DE REPUBLICA ANGLORUM

by

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edited by

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INTRODUCTION

The De Republica Anglorum was written by Sir Thomas Smith, in the years 1562 to 1565, when Smith was Queen Elizabeth's ambassador in France. He described his purpose in writing the book in a letter to his friend, Walter Haddon, in April, 1565:

And because in my absence I feel a yearning for our commonwealth I have put together three books here at Toulouse describing it, taking as the title De Republica Anglorum; and in these I have set forth almost the whole of its form, especially those points in which it differs from the others. But it differs in almost all; with the consequence that the work has grown larger than I expected. I have written it moreover in the language of our own country, in a style midway between the historical and the philosophical, giving it the shape in which I imagined that Aristotle wrote of the many Greek commonwealths, books which are no longer extant. I have furnished fruitful arguments for those who would debate after the fashion of philosophers on single topics and raise nice points as to justice and injustice, and whether what is held yonder in England as law be the better, or what is held here and in those regions which are administered in accordance with the Roman Law. For all things, almost, are different, and I have set them forth on both sides in rough general outline. 'Why not send the books to me?' (you say). 'I desire eagerly to see what you have done.' They still lie among the rough scrawls of my notebooks; when they have been fully written out and given to the world in book form, I shall send them to you. For you were accustomed to think (as the well-known writer puts it) that our trifles had some value. You will certainly say, if I mistake not, when you read them through, that I am not ill-versed in our country's institutions. But it needs must be that in this brief essay there should be gaps, and a few points not filled in, because I brought with me not a single book and had no men of law to consult. Accordingly I have written only as much as was supplied by my memory, for the time being, of matters I had seen or read. Those parts that are imperfect I shall be able to complete at my leisure when I have returned home.

2 See p. 144 below, where Smith writes that he has described 'the forme and manner of the governement of Engleand... as Engleand standeth and is governed at this day the xxvil of March Anno 1565, in the viij years of the raigne and administration thereof by the most vertuous and noble Queene Elizabeth, daughter to King Henrie the eight, and in the one and li yeres of mine age, when I was ambassador for her majestie in the court of Fraunce'.
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The book emerged in its final form as a far more authoritative and impressive account of England than the letter implies. Smith gives us a complete survey of the workings of Elizabethan government throughout society. The social classes, their rights, duties, composition, and role in society are delineated. The legal framework is described and the detailed working of the machinery of the judicial system is discussed at length. The nature of the constitution, the role of monarch and Parliament, and the entire legislative process are analysed. Those legal procedures, customs, and habits of mind peculiar to England which foreigners would inevitably find baffling are explained. As an insight into sixteenth-century England the De Republica occupies a unique place and indeed has always been regarded as the main book on which Smith's claim to fame as an author rested. Professor Maitland in 1906, describing its unique importance, said 'No one would think of writing about the England of Elizabeth's day without paying heed to what was written about that matter by her learned and accomplished Secretary of State.'

The character of the book reflects the personality and career of the author. Smith had been a famous classical scholar at Cambridge and was that university's first Regius Professor of Civil Law. His learning was the admiration of his generation: 'Sir Thomas Smith was in my time', said Richard Eden, 'the flower of the University of Cambridge.' The De Republica is accordingly the work of a scholar, well aware of the historical origins of institutions and familiar with the writings of classical authors on the nature of society and the problems of political philosophy. The writer is clearly well versed in the law. Yet it is by no means simply an academic treatise. It is clear on every page that we are having matters described by someone with working experience of his country's government; one who had been a Member of Parliament, had served on commissions, had worked as a Justice of the Peace in his own county, had served as ambassador to foreign courts, had long experience at court and had indeed for a short time been close to the seat of power as Principal Secretary to Edward VI and ministerial confidante to Protector Somerset. It is this detailed familiarity with the workings of the system, this confident description of detailed procedures, which gives the book much of its value.

It is, however, basically descriptive rather than analytical or critical. Smith does not probe into the realities of power, or the existence of class conflict. He seems unaware of any fundamental problems posed by the system which he is so smoothly describing. Indeed his tone throughout

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is not only detached but thoroughly complacent. If the need arises to point out specific instances where English methods, customs, or institutions are very different from those in other countries, the comparison always emphasises the unquestioned superiority of his own country, so 'different from the fashion used either in France, or in Italy, or in any other place'. Whatever the topic, his verdict is usually similar to that found when he is discussing pleases, where he writes, 'Having seen both in France and other places manie devises, edicts and ordinances howe to abridge proces and to finde howe that long suites in law might be made shorter: I have not perceived nor reade as yet so wise, so just, and so well devised a meane found out by any man among us in Europe.'

In particular he is not in the least concerned with the question which in the next reign would dominate the political life of England and lead to much questioning of her institutions, that of the precise delineation of the respective powers and spheres of influence of Crown and Parliament. It would indeed have come as a distinct surprise to the author to know that later generations of politicians and political theorists would claim that his description of the role of Parliament heralded in no uncertain terms the coming Stuart struggle of King and Parliament. He would have been still more surprised that some would read into his words in this book a dazzling step forward towards formulating the theory of the sovereignty of Parliament. Far from probing the extent and limits of Parliament's power, Smith simply describes its role in cool terms of explaining its functions and procedures. Indeed it is to Smith's description of Parliament that G. R. Elton turns for confirmation that the well defined and clearly understood main business of the Elizabethan Parliament lay in its share of the workday burden of government and law-making, not in the heady pursuit of enlarging its own power and independence against the Crown:

Parliament was not called for political reasons. Nor was it thought of as a political assembly: it was a court and the best contemporary opinion of its functions brings in politics only very obliquely. The long list of its competencies put together by Sir Thomas Smith (choosing his order of priorities carefully, strange though it may sound to our ears) speaks of making and repealing laws, of altering rights and possessions, legitimating bastards, establishing forms of religion, altering weights and measures, settling the succession of the Crown, defining rights where the law had not settled them, granting taxes, issuing pardons, restoring to blood and condemning by attainder. We should never forget that Smith knew very well what he was talking about, or that when he

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4 Alston, op. cit., p. vii.
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spoke of ‘the parliament’ he did not mean the House of Commons alone. And he had nothing to say about providing a stage upon which those apprehensive of the rule of their monarch may express their opinions or push their solutions...

It is in this context that Smith’s much quoted statement that ‘The most high and absolute power of the realme of Englands, is in the Parliament’ should be understood. In this sentence, so beloved of historians, Smith was not referring, however obliquely, to any conflict between Crown and Parliament but to the relationship between government and the governed. An act of Parliament, because of the nature of Parliament, which he defines, and because of its procedures, which he is about to describe, is ‘the Princes and whole realmes deede’. No individual has the right to question this ‘absolute’ power, ‘no man can complains’. He must ‘accommodate himselfe to finde it good and obey it’, precisely because all ‘the force and power of Englands’ has here in Parliament decreed it to be the law. This, in context, is the simple meaning Smith intended to convey by his statement that ‘The most high and absolute power of the realme of Englands, is in the Parliament.’ Parliament is ‘both the head and the bodie’ and because of this ‘the consent of the Parliament is taken to be everie mans consent’. He is mainly concerned that the reader should understand that the English Parliament is an institution quite unlike the ‘parliaments’ of other countries – that the reader should grasp its unique place in English society. For this reason he comments later, when discussing the Councils for the North and for Wales, ‘These two are as be Parliaments in Franchise.’ It has been argued that a much more limited interpretation of the sentence is appropriate, that all Smith meant to convey was that Parliament, as the highest court in the land, was ‘absolute’ in the strictly limited legal sense that there was no appeal from it. Smith, however, was not discussing appeals at this point, he was discussing ‘the authoritie’ of Parliament; the context is wider, and the sentence carries in it the deeper implication of Parliament as the repository of the nation’s will and the ultimate sanction of its acts. It does not, however, carry the slightest implication of pitting Parliament against the Crown. As Professor Holdsworth stated, ‘Smith

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does not contemplate the existence of a controversy between them’.

There is indeed nothing in Smith’s account of Parliament which would have offended even Elizabeth’s sharp sense of the Crown’s authority.

This conservative approach characterises the book. In the 1560s Smith, like all ministers, Crown servants, and Members of Parliament, was well aware of clashes of will and purpose between the Crown and its advisers, clashes which sometimes emerged in Parliamentary debates, more often as struggles between different personalities in the Council. There had indeed been many such incidents with which he had been personally connected. But, as his later letters show, written when he was Principal Secretary to the Queen in the 1570s, he always regarded such clashes as unfortunate episodes, caused by mistaken zeal or ignorant pursuit of ill-advised policies, either by the Queen herself or her ministers, or other advisers, and the fault simply of the personalities concerned. They were an occasional piece of grit in the machinery, not an indication of any flaws or stresses in the very nature of the system.

This is not to say that one should take Smith’s smooth description totally for granted. One should remember that Smith’s description of Parliament is like the rest of the book, an exercise in demonstrating to his chosen audience – the benighted foreigners suffering under their, alas! far inferior foreign institutions – the superiority of all things English. It would not have suited Smith’s purpose to acknowledge any stresses, strains, or weaknesses in the English system, which is not quite the same thing as saying that they did not exist or that he was unaware of any. Indeed, in other parts of the book he shows a reluctance to let painful reality intrude on his ideal picture. He has, for example, no hesitation in saying: ‘Likewise, torment or question which is used by the order of the civil lawe and custome of other countreies to put a malefactor to excessive paine, to make him confess of him selfe, or of his felowe or complices, is not used in England, it is taken for servile.’ That torture was rarely used is true, that it was unknown is not. These words could well have come back to haunt him later, in 1571, when Elizabeth, bent on uncovering the Norfolk conspiracy against the throne, wrote adamantly to Smith, then high in her service, ‘We warrant you to cause them both or either of them to be brought to the rack’.

Despite the book’s lack of polemics, later readers quarried in it happily for ammunition in the later debates between King and Parliament. It

10 See p. 78 below. The Rawlinson MS. and the Trinity MS. read this important sentence as follows: ‘The most high and absolute power of Englands is the Parliament’, omitting ‘of the realme’ and ‘consisteth in’. All other manuscripts read ‘is in the Parliament’ for ‘consisteth in’. The Yelverton and P.R.O. MSS. alone omit ‘the’ before ‘Parliament’.
13 P. 117, ll. 24–8, below.
14 It should be noted to Smith’s credit that at this point he incurred the Queen’s displeasure for his deliberate dilatoriness in obeying her commands. *Dewar, Smith*, p. 127.
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is probably no coincidence that one of the few known early manuscript copies of the work was owned by Sir John Eliot. Indeed, the book’s instant popularity and quick flow of new editions no doubt owed much to its analytical, descriptive tone: people were able to find in it material to support whatever argument they favoured. We have two examples of later readers doing just this. One writer quotes Smith with approval as he in his turn approves of an increase in royal power, whereas the other writer clearly feels that a few quotations from the De Republica are quite enough in themselves to check any untoward pretensions of the Crown. Thus Edward Hake in his EPICESEA: A Dialogue on Equity in Three Parts15 discusses Smith’s definition of ‘absolute power’ at great length and concludes:

and nowe to tell you what I thincke of the aforesaid sayengs of Sir Thomas Smyth. In a worde I thinke the absolute power by him there spoken of to be altogither different from the absolute power of that that hath byn in question betweene us, for whereas our dispute hath byn of particular acts that are sayd to be done by the absolute power of the Prince, the absolute power which Sir Thomas Smith meaneth and playnely uttereth in those aforesaid wordes is of the nature and quality of our English government in general, that is to saie, whether the same be legall or regulate, or absolute or whether it be partly regulate and partly absolute. Wherein he most playnely desribeth in what things the kingdome of Englane is absolute and in what things legall or regulate, which selfeame matter is also at large discoursed of by the aforesaid worthy knight Sir John Fortescue in his Commentary of the politicall administration and lawes of England.

Hake then proceeds to describe the English as ‘ruled and governed by the lawes of their country, or rather by their kings and rulers whose rule and government is according to their lawes and not otherwise’ in contrast to ‘peoples of all other nations and kingdomes [who] for the most part are ruled and governed by the absolute beck, will, and power, of their Prince’. Hake then states that he now sees an increase in the royal prerogative, of which he approves; for otherwise ‘wee should ever and anon in this presuming age not only hear of flagious and envenemous offences which the punishment of the lawe were to little and not sufficient for, but also of the force and power of many great ones which would growe so bigge and dissolve as that the ordinary course of lawe would hardly get passage or proceedings against it’.

Here was at least one reader who clearly thought he could quote Smith with approval in such a context. On the other hand, a little book of a slightly later date found ammunition for Parliament’s cause in the De Republica. The anonymous author of An old Mould to cast New Lawes by; reprinted out of the Commonwealth of England, by a friend to old Bookes and an Enemy to new Opinions,16 in 1607, had no hesitation in rushing to the De Republica Anglorum to prove his point that a speech of James I concerning the extent of his regal powers in Scotland had no relevance in England. The two first Chapters of Smith’s Book II on Parliament are reprinted in full, as being a sufficient answer in themselves to the King’s claim that ‘I can assure you that the forme of Parliament there [i.e. in Scotland] is nothing inclined to popullarity’, ‘if there be anything that I dislike they race it out’, and that so far as a ‘negative voice’ is in question ‘then I have one I am sure in that Parliament’. The author clearly feels no need for further argument apart from drawing attention to Sir Thomas’s authoritative words; he merely follows them with the biblical quotation: ‘Remember the days of old, Consider the years of many Generations, ask thy Father and he will show thee; thy Elders and they will tell thee.’ No doubt Smith would have been faintly surprised at both authors.

For most readers, however, the book played a less exalted but more important role. It was an invaluable handbook, a working guide through the complexities of administration and the labyrinth of the law. Robert Beale in his Instructions for a Principall Secretarie observed by R.B. for S(i)r Edwarde Wotton: A(n)n Do(mi)ny, 159217 gives a list of the various matters on which a Secretary should be well-informed and states, ‘It is convenient for a Secretarie to seek to understand the State of the whole Realme, to have S(i)r Thomas Smitye’s booke, although ther be manie defects w(h)ich by progress of time and experience he shalbe able to spie and amende.’ Beale himself clearly followed his own advice: one of the manuscript copies of the De Republica is to be found in his own collection of working papers.18

Occasionally we do indeed find the book attacked for errors. In 1629 Edmund Bolton19 wrote a very angry if somewhat vague little book entitled The Cities Advocate: ‘In this case or question of Honor or Armes; Whether Apprentishehip extinguished Gentry? Containing a cleere Refutation of the pernicious common error affirming it, swallowed by Erasmus of

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16 University of Harvard, Treasure Room of the Law School.

17 Printed in Copyers Read, Mr Secretary Walsingham (Oxford, 1925), vol. 1, p. 428.

18 This is the Yelverton MS. (B.L. Add. MS. 48047, ff. 1–51).

19 Edmund Bolton (1575–1633) was a well-known historian, a friend of Camden, who wrote several books and achieved notice also by his proposed design for a royal college of distinguished men of science and literature. A copy of the book is owned by the Folger Library, Washington, D.C.
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Rotterdam, Sir Thomas Smith in his Common-meale etc. and attacks 'th incircumpection of Sir Thomas Smith, Knight, in his booke de Republica Anglorum', wherein 'not rememboring to distinguish between servitude and discipline, bondage and regular breeding, injuriously defined them [i.e. apprentices] to be a kind of bondemen, meaning mere slaves . . . an oversight which I could have wished far off from so grave and learned a Gentleman'. But such criticism is rare. On the whole the book was approved and in great demand.

Given this ready show of interest in the book when it was first published and its continued hold on people's interest, to which the steady flow of new editions attests, it is puzzling that the book was not published until 1583, six years after Smith's death and eighteen years after it had been written. There were other early books of his which he had rescued and had published in his middle years, such as his treatises on English orthography and Greek pronunciation, both topics of strong contemporary concern, but hardly, one feels, of as widespread interest as the De Republica. In the last few years of his life he gathered his failing energies to revise his economic and social treatise, the Discourse of the Commonweal, and even contemplated reviving an obscure treatise of his youth on the subject of the wages of a Roman footsoldier. This general intention, which he signalled in a letter to Burghley in 1576 just before his death in 1577, to work on 'books made in my youth' and 'since lost', does not seem to have extended at all to the book which is now deemed to be by far his most important one. There is no mention whatsoever of revising the De Republica and indeed, after the letter to Haddon in 1565, his entire voluminous correspondence has no further mention of the book. Moreover, as will be seen later, there is overwhelming internal textual evidence that Smith never made the slightest attempt to rewrite, correct, or in any way add to or improve on the original manuscript after his return from France in 1565. This is the more surprising in that the years 1565–72 were on the whole years of some enforced reluctant leisure when he was not in Elizabeth's favour and was only fitfully used by her in government service. Perhaps he thought any commentary on government unwise at that time and put it away with other memories of those dismal and dismaying years as ambassador to France which had proved so trying to him personally and so disastrous for his career. Later, in the early 1570s, he aroused Elizabeth's intense fury

and got into trouble with the Privy Council over the publication of a book on his Irish colonisation project, a book which the Queen considered harmful to the royal prerogative. This also could well have discouraged him from any desire to publish the De Republica. Whatever the reason, the De Republica, though circulating in manuscript and clearly frequently copied, remained disregarded, unrevised, and unpublished by Smith himself.

One problem which has exercised readers of the De Republica Anglorum, almost from the time the book was published, has been the unquestioned similarity of Chapters 17–24 of Book 1 with Chapter 5 of William Harrison's Description of England, which was published in Holinshed's Chronicles in 1577. In Harrison's second edition in 1587 he did indeed refer to Smith's De Republica and borrowed from it certain sections on Parliament, commenting that he was 'requiting him with the like borrowage as he hath used toward me in his discourse of the sundry degrees of estates in the commonwealth of England'. This 'borrowage' raises many problems and points of interest. It is discussed in detail in Appendix 3 (see below, pp. 157–62).
DE
REPVBBLICA
ANGLORVM

The maner of governement or
policie of the Realme of Englande,
compiled by the honorable
man Thomas Smyth, Doctor of the
civil lawes, Knight, and Principall
Secretarie vnto the two most worthie
Princes, King Edwarde the sixt,
and Queene Elizabeth.

Seene and allowed.

AT LONDON,
Printed by Henrie Midleton
for Gregorie Seton.

Anno Domini
1583.
A NECESSARIE TABLE OF ALL THE PRINCIPALL MATTERS CONTAINED IN THIS BOOKE.

Of the diversities of common wealthes or governemens.
chap. 1 ..................

What is just or Lawe in everie common wealth or governement.
chap. 2 ..................

An other division of common wealthes.
chap. 3 ..................

Example of chaunges in the manner of governement.
chap. 4 .................

Of the question what is right and just in everie common wealth.
chap. 5 ..................

That common wealths or governements are not (most commonly) simple but mixt.
chap. 6 ..................

The definition of a King and of a Tyrant.
chap. 7 ..................

Of the absolute king.
chap. 8 ..................

Of the name king and the administration of England.
chap. 9 ..................

What is a common wealth, and the partes thereof.
chap. 10 ............... 

The first sort or beginning of an house or familie called οἰκονύμα.
chap. 11 ............... 

The first & natural beginning of a kingdome, in Greeke βασιλεία.
chap. 12 ...............
The first & naturall beginning of the rule of a fewe of the best men called in Greeke, Ἀριστοκρατία.
chap. 13 ..................

The first originall or beginning of the rule of the multitude called Πολιτεία or Ἀθηνακρατία.
chap. 14 ..................

That the common wealth or policie must be according to the nature of the people.
chap. 15 ..................

The division of partes and persons of the common wealths.
chap. 16 ..................

The first part of Gentlemen of England called Nobilitas major.
chap. 17 ..................

Of the second sort of Gentlemen of England called Nobilitas minor, and first of knights.
chap. 18 ..................

Of Esquiers.
chap. 19 ..................

Of Gentlemen.
chap. 20 ..................

Whether the maner of Englande in making Gentlemen so easilie is to be allowed.
chap. 21 ..................

Of Citizens and Burgesses.
chap. 22 ..................

Of Yeomen.
chap. 23 ..................

Of the fourth sort of men which do not rule.
chap. 24 ..................
[PREFACE TO THE 1583 EDITION]

TO THE READER

To conceale the graces inspired by God, or the giftes ingraffed by nature, or the vertues atchived unto ourselves by industrie, in all ages and of all wise men was accounted unduetifulnesse, unkindnesse and impietie unto that commonwealth, in the which, and unto the which we are both bred and borne: but to suppress the worthie works of any author, may justly be judged not only injurie to the person, but even envie at the whole world. Wherefore chauncing upon this short discourse compiled by the honorable knight sir Thomas Smyth, and considering that the same could not but be a great light unto the ignorant, and no lesse delight unto the learned in the lawes and policie of sundrie regiments: I thought it part of my dutie, aswel for reviving of the fame of so notable a man, as for the publike imparting of so pythie a treatise, to present the same unto thy indifferent and discreet judgement. Wherein although the errors and rashnes of Scribes, appearing in the contrarietie and corruption of coppies, happening both by the length of time sithens the first making, as also by the often transcripting might justly have been mine excuse or rather discourage: yet weying the authoritie of the author togethier with the gravitie of the matter, I made no doubt but that the reverence due unto the one, and the recompence deserved by the other would easily countervail all faults committed by a clarke & writer. And whereas some termes or other matters may seme to dissent from the usual phrase of the common lawes of this realme: notwithstanding to him that will consider that the profession of the maker was principally in the civil lawes, and therefore not to be expected as one excellent in both, and also that the finishing of this worke was in Fraunce farre from his librarie, and in an ambassad even in the midst of weightie affaires, it cannot nor ought not without great ingratitude be displesant or in any sort disliking. Wherefore (gentle Reader) accept in good part my zeale and this honorable mans travaile: assuring thy self that the same framed by an expert workemaister, and forged of pure and excellent mettall, will not faile in prooving to be a right commodious instrument. Vale.
DE REPUBLICA ANGLORUM

THE MANER OF GOVERNEMENT
OR POLICIE OF THE REALME OF ENGLANDE.

OF THE DIVERSITIES OF COMMON WEALTHES OR GOVERNEMENT.
Chap. 1.

They that have written heretofore of Common wealthes, have brought them into three most simple kindes or fashions of governement. Where one alone doth governe, called of the Greekes Μοναρχία (monarchy), where the smaller number, commonly called of them Αριστοκρατία (aristocracy), and the thirde where the multitude doth rule Δημοκρατία (democracy). To rule, is understoode to have the supreme and highest authoritie of commaundement. That part or member of the common wealth is saide to rule whic which doth controwle, correct, all other members of the common wealth. That part which doth rule, define and commaund according to the forme of the governement, is taken in everie common wealth to be just and lawe: As a rule is alway to be understoode to be straight, and to which all workes be to be conformed, and by it to be judged: I doe not meane the Lesbians rule which is conformed to the stone: but the right rule whereby the Artificer and Architect doe judge the straightnesse of everie worke mans worke, he to be reckoned to make his worke straightest who goeth neerest to the straightnesse of yt.

WHAT IS JUST OR LAWE IN EVERIE COMMON WEALTH OR GOVERNEMENT
Chap. 2.

Nowe it doth appeare, that it is profitable to everie common wealth (as it is to every thing generally and particularly) to be kept in her most perfect estate. Then if that part which doth beare the rule, doe commaund that which is profitable to it, and the commaundement of that part which doeth rule on that sort, is to be accepted in every common wealth respectively to be just (as we have said before): it must needes follow, that the definition which Thrasimachus did make, that is just which is the profite of the ruling and most strong part (if it be meant of the Citie or common wealth) is not so farre out of the way, (if it be civillie understood) as Plato would make it. But as there is profitable and appearaunce of profite, so there is juste and right and appearaunce of right. And as well may the ruling part commaund that which is not his profite, as the just man may for his just and true meaninge who would amend that which is amisse, and helpe the common wealth, and doe profit unto
it. For in asmuch as he attempteth to doe contrarie to the Lawe which is alreadie put, he be by the lawe justly condemned. If he be to be accompted justly condemned who is condemned for doing contrarie to the lawe and the ordinance of that part which doth commaunde.

AN OTHER DIVISION OF COMMON WEALTHES.

Chap. 3.

But this matter yet taketh an other doubt: for of these maner of rulinges by one, by the fewer part, and by the multitude or great number, they which have more methodically and more distinctly and perfectly written upon them, doe make another division and dividing eche into two, make the one good and just, and the other evill and unjust: as, where one ruleth, the one they call a king or Βασιλευς, the other τυραννος, a tyrant: where the fewer number, the one they name a governing of the best men αριστοκρατιαν (aristocracy), or Remp. optimatum, the other of the usurping of a few Gentlemen, or a few of the richer and stronger sort ολιγαρχιαν (oligarchy), or Paucorum potestatem; and where the multitude doth governe, the one they call a common wealth by the generall name πολιτειαν (commonwealth), or the rule of the people Δηµοκρατιαν (democracy), the other the rule or the usurping of the popular or rascall and viler sort, because they be moe in number Δηµοκρατιαν απαντων (democracy of the whole, in the sense of mob rule).

EXAMPLE OF CHAUNGES IN THE MANER OF GOVERNEMENT.

Chap. 4.

In common wealthes which have had long continuance, by diversities of times all these maners of rules or government hath been seene: As in Rome: kinges, Romulus, Numa, Servius: tyrantes, as Tarquinius, Sylla, Caesar: the rule of best men, as in time when the first Consuls were: and the usurping of a few, as of the Senators after the death of Tarquinius, and before the secession of the Tribunate, and manifestly in the Decemvirate, but more perniciously in the Triumvirate of Caesar, Crassus, and Pompeius: and after in the Triumvirate of Ottavius, Antonius, and Lepidus: The common wealth and rule of the people, as in the expulsing of the decemviri and long after, especially after the law was made, either by Horatius, or (as some will have it) Hortentius, quod plebs sciverit, id populum teneat: And the rule and usurping of the popular and rascall, as a little before Scylla his rule and a little before Caius Caesars rule. For the usurping of the rascality can never long endure, but necessarily breedeth, and quickly bringeth forth a tyrant. Of this, hath Athens, Syracuse, of this hath Lacedemon and other old auncient ruling
Cities had experience, and a man neede not doubt but that other common wealthes have followed the same rate. For the nature of man is never to stand still in one maner of estate, but to grow from the lesse to the more, and so to decay from the more againe to the lesse, till it come to the fatall end and destruction, with many turnes and turmoyles of sicknesse and recovering, seldom standing in a perfect health, neither of a mans bodie it selfe, nor of the politique bodie which is compact of the same.

OF THE QUESTION WHAT IS RIGHT AND JUST IN EVERIE COMMON WEALTH.

Chap. 5.

So when the common wealth is evill governed by an evill ruler and unjust (as in the three last named which be rather sickenesse of a politique bodie than perfect and good estates) if the lawes be made, as most like they be alwayes to maintaine that estate: the question remaineth whether the obedience of them be just, and the disobedience wrong: the profit and conservation of that estate right and justice, or the dissolution: and whether a good and upright man, and lover of his countrie ought to maintaine and obey them, or to seeke by all meanes to dissolve and abolish them. Great and hautie courages hathe taken one parte and this made Dion to rise against Dionysius, and Thrasibulus against the XXX. tyrantes, Brutus and Cassius against Caesar, and hath bin cause of many commotions in common wealthes, whereof the judgement of the common people is according to the event and successe: of them which be learned, according to the purpose of the doers, and the estate of the time then present. Certaine it is that it is alwayes a doubtfull and hasardous matter to meddle with the chaunging of the lawes and governement, or to disobey the orders of the rule or government, which a man doth finde alreadie established.

THAT COMMON WEALTHES OR GOVERNEMENTS ARE NOT MOST COMMONLY SIMPLE BUT MIXT.

Chap. 6.

Now although the governements of common wealthes be thus divided into three, and cutting eech into two, so into sixe: yet you must not take that ye shall finde any common wealth or governement simple, pure and absolute in his sort and kinde, but as wise men have divided for understandinges sake and fantasied iiiij. simple bodies which they call elementes, as fire, ayre, water, earth, and in a mans bodie foure complexions or temperatures, as cholericke, sanguine, phlegmatique, and melancolique: not that ye shall finde the one utterly perfect without mixtion of the other, for that nature almost will not suffer, but
understanding doth discerne ech nature as in his sinceritie: so seldome or never shall you finde any common wealthe or governement which is absolutely and sincerely made of the one above named, but alwayes mixed with an other, and hath the name of that which is more and overruleth alwayes or for the most part the other.

THE DEFINITION OF A KING AND OF A TYRANT

Chap. 7.

Where one person beareth the rule they define a king, who by succession or election commeth with the good will of the people to that governement, and doth administer the common wealth by the lawes of the same and equitie, and doth seeke the profit of the people as much as his owne. A tyraunt they name him, who by force commeth to the Monarchy against the will of the people, breaketh lawes alreadie made at his pleasure, maketh other without the advise of the people, and regardeth not the wealth of his people but the advancement of him selfe, his faction, and kindred. These definitions do containe three differences: the obtaining of the authoritie, the maner of administration thereof, and the butte or marke whereunto it doth tend and shoote. So as one may be a tyrant by the entrie and getting of the rule and a king in the administration thereof. As a man may thinke of Octavius and peradventure of Sylla. For they both comming by tyranny and violence to the rule did seeme to travaile verie much for the better orderinge of the common wealth, although each after a diverse maner. An other may be a king by the entrie, and a tyrant by the administration, as Nero, Domitian, and Commodus: for the empire came to them by succession, their administration was utterly tyrannicall, of Nero after five yeares, of Domitian and Commodus very shortly upon their new honour. Some both in their comming to their Empire, and in the butte which they shoote at, be kings, but the maner of their rule is tyrannicall: as all the good Emperors of Rome after Caesar and Octavius and the better Popes of Rome. The Empereurs claime this tyrannicall power by pretence of that Rogation or plebiscitum, which Caius Caesar or Octavius obtained, by which all the people of Rome did conferre their power and authority unto Caesar wholly.

The Pope groundeth his from Christ (cui omnis potestas data est in coelo et in terra) whose successor he pretendeth to be: yet the generall Councels make a strife with him, to make the Popes power either Aristocratian or at the least legitimum regnum, and would faine bridle that absolutam potestatem. Some men doe judge the same of the kinges of Fraunce, and certaine Princes of Italie and other places, because that they make and abrogate lawes and edictes, lay on tributes and impositions of their own will, or by their private Counsell
and advise of their friends and favourers onely, without the consent of the people. The people I do call that which the word populus doth signifie, the whole body and the three estates of the common wealth: and they blame Lewes the xi. for bringing the administration royall of Fraunce, from the lawful and regulate raigne, to this absolute and tyrannicall power and governement. He himself was wont to glory and say, he had brought the crowne of Fraunce hors de page, as one would say out of Wardship.

OF THE ABSOLUTE KING.

Chap. 8.

Other do call that kinde of administration which the Greekes do call, παμβασιλειαν, not tyranny, but the absolute power of a King, which they would pretend that everie King hath, if he would use it. The other they call βασιλειαν νομικην or the Royall power regulate by lawes: of this I will not dispute at this time. But as such absolute administration in time of warre when all is in armes, and when lawes hold their peace because they cannot be heard, is most necessarie: so in time of peace, the same is verie daungerous, aswell to him that doth use it, and much more to the people upon whom it is used: whereof the cause is the frailtie of mans nature, which (as Plato saith) cannot abide or beare long that absolute and uncontrowled authoritie, without swelling into too much pride and insolencie. And therefore the Romanes did wisely, who woulde not suffer any man to keepe the Dictatorship above sixe monethes, because the Dictators (for that time) had this absolute power, which some Greekes named a lawfull tyrannie for a time. As I remember, Aristotle, (who of all writers hath most absolutely and methodically treated of the division and natures of common wealthes) maketh this espece of rulers to be one kind of kings. But all commeth to one effect: for at the first, all kinges ruled absolutely, as such who were either the heades and most ancient of their families, derived out of their bodies, as Adam, Noa, Abraham, Jacob, Esau, who absolutely ruled over their owne children and bondmen as reason is or else in the rude world amongst rude and ignorant people, one whom God had endewed with singular wisedome both to invent thinges necessary for the nourishing and defence of the multitude, and to administer justice did so farre excell other, that all the rest were but beastes in comparison of him, and for that excellencie willingly had this authoritie given him of the multitude, and of the Gentils when he was dead and almost when he was yet living, was taken for a God, of others for a Prophet. Such among the Jewes were Moses, Josua, and the other Judges as Samuel, &c. Romulus and Numa amongst the Romanes, Lycurgus and Solon and diverse other among the Greekes, Zamolxis among the Thracians, Mahomet among the Arabians: And
this kinde of rule among the Greekes is called τυραννίς (tyranny), which of it selfe at the first was not a name odious: But because they who had such rule, did for the most part abuse the same, waxed insolent and proude, unjust and not regarding the common wealth, committed such actes as were horrible and odious, as killing men without cause, abusing their wives and daughters, taking and spoyling all mens goods at their pleasures, and were not shepheardes as they ought to be, but rather robbers and devourers of the people, whereof some were contemners of God, as Dionysius, other whenthey lyved like divils, and would yet be adored and accompted for Gods, as Caius Caligula and Domitian: that kind of administration and the maner also, at the first not evill, hath taken the signification and definition of the vice of the abusers, so that now both in Greeke, Latine, and English a tyrant is counted he, who is an evill king, and who hath no regard to the wealth of his people, but seeketh onely to magnifie himselfe and his, and to satisfie his vicious and cruell appetite, without respect of God, of right or of the law: because that for the most part they who have had that absolute power have beene such.

OF THE NAME KING AND THADMINISTRATION OF ENGLANDE.
Chap. 9.

That which we call in one syllable king in english, the olde english men and the Saxons from whom our tongue is derived to this day calleth in two syllabes cyning, which whether it cometh of cen or ken which betokeneth to know and understand, or kan or kon which betokeneth to be able or to have power, I can not tell. The participle absolute of thone we use yet, as when we say a cunning man, Vir prudens aut sciens: the verbe of thother as I [kan, and in some places and in the older language,] I kon do this, possum hoc facere. By olde and auncient histories that I have red, I cannot understand that our nation hath used any other and generall authoritie in this realme neither Aristocraticall, nor Democraticall, but onely the royall and kingly majestic which at the first was divided into many and sundrie kinges, each absolutely reigning in his countrie, not under the subjection of other, till by fighting thone with thother, the overcommed alwayes falling to the augmentation of the vanquisher and overcommer, at the last the realme of England grew into one Monarchie. Neither any one of those kinges, neither he who first had all, tooke any investiture of the empire of Rome or of any other superiour prince, but helde of God and hymself, his people and sword, the crowne, acknowledging no prince in earth his superiour, and so it is kept and helde at this day. Although king John (by the rebellion of the nobilitie ayded with the daulphin of Fraunce his power) to appease the Pope who at that time possessing the consciences of his subjectes was then also his enemy and his most greevous torment (as some
histories do write) did resigne the crowne to his legate Pandulphus, and tooke it againe from him as from the Pope by faith and homage, and a certain tribute yearly. But that act neither approoved of his people, nor accorded by act of parliament, was forthwith and ever sithens taken for nothing, neither to binde the king, then, nor his successours, people, or Realm.

WHAT IS A COMMON WEALTH, AND THE PARTES THEREOF.
Chap. 10.

To be better understood hereafter, it is necessarie yet to make another division of the common wealth by the partes thereof. A common wealth is called a society or common doing of a multitude of free men collected together and united by common accord and covenantes among themselves, for the conservation of themselves aswell in peace as in warre. For properly an host of men is not called a common wealth but abusive, because that they are collected but for a time and for a fact: which done, ech divideth himselfe from others as they were before. And if one man had as some of the old Romanes had (if it be true that is written) v. thousande or x. thousande bondmen whom he ruled well, though they dwelled all in one citie, or were distributed into diverse villages, yet that were no common wealth: for the bondman hath no communion with his master, the wealth of the Lord is onely sought for, not the profit of the slave or bondman. For as they who write of these thinges have defined, a bondman or a slave is as it were (saving life and som reason) but the instrument of his Lord, as the axe, the sawe, the chessyll and gowge is of the charpenter. Truth it is the charpenter looketh diligently to save, correct and amend all these: but it is for his own profit, and in consideration of him selfe, not for the instrumentes sake. And as these be instruments of the charpenter, so the plow, the cart, the horse, oxe or asse, be instrumentes of the husbandman: and though one husbandman had a great number of all those and looked well to them, yet that made no common wealth nor could no so be called. For the private wealth of the husbandman is onely looked for and there is no mutuall societie or parte no law or pleading betwixt thone and thother. And (as he sayth) what reason hath the pot to say to the potter, why madest thou me thus? or why dost thou break me after thou hast made me? now the bondman or slave which is bought for monie is so: for he is but a reasonable and lyving instrument the possession of his Lorde and master, and received among his goods, not otherwise admitted to the societie civill or common wealth, but as part of the possession and goods of his Lorde. Wherefore except there be other orders and administrations amonst the Turks, if the prince of the Turkes (as it is written of him) doe repute all other his bondmen and slaves (him selfe and his sonnes onely freemen) a man may doubt whether his administration be to be accompted a common wealth or a
kingdome, or rather to be reputed onely as one that hath under him an infinite number of slaves or bondmen among whom there is no right, law nor common compact, but onely the will of the Lorde and segnior. Surely none of the olde Greekes would call this fashion of government Remp. or πολιτειαν (commonwealth) for the reasons which I have declared before.

THE FIRST SORT OR BEGINNING OF AN HOUSE OR FAMILIE CALLED OIKONOMIA.

Chap. 11.

Then if this be a societie, and consisteth onely of freemen, the least part thereof must be of two. The naturalest and first conjunction of two toward the making of a further societie of continuance is of the husband and the wife after a diverse sorte ech having care of the familie: the man to get, to travaile abroad, to defende: the wife, to save that which is gotten, to tarrie at home to distribute that which commeth of the husbandes labor for nurtriture of the children and family of them both, and to keepe all at home neat and cleane. So nature hath forged ech part to his office, the man sterne, strong, bould, adventerous, negligent of his beautie, and spending. The woman weake, fearefull, faire, curious of her bewtie and saving. Eche of them excelling other in wit and wisedome to conduct those thinges which appertaine to their office, and therefore where their wisedome doth excell, therein it is reason that ech dothe governe. And without this societie of man, and woman, the kinde of man coulde not long endure. And to this societie we be so naturally borne that the prince of all Philosophers in consideration of natures was not afraide to say that A man by nature is rather desirous to fellow himeselfe to another and so to live in couple, than to hearde himselfe with many. Although of all beastes or lyuing creatures a man doth shew him selfe most politique, yet can he not well live without the societie and fellowship civill. He that can live alone saith Aristotle is either a wild beast in mans likenes, or else a god rather than a man. So in the house and familie is the first and most naturall (but a private) apparence of one of the best kindes of a common wealth, that is called Aristocratia where a few and the best dothe governe, and where not one alwaies: but sometime and in some thing one, and sometime and in some thing another doth beare the rule. Which to maintaine for his part God hath given to the man greater wit, bigger strength, and more courage to compell the woman to obey by reason or force, and to the woman bewtie, faire countenaunce, and sweete wordes to make the man to obey her againe for love. Thus ech obeyeth and commaundeth other, and they two togeather rule the house. The house I call here the man, the woman, their children, their servauntes bonde and free, their cattell, their housholde stuffe, and all other things, which are reckoned in
their possession, so long as all these remaine togeather in one. Marye they cannot be called *Aristocratia*, but *Metaphorice*, for it is but an house, and a litle sparke as it were like to that governement.

THE FIRST AND NATURALL BEGINNING OF A KINGDOME IN GREEKE ΒΑΣΙΛΕΙΑ.

*Chap. 12.*

But for so much as it is the nature of all thinges to encrease or decrease, this house thus encreasing and multiplying by generation, so that it cannot wel be comprehended in one house and the children waxing bigger, stronger, wiser, and thereupon naturally desirous to rule, the father and mother sendeth them out in couples as it were by provining or propagation. And the childe by mariage beginneth as it were to roote towards the making of a new stocke, and thereupon an other house and familie. So by this propagation or provining first of one, and then another, and so from one to another in space of time, of many howses was made a streete or village, of many streetes and villages joyned together a citie or borough. And when many cities, boroughes and villages were by their common and mutuall consent for their conservation ruled by that one and first father of them all, it was called a nation or kingdome. And this semblmeth the first and most natural beginning and source of cities, townes, nations, and kingdoms, and of all civill societies. For so long as the great grandfather was alive and able to rule, it was unnaturall for any of his sonnes or ofspring to strive with him for the superioritie, or to go about to governe or any wise to dishonour him of whom he had all. And therefore he doth beare the first and natural example of an absolut and perfect king. For he loved them as his owne children and nephewes, cared for them as members of his owne body, provided for them as one having by long time more experience than they all or any one of them. They againe honoured him as their father of whose bodie they came, obeyed him for his great wisedome and forecast, went to him in doubtfull cases as to an oracle of God, feared his curse and malediction as cominge of Gods owne mouth. He againe used no rigoure for ech paine put upon them, he tooke as put upon himselfe.

THE FIRST AND NATURALL BEGINNING OF THE RULE OF A FEW OF THE BEST MEN CALLED IN GREECE ΑΡΙΣΤΟΚΡΑΤΕΙΑ.

*Chap. 13.*

But when that great grandfather was dead, the sonnes of him and brethren among themselves not having that reverence to any, nor confidence of wisedome in any one of them, nor that trust thone to thother, amonge whome
(as many times it doth amonge brethren) some strifes and brawlinges had before arisen: To defende themselves yet from them which were walsh and strangers to them, necessarily agreed among themselves to consult in common, and to beare rule for a time in order, now one, now another: so that neither one might beare alwaies the rule, nor any one be neglected. And by this means if anie one fayled during his yere or time for ignoraunce, the next (being wiser of himselfe, or by his brothers error and fault) amended it. And in the meane while, at diverse and most times when urgent necessitie did occurre, they consulted all those heads of families together within themselves, howe to demeane and order their matters, best for the conservation of themselves, and eche of their families, generally and particularly. Thus a few being heades and the chiefe of their families, equall in birth and nobilitie, and not much different in riches, governed their owne houses and the descendentes of them particularly, and consulted in common upon urgent causes, and agreed upon some lawes and orders to be kept amongst them. So the best, chiefest and sagest did rule, and thother part had no cause to strive with them, nor had no cause nor apparance to compare with anie of them, neither for age nor discretion, nor for riches or nobilitie. The rulers sought eche to keepe and mainayne their posteritie, as their sonnes and nephewes, and who should succeede them and carie their names when they were deade, and so render them, being mortall by nature, immortall by their fame and succession of posteritie: having most earnest care to mainayne still this their cousinage and common familie aswell against forraigne and barbarous nations, which were not of their progenie, tongue, or religion, as against wilde and savage beasts. This seemeth the naturall source and beginning or image of that rule of the fewer which is called of the Greekes Αριστοκρατεια (aristocracy) and of the Latines optimatum reipublica.

THE FIRST SOURCE OR BEGINNING OF THE RULE OF THE MULTITUDE CALLED ΠΟΛΙΤΕΙΑ OR ΔΗΜΟΚΡΑΤΙΑ.

Chap. 14.

Now as time bringeth an ende of all thinges, these brethren being all dead, and their ofspring encreasing daily to a great multitude, and the reverence due the old fathers in such and so great anumber of equals fayling by reason of the death or doting of the Elders: eche having their merites of education apart to their fathers and grandfathers, and so many arising and such equalitie among them, it was not possible that they should be content to be governed by a fewe. For two things being for the which men who be in society and league doe most strive for, that is honour and profitte. No man of free courage can be contented to be neglected herein, so that they were faine of necessitie to come to that, that
the more part should beare the price away to make more magistrates and rulers. So that either by course or by lot ech man in turne might be receaved to beare rule and have his part of the honour, and (if any were) of the profit, which came by administration of the common wealth. For whosoever came of that old great grandfathers race, he accompted him selfe as good of birth as any other. For service to the common wealth all or such a number had done it, as they coulde not be accompted few. And if a few would take upon them to usurpe over the rest, the rest conspiring together would soone be master over them, and ruinate them wholly. Whereupon necessarily it came to passe that the common wealth must turne and alter as before from one to a few, so now from a few to many and the most part, ech of these yet willing to save the politicke bodie, to conserve the authoritie of their nation, to defende themselves against all other, their strife being onely for empire and rule, and who should doe best for the common wealth, wherof they would have experience made by bearing office and being magistrates. This I take for the source and naturall beginning of the rule of the multitude which the Greekes called Δηµοκρατια (democracy), the Latines some Respublica by the generall name, some populi potestas, some census potestas, I cannot tell howe latinely.

THAT THE COMMON WEALTH OR POLICIE MUST BE ACCORDING TO THE NATURE OF THE PEOPLE.

Chap. 15.

By this processe and discourse it doth appeare that the mutations and changes of fashions of governement of common wealthes be naturall, and do not alwayes come of ambition or malice: And that according to the nature of the people, so the commonwealth is to it fit and proper.

And as all these iii. kindes of common wealthes are naturall, so when to ech partie or espece and kinde of the people that is geaven which agreeth as ye would putt a garment fyt to a man's bodie or a shoe fyt to a man's foot, so the bodie politique is in quiet, and findeth ease, pleasure and profit thereby. But if a contrary forme be given to a contrary maner of people, as when the shoe is too little or too great for the foote, it doth hurt and encomber and letteth the convenient use thereof, so that free people of nature tyrannized or ruled by one against their wills, were he never so good, either faile of corage and wexe servile, or never rest while they either destroie their king or them that would subdue them, or be destroyed themselves: And againe another sort there is which without being ruled of one prince and ruler being set at their libertie cannot tell what they shoulde doe, but either with insolencie, pride, and idlenes will fall to robbery and all mischiefe, and to scatter and dissolve themselves, or
with foolish ambition and private strife consume one another and bring themselves to nothing. Of both these two we have histories enough to beare witnesse, as the Greekes, Romanes, Samnites, Danes, Vandals, and others. Yet must you not thinke, that al common wealthes, administrations and rulinges began on this sort, by provining or propagation, as is before written, but many times after a great battle and long war the captaine who led a multitude of people, gathered peradventure of diverse nations and languages, liking the place which he hath by force conquered, tarieth there, and beginneth a common wealth after his maner, and for the most part a kingdome. As the Gothes and Lumbardes in Italie, the Frenchmen in Gaule, the Sarasins in Spaine and Fraunce, the Saxons in great Brittaine, which is nowe called Englande: which when that one and chiefe prince is dead, the chiefs consult among themselves, and either choose an other head and king, or divide it into more heads and rulers, as the Lumbards did in Italie, and the Saxons in England, or take at the first a common rule and popular estate, as the Zwisers did in their cantons and do at this day, or taketh the rule of a certaine fewe, excluding the multitude and the populace as the Padiuans, Veronenses, and Vicentians at the erection of the citie of Venice.

THE DIVISION OF THE PARTS AND PERSONS OF THE COMMON WEALTH
Chap. 16.

To make all thinges yet cleare before, as we shal go, there ariseth another division of the partes of the common wealth. For it is nought enough to say that it standeth by a multitude of houses and families which make stretes and villages, and the multitude of the stretes and villages, townes, and the multitude of townes the realme, and that freemen be considered only in this behalf, as subjects and citizens of the commonwealth, not bondmen who can beare no rule nor jurisdiction over freemen, as they who be taken but as instruments and of the goods and possessions of others. And in this consideration also we do reject women, as those whom nature hath made to keepe home and to nourish their familie and children, and not to medle with matters abroade, nor to beare office in a citie or common wealth no more than children and infantes: except it be in such cases as the authoritie is annexed to the bloud and progenie, as the crowne, a dutchie, or an erledome for there the blood is respected, not the age nor the sexe. Whereby an absolute Queene, an absolute Dutches or Countesse, those I call absolute, which have that name, not by being maried to a king, duke, or erle, but by being the true, right and next successors in that dignitie, and upon whom by right of the blood that title is descended: These I say have the same authoritie although they be women or children in that kingdome,
dutchie or earledom, as they should have had if they had bin men of full age. For the right and honour of the blood, and the quietnes and suertie of the realme, is more to be considered, than either the base age as yet impotent to rule, or the sexe not accustomed (otherwise) to intermeddle with publicke affaires, being by common intendment understood, that such personages never do lacke the counsell of such grave and discreet men as be able to supplie all other defaultes. This (as I sayde) is not enough: But the division of these which be participant of the common wealth is one way of them that beare office, and which beareth none, the one be called magistrates, the other private men. 

Another was among the Romanes of Patritij and plebei, thone striving with thother a long time, those that were patricij many yeares excluding those that were plebei from bearing rule, till at last all magistrates were made common unto them: as well as to the other yet had they another division among the Romanes senatores, equites, plebs: the Greekes had also ευγενείς καὶ Δημοκρίτες (nobles and people). The French have at this day, les nobles and la populare, or gentils homes and villaines: we in England divide our men commonly into four sorts, gentlemen, citizens or burgesses, yeomen artificers, and laborers. Of gentlemen the first and chiefe be the king, the prince, dukes, marquises, earles, vicountes, and barons, and this is called κατέξοχην (preeminent) the nobility, and all these are called Lords and noblemen: next to these be knights, esquiers and simple gentlemen.

OF THE PARTIES OF THE COMMONWEALTH OF ENGLANDE.

Chap. 17.

Dukes, marquises, erles, vicountes, and barons, either be created of the prince or come to that honor by being the eldest sonnes, or highest in succession to their parentes. For the eldest of dukes sonnes during his fathers lyfe is an earle, an earles sonne, or baron, or else according as the creation is. The creation I cal the first donation and condition of the honour (given by the prince, for the good service and advauncement that the prince will bestowe uppon him) which with the title of that honour is commonly (but not alwayes) given to him and to his heires, males onely: the rest of the sonnes of the nobilitie by the rigor of the lawe be but esquiers, yet in common speeche, all dukes and marquises and earles sonnes, be called Lordes. The which name commonly doth agree to none of lower degree than barrons, yet by law and use thei be not esteemed barons. The barrony or degree of Lordes doeth answere to the degree of Senators of Rome, and the title of nobilitie as we use to call in England patricii: when patricij did betoken Senatores aut senatorum filios. Afterwards they were called clarissimi. Census Senatorius was in Rome, at diverse times diverse, and in Englande no man is created barron, excepte he
may dispence of yearly revenue, one thousand pounds or one thousand markes at the least. Vicountes, earles, marquises and dukes more according to the proportion of the degree and honour, but though by chaunce he or his sonne have lesse, he keepeth his degree: but if the decaye be excessive and not able to maintaine the honour (as senatores Romani were amotis senatu) so sometimes they are not admitted to the upper house in the parliament, although they keepe the name of Lorde still.

OF THE SECOND SORT OF GENTLEMEN WHICH MAY BE CALLED 'NOBILITAS MINOR', AND FIRST OF KNIGHTES.  

Chap. 18.

No man is a Knight by succession, not the king or prince, which name in england κατ εξοχην (preeminent) betokeneth the kinges eldest sonne or prince of wales: although the king himselfe, his eldest sonne, and all dukes be called by generall name princes. But as in Fraunce the kinges eldest sonne hath the title of the daulphine, and he or the next heire apparant to the crowne is monsire, so in Englande the kinges eldest sonne is called κατ εξοχην the prince. Knightes therefore be not borne but made, either before the battle to encourage them the more to adventure their lives, or after an advauncement for their hardinesse and manhood alreadie shewed: or out of the warre for some great service done, or some good hope for the verrues which do appeare in them. And they are made either of the king himselfe, or by his commission and royall authoritie, given for the same purpose, or by his liuetenaunt in the warres, who hath his royall and absolute power committed to him for that time. That order seemeth to aunswere in part to that which the Romanes called Equites Romanos, differing in some pointes, and agreeing in other, as their common wealth and ours do differ and agree: for never in all pointes one common wealth doth agree with an other, no nor long time any one common wealth with it selfe. For al chaungeth continually to more or lesse, and still to diverse and diverse orders, as the diversity of times do present occasion, and the mutabilitie of mens wittes doth invent and assay newe wayes, to reforme and amende that werein they do finde fault. Equites Romani were chosen ex censu, that is according to their substance and riches. So be knightes in England most commonly, according to the yearely revenew of their landes being able to maintaine that estate: yet all that had Equestrem censum, non legebantur equites. No more be not all made knightes in Englanede that may spende a knightes landes but they onely whom the prince wil honour. The number of Equites was uncertaine, and so is of knightes, at the pleasure of the prince. Equites Romani had equum publicum. The knightes of England have not so, but finde their owne horse themselves in peace time.
Census equester was among the Romanes at diverse times at diverse valew: whosoever may dispense of his free landes 40. 1. sterling of yearely revenew by an olde law of Engelande either at the coronation of the prince or at the manage of his daughter, or at the making of the prince, knight, or some such great occasion, may be by the king compelled to take that order and honour, or to pay a fine, which many not so desirous of honour as of riches, had rather do. Some who for causes be not thought worthy of that honor and yet have thatabilitie, neither be made knightes though they would, and yet pay the fine. XI. 1. sterling, at that time when this order began, maketh now an Cxx. 1. of currant mony of Engelande: as I have more at large declared in my booke of the diversitie of standardes or the valor of monies.

When the Romanes did write senatus populusque Romanus, they seemed to make but two orders, that is of the Senate and of the people of Rome, and so in the name of people they contained equites and plebem: so when we in England do say the Lordes and the commons, the knights, esquires, and other gentlemen, with citizens, burgeses and yeomen be accompted to make the commons. In making of lawes the senate of Lordes of England is one house, where the Archbishoppes and Bishops also be, and the king or Queene for the time being as chiefe: the Knights and all the rest of the gentlemen, and citizens and burgeses which be admitted to consult upon the greatest affaires of the Realme be in an other house by themselves, and that is called the house of the commons, as we shal more clearely describe when we shall speake of the parliament. Whereupon this worde knight is derived, and whether it do betoken no more but that which miles doth in latine, which is a souldier. The word souldier now seemeth rather to come of sould and payment, and more to betoken a waged or hyred man to fight than otherwise, yet Caesar in his Commentaries call soldures in the tongue gallois, men who de voted and swore themselves in a certaine band or othe one to another and the captaine, which order if the Almains did follow, it may be that they who were not hyred but being of the nation, uppon their owne charges and for their advauncement, and by such common oth, execration or band did follow the warres, were (possibly) κατ’ εξοχήν called knightes or milites. Nowe among the Almaines some are called lanceknights as souldiers of their band not hyred, although now they be for the most part hirelings. Or peradventure it may be that they which were next about the prince as his garde or servauntes picked and chosen men out of the rest being called in the Almaine language, knighten, which is asmuch to say as servantes: these men being found of good service, the word afterward was taken for an honor, and for him who maketh profession of armes. Our language is so chaunged that I dare make no judgement thereof. Now we
call him knight in English that the French calleth *chevalier*, and the Latin *equitem* or *equestris ordinis*.

And when any man is made a knight, he kneeling down is stroken of the prince, with his sword naked upon the backe or shoulder, the prince saying: *sus* or *sois chivalier au nom de Dieu* and (the tyme past) they added S. *George*, and then when he riseth the prince saith, *avances*. This is the manner of dubbing of knights at this present: and that terme dubbing was the olde terme in this point, not creation. At the coronation of a king or queene, there be knightes of the bath made with longer and more curious ceremonies: But howsoever one be dubbed or made a knight, his wife is by and by called a Ladie as well as a barons wife: he himselfe is not called Lorde, but hath to his name in common appellation added this syllable, Sir, and if he were named before *Thomas*, *William*, *John*, or *Richard*, afterward he is always called Sir *Thomas*, Sir *William*, Sir *John*, Sir *Richard*, and that is the title that men give to knightes in England. This may suffice at this time, to declare the order of knighthood, yet there is an other order of knightes in England which be called the knightes of the garter. King *Edward* the third, after he had had many noble victories, King *John* of Fraunce, and King *James* of Scotland, being both prisoners in the tower of London at one time, and king *Henrie* of Castell the bastard expulsed out of his realme, and Don *Petro* restored unto it by the prince of Wales and Duke of Aquitaine called the blacke prince, his eldest sonne, invented a societie of honour, and made a choise out of his owne realme and dominions, and all Christendom: and the best and most excellent and renouned persons in all vertues and honour, he did adorne with that title to be knightes of his order, gave them a garter enorned with golde, pearle and precious stones, with the buckle of gold, to weare daily on the left legge onely, a kirtle, gowne, cloke, chaperon, collar, and other august and magnificall appareil both of stuffe and fashion exquisite and heroicall, to weare at high feastes, as to so high and princely an order was meete: of which order he and his successors Kings and Queenes of England be the head, and the rest by certaine statutes and lawes among themselves, be taken as brethren and fellowes in that order, to the number of xxvi. But because this is rather an ornament of the realme than any policie or government thereof, I leave to speake any further of it.

**OF ESQUIERS.**

*Chap. 19.*

Escuier or esquier (which we call commonly squire) is a French worde, and betokeneth *Scutigerum* or *Armigerum*, and be all those which beare armes (as
we call them) or armories (as they terme them in French) which to beare is a testimonie of the nobilitie or race from whence they do come. These be taken for no distinct order of the common wealth, but do goe with the residue of the gentlemen: save that (as I take it) they be those who beare armes, testimonies (as I have saide) of their race, and therefore have neither creation nor dubbing: or else they were at the first costerels or the bearers of the armes of Lordes or knightes, and by that being taught in armes had that name for a dignitie and honour given to distinecte them from a common souldier called in latine *Gregarius miles*.

**OF GENTLEMEN.**
*Chap. 20.*

Gentlemen be those whom their blood and race doth make noble and knowne, as *Ευγενεις* in Greeke, the Latines call them all *Nobiles*, as the French *Nobles*, *Ευγενεία* or *Nobilitas* in Latine is defined, honour or title given, for that the auncestor hath bin notable in riches or for his vertues, or (in fewer wordes) old riches or prowes remaining in one stock. Which if the successors do keepe and followe, they be *vere nobles* and *Ευγενεις*: if they doe not, the fame and riches of their auncestors serve to cover them so long as it can, as a thing once gilted though it be copper within, till the gilt be wore away. This hath his reason, for the Ethnologie of the name serveth thefficacie of the worde. *Gens* in Latine betokeneth the race and sirname, so the Romaines had *Cornelios, Sergios, Appios, Fabios, Aemilios, Pisones, Julios, Brutos, Valerios*, of which who were *Agnati*, and therefore kept the name, were also *Gentiles*: and being yet remaining the memorie of the glorie of their progenitors fame, were gentlemen of that or that race. This matter made a great strife among the Romanes, when those which were *Novi homines* were more allowed, for their verrues new and newly showen, then the olde smoke of auntient race newly defaced by the cowardise and evill life of their nephewes and discendauntes could make the other to be. *Cicerones, Catones*, and *Marii* had much adoe with those men and therefore said *Juvenalis*:

*Malo pater tibi sit Tersites, dummodo tu sis
Æacidi similis vulcaniaque arma capessas,
Quam te Thersiti similem producat Achilles.*

(I would rather that Thersites were your father if only you were like the grandson of Aeacus, and could wield the arms of Vulcan, than that you should have been begotten by Achilles and be like Thersites)
But as other common wealthes were faine to doe, so must all princes necessarilie followe, where vertue is to honour it: and as vertue of auncient race is easier to be obtained, for the example of the progenitors, for the abilitie to give to their race better education and bringing up for the enraced love of tenants and neybors to such noblemen and gentlemen, of whom they holde and by whom they doe dwell. So if all this doe faile (which it is great pitie it should) yet such is the nature of all humaine thinges, and so the world is subject to mutability, that it doth many times faile: but when it doth, the prince and common wealth have the same power that their predecessors had, and as the husbandman hath to plant a new tree where the olde fayleth, tohonour vertue where he doth find it, to make gentlemen, esquiers, knights, barons, earles, marquises, and dukes, where he seeth vertue able to beare that honour or merits, to deserve it, and so it hath alwayes bin used among us. But ordinarily the king doth but make knights and create the barons and higher degrees: for as for gentlemen, they be made good cheape in England. For whosoever studieth the lawes of the realme, who studieth in the universities, who professe liberall sciences, and to be shorte, who can live idly and without manuall labour, and will beare the port, charge and countenaunce of a gentleman, he shall be called master, for that is the title which men give to esquires and other gentlemen, and shall be taken for a gentleman: for true it is with us that is saide, Tanti eris alijs quanti tibi fueris (you will be as of much value to others as you have been to yourself): (and if neede be) a king of Heraulds shal also give him for mony, armes newly made and invented, which the title shall beare that the said Herauld hath perused and seen olde Registers where his auncestors in times past had borne the same: Or if he wil do it more truely and of better faith, he will write that for the merittes of that man, and certaine qualities which he doth see in him, and noble actes which he hath done, by the authoritie which he hath as the king of Heraldes and armes, he giveth to him and his heires these and these armes, which done I thinke he may be called a squire, for he beareth ever after those armes. These men be called sometime in scorne gentlemen of the first head.

WHETHER THE MANER OF ENGLAND IN MAKING GENTLEMEN SO EASILY IS TO BE ALLOWED.

Chap. 21.

A man may make a doubt and question whether this maner of making gentlemen is to be allowed or no, and for my part I am of that opinion that it is not amisse. For first the prince loseth nothing by it, as he shoulde doe if it were
as in Fraunce: for the yeomen or husbandman is no more subject to taile or taxe in Englande than the gentleman: no, in every payment to the king the gentleman is more charged, which he beareth the gladlier and dareth not gainesaie for to save and keepe his honour and reputation. In any shew or muster or other particular charge of the towne where he is, he must open his purse wider and augment his portion above others, or else he doth so much diminish his reputation. For other outward shew, a gentleman (if he wil be so accompted) must go like a gentleman, a yeoman like a yeoman, and a rascall like a rascall: and if he be called to the warres, he must and will (whatsoever it cost him) array himselfe and arme himself according to the vocation which he pretendeth: he must shew a more manly corage and tokens of better education, higher courage and more liberalitie than others, and keepe about him idle men who shall doe nothing but waite upon him. So that no man hath hurt by it but he himselfe, who will beare a bigger saile than he is able to maintaine. For as for the policie and goverment of the common wealth, it is not those that have to do with it, who will magnifie them selves, and goe in higher buskins than their estate will beare: but they which beappointed, be tryed and well knowen, as shall be declared hereafter.

OF CITIZENS AND BURGESSES.

Chap. 22.

Next to gentlemen, be appointed citizens and burgesses, such as not onely be free and received as officers within the cities, but also be of some substance to beare the charges. But these citizens and burgesses, be to serve the common wealth, in their cities and burrowes, or in corporate townes where they dwell. Generally in the shyres they be of no accomplt, onely in the common assembly of the realme to make lawes, which is called the Parliament. The aunciet cities appoint iiiij. and ech burrough ij. to have voices in it, and give their consent or dissent in the name of the citie or burrough.

OF YEOMEN.

Chap. 23.

Those whom we call yeomen next unto the nobilitie, the knights and squires, have the greatest charge and doings in the common wealth, or rather are more travailed to serve in it than all the rest: as shall appeare hereafter. I call him a yeoman whom our lawes doe call Legalem hominem, a worde familiar to writtes and enquestes, which is a freeman borne English, who may dispend of his owne free lande in yerely revenue to the summe of xl. s. sterling by the yeare: This maketh (if the just value were taken now to the proportion of
monies) vi. 1 of our currant mony at this present. This sort of people confesse
themselves to be no gentlemen, but give honour to all which be or take upon
them to be gentlemen, and yet they have a certaine preheminence and more
estimation than laborers and artificers, and commonly live welthilie, keepe
good houses, do their businesse, and travaile to get riches: these be (for the
most part) fermors to gentlemen, and with grasing, frequenting of markettes,
and keeping servauntes, not idle servants as the gentleman doth, but such as get
both their owne living and parte of their maisters: by these meanes doe come to
such wealth, that they are able and daily doe buy the landes of unthriftie
gentlemen, and after setting their sonnes to the schooles, to the Universities, to
the lawe of the Realme, or otherwise leaving them sufficient landes whereon
they may live without labour, doe make their saide sonnes by those meanes
gentlemen. These be not called masters, for that (as I saide) pertaineth to
gentlemen onely: But to their surnames, men adde goodman: as if the surname
be Litter, Finch, White, Browne, they are called, goodman Luter,
goodman White, goodman Finch, goodman Browne, amongst their
neighbours, I meane not in matters of importance or in lawe. But in matters of
lawe as for distinction, if one were a knight they would write him (for example
sake) sir John Finch knight, so if he be an esquier, John Finch esquier, if he be
not esquire, John Finch gentleman, if he be not gentleman, John Finch
yeoman. For amongst the gentlemen they which claime no higher degree, and
yet be to be exempted out of the number of the lowest sort thereof, be written
esquiers. So amongst the husbandmen labourers, and such the lowest and
rascall sort of the people such as be exempted out of the number of the
rascabilitie of the popular be called and written yeomen, as in the degree next
unto gentlemen. These be these which olde Cato calleth Aratores (cultivators)
and optimos cives in Republica (the best citizens in the republic): and such as
the writers of common wealthes praise to have manie in it. Aristoteles namely
reciteth ποιμ μεσητα αριστα: these tende their owne businesse, come not to
meddle in publike matters and judgements but when they are called, and gladde
when they are delivered of it, are obedient to the gentlemen and rulers, and in
warre can abide travaile and labour as men used to it, wisheth it soone at an
ende that they might come home and live of their owne. When they are foorth
they fight for their Lordes of whom they have their landes, for their wives and
children, for their countrey and nation, for praise and honour, against they
come home, and to have the love of their Lorde and his children to be
continued towards them and their children, who hath adventured their lives to
and with him and his. These were they which in the old world gat that honour
to Englande, not that either for witte, conduction, or for power they are or were
ever to be compared to the gentlemen, but because they be so manie in number,
so obedient at the Lordes call, so strong of bodie, so heard to endure paine, so
couracious to adventure with their Lorde I mean or Captaine going with, or before them, for else they be not hastie nor never were, as making no profession of knowledge of warre. These were the good archers in times past, and the stable troupe of footemen that affaide all France, that would rather die all, than once abandon the knight or gentleman their Captaine, who at those daies commonly was their Lorde, and whose tenauntes they were, readie (besides perpetuall shame) to be in danger of undoing of them selves, and all theirs if they should showe any signe of cowardise or abandon the Lorde, Knight or Gentlemen of whom they helde their living. And this they have amongstest them from their forefathers tolde one to an other. The gentlemen of France and the yeomen of Englande because in battle of horsemen

Fraunce was many times too good for us, as we alway for them on foote. And Gentlemen for the most part be men at armes and horsemen, and yeomen commonlie on foote: howesoeuer it was, yet the gentlemen had alwaies the conduction of the yeomen, and as their captaines were either a foote or upon a little nagge with them, and the Kinges of Englelde in foughten battles remained alwaies among the footemen, as the French Kinges amongst their horsemen. Each Prince therby, as a man may gesse, did shew where he thought his chief strength did consist. What a yeoman is I have declared, from whence the word is derived it is hard to say: it cannot be thought that yeomen should be said as young man, for commonly wee doe not call any a yeomen till he be married, and have children, and as it were have some authoritie among his neighbours. Yonker in lowe dutch betokeneth a meane gentleman or a gay fellowe. Possibly our yeomen not being so bolde as to name themselves gentlemen, when they came home, were content when they had heard by frequentation with some lowe dutchmen some small gentleman (but that would be counted so) called amongst them, yonker man, they calling so in the warres by mockage or in sport one an other, when they come home, yonker man, and so yeoman: which worde now signifieth among us, a man well at ease and having honestlie to live, and yet not a gentleman: whatsoever that worde yonker man, yonke man, or yeoman doth more or lesse signifie to the dutch men.

OF THE FOURTH SORT OF MEN WHICH DOES NOT RULE.
Chap. 24.

The fourth sort or classe amongst us, is of those which the olde Romans called capite censij proletary or opera, day labourers, poore husbandmen, yea marchantes or retailers which have no free lande, copiholders, all artificers, as Taylers, Shoomakers, Carpenters, Brickemakers, Bricklayers, Masons, &c.
These have no voice nor authoritie in our common wealth, and no account is made of them but onelie to be ruled, not to rule other, and yet they be not altogether neglected. For in cities and corporate townes for default of yeomen, they are faine to make their enquests of such manner of people. And in villages they be commonly made Churchwardens, alocunners, and manie times Constables, which office toucheth more the common wealth, and at the first was not imployed uppon such lowe and base persons. Wherefore generally to speake of the common wealth, or policie of Engelande, it is governed, administred, and manied by three sortes of persons, the Prince, Monarch, and head governer, which is called the king, or if the crowne fall to a woman, the Queene absolute, as I have heeretofore saide: In whose name and by whose authoritie all things be administred. The gentlemen, which be divided into two partes, the Baronie or estate of Lordes which conteyneth barons and all that bee above the degree of a baron, (as I have declared before): and those which be no Lords, as Knightes, Esquires, and simple gentlemen. The thirde and last sort of persons is named the yeomanrie: each of these hath his part and administration in judgementes, corrections of defaultes, in election of offices, in appointing tributes and subsidies, and in making lawes, as shall appear heereafter.