who after dying without issue, left all his right to her, & by her to the house of York, for albeit this Earl Richard never came to be Duke of York for that he was beheaded by King Henry the Fifth at Southampton, as before hath been said, while his elder brother was alive, yet left he a son named Richard that after him came to be Duke of York by the death of his uncle, Edmund, Duke of York, that died without issue, as on the other side also by his mother, Anne Mortimer, he was Earl of March, and was the first of the house of York that made title to the crown.

So that the question now is whether after the deposition of King Richard, Edmund Mortimer, nephew removed of Lionel (which Lionel was the second son to King Edward), or else Henry, Duke of Lancaster, son to John of Gaunt, (which John was third son to King Edward) should by right have succeeded to King Richard. And for Edmund is alleged that he was heir of the elder brother, and for Henry is said that he was nearer by two degrees to

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MN: The title of York is by a woman

MN: Stow in vit. Henrici 5. au. [sic for 'an'] 3. regni

the stem or last King, that is to say, to King Richard deposed, than Edmund was, for that Henry was son to King Richard's uncle of Lancaster, and Edmund was but nephew removed, that is to say, daughter's son's son to the said King Richard's other uncle of York. And that in such a case the next in degree of consanguinity to the last King is to be

preferred (though he be not of the elder line) the favourers of Lancaster allege many proofs, whereof some shall be touched a little after, & we have seen the same practised in our days in France, where the Cardinal of Bourbon by the judgment of the most part of that realm was preferred to the crown for his propinquity in blood to the dead King before the King of Navarre, though he were of the elder line.

Moreover it is alleged for Henry that his title came by a man, and the other's by a woman, which is not so much favoured either by nature, law or reason, and so they say that the pretenders of this title of Lady Philippe that was daughter of Duke Lionel never opened their mouths in those days to claim until some 50 years after the deposition & death of King Richard. Nay, moreover they of Lancaster say that sixteen years after the deposition of King Richard, when King Henry the Fifth was now in possession of the crown, certain noblemen, & especially Richard, Earl of Cambridge, that had married this Edmund Mortimer's

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MN: The Earl of Cambridge executed for conspiracy

MN: An objection for York that Edmund Mortimer was declared heir apparent, Polydore l. 20 & Stow in vit Rich. 2 an. 1385

sister, offered to have slain King Henry and to have made the said Edmund Mortimer king for that he was descended of Duke Lionel, but he refused the matter, thinking it not to be according to equity, and so went and discovered the whole treason to the King, whereupon they were all put to death in Southampton within four or five days after, as before hath been noted, and this happened in the year 1415, and from henceforward until the year 1451 and thirtieth of the reign of King Henry the Sixth, which was 36 years after the execution done upon these conspirators, no more mention or pretence was made of this matter, at what time Richard, Duke of York, began to move troubles about it again.

Thus say those of the house of Lancaster, but now these of York have a great argument for themselves, as to them it seemeth, which is that in the year of Christ 1385, and 9 year of the reign of King Richard the Second, it was declared by Act of Parliament (as Polydore writeth) that Edmund Mortimer, who had married Philippe, daughter & heir of Lionel, Duke of Clarence, and was grandfather to the last Edmund by me named, should be heir apparent to the crown if the King should chance to die without issue.

To which objection those of Lancaster do answer first that Polydore doth err in the person when he saith that Edmund, husband of Lady Philippe, was declared for heir apparent,

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MN: Holinshed in vit. Rich. 2. pag. 1038, Stow. an. 1382

MN: Polydore li. 20. an. 1394

MN: The cause of hatred between King Richard and the house of Lancaster

for that his [sic for 'this'] Edmund Mortimer that married Lady Philippe died peaceably in Ireland three years before this Parliament was holden, to wit, in the year of Christ

1382, as both Holinshed, Stow and other chroniclers do testify, and therefore Polydore doth err not only in this place about this man, but also in that in another place he saith that this Edmund so declared heir apparent by King Richard was slain by the Irish in Ireland 12 years after this declaration made of the succession, to wit, in the year 1394, which was indeed not this man, but his son, Roger Mortimer, heir to him and to the Lady Philippe, his wife, who was declared heir apparent in the Parliament aforesaid at the instance of King Richard, and that for especial hatred & malice (as these men say) which he did bear against his said uncle, the Duke of Lancaster, and his son, Henry, whom he desired to exclude from the succession.

The cause of this hatred is said to be for that presently upon the death of Prince Edward, father to this Richard, which Prince died in the year of Christ 1376, and but 10 months before his father, King Edward the Third, there wanted not divers learned and wise men in England that were of opinion that John of Gaunt, Duke of Lancaster, eldest son then living of the said King Edward, should have succeeded his father, *iure propinquitatis*, before Richard, that was but nephew, and one degree

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MN: John Froissard [=Froissart] in histo.

MN: Polydore, Holinshed, Stow in vita Richard i 2

further off than he, but the old King was so extremely affectionate unto his eldest son, the Black Prince Edward, newly dead, that he would not hear of any to succeed him (as Froissart saith) but only Richard, the said Prince's son. Wherefore he called presently a Parliament, which was the last that ever he held, and therein caused his said nephew, Richard, to be declared heir apparent, and made his three sons then living that were uncles to the youth, to wit, John of Gaunt, Duke of Lancaster, and Edmund Langley, Duke afterward of York, and Thomas Woodstock, Duke of Gloucester, to swear fealty unto Richard, as they did. And albeit John of Gaunt all his life after, for keeping of his oath that he had made unto his father, never pretended any right to the crown, yet King Richard, knowing well the pretence that he and his might have, was still afraid of him, and sought infinite means to be rid of him, first by persuading him to go and make war in Spain, where he thought he might miscarry in so dangerous an attempt, and then offering to give him all Aquitaine if he would leave England to go & live there, as he did for three years, with extreme peril for that the people of Aquitaine would not receive him, but rose against him and refused his government, and would not admit him for their lord, but appealed to the King, who also allowed thereof, and so when John of Gaunt

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MN: Thomas Walsingham In vit Richardi 2. pag. 341. & 344

MN: Iohn Froissart in vit. Hen.(?)

MN: Why Roger Mortimer was declared heir apparent

came home into England again, King Richard thought no better way to weaken him than to banish his son, Henry, Duke of Hereford, and so he did. And besides this, the said King Richard practised also by divers secret drifts the death of his said uncle, the Duke of

Lancaster, as Walsingham witnesseth, and when the said Duke came at length to die, which was in the 22 year of King Richard's reign, he wrote such joyous letters thereof (as Froissart saith) to his father-in-law, the sixth Charles, King of France, as though he had been delivered of his chiefest enemy, not imagining that his own destruction was so near at hand, and much accelerated by the death of the said Duke as it was.

And these were the causes, say the favourers of the house of Lancaster, why King Richard caused this Act of Parliament to pass in favour of Roger Mortimer & in prejudice of the house of Lancaster, and not for that the right of Earl Mortimer was better than that of the Duke of Lancaster. And this, they say, is no new thing, for princes oftentimes to procure partial laws to pass in Parliament for matter of succession according to their own affections, for the like (say they) did Edward the Third procure in the favour of this Richard, as before I have showed, in the last Parliament before his death, and afterward again King Richard the Third, with much more open injustice,

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MN: Holinshed in vit. Richard. 3. pag. 1406. & in vit. Edward 6. pa. 1725

MN: The declaration of King Edward 6 in favour of the Lady Jane Grey

caused an Act of Parliament to pass in his days whereby his nephew, John de la Pole, Earl of Lincoln, son to his sister, Elizabeth, Duchess of Suffolk, was declared heir apparent to the crown, excluding thereby the children of his two elder brothers, to wit, the daughters of King Edward the Fourth, and the son and daughter of George, Duke of Clarence, which yet by all order should have gone before their sister's children.

And like facility found King Henry the 8 to get the consent of two Parliaments to give him authority to appoint what successor he would of his own kindred, by which authority afterward he appointed by his testament (as in another place shall be showed) that the issue of his younger sister, Mary, should be preferred before the issue of his eldest sister, Margaret of Scotland.

A like declaration was that also of King Edward the Sixth of late memory, who appointed the Lady Jane Grey, his cousin-german removed, to be his heir and successor in the crown of England, and excluded his own two sisters, the Lady Mary and the Lady Elizabeth, from the same, but these declarations make little to the purpose when right and equity do repugn, as these men say it did in the foresaid declaration of Roger Mortimer to be heir apparent, for that they hold and avow the house of Lancaster to have had the true right to enter, not only after the death of King Richard

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MN: Girard du Haillan l. 15. his Fran. initio

MN: Whether uncles or nephews to be preferred in succession

the Second (as it did), but also before him, that is to say, immediately upon the death of King Edward the Third, for that John of Gaunt was then the eldest son which King Edward had living, and nearer to his father by a degree than was Richard, the nephew.

About which point, to wit, whether the uncle or the nephew should be preferred in succession of kingdoms it seemeth that in this age of King Edward the Third there was great trouble and controversy in the world abroad, for so testifieth Girard du Haillan [=Bernard de Girard, Seigneur du Haillan], Councillor and Secretary of France, in his story of the year of Christ 1346, which was about the middest of King Edward's reign, and therefore no marvel though King Edward took such care of the sure establishing of his nephew Richard in succession, as is before related. And much less marvel is it if King Richard had still great jealousy of his uncle, the Duke of Lancaster, and of his offspring, considering how doubtful the question was among the wise and learned of those days. For more declaration whereof I think it not amiss to allege the very words of the foresaid chronicler with the examples by him recited. Thus, then, he writeth.

About this time (saith he) there did arise a great and doubtful question in the world whether uncles or nephews, that is to say, the younger brother or else the children of the elder, should succeed unto realms and kingdoms, which controversy put all Christianity into great

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MN: Barthol. [=Bartolus de Saxoferrato] in autent Post Irem.(?) C. de suis, & leg. hered  
MN: The second example of the uncle

broils and troubles. For first Charles the Second, King of Naples, begat of Mary, his wife, Queen and heir of Hungary, divers children, but namely three sons, Martel, Robert and Philip. Martel dying before his father left a son named Charles, which in his grandmother's right was King also of Hungary, but about the kingdom of Naples the question was, when King Charles was dead, who should succeed him, either Charles, his nephew, King of Hungary, or Robert, his second son, but Robert was preferred and reigned in Naples, and enjoyed the earldom of Provence in France also, for the space of 33 years with great renown of valour & wisdom. And this is one example that Girard recounteth, which example is reported by the famous lawyer Bartholus in his commentaries touching the succession of the kingdom of Sicilia, and he saith that this succession of the uncle before the nephew was averred also for rightful by the learend [sic for 'learned'] of that time, and confirmed for just by the judicial sentence of Pope Boniface, and that for the reasons which afterward shall be showed when we shall treat of this question more in particular.

Another example also reporteth Girard which ensued immediately after in the same place, for that the foresaid King Robert, having a son named Charles which died before him, he left a daughter and heir named Joan, niece unto King Robert, which Joan was married

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MN: 3.(?) And [sic for 'an'?] example of the uncle before the nephew in Spain, Garibay li. 13. cap. 14. anno 1276

to Andrew, the younger son of the foresaid Charles, King of Hungary, but King Robert being dead, there stepped up one Lewis, Prince of Taranto, a place of the same kingdom

of Naples, who was son to Philip before mentioned, younger brother to King Robert, which Lewis pretending his right to be better than that of Joan for that he was a man, and one degree nearer to King Charles, his grandfather, than Joan was (for that he was nephew, and she niece once removed), he prevailed in like manner. And thus far Girard, historiographer of France.

And no doubt but if we consider examples that fell out even in this very age only concerning this controversy between the uncle and nephew, we shall find store of them, for in Spain not long before this time, to wit, in the year of Christ 1276, was that great and famous determination made by Don Alonso the Wise, eleventh King of that name, and of all his realm and nobility in their Cortes or Parliament of Segovia mentioned before by the civilian, wherein they disinherited the children of the Prince Don Alonso de la Cerda that died (as our Prince Edward did) before his father, and made heir apparent Don Sancho Bravo, younger brother to the said Don Alonso, and uncle to his children, the two young Cerdas. Which sentence standeth even unto this day, and King Philip enjoyeth the crown of Spain thereby, and the Dukes of Medina Celi [=Medinaceli] and their race that are

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MN: Another example in France and Flanders

MN: Polidore l. 15.(?) in vit. Edwardi 3

descendants of the said two Cerdas which were put back are subjects by that sentence, and not sovereigns, as all the world knoweth.

The like controversy fell out but very little after, to wit, in the time of King Edward the Third in France, though not about the kingdom, but about the earldom of Artois, but yet it was decided by a solemn sentence of two Kings of France and of the whole Parliament of Paris in favour of the aunt against her nephew, which albeit it cost great troubles, yet was it defended, and King Philip of Spain holdeth the county of Artois by it at this day. Polydore reporteth the story in this manner.

Robert, Earl of Artois, a man famous for his chivalry, had two children, Philip, a son, and Maude, a daughter. This Maude was married to Otho, Earl of Burgundy, and Philip, dying before his father, left a son named Robert the Second, whose father, Robert the First, being dead, the question was who should succeed, either Maude, the daughter, or Robert, the nephew, and the matter being remitted unto Philip le Bel, King of France, as chief Lord at that time of that state, he adjudged it to Maude as to the next in blood, but when Robert repined at this sentence, the matter was referred to the Parliament of Paris, which confirmed the sentence of King Philip, whereupon Robert making his way with Philip de Valois that soon after came to be King of

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MN: 6.(?) Another example of Brittany

France, he assisted the said Philip earnestly to bring him to the crown against King Edward of England that opposed himself hereunto, and by this hoped that King Philip would have revoked the same sentence, but he being once established in the crown answered that a sentence of such importance and so maturely given could not be revoked. Whereupon the said Robert fled to the King of England's part against France. Thus far Polydore.

The very like sentence recounteth the same author to have been given in England at the same time and in the same controversy of the uncle against the nephew for the succession to the dukedom of Brittany, as before I have related, wherein John Breno, Earl of Montford [=Montfort], was preferred before the daughter and heir of his elder brother, Guy, though he were but of the half blood to the last Duke, and she of the whole. For that John, the third Duke of Brittany, had two brothers, first Guy of the whole blood by father and mother, and then John Breno, his younger brother by the father's side only. Guy dying left a daughter and heir named Jane, married to the Earl of Blois, nephew to the King of France, who after the death of Duke John pretended to the right of his wife as daughter and heir to Guy, the elder brother, but King Edward the Third with the state of England gave sentence for John Breno, Earl of Montford, her uncle, as for him that was next in consanguinity to the dead

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MN: Supra c. 2

MN: Another example in Scotland

MN: The contention between the houses of Balliol & Bruce in Scotland

Duke, and with their arms the state of England did put him in possession, who slew the Earl of Blois, as before hath been declared, and thereby gat possession of that realm and held it ever after, and so do his heirs at this day.

And not long before this again, the like resolution prevailed in Scotland between the house of Balliol and Bruce, who were competitors to that crown, by this occasion that now I will declare. William, King of Scots, had issue two sons, Alexander, that succeeded in the crown, and David, Earl of Huntington. Alexander had issue another Alexander, and a daughter married to the King of Norway, all which issue and line ended about the year 1290. David, younger brother to King William, had issue two daughters, Margaret and Isabel. Margaret was married to Alaine [=Alan], Earl of Galloway, and had issue by him a daughter that married John Balliol, Lord of Harcourt in Normandy, who had issue by her this John Balliol, founder of Baliol College in Oxford, that now pretended the crown, as descended from the eldest daughter of David in the third descent.

Isabel, the second daughter of David, was married to Robert Bruce, Earl of Cleveland in England, who had issue by her this Robert Bruce, Earl of Carrick, the other competitor. Now then the question between these two competitors was which of them should succeed, either John Balliol, that was nephew to the elder daughter, or Robert Bruce, that was son to

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MN: 8.(?) Examples in England

the younger daughter, & so one degree more near to the stock or stem than the other. And albeit King Edward the First of England, whose power was dreadful at that day in Scotland, having the matter referred to his arbitrement, gave sentence for John Balliol, and Robert Bruce obeyed for the time, in respect partly of fear and partly of his oath that he had made to stand to that judgment, yet was that sentence held to be unjust in Scotland, and so was the crown restored afterward to Robert Bruce his son, and his posterity doth hold it unto this day.

In England also itself they allege the examples of King Henry the First preferred before his nephew, William, son and heir to his elder brother, Robert, as also the example of King John, preferred before his nephew, Arthur, Duke of Brittany. For that King Henry the Second had four sons, Henry, Richard, Geoffrey and John. Henry died before his father without issue, Richard reigned after him and died also without issue. Geoffrey also died before his father, but left a son named Arthur, Duke of Brittany, by right of his mother. But after the death of King Richard the question was who should succeed, to wit, either Arthur, the nephew, or John, the uncle. But the matter in England was soon decided, for that John, the uncle, was preferred before the nephew, Arthur, by reason he was more near to his brother dead by a degree

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MN: Holinshed in vit. Regis Ioannis pag. 142

MN: How Arthur, Duke of Brittany, was declared heir apparent

MN: Polydore l. 14, Holinshed in vit. Richar. I. pag. 480

MN: 2.

than was Arthur. And albeit the King of France and some other princes abroad opposed themselves for stomach against this succession of King John, yet say these favourers of the house of Lancaster that the English inclined still to acknowledge and admit his right before his nephew, and so they proclaimed this King John for King of England whiles he was yet in Normandy, I mean Hubert, Archbishop of Canterbury, Eleanor the Queen, this [sic for 'his'] mother, Geoffrey Fitzpeter, Chief Judge of England (who knew also what law meant therein), and others the nobles and barons of the realm, without making any doubt or scruple of his title to the succession.

And whereas those of the house of York do allege that King Richard in his lifetime, when he was to go to the Holy Land, caused his nephew, Arthur, to be declared heir apparent to the crown, and thereby did show that his title was the better, they of Lancaster do answer first that this declaration of King Richard was not made by Act of Parliament of England for that King Richard was in Normandy when he made this declaration, as plainly appeareth both by Polydore and Holinshed. Secondly, that this declaration was made the sooner by King Richard at that time thereby to repress and keep down the ambitious humour of his brother, John, whom he feared lest in his absence, if he had been declared for heir apparent, might invade the crown,

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MN: 3.

MN: Holinshed in vit. Richar regis pag. 496. & 499

MN: 4.

MN: Holinshed pag. 540

MN: Walsingham in ypodig. Neustriae [=Ypodigma Neustriae]

as indeed without that he was like to have done, as may appear by that which happened in his said brother's absence.

Thirdly they show that this declaration of King Richard was never admitted in England, neither Duke John would suffer it to be admitted, but rather caused the Bishop of Ely that was left governor by King Richard, with consent of the nobility, to renounce the said declaration of King Richard in favour of Arthur, and to take a contrary oath to admit the said John if King Richard, his brother, should die without issue, and the like oath did the said Bishop of Ely, together with the Archbishop of Rouen that was left in equal authority with him, exact and take of the citizens of London when they gave them their privileges and liberties of commonalty, as Holinshed recordeth.

And lastly the said Holinshed writeth how that King Richard, being now come home against from the war of Jerusalem, and void of that jealousy of his brother which before I have mentioned, he made his last will and testament, and ordained in the same that his brother, John, should be his successor, & caused all the nobles there present to swear fealty unto him as to his next in blood, for which cause Thomas Walsingham in his story writeth these words, *Iohannis Filius iunior Henrici 2. Anglorum regis, & Alienora Ducissae, Aquitaniae, non modo iure propinquitatis, sed etiam testamento fratris sui, Richardi,*

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MN: Opinions of lawyers for the nephew & uncle

*designatus est successo: post mortem ipsius*, which is, John, younger son of Henry the Second, King of England, and of Eleanor, Duchess of Aquitaine, was declared successor of the crown not only by law and right of nearness of blood, but also by the will and testament of Richard, his brother. Thus much this ancient chronicler speaketh in the testifying of King John's title.

By all which examples that fell out almost within one age in divers nations over the world (letting pass many others which the civilian touched in his discourse before for that they are of more ancient times) these favourers of the house of Lancaster do infer that the right of the uncle before the nephew was no new or strange matter in those days of King Edward the Third, and that if we will deny the same now, we must call in question the succession and right of all the kingdoms and states before mentioned of Naples, Sicily, Spain, Brittany, Flanders, Scotland & England, whose kings and princes do evidently hold their crowns at this day by that very title, as hath been showed.

Moreover they say that touching law in this point, albeit the most famous civil lawyers of the world be somewhat divided in the same matter, some of them favouring the uncle and some other the nephew, and that for different reasons, as Baldus, Oldratus, Panormitanus and divers others alleged by

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MN: Benedict. [=Gulielmus Benedictus] Cap. Ranutius [=Repetitio Gulielmi Benedicti Iuriscons In cap. Raynutius de Testamentis] verb. in eodem testam.

MN: Baldus [=Baldus de Ubaldis] in lib. vt in test cap. de suis & leg. hered. & per. li. vnicam pro 20. fol.(?) autem & nouissimo

MN: Touching the common law of England

Guillelmus Benedictus in his *Repetitions* in favour of the nephew against the uncle, and on the other side, for the uncle before the nephew, Bartolus, Alexander, Decius, Altiatus, Cuiatius and many other their followers are recounted in the same place by the same man, yet in the end Baldus, that is held for head of the contrary side for the nephew, after all reasons weighed to and fro, he cometh to conclude that seeing rigour of law runneth only with the uncle for that indeed he is properly nearest in blood by one degree, and that only indulgence and custom serveth for the nephew, permitting him to represent the place of his father, which is dead, they resolve (I say) that whensoever the uncle is born before the nephew, and the said uncle's elder brother died before his father (as it happened in the case of John of Gaunt and of King Richard), there the uncle by right may be preferred, for that the said elder brother could not give or transmit that thing to his son which was not in himself before his father died, and consequently his son could not represent that which his father never had. And this for the civil law.

Touching our common laws, the favourers of Lancaster do say two or three things, first that the right of the crown and interest thereunto is not decided expressly in our law, nor it is [sic?] a plea subject to the common rules thereof, but is superior and more eminent,

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MN: Different rules in succession of the crown and of other inheritances

and therefore that men may not judge of this as of other pleas of particular persons, nor is the trial like, nor the common maxims or rules always of force in this thing as in others, which they prove by divers particular cases, as for example, the widow of a private man shall have her thirds of all his lands for her dowry, but not the Queen of the crown. Again, if a private man have many daughters, and die seised of lands in fee simple without heir male, his said daughters by law shall have the said lands as coparceners equally divided between them, but not the daughters of a King, for that the eldest must carry away all as though she were heir male. The like also is seen if a baron match with a feme that is an inheritrix, and have issue by her, though she die, yet shall he enjoy her lands during his life as tenant by courtesy, but it is not so in the crown if a man marry with a Queen, as King Philip did with Queen Mary, and so finally they say also that albeit in private men's possessions the common course of our law is that if the father die seised

of lands in fee simple, leaving a younger son and nephew, that is to say, a child of his elder son, the nephew shall succeed his grandfather, as also he shall do his uncle if of three brethren the elder die without issue and the second leave a son, yet in the inheritance and succession of the crown it goeth otherwise, as by all the former eight examples have been showed, and

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MN: The common law grounded in custom

MN: Ancient lawyers that defended the house of Lancaster

this is the first they say about the common law.

The second point which they affirm is that the ground of our common laws consisteth principally and almost only about this point of the crown in custom, for, so say they, we see by experience that nothing in effect is written thereof in the common law, and all old lawyers do affirm this point, as were Ranulfus de Granvilla in his book of the laws and customs of England which he wrote in the time of King Henry the Second, and Judge Fortescue in his book of the praise of English laws which he compiled in the time of King Henry the Sixth, and others. Whereof these men do infer that seeing there are so many precedents and examples alleged before of the uncle's case preferred before the nephew, not only in foreign countries but also in England, for this cause (I say) they do affirm that our common laws cannot but favour also this title, and consequently must needs like well of the interest of Lancaster as they avouch that all the best old lawyers did in those times, & for example they do record two by name of the most famous learned men which those ages had, who not only defended the said title of Lancaster in those days, but also suffered much for the same. The one was the forenamed Judge Fortescue, Chancellor of England, and named father of the common laws in that age, who fled out of England with the Queen, wife of King

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MN: Holinshed in vit. Henric. 6. pag. 23 [ ]

MN: The sum of this controversy repeated

MN: 1.

MN: 2.

MN: 3.

Henry the Sixth, & with the Prince, her son, and lived in banishment in France, where it seemeth also that he wrote his learned book intituled *De laudibus legum Angliae*. And the other was Sir Thomas Thorope [=Thorpe], Chief Baron of the Exchequer in the same reign of the same King Henry the Sixth, who being afterward put into the Tower by the Princes of the house of York for his eager defence of the title of Lancaster, remained there a long time, and after being delivered, was beheaded at Highgate in a tumult in the days of King Edward the Fourth.

These, then are the allegations which the favourers of the house of Lancaster do lay down for the justifying of that title, affirming first that John of Gaunt, Duke of Lancaster, ought

to have succeeded his father, King Edward the Third, immediately before King Richard, and that injury was done unto him in that King Richard was preferred. And secondly, that King Richard (were his right never so good) was justly & orderly deposed for his evil government by lawful authority of the commonwealth. And thirdly, that after his deposition, Henry, Duke of Lancaster, son & heir of John of Gaunt, was next in succession every way, both in respect of the right of his father, as also for that he was two degrees nearer to the King deposed than was Edmund Mortimer, descended of Lionel, Duke of Clarence. And these are the principal and substantial proofs of their right and titles.

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MN: Other arguments of Lancaster

MN: Stow in vita Henrici 5. pag. 587

MN: The princes of York often attained(? [sic for 'attainted']?)

MN: Stow in vita Henrici 6

But yet besides these they do add also these other arguments and considerations following: first, that whatsoever right or pretence the house of York had, the princes thereof did forfeit and leese the same many times by their conspiraces [sic for 'conspiracies'], rehellions [sic for 'rebellions'] & attainders, as namely, Richard, Earl of Cambridge, that married the Lady Anne Mortimer, and by her took his pretence to the crown, was convicted of a conspiracy against King Henry the Fifth in Southampton, as before I have said, and there was put to death for the same by judgment of the King and of all his peers in the year 1415, the Duke of York, his elder brother, being one of the jury that condemned him. This Earl Richard's son, also named Richard, coming afterward by the death of his uncle to be Duke of York, first of all made open claim to the crown by the title of York. But yet after many oaths sworn and broken to King Henry the Sixth, he was attainted of treason, I mean both he and Edward, his son, then Earl of March, which afterward was King, with the rest of his offspring even to the ninth degree (as Stow affirmeth) in a Parliament holden at Coventry in the year 1459 and in the 38 year of the reign of the said King Henry, and the very next year after the said Richard was slain in the same quarrel, but the house of Lancaster (say these men) was never attainted of any such crime.

Secondly they say that the house of York

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MN: 2. York entered by violence

MN: Stow in fine vit. Henric. 6

MN: 3. The house of York put down a holy King

MN: 4. Long possessions of the house of Lancaster

did enter only by violence, & by infinite bloodshed, and by wilful murdering not only of divers of the nobility both spiritual and temporal, but also of both King Henry the Sixth himself and of Prince Edward, his son, and by a certain popular and mutinous election of a certain few soldiers in Smithfield of London, and this was the entrance of the house of

York to the crown, whereas King Henry the Fourth, first King of the house of Lancaster, entered without bloodshed, as hath been showed, being called home by the requests and letters of the people and nobility, and his election & admission to the crown was orderly and authorized by general consent of Parliament in the doing thereof.

Thirdly they allege that King Henry the Sixth, put down by the house of York, was a good and holy King, and had reigned peaceably 40 years, and never committed any act worthy deposition, whereas King Richard the Second had many ways deserved the same, as himself came to acknowledge, and thereupon made a personal, solemn and public resignation of the said crown unto his cousin, Henry of Lancaster, the which justified much the said Henry's entrance.

Fourthly, they allege that the housa [sic for 'house'] of Lancaster had been in possession of the crown upon the point of 60 years before the house of York did raise trouble unto them for the same, in which time their title was confirmed

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MN: 5. The difference of kings of both houses

by many Parliaments, oaths, approbations and public acts of the commonwealth, and by the nobles, peers and people thereof, and by the states both spiritual and temporal, and with the consent of all foreign nations, so that if there had been any fault in their first entrance, yet was this sufficient to authorize the same, as we see it was in the title of King William the Conqueror and of his two sons, King William Rufus and King Henry the First, that entered before their elder brother, and of King John, that entered before his nephew, & of his son, King Henry the Third, that entered after his father's deprivation, and after the election of Prince Lewis of France, as also of Edward the Third, that entered by deposition of his own father, of all which titles yet might there have been doubt made at the beginning, but by time and durance of possession, and by confirmation of the commonwealth, they were made lawful & without controversy.

Fifthly they say that if we consider the four King Henrys that have been of the house of Lancaster, to wit, the 4, 5, 6 and 7, and do compare them with the other four that have been of the house of York, to wit, Edward the Fourth, Richard the Third, Henry the Eighth, & Edward the Sixth, & all their acts both at home & abroad, what quietness or troubles have passed, & what the commonwealth of England hath gotten or lost under each of them, we shall find that God hath seemed to prosper and allow much

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6. The princes of York cruel one to the other

more of those of Lancaster than of those of York, for that under those of Lancaster the realm hath enjoyed much more peace, and gained far greater honour, and enlarged more the dominions of the crown than under those of York, and that it had done also much more if the seditions, rebellions and troubles raised and brought in by the princes of the house of York had not hindered the same, as, say these men, it was evidently seen in the

time of King Henry the Sixth, when their contention against the princes of the house of Lancaster was the principal cause why all the English states in France were lost, and what garboils and troubles at home have ensued afterwards, and how infinite murders and manslaughters with change of nobility have been caused hereby, and increased afterward under the government and rule of the princes of York, needeth not (say these men) to be declared.

One thing only they note in particular which I will not omit (and let it be the sixth note), and that is that the princes of York have not only been rigorous and very bloody unto their adversaires [sic for 'adversaries'], but also among themselves and to their own kindred, which these men take to be a just punishment of God upon them, and for proof hereof they allege first the testimony of Polydore, who albeit he were a great advocate of the house of York, as before hath been noted, for that

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MN: Polydore Vergil *Historia Angliae* lib. 24

MN: Great union & faithfulness of the princes of Lancaster

he lived and wrote his story under King Henry the Eight, yet in one place he breaketh forth into these words of the princes of this house, *Cum non haberent iam inimicos in quos saevitiam explerent, & saturarent, in semetipsos crudelitatem exercuerunt, propioque sanguine suas pollure manus*, When these princes now had brought to destruction all those of the house of Lancaster, so as they had no more enemies upon whom to fill and satiate their cruelty, then began they to exercise their fierceness upon themselves, and to imbrue their hands with their own blood. Thus far Polydore.

Secondly, they do show the same by the deeds of both sides, for that the love, union, trust, confidence, faithfulness, kindness and loyalty of the princes of Lancaster, the one towards the other, is singular and notorious, as may appear by the acts and studious endeavours of the Lord Henry, Bishop of Winchester and Cardinal, and of the Lord Thomas, Duke of Exeter and Marquis of Dorset, brothers of King Henry the Fourth, to whom and to his children they were most faithful, friendly and loyal, as also by the noble proceedings of the Lords Thomas, Duke of Clarence, John, Duke of Bedford, and Humphrey, Duke of Gloucester, sons of the foresaid Henry the Fourth and brothers of King Henry the Fifth, the first of which three gave his blood in his service, & the other

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MN: Polydore lib. 23

MN: Dissensions in the house of York

two spent their whole lives in defence of the dignity of the English crown, the one as Regent of France, the other as Protector of England, by the worthy acts also and renowned faithfulness of the Dukes of Somerset, cousin-germans to the said King Henry the Fourth, and to his children, and the proper ancestors of King Henry the Seventh, all which Dukes of Somerset of the house of Lancaster (being five or six in number) did not only, as Polydore saith, assist and help their sovereign and the whole realm, *Vigilijs curis*

& *periculis*, that is to say, with watchfulness, cares, and offering themselves to dangers, but also four of them, one after another, to with [sic for 'wit'], Edmund with his three sons, Henry, Edmund and John (whereof two successively after him were Dukes of Somerset, and the other Marquis Dorset), were all four (I say) as so many Maccabees slain in the defence of their country and family by the other faction of the house of York, which thing, say these men, showed evidently both a marvellous confidence that these men had in their quarrel, as also a great blessing of God towards that family that they had such love and union among themselves.

But now in the house of York these men endeavour to show all the contrary, to wit, that there was nothing else but suspicion, hatred & emulations among themselves, and extreme cruelty of one against the other, and so we see that as soon almost as Edward, Duke of York,

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MN: King Edward 4., King Richard 3

MN: King Henry 8, how many he put to death of his own kindred

MN: The de la Pooles [=Poles]

came to be King, George, Duke of Clarence, his younger brother, conspired against him, & did help to drive him out again, both from the realm and crown. In recompense whereof his said elder brother afterward, notwithstanding all the reconciliation and many oaths that passed between them of new love and union, caused him upon new grudges to be taken & murdered privily at Calais, as all the world knoweth. And after both their deaths, Richard, their third brother, murdered the two sons of his said elder brother, and kept in prison whiles he lived the son and heir of his second brother, I mean the young Earl of Warwick, though he were but a very child, whom King Henry the Seventh afterward put to death.

But King Henry the Eight that succeeded them passed all the rest in cruelty toward his own kindred, for he weeded out almost all that ever he could find of the blood royal of York, and this either for emulation, or causes of mere suspicion only. For first of all he beheaded Edmund de la Pole, Duke of Suffolk, son of his own aunt, Lady Elizabeth, that was sister to King Edward the Fourth, which Edward was grandfather to King Henry, as is evident. The like destruction King Henry went about to bring to Richard de la Pole, brother to the said Edmund, if he had not escaped his hands by flying the realm, whom yet he never ceased to pursue until he was slain in the Battle of

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MN: The house of Buckingham

MN: The house of Courtenay

MN: The house of Salisbury

Pavia in service of the King of France, by whose death was extinguished the noble house of the de la Poles.

Again the said King Henry put to death Edward, Duke of Buckingham, High Constable of England, the son of his great-aunt, sister to the Queen Elizabeth, his grandmother, and thereby overthrew also that worthy house of Buckingham, & after again he put to death his cousin-german, Henry Courtenay, Marquis of Exeter, son of the Lady Catherine, his aunt, that was daughter of King Edward the Fourth, and attained jointly with him his wife, the Lady Gertrude, taking from her all her goods, lands and inheritance, and committed to perpetual prison their only son and heir, Lord Edward Courtenay, being then but a child of seven years old, which remained so there, until many years after he was set at liberty and restored to his living by Queen Mary.

Moreover he put to death the Lady Margaret Plantagenet, Countess of Salisbury, daughter of George, Duke of Clarence, that was brother of his grandfather, King Edward the Fourth, & with her he put to death also her eldest son and heir, Thomas Pole, Lord Montague, and committed to perpetual prison (where soon after also he ended his life) a little infant named Henry Pole, his son and heir, & condemned to death by Act of Parliament (although absent) Reginald Pole, brother to the said Lord

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MN: Seymours put to death

MN: Queen of Scots

MN: 7. No old noble house standing in England but such as took part with Lancaster

MN: Sive [sic for 'five'] ancient noble houses

Montague, Cardinal in Rome, whereby he overthrew also the noble house of Salisbury and Warwick. Neither need I to go further in this relation, though these men do note also how Edward the Sixth put to death two of his own uncles, the Seymours (or at least it was done by his authority), and how that under her Majesty that now is the Queen of Scotland, that was next in kin of any other living, & the chief titler of the house of York, hath also been put to death.

Lastly they do note (and I may not omit it) that there is no noble house standing at this day in England in the ancient state of calling that it had, and in that dignity and degree that it was in when the house of York entered to the crown (if it be above the state of a barony), but only such as defended the right and interest of the houses of Lancaster, and that all other great houses that took part with the house of York and did help to ruin the house of Lancaster be either ceased since, or extirpated and overthrown by the same house of York itself which they assisted to get the crown, & so at this present they be either united to the crown by confiscation, or transferred to other lineages that are strangers to them who possessed them before, as, for example, the ancient houses of England that remain at this day, & were standing when the house of York began their title, are the houses of Arundel, Oxford, Northumberland, Westmorland & Shrewsbury (for all other

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MN: Arundel

MN: Oxford

MN: Northumberland  
 MN: Westmorland  
 MN: Shrewsbury

that are in England at this day above the dignity of barons have been advanced since that time), and all these five house were these that principally did stick unto the house of Lancaster, as is evident by all English chronicles. For that the Earl of Arundel brought in King Henry the Fourth, first King of the house of Lancaster, and did help to place him in the dignity royal, coming out of France with him. The Earl of Oxford and his son, the Lord Vere, were so earnest in the defence of King Henry the Sixth as they were both slain by King Edward the Fourth, and John, Earl of Oxford, was one of the principal assistants of Henry the Seventh to take the crown from Richard the Third. The house of Northumberland also was a principal aider to Henry the Fourth in getting the crown, and two Earls of that name, to wit, Henry the Second and Third, were slain in the quarrel of King Henry the Sixth, one in the battle of St. Albans and the other of Saxton, and a third Earl named Henry the Fourth fled into Scotland with the said King Henry the Sixth. The house of Westmoreland also was chief advancer of Henry the Fourth to the crown, & the second Earl of that house was slain in the party of Henry the Sixth in the said battle of Saxton. And John, Earl of Shrewsbury, was likewise slain in defence of the title of Lancaster in the battle of Northampton. And I omit many other great services and faithful endeavours which many princes of these five noble ancient houses

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MN: Houses that favoured York destroyed  
 MN: The Mowbrays  
 MN: The de la Pooles [=Poles]

did in the defence of the Lancastrian Kings, which these men say that God hath rewarded with continuance of their houses unto this day.

But on the contrary side these men do note that all the old houses that principally assisted the title of York are now extinguished, and that chiefly by the Kings themselves of that house, as, for example, the principal peers that assisted the family of York were Mowbray, Duke of Norfolk, de la Pole, Duke of Suffolk, the Earl of Salisbury, and the Earl of Warwick, of all which the event was this.

John Mowbray, Duke of Norfolk, the first confederate of the house of York, died soon after the exaltation of Edward the Fourth without issue, and so that name of Mowbray ceased, and the title of the dukedom of Norfolk was transferred afterward by King Richard the Third unto the house of Howards.

John de la Pole, Duke of Suffolk, that married the sister of King Edward the Fourth, & was his greatest assistant, though he left three sons, yet all were extinguished without issue by help of the house of York, for that Edmund, the eldest son, Duke of Suffolk, was beheaded by King Henry the Eighth, & his brother, Richard, driven out of the realm to his

destruction, as before hath been showed, & John, their brother, Earl of Lincoln, was slain at Stockfield in service of King Richard the Third, and so ended the line of de la Poles.

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MN: The house of Salisbury & Warwick

Richard Neville, Earl of Salisbury, a chief enemy to the house of Lancaster and exalter of York, was taken at the battle of Wakefield, and there beheaded, leaving three sons, Richard, John and George. Richard was Earl both of Salisbury and Warwick, surnamed the Great Earl of Warwick, & was he that placed King Edward the Fourth in the royal seat, by whom yet he was slain afterward at Barnet, and the lands of these two great earldoms of Salisbury and Warwick were united to the crown by his attainder. John, his younger brother, was Marquis of Montague, and after all assistance given to the said King Edward the Fourth of the house of York, was slain also by him at Barnet, and his lands in like manner confiscate to the crown, which yet were never restored again. George Neville, their younger brother, was Archbishop of York, & was taken & sent prisoner by the said King Edward unto Guisnes, who shortly after pined away and died, and this was the end of all the principal friends, helpers & advancers of the house of York, as these men do allege.

Wherefore they do conclude that for all these reasons & many more that might be alleged the title of Lancaster must needs seem the better title, which they do confirm by the general consent of all the realm at King Henry the Seventh his coming in to recover the crown from the house of York, as from usurpers, for having had the victory against King

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MN: King Henry the 7 crowned in the field in respect of the house of Lancaster only, though his title that way was not great

Richard, they crowned him presently in the field in the right of Lancaster before he married with the house of York, which is a token that they esteemed his title of Lancaster sufficient of itself to bear away the crown, albeit for better ending of strike he took to wife also the Lady Elizabeth, heir of the house of York, as hath been said. And this may be sufficient for the present in this controversy.

## CHAPTER V

Of five principal houses or lineages that do or may pretend to the crown of England, which are the houses of Scotland, Suffolk, Clarence, Brittany and Portugal, and first of all, of the house of Scotland, which containeth the pretensions of the King of Scots and the Lady Arbella

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Having declared in the former chapter so much as appertaineth unto the general controversy between the two principal houses and royal families of Lancaster and York, it remaineth now that I lay before you the particular challenges, claims and pretension which divers houses and families descended (for the most part) of these two have among themselves for their titles to the same.

All which families may be reduced to three or four general heads, for that some do pretend by the house of Lancaster alone, as those

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MN: A division of the families that do preceed [sic for 'pretend']

MN: Of the house of Scotland

families principally that do descend of the line royal of Portugal. Some other do pretend by the house of York only, as those that are descended of George, Duke of Clarence, second brother to King Edward the Fourth. Some again will seem to pretend from both houses joined together, as all those that descend from King Henry the Seventh, which are the houses of Scotland and Suffolk, albeit (as before hath appeared) others do deny that these families have any true part in the house of Lancaster, which point shall afterward be discussed more at large. And fourthly others do pretend before the two houses of York and Lancaster were divided, as the Infanta of Spain, Duchess of Savoy, the Prince of Lorraine, & such others as have descended of the house of Brittany and France, of all which pretences & pretenders we shall speak in order and consider with indifferency what is said or alleged of every side, to and fro, beginning first with the house of Scotland, as with that which in common opinion of vulgar men is taken to be first and nearest (though others deny it) for that they are descended of the first and eldest daughter of King Henry the Seventh, as before in the third chapter hath been declared.

First, then, two persons are known to be of this house at this day that may have action & claim to the crown of England. The first is Lord James, the Sixth of that name, presently King of Scotland, who descendeth of Margaret,

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MN: Arbella

MN: In favour of the King of Scots

eldest daughter of King Henry the Seventh, that was married by her first marriage to James the Fourth, King of Scots, & by him had issue James the Fifth, and he again the Lady Mary, mother to this King now pretendant.

The second person that may pretend in this house is the Lady Arbella, descended of the selfsame Queen Margaret by her second marriage unto Archibald Douglas, Earl of Angus, by whom she had Margaret that was married to Matthew Stewart, Earl of Lennox, and by him had Charles, her second son, Earl of Lennox, who by Elizabeth, daughter of Sir William Cavendish, knight in England, had issue this Arbella now alive.

First, then, for the King of Scots. Those that do favour his cause (whereof I confess that I have not found very many in England) do allege that he is the first and chiefest pretender of all others, and next in succession for that he is the first person that is descended (as you see) of the eldest daughter of King Henry the Seventh, and that in this descent there can no bastardy or other lawful impediment be avowed why he should not succeed according to the priority of his pretension and birth. And moreover, secondly, they do allege that it would be greatly for the honour and profit of England, for that hereby the two realms of England and Scotland should come to be joined, a point long sought for and much to be wished. And finally, such as are affected to his religion do add

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MN: Argument against the King of Scots

MN: 1. The King of Scots not of the house of Lancaster

that hereby true religion will come to be more settled also and established in England, which they take to be a matter of no small consequence and consideration. And this in effect is that which the favourers of this prince do allege in his behalf.

But on the other side there want not many that do account this pretence of the King of Scots neither good nor just, nor any way expedient for the state of England, and they do answer largely to all the allegations before mentioned in his behalf.

And first of all, as concerning his title by nearness of succession, they make little account thereof, both for that in itself (they say) it may easily be overthrown and proved to be of no validity, as also for that if it were never so good, yet might it for other considerations be rejected and made frustrate, as our friend the civil lawyer hath largely & learnedly proved these days in our hearing.

To begin then to speak first of the King of Scots' title by nearness of blood, these men do affirm that albeit there be not alleged any bastardy in his descent from King Henry the Seventh his daughter as there is in her second marriage against the Lady Arbella, yet are there other reasons enough to frustrate and overthrow this claim and pretension, and first of all for that he is not (say these men) of the house of Lancaster by Lady Blanche, the only true heir thereof, as before hath in part been showed and

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MN: 2. The King of Scots foreign-born

shall be afterward more largely, but only by Catherine Swynford, whose children being unlawfully begotten and but of the half blood, whether they may by that legitimation of Parliament that was given them be made inheritable unto the crown before the lawful daughter of the whole blood shall be discussed afterward in place convenient when we shall talk of the house of Portugal, but in the mean space these men do presume that the King of Scots is but only of the house of York, and then affirming further that the title of the house of Lancaster is better than that of York, as by many arguments the favourers of Lancaster have endeavoured to show in the former chapter, they do infer that this is

sufficient to make void all claim of the King of Scots that he may pretend by nearness of blood, especially seeing there want not at this day pretenders enough of the other house of Lancaster to claim their right, so as the house of York shall not need to enter for fault of true heirs. And this is the first argument which is made against the Scottish King & all the rest of his lineage by the favourers and followers of the said house of Lancaster.

A second argument is made against the said King's succession, not by them of Lancaster, but rather by those of his own house of York, which is founded upon his foreign birth, by which they hold that he is excluded by the common laws of England from succession to the crown for that the said laws do bar all

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MN: The controversy about foreign birth

MN: How strangers may inherit

strangers born out of the realm to inherit within the land, and this is an argument handled very largely between the foresaid books of Master Hales, Master Morgan, and my Lord of Ross, & for that the same doth concern much the pretensions and claims of divers others that be strangers also by birth, and yet do pretend to this succession, as before hath been declared, I shall repeat briefly in this place the sum of that which is alleged of both parties in this behalf.

First, then, to the general assertion that no stranger at all may inherit anything by any means in England, the said books of Master Morgan & my Lord Ross do answer that in that universal sense it is false, for that it appeareth plainly by that which is set down by law in the seventh & ninth years of King Edward the Fourth, & in the eleventh & fourteenth of King Henry the Fourth, that a stranger may purchase land in England, as also that he may inherit by his wife if he should marry an inheritrix.

Secondly they say that the true maxima or sole against the inheritance of strangers is grounded only upon a statute made in the 25 year of King Edward the Third, and is to be restrained unto proper inheritances only, to wit, that no person born out of the allegiance of the King of England whose father and mother were not of the same allegiance at the time of his birth (for so are the words of the statute) shall be able to have or demand any heritage

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MN: Reasons why the statute toucheth not our case

MN: the crown not holden by allegiance

within the same allegiance as heir to any person.

Thirdly they say that this axiom or general rule cannot any way touch or be applied to the succession of the crown, first for that as hath been declared before no axiom or maxima of our law can touch or be understood of matters concerning the crown except express

mention be made thereof, and that the crown, and that the crown is privilege in many points that other private heritages be not.

And secondly, for that the crown cannot properly be called an inheritance of allegiance or within allegiance, as the words of the said statute do stand, for that it is not holden of any superior, nor with allegiance, but immediately from God. And thirdly for that the statute meaneth plainly of inheritances by descent (for otherwise, as is said, an alien may hold lands by purchase) but the crown is a thing incorporate, and descendeth not according to the course of other private inheritances, but rather goeth by succession as other incorporations do, in sign whereof no King can by law avoid his letters patents by reason of his nonage, as other common heirs under age do, but he is ever presumed to be of full age in respect of his crown, even as a prior, parson, dean, or other head incorporate is, which can never be presumed to be within age, and so as any such head incorporate, though he be an alien, might inherit or demand lands in

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MN: 5. reason

England for his incorporation, notwithstanding the former statute, so much more the inheritor to the crown.

Fourthly they say that in the very statute itself there is express exception of *infantes des Roy*, by which words these men do hold to be understood all the King's offspring or blood royal, and they do fortify their proof for that otherwise King Edward the Third, being then alive when this statute against strangers was made, and his children also, who had dispersed their blood by marriages over all Christendom, they would never have suffered such a statute to pass to their own prejudice if the heritage of the crown should fall unto them or any of theirs that should be born abroad.

And finally these men do show how that King Stephen and King Henry the Second, born out of the realm and of parents that were not of the allegiance of England when they were born, were yet admitted to the crown without contradiction in respect of their foreign birth, which argueth that by the common course of our old common laws there was no such stop against aliens, and that if the statute made in King Edward the Third his days would have derogated or abridged this ancient liberty, it would have made special mention thereof, which it doth not, as hath been showed, and by these reasons it seemeth that they have answered sufficiently to this objection of foreign birth, both for the

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MN: King Henry's testament against the King of Scotland

MN: Answers to the King's testament

King of Scotland and all other pretenders that are foreign-born, so as by this impediment they may not in right be excluded from their succession.

So as now I will return to show the other reasons of exclusion which men do lay against the house of Scotland, whereof one is urged much by the house of Suffolk, and grounded upon a certain testament of King Henry the Eight, as before hath been touched, by which testament the said house of Suffolk, that is to say, the heirs of the Lady Frances and of the Lady Eleanor, nieces to King Henry the Eight by his second sister, Mary, are appointed to succeed in the crown of England before the heirs of Margaret, the first sister, married in Scotland, if King Henry's own children should come to die without issue, as now they are all like to do, and this testament had both the King's hand or stamp unto it, and divers witnesses' names besides, and was enrolled in the Chancery, & was authorized by two Acts of Parliament, to wit, in the 28 and 35 years of King Henry, in which Parliaments authority was given to the said King to dispose and ordain of this point of succession as he and his learned Council should think best for the weal public.

This is the effect of this argument, which albeit the former books of Master Morgan and the Bishop of Ross and some other of the Scottish favourers do seek to refute by divers means & ways, as before in the first chapter of

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this discourse is set down, and especially by the testimony of the Lord Paget and Sir Edward Montague, that said the stamp was put unto it after the King was past sense, yet they of the house of Suffolk are not satisfied with that answer, for that they say that at least, howsoever that matter of the late sealing be, yet seeing the King willed it to be done, drawn out and sealed, it appeareth hereby that this was the last will and judgment of King Henry, and not revoked by him, which is sufficient (say these men) to answer the intent and meaning of the realm, and the authority committed to him by the foresaid two Acts of Parliament for the disposing of the succession, which two Acts (say these men), containing the whole authority of the commonwealth, so seriously and deliberately given in so weighty an affair, may not in reason be deluded or overthrown now by the saying of one or two men, who for pleasing or contenting of the time wherein they spake might say or guess that the King's memory was past when the stamp was put unto his testament, which if it were so, yet if he commanded, as hath been said, the thing to be done while he had memory (as it may appear he did, both by the witnesses that subscribed and by the enrolment thereof in the Chancery), no man can deny but that this was the King's last will, which is enough for satisfying the Parliament's intention, as these men do affirm.

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MN: The King of Scots excluded by the statute of association

MN: Other considerations against the King of Scots

A fourth argument is made against the King of Scots' succession by all the other competitors jointly, and it seemeth to them to be an argument that hath no solution or reply for that it is grounded upon a plain fresh statute made in the Parliament holden in the 27 year (if I err not) of her Majesty that now is, wherein is enacted & decreed that whosoever shall be convinced to conspire, attempt or procure the death of the Queen, or to be privy or accessory to the same, shall lose all right, title, pretence, claim or action

that the same parties or their heirs have or may have to the crown of England, upon which statute, seeing that afterward the Lady Mary, late Queen of Scotland, mother of this King, was condemned and executed by the authority of the said Parliament, it seemeth evident unto these men that this King, who pretendeth all his right to the crown of England by his said mother, can have none at all.

And these are the reasons, proofs & arguments which divers men do allege against the right of succession pretended by the King of Scots. But now if we leave this point which concerneth the very right itself of his succession by blood, & will come to examine other reasons and considerations of state, and those in particular which before I have mentioned that his favourers do allege for the utility and common good that may be presumed will rise to the realm of England by his admission

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MN: Joining of Engladdn and Scotland together

to our crown, as also the other point also of establishment of religion by them mentioned, then I say these other men that are against his entrance do produce many other reasons and considerations also of great inconveniences, as to them they seem, against this point of his admission, and their reasons are these that follow.

First, touching the public good of the English commonwealth by the uniting of both realms of England & Scotland together, these men do say that it is very doubtful and disputable whether the state of England shall receive good or harm thereby if the said union could be brought to pass, first for that the state and condition of Scotland well considered, it seemeth that it can bring no other commodity to England than increase of subjects, and those rather to participate the commodities and riches of England than to impart any from Scotland. And then, secondly, the aversion and natural alienation of that people from the English, and their ancient inclination to join with the French & Irish against us, maketh it very probable that that subjection of theirs to the crown of England would not long endure, as by experience we have seen since the time of King Edward the First, when after the death of their King Alexander the Third without issue, they chose King Edward to be their King, delivered their towns and fortresses into this hands, did swear him fealty, received his deputy or viceroy,

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MN: Polydore lib 17 in vit. Edwardi primi

MN: 3.

MN: Inconveniences of bringing strangers into England

(as Polydore at large declareth), and yet all this served afterward to no other effect but only slaughter, bloodshed and infinite losses and charges of England.

Thirdly, they say that if the King of Scots should come to possess the crown of England, he cannot choose (at least for many years) but to stand in great jealousy of so many other competitors of the English blood royal as he shall find in England, against whom he must

needs fortify himself by those other foreign nations that may be presumed to be most sure unto him, though most contrary by natural inclination & least tolerable in government to Englishmen, as are the Scots of whom he is born, and Danes with whom he is allied, and French of whom he is descended, and of the uncivil part of Ireland, with whom one great piece of his realm hath most conjunction, the authority & sway of which four nations in England and over Englishmen, what trouble it may work every wise man may easily conjecture. Besides that, the Scotsmen themselves (specially those of the nobility) do openly profess that they desire not this conjunction and subordination unto England, which in no wise they can bear, both for the aversion they have to all English government over them, as also for that their liberties are far greater as now they live than in that case it would be suffered, their King coming hereby to be of greater power to

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MN: A consideration of importance

MN: Polydore Historia Anglie l. 8 & 9

force them to the form of English subjection, as no doubt but in time he would.

And seeing the greatest utility that in this case by reason and probability can be hoped for by this union is that the Scottish nation should come to be advanced in England, and to be made of the nobility both temporal and spiritual, & of the Privy Council, and of other like dignities of credit and confidence (for otherwise no union or amity durable can be hoped for), and considering that the King, both for his own safety (as before hath been said), as also for gratitude and love to his own nation and allied friends, must needs plant them about him in chief place of credit which are most opposite to English natures, and by little & little through occasion of emulations and of controversies that will fall out daily betwixt such diversity of nations he must needs secretly begin to favour and fortify his own, as we read that William Conqueror did his Normans, and Canutus before him his Danes, to the incredible calamity of the English nation, though otherwise neither of them was of themselves either an evil King or enemy to the English blood, but driven hereunto for their own safety, and for that it was impossible to stand neutral in such national contentions, if all this (I say) fell out then, as we know it did, and our ancestors felt it to their extreme ruin, what other effect can be hoped for now by this violent

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MN: Example of Spain

MN: Garibay l. 20. c. 42. An. Domini 1267(?)

MN: Example out of Portugal

union of nations that are by nature so disunited and opposite as are the English, Scottish, Irish, Danish, French & other on them depending, which by this means must needs be planted together in England.

And if we read that the whole realm of Spain did refuse to admit Saint Lewis, King of France, to be their King of Spain (to whom yet by law of succession it was evident, & confessed by the Spaniards themselves, as their chronicler Garibay writeth, that the right

most clearly did appertain by his mother, Lady Blanche, eldest daughter and heir of King Alonso the Ninth), and that they did this only for that he was a Frenchman, and might thereby bring the French to have chief authority in Spain, and if for this cause they did agree together to give the kingdom rather to Ferdinando the Third that was son of Lady Berenguela, younger sister to the said Lady Blanche, and if this determination was thought at that time to be wise and provident (though against all right of lineal succession), and if we see that it had good success for that it endureth unto this day, what shall we say in this case (say these men) where the King in question is not yet a Saint Lewis, nor his title to England so clear as that other was to Spain, and the aversion betwixt his nation and ours much greater than was that betwixt the French and Spanish. Thus they do reason.

Again we heard out of the discourse made by the civilian before how the states of Portugal,

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MN: Garibay l. 34. c. 38. An. Domni 1383

MN: Stow. p. 54. 59. 95. 76

after the death of their King, Don Ferdinando the First of that name, who left one only daughter and heir named Lady Beatrix, married unto John, the first King of Castile, to whom the succession of Portugal without all controversy did appertain, they rather determined to choose for their king a bastard brother of the said Don Fernando named John than to admit the true inheritor, Beatrix, with the government of the Castilians, by whom yet (they being much the richer people) the Portugals might hope to reap far greater utility than Englishmen can do by Scotland, considering it is the poorer country and nation. And this is that in effect which these men do answer in this behalf, noting also by the way that the Romans themselves with all their power could never bring union or peace between these two nations of England & Scotland, nor hold the Scots and North Irish in obedience of any authority residing in England, and so in the end they were enforced to cut them off, & to make that famous wall begun by Hadrian and pursued by other Emperors to divide them from England, and bar them from joining, as all the world knoweth, and much less shall any one King living in England now hold them all in obedience, let him be of what nation he will. And this for the utility that may be hoped by this union.

But now for the other point alleged by the favourers of Scotland about establishment

[p. 123]

MN: Of the religion of Scotlan

of true religion in England by the entrance of this King of Scots, these other men do hold that this is the worst and most dangerous point of all other, considering what the state of religion is in Scotland at this day, and how different or rather opposite to that form which in England is maintained, and when the archbishops, bishops, deans, archdeacons and other such of ecclesiastical and honourable dignities of England shall consider that no

such dignity or promotion is left now standing in Scotland, no, nor any cathedral or collegiate church is remained on foot with the rents and dignities thereunto appertaining, and when our nobility shall remember how the nobility of Scotland is subject at this day to a few ordinary and common ministers without any head, who in their synods and assemblies hath authority to put to the horn and drive out of the realm any nobleman whatsoever without remedy or redress except he will yield and humble himself to them, and that the King himself standeth in awe of this exorbitant and popular power of his ministers, and is content to yield thereunto, it is to be thought (say these men) that few English, be they of what religion or opinion soever, will show themselves forward to receive such a King in respect of his religion, that hath no better order in his own at home. And thus much concerning the King of Scotland.

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MN: Of the title of Lady Arbella

MN: 1.

MN: 2. An Englishwoman

Now then it remaineth that we come to treat of the Lady Arbella, second branch of the house of Scotland, touching whose title, though much of that which hath been said before for or against the King of Scotland may also be understood to appertain unto her for that she is of the same house, yet shall I in this place repeat in few words the principal points that are alleged in her behalf or prejudice.

First of all, then, is alleged for her and by her favourers that she is descended of the foresaid Lady Margaret, eldest daughter of King Henry the Seventh, by her second marriage with Archibald Douglas, Earl of Angus, and that she is in the third degree only from her for that she is the daughter of Charles Stewart, who was son to Margaret, Countess of Lennox, daughter to the said Lady Margaret, Queen of Scots, so as this Lady Arbella is but niece once removed unto the said Queen Margaret, to wit, in equal degree of descent with the King of Scots, which King being excluded (as the favourers of this woman do affirm) by the causes and arguments before alleged against him, no reason (say they) but that this Lady should enter in his place, as next in blood unto him.

Secondly is alleged in her behalf that she as [sic for 'was'] an Englishwoman born in England and of parents who at the time of her birth were of English allegiance, wherein she goeth before the King of Scots, as hath been seen, as also in this other principal point, that by her admission

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MN: Against Arbella

MN: 1. Not of the house of Lancaster

MN: 2. The testament of King Henry

no such inconvenience can be feared of bringing in strangers or causing troubles & sedition within the realm as in the pretence of the Scottish King hath been considered. And this in effect is all that I have heard alleged for her.

But against her by other competitors and their friends I have heard divers arguments of no small importance and consideration produced, whereof the first is that which before hath been alleged against the King of Scotland in like manner, to wit, that neither of them is properly of the house of Lancaster, as in the genealogy set down in the third chapter hath appeared. And secondly that the title of Lancaster is before the pretence of York, as hath been proved in the fourth chapter, whereof is inferred that neither the King of Scots nor Arbella are next in succession, and for that of these two propositions there hath been much treated before, I remit me thereunto, only promising that of the first of the two, which is how King Henry the Seventh was of the house of Lancaster touching right of succession I shall handle more particularly afterward when I come to speak of the house of Portugal, whereby also shall appear plainly what pretence of succession to the crown or Duchy of Lancaster the descendants of the said King Henry can justly make.

The second impediment against the Lady Arbella is the aforesaid testament of King Henry the Eight and the two Acts of Parliament for

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MN: 3. The Countess of Derby nearer by a degree

MN: Illegitimation by bastardy

authorizing of the same, by all which is pretended that the house of Suffolk is preferred before this other of Scotland.

A third argument is for that there is yet living one of the house of Suffolk that is nearer by a degree to the stem, to wit, to Henry the Seventh, to whom after the decease of her Majesty that now is we must return, than is the Lady Arbella or the King of Scots, and this is the Lady Margaret, Countess of Derby, mother to the present Earl of Derby, who was daughter to Lady Eleanor, daughter of Queen Mary of France, that was second daughter of King Henry the Seventh, so as this Lady Margaret, Countess of Derby, is but in the third degree from the said Henry, whereas both the King of Scotland and Arbella are in the fourth, and consequently she is next in propinquity of blood, & how greatly this propinquity hath been favoured in such cases, though they were of the younger liine [sic for 'line'], the examples before alleged in the fourth chapter do make manifest.

Fourthly and lastly, and most strongly of all, they do argue against the title of this Lady Arbella, affirming that her descent is not free from bastardly [sic for 'bastardy'], which they prove first, for that Queen Margaret, soon after the death of her first husband, King James the Fourth, married secretly one Stewart, Lord of Annerdale [=Annandale], which Stewart was alive long after her marriage with Douglas, and consequently this second marriage with Douglas (Stewart being alive)

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MN: The testimony of the Lord William Howard

MN: Other reasons of state against Arbella

could not be lawful, which they do prove also by another mean, for that they say it is most certain and to be made evident that the said Archibald Douglas, Earl of Angus, had another wife also alive when he married the said Queen, which points they say were so public as they came to King Henry's ears, whereupon he sent into Scotland the Lord William Howard, brother to the old Duke of Norfolk and father to the present Lord Admiral of England, to enquire of these points, and the said Lord Howard found them to be true, and so he reported not only to the King but also afterwards many times to others, and namely to Queen Mary, to whom he was Lord Chamberlain, and to divers others, of whom many be yet living which can and will testify the same upon the relation they heard from the said Lord William's own mouth, whereupon King Henry was greatly offended, and would have letted the marriage between his said sister and Douglas but that they were married in secret and had consummate [sic?] their marriage before this was known or that the thing could be prevented, which is thought was one especial cause and motive also to the said King afterward to put back the issue of his said sister of Scotland, as by his forenamed testament is pretended. And this touching Arbella's title by propinquity of birth.

But besides this the same men do allege divers reasons also of inconvenience in respect

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MN: Government if [sic for 'of'] women

MN: Polydore l. 12

of the commonwealth for which in their opinions it should be hurtful to the realm to admit this Lady Arbella for Queen, as first of all for that she is a woman, who ought not to be preferred before so many men as at this time do or may stand for the crown, and that it were much to have three women to reign in England one after the other, whereas in the space of above a thousand [sic for 'thousand'] years before them there hath not reigned so many of that sex, neither together nor asunder, for that from King Cerdic, first King of the West Saxons, unto Egbricht, the first monarch of the English name and nation, containing the space of more than 300 years, no one woman at all is found to have reigned, and from Egbricht to the Conquest, which is almost other 300 years, the like is to be observed, and from the Conquest downward, which is above 500 years, one only woman was admitted for inheritrix, which was Maude the Empress, daughter of King Henry the First, who yet after her father's death was put back, and King Stephen was admitted in her place, and she never received by the realm until her son, Henry the Second, was of age to govern himself, & then he was received with express condition that he should be crowned, and govern by himself, and not his mother, which very condition was put also by the Spaniards not long after at their admitting of the Lady Berenguela, younger sister of Lady Blanche, niece to King Henry the Second,

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MN: Garibay li. 12. c. 42

whereof before often mention hath been made, to wit, the condition was that her son, Fernando, should govern, and not she, though his title came by her, so as this

circumstance of being a woman hath ever been of much consideration, especially where men do pretend also, as in our case they do.

Another consideration of these men is that if this Lady should be advanced unto the crown, though she be of noble blood by her father's side, yet in respect of alliance with the nobility of England she is a mere stranger for that her kindred is only in Scotland, and in England she hath only the Cavendishes by her mother's side, who being but a mean family might cause much grudging among the English nobility to see them so greatly advanced above the rest, as necessarily they must be if this woman of their lineage should come to be Queen, which how the nobility of England would bear is hard to say. And this is as much as I have heard others say of this matter, and of all the house of Scotland, wherefore with this I shall end, and pass over to treat also of the other houses that do remain of such as before I named.

## CHAPTER VI

Of the house of Suffolk, containing the claims of the Countess of Derby and her children,  
as also of the children of the Earl of Hertford

[p. 130]

MN: The issue of Charles Brandon

MN: Issue of Lady Frances

It hath appeared in the genealogy set down before in the third chapter and oftentimes mentioned since how that the house of Suffolk is so called for that the Lady Mary, second daughter of King Henry the Seventh, being first married to Lewis the 12, King of France, was afterward married to Charles Brandon, Duke of Suffolk, who being sent over to condole the death of the said King, gat the goodwill to marry the widow Queen, though the common fame of all men was that the said Charles had a wife living at that day and divers years after, as in this chapter we shall examine more in particular.

By this Charles Brandon, then, Duke of Suffolk, this Queen Mary of France had two daughters, first the Lady Frances, married to Sir Henry Grey, Marquis Dorset, and afterward in the right of his wife Duke also of Suffolk, who was afterward beheaded by Queen Mary, and secondly, Lady Eleanor, married to Sir Henry Clifford, Earl of Cumberland.

The Lady Frances, elder daughter of the Queen and of Charles Brandon, had issue by

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MN: Stow. an. 7 Edou.(?) 6

MN: The issue of the Lady Catherine

her husband, the said last Duke of Suffolk, three daughters, to wit, Jane, Catherine and Mary, which Mary, the youngest, was betrothed first to Arthur, Lord Grey of Wilton, and after, left by him, she was married to one Master Martin Keyes of Kent, gentleman-porter of the Queen's household, and after she died without issue.

And the Lady Jane, the eldest of the three sisters, was married at the same time to the Lord Guildford Dudley, fourth son to Sir John Dudley, Duke of Northumberland, and was proclaimed Queen after the death of King Edward, for which act all three of them, to wit, both the father, son and daughter-in-law, were put to death soon after.

But the Lady Catherine, the second daughter, was married first, upon the same day that the other two her sisters were, unto Lord Henry Herbert, now Earl of Pembroke, and upon the fall and misery of her house she was left by him, and so she lived a sole woman for divers years until in the beginning of this Queen's days she was found to be with child, which she affirmed to be by the Lord Edward Seymour, Earl of Hertford, who at that time was in France with Sir Nicholas Throckmorton, the ambassador, and had purpose and licence to have travelled into Italy, but being called home in haste upon this new accident, he confessed that the child was his, and both he and the lady affirmed that they were man and wife, but for that they could not prove it by witnesses, &

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MN: The issue of Lady Eleanor

for attempting such a match with one of the blood royal without privity and licence of the prince, they were committed both of them to the Tower, where they procured means to meet again afterward, & had another child, which both children do yet live, and the elder of them is called Lord Henry [sic?] Beauchamp, and the other Edward Seymour, the mother of whom lived not long after, neither married the Earl again until of late that he married the Lady Frances Howard, sister to the Lady Sheffield. And this is all the issue of the elder daughter of Charles Brandon by Lady Mary, Queen of France.

The second daughter of Duke Charles and the Queen, named Lady Eleanor, was married to Henry, Lord Clifford, Earl of Cumberland, and had by him a daughter named Margaret, that married Sir Henry Stanley, Lord Strange, & after Earl of Derby, by whom the said Lady (who yet liveth) hath had issue Fernande [=Ferdinando] Stanley, now Earl of Derby, William and Francis Stanley, & this is the issue of the house of Suffolk, to wit, this Countess of Derby with her children, and these other of the Earl of Hertford, of all whose claims and titles with their impediments I shall here briefly give account and reason.

First of all, both of these families do join together in this one point, to exclude the house of Scotland both by foreign birth and by the foresaid testament of King Henry authorized by two Parliaments, & by the other exclusions

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MN: Allegations of the houses of Derby & Hertford the one against the other

MN: Charles Brandon had a wife alive  
 MN: First bastardy against the issue of Hertford  
 MN: Stow in vita Edward. An. 1552(?)

which in each of the titles of the King of Scots and of Lady Arbella hath been before alleged. But then, secondly, they come to vary between themselves about the priority or propinquity of their own succession, for the children of the Earl of Hertford and their friends do allege that they do descend of Lady Frances, the elder sister of Lady Eleanor, and so by law and reason are to be preferred, but the other house allegeth against this two impediments, the one that the Lady Margaret, Countess of Derby now living, is nearer by one degree to the stem, that is to King Henry the Seventh, than are the children of the Earl of Hertford, and consequently according to that which in the former fourth chapter hath been declared she is to be preferred, albeit the children of the said Earl were legitimate.

Secondly they do affirm that the said children of the Earl of Hertford by the Lady Catherine Grey many ways are illegitimate. First, for that the said Lady Catherine Grey, their mother, was lawfully married before to the Earl of Pembroke now living, as hath been touched and public records do testify, and not lawfully separated nor by lawful authority, nor for just causes, but only for temporal and wordly respects for that the house of Suffolk was come into misery & disgrace, whereby she remained still his true wife in deed and before God, & so could have no lawful children by another whiles he lived, as yet he doth.

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 MN: 2. Bastardy  
 MN: 3. Bastardy

Again they prove the illegitimation of these children of the Earl of Hertford for that it could never be lawfully proved that the said Earl and the Lady Catherine were married but only by their own assertions, which in law is not holden sufficient, for which occasion the said pretended marriage was disannulled in the Court of Arches by public & definitive sentence of Doctor Parker, Archbishop of Canterbury and Primate of England, not long after the birth of the said children.

Furthermore they do add yet another bastardy also in the birth of Lady Catherine herself for that her father, Lord Henry Grey, Marquis of Docset [sic for Dorset'], was known to have a lawful wife alive when he married the Lady Frances, daughter and heir of the Queen of France & of Charles Brandon, Duke of Suffolk, and mother of this Lady Catherine, for obtaining of which great marriage the said Marquis put away his foresaid lawful wife, which was sister to the Lord Henry Fitzalan, Earl of Arundel, which disorder was occasion of much unkindness and hatred between the said Marquis and Earl ever after. But the power of the Marquis and favour with King Henry in women's matters was so great at that time as the Earl could have no remedy, but only that his said sister, who lived many years after, had an annuity out of the said Marquis' lands during her life, & lived some years after the said Marquis

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MN: The fourth bastardy common to both families of Suffolk

MN: The answer of those of Hertford to the foresaid bastardies

(afterwards made Duke) was put to death in Queen Mary's time.

These then are three ways by which the family of Derby do argue the issue of Hertford to be illegitimate, but the other two houses of Scotland and Clarence do urge a former bastardy also that is common to them both, to wit, both against the Lady Frances and the Lady Eleanor, for that the Lord Charles Brandon also, Duke of Suffolk, had a wife alive, as before hath been signified, when he married the Lady Mary, Queen of France, by which former wife he had issue the Lady Powys (I mean the wife of my Lord Powys of Poystlandes in Wales), & how long after the new marriage of her husband, Charles Brandon, this former wife did live, I cannot set down distinctly, though I think it were not hard to take particular information thereof in England by the register of the church wherein she was buried, but the friends of the Countess of Derby do affirm that she died before the birth of Lady Eleanor, the second daughter, though after the birth of Lady Frances, and thereby they do seek to clear the family of Derby of this bastardy, and to lay all four upon the children of Hertford before mentioned, but this is easy to be known & verified by the means before signified.

But now the friends of Hertford do answer to all these bastardies that, for the first two pretended by the marriages of the two Dukes of Suffolk, they say that either the causes might

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MN: Of the marriage between the Earl of Hertford and the Lady Catherine Grey

be such as their divorces with their former wives might [sic for 'might'] be lawful, and prove them no marriages, and so give them place to marry again, or else that the said former wives did die before these Dukes that had been their husbands, so as by a post-contract and second new consent given between the parties when they were now free, the said later marriages which were not good at the beginning might come to be lawful afterwards according as the law permitteth, notwithstanding that children begotten in such pretended marriages where one party is already bound are not made legitimate by subsequent true marriage of their parents, & this for the first two bastardies.

But for the third illegitimation of the contract between the Lady Catherine and the Earl of Hertford by reason of a pre-contract made between the said Lady Catherine and the Earl of Pembroke that now liveth, they say and affirm that pre-contract to have been dissolved afterward lawfully and judicially in the time of Queen Mary.

There remaineth then only the fourth objection about the secret marriage made between the said Lady Catherine and the Earl of Hertford before the birth of their eldest son, now called Lord Beauchamp, which to say the truth seemeth the hardest point to be answered,

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for albeit in the sight of God that marriage might be good and lawful if before their carnal knowledge they gave mutual consent the one

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MN: Concil. Trid. Sess. 24. cap. 1

to the other to be man and wife, and with that mind and intent had carnal copulation, which thing is also allowed by the late Council of Trent itself, which disannulleth otherwise all clandestine and secret contracts in such states and countries where the authority of the said Council is received and admitted, yet to justify these kind of marriages in the face of the church, and to make the issue thereof legitimate and inheritable to estates and possession, it is necessary by all law and in all nations that there should be some witness to testify this consent and contract of the parties before their carnal knowledge, for that otherwise it should lie in every particular man's hand to legitimate any bastard of his by his only word, to the prejudice of others that might in equity of succession pretend to be his heirs, and therefore (no doubt) but that the Archbishop of Canterbury had great reason to pronounce this contract of the Lady Catherine and the Earl of Hertford to be insufficient and unlawful, though themselves did affirm that they had given mutual consent before of being man & wife, and that they came together *animo maritali*, as the law of wedlock requireth, but yet for that they were not able to prove their said former consent by lawful witnesses, their said conjunction was rightly pronounced unlawful, and so I conclude that the first son of these two parties might be legitimate before God, and yet illegitimate before men, and

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MN: How the second son of the Earl of Hertford may be legitimate

consequently incapable of all such succession as otherwise he might pretend by his said mother.

And this now is for the first-begotten of these two persons, for as touching the second child begotten in the Tower of London, divers learned men are of opinion that he may be freed of this bastardy for that both the Earl and the Lady, being examined upon their first child, did confess and affirm that they were man and wife, and that they had meaning so to be and to continue, which confession is thought to be sufficient both for ratifying of their old contract and also for making of a new if the other had not been made before. And seeing that in the other former pretended contract and marriage there wanted nothing for justifying the same before men and for making it good in law but only external testimony of witnesses for proving that they gave such mutual consent of minds before their carnal knowledge (for the presence of priest or minister is not absolutely necessary), no man can say that there wanted witnesses for testifying of this consent before the second copulation by which was begotten their second son, for that both the Queen herself and her Council, and as many besides as examined these parties upon their first act and childbirth, are witnesses unto them that they gave their full consents and approbations to be man & wife, which they ratified afterward in the Tower by

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MN: Allegations of the house of Derby

the begetting of their second child, and so for the reasons aforesaid he must needs seem to be legitimate, whatsoever my Lord of Canterbury for that time or in respect of the great offence taken by the estate against that act did or might determine to the contrary.

And this is the sum of that which commonly is treated about these two families of the house of Suffolk, to wit, of Hertford and Derby, both which families of Suffolk the other two opposite houses of Scotland and Clarence do seek to exclude by the first bastardy or unlawful contract between the Queen of France and Duke Charles Brandon, as hath been seen, of which bastardy the house of Derby doth endeavour to avoid itself in manner as before hath been declared, and preferreth itself in degree of propinquity not only before the foresaid two houses of Scotland and Clarence, but also before this other part of the house of Suffolk, I mean the family of Hertford, though descended of the elder daughter, for that the Countess of Derby doth hold herself one degree nearer in descent than are the other pretenders of Hertford, as hath been showed. And albeit there want not many objections and reasons of some against this pretence of the house of Derby besides that which I have touched before, yet for that they are for the most part personal impediments and do not touch the right or substance of the title or any other important

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reason of state concerning the commonwealth, but only the mislike of the persons that pretend and of their life and government, I shall omit them in this place for that as in the beginning I promised so shall I observe as much as lieth in me to utter nothing in this conference of ours that may justly offend, and much less touch the honour or reputation of any one person of the blood royal of our realm. When the time of admitting or excluding cometh, then will the realm consider as well of their persons as of their rights, and will see what account and satisfaction each person hath given of his former life and doings, and according to that will proceed, as is to be supposed, but to me in this place it shall be enough to treat of the first point, which is of the right and interest pretended by way of succession. And so with this I shall make an end of these families, and pass over to others that yet do remain.

## CHAPTER VII

Of the houses of Clarence and Brittany which contain the claims of the Earl of Huntingdon, with the Poles, as also of the Lady Infanta of Spain, and others of those families

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MN: Why the Earl of Huntingdon's house is said to be of the house of Clarence

Having declared the claims, rights and pretences which the two noble houses of Scotland and Suffolk, descended of the two daughters of King Henry the Seventh, have or may have to the succession of England, with intention afterward to handle the house of Portugal apart, which pretendeth to comprehend in itself the whole body, or at least the first and principal branch of the ancient house of Lancaster, it shall not be amiss perhaps by the way to treat in this one chapter so much as appertaineth to the two several houses of Clarence and Brittany, for that there is less to be said about them than of the other.

And first of all I am of opinion that the Earl of Huntingdon and such other pretenders as are of the house of York alone, before the conjunction of both houses by King Henry the Seventh, may be named to be of the house of Clarence, and so for distinction's sake I do name them for not to confound them with the houses of Scotland and Suffolk, which are termed also by the Lancastrians to be of the house of

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MN: Issue of the house of Clarence

MN: Issue of Sir Geoffrey Poole [=Pole]

York alone, for that they deny them to be of the true house of Lancaster, but principally I do name them to be of the house of Clarence for that indeed all their claim and title to the crown doth descend from George, Duke of Clarence, as before in the third chapter and elsewhere hath been declared, which Duke George, being brother to King Edward the Fourth, and put to death by his order, left issue Edward, Earl of Warwick and of Salisbury, which was put to death by King Henry the Seventh in his youth, and Margaret, Countess of Salisbury, which Margaret had issue by Sir Richard Poole [=Pole] Henry Pole, Lord Montague, afterward beheaded, and he again Catherine, married to Sir Francis Hastings, Earl of Huntingdon, by whom he had Sir Henry Hastings, now Earl of Huntingdon, Sir George Hastings, his brother yet living, & others, so as the Earl of Huntingdon with his said brethren be in the fourth degree from the said George, Duke of Clarence, to wit, his nephews twice removed.

The said Margaret, Countess of Salisbury, had a younger son also named Sir Geoffrey Pole, who had issue another Geoffrey, and this Geoffrey hath two sons that live at this day in Italy named Arthur and Geoffrey, who be in the same degree of distance with the said Earl of Huntingdon, saving that some allege for them that they do descend all by male kind from Margaret, and the Earl pretendeth by a

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MN: The interest pretence(?) of the Earl of Huntingdon

woman, whereof we shall speak afterward.

Hereby then it is made manifest how the Earl of Huntingdon cometh to pretend to the crown of England by the house of York only, which is no other indeed but by the debarring and disabling of all other former pretenders, not only of Portugal and of Brittany, as strangers, but also of the houses of Scotland & Suffolk that hold likewise of

the house of York, and that for the reasons and arguments which in the former chapters I have set down in particular against every one of them, and shall hereafter also again [sic?] those that remain, which arguments and objections, or any of them, if they should not be found sufficient to exclude the said other houses, then is the claim of this house of Huntingdon thereby made void, for that it is (as we see) by the younger child of the house of York, that is to say, by the second brother, so as if either the pretence of Lancaster in general be better than that of York, or if in the house of York itself any of the forenamed pretenders descended from King Edward the Fourth as of the elder brother may hold or take place, then holdeth not this title of Clarence, for that (as I have said) it coming from the younger brother must needs be grounded only or principally upon the barring and excluding of the rest that jointly do pretend, of which bars and exclusions laid by this house of Clarence against the rest, for that I

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MN: Objections against the Earl of Huntingdon

MN: 1

MN: 2. Attainders in the house of Huntingdon

have spoken sufficiently in the last two chapters going tofore for so much as toucheth the two houses of Scotland and Suffolk, and shall do afterwards about the other two of Brittany and Portugal, I mean in this place to omit to say any more therein, & only to consider what the other competitors do allege against this house of Clarence, and especially against the pretence of the Earl of Huntingdon, as chief titler thereof, for to the excluding of him do concur not only those other of opposite houses, but also the Poles of his own house, as now we shall see.

First, then, the contrary houses do allege generally against all this house of Clarence that seeing their claim is founded only upon the right of the daughter of George, Duke of Clarence, second brother to King Edward the Fourth, evident it is that so long as any lawful issue remaineth of any elder daughter of the said King Edward, the elder brother (as they say much doth, and cannot be denied), no claim or pretence of the younger brother's daughter can be admitted, and so by standing upon this, and answering to the objections alleged before against the elder houses, they hold this matter for very clear, and all pretence of this house of Clarence utterly excluded.

Secondly, the same opposite houses do allege divers attainders against the principal heads of the house of Clarence whereby their whole interests were cut off, as namely it is to

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MN: Restitution may be in blood without restitution of dignity

be showed in three descents, the one after the other, to wit, in Duke George himself, the first head & beginner of this house, that was attainted and executed, and then in the Lady Margaret, his daughter and heir, Countess of Salisbury, and in like manner attainted and executed, thirdly, in her son and heir, Henry Pole, Lord Montague, put also to death, from whose daughters both the Earl of Huntingdon & his brethren, with the children of Sir

Thomas Barrington, do descend, and albeit some may say that the said house of Clarence hath been since those attainders restored in blood, yet reply these men that except it can be showed that particular mention was made of rehabilitating the same to the pretence of succession to the crown, it will not be sufficient, as in like manner they affirm that the same restoring in blood (if any such were) hath not been sufficient to recover the ancient lands and titles of honour which this house of Clarence had before these attainders, for that they were forfeited thereby to the crown, and so say these men was there forfeited thereby in like manner unto the next in blood not attainted this prerogative of succeeding to the crown, and cannot be restored again by any general restoration in blood except special mention be made thereof, even as we see that many houses attainted are restored daily in blood without restorement of their titles and dignities, and a present example we have in the Earl of Arundel restored in

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MN: The pretence of the Pooles [=Poles] against Huntingdon

blood but not to the title of Duke of Norfolk, and this say the opposite houses against this house of Clarence.

But now thirdly entereth in also against the Earl of Huntingdon the opposition of some of his own house, which is the issue of Sir Geoffrey Pole, brother to his grandfather, who say that when the Lord Henry Montague was put to death with his mother, the Countess of Salisbury, and thereby both their pretences and titles cut off in them, then fell all such right as they had or might have upon the said Sir Geoffrey Pole, and not upon his niece, the Lady Catherine, daughter of the Lord Henry, his elder brother and mother of the Earl of Huntingdon, and this for three causes: first, for that he was not attainted, and so whether we respect his grandfather, Duke George of Clarence, or his great-grandfather, Duke Richard of York, the said right in this respect descended to him; and secondly, for that he was a degree nearer to the said Dukes, his ancestors, than was at that time his niece, Catherine, which right of nearest propinquity, say these men, is made good and lawful by all the reasons, examples, precedents and authorities alleged before in the fourth chapter of this conference in favour of uncles before their nephews, and it shall not need that we speak anything more of that matter in this place but only to remit your remembrance to that which herein hath been said before.

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MN: Objection of religion

Fourthly, they prove the same in favour of Sir Geoffrey for that the Lady Catherine was a woman, and Sir Geoffrey a man, whose privilege is so great in a matter of succession (as also hath been touched before) that albeit they had been in equal degree, and that Sir Greffrey [sic for 'Geoffrey'] were not a degree before her as he was, yet seeing neither of them nor their fathers were ever in possession of the thing pretended, Sir Geoffrey should be preferred, as hath been showed before by some precedents and shall be seen afterward in the case of Portugal, wherein the King of Spain that now is was preferred to the crown for that respect only, that his competitors were women and in equal degree of descent

with him, and he is a man. And the very like allegation of propinquity I have heard produced for the Lady Winifred, wife of Sir Thomas Barrington (if she be yet alive), to wit, that she is before the Earl of Huntingdon and his brethren by this reason of propinquity in blood for that she is one degree nearer to the stock than they.

Fifthly and lastly, both these and other competitors do allege against the Earl of Huntingdon as an important and sufficient bar against his pretence the quality of his religion, which is (as they say) that he hath been ever known to favour those which commonly in England are called Puritans, and not favoured by the state, but yet this stop is alleged diversely by competitors of divers religions, for that such as are

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followers and favourers of the form of religion received and defended by public authority of England at this day, whom for distinction's sake men are wont to call by the name of moderate Protestants, these (I say) do urge this exclusion against the Earl of Huntingdon, not upon any certain law or statute extant against the same, but *ab aequo & bono*, as men are wont to say, and by reason of state, showing infinite inconveniences, hurts, damages and dangers that must needs ensue, not only to the state present of religion in England, but also to the whole realm and body politic, if such a man should be admitted to govern. And this consideration of state in their opinion is a more forcible argument for excluding such a man than any statute or particular law against him could be, for that this comprehendeth the very intention, meaning and drift of all laws and lawmakers of our realm, whose intentions must needs be presumed to have been in all times to have excluded so great and manifest inconveniences, & thus say they.

But now those that are of the Roman religion, and contrary both to Puritan and Protestant, do urge a great deal further this argument against the Earl, and do allege many laws, ordinances, decrees and statutes both of the canon and imperial laws, as also out of the old laws of England, which in their opinion do debar all that are not of their religion, and consequently, they would hereby exclude

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MN: The house of Brittany

both the one and the other of these pretenders. And in fine they do conclude that seeing their wanteth not also some of their own religion (called by them the Catholic) in the house of Clarence, they have so much the less difficulty to exclude the Earl of Huntingdon's person for his religion if one of that house were to be admitted of necessity.

And this is so much as seemeth needful to be spoken at this time and in this place of this house of Clarence and of the pretenders thereof. It resteth then that I treat something also of the house of Brittany and France, which two houses are joined all in one forso much as may appertain to any inheritance or pretence to England or unto any parcel or particular state thereof at home or abroad that may follow the succession or right of women, which the kingdom of France in itself doth not, as is known, and consequently a woman may be

heir to the one without the other, that is to say, she may be heir to some particular states of France inheritable by women, though not to the crown itself, and so do pretend to be the two daughters of France that were sisters to the late King Henry the Third, which daughters were married, the one to the King of Spain that now is, by whom he had issue the Infanta of Spain yet unmarried, and her younger sister married to the Duke of Savoy, and the other, to wit, the younger daughter of the King of France, was married to the Duke of Lorraine yet living, by

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MN: The course of inheritance in the crown of France

MN: First pretence of the Infanta to England

whom she had the Prince of Lorraine & other children that live at this day.

This then being so clear as it is, first, that according to the common course of succession in England and other countries, and according to the course of all common law, the Infanta of Spain should inherit the whole kingdom of France and all other states thereunto belonging, she being the daughter and heir of the eldest daughter of King Henry the Second, King of France, whose issue male of the direct line is wholly now ended, but yet for that the French do pretend their law Salic to exclude women (which we English have ever denied to be good until now) hereby cometh it to pass that the King of Navarre pretendeth to enter, & to be preferred before the said Infanta or her sister's children, though male, by a collateral line. But yet her favourers say, I mean those of the Infanta, that from the dukedoms of Brittany, Aquitaine and the like that came to the crown of France by women and are inheritable by women she cannot be in right debarred, as neither from any succession or pretence in England if either by the blood royal of France, Brittany, Aquitaine or of England itself it may be proved that she hath any interest thereunto, as her said favourers do affirm that she hath by these reasons following.

First, for that she is of the ancient blood royal of England even from the Conquest by the elder daughter of William the Conqueror

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MN: 1.

MN: 2.

MN: Polydore in vita Guliel. Ruffi

MN: 3.

MN: Second pretence of the Infanta of Spain

married to Allayne Fergant, Duke of Brittany, as hath been showed before in the second chapter and other places of this conference, and of this point they infer two or three consequences. First, that when the sons of the Conqueror were dead without issue, or made incapable of the crown (as it was presumed at leastwise of King Henry the First, last son of the Conqueror, that he lost his right for the violence used to his elder brother, Robert, and unto William, the said Robert's son and heir), then, say these men, ought the said Duchess of Brittany to have entered as eldest sister. And secondly they say that

when Duke Robert, that both by right of birth and by express agreement with William Rufus and with the realm of England should have succeeded next after the said Rufus came to die in prison, the said Lady Constance should have succeeded him for that his brother, Henry, being culpable of his death, could not in right be his heir. And thirdly they say that at leastwise after the death of the said King Henry the First, she and her son, I mean the Lady Constance and Conan, Duke of Brittany, should have entered before King Stephen, who was born of Adela, the younger daughter of William Conqueror.

Secondly they do allege that the Infanta of Spain descendeth also lineally from Lady Eleanor, eldest daughter of King Henry the Second, married to King Alonso the Ninth of that name, King of Castile, whose eldest daughter &

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MN: Pretence to Aquitaine

MN: Polydore in vit. Ioan, & Garib. in vit. Alfons. 9

heir, named Blanche (for that their only son, Henry, died without issue) married with the prince Lewis the Eight of France, who was father by her to King Saint Lewis of France, and so hath continued the line of France unto this day, & joined the same afterward to the house of Brittany, as hath been declared, so as the Infanta cometh to be heir-general of both those houses, that is, as well of Brittany as of France, as hath been showed. And now by this her descent from Queen Eleanor, daughter of King Henry the Second, her favourers do found divers pretences and titles, not only to the states of Aquitaine that came to her father by a woman, but also to England, in manner following: first, for Aquitaine they say that it came to King Henry the Second by his wife, Eleanor, daughter of William, Duke of Aquitaine, as before in the second chapter at large hath been declared, and for that the most part thereof was lost afterward to the French in King John's time that was fourth son to the aforesaid King Henry, it was agreed between the said King John and the French King Philip that all the states of Aquitaine already lost to the French should be given in dowry with the said Blanche to be married to Lewis the Eight, then Prince of France, and so they were, and moreover they do allege that not long after this the same states, with the residue that remained in King John's hands, were all adjudged to be forfeited by the Parliament of Paris for the death of Duke Arthur, &

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MN: Pretences to England by Lady Blanche

MN: Stow in vit. Ioannis

MN: Garib. ll. [sic for 'li?'] 12. c. 38

consequently did fall also upon this Lady Blanche as next heir capable of such succession unto King John, for that yet the said John had no son at all, and for this cause and for that the said states are inheritable by women and come by women, as hath been often said, these men affirm that at this day they do by succession appertain unto the said Lady Infanta of Spain, and not to the crown of France.

To the succession of England also they make pretence by way of the said Lady Blanche married into France, and that in divers manners. First, for that King John of England by the murder of Duke Arthur of Brittany, his nephew, (which divers authors do affirm, as Stow also witnesseth that it was done by King John's own hands) he forfeited all his states, if his right to them had been never so good, and for that this murder happened in the fifth year of his reign, and four years before his son, Henry, was born, none was so near to succeed at that time as was this Lady Blanche, married into France, for that she was daughter and heir unto King John's elder sister, Eleanor, or rather the said Eleanor herself, Queen of Spain, should have succeeded for that she yet lived, and died not (as appeareth by Stephen Garibay, chronicler of Spain) until the year of Christ 1214, which was not until the 15 year of the reign of King John, and one year only before he died, so as he having yet no issue when this murder was committed, and

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MN: 3. Pretence by Arthur, Duke of Brittany

MN: Belforest l. 3. cap. 71 hist. Fran.

leesing by this forfeit all right he had in the kingdom of England, it followeth that the same should have gone to his said sister, & by her to this Lady Blanche, her heir and eldest daughter, married into France as hath been said, which forfeit also of King John these men do confirm by his deprivation by the Pope that soon after ensued, as also by another deprivation made by the barons of his realm, as after shall be touched.

Furthermore they say that when Arthur, Duke of Brittany (whom to this effect they do hold to have been the only true heir at that time to the kingdom of England) was in prison in the castle of Rouen, suspecting that he should be murdered by his said uncle, King John, he nominated this Lady Blanche, his cousin-germanie [sic for 'german'], to be his heir, persuading himself that she, by the help of her husband, Prince Lewis of France, and her father, the King of Spain, should be better able to defend and recover his or her right to the crown of England than Eleanor, his own sister, should be, who was also in the hands of his said uncle, for that he supposed that she also should be made away by him shortly after, as indeed the French chronicle affirmeth that she was, and howsoever this matter of Duke Arthur's testament were, yet certain it is that when he and his sister were put to death, the next in kin that could succeed them in their right to England was this Lady Blanche and her mother, Queen

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MN: Election of Lewys the 8. to be King of England

MN: Polydore l. 15. Historia Angliae, Holinshed & Stow in vita Ioannis

MN: Belfor. li. 2. cap 67., Girard li. 5(?) histor. Baudin {=Jean Bodin] au [sic for 'an'?] 898.(?) chron. france

Eleanor, that was sister to Arthur's father, Geoffrey, Duke of Brittany, for that King John, their uncle, was presumed by all men to be incapable of their inheritance by his putting of them to death, and child yet he had none. And this is the second point that these men

do deduce for the Lady Infanta of Spain by the title of Queen Eleanor and her daughter, Blanche, to whom the Infanta is next heir.

A third interest also the same men do derive to the Infanta by the actual deposition of King John by the barons and states of his realm in the 16 year of his reign, and by the election and actual admission of Lewis, Prince of France, husband of the foresaid Lady Blanche, whom they chose with one consent and admitted and swore him fealty and obedience in London, for him and for his heirs and posterity, in the year 1217, and gave him possession of the said City and Tower of London, and of many other chief places of the realm, & albeit afterward the most part of the realm changed their minds again upon the sudden death of the said King John, and chose and admitted his young son, Henry the Third, a child of nine years old, yet do the favourers of the Infanta say that there remaineth to her as heir unto the said Lewis until this day that interest which by this election, oath and admission of the realm remained unto this Prince Lewis, which these men affirm to be the very like case as was that of Hugo Capetus in France,

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MN: Pretence by descent from Henry the Third

who came to be King especially upon a certain title that one of his ancestors named Odo, Earl of Paris, had by being once elected King of France and admitted and sworn, though afterward he were deposed again, and young Charles, surnamed the Simple, was admitted in his place, as Henry the Third was in England after the election of this Lewis. But yet as the other continued ever his right and claim until it was restored to Hugo Capetus, one of his race, so say these men many this Infanta continue and renew now the demand of this right of King Lewis, her ancestor, for that titles and interest to kingdoms, once rightly gotten, do never die, but remain ever for the posterity to effectuate when they can, & thus much of this matter.

But after this again these men do show how that the said Infanta of Spain doth descend also from Henry the Third, son of King John, by the Dukes of Brittany, as before in the second chapter hath been declared, and in the arbour and genealogy following in the end of this conference shall be seen, for that King Henry, besides his two sons, Edward and Edmund, which were the beginners of the two houses of York and Lancaster, had also a daughter named Lady Beatrix, married to John the Second of that name, Duke of Brittany, and by him she had Arthur the Second, and so lineally from him have descended the princes of that house until their union with the crown of France,

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MN: Admission by composition

and from thence unto this Lady Infanta of Spain that now is, who taketh herself for proper heir of the said house of Brittany, and heir general of France, as hath been said.

By this third conjunction, then, of the house of Brittany with the blood royal of England, the friends of the Infanta do argue in this manner, that seeing she descendeth of the sister

of these two brothers which were the heads of the two opposite houses of Lancaster and York, and considering that each of these houses hath oftentimes been attainted & excluded from the succession by sundry Acts of Parliament, and at this present are opposite and at contention among themselves, why may not this right of both houses (say these men) by way of composition, peace and compromise at least, be passed over to the issue of their sister, which resteth in the Infanta.

Again they say that all these three branches of the lines of English kings, to wit, by the Lady Constance, daughter of king William Conqueror, by the Lady Eleanor, daughter of King Henry the Second, and by the Lady Beatrix, daughter of King Henry the Third, it is evident that this Lady, the Infanta of Spain, is of the true and ancient blood royal of England, and that divers ways she may have claim to the same, which being granted, they infer that, seeing matters are so doubtful at this day about the next lawful succession, and that divers of the pretenders are excluded, some for bastardy,

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MN: Objections against the Infanta's pretence

some other for religion, some for unaptness to govern, and some for other causes, & seeing the commonwealth hath such authority to dispose in this affair, as before the civil lawyer hath declared, why may there not consideration be had among other pretenders of this noble princess also (say these men), especially seeing she is unmarried, and may thereby commodate many matters and salve many breaches & satisfy many hopes and give contentment to many desires, as the world knoweth.

And this in effect as much as I have heard alleged hitherto in favour of the Infanta of Spain, but against this pretence others do produce divers arguments and objections, as first of all that these her claims be very old and worn out, and are but collateral by sisters. Secondly, that she is s a stranger, and alien born. Thirdly, that her religion is contrary to the state. Unto all which objections the favourers aforesaid do make their answers, and to the first they say that antiquity hurteth not the goodness of a title when occasion is offered to advance the same, especially in titles appertaining to kingdoms, which commonly are never presumed to die, as hath been said, and *nullum tempus occurrit Regi*, saith our law. And as for collateral lines, they say that they may lawfully be admitted to enter when the direct lines do either fail or are to be excluded for other just respects, as in our case they hold that it happeneth. And as for the second point of foreign

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birth, they say there hath been sufficient answered before in treating of the house of Scotland that in rigour it is no bar by intention of any English law, yet whether in reason of state & politic government it may be a just impediment or no, it shall after be handled more al [sic for 'at'] large when we come to treat of the house of Portugal. To the last point of religion they answer that this impediment is not universal, nor admitted in the judgment of all men, but only of those English that be of different religion from her. But

some others (and those many, as these me do ween), her religion will rather be a motive to favour her title than to hinder the same, so that on this ground no certainty can be builded. And this is as much as I have to say at this time of these two families of Clarence and Brittany.

## CHAPTER VIII

Of the house of Portugal, which containeth the claims as well of the King and Prince of Spain to the succession of England, as also of the Dukes of Parma and Braganza by the house of Lancaster

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MN: The princes of Portugal are of the house of Lancaster

It hath been oftentimes spoken before upon occasions offered that the princes of the house of Portugal at this day do persuade themselves that the only remainder of the house of Lancaster resteth among them as the only true heirs of the Lady Blanche, Duchess and heir of Lancaster & first wife of John of Gaunt, which point of these princes' descents from the said Duchess of Lancaster, though it be declared sufficiently before in the third and fourth chapters, yet will I briefly here also set down and repeat again the reasons thereof, which are these that follow.

John of Gaunt was Duke of Lancaster by the right of his first wife, Lady Blanche, and had by her only one son, as also one daughter, of whom we need here to speak for that the other hath left no issue now living. The son was King Henry the Fourth, who had issue King Henry the Fifth, and he again Henry the Sixth, in whom was extinguished all the succession of this son Henry.

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MN: The issue of Lady Philippe, Queen of Portugal

MN: Issue of John of Gaunt by his later wives

MN: See the arbour in the end of this book

The daughter of John of Gaunt by Lady Blanche was called Philippe, who was married to John, the first king of that name of Portugal, who had issue by him King Edward, and he again had issue King Alfonsus the First, King of Portugal, and he and his offspring had issue again the one after the other until our times, and so by this marriage of Lady Philippe to their first King John these princes of the house of Portugal that live at this day do pretend that the inheritance of Lancaster is only in them by this Lady Philippe for that the succession of her elder brother, King Henry the Fourth, is expired long ago. This in effect is their pretence, but now we will pass on to see what others say that do pretend also to be of the house of Lancaster by a later marriage.

John of Gaunt, after the death of his first wife, Lady Blanche, did marry again the Lady

Constance, daughter of King Peter surnamed the Cruel of Castile, and had by her one daughter only named Catherine, whom he married afterward back to Castile again, giving her to wife to King Henry the Third of that name, by whom she had issue King John, and he others, so as lineally King Philip, King of Spain, is descended from her, which King Philip being at this day King also of Portugal, and the chief titler of that house unto England, he joineth the inheritance of both the two daughters of John of Gaunt in one, & so we shall not need to talk of these two daughters hereafter

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MN: The point of difficulty

MN: Issue of Catherine Swynford

distinctly, but only as of one, seeing that both their descents do end in this one man.

The only difficulty and dissension is then about the issue of the third marriage, which was of John of Gaunt with Lady Catherine Swynford, whom he first kept as a concubine in the time of his second wife, Lady Constance, as before hath been showed in the third chapter, and begat of her four children, and after that his wife, Lady Constance, was dead, he took her to wife for the love he bare to his children a little before his death, and caused the said children to be legitimated by authority of Parliament, and for that none of these four children of his have left issue but only one, that was John, Earl of Somerset, we shall speak only of him, omitting all the rest.

This John, Earl of Somerset, had issue another John, which was made Duke of Somerset by King Henry the Sixth, who with his three sons were all slain by the princes of the house of York in the quarrel of Lancaster, & so left only one daughter named Margaret, who by her husband, Edmund Tudor, Earl of Richmond, was Countess of Richmond, & had by him a son named Henry, Earl of Richmond, that was after King by the name of King Henry the Seventh, and from him all his descendants, both of the house of Scotland and Suffolk, do pretend also to be of the house of Lancaster, which yet can be no otherwise than now hath been declared, to wit, not from Blanche, first wife

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MN: The principal question

MN: Answer

MN: Duchy of Lancaster

MN: The crown

MN: An example of Edward the Sixth & of the Prince of Spain

& heir of the Duchy of Lancastee [sic for 'Lancaster'], but from Catherine Swynford, his third wife, wherein riseth the question whether those men, I mean King Henry the Seventh & his descendants, may properly be said to be of the true house of Lancaster or not, whereunto some do answer with a distinction, to wit, that to the Duchy of Lancaster, whereof the first wife, Lady Blanche, was heir, these of the third marriage cannot be heirs, but only the remainder of the issue of the said Lady Blanche that resteth in the princes of the house of Portugal, but yet to the title of the crown of England, which came

by John of Gaunt himself in that he was third son of King Edward the Third and eldest of all his children that lived when the said King Edward died (by which is pretended also that he should have succeeded immediately after him before King Richard the Second, as before in the fourth chapter hath been declared), to this right (I say) & to this interest of the crown which came by John of Gaunt himself, & not by Lady Blanche or by any other of his wives, the descendants of King Henry the Seventh do say that they may and ought to succeed for that John, Earl of Somerset, eldest son of John of Gaunt by Lady Catherine Swynford, though he were begotten out of matrimony, yet being afterward made legitimate, he was to inherit this right of John of Gaunt, his father, before the Lady Philippe, his [=John, Earl of Somerset's] sister, for that so we see that King Edward the Sixth, though younger, and but

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MN: Replies of the house of Portugal

MN: The dukedom of Lancaster

MN: The legitimation of Catherine Swynford's children not lawful

half-brother unto the Lady Mary and Elizabeth, his sisters, yet he inherited the crown before them, and in like manner is Lord Philip, Prince of Spain, at this day to inherit all the states of that crown before his two sisters that be elder than he, & so likewise, say these men, ought John of Somerset to have done before Philippe, his eldest sister, if he had been alive at that time when King Henry the Sixth was put down and died, and consequently his posterity, which are the descendants of King Henry the Seventh, ought to enjoy the same before the princes of Portugal that are the descendants of Lady Philippe, his sister. Thus say the issue of King Henry the Seventh.

But to this the princes of the house of Portugal do reply and say, first, that by this it is evident at least that the Dukedom of Lancaster, whereof the Lady Blanche was the only heir, must needs appertain to them alone, and this without all doubt or controversy for that they only remain of her issue after extinguishing of the posterity of her elder brother, King Henry the Fourth, which was extinguished by the death of King Henry the Sixth and of his only son, Prince Edward, and for this they make no question or controversy, assuring themselves that all law, right and equity is on their side.

Secondly, touching the succession and right to the kingdom, they say that John, Earl of Somerset, being born out of wedlock and in adultery for that his father had another wife

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MN: Stow in vit Richardi 2

MN: Garibey his(?) Portugal. l. 35 cap. 4

MN: Note this example

MN: Stow in vit. Henrici 8

alive when he begat him, and he continuing a bastard so many years, could not be made legitimate afterward by Parliament to that effect of succession to the crown and to deprive Queen Philippe of Portugal and her children born before the other's legitimation

from their right and succession without their consents for that John, King of Portugal, did marry the said Lady Philippe with condition to enjoy all prerogatives that at that day were due unto her, and that at the time when John of Gaunt did marry the said Lady Catherine Swynford & made her children legitimate by Act of Parliament (which was in the year of Christ 1396 and 1397), the said Lady Philippe, Queen of Portugal, had now two sons living named Don Alfonso and Don Edwardo which were born in the years 1390 and 1391, that is, six years before the legitimation of John, Earl of Somerset and his brethren, and thereby had *ius acquisitum*, as the law saith, which right once acquired and gotten could not be taken away by any posterior Act of Parliament afterward without consent of the parties interested, for which they do alleage divers places of the canon law, which for that they hold not in England I do not cite, but one example they put to show the inconvenience of the thing (if it should be otherwise determined than they affirm), which is that if King Henry the Eight that had a bastard son by the Lady Elizabeth Blount whom he named Henry Fitzroy, & made

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MN: John of Gaunt's marriage with Catherine Swynford helpeth not the legitimation

him both Earl of Nottingham and Duke of Richmond and Somerset in the 18 year of his reign, at what time the said king had a lawful daughter alive named the Princess Mary by Queen Catherine of Spain, if (I say), the king should have offered to make this son legitimate by Parliament with intent to have him succeed after him in the crown to the prejudice and open injury of the said lawful daughter, these men do say that he could not have done it, and if he should have done it by violence, it would not have held, and much less could John of Gaunt do the like, being no king. Nor was the Act of Parliament sufficient for this point, it being a matter that depended especially (say these men) of the spiritual court and of the canon law, which law alloweth this legitimation no further but only as a dispensation, and this so far-forth only as it doth not prejudice the right of any other.

Neither helpeth it anything in this matter the marriage of John of Gaunt with Lady Catherine for to make better this legitimation for that, as hath been said, their children were not only *naturales* but *spurij*, that is to say, begotten in plain adultery and not in simple fornication only, for that the one party had a wife alive, and consequently the privilege that the law giveth to the subsequent marriage of the parties for legitimating such children as are born in simple fornication, that is to say, between parties that were single and none of

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MN: The question between Lord Philip [sic for 'Lady Philippe?'] and John of Somerset

them married, cannot take place here, so as these men conclude that albeit this legitimation of Parliament might serve them to other purposes, yet not to deprive the princes of Portugal of their prerogative to succeed in their mother's right which she had when she was married to their father.

And this they affirm to have been law and right at that time if the said Queen Philippe & Earl John had been alive together when Henry the Sixth and his son was put to death, & that this question had been then moved at the death of King Henry the Sixth whether of the two, to wit, either the said Queen Philippe or her younger brother, John, Earl of Somerset by the father's side only, should have succeeded in the inheritance of King Henry the Sixth, in which case these men presume for certain that the said Queen Philippe, legitimately born, and not John, made legitimate by Parliament, should have succeeded, for that by common course of law the children legitimated by favour, albeit their legitimation were good and lawful (as this of these children is denied to be), yet can they never be made equal, and much less be preferred before, the lawful and legitimate by birth.

But now, say these men, the case standeth at this present somewhat otherwise, and more for the advantage of Queen Philippe and her offspring, for when King Henry the Sixth & his son were extinguished, and Edward, Duke of

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MN: The question between the nephews

York thrust himself into the crown (which was about the year of Christ 1471), the foresaid two princes, Lady Philippe and Earl John, were both dead, as also their children, and only their nephews [=grandsons] were alive, that is to say, there lived in Portugal King Alfonsus [=Afonso] the Fifth of that name, son to King Edward [=Duarte], which Edward was child to Queen Philippe, and the death of King Henry the Sixth of England happened in the 38 year of the reign of the said King Alfonsus, and in England lived at the same time Lady Margaret, Countess of Richmond, mother of King Henry the Seventh and niece [=granddaughter] of the foresaid John, Earl of Somerset, to wit, the daughter of his son, Duke John of Somerset, so as these two competitors of the house of Lancaster, that is to say, King Alfonsus and Lady Margaret, were in equal degree from John of Gaunt, as also from King Henry the Sixth, saving that King Alfonsus was of the whole blood, as hath been said, and by Queen Philippe that was legitimate, and the Countess of Richmond was but of the half blood, as by John, Earl of Somerset, that was a bastard legitimated.

The question then is which of these two should have succeeded by right of the house of Lancaster immediately after the death of King Henry the Sixth, and the Lady Margaret allegeth that she was descended from John, Earl of Somerset, that was a man, and therefore to be preferred, and King Alfonsus alleged that he,

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MN: The case of succession to Portugal

being in equal degree of nearness of blood with the same Countess (for that both were nephews [=grandchildren]), he was to be preferred before her for that he was a man and of the whole blood to the last kings of the house of Lancaster, and that she was a woman and but of the half blood, so that three prerogatives he pretended before her, first that he

was a man and she a woman, and secondly that he descended of the lawful and elder daughter and she of the younger brother legitimated, and thirdly that he was of whole blood and she but of half, and for better fortifying of this proof of his title these men do allege a certain case determined by the learned of our days, as they say, wherein for the first of these three causes only the succession to a crown was adjudged unto King Philip of Spain, to wit, the succession to the kingdom of Portugal, which case was in all respects correspondent to this of ours for that Emanuel [=Manuel], King of Portugal, had three children forsomuch as appertaineth to this affair (for afterward I shall treat more particularly of his issue), that is to say, two sons and one daughter in this order, John, Elizabeth and Edward, even as John of Gaunt had Henry, Lady Philippe, and John.

Prince John of Portugal, first child of King Emanuel, had issue another John, and he had Sebastian, in whom the line of John, the first child, was extinguished, but John's sister, Elizabeth, was married to Charles the Emperor, &

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MN: The proper interest of King Henry the 4 cannot descend to King Henry the 7

had issue King Philip of Spain that now liveth. Edward, also younger brother to Elizabeth or Isabel, had issue two daughters, the one married to the Duke of Parma & the other to the Duke of Braganza, so as King Philip was in equal degree with these ladies in respect of King Emanuel for that he was son to his eldest daughter, and the two Duchesses were daughters to his younger son, & upon this rested the question which of these should succeed, and it was decided that it appertaineth unto King Philip for that he was a man and his mother was the elder sister, though if King Philip's mother and the two Duchesses' father, I mean Lord Edward of Portugal, had been alive together, no doubt but that he, being a man, should have borne it away, which these men say holdeth not in our case, but is much more to our advantage for that it hath been showed before that if Queen Philippe had been alive with Earl John of Somerset at the death of King Henry the Sixth, she should have been preferred as legitimate by birth, and therefore much more ought her nephew, King Alfonsus, to have been preferred afterward, in that he was a man, before the niece [=granddaughter] of the said Earl John of Somerset, that was but a woman. Thus far they.

And besides all this they do add (as often before I have mentioned) that King Alfonsus was of the whole blood unto all the three King Henrys of the house of Lancaster, & the

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Countess of Richmond was but of the half blood. And for more strengthening of this argument they do say further that besides that interest or right to the crown which King Henry the Fourth (that was the first king of the house of Lancaster) had by his father, John of Gaunt, in that the said John was third son of King Edward the Third, the said King Henry had divers other interests also which came of himself only and not from his said father, as were, for example, his being called into the realm by general voice of all the people, his right gotten by arms upon the evil government of the former King, the

personal resignation and delivery of the kingdom by solemn instrument made unto him by King Richard, his election also by Parliament & coronation by the realm, and finally the quiet possession of him and his posterity for almost threescore years, with many confirmations of the whole realm by divers Acts of Parliament, oaths and other assurances, as the world knoweth, so many I mean, and so authentical, as could possibly be devised or given, and besides all this, that when King Richard was dead he was next in degree of propinquity unto him of any man living for that the sons of Roger Mortimer were two degrees further off than he, as hath been showed before. All which particular rights and interests were peculiar to Henry the Fourth his person, and were not in his father, John of Gaunt, and therefore cannot possibly descend from him

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MN: Who are the princes of Portugal and how they pretend to England

to the issue of John, Earl of Somerset, but must pass rather to the issue of King Henry's true sister, the Queen Philippe of Portugal, and this though it be supposed that otherwise it might be granted (as, say they, it may not) that John, Earl of Somerset and his successors might succeed to John of Gaunt before Lady Philippe, which thing (say these men) if it should be granted, yet cannot he succeed to King Henry the Fourth, Fifth and Sixth that descended of Blanche. And this is in effect all that I have heard disputed about this point, what line is true heir to the house of Lancaster, to wit, whether that of John, Earl of Somerset, born of Catherine Swynford, from whom descendeth King Henry the Seventh and his posterity, or else that of Queen Philippe of Portugal, born of Lady Blanche, from whom are come the foresaid princes of Portugal.

But now it remaineth to examine somewhat in this place also what & who are these princes of the house of Portugal so often named before, and what pretence of succession they and every of them have or may have unto the crown of England, for better understanding whereof it shall be needful to explain somewhat more at large the foresaid pedigree of King Emanuel of Portugal, who albeit by divers dives he had many children, yet six only that he had by one wife of whom there remaineth hitherto issue are those which may appertain unto our purpose to speak of in respect of any

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MN: The issue of King Emanuel of Portugal

pretence that may be made by them towards England, supposing always (which is most true) that the said King Emanuel was descended lineally as true and direct heir from the foresaid Lady Philippe, Queen of Portugal, that was daughter of John of Gaunt by his first wife, Lady Blanche, Duchess and heir of the Dukedom of Lancaster and sister to King Henry the Fourth, first king of the house of Lancaster, so as by her doth or may pretend the whole posterity of the said King Emanuel unto whatsoever the said Lady Philippe might inherit from her father or mother or from her said brother, King of England, or his posterity.

The six children then of King Emanuel [=Manuel I] were these following, and each of

them born as here they are set down. First, Prince John that was king after his father by the name of John the Third. Secondly, the Lady Isabel, married to the Emperor Charles the Fifth, and mother to King Philip of Spain that now liveth. Thirdly, Lady Beatrix, married to Charles, Duke of Savoy, and mother to Duke Philibert, the last Duke that died, and grandmother to this that now liveth. Fourthly, Lord Lewis, father to Don Antonio that now is in England. Fifthly, Lord Henry that was Cardinal and Archbishop of Eborā [=Evora?], and in the end King of Portugal. And sixthly, Lord Edward, that was father of the two Duchesses of Parma and Braganza, to wit, of Lady Mary and Lady Catherine, both which have left goodly issue, for that the Lady Mary hath

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MN: Issue of King John the 3 of Portugal

MN: L. Lewes, father of Don Antonio

MN: King Henry, Cardinal

left by the last Duke of Parma Lord Ranutius [=Ranuccio] that is now Duke of Parma and Lord Edward that is Cardinal, and the Lady Catherine, Duchess of Braganza, that yet liveth, hath issue divers goodly princes, as the Lord Theodosius that is now Duke of Braganza and three younger brothers, to wit, Edward, Alexander and Philip, all young princes of great expectation. And these are the children of King Emanuel, whose particular successions and issues I shall declare somewhat more yet in particular.

Prince John of Portugal, afterward king by name of King John the Third, had issue another John that was prince of Portugal but died before his father and left a son named Sebastian who was king, and slain afterward by the Moors in Barbary, and so ended this first line.

The second son and fourth child of King Emanuel was named Lord Lewis, and died also without issue legitimate, as is supposed, for that Don Antonio, his son, that afterward was proclaimed king by the people of Lisbon and now liveth in England, was taken by all men to be unlawful, as presently more at large shall be showed, so as after the death of King Sebastian there entered the Cardinal, Lord Henry, which was third son to King Emanuel and great-uncle to King Sebastian lately deceased for that he was brother to King John the Third that was grandfather to King Sebastian, and albeit there wanted not some (according

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MN: The pretence of the Queen Mother in France to Portugal

as the authors write which afterward I shall name) who affirmed and held that King Philip of Spain should have succeeded King Sebastian before the Cardinal for that he was nearer in consanguinity to him than was the Cardinal, for that besides that King Philip was son of King Emanuel's eldest daughter, he was brother also to King Sebastian's mother, yet the said Cardinal entered peaceably and by consent of all parties, but for that he was old and unmarried and not like to leave any child of his own, there began presently the contention in his days who should be his successor.

To which succession did pretend five princes of the blood royal of Portugal besides the Lady Catherine, Queen Mother of France, who pretended by her mother's side to be descended of one Lord Ralph, Earl of Boulogne in Picardy, which Ralph was eldest son of Alfonsus the Third, King of Portugal, which Alfonsus before he was king, to wit in the time of his elder brother, King Sanches of Portugal, was married to the Countess and heir of Boulogne named Mathildis, and had by her this Ralph, but afterward this Alfonsus coming to be King of Portugal, he married again with the King of Castile's daughter, and had by her a son called Denyse [=Denis?], who reigned after him, and his successors unto this day, all which succession of King Denyse & his posterity the said Queen Mother would have improved and showed

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MN: Five pretenders of the crown of Portugal

MN: The contention about the succession of Portugal

that it appertained to her by the said Ralph, & for this cause sent she to Portugal one Lord Urban [=Urbain de Saint Gelais], Bishop of Comminges in Gascony, to plead her cause, which cause of hers was quickly rejected, and only the foresaid five princes descended of King Emanuel's children were admitted to trial for the same, which were Don Antonio, son of Lord Lewis, the King Cardinal's elder brother, and King Philip of Spain, son of lady Elizabeth, the eldest sister of the said Cardinal, and Philibert, Duke of Savoy, son of the Lady Beatrix, the same Cardinal's younger sister, and the two Duchesses of Parma and Braganza named Mary and Catherine, daughters of Lord Edward, younger brother of the said Cardinal and youngest child of King Emanuel. And for that the Lady Mary, Duchess of Parma, which was the elder of the two daughters, was dead before this controversy fell out, her eldest son, Lord Ranutio, now Duke of Parma, pretended by her right to the said crown.

And for that this matter was of so great importance, every part procured to lay down their reasons and declared their rights in best manner they could, and such as could not be present themselves in Portugal sent thither their agents, ambassadors and attorneys to plead their causes for them. Don Antonio and the Duchess of Braganza, as inhabitants of that kingdom, were present and declared their pretences, namely Don Antonio by himself and

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MN: Attorneys sent to Portugal

for himself, and the Lady Mary of Braganza by her husband, the Duke, and his learned counsel.

The Prince of Parma sent thither for his part one Ferdinand Farnese, Bishop of Parma. The Duke of Savoy sent Charles of Rovere, afterward made Cardinal. The King of Spain, as the greatest pretender, sent the Lord Peter Gyron [=Pedro Giron], Duke of Osuna, afterward Viceroy of Naples, & Sir Christopher de Mora [=Christobal de Moura],

knight of his chamber at that time, but since of his Privy Council, and lately made Earl of Castel Rodrigo in Portugal, of which country he is native, and besides these two, a great lawyer named Rodrigo Vasquez, made since (as I her say) Lord President of Castile, which is as much almost as Lord Chancellor with us.

All these did lay forth before the King Cardinal their several reasons and pretensions to the succession of the crown of Portugal for the five persons before-mentioned, whereof two were quickly excluded, to wit, the Duke of Savoy for that his mother was younger sister to King Philip's mother, and himself also of less age than the said King. And secondly, Don Antonio was also excluded by public and judicial sentence of the King Cardinal, his uncle, as illegitimate and born out of lawful wedlock, and albeit Don Antonio denied the same, and went about to prove himself legitimate, affirming that his father, the Lord Lewis, before his death had married with his mother in secret,

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MN: A sentence of illegitimation against Don Antonio

MN: Writers of this controversy

MN: I. The causes why Don Antonio was pronounced illegitimate

and for this brought forth some witnesses, as namely his mother's sister with her husband, and two others, yet the King Cardinal affirmed that upon examination he had found them to be suborned, which he said was evident to him, partly for that they agreed not in their speeches, and partly for that some of them had confessed the same, to wit, that they were suborned, whom he cast into prison and caused them to be punished, and so sitting in judgment, accompanied with four bishops and four lawyers whom he had called to assist him in this cause, he pronounced the same Don Antonio to be a bastard, for which the authors that I have read about this matter, which are principally two, the first named Hierom Franke, a gentleman of Genoa who wrote ten books in Italian of the union of the crown of Portugal to the crown of Castilia, and the second is named Ioanes Antonius Viperanus, a Sicilian, as I take him, who wrote one book only in Latin, *De obtenta Portugallia a rege Catholico Phillippo*, 'Of Portugal got by King Philip the Catholic', both these books (I say) out of whom principally I have taken the points which here I will touch do severally set down the causes following why the King Cardinal did reject the pretence of Don Antonio before all other pretenders, and pronounced him a bastard.

First, for that he had been ever so taken all the time of his father's life, and no man ever doubted thereof or called the matter in question

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until now that himself denied the same.

Secondly, for that in the time of Julius Tertius the Pope, when certain decrees came out from Rome against the promotion of bastards, the same Don Antonio sued to the said Pope to be dispensed withal in that case, which argueth that then he knew himself not

legitimate.

Thirdly, that his father, the Lord Lewis, had oftentimes both by word and writing testified the same, that this Anthony was his bastard, and had signified also so much in his last will and testament.

Fourthly, the said Cardinal as of himself also affirmed that if his brother, the Lord Lewis, had ever done any such thing as to marry this woman, who was but base in birth and of the Jewish race, as these stories do affirms [sic for 'affirm'], that it is like that he would have made some of his own friends & kindred acquainted therewith as a matter so much important for them to know, but he never did, though the said Cardinal avowed that himself was present with him at his death.

Fifthly, he said that if Don Antonio had been legitimate, how happened that he did not pretend the succession before the Cardinal himself next after the death of King Sebastian, seeing that he was to have gone before the said Cardinal by as good right as his other nephew Sebastian did if he had been legitimate, for that

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MN: Don Antonio his pretence to England

MN: Three principal pretenders of Portugal

he was son also to the Cardinal's elder brother, as hath been said.

Sixthly & lastly, the said King Cardinal avouched against Don Antonio partly the disagreeing and partly the open confessing of the witnesses that they were suborned by him, upon all which causes and considerations he proceeded to the judicial sentence before alleged.

Thus passed the matter in the case of Don Antonio, who, if he had been legitimate, no doubt but by all right he should have been preferred before all the other pretenders to the crown of Portugal, and must be at this day towards the crown of England before all those that pretend to the house of Portugal if we grant him to be legitimate, and much more clearly may he pretend to the Dukedom of Lancaster, as before hath been declared, for that it must descend to the lawful heir of Lady Philippe, Queen of Portugal, whereof ensueth also one consideration not impertinent to us in England, that seeing we hold him there for true King of Portugal, I see not how we can deny him his right to the said Dukedom at least of Lancaster, whereof if we would give him but the possession with all the appurtenances as they lie, it were no evil entertainment for him in our country until he could get the possession of the crown in his own.

After the exclusions of these two pretenders, to wit, of the Duke of Savoy and of Don

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MN: Pretence of the Duke of Parma

Antonio, the whole controversy for Portugal remained between the other three, which were the King of Spain, son of Lady Isabel, eldest daughter of King Emanuel, and the two Duchesses of Parma and Braganza, daughters of the younger son of the said King Emanuel, to wit, of the Lord Edward, infant of Portugal.

And first of all, for that the eldest of these two Ladies, to wit, Mary, Duchess of Parma, was now dead, her eldest son, Lord Ranuccio, now Duke of Parma, entered in her place, and alleged that he represented his mother, and she her father, Lord Edward, which Lord, if he had been alive, he should (no doubt) have been preferred before his elder sister, Lady Elizabeth, mother of King Philip, and consequently that the said Lord Edward's issue ought to be preferred before her issue, and this he alleged against King Philip.

And against the Duchess of Braganza he alleged that his said mother was the elder sister, and for that cause he which now possessed her right and represented her person was to be preferred before the said Lady Catherine, Duchess of Braganza, so that the foundation of his pretence of the Duke of Parma was that he was nephew [=grandson] to Lord Edward by his eldest daughter, and that to King Emanuel he was nephew once removed by his son, whereas King Philip was nephew but by his daughter only, and that the Lady Catherine of

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MN: For the Duchess of Braganza

MN: Representation excluded

Braganza was only second daughter to the said Lord Edward.

But to this was answered for the same Lady Catherine, first, that she was born and bred in Portugal, and therefore more to be favoured in this action than either King Philip or the Duke of Parma, which were foreign-born. And secondly, against King Philip in particular, she used the same argument that before the Duke of Parma had done, which is that she was daughter of Lord Edward, son of King Emanuel, whose right was better than his sister's, and consequently that his children were to be preferred before the child of his sister in this pretence, to wit, before King Philip. And thirdly, against the Duke of Parma she alleged that she was one degree nearer in propinquity of blood unto King Emanuel and unto King Henry the Cardinal than the Duke of Parma was, which was but nephew, & she daughter to the said Lord Edward that was brother to the said Lord Cardinal and son of King Emanuel. And when for the Duke of Parma it was affirmed that he represented his mother's place that was the elder sister, answer was made that no representation was admitted in this case of the succession to the crown of Portugal, but that every pretender was to be considered and taken in his own person only, and to be preferred according to his degree in propinquity of blood to the former princes, and if it happened that they should be

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MN: A reply for the Duke of Parma

in equal degrees, then each party to be preferred according to the prerogatives only of his person, to wit, the man before the woman, and the elder before the younger.

And for that the Lady Catherine of Braganza was nearer by one degree to her father, Lord Edward, than was the Duke of Parma, who was but nephew, therefore she was to be preferred, and many books were written by lawyers in this Lady's behalf, and her right was generally held in Portugal to be preferred before the other of Parma, which was not a little for the advancement of King Philip's title before them both, as presently shall be showed.

It was replied against this answer in the behalf of the Duke of Parma that the last King Sebastian entered the crown by way of representation, and not by propinquity of blood, for that he was a degree further off in propinquity of blood from King John the Third whom he succeeded than was the Cardinal, for that he was but his nephew, to wit, his son's son, and the Cardinal was his brother, and yet was the said Sebastian admitted before the Cardinal for that he represented the place and right of his father, Prince John, that died before he inherited, and so we see that in this case representation was admitted (said they) and in like manner ought it to be now.

To this it was said that Sebastian was not so much preferred before his great-uncle the Cardinal by virtue of representation as for that

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MN: King Philip's pretence to Portugal

he was of the right descendant line of King John, and the Cardinal was but of the collateral or transversal line, and that all law alloweth that the right line shall first be served and preferred before the collateral shall be admitted, so that hereby representation is nothing furthered.

This exclusion of representation did greatly further and advance the pretence of King Philip for the excluding of both these Ladies and their issues, for that supposing (as this answer avoucheth) that there is no representation of father or mother or predecessors to be admitted, but that every pretender is to be considered only in his own person, then it followeth (said these men which plead for the King) that King Philip, being in equal degree of propinquity of blood with the two Ladies in respect as well of King Henry yet living (for that they were all three children of brother and sister), it followeth that he was to be preferred before them both, as well in respect that he was a man and they both women, as also for that he was elder in age, and born before them both. And albeit the Duke of Parma alleged that he was also a man, yet was it answered that he was one degree further off from the foresaid kings than was King Philip, so as not respecting representation of their parents, that is to say not considering at all that King Philip descended of a woman & the two Duchesses of a man, but only respecting their own persons as hath been declared, these men avouched that

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MN: Divers allegations for King Philip

King Philip's person was evidently to be preferred for that he was a degree nearer in blood than the Duke of Parma, and superior in sex & age to the Lady Catherine of Braganza.

Moreover the lawyers of King Philip's side affirmed that he was nearer also in propinquity of blood to King Sebastian, the last King, than was the very King Cardinal himself, & much more than any of the other two pretenders, for that he was brother to the said King Sebastian's mother, and the Cardinal was but brother to his grandfather. And besides this, they alleged that Portugal did belong to the crown of Castile by divers other means of old, as for that it could not be given away by Kings of Castile in marriage of their daughters as the principal parts thereof had been, as also for that when King John the First, that was a bastard, was made king of Portugal by election of the people, the inheritance thereof did evidently appertain to King John of Castile that had to wife the Lady Beatrix, daughter and heir of Ferdinand, King of Portugal, from which inheritance of that crown by open injury both she and her posterity, whose right is in King Philip at this day, were debarred by the intrusion of the said John, Master of Aviz, bastard brother of the foresaid King Ferdinand.

These reasons alleged divers lawyers in the behalf of King Philip, and those not only Spaniards, but also of divers other countries & nations, as my authors before-named do avow,

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MN: Hieron. Fraki, Io. Pet. Viperanus

MN: The case of pretence of the howle [sic?] of Portugal to England

and many books were written of this matter, and when the contention was at the hottest, then died the King Cardinal before he could decide the same controversy, upon which occasion the King of Spain, being persuaded that his right was best, & that he being a monarch and under no temporal judge was not bound to expect any other judgment in this affair nor to subject himself to any other tribunal, but that he might by force put himself in possession of that which he took to be his own if otherwise he could not have it delivered unto him (for so write these authors by me named), seeing also Don Antonio to pretend the said Kingdom by only favour of some popular party that he had in Lisbon, the said King Philip entered upon Portugal by force of arms, as all the world knoweth and holdeth the same peaceably unto this day.

And I have been the longer in setting down this contention about the succession to the crown of Portugal for that it includeth also the very same pretence and contention for the crown of England, for that all these three princes before-named may in like manner pretend the succession of that interest to the house of Lancaster, and by that to the crown of England which doth descend from Queen Philip, eldest daughter of John of Gaunt, Duke of Lancaster, and sister of King Henry the Fourth, as hath largely been declared.

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And albeit that some men will say that this

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MN: An objection with the answer

matter is now decided, which of these princes of the house of Portugal hath the interest to England, for that King Philip, being now preferred it the succession of Portugal, entered also thereby to the other right of succession of England, yet others will say no for that the laws of succession in Portugal and England be different, for that in England representation taketh place, so as the children of the son, though they be women, shall ever be preferred before the children of the daughter, though they be men, whereof these men do infer that seeing the Lady Philip's right before-mentioned to the Dukedom of Lancaster and thereby so to the crown of England is to be preferred according to the laws of England, and not by the laws of other foreign countries, it followeth that the selfsame right of succession that is pretended at this day by the princes of Portugal for succeeding the said Lady Philip should be determined only by the laws of England, where representation taketh place, and not by the laws of any other nation. Thus say they.

But against this others do allege that the question is not here by what law this pretence of the blood royal of Portugal to the crown of England is to be tried, but rather who is the true and next heir and successor unto King John the First and to his wife, Queen Lady Philippe, heir of the house of Lancaster, which two princes were King and Queen of Portugal, &

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MN: Objections against the pretenders of Portugal

their true heir at this day hath the forenamed pretence to the crown of England, which true and next heir, being once known, it little importeth by what law he pretendeth his said right to England, whether by that of England or by this or Portugal, or by both, though to determine this first and chief point, who is the next and true heir unto these foresaid King & Queen of Portugal, the laws of Portugal must needs be judge & not those of England, and so, seeing that by these laws of Portugal the King of Spain is now adjudged for next heir to the said princes, and is in possession of their inheritance at this day, I mean of the crown of Portugal, these men say that he must consequently inherit also all other rights, dignities and prerogatives belonging to the foresaid princes or to their posterity.

And thus you see now how great diversity of arguments and objections are and may be alleged on different sides about this affair, whereby also is made manifest how doubtful & ambiguous a matter this point of English succession is, seeing that in one only branch of the pretenders, which is in the house of Portugal alone, there are so many difficulties as here hath been touched.

But now the common objection against all these titles and titlers is that they are old and out of ure, and not to be brought in question again now, especially seeing that both King

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Henry the Seventh and his issue have enjoyed

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MN: Answer

so long the title of the house of Lancaster as it hath, and secondly, that these titles do appertain unto strangers whose government may be dangerous many ways unto England, and especially in that which toucheth the King of Spain, who being so great and mighty a monarch as he is may prejudice greatly the English liberty, and easily bring them into servitude if his pretence should be favoured, as by some it seemeth to be.

This is the speech of many men in England and abroad at this day, whereunto yet some others do answer that as concerning the first objection of the oldness of the pretence & title, it hath been showed before that by law no title to a kingdom dieth ever, but may take place whensoever the party to whom it belongeth is able to avouch it and get possession, and as for this pretence of the line of Portugal, they say that it hath not such great age, but that very well it may show itself and be had in consideration, especially at this time when now the issue male of King Henry the Seventh is ended, and that of necessity we must return to have consideration of the issue of his daughters, before which daughters good reason (say these men) is it that the issue of Lady Philippe, Queen of Portugal, should be admitted, for that albeit we would have that respect to the issue male of John, Earl of Somerset, as to prefer it or suffer it to enjoy the crown before the issue of Queen Philippe (and so they say

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MN: Note this

MN: By what title King Henry the 7 did enter

it seemeth that it was for that King Henry the Seventh was crowned King, his mother being alive, which yet by ordinary course of succession should have gone before him), yet, say they, it is no reason that the issue female of John of Somerset or of King Henry the Seventh should be preferred before the issue male of the said Queen Philippe.

Moreover they say that the house of Clarence and Huntingdon do pretend a title more old and stale at this day than this of Portugal for that they pretend from George, Duke of Clarence, that never had the crown, and these of Portugal pretend to be next heir to King Henry the Sixth that did wear the crown of England for 40 years together, after whose death if King Alfonsus of Portugal (who was then old & wearied with evil success of wars) had been so able to prefer and follow his title as some of that house be at this day, he would never have suffered the house of York to have entered, nor King Henry the Seventh to have enjoyed it after them by the title of Lancaster, which title yet of Lancaster (say these men) King Henry the Seventh could not have in himself any way, whether we respect Queen Philippe or John of Somerset, for by Queen Philippe they of Portugal were evidently before him, and by way of John of Somerset the Countess, his mother, was as clearly before him, neither could he have any title as yet by the house of York for that he was not

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MN: About foreign power in England

married to the daughter of King Edward at his crowning in the field, and [+his] whole entrance to the kingdom was without any actual title at all, but only the goodwill of the people, as these men do hold.

To the other objection of foreign princes & strange government that may come to England by these pretences of the princes of Portugal, divers men do answer diversely, for some do grant that it may be so that by this means England may come to be under foreign kings, and that no hurt or inconvenience at all would ensue thereof to England, but rather much good and commodity, but other that like not well of this assertion do say further that if these foreign pretence should take place, yet that all matters might be so compounded that albeit the prince himself which is to rule should be foreign-born (which they take to be no inconvenience), yet that his forces and dependence should be only of the English, for that he should not bring in any strange powers into the land, no more them [sic for 'than'] did King Stephen or King Henry the Second that were born in France, or than did King Philip of Spain in Queen Mary's days, or as it is thought Monsieur of France should have done if he had married her Majesty that now is, as once it was supposed he should.

To this said one of the company, And is it possible that any man should be of opinion that foreign government in what manner or kind

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MN: The occasion of the next chapter about foreign government

soever it be should not be inconvenient and hurtful to England, where the people are wholly bent against it? You remember, quoth he, as concentering [sic for 'concerning'] the last two examples that you have alleged what tumult and stir there was raised by some kind of men about the coming in of King Philip, and what there was like to have been about the entrance of Monsieur if that purpose had gone forward.

I remember well, said the lawyer, and these men that are of this opinion will say to this that it was but a popular mutiny without reason or any good ground at all, and only raised by some crafty heads that misliked the religion of the princes that were to enter and for some other drifts of their own, but not of any sound reason or argument of state, which these men think rather to be of their side, & in good sooth they allege so many arguments for their opinion that if you should hear them you would say it were hard to judge which opinion had most truth, but they are too long for this place, and so, said he, I shall make an end of the matter that I have in hand and leave this point for others to discuss.

With this the whole company showed marvelous great desire to know the reasons that were in both parties for this matter, & so much the more for that it seemed to fall very fit to the purpose of these pretences of foreign princes, for which cause they entreated him

very instantly that before he passed any further, or ended

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his whole discourse of the titles (which hitherto they said had greatly contented them), he would stay himself a little also upon this matter, which though for a time he made great difficulty to do, yet in the end, being so importuned by them, he promised that at their meeting the next day he would satisfy their desire, and so for that time they departed very well contented, but yet, as they said, with their heads full of titles and titlers to the crown.

## CHAPTER IX

Whether it be better to be under a foreign or home-born prince, and whether under a great & mighty monarch, or under a little prince or king

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The company being gathered together the next day, and showing much desire to hear the point discussed about foreign government whereof mention had been made the day before, the lawyer began to say that forso much as they would needs have him to enter into that matter, which of itself was full of prejudice in most men's ears and minds for that no nation commonly could abide to hear of being under strange governors and governments, he meant to acquit himself in this their request as he had done in other matters before,

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MN: Reasons against foreign government

MN: Polit. Arist.

MN: Demosthenis Philipicae & in Aeshines [sic for 'Aeschines']

which was to lay down only the opinions and reasons of other men that had disputed this affair on both sides before him, and of his own to affirm or deny nothing.

And first of all against the dominions of strangers and foreigners he said that he might discourse without end and fill up whole books and volumes with the reasons and arguments or at leastwise with the dislikes and aversions that all men commonly had to be under strangers or to have any aliens to bear rule or charge over them, be they of what condition, state or degree soever, and in this he said that as well philosophers, lawmakers, wise and good men, as others, do agree commonly, for that we see both by their words, writings and facts that they abhor to subject themselves to strange governments, so as in all the eight books of Aristotle's *Politics* you shall still see that in all the different forms of commonwealths that he setteth down he presupposeth ever that the government shall be by people of the selfsame nation, and the same thing do presume in like manner all those lawmakers that he there mentioneth, to wit, Minois, Solon, Lycurgus, Numa

Pompilius and the rest, and he that shall read the famous invectives of Demosthenes against the pretensions of King Philip of Macedonia that desired to encroach upon the Athenians and other states of Greece, as also his orations against Aeschines, his adversary that was thought secretly to favour the said foreign

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MN: Attempts to deliver realms from strangers

MN: Quint. Curt. [=Quintus Curtius Rufus] li. 5 & 6. de gest. Alex [Historiarum Alexandri Magni]

MN: Vespere Siciliana, an. 1265, Leand. in descript. Sciliae

prince, shall see what hatred that noble orator had against foreign government, and he that shall read the books of our time either of the Italians when they spake of their subjection in times past to the Lombards, German or French nations or to the Spaniards at this day, or shall consider what the French do presently write & inveigh against the power of the house of Guise and Lorraine in France, for that they take them to be strangers, shall easily see how deeply this aversion against strangers is rooted in their hearts. And this for testimony of word.

But now if we will consider the facts that have ensued about this matter, and how much blood hath been shed, and what desperate attempts have been taken in hand by divers nations for avoiding their subjection to strangers or for delivering themselves from the same again if once they have fallen into it, you shall behold more plainly the very impression of nature herself in this affair, for of divers barbarous nations, realms & cities we read in stories that they rather chose to slay & murder themselves than to be under the dominion of strangers. Others have adventured strange attempts & bloody stratagems, as the Sicilians, who in one day and at the selfsame hour at the time of evening-song slew all the Frenchmen that were within the island whom yet themselves had called and invited thither not long before, and the like is recorded in our

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MN: Polydore li. 8(?) Holinshed in vit. Caniti

MN: The rage of the French against English

MN: The conclusion against strangers

English stories of killing the Danes by Englishmen at one time in most rueful manner, and the like was oftentimes thought on also by the English against the Normans when they oppessed [sic for 'oppressed'] us, and by the French against the English whiles we had dominion in France, though neither the one nor the other of these latter designments could be effectuated for want of forces and commodity and by reason of the watchfulness of the contrary part. But yet to speak only of France, the rage and fury of the French was generally so great and implacable against the English that governed there in the reign of King Henry the Sixth, as both Polydore & other stories do note (at what time, partly by the dissensions of the houses of York & Lancaster in England, and partly by the valour of their own new King, Charles the Seventh, they had hope to be rid of the English dominion) as no persuasion or reason, no fear of punishment, no force of arms, no

promise or threat, no danger, no pity, no religion, no respect of God nor man could repress or stay them from rising and revolting everywhere against the English government and governors, murdering those of the English nation in all parts and corners wheresoever they found them, without remorse or compassion, until they were utterly delivered of their dominion.

So as this matter is taught us (say these men) even by nature herself that strangers' governments is not to be admitted, and moreover the

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MN: Authority of Scripture against strangers

MN: Deut. 15

MN: The answer in defence of foreign government

reasons before alleged against the King of Scotland's pretence, together with the examples and judgments of the realms of Spain and Portugal, who resolved rather to alter the true order and course of their succession than to admit strangers over them, do plainly confirm the same.

And last of all (say these men) the authority of Holy Scripture is evident in this behalf, for that when God in Deuteronomy did foretell by Moses that the Jews in time would come to change their government and to desire a king as other nations round about them had, he added yet this express condition, that he should be only of their own nation, for he saith *Constitues eum quem Dominus Deus tuus elegerit de numero fratrum tuorum, non poteris alterius gentis bonem regem facere, qui non sit frater tuus*, that is, Thou shalt make King at that time such one as thy Lord God shall choose for that dignity out of the number of thy brethren, but thou list(?) not make a King of any other nation but thy own brethren. Thus say these men against(?) admitting of strangers, and it seemeth that their opinion and affection hath many followers, for that generally we see most men affected(?) and inclined this way.

But yet on the other side there want not other men who appear both wise, dispassionate & [discreet?] that will seem to consider this matter otherwise, and do say that all this is but a common vulgar prejudice of passionate men

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MN: The effect of governments to be considered, & not the governors

against strangers, rising partly by corruption of nature whereby men are inclined to think evil of others and to bear them little affection, especially such as govern and bear rule over them, and so much the less by how much farther off they are from us in kindred and acquaintance, and partly also they say that the same riseth of lack of due consideration in the most part of men, for that they weigh not the true reasons, causes or effects of things, but only the outward show, and so do run away with the opinion and apprehension of the popular, which for the most part hath no other ground or foundation in it but only fancy and imagination or incitation of others that endeavour to procure tumults, and so they say

it falleth out in this point, as upon examination it shall appear.

And for proof and declaration of this their assertion they do require first of all that this ordinary and common prejudice against strangers or strange governments be laid aside so long at least as the matter is in disputation, and that only the true effects of good and profitable government may be considered, without that other circumstance whether these fruits do come from stranger or home-born prince, which effects are peace, rest, justice, defence of the innocent, punishment of the wicked, wealth, security and other such benefits that good government is wont to bring with it to the subjects. These things (say these men) are to be

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MN: An example

weighed indifferently and without passion by wise men, and wheresoever these effects are more abundantly to be found, there the government is best, and there the subjects are in best case, whatsoever the governors be or in what nation or country soever they be. And this they show by this example following.

If in two countries or commonwealths lying nigh together the subjects of the one should live in all ease, wealth and prosperity under a stranger, as divers states did under the Romans, and in the other they should be beaten, whipped and afflicted under a home-born prince, as we read the Sicilians were under Phalaris and Dionysius, their countrymen tyrants, clear it is (say these men) that the stripes and afflictions would not seem the easier for that they come from a natural prince, but rather the heavier, and the other's happy case under the stranger must needs seem to be the better, and consequently his government rather to be wished, for that in very truth the goodness & defect of every government is to be measured by the effects thereof that redound unto the subjects for whose good it was first ordained, as oftentimes our friend, the civil lawyer, hath touched and proved before. And when the subjects do live well and prosperously, are defended and maintained in peace, safety and wealth, when justice is done equally to all men, the wicked punished and the good advanced and rewarded, when God is honoured and true

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MN: Little importeth the subject of what country his governor is, so he be good

MN: 3. Reg. 12

religion maintained and virtue promoted, this is that which importeth the realm & subjects, and not where or in what country the prince and his officers were born or of what nation, language or kindred they be, for that be the prince of what lineage or kindred soever, yet after he is once established in his dignity, the common subject can have no more conversation with him nor receive any more personal benefit of him than if he were a mere stranger except only by those common and public effects of his government before mentioned, so that so soon as he is placed in his dignity he becometh a stranger to me, and if he govern evil and afflict me, little availeth it to me whether he be of my blood and country or not, and I may say as the people of Israel in like case said unto Roboam

[=Rehoboam], who for that he was King David's nephew and of the house of Isai [=Jesse] thought his state assured for that he was their lord and natural prince, and so might press and afflict them at his pleasure, but they answered him plainly, *Quae nobis pars in David, vel quae haereditas in filio Isai*, What part have we in David, or what inheritance have we in the son of Isai, and so they left him, and rather chose to be under Jeroboam, a stranger and his servant, than under him.

This then is the first point which these men do demand, to wit, that we consider equally and according to reason, wisdom and truth, & without all partial affection, where & by whom

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MN: Not the country but the good government importeth

MN: Note these examples

and by what government we are likest to receive and enjoy the good and happy effects above mentioned of prosperity to the subject, for that without all doubt (say they) that government is to be deemed best and that subjection happiest where those benefits are most enjoyed, let the prince or governor be of what nation or lineage soever. And on the other side, that must needs be the worst government unto me where I shall reap fewest and participate least of those effects, be the prince never so much my countryman or kinsman, and though he were born in the same city, town or house, yea, in the same belly with me. As for example those men that lived (say they) in Spain under King Peter the Cruel, or in England under King Richard the Third, commonly called the Tyrant, what did it avail them that those princes were of their own country or blood, seeing they did that unto them which a stranger, though never so barbarous, would scarce have done? And in like manner all those noble houses before mentioned in our country of the de la Poles, Staffords, Plantagenets and others destroyed by King Henry the Eighth, what availed them that the said King was not only their countryman but also their near kinsman? What profit or commodity was it unto Thomas of Woodstock, Duke of Gloucester, that he lived under a King that was his nephew, to wit, King Richard the Second, or to George, Duke of Clarence, in King Edward the Fourth's time,

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MN: Who are properly strangers

that the said King was his own brother, when both of them were pursued, disgraced and put to death by them, and lost their lives, lands, dignities, goodly possessions, stately manors & gorgeous houses, with their wives, children & all other felicities of this world which perhaps under a strange prince they might have enjoyed many a fair day and year?

This is that, then, which these men do first require, to wit, that all fancy and fond opinion of the vulgar people be aperted in this matter from truth and substance, as also, say they, we ought to desire and determine who are properly strangers or foreigners, seeing that some do take for strangers and foreigners all those that are not of the same dominion and government though otherwise they be of the same nation and language, according as

those other men that are enemies to strangers said a little before (if you remember) that the princes of the house of Guise and their kindred are taken for strangers in France by them that by that means would make them odious to the people for that their ancestors in times past came out of Lorraine, which is a province joining hard upon France of the same nation, language and manners, but only under another prince. And so I myself noted in my travelling through Italy that the Florentines are hated & called strangers in Siena, where they govern, albeit the one state be not 30 miles from the other, and both of one nation, language, manners

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MN: Divers manners of being under strangers

and education. And on the contrary side we shall see that some of different language & nation do hold themselves for countrymen, as for example the Biscayans in Spain do not hold the Castilians for strangers, but are contented to be ruled by them as by their own countrymen, albeit they be a different nation and have different language and manners, and the same I do note in the Bretons and Normans towards the French, in the Welsh also towards the English, who are a different people and of different language, and yet are they governed peaceably by the English, & the English again do account them for their countrymen, as may appear by that when King Henry the Seventh came to be King of England I do not find any resistance made against him by the English for that respect that he was of that nation, as evidently he was by his father's side that was of the Tudors of Wales, so as this point also who be strangers and who be not seemeth to be a thing that dependeth much of the opinion and affection of each people & nation the one towards the other.

And this being so, these men come to treat more particularly of the purpose in hand, and do say that in two or three manners a nation may come to be under the government of strangers or foreigners, first as a province, that is to say, as a piece or member of another dominion, as England was in times past under the Romans, and Ireland is under England at

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MN: To be under strangers by conquest

this day, and as the Bretons are under France, and as many states of Italy be under the crowns of Aragon and Castile. And this may come to pass either by conquest and force of arms, as the Welsh came to be under the English and the English to be under the Normans and Danes, and as Sicilia and Naples came to be under the Spaniards, and as Normandy and Aquitaine came to be under the French, & as almost all the world in old time was brought to be under the Romans, or otherwise the same may come to pass by inheritance, as Aquitaine and Normandy in times past came to England, & as Flanders with the states thereof came to the house of Austria, and as Brittany to the crown of France, or else thirdly it may happen by mixed means, that is to say, partly by force and partly by other means of composition, as Milan came to Spain, and Ireland to England, according as the Irish do hold, and so Portugal hath in our days come to the King of

Spain, for that besides his pretence and right of inheritance, he used also force of arms for getting the same.

Of all these three ways, then, evident it is that conquest is the hardest and most prejudicial to the subjects for that there all standeth at the will and clemency of the conqueror, whom either anger or fear or jealousy of his assurance may often drive to hold a hard hand over the conquered, at leastwise for a time until his estate be better settled, so that I

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MN: How conquerors do proceed towards the conquered

MN: Polydore Vergil. lib. 8. Historia Angliae

marvel not though no people or country commonly would willingly be conquered, but yet policy also teacheth such a conqueror, whatsoever he be, that as on the one side it behoveth him to be watchful & so to fortify himself as the unquiet can do him no hurt, so on the other side is it necessary by the same rule of policy to use all favour and sweet means to content & gain those that be or may be made quiet for better establishing of his state, even as a physician after a vehement purgation doth minister lenitives and soft medicines to calm and appease the good humours left, and to strengthen the whole body again that it may hold out.

This we see to be true, not only by reason of state and policy, as hath been said, but also by experience of all countries that have been conquered in Europe or elsewhere if the continual resisting and revolting of those that are conquered do not cause a contrary course in the conqueror, as it did in the conquest of the Danes and Normans upon the English and in the conquest of the English upon the British or Welsh, where the often rising of them that were overcome enforced the vanquishers to be much more cruel and rigorous than otherwise they would have been, for all our stories do testify that King Sweno the Dane, and much more his son, King Canutus, as also William Conqueror, had a great desire after their victories to have appeased and made much of the

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MN: Clemency of the Romans

MN: Lib. I. Machab. ap. 8(?)

English nation but that they were never quiet under them, and so in like manner the English Kings oftentimes gave their daughters in marriage to the princes of Wales, and many privileges to that people, thereby to gain them, but that their continual revolting caused much severity and bloodshed to be used, and the like severity did it cause oftentimes in the very Romans towards the said Britains conquered.

But where the people vanquished were content to be quiet and submit themselves, there the said Romans used all favour and moderation, so as it is written of them in the first book of Macchabeus, *Et audiuit Iudas nomen Romanorum, quia sunt potentes viribus, & acquiescunt ad omnia quae postulantur ab eis*, that is, And Judas Macchabeus heard the

name and fame of the Romans, how they were potent in strength, and yet so gentle as they yielded to all that was demanded at their hands.

And finally their government was so just, considerate, sweet and modest upon all foreign nations which they had conquered as it allured divers nations to desire to be under them and to be rid of their own natural Kings, as of the subjects of Antiochus and Mithridates, Kings of Asia and of Pontus, we do read, and some other princes also, thereby to gratify their subjects, did nominate the Roman Empire for their successor, as did King Attalus, King of Pergamus, and Ptolemy of Egypt, and others, and it is the common opinion of learned men that

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MN: Strangers most favoured in wise governments

MN: Gascoins [=Gascons]

MN: Britons

the world was never more happily governed than under the Romans, and yet were they strangers to most of their subjects over which they governed, and unto whom they were most strangers, that is to say, unto such as were furthest off from them, to those did they use always most favours and gave them most privileges, as both wisdom and reason of state did require, for that those people had most ability to rise against them and to rebel, so as this circumstance of being strangers hurted them nothing, but rather profited them much.

The like rule of policy and of state have all great monarchies used ever since, that is to say, to show most favour to such subjects as be most strangers and farthest from them, and on the contrary side, if any be to be pressed more than others, to press and burden them most that be most natural and nearest home, & most under and in subjection and surest to obey, and this is evidently seen, felt and practised by all the great states this day of the world, so as it cannot be denied. For if we look but into France, we shall find that the states of Gascony and Guyenne, which are furthest off from the court & were once strangers & gotten by force from the English, do pay far less tributes at this day to the French King than those that be of the Ile of France itself and are property French, and in like manner the Bretons, which came to that crown by marriage and were old enemies, do pay much less yet than the Gascons, and in a

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MN: Candians

MN: States of Italy

manner do pay nothing at all, and the Normans do pay somewhat more than any of the two for that they do lie somewhat nearer to Paris, and thereby are more in subjection to the prince, though yet they pay less than the natural Frenchmen. The Candians also, which is an island apart and standeth under the Venetians, do not pay the third part of the impositions (as by my own information I learned when I travelled Italy) that [sic for 'than'] do the natural subjects of the Venetian state in Italy.

What shall I say of the kingdoms and states of Naples, Sicily and Milan, subject to the King of Spain and gotten by conquest, as hath been said, and yet pay they no one penny of that ancient great imposition used in Spain called the Alcavalla, which is the tenth penny of all that is bought and sold, nor are they subject to the Inquisition of Spain (at least Naples and Milan), nor to many other duties, tributes and impositions which the natural Spaniard is subject unto, nor is there any law or edict made in Spain that holdeth in those countries except it be allowed, ratified and confirmed by those states themselves, nor may any of their old privileges be infringed but by their own consents, and when the king requireth any extraordinary subsidies in Spain, they bear no part thereof. Whereupon these men do ask what it hurteth these states that they are strangers, or under strangers, or what privilege is it to the Spaniard at home that he is only under

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MN: The condition of Irish under the English

MN: Of the states of Flanders

his home-born king if he receive less benefits by that than doth the stranger?

And is not the like also used by the state of England towards Ireland? Are not the favours and indulgences used towards the civil Irish that live in peace much more than to the English themselves in England? For first, their taxes and payments be much less; the laws of England bind them not except they be allowed and received by their own Parliament in Ireland. For matters of religion they are pressed much less than home-born subjects, albeit their affections to the Roman religion be much more universal than it is in England. In all criminal affairs & punishing of delicts the manner of proceeding against the Irish is much more remiss, mild & gentle than with the subjects of England, so as their being strangers seemeth rather a privilege than a hindrance to them.

But in no other country is this thing more evidently to be considered than in the states of Flanders & Low Countries, which by inheritance (as hath been said) came to be under foreign government, but so much to their good & advancement (& that in a very few years) as scarce is credible except to him that understandeth their former state when they were under their home-born princes, & do compare it with that which after they came unto under the house of Austria united unto the crown of Spain.

And before, for many hundred years, a man

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MN: Girard du Hailan [=Haillan] lib. 18. an. 1381

MN: Prosperity of Flanders under the house of Austria

MN: lo Guicciard. [=Lodovico Guicciardini] nella descrittione delli pasi bassi  
[=Descrittione . . . di tutti i Paesi Bassi]

shall read nothing almost in their stories but war, sedition and bloodshed among themselves, and this either one state with another before they were united together all

under one prince, or else with the kingdom of France, of whom in those days they depended, or else (and this most of all) against their own princes, of whom some have been so fierce and cruel unto them as they have shed infinite quantity of their blood, and among others I read of their Count Luys [=Louis] that in one day he put to death five hundred of them by sentence of justice in Brussels, and another day within the same year he caused about a thousand to be burned to death in a church of the town of Nevel, besides infinite others whom in divers times the country lay almost desolate through their domestical afflictions.

But now since the time that the States came to be under Philip the First, Archduke of Austria and after King of Spain, and so remained under his son Charles, the Emperor, and his nephew, Philip the Second that now liveth, until the late troubles and rebellions (which was about the space of fifty years that they so continued in peace before their rebellion, it is almost incredible how those states increased in wealth, peace and dignity, so that as Guicciardini, the Italian historiographer, noteth in his description of those countries, the whole wealth and riches of the world seemed

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MN: The authority of the Flemings at home

to flow thither, and I myself can remember to have seen such exceeding abundance in very ordinary men of this country both for their diet, apparel, furniture of house and like as was wonderful, besides that for their nobility they were all great princes for that every one had his province or great town in government which they ruled with that pomp and honour as if they had been absolute lords themselves by reason of the far distance of their supreme prince, and so they were received with public honour of all cities and towns, & their charges borne wheresoever they passed, as such high estates are wont to be.

And albeit they had ever commonly a stranger for supreme governor among them under their King which bare the name to be above them, yet did he indeed nothing but as they would have him, and this partly for that his time of government being but short, he always attended principally to get the goodwills of the people and to hold them contented, and thereby to be grateful to his King at his return home, and partly also for that if he should attempt to do anything against their minds and liking, they made reply by their President and Chancellor and other of their own councillors residing for the Flemish nation in the court of Spain (for this nation hath always a particular council there about the King, as all other foreign nations also have that are under him) and by this means they obtained

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MN: The indulgence used to offenders in Flanders

lightly what they would have, and brought the governor to what they pleased, so as in effect they were absolute kings in themselves, & wrought their wills in everything, & thin in that time while the country was quiet.

But now since their revolt, which hath endured almost these four or five and twenty years, what hath succeeded? Surely there hath not a quarter so many been punished or put to death in all these years by order of justice of their King absent as before I have showed that there were in one day by their own Earls and Dukes when they were present, & that upon far less occasion and cause given than are these, for if we take away the two noblemen Egmond [=Egmont] and Horne [=Horn] put to death at the beginning of these Flemish troubles by the Duke of Alva (for which some men say also that he had no thank afterward by the King), no man of importance hath been since executed, and the chiefest towns that have been and are against the King in Holland and Zeeland are suffered until this day to traffic freely into Spain, and yet we know that for a little beginning of a certain tumult this last year past in Spain itself, to wit, in the kingdom of Aragon, many heads have been stroken off and much justice done, whereof then riseth this difference, no doubt, for that the Flemings are strangers and far off, and the other near at home & natural-born, so as this circumstance of being a stranger and dwelling far off doth them great

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MN: The Spaniard punisheth less in Italy than nearer home

MN: Viceroyes do give account of their government

pleasure, and given the privilege above the home-born subjects.

The like I might show for this matter of punishment in the foresaid states of Italy, where if a man do compare the number of them that were put to death, pulled down, or afflicted by order of justice and otherwise at the commandment of the prince in time of their own home-born Kings with that which hath been since, especially of the nobility, you shall not find one for twenty, and the reason of this is for that their own Kings were absolute, and had to give account to no man of their doings, and for that they were men and had their passions and emulations with the nobility, and might put the same in execution without account or controlment, they pulled down & set up at their pleasure, and made oftentimes but a jest of noblemen's lives and deaths, but now these that are governors & viceroyes for a foreign prince, first they have not so great authority or commission as to touch any such principal persons' lives without giving relation thereof first unto their King & Council, and receive again particular order for the same, and then they knowing that after their three years' government is ended they must be private men again, and stay their 40 days as subjects under the next new governor to give a reckoning of their doings against all that shall(?) accuse them (which in these countries they call to make their residence), they take

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MN: much slaughter of nobility in England

heed what they do and whom they offend, so as the condition of nobility is far different under such a strange government, as this is termed, than under the natural prince of their own country which oppresseth them at his pleasure.

But now to draw near homeward, if we will examine and considerer [sic for 'consider'] what hath passed in England in this point of massacring our nobility by our domestical princes, it is a matter lamentable, for it may seem that they have served oftentimes for our princes to make disport, & to play with their heads. And to let pass all those which in time of wars, rebellions & commotions have been cut off, which occasions may seem more justifiable, I do read also in our chronicles that *a sangue freddo*, as the Italian saith, that is to say, in time of peace and by execution of justice at the prince's appointment, these noblemen following and knights by name were put to death within the space of one five years in King Henry the Fourth his days: the Duke of Exeter, the Duke of Surrey, the Archbishop of York, the Earls of Salisbury, of Gloucester, of Worcester, and of Huntingdon, the Earl Mowbray, Earl Marshal, the Baron of Kinderton [=Sir Richard Venables], Sir Roger Clarington [=Clarendon], bastard son of Edward, the Black Prince, Sir Thomas Blount, Sir Bernard Rocas [=Brocas?], Sir Richard Vernon. And again, soon afterward under King Edward the Fourth in almost within as little space: the Dukes of Somerset and of Exeter, the Earls of Devonshire, of

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MN: Execution of nobility by Henry the Eight

Oxford, and of Keyns [=Camoys?], the Lord Ross, the Lord Molyms, Sir Thomas Tudingham [=Tuddenham], Sir Philip Wentworth, Sir Thomas Fyndham, and many others afterward (for this was but at the beginning of his reign), which number of nobility if a man should have seen them alive together with their trains before they had been cut down, he would have said they had been a very goodly company, & pitiful that so many of our own nobility should be brought by our own princes to such confusion.

But yet this matter may seem perhaps the less marvellous and more excusable under those two Kings for that troubles and contentions had passed a little before in the realm about the succession, and hereupon so many of the nobility might be cut off, but let us see then what ensued afterwards, when things were established and all doubt of contention about the succession taken away, as in King Henry Eight his days it was, and yet do I find registered in our chronicles these persons following either made away, cut off or put down by the said King, to wit, two Queens, Anne and Catherine; three Cardinals put down and disgraced, Wolsey, Pole and Fisher, whereof the last was beheaded soon after his dignity given him in Rome and the first was arrested, the second attainted of imagined treasons; three Dukes put down, to wit, the noble Dukes of Buckingham, Suffolk and Norfolk, whereof the last lost his lands, dignities

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MN: Under King Edward and QueenMary

and liberty only, the former two both lands & lives; a Marquis with two Earls beheaded, Devonshire, Kildare and Surrey; two Countesses condemned to die, Devonshire and Salisbury, and the latter executed; Lords many, as the Lord Darcy, the Lord Hussey, the Lord Montagne [sic for 'Montague'], the Lord Leonard Grey, the Lord Dacres of the South, the Lord Cromwell, and six or seven abbots; knights also in in great number, as

five in one day with the Lords Hussey and Darcy, and five in another day with the Earl of Kildare, whose uncles they were, and besides them, Sir Thomas More, Sir Rice Griffith, Sir Edward Neville, Sir John Neville, Sir Nicholas Carew, Sir Adrian Fortescue, and divers other knights of great account, & then gentlemen almost without end.

And all these within the space of 20 years of his reign, and in the time of peace, and if we look upon but four or five years together of the reign of this man's children we shall see the like course continued, for we shall see put to death within the space of four years all these following by name: the Duke of Somerset, the Duke of Suffolk, the Duke of Northumberland and the Lord Admiral of England, Sir Miles Partridge, Sir Ralph Vane, Sir John Gates, Sir Thomas Palmer, knights, with divers other gentlemen of their retinue, and all these by natural, domestical and home-born princes, whereas I dare to adventure the greatest

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MN: States governed happily by foreign princes

wager that I can make that you shall not find so many put to death of the nobility by any strange prince, state or commonwealth Christian in any foreign dominion that they possess in many ages together, and the reason hereof is evident by that I said before, neither were it policy or wisdom, nor could the causes be so often nor ordinarily given by the nobility to a prince that were absent from them to use such severity, so as by this it may also appear that to be under a foreign government even in the worst kind thereof that can be devised, which is to be as a province or piece of another kingdom, and to come under it by very conquest itself, is not so dangerous a matter as at the first show it may seem, and much less to be under foreign government by other sweeter means of succession or composition, as the present case of England seemeth to import in respect of those foreign princes which do pretend to the succession thereof.

And this is not only showed and declared by the state and condition of Flanders before their tumults, but in like manner it is seen by the present state of Brittany, Normandy, Aquitaine, Provence and other dukedoms and countries in France that were wont to have their own particular princes, and now are much more commodiously under the crown of France. The like is seen by the states of Naples, Milan, Sicily, Sardinia & other parts and countries of Italy which were wont to be

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MN: Old afflictions of Naples & Milan

under kings and princes of their own, and now are under the crowns of Aragon and Castile, with infinite odds of peace, rest, security and wealth than they were before when they had domestical princes, and so themselves do confess, I mean the wise & dispassionate among them (for of the vulgar in this case no account is to be made), and if they should deny it, yet the thing speaketh itself, and the public stories of their countries would convince them, wherein it is to be read what Phalaris, what Dionysius & other home-born tyrants Sicily (for example) hath had and suffered, and what infinite cruelty

they and divers of their own governors have exercised upon them, as also what continual turmoils there were in the city of Naples & in all that kingdom for many years together after it fell from the government first of the Roman Empire and then of the Grecian until it came to the crown of Aragon, I mean between their own domestical kings, now of the blood of Italians, now of the Normans, now of the Hungarians, & now of the French (for of all these lines there have reigned among them), and the realm was a perpetual prey to soldiers. And the very like may be said of Milan. After their fall from the Roman Empire (under which they lived quiet & prosperously) until they came again to be under the crown of Spain they passed infinite tribulations, first by the contention of their common people

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MN: Whether a great or little prince be better

against their nobility, and then by the bloody falling out of their chief families, the one against the other, to wit, the Furiani, Visconti, Marcelli(?), Mirabelli, Castilioni and Sforzi (which family last of all prevailed), he, I say, that shall remember this, and then behold the present state with the quiet peace, safety and riches wherein they now live will easily confess that they have changed for the better, though they be under foreign government. And thus much of this point.

There remaineth to speak a word or two about the second part of the question before proposed, and included partly in this which already hath been treated, to wit, whether it be better to be under a little or great king, which question, though it may be decided in part by that which before hath been alleged about being under a foreign prince, yet more particularly to make the same plain these men do say that the reasons be many and evident to prove that the subjection to a great & mighty monarch is far better, first for that he is best able to defend and protect his subjects, and secondly for that he hath least need ordinarily to pill and poll them, for that a little king, be he never so mean, yet must he keep the state of a king, and his subjects must maintain the same, and if they be but few, the greater will the burden be of every one in particular, and thirdly, for that a great and potent prince hath more to bestow upon his subjects for reward

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MN: An example to show the former difference

of virtue and valour than hath a poor prince, and seeing that every particular subject born within his prince's dominions is capable of all the preferments which his prince's state or kingdom do yield if he be worthy of the same, it is a great prerogative (say these men) to be born under a potent prince that hath much to give, which they declare by this example following.

A man that is born in the city of Genoa or Geneva (for both are cities and states within themselves), let him be of what ability or worthiness soever, yet can he hope for no more preferment that that commonwealth and state can give, and if there should be many worthy men born there at one time, then were this his condition worse, for then must he

part also with other men, though there were not sufficient for himself, and the most he could aspire unto, if he were an ecclesiastical man, were the greatest benefice within that state, and on the other side, if he were a temporal man, he could not hope for much for that the state hath it not to bestow, but another that is born under a great monarch, as is the King of France or Spain in these our days, that hath so many great bishoprics (for example's sake) and other spiritual livings to bestow upon the clergy, and so many high governments and employments both of war and peace to give unto temporal men that can deserve the same, this man (I say) hath a

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MN: Pedro Mexia en vit. de Antonino Pio

MN: The felicity of the Roman government

great advantage of the other in respect of preferment at this day, but much more was it in old time to be born under the Roman Empire when it had the preferments of all the world to bestow, for that every subject thereof was capable of all the said preferments so far-forth as he could make himself worthy and deserve the same. For better explication of which point yet I have thought good to cite in this place the words of a certain learned knight that in our days hath written the lives of all the Roman Emperors, and in the life of one of them that was an excellent governor named Antoninus Pius, the said knight [sic for 'knight'] hath this discourse ensuing:

*There was in this man's government (said he) great contentment and joy on all hands, great peace and quietness, and very great justice, and truly it is a thing worthy in this place to be considered what was the human power and how infinite the forces of the Roman Empire at this day, and how great was the liberty, quietness, security, wealth and contentment of the subjects that lived under that government when good princes had the managing thereof, as was this Antoninus and his son, Aurelius, that followed him, and as were Hadrian, Trajan, and divers others. What a thing was it to see their courts frequented freely by all the noble, valiant and learned men of the world, to see the union and friendly dealing of different nations together when all served one prince, so as a*

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*man might have gone over the whole world, or most and best parts thereof, with all security and without all fear, all nations and countries being their friends, neighbours or subjects, neither was there need at that time of any passports or safe conducts, nor of so often change of coin to travel as now there is, neither yet were there new laws every foot as now be found in different countries, neither was there danger of enemies or to be taken prisoner and captives, nor could any malefactor do a mischief in one country and fly into another, thereby to be free from punishment, and he that was born in the very Orcades [=Orkneys] or furthest part of Europe was at home, though he were in Africa or Asia, & as free denizen as if he had been born there; merchants also might pass at that day from country to country with their merchandise without particular licences or fear of forfeits, and finally, the temporal state of a subject was wonderful happy at that time.*

Thus far discourseth that learned knight, & no doubt but that his discourse and consideration is founded in great reason, and he that will leave at this day the many commodities of being under a great and potent prince (if it lie in his own hands to choose) for this only circumstance that he is not born in the same country with him is a man of small judgment and capacity in these men's opinion, and measureth matters of public utility with a

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MN: The second way of being under a foreign prince

false weight of fond affection.

And thus much may be said of the first way of(?) being under strangers and foreign government, which is that which vulgar men do oft abhor and inveigh against, to wit, to be under a foreign prince that liveth absent, and ruleth by his governors.

But besides this there is another manner of being under a foreign prince, as when an alien prince cometh to dwell among us, and this by either of two ways, to wit, that either this prince cometh without forces, as did King Stephen and King Henry the Second, that were Frenchmen, as hath been said, and came to live and govern in England, but without external forces, and as King Philip of Spain came afterwards when by marriage of Queen Mary he became King of England, and as the last King Henry the Third of France went into Polonia [=Poland] by the free election and invitation of that nation, and as his brother, Monsieur Francois(?), Duke of Alencon, should have entered afterward to have been King of England if the marriage pretended between her Majesty and him had gone forward and taken effect, as many thought once that is should. This, I say, is one way. And another is that this prince do bring forces with him for his own assurance, and these either present, as the Danish Kings Sweno, Canutus, Haraldus and Hardicanutus did, and as after them the Norman princes also used, I mean not only William Conqueror

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MN: A foreign prince without forces not prejudicial

MN: Note this utility of a foreign king

himself, but also his two sons, William Rufus and Henry the First, who either by help of the Normans already in England or by others brought in by them afterward wrought their will, or else that this prince so entering have foreign forces so at hand as he may call and use them when he will for that they have no sea to pass, which is the case of the King of Scots, & of both these ways these men do give their sentence distinctly.

For as concerning the former way, when a foreign prince entereth without any forces at all and with intention to live among us, they hold that there is no danger, nor yet any inconvenience can justly be feared for that in this case he subjecteth himself rather to the realm and nation than they to him, and if he live and marry in England, both himself and his children will become English in a little space, and for his own assurance he must be enforced to favour and cherish and make much of the English nation, and be liberal,

gentle and friendly to all for gaining their goodwills and friendship. And in one very great and important point his condition is different and better for the English than an English king's can be, which is that he entereth with indifferent mind towards all men, hath no kindred or alliance within the land to whom he is bound, nor enemy against whom he may be enticed to use cruelty, so as only merit or demerit of each man must move him to favour or

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MN: The manner of foreign prince more commodious for the present

disfavour, which is a great foundation (say these men) of good and equal government.

Again they say that in respect of the state present of England, and as now it standeth, and for the public good not only of the common subjects but also of the nobility, and especially and above others of the English competitors and pretenders, that cannot all speed, no way were so commodious as this to avoid bloodshed, to wit, that some external prince of this time should be admitted upon such compositions and agreements as both the realm should remain with her ancient liberties, and perhaps much more than now it enjoyeth (for such princes commonly & upon such occasions of preferment would yield to much more in those cases than a home-born prince would), and the other pretenders at home also should remain with more security than they can well hope to do under any English competitor if he come to the crown, who shall be continually egged on by his own kindred and by the aversion, emulation and hatred that he hath taken already by contention against the other opposite houses, to pull them down and to make them away, and so we have seen it by continual examples for many years, though no occasion (say these men) hath ever been offered to suspect the same so much as now, if any one of the home English blood be preferred before the rest. And this is so much as they say to this second kind of

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MN: A third way of being under foreign government

being under foreign princes.

To the third, they confess that it standeth subject to much danger and inconvenience to admit a foreign prince to live among us with forces either present or so near as that without resistance he may call them when he listeth, and of this there needed no more proof (say these men) than the examples before alleged of the Danes and Normans and the misery and calamity which for many yearee [sic for 'years'] the English nation passed under them, and furthermore the reason hereof is evident, say these men, for first in this third kind of admitting a stranger king we are deprived by his dwelling amongst us of those utilities before mentioned which Ireland, Flanders, Brittany, Naples and other states enjoy by living far off from their princes, which commodities are much more liberty and freedom, less payments, less punishments, more employments of the nobility and others in government, and the like. And secondly, by his coming armed unto us, we cannot expect those commodities which before I touched in the second kind of foreign

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government, but rather all the incommodities and inconveniences that are to be found either in domestical or foreign governments, all (I say) do fall upon this third manner of admitting a stranger, as easily shall be seen.

But first of all the greatest incommodities that can be feared of a domestical prince are pride, cruelty, partiality, pursuing of factions

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MN: Dangers of domestical government

MN: Inconveniences of this government

and particular hatred, extraordinary advancing of his own kindred, pressing, pinching, and over-rigorous punishing of his people without care for that he is ever sure of his party to stand with him within the realm, and so hath he the less respect to others, and for that all these inconveniences and other suchlike do grow for the most part by the prince's continual presence among his subjects, they are incident also to this other, though he be a stranger, for that he is also to be present and live among us, and so much the more easily he may fall into them than a domestical prince for that he shall have both external counsel of a people that hateth us to prick him forward in it as also their external power to assist him in the same, which two motives every domestical prince hath not.

Again they say that the worst & greatest incommodities of a foreign government that may be feared are tyranny and bringing into servitude the people over whom they govern, and filling of the realm with strangers, and dividing to them the dignities, riches and preferments of the same, all which they say, are incident also by all probability to this third kind of foreign government where the prince stranger liveth present and hath forces at hand to work his will, and this is the case, say they, of the King of Scots, who only of any foreign pretender seemeth may justly be feared for these and other reasons alleged before, when

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MN: Strange governors desired in some realms

we talked of his pretence to the crown.

To conclude, then, these men are of opinion that of all these three manners of being under strangers or admitting foreign governments, this third kind, peculiar as it were to the King of Scots' case, is to be only feared, and none else, for as the second, they say that it is not only not to be feared or abhorred, but rather much to be desired, for that of all other sorts it hath the least inconveniences and most commodities, for which causes we read and see that where kings go by election, commonly they take strangers, as the Romans and Lacedaemonians did often at the beginning, and after the beginning of the Roman monarchy their foreign-born Emperors were the best and most famous of all the rest, as Trajan and Hadrian, that were Spaniards, Septimius Severus, born in Africa, Constantine the Great, natural of England, and the like, and the very worst that ever they had, as Caligula, Nero, Heliogabalus, Commodus, and such other like plagues of the weal public

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were Romans, and in our days, and within a few years, we have seen that the Polonians have chosen three kings strangers, one after another, the first Stephen Battorius, Prince of Transylvania, the second Henry of France, and last of all the Prince of Swecia [=Sweden] that yet liveth, and the state of Venetians by way of good policy have made it for a perpetual law that when they have war to make, and must needs

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choose a general captain and commit their forces into his hands, he must be a stranger, to wit, some prince of Italy that is out of the own states, hereby to avoid partiality and to have him the more indifferent and equal to them all, which yet so many prudent men would never agree upon if there were not great reason of commodities therein, so as this point is concluded, that such as speak against this second kind of having a foreign prince speak of passion or inconsideration or lack of experience in matters of state and commonwealths.

As for the first manner of being under foreign government, as a member or province of another bigger kingdom, and to be governed by a deputy, viceroy or strange governors, as Ireland, Flanders, Naples and other states before mentioned be, with certain and stable conditions of liberties and immunities, and by a form of government agreed upon on both sides, these men do confess also that there may be arguments, reasons and probabilities alleged on both side and for both parties, but yet that all things considered, and the inconveniences, hurts and dangers before rehearsed that subjects do suffer also oftentimes at the hands of their own natural princes, these men are of opinion, for the causes already declared, that the profits are more and far greater than the damages or dangers of this kind of foreign government are, and so they do answer to

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MN: The answer to objections against foreign government

MN: Answer to the Grecian philosophers and orators

all the reasons and arguments alleged in the beginning of this chapter against foreign government that either they are to be understood and verified only of the third kind of foreign government before declared (which these men do confess to be dangerous), or else they are founded for the most part in the error and prejudice only of the vulgar sort of men who, being once stirred up by the name of stranger, do consider no further what reason or not reason there is in the matter, and this, say these men, ought to move wise men little, for as the common people did rise in tumult against the French (for example) in Sicilia, and against the English in France, and against the Danes in England, so upon other occasions would they do also against their own countrymen, and oftentimes have done, both in England & elsewhere, when they have been offended, or when seditious heads have offered themselves to lead them to like tumults, so that of this, they say, little argument can be made.

The like in effect they do answer to the examples before alleged of the Grecian philosophers and orators that were so earnest against strangers. And first to Aristotle

they say that in his Politics he never handled expressly this our question, and consequently weighed not the reasons on both sides, and so left it neither decided nor impugned, and he that was master to Alexander that had so many foreign countries under him could not well condemn the

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MN: Demosthenes

MN: The troublesome state of the Grecian cities

same, and as for Demosthenes, no marvel though he were so earnest against King Philip of Macedonia his entry upon the cities of Greece, both for that he was well feed on the one side by the King of Asia (as all authors do affirm) to the end he should set Athens and other Grecian cities against King Philip, as also for that his own commonwealth of Athens was governed by popular government wherein himself held still the greatest sway by force of his tongue with the people, and if any king or monarch of what nation soever should have come to command over them (as Philip's son, King Alexander the Great did soon after), Demosthenes should have had less authority, as he had, for that presently he was banished, and so continued all the time that Alexander lived. But if we do consider how this state of the Athenians passed afterward under the great monarch of Alexander and other his followers in respect that it did before when it lived in liberty and under their own government only, he shall find their state much more quiet, prosperous and happy under the commandment of a stranger than under their own, by whom they were continually tossed and turmoiled with brawls, emulations and seditions, and oftentimes tyrannized by their own people, as the bloody contentions of their captains Aristides, Themistocles, Alcibiades, Pericles, Nicias and others do declare, and as it is evident among other

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MN: Arist. 1. 2. polit. c. 1. & 2.(?)

MN: Answer to the objection out of Deuteronomy

MN: Deut. 15

things by their wicked law of *ostracismus*, which was to banish for ten years whosoever were eminent or of more wisdom, wealth, valour, learning or authority among them than the rest, albeit he had committed no crime or fault at all. And finally their having of thirty most horrible and bloody tyrants at one time in their city of Athens instead of one governor doth evidently declare the same (say these men), and do make manifest how vain and foolish an imagination it was that vexed them how to avoid the government of strangers, seeing that no strange governor in the world would ever have used them as they used themselves, or so afflict them as they afflicted themselves.

To the objection out of Deuteronomy where God appointed the Jews to choose a king only of their own nation, these men do answer that this was at that time when no nation besides the Jews had true religion among them, which point of religion the civilian hath well declared before in his last discourse to be the chiefest and highest thing that is to be respected in the admission of any magistrate for that it concerneth the true and highest

end of a commonwealth and of all human society, and for that the Gentiles had not this ornament of true religion, but were all destitute generally thereof, the Jews were forbidden not only to choose a king of the Gentiles which might pervert and corrupt them, but also to

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company, converse, or eat and drink with them,, and this was then, but yet afterward, when Christ himself came into the world and opened his church both to Jew and Gentile, he took away this restraint, so as now all Christian nations are alike forso much as appertaineth unto government, and consequently, to a good and wise Christian man, void of passion and fond affection, it little importeth (as often before hath been said) of what country, nation or lineage his governor be, so he govern well and have the parts before required of piety, religion, justice, manhood and other the like requisite to his dignity, degree and charge, by which parts and virtues only his subjects are to receive benefits, and not by his country, generation, lineage or kindred. And this is so much as I have to say at this time about this affair.

## Chapter X

Of certain other secondary and collateral lines, and how extreme doubtful all these pretences be, and which of all these pretenders are most like to prevail in the end, & to get the crown of England

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After the lawyer had ended his discourse about foreign government, he seemed to

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MN: Secondary lines

be somewhat wearied, and said he would pass no further in this affair for that he had nothing else to say but only to note unto them that besides these principal titlers of the five houses mentioned of Scotland, Suffolk, Clarence, Brittany and Portugal there were other secondary houses and lines also issued out of the houses of Lancaster and York, as also of Gloucester, Buckingham and some other, as may appear by the genealogies set down before in the 2 and 3 chapters, of which lines (said he) there may be perhaps consideration had also by the commonwealth when time shall come of choice or admission, the matter standing so as the civilian hath largely declared & showed before, which is that upon such just occasions as these are, the commonwealth may consult what is best to be done for her own good and preservation in admitting this or that pretender, seeing that this is the end why all government was ordained, to benefit the public.

And forso much as there is such variety of persons pretenders or that may pretend in the

five houses already named, as before hath been declared (which persons at least do make some dozen, more or less), and that besides these there want not others also of secondary houses, as is evident as well by the former discourse as also by the labour that of these matters is to be seen, the lawyer turned to affirm again that the event must needs be exceeding doubtful who

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MN: Ambiguity of prevailing

MN: Two grounds of probability of speeding

shall in the end prevail, for that besides the multitude before named of pretenders, he avouched very seriously that after all this his speech he could not well resolve with himself which of all these titles in true right of succession was the best, and much less which of the titlers was like to prevail, and this I presume the lawyer told them of himself, for that he did easily foresee and imagine that after all these arguments on every side alleged he should be requested by the company (as vehemently he was) to put down his opinion what he thought and judged of all the whole matter hitherto discussed, and of every man's pretence in particular, which in no case he could be brought to do for a long time, but refused the same utterly, and craved pardon, and yielded many reasons why it was not convenient, & might be odious, but all would not serve to acquiet the company, which with all earnest importunity urged him to satisfy their request, & so upon large and earnest entreaty, he was content in the end to yield to this only, that he would lay together by way of discourse the probabilities of every side, and lastly set down in two or three propositions, or rather conjectures, his private guess which of them in his judgment was likeliest to prevail.

First then he began to say that the probabilities of prevailing or not prevailing of every one of these pretenders in the next succession

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MN: Three religions in England

of the crown of England [-these pretenders] may be considered and measured either in respect of the party of religion that was like in England to favour him and his pretence, or else in respect of his own particular family, friends and allies both at home and abroad. And for that the party of religion is like to weigh most and to bear the greatest sway and most potent suffrage and voice in this action, and that with reason, according to that the civilian hath proved at large in the last of his discourse, therefore shall I also (quoth the lawyer) first of all treat of this point of religion in this my last speech.

It is well known (said he) that in the realm of England at this day there are three different and opposite bodies of religion that are of most bulk and that do carry most sway and power, which three bodies are known commonly in England by the names of Protestants, Puritans and Papists, though the latter two do not acknowledge these names, and for the same cause would not I use them neither if it were not only for clearness and brevity's sake, for that as often I have protested, my meaning is not to give offence to any side or

party.

These three bodies, then, quoth he, do comprehend in effect all the force of England, and do make so general a division and separation throughout the whole land in the hearts & minds of their friends, favourers & followers as, if I be not deceived, no one thing is like so

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MN: The great importance of religion in this actions [sic?]

much to be respected in each pretender for his advancement or depression as his religion or inclination therein by them that must assist him at that day and are of different religions themselves. And more, I am of opinion (said he) that albeit in other changes heretofore in England, as in the entrance of King Edward and Queen Mary and of this Queen's Majesty that now is, divers men of different religions did for other respects concur and join together for these princes' advancements (notwithstanding that afterwards many of them repented the same), which is to be seen in that for King Edward all the realm without exception did concur, and for Queen Mary, it is known that divers Protestants did by name, & among other points it is also known that Sir Nicholas Throckmorton, a fervent Protestant in those days, being of King Edward's Privy Chamber, did not only advise her of the sickness and decay of King Edward from day to day, but also was the first that sent an express messenger to advise her of her brother's death and what the two Dukes of Northumberland and Suffolk did contrive against her, and that with such celerity that King Edward dying but on Thursday night, the tenth of July, the Lady Mary was most certainly advised thereof by Saturday morning next, and that very early, in Kenninghall Castle of Norfolk, 80 miles off, and divers other Protestants did assist her also in that her entry, as in like manner all those of the Roman

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MN: The next change like to be difficult, & why

religion without exception did assist her Majesty that now reigneth after the decease of the said Queen Mary, and this was then.

But now am I of opinion that matters will fall out far otherwise at the next change, and this partly peradventure for that the titles of succession in the pretenders are not so clear, but rather much more doubtful now than they were then, and partly (or rather principally) for that men in time are come to be of more resolution and determination in matters of religion, and by contention and pursuing one the other are become more opposite and enemies, and more desirous of revenge, and further also than this, those that be of milder condition and have not these passions in them, yet by reason and experience they do see the great absurdity and inconvenience that ensueth by that a man of one religion should give aid to the advancement of a prince of a contrary religion to that which himself doth esteem and hold for only truth, which in him that so doth cannot be denied but that it is a point of little zeal at the least, if not contempt of God & of religion, or of plain atheism, as others will call it. And moreover I remember that the civilian before in the end of his

speech inveighed also much against this point, and showed that besides lack of conscience and religion, it was in like manner against all human wisdom & policy to favour a pretender of a different religion from himself, and this for divers

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MN: The consideration of the Protestant party

reasons that he laid down, which reasons I confess prevailed much with me, and I do allow greatly of that his opinion and assertion which averred that the first respect of all others ought to be God and religion in this great affair of making a king or queen, and that without this no title whatsoever ought to prevail or be admitted by Christian men, and that the cities of France at this day do not amiss, but justly and religiously (so long as they are of that religion that they are) to stand against the King of Navarra [=Navarre] (though otherwise by descent they do confess his title to be clear and evident) for that he is of contrary religion to them.

Wherefore seeing that the very same case is like or rather certain to ensue one day in England, and that it is most probable that each party of the realm will stand most upon this point, that is to say, upon the defence and advancement of their religion and of such a king as shall be known to favour the same that themselves be of, let us examine a little, if you please, quoth he, what force and ability each of these three bodies of religion now mentioned is like to be of at that day in England for effectuating or promoting this purpose of a new king.

And first to begin with the Protestant, as with him that hath the sway of authority and present power of the state in his favour, no doubt but that his force will be also great at

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MN: The clergy

MN: The Council and nobility

that day (said he), and especially if he can conceal for a time the decease of her Majesty until he may be able to put his affairs in order, but this is holden to be either impossible or very hard for the different judgments and affections which are not thought to be wanting in the court Council and prince's Chamber itself, whereof we saw the effect (as before I told you) at the death of King Edward, which was as much endeavoured to be kept secret as ever any was, and as much it imported the concealers, and yet within not many hours after had the Lady Mary most certain notice thereof by those that were opposite to her in religion, as I have showed before, so ardent are men's minds in such occasions, & so capable of new impressions, designments & desires are all kind of subjects upon such great changes.

A chief member of the Protestant body (as you know) for wealth and force is the clergy of England, especially the bishops and other men in ecclesiastical dignity, which are like to be a great back to this party at that day, though some men think that it be not very certain which part of the nobility and Council will stick unto them for that many in heart

are presupposed to favour the Puritan. And for the Privy Council in particular, though during the prince's life their authority be supreme, yet is it not so afterward, nor have they any public authority at all, the prince having once expired, but only as noblemen or

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MN: Persons designed(?) or favoured by the Protestant party

gentlemen according to each man's state and calling in several, and for the next successor, seeing none is known nor sworn in the life of this prince (nor were it her safety that any should be), clear it is that after her Majesty's decease every man is free until a new be established by the commonwealth, which establishment doth not depend upon the appointment or will of any few or upon any man's proclaiming of himself (for divers are like to proclaim themselves), but upon a general consent of the whole body of the realm, which how it will be brought to pass, God only knoweth, & to him we must commend it.

I do no [sic for 'not'] know, quoth he, of any certain person pretendant to which this Protestant company is particularly devoted at this day more than to the rest, though the house of Hertford was wont to be much favoured by them, but of latter years little speech hath been thereof, but rather of Arbella, whom the Lord Treasurer is said especially to favour at this present, though for himself it be held somewhat doubtful whether he be more fast to the Protestant or to the Puritan, but if the Protestant party should be divided, then their forces will be the less. The authority of her Majesty is that which at this present overbeareth all. When that shall fail, no man knoweth what the event will be for that now men's hearts are hardly discerned.

Their foreign friends and allies are of good

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MN: Foreign friends of the Protestants

MN: Of the party Puritan

number, especially if the King of France proceed well in his affairs, and do not indeed change his religion as he pretendeth that he will, but yet if the Puritan do stand against them, he is like to pull much from them, both in France and Holland. And as for Scotland, it must needs be against them both, and this in respect of his own pretence, except the same be favoured by them, I mean by these two factions in England, which is hardly thought that any of them both will do for the reasons before alleged, though some more hope may be that way of the Puritan than of the Protestant by reason of the said King's nearness to them in religion.

The Puritan is more generally favoured throughout the realm with all those which are not of the Roman religion than is the Protestant, upon a certain general persuasion that his profession is the more perfect, especially in great towns where preachers have made more impression in the artificers and burgesses than in the country people. And among the Protestants themselves, all those that are less interested in ecclesiastical livings or other preferments depending of the state are more affected commonly to the Puritans, or easily

are to be induced to pass that way for the same reason. The person most favoured by the Puritans hitherto in common voice and opinion of men hath been the Earl of Huntingdon; some speech of late of some diminution

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MN: Persons affected by the Puritans

MN: Lutherans

therein, and that the Lord Beauchamp since his marriage hath entered more in affection with them. The King of Scots, no doubt, if he were not a stranger and had not the difficulties before mentioned, were for his religion also very plausible. I do not hear that the Earl of Derby or his mother is much forward with these or with the Protestant, though of the latter sort some are supposed to wish them well.

The friends & allies of the Puritan abroad are the same that are of the Protestant, to wit, those of Holland and Zeeland and such towns of France as follow the new King and jointly have changed their religion, which are not many for that his greatest forces are yet those of the Roman religion, but yet if the said King prevail and persevere in his religion (which of late, as I have said, is called in doubt by his often protestations to the contrary and open going to Mass), then will he be able to give good assistance, though both these countries (I mean both Holland and France) are liker in some men's opinions to assist the Puritan than the Protestant if the matter come in difference between them, for that in truth they are more conform to the Puritan religion. And as for the German cities that keep yet and follow the particular form of Luther in religion, they are like to do little for either party, both for their difference from both parties in religion, and for that they are poorer,

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MN: The Puritan at home

MN: Those of the Romish religion

for the most part, and not active nor provided to give succour abroad except they be drawn thereunto by force of money.

The Puritan part at home in England is thought to be most vigorous of any other, that is to say, most ardent, quick, bold, resolute, and to have a great part of the best captains and soldiers on their side, which is a point of no small moment. Greatly will import, among other points, which way inclineth the City of London, with the Tower, whereof the Puritan (as is said) wanteth not his probability, as neither doth he of some good part (if not more) of the navy to be at his devotion, which point perhaps at that day will be of as great consequence as anything else, & so much of him.

The third body of religion, which are those of the Roman, who call themselves Catholics, is the least in show at this present by reason of the laws and tides of the time that run against them, but yet are they of no small consideration in this affair to him that weigheth things indifferently, and this in respect as well of their party at home as of their friends abroad, for at home, they being of two sorts, as the world knoweth, the one more open

that discover themselves, which are the recusants, and the other more close and privy, that accommodate themselves to all external proceedings of the time and state so as they cannot be known, or at leastwise not much touched, we may imagine that their number is not small

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MN: The Roman party great, & why

MN: I. Reg. 23

throughout the realm, and this partly for the reason I mentioned before, in that the most part of the country people that live out of cities and great towns (in which the greatest part of English forces are wont to consist) are much affected ordinarily to their religion by reasons that preachers of the contrary religion are not so frequent with them as in towns, and partly also for that with these kind of men, as with them that are most afflicted and pulled(?) down at this time by the present state, many other do join (as the manner is) & omnes [ ] *amaro animo sunt, cum illis se coniungunt*, as the Scripture said of those that followed David's retinue(?) pursued by Saul and his forces, which is to say that all that be offended, grieved or any way discontented with the present time, be they of what religion soever, do easily join with these men according to the old saying *Solatium est miseris socios habere miseriae*, besides that there is ever lightly a certain natural compassion that followeth in men towards those that are thought to suffer or be pursued, and is(?) oftentimes in the very enemy himself, and then of compassion springeth, as you know, affection, and of affection, desire to help, as contrariwise do rise commonly the contrary effects, to wit, emulation, envy and indignation against the prosperity of him that pursueth and is in prosperity.

And for that in so great and populous a realm(?) and large a government as this of her

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MN: Effects of pressing in religion

MN: Friends & allies abroad

Majesty hath been, there cannot want to be many of these kind of discontented men, as also, for that naturally many are desirous of changes, it cannot be supposed but that the number of this sort is great, which maketh this party far the bigger.

Moreover it is noted that the much dealing with these men, or rather against them, & this especially in matters of their religion, for these latter years past hath much stirred them up (as also the like is to be noted in the Puritan), and made them far more eager in defence of their cause, according to the saying *nitimur in vetitum semper*, and as a little brook or river, though it be but shallow, and run never so quiet of itself, yet if many bars and stops be made therein, it swelleth and riseth to a greater force, even so it seemeth that it hath happened here, where also the sight & remembrance of so many of their seminary priests put to death for their religion (as they account it) hath wrought great impression in their hearts, as also the notice they have received of so many colleges and English seminaries remaining yet, and set up of new, both in Flanders, France, Italy and Spain, for making of

other priests in place of the executed, doth greatly animate them, & holdeth them in hope of continuing still their cause. And this at home.

As for abroad, it is easy to consider what their party and confidence is or may be, not only by the English that live in exile and have

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their friends and kindred at home, but also principally by the affection of foreign princes & states to favour their religion, whose ports, towns and provinces lie near upon England round about, & for such a time and purpose would not want commodity to give succour, which being weighed together with the known inclination that way of Ireland, and the late declaration made by so many of the Irish(?) nobility and gentlemen also to favour that cause, all these points, I say, put together, must needs persuade us that this body is also great and strong, and like to bear no small sway(?) in the deciding of this controversy for the crown when time shall offer itself for the same. And so much the more for that it is not yet known that these are determined upon any one person whom they will follow in that action, nor as it seemeth are they much inclined to any one of the pretenders in particular (wherein it is thought that the other two parties either are or may be divided among themselves, and each part also within itself, in(?) that so different persons of those religions stand(?) for it), but rather it is thought that those(?) other of the Roman religion do remain very(?) indifferent to follow any one that shall be put(?) up(?) for their religion and is likest to restore and maintain the same, be he stranger or domestical, which determination and union in general among themselves, if they hold it still

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MN: Considerations of each pretender in particular

MN: the King of Scotland

and persevere therein must needs be a great strength unto their cause, & give them great sway wheresoever they shall bend at that day, as by reason is evident. And so much of this matter.

It remaineth then that after these considerations of the three bodies in general we pass to the view of each family, house and person pretendant in particular, and therein to contemplate what may be for him and what against him in this pretence and pursuit of the crown.

And to begin first of all with the King of Scotland, as with him who in vulgar opinion of many men is thought to be first & foremost in this action by way of succession (albeit others do deny the same, and do make it very doubtful, as before hath been declared), yet if we do consider not his title (for of that we have spoken sufficiently before in the 5 chapter), but other circumstances only of his person, state, condition and the like (of which points only we are to treat in this place), then must we confess that as on the one side there are divers points that may further him and invite men to favour his cause, so

want there not other to hinder the same. The points that may invite are his youth, his being a king, his moderate nature in that he hath shed little blood hitherto, his affection in religion to such as like thereof, and the like, but

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MN: Arbella

on the other side the reasons of state before laid against him do seem to be of very great force, and to weigh much more with Englishmen, especially those of his alliance with the Danes and dependence of the Scottish nation. And as for his religion, it must needs displease two parties of the three before mentioned, and his manner of government therein perhaps all three.

As for Arbella, in that she is a young lady, she is thereby fit (as you know) to procure goodwills & affections, and in that she is unmarried she may perhaps by her marriage join some other title with her own, and thereby also friends. But of herself she is nothing at all allied with the nobility of England, and except it be the Earl of Shrewsbury in respect of friendship to his old mother-in-law that is grandmother to the Lady, I see not what nobleman in England hath any band of kindred or alliance to follow her. And as for her title, it seemeth as doubtful as the rest, if not more, as by that which hath been said before hath appeared. And for her religion, I know it not, but probably it can be no great motive either against her or for her for that by all likelihood it may be supposed to be as tender, green and flexible yet as is her age and sex, and to be wrought hereafter and settled according to future events and times.

In the house of Suffolk the Lord Beauchamp

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MN: The Lords Beauchamp & the Earl of Derby

MN: Alliance of the Earl of Derby

and the Earl of Derby have the difference of titles that before hath been seen, and each one his particular reasons why he ought to be preferred before the other, and for their other abilities and possibilities they are also different, but yet in one thing both Lords seem to be like, that being both of the blood royal they are thought to have abased themselves much by their marriages with the two knights' daughters, Sir Richard Rogers and Sir John Spencer, though otherwise both of them very worshipful, but not their matches in respect of their kindred with the crown, yet doth the alliance of Sir John Spencer seem to bring many more friends with it than that of Sir Richard Rogers by reason if the other daughters of Sir John, well married also to persons of importance, as namely the one to Sir George Carey, Governor of the Isle of Wight, who bringeth in also the Lord Hunsdon, his father, Captain of Berwick, two of the most importance pieces that England hath.

And for that the said Lord Hunsdon and the Lady Knollys, deceased, were brother and sister, and both of them children to the Lady Mary Boleyn, elder sister to Queen Anne,

hereof it cometh that this alliance with Sir George Carey may draw after it also the said house of Knollys, who are many and of much importance, as also it may do the husbands of the other daughters of Sir John Spencer with their

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MN: Alliance of the Seymours

MN: Alliance of the Stanleys

adherents and followers, which are neither few nor feeble, all which wanteth in the marriage of the Lord Beauchamp.

Another difference also in the ability of these two Lords is that the house of Seymours in state and title of nobility is much younger than the house of Stanleys, for that Edward Seymour, late Earl of Hertford, and after Duke of Somerset, was the first beginner thereof, who being cut off together with his brother, the Admiral, so soon as they were, could not so settle the said house, especially in the alliance with the residue of the nobility, as otherwise they would and might have done. But now as it remaineth, I do not remember any alliance of that house of any great moment except it be the children of Sir Henry Seymour of Hampshire and of Sir Edward Seymour of Berry Pomeroy in Devonshire, if he have any, and of Sir John Smith of Essex, whose mother was sister to the late(?) Duke of Somerset, or finally the alliance that the late marriage of the Earl of Hertford with the Lady Frances Howard may bring with it, which cannot be much for so great a purpose as we talk of.

But the Earl of Derby, on the other side, is very strongly & honourably allied both by father and mother, for by his father, not to speak of the Stanleys (which are many and of good power, and one of them matched in the house of Northumberland), his said father, the old

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MN: Alliance of the old Countess of Derby

MN: The states of the Lord Beauchamp and the Earl of Derby

Earl, had three sisters, all well married, and all have left children and heirs of the houses wherein they were married, for the elder was married first to the Lord Stourton, and after to Sir John Arundel, and of both houses hath left heirs male. The second sister was married to the Lord Morley, by whom she hath left the Lord that now is, who in like manner hath matched with the heir of the Lord Monteagle, who is likewise a Stanley. And finally, the third sister was married to Sir Nicholas Poins of Gloucestershire, and by him had a son and heir that yet liveth. And this by his father's side. But no less alliance hath this Earl also by the side of his mother, who being daughter of George Clifford, Earl of Cumberland, by Lady Eleanor, niece of King Henry the Seventh, the said Lord George had afterward by a second wife that was daughter of the Lord Dacres of the North, both the Earl of Cumberland that now is and the Lady Wharton, who hereby are brother and sister of the half blood to the said Countess of Derby, and the Dacres are their uncles.

Besides all this, the states and possession of the two foresaid Lords are far different for the purpose pretended for that the state of the Earl of Hertford is far inferior both for greatness, situation, wealth, multitude of subjects & the like, for of that of the Stanleys doth depend the most part of the shires of Lancaster

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MN: Religion of these Lords

MN: The Earl of Huntingdon

and Chester, and a good part of the North of Wales (at leastwise by way of observance and affection), as also the Isle of Mann is their own, and Ireland and Scotland is not far off, where friendship perhaps in such a case might be offered, and finally in this point of ability great odds is there seen between these Lords.

As for their religion, I cannot determine what difference there is or may be between them. The Lord Beauchamp by education is presumed to be a Protestant, albeit some hold that his father and father-in-law be more inclined towards the Puritans. The Earl of Derby's religion is held to be more doubtful, so as some do think him to be of all three religions, and others of none, and these again are divided in judgments about the event hereof, for that some do imagine that this opinion of him may do him good for that all sides hereby may (perhaps) conceive hope of him, but others do persuade themselves that it will do him hurt for that no side indeed will esteem or trust him, so as all these matters with their events and consequences do remain uncertain.

But now will I pass to speak of the house of Clarence, the chief persons whereof and most eminent at this day are the Earl of Huntingdon and his brethren, the Hastings, for that the Poles and Barringtons are of far meaner condition and authority, albeit the

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MN: Allies(?) of the Earl of Huntingdon

other also, I mean the house of Hastings, doth not seem to be of any great alliance, for that albeit the old Earl of Huntingdon, this Earl's father, had two brethren, the one Sir Thomas Hastings that married one of the Lord Henry Pole's daughters named Lord Montague that was put to death, which daughter was sister to this Earl's mother, and the other, named Sir Edward Hastings, was made Lord of Loughborough by Queen Mary, to whom he was first Master of the Horse and afterward Lord Chamberland [=Chamberlain], neither of them having left issue. And this is all I remember by his father's side, except it be his own brethren, as hath been said, of which Sir George Hastings is the chiefest.

By his mother's side he hath only the Poles, whose power, as it is not great, so what it is rather like to be against him than with him, partly for their difference from him in religion and partly for preferment of their own title upon the reasons before alleged.

By his own marriage with the daughter of the late Duke of Northumberland and sister to

the late Earls of Leicester and Warwick he was like to have drawn a very great & strong alliance if the said two Earls had lived, and especially Sir Philip Sidney, who was born of the other sister of the present Countess of Huntingdon, and his own sister was married to the Earl of Pembroke that now is, & himself to the daughter of Sir Francis Walsingham,

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MN: The power of London

MN: Polydore 24. Holinshed in vita Henrici 6

chief Secretary of the State, by all which means and by all the affection and power of the party Puritan and much of the Protestant this Earl was thought to be in very great forwardness. But now these great pillars being failed, and no issue yet remaining by the said Countess, his wife, no man can assure himself what the success will be, especially seeing that of the three bodies of different religions before described, it is thought that this Earl hath incurred deeply the hatred of the one and perhaps some jealousy and suspicion of the other, but yet others do say (and no doubt that that it is a matter of singular importance if it be so) that he is like to have the whole power of London for him, which city did prevail so much in advancing the title of York in King Edward the Fourth his time as it made him King twice, to wit, once at the beginning, when he first apprehended and put down King Henry the Sixth, and the second time when he, being driven out of the kingdom by his brother, the Duke of Clarence, and Richard, Earl of Warwick, he returned from Flanders upon hope of the favour of the Londoners, and was indeed received, favoured and set up again by them especially, and by the helps of Kent and other places adjoining and depending of London, and so it may be that the favourers of this Earl do hope the like success to him in time by this potent city.

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MN: The houses of Britain [=Brittany' and Portugal

MN: Infanta of Spain

MN: Duke of Parma

MN: The Duke of Braganza

For the houses of Brittany and Portugal, I shall join them both together for that they are strangers, and the persons thereof so nigh linked in kindred, affinity & friendship as both their titles, forces and favours may easily be joined together and imparted the one with the other, as to themselves shall best appear convenient.

The Lady Infanta of Spain, pretendant of the house of Brittany, is eldest daughter of King Philip, as all the world knoweth, and dearly beloved of him, and that worthily, as all men report that come from thence, for that she is a princess of rare parts both for beauty, wisdom and piety. The two young princes of Parma, I mean both the Duke and his brother, the Cardinal, and imps in like manner of great expectation, and divers ways near of kin to the said King, for that by their father's side they are his nephews, that is, the children of his sister, and by their mother's side almost as near, for that they are the nephews of his uncle, Prince Edward, Infant of Portugal.

In like nearness of blood are the Duchess of Braganza and her children unto the said King, which children are many, as hath been showed, and all of that rare virtue and valour and of that singular affection unto the English nation as it is wonderful to hear what men write from those parts and what others do report that have travelled to Portugal and seen those

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MN: Power of foreign pretenders

princes and tasted of their magnificent liberality, so as I have heard divers rejoice that are affected that way to understand that there do remain such noble offspring [sic for 'offspring'] yet in foreign countries of the true and ancient blood royal of England.

What the powers and possibilities of all these princes of the house of Portugal be or may be hereafter fur pursuing their right shall not need to be declared in this place for that all the world doth know and see the same, yet all seemeth to depend of the head & root, which is the King of Spain himself, and the young prince, his son, whose states and forces how and where they lie, what alliance, friends, subjects or followers they have or may have, it is easy to consider, but what part or affection of men they have or may have hereafter in England itself when time shall come for the determining of this matter no man can tell at this present, and what plots, agreements, compartitions or other conclusions may be made at that day, time only must teach us, so as now I know not well what to say further in this affair, but only commend it to God's high providence, and therefore I pray you (quoth the lawyer), let me end with this only that already I have said, and pardon me of my former promise to put my opinion or guess about future matters and what may be the success of these affairs, for besides that I am no prophet or

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MN: The conjecture that there will be war, & why

MN: 1.

MN: 2.

son of prophet to know things to come. I do see that the very circumstances of conjecture (which are the only foundation of all prophecy which in this case can be made) are so many and variable as it is hard to take hold of any of them.

Thus he said, and fain would have left off here but that the whole company opposed themselves with great vehemency against it, and said that he must needs perform his promise made at the beginning of this speech to give his censure & verdict in the end what he thought would be the success of all these matters, whereunto he answered that seeing no nay would serve, he would briefly quit himself by these few words following.

First of all (said he) my opinion is that this affair cannot possibly be ended by any possibility moral without some war, at leastwise for some time at the beginning, whereof my reasons be these that do ensue.

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This matter cannot be disputed and determined during the life of the Queen that now is without evident danger of her person for the reasons that all men do know importing such perils as are wont to follow like cases of declaring heirs apparent, especially her Majesty, the present possessor, growing now to be old & without hope of issue.

This declaration and determination of the heir apparent to the crown, if it should be

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MN: 3.

MN: 4.

MN: Sup. c.(?) 4

MN: 5.

made now, would move infinite humours and affections within the realm, and it were to stir coals and to cast firebrands over all the kingdom, and further perhaps also, which now lie raked up and hidden in the embers.

This determination, though it should be made now by Parliament or authority of the present prince, would not end or take away the root of the controversy, for albeit some that should be passed over or put back in their pretences would hold their peace perhaps for the time present, yet afterward would they both speak and spurn when occasion is offered.

This declaration now if it were made would be hurtful and dangerous for him that should be declared, for on the one side it would put the prince regnant in great jealousy and suspicion of him, and on the other side would join and arm all the other pretenders and their favourers against him, and so we read that of two or three only that in all our histories are recounted to have been declared heirs apparent to the crown (they being no King's children) none of them ever came to reign, as namely Duke Arthur of Brittany, Roger Mortimer, Earl of March, and John de la Pole, Earl of Lincoln, and Henry, Marquis of Exeter, as before hath been declared.

Again, the multitude of pretenders being such as it is, & their pretensions so ambiguous

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MN: 6. A consideration to be marked

as hath been declared, it is to be presupposed that none or few of them will presently at the beginning cast away their hope & forego their titles, but will prove at leastwise what friends will stand unto them, and how matters are like to go for or against them, especially seeing they may do it without danger, no law being against them, and their rights and pretences so manifest that no man can say they do it of ambition only, or malice, treason or conspiracy against others, and for this assay or first attempt, arms are necessary.

Moreover if any man in process of time would forego or give over his title (as it is to be

imagined that divers will at length, and many must, for that one only can speed), yet to the end he be not suddenly oppressed or laid hands on at the beginning by his adversary part, or made away as in such cases is wont to succeed, it is very likely that each pretender for his own safety and defence will arm himself and his friends at the beginning, for that better conditions will be made with armour in hands than when a man is naked or in the power of his adversary, and no doubt but the more pretenders shall stand together armed at the beginning, the easier and the surer peace will be made with him that shall prevail, for that they being many with whom he hath to compound, he will respect them the more, & yield to more reasonable and honourable conditions

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MN: The second conjecture, no main battle probable

than if there were but one, & he weak, that should resist, for that a fault or displeasure is more easily pardoned to a multitude & to a potent adversary than to one or two alone that are of less account. And on the other side, the peril of these other pretenders that should not prevail, being common to them all, would knit them better together for their own defence in living under the person that should prevail and reign, and he would bear more regard unto them, as hath been said, and this both for that they should be stronger by this union to defend themselves, and he that reigneth should have less cause to suspect & fear them to work treason against him for that they are many, and consequently not so easy to agree between themselves who should be preferred if the other were pulled down, which to the person regnant would be also a ground of much security.

These are my reasons and conjectures why it is like that arms will be taken at the beginning in England before this controversy can be decided.

My second proposition and conjecture is that this matter is not like to come easily to any great or main battle, but rather to be ended at length by some composition and general agreement, & my reasons for this be these.

First, for that the pretenders be many, and their powers and friends lying in divers and

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different parts of the realm, and if there were but two, then were it more probable that they would soon come to a battle, but being many, each one will fear the other and seek to fortify himself where his own strength lieth, and especially toward the ports and seaside for receiving of succours, as easily may be done by reason of the multitude of competitors, as hath been said, which will cause that at home the one will not much urge or press the other at the beginning, but every part attend rather to strengthen itself for the time.

A second reason of this is for that the foreign princes and states round about us are like to be much divided in this matter, some as pretendants for themselves or their kindred & friends, and others as favourers of this or that party for religion, so as there will not want

presently offers of helps and succours from abroad, which succours, albeit they should be but mean or small at the beginning, yet will they be of much importance when the forces at home be divided, and when there shall be different ports, harbours and holds ready within the land to receive and harbour them, so as I take it to be most likely that this affair will grow somewhat long, and so be ended at length by some composition only, and that either by Parliament and general consent of all parts pretendants, and of all three bodies of religion meeting together by their deputies,

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MN: The third conjecture, who is like to prevail

MN: For the Infanta of Spain

and treat and conclude some form of agreement as we see it practised now in France, or else by some other means of commissaries, commissioners, legates, deputies or the like to to [sic] make the conclusion with every party asunder.

My third & last conjecture is (& for a mere conjecture only I would have you hold it) that seeing there be two sorts of pretenders which stand for this preferment, the one strangers, the other English, my opinion is that of any one foreign prince that pretendeth, the Infanta of Spain is likest to bear it away, or some other by her title laid upon him by her father the King's goodwill, and on the other side, of any domestical competitors, the second son of the Earl of Hertford or of the issue of the Countess of Derby carrieth much show to be preferred.

My reasons for the former part about the Lady Infanta are that she is a woman, and may easily join (if her father will) the titles of Brittany and Portugal together. She is also unmarried, and by her marriage may make some other composition, either at home or abroad, that may facilitate the matter. She is a great princess, and fit for some great state, and other princes perhaps of Christendom would more willingly yield and concur to such a composition of matters by this Lady, and by casting all foreign titles of Brittany and Portugal upon her than that the King of

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Spain should pretend for himself, & thereby increase his monarchy, which other princes his neighbours in reason of state would not so well allow or bear.

In England also itself if any party or person be affected that way, he would think hereby to have the more reason, and if any be against strangers, some such moderation as this would take away much of this aversion, as also of arguments against it, for that hereby it seemeth that no subjection could be feared to any foreign realm, but rather divers utilities to the realm of England, as these men pretend by the reasons before alleged in the precedent chapter.

I said also that this Lady Infanta, or some other by her title and her father's goodwill, was likest of all strangers to bear it away for that if she should either die or be married in any

other country or otherwise to be disposed of as her pretence to England should be disenabled before this affair came to be tried, then may her said father and she, if they list, cast their foresaid interests and titles (as divers men think they would) upon some other prince of their own house and blood, as for example either upon some of the families of Parma or Braganza before mentioned, or of the house of Austria, seeing there wanteth not many able & worthy princes of that house for whom there would be the same reasons and considerations to persuade their admission by the English that have been alleged before for the Infanta, & the

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MN: For the Earl of Hertford's second son

MN: 1.

MN: Sup. c. 6(?)

MN: 2.

MN: 3.

same utilities to the realm and motives to Englishmen, if such a matter should come in consultation, and the same friends and forces would not want abroad to assist them.

For the second part of my conjecture, touching the Earl of Hertford's second son or one of the Countess of Derby's children, my reasons be, first, for that this second son seemeth to be cleared in our former discourse of that bastardy that most importeth and nearest of all lieth upon those children, which is for lack of due proof of their parents' marriage, for which defect they do stand declared for illegitimate by public sentence of the Archbishop of Canterbury, as before hath been declared, from which sentence this second son is made free by the arguments before alleged, and therein preferred before his elder brother.

And secondly, for that this younger son is unmarried, for anything that I do know to the contrary, which may be a point of no small moment in such an occasion, as hath been noted divers times before, for joining or fortifying of titles by marriage, and for making of compositions of peace and union with the opposite parties. And finally, for that this second son, being young, his religion is not yet much talked of, and consequently every party may have hope to draw him to their side, especially he being also free, as I have said, to follow what he shall think best or most expedient for his own advancement without knot or

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MN: For the children of the Countess of Derby.

MN: 1.

MN: Garibay l. 25. c.36

MN: Polydore in tit Steph.

obligation to follow other men's affections or judgments in that point, as he would be presumed to be if he were married or much obliged to any other family.

I do name also in this second point the children of the Countess of Derby first, for that in

truth the probabilities of this house be very great, both in respect of their descent, which in effect is holden, as it were, clear from bastardy, as before hath been showed, and then again for their nearness in degree, which by the Countess yet living is nearer to King Henry the Seventh by one degree than any other competitor whatsoever. Secondly, I do name this Countess' children, & not herself, for that I see most men that favour this house very willing & desirous that some of the said Countess' children should rather be preferred than she herself, and this for that she is a woman, & it seemeth to them much to have three women reign one after the other, as before hath been noted, so as they would have her title to be cast rather upon one of her children, even as upon like occasion it hath been showed before that the Spaniards caused the Lady Berenguela, niece to King Henry the Second, to resign her title to her son when she should have succeeded by nearness of inheritance, & as a little before that the state of England did, after King Stephen, unto King Henry the First his daughter, Maude, the Empress, whom they caused to pass over her title to her son, Henry the Second, though her own right should

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have gone before him by nearness of succession, as also should have done by orderly course of succession the right of Margaret, Countess of Richmond, before her son, King Henry the Seventh, as before hath been proved, but yet we see that her son was preferred, & the like would these men have to be observed in the Countess of Derby.

Lastly I do name the children of this Countess in general, and not the Earl of Derby particularly above the other, though he be the eldest, for two respects: first, for that his younger brother is unmarried, which is a circumstance whereof divers times occasion hath been offered to speak before, and therefore I need to add no further therein, and secondly, for that divers men remain not so fully satisfied & contented with the course of that Lord hitherto, and do think that they should do much better with his brother, if so be he shall be thought more fit, yet are these things uncertain, as we see, but notwithstanding such is the nature and fashion of man to hope ever great matters of youths, especially princes. God send all just desires to take place. And with this I will end, and pass no further, hoping that I have performed the effect of my promise made unto you at the beginning.

FINIS