

and charge of *Anchises* to his posteritie, in that sublime and heroicall Poet,¹⁷⁶ wherein also my dicton is included;

*Excudent alij spirantia mollius æra,
Credo equidem, & vivos ducent de marmore vultus,
Orabunt causas meliùs, cœlique meatus
Describent radio, & surgentia sydera dicent.
Tu, regere imperio populos, Romane, memento
(Hæ tibi erunt artes) pacique imponere morem,
'Parcere subjectis, & debellare superbos'.¹⁷⁷*

THE TREW LAW OF FREE MONARCHIES:¹ OR The Reciproock and mutuall duetie betwixt a free King, and his naturall Subjects.

AN ADVERTISEMENT TO THE READER

Accept, I pray you (my deare countrey men) as thankfully this Pamphlet that I offer unto you, as lovingly it is written for your weale. I would be loath both to be fashious,² and fectlesse:² And therefore, if it be not sententious, at least it is short. It may be yee misse many things that yee looke for in it: But for excuse thereof, consider rightly that I onely lay downe herein the trew grounds, to teach you the right-way, without wasting time upon refuting the adversaries. And yet I trust, if ye will take narrow tent,² ye shall finde most of their great gunnes payed home againe, either with contrary conclusions, or tacite objections, suppose in a daigned² forme, and indirectly: For my intention is to instruct, and not irritat, if I may eschew it. The profite I would wish you to make of it, is, as well so to frame all your actions according to these grounds, as may confirme you in the course of honest and obedient Subjects to your king in all times comming, as also, when ye shall fall in purpose with any that shall praise or excuse the by-past rebellions that brake forth either in this countrey, or in any other, ye shall herewith bee armed against their Sirene songs, laying their particular examples to the square of those grounds. Whereby yee shall soundly keepe the course of righteous Judgement, decerning wisely of every action onely according to the qualitie thereof, and not according to your pre-judged conceits of the committers: So shall ye, by reaping profit to your selves, turne my paine into pleasure. But least the whole Pamphlet runne out at the gaping

¹⁷⁶ the worthy . . . Poet] that worthis sentence of that sublime and Heroicall Poet VIRGIL, 1599.

¹⁷⁷ Others, I doubt not, shall beat out the breathing bronze with softer lines; shall from marble draw forth the features of life; shall plead their causes better; with the rod shall trace the paths of heaven and tell the rising of the stars: remember thou, O Roman, to rule the nations with thy sway – these shall be thine arts – to crown Peace with Law, to spare the humbled and to tame in war the proud! (Virgil, *Aeneid*, VI, 848–53, H.R. Fairclough (trans.) (1986), *Virgil*, Cambridge, MA: Harvard University Press).

¹ The first edition of *The True Lawe of Free Monarchies* was published anonymously by Robert Waldegrave in Edinburgh in 1598 (STC 14409) and at least three appeared in London in 1603. There are modern editions by Craigie (1982) and Sommerville (1994). The present text, and the spelling of the title, follow that of *Workes* 1616.

² if you will pay careful attention.

mouth of this Preface, if it were any more enlarged; I end, with committing you to God, and me to your charitable censures.

C. φιλοπατρις³

As there is not a thing so necessarie to be knowne by the people of any land, next the knowledge of their God, as the right knowledge of their alleageance, according to the forme of government established among them, especially in a *Monarchie* (which forme of government, as resembling the Divinitie, approacheth nearest to perfection, as all the learned and wise men from the beginning have agreed upon; Unitie being the perfection of all things,) So hath the ignorance, and (which is worse) the seduced opinion of the multitude blinded by them, who thinke themselves able to teach and instruct the ignorants, procured the wracke and overthrow of sundry flourishing Common-wealths; and heaped heavy calamities, threatening utter destruction upon others. And the smiling successe, that unlawfull rebellions have oftentimes had against Princes in aages past (such hath bene the misery, and iniquitie of the time) hath by way of practise strengthened many in their error: albeit there cannot be a more deceivable argument; than to judge ay the justnesse of the cause by the event thereof; as hereafter shalbe proved more at length. And among others, no Common-wealth, that ever hath bene since the beginning, hath had greater need of the trew knowledge of this ground, than this our so long disordered, and distracted Common-wealth hath: the misknowledge hereof being the onely spring, from whence have flowed so many endlesse calamities, miseries, and confusions, as is better felt by many, than the cause thereof well knowne, and deeply considered. The naturall zeale therefore, that I beare to this my native countrie, with the great pittie I have to see the so-long disturbance thereof for lacke of the trew knowledge of this ground (as I have said before) hath compelled me at last to breake silence, to discharge my conscience to you my deare country men herein, that knowing the ground from whence these your many endlesse troubles have proceeded, as well as ye have already too-long tasted the bitter fruites thereof, ye may by knowledge, and eschewing of the cause escape, and divert the lamentable effects that ever necessarily follow thereupon. I have chosen then onely to set downe in this short Treatise, the trew grounds of the mutuall duetie, and alleageance betwixt a free and absolute Monarchie, and his people; not to trouble your patience with answering the contrary propositions, which some have not bene ashamed to set downe in writ, to the poysoning of infinite number of simple soules, and their owne

³ 'A Lover of his Country'.

perpetuall, and well deserved infamie: For by answering them, I could not have eschewed whiles to pick, and byte wel saltly their persons; which would rather have bred contentionsnesse among the readers (as they had liked or misliked) than sound instruction of the trewth: Which I protest to him that is the searcher of all hearts, is the onely marke that I shoot at herein.

First then, I will set downe the trew grounds, whereupon I am to build, out of the Scriptures, since *Monarchie* is the trew paterne of Divinitie, as I have already said: next, from the fundamental Lawes of our owne Kingdome, which nearest must concerne us: thirdly, from the law of Nature, by divers similitudes drawne out of the same: and will conclude syne^e by answering the most waighty and appearing incommodities that can be objected.

The Princes duetie to his Subjects is so clearely set downe in many places of the Scriptures, and so openly confessed by all the good Princes, according to their oath in their Coronation, as not needing to be long therein, I shall as shortly as I can runne through it.

Kings are called Gods by the propheticall King David, because they sit upon GOD his Throne in the earth, and have the count of their administration to give unto him. Their office is, To minister Justice and Judgement to the people, as the same David saith: To advance the good, and punish the evill, as he likewise saith: To establish good Lawes to his people, and procure obedience to the same, as divers good Kings of Judah did: To procure the peace of the people, as the same David saith: To decide all controversies that can arise among them, as Salomon did: To be the Minister of God for the weale of them that doe well, and as the minister of God, to take vengeance upon them that doe evill, as S. Paul saith. And finally, As a good Pastour, to goe out and in before his people as is said in the first of Samuel: That through the Princes prosperitie, the peoples peace may be procured, as Jeremie saith.

And therefore in the Coronation of our owne Kings, as well as of every Christian *Monarchie* they give their Oath, first to maintaine the Religion presently professed within their countrie, according to their lawes, whereby it is established, and to punish all those that should presse to alter, or disturbe the profession thereof; And next to maintaine all the lowable^e and good Lawes made by their predecessours: to see them put in execution, and the breakers and violaters thereof, to be punished, according to the tenour of the same: And lastly, to maintaine the whole countrie, and every state therein, in all their ancient Priviledges and Liberties, as well against all forreine enemies, as among themselves: And shortly to procure the weale and flourishing of his people, not onely in maintaining and putting to execution the olde lowable lawes of the countrie, and by establishing of new (as necessitie and evill maners will

require) but by all other meanes possible to fore-see and prevent all dangers, that are likely to fall upon them, and to maintaine concord, wealth, and civilitie among them, as a loving Father, and careful watchman, caring for them more than for himselfe, knowing himselfe to be ordained for them, and they not for him; and therefore countable to that great God, who placed him as his lieutenant over them, upon the perill of his soule to procure the weale of both soules and bodies, as farre as in him lieth, of all them that are committed to his charge. And this oath in the Coronation is the clearest, civill, and fundamentall Law, whereby the Kings office is properly defined.

By the Law of Nature the King becomes a naturall Father to all his Lieges at his Coronation: And as the Father of his fatherly duty is bound to care for the nourishing, education, and vertuous government of his children; even so is the king bound to care for all his subjects. As all the toile and paine that the father can take for his children, will be thought light and well bestowed by him, so that the effect thereof redound to their profite and weale; so ought the Prince to doe towards his people. As the kindly⁴ father ought to foresee all inconvenients and dangers that may arise towards his children, and though with the hazard of his owne person presse to prevent the same; so ought the King towards his people. As the fathers wrath and correction upon any of his children that offendeth, ought to be by a fatherly chastisement seasoned with pitie, as long as there is any hope of amendment in them; so ought the King towards any of his Lieges that offend in that measure. And shortly, as the Fathers chiefe joy ought to be in procuring his childrens welfare, rejoycing at their weale, sorrowing and pitying at their evill, to hazard for their safetie, travell for their rest, wake for their sleepe; and in a word, to thinke that his earthly felicitie and life standeth and liveth more in them, nor in himselfe; so ought a good Prince thinke of his people.

As to the other branch of this mutuall and reciproock band, is the duty and alleageance that the Lieges owe to their King: the ground whereof, I take out of the words of *Samuel*, dited by Gods Spirit, when God had given him commandement to heare the peoples voice in choosing and anointing them a King. And because that place of Scripture being well understood, is so pertinent for our purpose, I have insert herein the very words of the Text.

9 *Now therefore hearken to their voice: howbeit yet testifie unto them, and shew them the maner of the King, that shall raigne over them.*

10 *So Samuel tolde all the wordes of the Lord unto the people that asked a King of him.*

⁴ That is, natural.

11 *And he said, This shall be the maner of the King that shall raigne over you; he will take your sonnes, and appoint them to his Charets, and to be his horsemen, and some shall runne before his Charet.*

12 *Also, hee will make them his captaines over thousands, and captaines over fifties, and to eare his ground, and to reape his harvest, and to make instruments of warre and the things that serve for his charets:*

13 *Hee will also take your daughters, and make them Apothicaries, and Cookes, and Bakers.*

14 *And hee will take your fields, and your vineyards, and your best Olive trees, and give them to his servants.*

15 *And he will take the tenth of your seed, and of your Vineyards, and give it to his Eunnuches, and to his servants.*

16 *And he will take your men servants, and your maid-servants, and the chiefe of your yong men, and your asses, and put them to his worke.*

17 *He will take the tenth of your sheepe: and ye shall be his servants.*

18 *And ye shall cry out at that day, because of your King, whom ye have chosen you: and the Lord God will not heare you at that day.*

19 *But the people would not heare the voice of Samuel, but did say: Nay, but there shalbe a King over us.*

20 *And we also will be like all other Nations, and our King shall judge us, and goe out before us, and fight our battels.⁵*

That these words, and discourses of *Samuel* were dited by Gods Spirit, it needs no further probation, but that it is a place of Scripture; since the whole Scripture is dited by that inspiration, as *Paul* saith: which ground no good Christian will, or dare denie. Whereupon it must necessarily follow, that these speeches proceeded not from any ambition in *Samuel*, as one loath to quite the reines that he so long had ruled, and therefore desirous, by making odious the government of a King, to disswade the people from their farther importunate craving of one: For, as the text proveth it plainly, he then conveened them to give them a resolute grant of their demand, as God by his owne mouth commanded him, saying,

Hearken to the voice of the people.

And to presse to disswade them from that, which he then came to grant unto them, were a thing very impertinent in a wise man; much more in the Prophet of the most high God. And likewise, it well appeared in all the course of his life after, that his so long refusing of their sute before came not of any ambition in him: which he well proved in praying, & as it were importuning God for the weale of *Saul*. Yea, after God had declared his reprobation unto him, yet he desisted not, while God himselfe was wrath

⁵ 1 Samuel 8: 10-18.

at his praying, and discharged his fathers suit in that errand. And that these words of *Samuel* were not uttered as a prophetic of *Saul* their first Kings defection, it well appeareth, as well because we heare no mention made in the Scripture of any his tyrannic and oppression, (which, if it had bene, would not have been left unpainted out therein, as well as his other faults were, as in a trew mirrour of all the Kings behaviours, whom it describeth) as likewise in respect that *Saul* was chosen by God for his vertue, and meet qualities to governe his people: whereas his defection sprung after-hand from the corruption of his owne nature, & not through any default in God, whom they that thinke so, would make as a step-father to his people, in making wilfully a choise of the unmeetest for governing them, since the election of that King lay absolutely and immediatly in Gods hand. But by the contrary it is plaine, and evident, that this speech of *Samuel* to the people, was to prepare their hearts before the hand to the due obedience of that King, which God was to give unto them; and therefore opened up unto them, what might be the intollerable qualities that might fall in some of their kings, thereby preparing them to patience, not to resist to Gods ordinance: but as he would have said; Since God hath granted your importunate suit in giving you a king, as yee have else committed an errour in shaking off Gods yoke, and over-hastie seeking of a King; so beware yee fall not into the next, in casting off also rashly that yoke, which God at your earnest suite hath laid upon you, how hard that ever it seeme to be: For as ye could not have obtained one without the permission and ordinance of God, so may yee no more, fro hee be once set over you, shake him off without the same warrant. And therefore in time arme your selves with patience and humilitie, since he that hath the only power to make him, hath the onely power to unmake him; and ye onely to obey, bearing with these straits that I now foreshew you, as with the finger of God, which lieth not in you to take off.

And will ye consider the very wordes of the text in order, as they are set downe, it shall plainly declare the obedience that the people owe to their King in all respects.

First, God commandeth *Samuel* to doe two things: the one, to grant the people their suit in giving them a king; the other, to forewarne them, what some kings will doe unto them, that they may not thereafter in their grudging and murmuring say, when they shal feele the smartes⁶ here fore-spoken; We would never have had a king of God, in case when we craved him, hee had let us know how wee would have bene used by him, as now we finde but over-late. And this is meant by these words: *Now therefore hearken unto their voice: howbeit yet testifie unto them, and shew them the maner of the King that shall rule over them.*

⁶ smartes, 1598; snares, 1616.

And next, *Samuel* in execution of this commandement of God, hee likewise doeth two things.

First, hee declares unto them, what points of justice and equitie their king will breake in his behaviour unto them: And next he putteth them out of hope, that wearie as they will, they shall not have leave to shake off that yoke, which God through their importunitie hath laide upon them. The points of equitie that the King shall breake unto them, are expressed in these words:

11 *He will take your sonnes, and appoint them to his Charets, and to be his horsemen, and some shall run before his Charet.*

12 *Also he will make them his captaines over thousands, and captaines over fifties, and to eare his ground, and to reape his harvest, and to make instruments of warre, and the things that serve for his charets.*

13 *He will also take your daughters, and make them Apothecaries, and Cookes, and Bakers.*

The points of Justice, that hee shall breake unto them, are expressed in these wordes:

14 *Hee will take your fields, and your vineyards, and your best Olive trees, and give them to his servants.*

15 *And he will take the tenth of your seede, and of your vineyards, and give it to his Eunuches and to his servants: and also the tenth of your sheepe.*

As if he would say; The best and noblest of your blood shall be compelled in slavish and servile offices to serve him: And not content of his owne parrimonie, will make up a rent to his owne use out of your best lands, vineyards, orchards, and store of cattell: So as inverting the Law of nature, and office of a King, your persons and the persons of your posteritie, together with your lands, and all that ye possesse shal serve his private use, and inordinate appetite.

And as unto the next point (which is his fore-warning them, that, weary as they will, they shall not have leave to shake off the yoke, which God thorow their importunity hath laid upon them) it is expressed in these words:

18 *And yee shall crie out at that day, because of your King whom yee have chosen you: and the Lord will not heare you at that day.*

As he would say; When ye shall finde these things in prooffe that now I fore-warne you of, although you shall grudge and murmure, yet it shal

not be lawful to you to cast it off, in respect it is not only the ordinance of God, but also your selves have chosen him unto you, thereby renouncing for ever all priviledges, by your willing consent out of your hands, whereby in any time hereafter ye would claime, and call backe unto your selves againe that power, which God shall not permit you to doe. And for further taking away of all excuse, and retraction of this their contract,⁷ after their consent to under-lye this yoke with all the burthens that hee hath declared unto them, he craves their answer, and consent to his proposition: which appeareth by their answer, as it is expressed in these words:

19 *Nay, but there shalbe a King over us.*

20 *And we also will be like all other nations: and our king shall judge us, and goe out before us and fight our battels.*

As if they would have said; All your speeches and hard conditions shall not skarre^e us, but we will take the good and evill of it upon us, and we will be content to beare whatsoever burthen it shal please our King to lay upon us, aswell as other nations doe. And for the good we will get of him in fighting our battels, we will more patiently beare any burthen that shall please him to lay on us.

Now then, since the erection of this Kingdome and Monarchie among the Jewes, and the law thereof may, and ought to bee a paterne to all Christian and well founded Monarchies, as beeing founded by God himselfe, who by his Oracle, and out of his owne mouth gave the law thereof: what liberty can broiling spirits, and rebellious minds claime justly to against any Christian Monarchie; since they can claime to no greater libertie on their part, nor the people of God might have done, and no greater tyranny was ever executed by any Prince or tyrant, whom they can object, nor was here fore-warned to the people of God, (and yet all rebellion countermanded unto them) if tyrannizing over mens persons, sonnes, daughters and servants; redacting noble houses, and men, and women of noble blood, to slavish and servile offices; and extortion, and spoile of their lands and goods to the princes owne private use and commoditie, and of his courteurs, and servants, may be called a tyrannie?

And that this proposition grounded upon the Scripture, may the more clearly appeare to be trew by the practise oft proved in the same booke, we never reade, that ever the Prophets perswaded the people to rebell against the Prince, how wicked soever he was.

⁷ James's introduction of the term 'contract' at this point anticipates his later attack on the contract theory of kingship put forward by Buchanan in *De Jure regni apud Scotos* (Edinburgh, 1579); for a translation see Arrowood (1949).

When *Samuel* by Gods command pronounced to the same king *Saul*, that his kingdome was rent from him, and given to another (which in effect was a degrading of him) yet his next action following that, was peaceably to turne home, and with floods of teares to pray to God to have some compassion upon him.

And *David*, notwithstanding hee was inaugurate in that same degraded Kings roome,^e not onely (when he was cruelly persecuted, for no offence; but good service done unto him) would not presume, having him in his power, skantly, but with great reverence, to touch the garment of the annoynted of the Lord, and in his words blessed him: but likewise, when one came to him vinting himselfe untrewly to have slaine *Saul*, hee, without forme of proces, or triall of his guilt, caused onely for guiltinesse of his tongue, put him to sodaine death.

And although there was never a more monstrous persecutor, and tyrant nor *Achab* was: yet all the rebellion, that *Elias* ever raised against him, was to flie to the wildernes: where for fault of sustentation, he was fed with the Corbies.^e And I thinke no man will doubt but *Samuel*, *David*, and *Elias*, had as great power to perswade the people, if they had liked to have employed their credite to uproares & rebellions against these wicked kings, as any of our seditious preachers in these daies of whatsoever religion, either in this cuntry or in France, had, that busied themselves most to stir up rebellion under cloake of religion. This farre the only love of veritie, I protest, without hatred at their persons, have mooved me to be somewhat satyricke.⁸

And if any will leane to the extraordinarie examples of degrading or killing of kings in the Scriptures, thereby to cloake the peoples rebellion, as by the deed of *Jebu*, and such like extraordinaries: I answer, besides that they want the like warrant that they had, if extraordinarie examples of the Scripture shall bee drawne in daily practise; murther under traist^e as in the persons of *Abud*, and *Jael*; theft, as in the persons of the *Israelites* comming out of *Egypt*; lying to their parents to the hurt of their brother, as in the person of *Jacob*, shall all be counted as lawfull and allowable vertues, as rebellion against Princes. And to conclude, the practise through the whole Scripture prooveth the peoples obedience given to that sentence in the law of God: *Thou shalt not rayle upon the Judges, neither speake evill of the ruler of thy people.*

To end then the ground of my proposition taken out of the Scripture, let two speciall, and notable examples, one under the law, another under the Evangel, conclude this part of my alleageance.^e Under the lawe, *Jeremie* threatneth the people of God with utter destruction for rebellion to

⁸ James sometimes uses this term, as here, to mean 'critical' in a political sense; see also *Basilicon Doron*, p. 229.

Nabuchadnezzar the king of Babel: who although he was an idolatrous persecuter, a forraine King, a Tyrant, and usurper of their liberties; yet in respect they had once received and acknowledged him for their king, he not only commandeth them to obey him, but even to pray for his prosperitie, adjoyning the reason to it; because in his prosperitie stood their peace.

And under the Evangel, that king, whom *Paul* bids the *Romanes* obey and serve for conscience sake, was *Nero* that bloody tyrant, an infamie to his aage, and a monster to the world, being also an idolatrous persecuter, as the King of *Babel* was. If then Idolatrie and defection from God, tyranny over their people, and persecution of the Saints, for their profession sake, hindred not the Spirit of God to command his people under all highest paine to give them all due and heartie obedience for conscience sake, giving to *Cæsar* that which was *Cæsars*, and to God that which was Gods, as Christ saith; and that this practise throughout the booke of God agreeth with this lawe, which he made in the erection of that Monarchie (as is at length before deduced) what shamelesse presumption is it to any Christian people now adayes to claime to that unlawfull libertie, which God refused to his owne peculiar and chosen people? Shortly then to take up in two or three sentences, grounded upon all these arguments, out of the lawe of God, the duetie, and alleageance of the people to their lawfull king, their obedience, I say, ought to be to him, as to Gods Lieutenant in earth, obeying his commands in all things, except directly against God, as the commands of Gods Minister, acknowledging him a Judge set by GOD over them, having power to judge them, but to be judged onely by GOD, whom to onely hee must give count of his judgement; fearing him as their Judge, loving him as their father; praying for him as their protectour; for his continuance, if he be good; for his amendement, if he be wicked; following and obeying his lawfull commands, eschewing and flying his fury in his unlawfull, without resistance, but by sobbes and teares to God, according to that sentence used in the primitive Church in the time of the persecution.

*Preces, & Lachrymæ sunt arma Ecclesiæ.*⁹

Now, as for the describing the alleageance, that the lieges owe to their native King, out of the fundamentall and civill Lawe, especially of this country, as I promised, the ground must first be set downe of the first maner of establishing the Lawes and forme of government among us; that the ground being first right laide, we may thereafter build rightly thereupon. Although it be trew (according to the affirmation of those that pryde themselves to be the scourges of Tyrants) that in the first beginning of Kings rising among Gentiles, in the time of the first aage, divers

⁹ Prayers and tears are the weapons of the Church.

commonwealths and societies of men choosed out one among themselves, who for his vertues and valour, being more eminent then the rest, was chosen out by them, and set up in that roome, to maintaine the weakest in their right, to throw downe oppressours, and to foster and continue the societie among men; which could not otherwise, but by vertue of that unities be wel done: yet these examples are nothing pertinent to us; because our Kingdome and divers other Monarchies are not in that case, but had their beginning in a farre contrary fashion.

For as our Chronicles beare witness, this Ile, and especially our part of it, being scantily inhabited, but by very few, and they as barbarous and scant of civilitie, as number, there comes our first King *Fergus*, with a great number with him, out of *Ireland*, which was long inhabited before us, and making himselfe master of the country, by his owne friendship, and force, as well of the *Ireland-men* that came with him, as of the country-men that willingly fell to him, hee made himselfe King and Lord, as well of the whole landes, as of the whole inhabitants within the same.¹⁰ Thereafter he and his successours, a long while after their being Kinges, made and established their lawes from time to time, and as the occasion required. So the trewth is directly contrarie in our state to the false affirmation of such seditious writers, as would perswade us, that the Lawes and state of our country were established before the admitting of a king: where by the contrarie ye see it plainly proved, that a wise king comming in among barbares, first established the estate and forme of government, and thereafter made lawes by himselfe, and his successours according thereto.

The kings therefore in *Scotland* were before any estates or ranks of men within the same, before any Parliaments were holden, or lawes made: and by them was the land distributed (which at the first was whole theirs) states erected and decerned, and formes of government devised and established: And so it followes of necessitie, that the kings were the authors and makers of the Lawes, and not the Lawes of the kings. And to proove this my assertion more clearly, it is evident by the rolles of our Chancellery (which containe our eldest and fundamentall Lawes) that the King is *Dominus omnium bonorum*, and *Dominus directus totius Dominiij*,¹¹ the whole subjects being but his vassals, and from him holding all their lands as their over-lord, who according to good services done unto him,

¹⁰ The story of Fergus is told by Hector Boece in *The Chronicles of Scotland*, translated into Scots by John Bellenden (1531), ed. R.W. Chambers and Edith C. Batho, Edinburgh: Scottish Text Society, 1938: 'How Ferquhard, King of Ireland, send Fergus his son with ane strang army in support of the Scottis of Albion; and how the said Fergus was chosin king abone the Scottis in Albione' (I, 6).

¹¹ Lord of all goods . . . Direct lord of the whole dominion (that is, property).

chaungeth their holdings from tacked to free, from ward to blanch,¹² erecteth new Baronies, and uniteth olde, without advice or authoritie of either Parliament, or any other subalterin^s judiciall seate: So as if wrong might bee admitted in play (albeit I grant wrong should be wrong in all persons) the King might have a better colour for his pleasure, without further reason, to take the land from his lieges, as over-lord of the whole, and doe with it as pleaseth him, since all that they hold is of him, than, as foolish writers say, the people might unmake the king, and put an other in his roome: But either of them as unlawful, and against the ordinance of God, ought to be alike odious to be thought, much lesse put in practise.

And according to these fundamentall Lawes already alledged, we daily see that in the Parliament (which is nothing else but the head Court of the king and his vassals) the lawes are but craved by his subjects, and onely made by him at their roagation, and with their advice: For albeit the king make daily statutes and ordinances, enjoyning such paines thereto as hee thinkes meet, without any advice of Parliament or estates; yet it lies in the power of no Parliament, to make any kinde of Lawe or Statute, without his Scepter he to it, for giving it the force of a Law: And although divers changes have beene in other countries of the blood Royall, and kingly house, the kingdome being reft by conquest from one to another, as in our neighbour cuntry in *England*, (which was never in ours) yet the same ground of the kings right over all the land, and subjects thereof remaineth alike in all other free Monarchies, as well as in this: For when the Bastard of *Normandie* came into *England*, and made himselfe king, was it not by force, and with a mighty army? Where he gave the Law, and tooke none, changed the Lawes, inverted the order of government, set downe the strangers his followers in many of the old possessours roomes, as at this day well appeareth a great part of the Gentlemen in *England*, being come of the *Norman* blood, and their old Lawes, which to this day they are ruled by, are written in his language, and not in theirs: And yet his successours have with great happinesse enjoyed the Crowne to this day; Whereof the like was also done by all them that conquered them before.

And for conclusion of this point, that the king is over-lord over the whole lands, it is likewise daily proved by the Law of our hoordes, of want of Heires, and of Bastardies: For if a hoord be found under the earth, because it is no more in the keeping or use of any person, it of the law pertains to the king. If a person, inheritour of any lands or goods, dye without any sort of heires, all his landes and goods returne to the king. And if a bastard die unrehabled^s without heires of his bodie (which

¹² From perpetual lease for a fixed rent to leasehold tenure, and from tenure by military service to a quit rent instead of service (Craigie, 1982).

rehabling onely lyes in the kings hands) all that hee hath likewise returnes to the king. And as ye see it manifest, that the King is over-Lord of the whole land: so is he Master over every person that inhabiteth the same, having power over the life and death of every one of them: For although a just Prince will not take the life of any of his subjects without a cleare law; yet the same lawes whereby he taketh them, are made by himselfe, or his predecessours; and so the power flowes alwaies from him selfe; as by daily experience we see, good and just Princes will from time to time make new lawes and statutes, adjoyning the penalties to the breakers thereof, which before the law was made, had beene no crime to the subject to have committed. Nor that I deny the old definition of a King, and of a law; which makes the king to bee a speaking law, and the Law a dumbe king:¹³ for certainly a king that governes not by his lawe, can neither be countable to God for his administration, nor have a happy and established raigne: For albeit it be trew that I have at length proved, that the King is above the law, as both the author and giver of strength thereto; yet a good king will not onely delight to rule his subjects by the lawe, but even will conforme himselfe in his owne actions thereunto, alwaies keeping that ground, that the health of the common-wealth be his chiefe lawe: And where he sees the lawe doubtful or rigorous, hee may interpret or mitigate the same, lest otherwise *Summum jus bee summa iniuria*:¹⁴ And therefore generall lawes, made publicly in Parliament, may upon knowen respects to the King by his authoritie bee mitigated, and suspended upon causes onely knowen to him.

As likewise, although I have said, a good king will frame all his actions to be according to the Law; yet is hee not bound thereto but of his good will, and for good example-giving to his subjects: For as in the law of abstaining from eating of flesh in *Lenton*, the king will, for examples sake, make his owne house to observe the Law; yet no man will thinke he needs to take a licence to eate flesh. And although by our Lawes, the bearing and wearing of hag-butts,^s and pistolets be forbidden, yet no man can find any fault in the King, for causing his traine use them in any raide upon the Borderers, or other malefactours or rebellious subjects. So as I have already said, a good King, although hee be above the Law, will subject and frame his actions thereto, for examples sake to his subjects, and of his owne free-will, but not as subject or bound thereto.

Since I haue so clearely proved then out of the fundamentall lawes and practise of this country, what right & power a king hath over his land and subjects, it is easie to be understood, what allegiance & obedience his

¹³ Cicero, *De Legibus*, III, 2.

¹⁴ Law taken to extremes . . . extreme injustice (Cicero, *De Officiis*, I, x, 33); quoted in *Basilicon Doron*, see p. 240, n. 108.

lieges owe unto him; I meane alwaies of such free Monarchies as our king is, and not of elective kings, and much lesse of such sort of governors, as the dukes of *Venice* are, whose Aristocratick and limited government, is nothing like to free Monarchies;¹⁵ although the malice of some writers hath not beene ashamed to mis-know any difference to be betwixt them. And if it be not lawfull to any particular Lordes tenants or vassals, upon whatsoever pretext, to controll and displace their Master, and over-lord (as is clearer nor the Sunne by all Lawes of the world) how much lesse may the subjects and vassals of the great over-lord the KING controll or displace him? And since in all inferiour judgements in the land, the people may not upon any respects displace their Magistrates, although but subaltern: for the people of a borough, cannot displace their Provost¹⁶ before the time of their election: nor in Ecclesiasticall policie the flocke can upon any pretence displace the Pastor, nor judge of him: yea even the poore Schoolemaster cannot be displaced by his schollers: If these, I say (whereof some are but inferiour, subaltern, and temporall Magistrates, and none of them equall in any sort to the dignitie of a King) cannot be displaced for any occasion or pretext by them that are ruled by them: how much lesse is it lawfull upon any pretext to controll or displace the great Provost, and great Schoole-master of the whole land: except by inverting the order of all Law and reason, the commanded may be made to command their commander, the judged to judge their Judge, and they that are governed, to governe their time about their Lord and governour.

And the agreement of the Law of nature in this our ground with the Lawes and constitutions of God, and man, already alledged, will by two similitudes easily appeare. The King towards his people is rightly compared to a father of children, and to a head of a body composed of divers members: For as fathers, the good Princes, and Magistrates of the people of God acknowledged themselves to their subjects. And for all other well ruled Common-wealths, the stile of *Pater patriæ*¹⁷ was ever, and is commonly used to Kings. And the proper office of a King towards his Subjects, agrees very wel with the office of the head towards the body, and all members thereof: For from the head, being the seate of Judgement, proceedeth the care and foresight of guiding, and preventing all evill that may come to the body or any part thereof. The head cares for the body, so doeth the King for his people. As the discourse and direction flowes from the head, and the execution according thereunto belongs to the rest of the

¹⁵ Venice was the only significant example of non-monarchical government in Europe at the time James was writing. The 'Dukes' (doges) were elected for life by an extremely complex system that combined voting with lottery.

¹⁶ Equivalent to the position of mayor in England.

¹⁷ Father of the nation (fatherland).

members, every one according to their office: so is it betwixt a wise Prince, and his people. As the judgement coming from the head may not onely imploy the members, every one in their owne office as long as they are able for it; but likewise in case any of them be affected with any infirmitie must care and provide for their remedy, in-case it be curable, and if otherwise, gar* cut them off for feare of infecting of the rest: even so is it betwixt the Prince, and his people. And as there is ever hope of curing any diseased member by the direction of the head, as long as it is whole; but by the contrary, if it be troubled, all the members are partakers of that paine, so is it betwixt the Prince and his people.

And now first for the fathers part (whose naturall love to his children I described in the first part of this my discourse, speaking of the dutie that Kings owe to their Subjects) consider, I pray you what duetie his children owe to him, & whether vpon any pretext whatsoever, it wil not be thought monstrous and unnaturall to his sons, to rise up against him, to controll him at their appetite, and when they thinke good to sley him, or to cut him off, and adopt to themselves any other they please in his roome: Or can any pretence of wickednes or rigor on his part be a just excuse for his children to put hand into him? And although wee see by the course of nature, that love useth to descend more than to ascend, in case it were trew, that the father hated and wronged the children never so much, will any man, endued with the least sponke^o of reason, thinke it lawfull for them to meet him with the line? Yea, suppose the father were furiously following his sonnes with a drawn sword, is it lawfull for them to turne and strike againe, or make any resistance but by flight? I thinke surely, if there were no more but the example of bruit beasts & unreasonable creatures, it may serve well enough to qualifie and prove this my argument. We reade often the pietie that the Storckes have to their olde and decayed parents: And generally wee know, that there are many sorts of beasts and fowles, that with violence and many bloody strokes will beat and banish their yong ones from them, how soone they perceive them to be able to fend themselves; but wee never read or heard of any resistance on their part, except among the vipers; which prooves such persons, as ought to be reasonable creatures, and yet unnaturally follow this example, to be endued with their viperous nature.

And for the similitude of the head and the body, it may very well fall out that the head will be forced to garre cut off some rotten member (as I have already said) to keepe the rest of the body in integritie: but what state the body can be in, if the head, for any infirmitie that can fall to it, be cut off, I leave it to the readers judgement.

So as (to conclude this part) if the children may upon any pretext that can be imagined, lawfully rise up against their Father, cut him off, & choose any other whom they please in his roome; and if the body for the

weale of it, may for any infirmitie that can be in the head, strike it off, then I cannot deny that the people may rebell, controll, and displace, or cut off their king at their owne pleasure, and upon respects mooving them. And whether these similitudes represent better the office of a King, or the offices of Masters or Deacons of crafts,¹⁸ or Doctors in Physicke (which jolly comparisons are used by such writers as maintaine the contrary proposition) I leave it also to the readers discretion.

And in case any doubts might arise in any part of this treatise, I wil (according to my promise) with the solution of foure principall and most weightie doubts, that the adversaries may object, conclude this discourse. And first it is casten up by divers, that employ their pennes upon Apologies for rebellions and treasons, that every man is borne to carry such a naturall zeale and duety to his commonwealth, as to his mother; that seeing it so rent and deadly wounded, as whiles it will be by wicked and tyrannous Kings, good Citizens will be forced, for the naturall zeale and duety they owe to their owne native cuntry, to put their hand to worke for freeing their common-wealth from such a pest.

Whereunto I give two answeres: First, it is a sure Axiome in *Theologie*, that civill should not be done, that good may come of it: The wickednesse therefore of the King can never make them that are ordained to be judged by him, to become his Judges. And if it be not lawfull to a private man to revenge his private injury upon his private adversary (since God hath onely given the sword to the Magistrate) how much lesse is it lawfull to the people, or any part of them (who all are but private men, the authoritie being alwayes with the Magistrate, as I have already proved) to take upon them the use of the sword, whom to it belongs not, against the publicke Magistrate, whom to onely it belongeth.

Next, in place of relieving the common-wealth out of distresse (which is their onely excuse and colour) they shall heape double distresse and desolation upon it; and so their rebellion shall procure the contrary effects that they pretend it for: For a king cannot be imagined to be so unruly and tyrannous, but the common-wealth will be kept in better order, notwithstanding thereof, by him, than it can be by his way-taking. For first, all sudden mutations are perillous in common-wealths, hope being thereby given to all bare men to set up themselves, and flie with other mens feathers, the reines being loosed to all the insolencies that disordered people can commit by hope of impunitie, because of the loosenesse of all things.

And next, it is certaine that a king can never be so monstrously vicious, but hee will generally favour justice, and maintaine some order, except in the particulars, wherein his inordinate lustes and passions cary him away;

¹⁸ Leaders of the trades associations in Scottish towns.

where by the contrary, no King being, nothing is unlawfull to none: And so the olde opinion of the Philosophers prooves trew, That better it is to live in a Common-wealth, where nothing is lawfull, than where all things are lawfull to all men; the Common-wealth at that time resembling an undanted young horse that hath casten his rider: For as the divine Poet DU BARTAS sayth, *Better it were to suffer some disorder in the estate, and some spots in the Common-wealth, than in pretending to reforme, utterly to overthrow the Republicke.*¹⁹

The second objection they ground upon the curse that hangs over the common-wealth, where a wicked king reigneth: and, say they, there cannot be a more acceptable deed in the sight of God, nor more dutiful to their common-weale, than to free the cuntry of such a curse, and vindicate to them their libertie, which is naturall to all creatures to crave.

Whereunto for answer, I grant indeed, that a wicked king is sent by God for a curse to his people, and a plague for their sinnes: but that it is lawfull to them to shake off that curse at their owne hand, which God hath laid on them, that I deny, and may so do justly. Will any deny that the king of *Babel* was a curse to the people of God, as was plainly fore-spoken and threatned unto them in the prophcie of their captivitie? And what was *Nero* to the Christian Church in his time? And yet *Jeremy* and *Paul* (as yee have else heard) commanded them not onely to obey them, but heartily to pray for their welfare.

It is certaine then (as I have already by the Law of God sufficiently proved) that patience, earnest prayers to God, and amendment of their lives, are the onely lawful meanes to move God to relieve them of that heavie curse. As for vindicating to themselves their owne libertie, what lawfull power have they to revoke to themselves againe those priviledges, which by their owne consent before were so fully put out of their hands? for if a Prince cannot justly bring backe againe to himself the priviledges once bestowed by him or his predecessors upon any state or ranke of his subjects; how much lesse may the subjects reave out of the princes hand that superioritie, which he and his Predecessors have so long brooked over them?

But the unhappy iniquitie of the time, which hath oft times given over good successe to their treasonable attempts, furnisheth them the ground of their third objection: For, say they, the fortunate successe that God hath so oft given to such enterprises, prooveth plainly by the practise, that God favoured the justnesse of their quarrell.

¹⁹ Du Bartas, *La Seconde Semaine* ('Les Capitaines'), ll. 1107-10. James may have seen this part of the poem in manuscript when Du Bartas visited him at Falkland Palace in the summer of 1587 (it was published posthumously in 1603); see Craigie (1982), pp. 140-41. For James's own translations of Du Bartas, see above pp. 50-93.

faulty?
logic.

To the which I answer, that it is trew indeed, that all the successe of battels, as well as other worldly things, lyeth onely in Gods hand: And therefore it is that in the Scripture he takes to himselfe the style of God of Hosts. But upon that generall to conclude, that hee ever gives victory to the just quarrell, would proove the *Philistims*,²⁰ and divers other neighbour enemies of the people of God to have oft times had the just quarrel against the people of God, in respect of the many victories they obtained against them. And by that same argument they had also just quarrell against the Arke of God: For they wan it in the field, and kept it long prisoner in their country. As likewise by all good Writers, as well Theologues, as other, the Duels and singular combats are disallowed;²¹ which are onely made upon pretence, that GOD will kith^r thereby the justice of the quarrell: For wee must consider that the innocent partie is not innocent before God: And therefore God will make oft times them that have the wrong side revenge justly his quarrell; and when he hath done, cast his scourge in the fire; as he oft times did to his owne people, stirring up and strengthening their enemies, while they were humbled in his sight, and then delivered them in their hands. So God, as the great Judge may justly punish his Deputie, and for his rebellion against him, stir up his rebels to meet him with the like: And when it is done, the part of the instrument is no better than the divels part is in tempting and torturing such as God committeth to him as his hangman to doe: Therefore, as I said in the beginning, it is oft times a very deceivable argument, to judge of the cause by the event.

And the last objection is grounded upon the mutuall paction and adstipulation²² (as they call it) betwixt the King and his people, at the time of his coronation: For there, say they, there is a mutuall paction, and contract bound up, and sworne betwixt the king, and the people: Whereupon it followeth, that if the one part of the contract or the Indent bee broken upon the Kings side, the people are no longer bound to keepe their part of it, but are thereby freed of their oath: For (say they) a contract betwixt two parties, of all Law frees the one partie, if the other breake unto him.

As to this contract alledged made at the coronation of a King, although I deny any such contract to bee made then, especially containing such a clause irritant as they alledge; yet I confesse, that a king at his coronation, or at the entry to his kingdome, willingly promiseth to his people, to discharge honorably and trewly the office given him by God over them: But presuming that thereafter he breake his promise unto them never so

²⁰ The Hebrew plural, as in 'cherubim'.

²¹ James had declared against duels and single combat in *Basilicon Doron*, see p. 230.

²² The sense of 'contract', which James uses here, is not recorded in the *OED*, where 'adstipulation' is given as 'the addition of a second receiving party in a bargain'.

inexcusable; the question is, who should bee judge of the breake, giving unto them, this contract were made unto them never so sicker,^o according to their allegiance. I thinke no man that hath but the smallest entrance into the civill Law, will doubt that of all Law, either civil or municipal of any nation, a contract cannot be thought broken by the one partie, and so the other likewise to be freed therefro, except that first a lawfull triall and cognition be had by the ordinary Judge of the breakers thereof: Or else every man may be both party and Judge in his owne cause; which is absurd once to be thought. Now in this contract (I say) betwixt the king and his people, God is doubtles the only Judge, both because to him onely the king must make count of his administration (as is oft said before) as likewise by the oath in the coronation, God is made judge and revenger of the breakers: For in his presence, as only judge of oaths, all oaths ought to be made. Then since God is the onely Judge betwixt the two parties contractors, the cognition^o and revenge must onely appertaine to him: It followes therefore of necessitie, that God must first give sentence upon the King that breaketh, before the people can thinke themselves freed of their oath. What justice then is it, that the partie shall be both judge and partie, usurping upon himselfe the office of God, may by this argument easily appeare: And shall it lie in the hands of headlesse multitude, when they please to weary of subjection, to cast off the yoake of government that God hath laid upon them, to judge and punish him, whom-by they should be judged and punished; and in that case, wherein by their violence they kythe^r themselves to be most passionate parties, to use the office of an ungracious Judge or Arbitrator? Nay, to speake trewly of that case, as it stands betwixt the king and his people, none of them ought to judge of the others breake: For considering rightly the two parties at the time of their mutuall promise, the king is the one party, and the whole people in one body are the other party. And therefore since it is certaine, that a king, in case so it should fal out, that his people in one body had rebelled against him, hee should not in that case, as thinking himselfe free of his promise and oath, become an utter enemy, and practise the wreake of his whole people and native country: although he ought justly to punish the principall authours and bellowes of that universall rebellion: how much lesse then ought the people (that are alwaies subject unto him, and naked of all authoritie on their part) presse to judge and over-throw him? otherwise the people, as the one partie contractors, shall no sooner challenge the king as breaker, but hee assoone shall judge them as breakers: so as the victors making the tyners^r the traitors (as our proverbe is) the partie shall aye become both judge and partie in his owne particular, as I have already said.

And it is here likewise to be noted, that the duty and allegiance, which the people sweareth to their prince, is not only bound to themselves, but

likewise to their lawfull heires and posterity, the lineall succession of crowns being begun among the people of God, and happily continued in divers christian common-wealths: So as no objection either of heresie, or whatsoever private statute or law may free the people from their oath-giving to their king, and his succession, established by the old fundamentall lawes of the kingdome: For, as hee is their heritable overlord, and so by birth, not by any right in the coronation, commeth to his crowne; it is a like unlawful (the crowne ever standing full) to displace him that succeedeth thereto, as to eject the former: For at the very moment of the expiring of the king reigning, the nearest and lawful heire entreth in his place: And so to refuse him, or intrude another, is not to holde out uncomming^d in, but to expell and put out their righteous King. And I trust at this time whole *France* acknowledgeth the superstitious rebellion of the liguers,²³ who upon pretence of heresie, by force of armes held so long out, to the great desolation of their whole countrey, their native and righteous king from possessing of his owne crowne and naturall kingdome.

Not that by all this former discourse of mine, and Apologie for kings, I meane that whatsoever errors and intollerable abominations a sovereigne prince commit, hee ought to escape all punishment, as if thereby the world were only ordained for kings, & they without controlment to turne it upside down at their pleasure: but by the contrary, by remitting them to God (who is their onely ordinary Judge) I remit them to the sorest and sharpest schoolemaster that can be devised for them: for the further a king is preferred by God above all other ranks & degrees of men, and the higher that his seat is above theirs, the greater is his obligation to his maker. And therefore in case he forget himselfe (his unthankfulnes being in the same measure of height) the sadder and sharper will his correction be; and according to the greatnes of the height he is in, the weight of his fall wil recompense the same: for the further that any person is obliged to God, his offence becomes and growes so much the greater, than it would be in any other. *Joves* thunder-claps light oftner and sorer upon the high & stately oakes, than on the low and supple willow trees: and the highest bench is sliddriest^e to sit upon. Neither is it ever heard that any king forgets himselfe towards God, or in his vocation; but God with the greatnesse of the plague revengeth the greatnes of his ingratitude: Neither thinke I by the force and argument of this my discourse so to perswade the people, that none will hereafter be raised up, and rebell against wicked

²³ Members of the Duke of Guise's faction in France, consolidated in 1585 as the Catholic 'Holy League', which opposed the succession to the throne of the Protestant Henry of Navarre. The sectarian confrontation had erupted earlier in the St Bartholomew's Day Massacre of 1572, dramatised by Marlowe in *The Massacre at Paris* (c. 1592).

Princes. But remitting to the justice and providence of God to stirre up such scourges as pleaseth him, for punishment of wicked kings (who made the very vermine and filthy dust of the earth to bridle the insolencie of proud *Pharaoh*) my onely purpose and intention in this treatise is to perswade, as farre as lieth in me, by these sure and infallible grounds, all such good Christian readers, as beare not onely the naked name of a Christian, but kith the fruites thereof in their daily forme of life, to keepe their hearts and hands free from such monstrous and unnaturall rebellions, whensoever the wickednesse of a Prince shall procure the same at Gods hands: that, when it shall please God to cast such scourges of princes, and instruments of his fury in the fire, ye may stand up with cleane handes, and unspotted consciences, having proved your selves in all your actions trew Christians toward God, and dutifull subjects towards your King, having remitted the judgement and punishment of all his wrongs to him, whom to onely of right it appertaineth.

But craving at God, and hoping that God shall continue his blessing with us, in not sending such fearefull desolation, I heartily wish our kings behaviour so to be, and continue among us, as our God in earth, and loving Father, endued with such properties as I described a King in the first part of this Treatise. And that ye (my deare countreyemen, and charitable readers) may presse by all meanes to procure the prosperitie and welfare of your King; that as hee must on the one part thinke all his earthly felicitie and happinesse grounded upon your weale, caring more for himselfe for your sake than for his owne, thinking himselfe onely ordained for your weale; such holy and happy emulation may arise betwixt him and you, as his care for your quietnes, and your care for his honour and preservation, may in all your actions daily strive together, that the Land may thinke themselves blessed with such a King, and the king may thinke himselfe most happy in ruling over so loving and obedient subjects.

FINIS.