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YALE STUDIES IN ENGLISH  
ALBERT S. COOK, Editor.

XL

THE TENURE OF KINGS AND  
MAGISTRATES

BY

JOHN MILTON

EDITED WITH INTRODUCTION AND NOTES

BY

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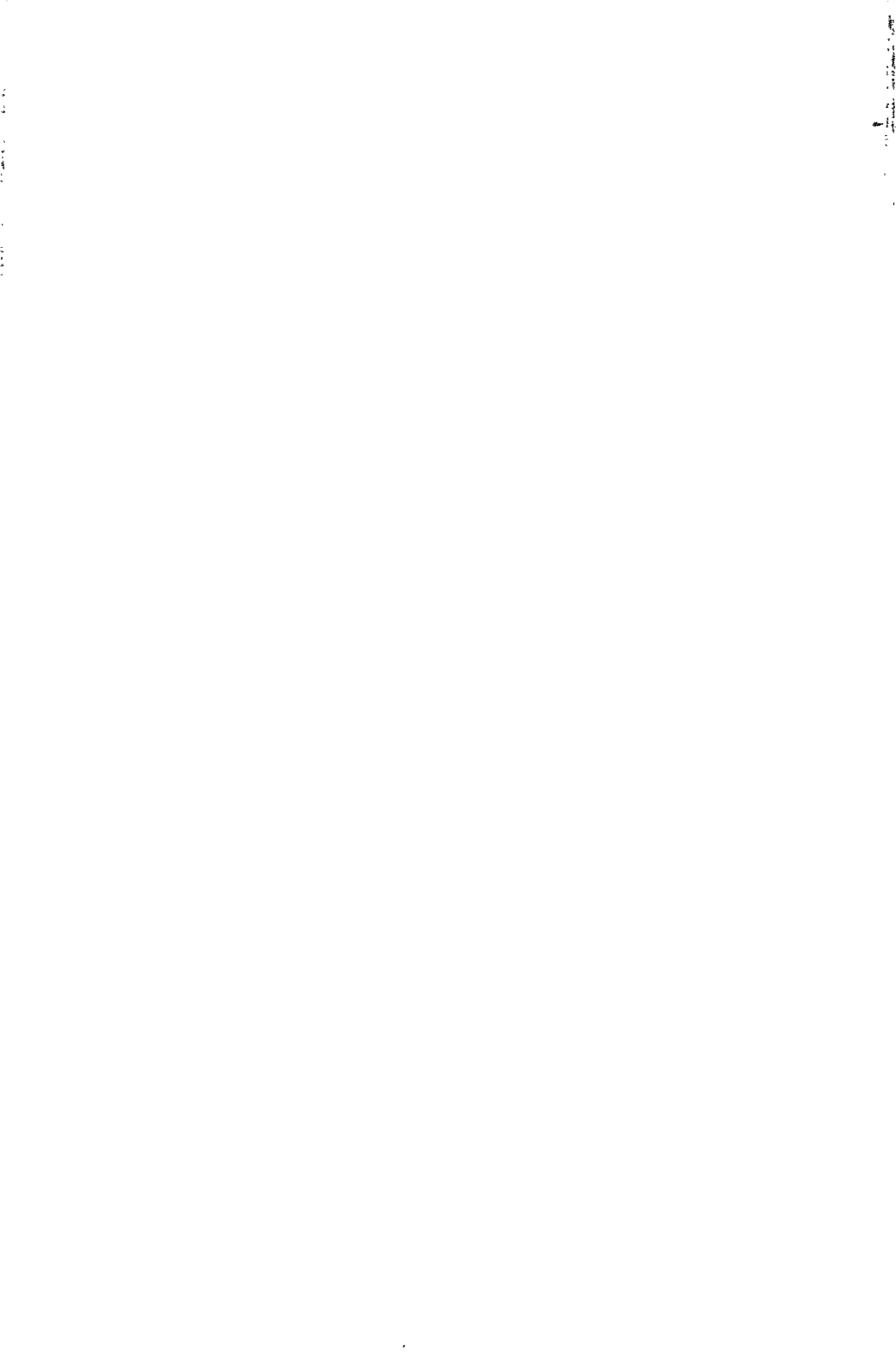
## PREFACE

It is not a little surprising, when one considers the amount of attention that has been bestowed on Milton's poetry, that his prose tracts, with a very few exceptions, have lain so neglected in recent times. The present edition is an attempt to remedy this neglect, so far as one of these treatises is concerned. Others, it is hoped, will follow: indeed, *The Ready and Easy Way to establish a Free Commonwealth* has already been taken in hand.

A portion of the expense of printing this book has been borne by the Modern Language Club of Yale University, from funds placed at its disposal by the generosity of Mr. George E. Dimock, of Elizabeth, New Jersey, a graduate of Yale in the Class of 1874.

ALBERT S. COOK.

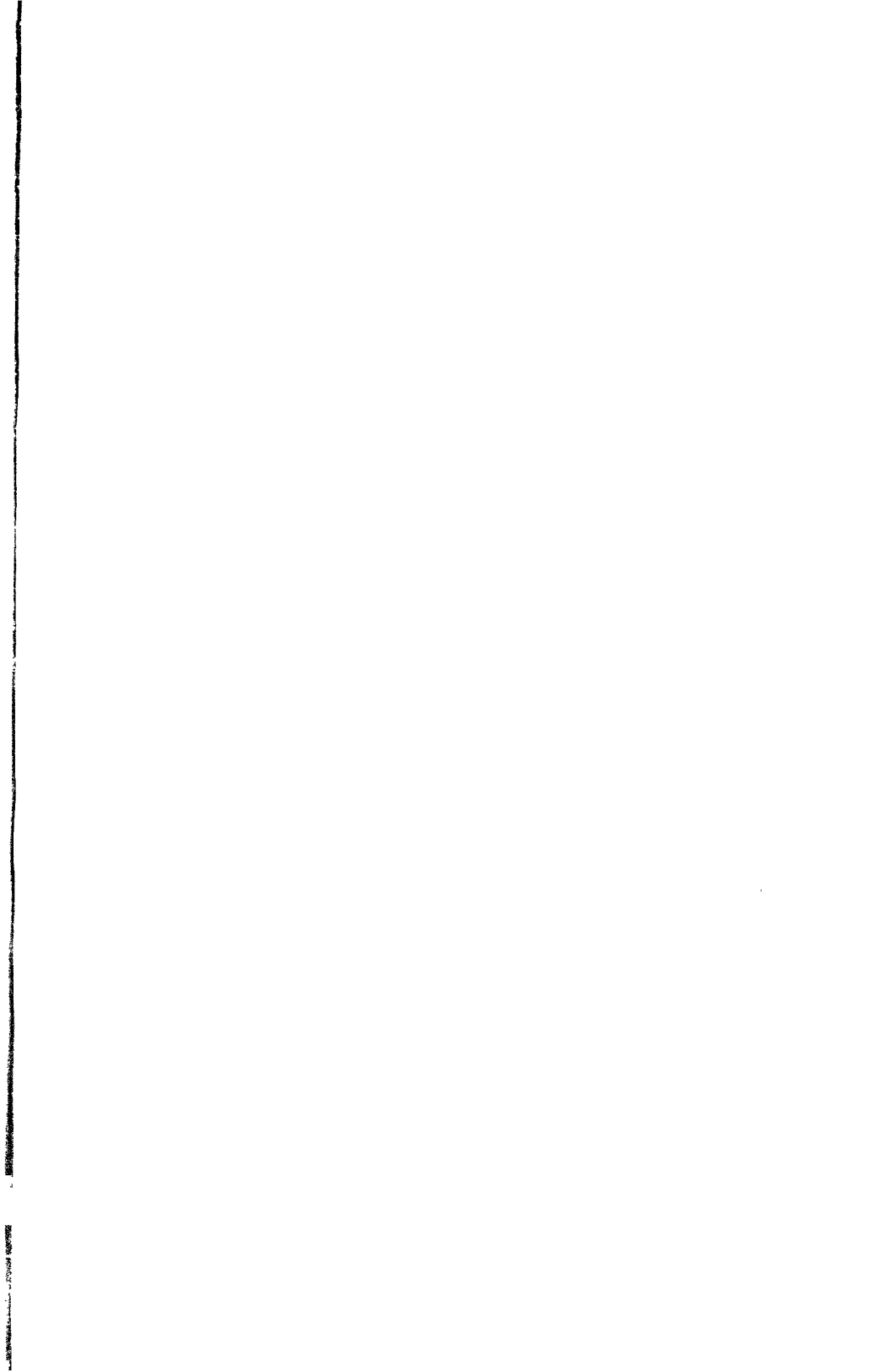
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## INTRODUCTION.

### I. DATE AND AUTHORSHIP.

To George Thomason, bookseller of the Rose and Crown in St. Paul's Church Yard, friend of Rushworth, Calamy, and Milton, and keen observer of religious and political affairs, we owe the British Museum collection of tracts which bears his name. From 1640 to 1661 Thomason collected each day's output of tracts, broadsides, newspapers, books, even fly-leaves of doggerel verse, and stored them away for the edification of future ages. Few of the publications relating to the Civil War, the Commonwealth, and the Restoration eluded his vigilance. As the flood of this voluminous period bore in upon him, he carefully noted the exact date of each publication in his catalogue, and often wrote out the full name of the author where the treatise or book gave only the initials. On this account, Thomason is the sole authority for the dates of first and second editions of many books now regarded as classics of English literature.

Among eight publications which came into Thomason's hands from the presses of London on Feb. 13, 1649, one small quarto, the work of a friend, must have been noted by him with special pleasure. The entry was as follows;—'The Tenure of Kings and Magistrates: proving that it is Lawfull for any who have the Power to call to account a Tyrant or wicked King and after due conviction to depose, and put him to death. The Author, J. M. [i. e. John Milton.] *Printed by Matthew Simmons (13 Feb).*' A year later,

on Feb. 15, 1650, he notes the arrival at the Rose and Crown of a copy of the second edition:—‘The Tenure of Kings and Magistrates, proving that it is Lawfull to call to account a Tyrant, or wicked King, and put him to death. Published now the second time with some additions. The author J. M. [i. e. John Milton] pp. 60. Printed by Matthew Simmons (15 Feb.)’

We are thus certain of the exact date of publication of this treatise, the first apology for the Commonwealth. Thanks to another contemporary witness, we have most interesting information as to the place of composition, the author’s motive, his political sympathies, and the effect of the publication on his own personal fortunes. Our authority is Milton’s nephew, Edward Philips, who gives a more extended reference to this pamphlet than might have been expected in the brief compass of his charming sketch of the life of the poet. ‘It was not long after the march of Fairfax and Cromwell through the city of London with the whole army, to quell the insurrections, Brown and Massey, now malecontents also, were endeavoring to raise in the city against the armies proceedings, ere he left his great house in Barbican, and betook himself to a smaller in High Holbourn, among those that open backward into Lincolns-Inn Fields. Here he liv’d a private and quiet life, still prosecuting his studies and curious search into knowledge, the grand affair perpetually of his life; till such time as, the war being now at an end, with compleat victory to the Parliament’s side, as the Parliament then stood purg’d of all its dissenting members, and the king after some treaties with the army *re infecta*, brought to his tryal; the form of government being now chang’d into a free state, he was hereupon oblig’d to write a treatise, call’d *The Tenure of Kings and Magistrates*.’

‘After which his thoughts were bent upon retiring again to his own private studies, and falling upon such subjects as his proper genius prompted him to write of, among which was the history of our own nation from the beginning till the Norman Conquest, wherein he had made some progress. When (for this his last treatise, reviving the fame of some other things he had formerly published) being more and more taken notice of for the excellency of his stile, and depth of judgement, he was courted into the service of this new Commonwealth, and at last prevail’d with (for he never hunted after preferment, nor affected the tintimar and hurry of publick business) to take upon him the office of Latin secretary to the Counsel of State.’<sup>1</sup>

According to this statement, *The Tenure of Kings and Magistrates* was written subsequent to the execution of Charles I and the proclamation of the Republic. The book was published, it is true, exactly a fortnight after the king’s death, and a week after the official setting-up of the republican form of government, but Philips is in error as to the date of composition. Milton himself, in an autobiographical passage in the *Second Defence*, distinctly states that he wrote this pamphlet when the House of Commons was arranging for the trial of the king: ‘On the last species of civil liberty, I said nothing, because I saw that sufficient attention was paid to it by the magistrates: nor did I write anything on the prerogative of the crown, till the king, voted an enemy by the parliament, and vanquished in the field, was summoned before the tribunal which condemned him to lose his head. But when at length, some Presbyterian ministers, who had formerly been the most bitter enemies to Charles, be-

<sup>1</sup> Godwin, *Lives of Edw. and John Philips*, app. p. 371.

came jealous of the growth of the Independents, and of their ascendancy in the parliament, most tumultuously clamoured against the sentence, and did all in their power to prevent the execution, though they were not angry so much on account of the act itself, as because it was not the act of their party; and when they dared to affirm, that the doctrine of the Protestants, and of all the reformed churches was abhorrent to such an atrocious proceeding against kings. I thought that it became me to oppose such a glaring falsehood; and accordingly, without any immediate or personal application to Charles, I shewed, in an abstract consideration of the question, what might lawfully be done against tyrants: and in support of what I advanced, produced the opinions of the most celebrated divines; while I vehemently inveighed against the egregious ignorance or effrontery of men, who professed better things, and from whom better things might have been expected. That book did not make its appearance till after the death of Charles; and was written rather to reconcile the minds of the people to the event, than to discuss the legitimacy of that particular sentence which concerned the magistrates, and which was already executed' (Bohn 1. 259). Aside from this direct evidence, a careful reading of the treatise itself might have convinced Philips of his mistake. Milton refers to the trial of the king (5. 12 ff.) as a matter still under discussion: 'They plead for him, pity him, extoll him, protest against those that talke of bringing him to the tryall of Justice, etc.' He alludes to those Independents who hesitate to take such a course, who 'begin to swerve, and almost shiver at the Majesty and grandeur of som noble deed' (6. 10). The king is spoken of as one still alive (8. 20), 'the Sword of Justice is above him' (8. 34), a prisoner, he

should not 'think to scape unquestionable' (21. 21). He also speaks of 'the proceedings now in Parliament against the King' (27. 31). In 38. 16 ff. the Presbyterians are denounced, 'who now, to the stirring up of new discord, acquitt him: . . . absolve him, unconfound him, though unconverted, unrepentant,' etc. He speaks of the king's trial as a future event (40. 16), and of the likelihood of his punishment by the Parliament and Military Council 'if it appeare thir duty' (40. 22), while in 42. 8 he refers to 'what remaines to doe,' and warns the Presbyterian divines to 'beware an old and perfet enemy,' if they put him in his place of old-time power (42. 2 ff.).

Internal evidence, therefore, especially the mention of 'the proceedings now in Parliament against the King,' and the reference to those who shivered at the prospect of becoming judges at the trial, make it certain that Milton wrote these pages during the month of January, 1649. On Jan. 1 the Commons appointed commissioners and judges to try the king. The proceedings against him were debated until the passing of the Resolution and Ordinance of Jan. 6. It was also during this momentous week that various members of the House swerved and shivered. Bulstrode Whitelocke, the great lawyer, found it convenient to retire into the country; the clerk of the House, Mr. Elysyng, discovered that his health had suddenly failed him; nearly half of the commissioners failed to attend any of the meetings of the trial court. Lord General Fairfax himself, an arch-leader of the Independents, was at the first meeting on Jan. 8, but never attended a second session. As Milton's allusion (6. 7 ff.) points to these faint-hearts, the treatise must have been written after Jan. 8. The reference to Prynne's pamphlet, *A Briefe Memento to the Present*

*Unparliamentary Junto* (6. 30), which was published on Jan. 19, would make the date of composition later still, unless the sneer at Prynne was inserted when Milton was revising the first sheets of his manuscript. The pamphlet then must have been written between Jan. 8 and Jan. 27, the date on which sentence was pronounced against the king. If it was written before the trial of Charles, the period of composition would be narrowed to an interval of twelve days, between Jan. 8 and Jan. 20. The former time-limit seems to be the more probable, but even nineteen days was a wonderfully short space of time for the production of such a piece of work.

## II. HISTORICAL SITUATION.

The historical situation, which forms the background to this hurriedly written book, and with which it deals in the boldest manner, was intensely dramatic. From the serene pages of Philips, with his talk of the prospect of Lincolns-Inn Fields from the High Holborn retreat, and his references to the private life of Milton while he was 'prosecuting his curious search into knowledge,' we gain only a partial view of the great writer's interests. It is true that he still kept up his studies, and this is one of the strange and well-nigh unaccountable things about so many of the scholars, statesmen, and soldiers of that age of commotion and upheaval, that they could turn so easily from the turmoil of events to 'the still air and quiet of delightful studies,' and prosecute all kinds of laborious, and what seem to us trivial researches. Considerable material in this pamphlet reveals the 'private' scholar, the curious student of ancient laws



and historical precedents. We must also remember that in these days of revolution Milton did considerable work towards a history of England. But if there was the studious side to his life, bearing witness to a strength of mind that would not be upset by the storms in the real England at his door, he was also a child of his time, an intensely interested observer of every move in politics and religious controversy. He sat there in his study at High Holborn, but he looked not towards Lincoln's-Inn Fields, but towards Westminster, where the House of Commons was hastening to the condemnation of Charles Stuart.

The historical situation at the beginning of the year 1649 can best be depicted by explaining the attitude of various parties in England and Scotland towards King Charles. He was at this time a prisoner in the hands of the English army, whose leaders were Fairfax, Ireton, and Cromwell. As far back as March or April, 1648, the army officers had decided in their famous prayer-meeting at Windsor Castle that the only way in which to promote liberty and to secure peace for England was 'to call Charles Stuart, that man of blood, to an account for that blood he had shed and mischief he had done to his utmost against the Lord's Cause and People in these poor Nations.'<sup>1</sup> Fairfax weakened at the last, as we have seen, but Cromwell, Ireton, and the bulk of the officers and men never receded from their stern prayer-meeting resolve. While other parties treated with the king, they issued manifesto after manifesto, the burden of each and all being a demand for justice on the king. In November the democratic ideals of the regiments found expression in the Grand Army Remonstrance, in which all attempts

<sup>1</sup> See Carlyle, *Letters and Speeches of Cromwell* 1. 236 ff.

to treat with the King were denounced, and he himself was declared to be guilty of the highest treason, incapable of penitence or common honesty.<sup>1</sup> On Dec. 1 the army seized Charles as their own prisoner; and on the following day Fairfax led his troops into London, where they closed in upon Parliament, to overawe it into submission with their wishes. Pride's Purge took place on Dec. 6, by which all opposers of the army, some 143 members of the Commons, were excluded from their places, leaving 78 members to carry out the orders of their masters. Of this number, some 28 withdrew from the house of their own accord, leaving what Prynne called the 'unparliamentary Junto' to bring the king to the scaffold.

The second political group, closely allied with the army, was composed of Independents—Puritans who had gradually come to believe in the separation of church and state, and were now willing to grant toleration to all religious freethinkers, except prelatists, papists, and atheists. At the close of the year 1648 this party in parliament and in the nation was divided into two classes—first, the ultra-radicals, who were determined to compass the king's death, and set up a republic; and, secondly, the great majority, who were willing to visit the king with deposition, but who shrank from the army's proposed cure for the ills of the nation. Of the large number of Independent divines, only two, so far as is known, expressed approbation of the trial of the king.

A third party, strongest in London, Lancashire, and Scotland, was made up of Presbyterians who were doing their utmost to save the royal prisoner from

<sup>1</sup> Rushworth, *Hist. Coll.* 7. 1297.

the army and the Independents. In the earlier years of the great rebellion the Presbyterians had been supreme; they had ruled with a high hand, had established their form of church government in England on the ruins of the prelacy, had passed severe laws against other sectaries, and had prosecuted the war against the king with energy. In spite of their jealous, persecuting zeal, the Independents rapidly increased in numbers and in power. Owing to Cromwell's tolerance, the army became a hotbed of radicalism in politics and theology, and was regarded as the greatest foe of the Presbyterians. Actuated no doubt by genuine fear of the regimental preachers, and alarmed at the rapid growth of the Independent faction in the House of Commons, and feeling that their one chance to force England to remain Presbyterian lay in the rehabilitation of the king, the followers of the kirk both in Scotland and in England labored from the days of the first imprisonment at Newcastle in Aug., 1646, to the close of Nov., 1648, to negotiate a treaty with Charles which would be satisfactory, at least to themselves. The curious spectacle was now presented of former enemies converted into warm advocates of the king. A party among the Presbyterians of Scotland, headed by the Scottish Commissioners to England and the Hamiltonians, had even entered into a secret engagement with the king, in Jan. 1648, to invade England with a Scotch army, for the purpose of restoring him to his full royalty, on the understanding that he would guarantee the Presbyterian form of church government in England for three years, and suppress the Independents and all other sects and heresies. Although the Hamiltonian party did succeed in leading an army into England in the Second Civil War, it must be remembered

that Argyle and other Scotch nobles, the Presbyterian ministers of Scotland, and the vast majority of their congregations, were entirely out of sympathy both with the treaty and the invasion. Yet in spite of the fact that there were two classes among the Presbyterians of the realm, just as there were divisions among the Independents, all the Presbyterians of Scotland and England were averse to the army's proposal to bring the king to trial. One and all they pitied the fallen monarch, and would have been glad to restore him to his crown and royal dignity at no slight compromise of liberties hardly won in the bloody struggles of the Civil War. Wherefore not a Presbyterian layman sat on the court of trial, not a Presbyterian minister in London approved the course of the army chiefs. Hugh Peters, Cromwell's chaplain, was sent to discuss the subject amicably with the Westminster Assembly of Divines, but they declared unanimously for the king's release. Peters was then authorized by the army leaders to invite to a friendly conference several London divines who all along had preached in favor of armed rebellion—Marshall, Calamy, Whitaker, Sedgewick, Ashe, and others prominent in Presbyterian circles. They refused point blank, and, instead of peaceful talk of compromise, assembled in Sion College, and drew up a fiery criticism of Cromwell and his supporters in Parliament, their *Serious and Faithfull Representation*. The change of policy among the Presbyterians is clearly seen by comparing even the texts of their earlier and later sermons, and perhaps best of all in the change of front shown in the writings of the most voluminous of Presbyterian pamphleteers, William Prynne. It was these inconsistent sermons, protestations, and tracts which excited the contempt of Milton, and partly inspired his treatise.

The last group, numerous but at this time unimportant, was composed of the Royalists or Cavaliers—courtiers, clergymen of the old church deprived of their livings, country squires, nobles and soldiers in exile, a great mass of country people who had to a large extent remained untouched by sectarianism or by the struggle for constitutional rights; all these, deprived of power, looked on helplessly at the ‘royal martyr’ moving to his doom.

Few men in England, and none in Scotland, expected or desired that the leaders of army and parliament would bring the king to the block. Until the last moment thousands refused to believe that Charles would really die upon the scaffold; there was to be the pageantry of an execution, but nothing more.<sup>1</sup> ‘Only some fifty or sixty governing Englishmen, with Oliver Cromwell in the midst of them, were prepared for every responsibility, and stood inexorably to their task.’<sup>2</sup> Milton was at one with Cromwell and the other forward spirits in this business. From his careful study of events he had come to the conclusion that Charles was a faithless tyrant, responsible for whole massacres committed on his faithful subjects, guilty of a deluge of innocent blood (9. 3ff.), a malefactor deserving of punishment as a common pest and destroyer of mankind (20. 3). Neither Milton nor Cromwell had any superstitious reverence for the divinity that was supposed to hedge a king. ‘What hath a native king to plead,’ he cries, ‘bound by so many covenants, benefits and honours to the welfare of his people, why he through the contempt of all Laws and Parliaments, the onely tie of our obedience to him, for his owne wills sake, and a boasted prae-

<sup>1</sup> Burnet, *Hist. of Own Time* 1. 64.

<sup>2</sup> Masson, *Life of Milton* 3. 718.

rogative unaccountable. after sev'n years warring and destroying of his best subjects, overcom, and yeilded prisoner, should think to scape unquestionable, as a thing divine, in respect of whom so many thousand Christians destroy'd, should lye unaccounted for, polluting with their slaughterd carcasses all the land over, and crying for vengeance against the living that should have righted them' (21. 14ff.). Entertaining such views of his king, to whom loyalty and obedience would now mean only a base compliance, Milton was very strongly of opinion that the sword of justice above the king ought to do its work. Convinced in his own mind of the king's guilt and well merited punishment, he ranged himself in the most uncompromising allegiance on the side of Cromwell, Ireton, and Bradshaw, who had long since resolved upon the tyrant's death.

### III. PURPOSE.

The main purpose of *The Tenure of Kings and Magistrates* is therefore very plain. It is a justification of the thoughts and intents of all those in England who hated tyranny, and who held it to be simple justice that a perfidious monarch should, after fair trial, receive due punishment for high crimes and misdemeanors. The long title of this treatise lays down Milton's thesis 'that it is lawfull to call to account a Tyrant or wicked King and after due conviction to depose, and put him to death.' It was not the intention of Milton to disparage monarchy, however, although he combats the theory of divine right, and maintains that the original of power is in the people. He puts the case of the people against a wicked king, with special reference to Charles I, and gives illus-

trations from past ages of the overthrow and deposition of tyrants. But his purpose was not to glorify the republican form of government, nor to derogate from the fair fame of good kings. In his reference, in the *Second Defence*, to his motives in writing this treatise, he says, 'Without any immediate or special application to Charles, I shewed in an abstract consideration of the question, what might lawfully be done against tyrants' (Bohn I. 260). While this statement must be discounted, for Milton did make immediate and special application to Charles, as we have already pointed out, still it remains true that he had no quarrel with the monarchic principle itself. In later years he was delighted because Queen Christina of Sweden praised his reply to Salmasius. In his panegyric of the Queen of Sheba of the North, he says: 'When the critical exigencies of my country demanded that I should undertake the arduous and invidious task of impugning the rights of kings, how happy am I that I should meet with so illustrious, so truly a royal evidence to my integrity, and to this truth, that I had not written a word against kings, but only against tyrants, the spots and pests of royalty' (Bohn I. 249). Whatever Milton's honest purpose may have been, his contention that 'all men naturally are born free,' his theory of the contractual origin of society and government, his enunciation of the doctrine of the sovereignty of the people, of the derivative character of all kingly rule, of the equality of all persons before the law, and his declaration of the right of 'any who have the power' to depose or put to death a wicked king, give the general reader the impression that he was a republican of the most thorough-going kind. Aubrey, one of his earliest biographers, so understood him: 'Whatever he wrote

against monarchie was out of no animositie to the king's person, or out of any faction or interest, but out of a pure zeale to the Liberty of Mankind, which he thought would be greater under a free state than under a monarchiall government. His being so conversant in Livy and the Roman authors, and the greatness he saw donne by the Roman commonwealth, and the vertue of their great commanders [captaines] induc't him to it.<sup>1</sup> When he wrote this treatise Milton seems to have been indifferent to the form of government, so long as liberty was insured to the subject. If he welcomed the republic, he did so because it meant to him the dawn of a new day of political and individual freedom in England. In his former writings he had not used a single expression against royalty; on the contrary, he had defended the rights of the crown against the pretensions of the Anglican prelates. In proposing a plan for the reform of the church, his model had been monarchical government. *The Tenure of Kings and Magistrates* was written, therefore, not as a protest against the institution of royalty, but as a protest against a wicked king and as a defence of resolute upholders of human liberty, not because they were democrats and republicans, but because they were earnest and vigorous in the putting down of tyranny, and in the setting up of a righteous rule in England.

#### IV. LEADING IDEAS.

When we attempt to analyze the ideas set forth in this treatise, and now for the first time applied with astonishing vigor and frankness to a great political

<sup>1</sup> *Collections for Life of Milton*, app. to *Lives of Edw. and John Philips*, ed. Godwin, p. 341.



crisis in English history, we find that Milton is developing his philosophy of freedom. In his previous writings, all of them timely performances, he had contended for religious and domestic freedom, for a free interpretation of the Bible, for free education, for liberty of investigation, of speech, of the press;<sup>1</sup> in *The Tenure of Kings and Magistrates* he was to re-emphasize most of these ideas, and to make his first plea for civil liberty, to anticipate modern thought in the statement and defence of great and generous principles. In the compact and weighty pages of this pamphlet, he presents the following leading ideas, which were to command such attention from the whole of Europe in their elaborated form, in the Latin periods of the replies to Salmasius and Morus:— (1) All men naturally were born free (9. 24); (2) as a result of a voluntary compact, kings and magistrates were appointed by the people as deputies and commissioners, repositories of communicated and entrusted power (9. 31 ff.); (3) laws were invented by the people as checks to confine and limit the authority of magistrates (10. 21 ff.); (4) bonds or covenants were also imposed upon rulers to compel them to observe the laws which the people had made (11. 9 ff.); (5) the power of kings and magistrates remains fundamentally in the people as their natural birthright (11. 7 ff.); (6) the king or magistrate may be chosen or rejected, retained or deposed by the people (15. 11 ff.); (7) men should be governed by the authority of reason (1. 1, *et passim*). Commenting on these political maxims for a new society, Geffroy says: 'Milton was not a practical statesman, and his plans for a future social fabric were too often pure

<sup>1</sup> See his own statement in *Sec Def.* (Bohn 1. 257 ff.).

Utopias, but he loved liberty passionately, he consecrated to her defence his entire life, with an elevation of spirit, a generosity of soul, which distinguished him from all his compatriots and all his contemporaries. He is worthy of being numbered with the precursors of our eighteenth century, and his writings offer to the historian and the philosopher the curious and sublime spectacle of a new society commencing to be born.<sup>1</sup>

But if Milton's main purpose in writing this attack on tyranny was to lay down the program of constitutional liberty, his secondary aim was to chastise his former friends the Presbyterians, and to pour out the bitterest vials of his wrath upon their inconsistent divines. The controversial character of his treatise is indeed very marked. Stern calls the acrimonious attack on the Presbyterians the shell of the pamphlet, of which the abstract argument on the origin of government, and the right to depose and punish a tyrant, is the kernel.<sup>2</sup> According to the *Second Defence* (Bohn 1. 260), it was the inconsistent conduct of the ministers which impelled Milton to write this exposure of their inconstancy and effrontery. Not only as the greatest opponents of his goddess, Liberty, but as his own personal foes, did Milton eagerly embrace the opportunity to reveal their various shortcomings of thought and life. In a sermon preached before the Houses of Parliament in 1644 by the Rev. Herbert Palmer, Milton's tractate on divorce had been openly called 'a wicked booke which deserves to be burnt.'<sup>3</sup> The Westminster Assembly, displeased from the same

<sup>1</sup> *Étude sur les Pamphlets Politiques et Religieux de Milton*, pp. 224, 225.

<sup>2</sup> *Milton und seine Zeit* 1. 441.

<sup>3</sup> *The Glasse of God's Providence towards his Faithfull Ones*. A Sermon preached before the Houses of Parlt., Aug. 13, 1644.

cause, had the 'libertine'<sup>1</sup> summoned before the House of Lords. It was not the nature of the poet to accept these strictures in a spirit of Christian forgiveness; from the date of the publication of his *Colasterion*, references to the Presbyterians in Milton's prose and verse are bitter in tone. 'From that time,' says Orme, 'he never failed to abuse the Presbyterians and the Assembly. It is painful to detract from the fair fame of Milton, but even he is not entitled to vilify the character of a large and respectable body of men, to avenge his private quarrel.'<sup>2</sup> Whether he was actuated by personal reasons or not, whether he loved himself rather than truth, in thus turning upon his former party, as Doctor Johnson avers,<sup>3</sup> it was not necessary for the author of *The Tenure of Kings and Magistrates* to invent charges against the Presbyterian preachers and writers. No party ever laid itself more helplessly open to attack. And no controversialist ever fell more mercilessly upon a vulnerable enemy than Milton upon the men who were preaching and writing in a vain effort to save 'the Lord's anointed.'<sup>4</sup>

In addition to their sermons in the pulpits of London, the Presbyterian divines expressed their new-found loyalty to the king by sending out two tracts from Sion College. The first, which we have already mentioned, was signed by 47 ministers, including Case, Gataker, Gower, Rowborough, and Wallis of the Westminster Assembly, and was addressed to Lord Fair-

<sup>1</sup> Clement Walker calls Milton 'a libertine that thinketh his wife a Manacle,' *Hist. of Indep.*, pt. 2. 199.

<sup>2</sup> *Life and Times of Rich. Baxter* 1. 70.

<sup>3</sup> *Life of Milton*, in *Works*, ed. Hawkins 2. 101.

<sup>4</sup> For a full discussion of Milton's relations with the Presbyterians, see Masson, *Life of Milton* 2. 377 and 3. 468 ff.

fax and the Council of War. Jan. 18, 1649. A few days later, another pamphlet was issued as a defence against charges of inconsistency. It was entitled, *A Vindication of the London Ministers from the unjust Aspersions upon their former Actings for the Parliament*, and was signed by 57 ministers. Still a third deliverance came from the Presbyterian ministers of Lancashire, entitled, *The Paper called the Agreement of the People taken into Consideration*. William Prynne and Clement Walker, for the laymen, issued a Declaration and Protestation, and the former made a very long speech in Parliament on Dec. 4, 1648, and now returned to the subject in his *Briefe Memento*. In all these writings, the Presbyterians used the most forceful language in denouncing the course of the Army and Independents as utterly opposed to the Solemn League and Covenant, that to depose or to put to death the king would be contrary to all legal precedent, to Scripture, and to the Oaths of Supremacy and Allegiance. It was easy for Milton to throw himself upon this literature, and to compare the sentiments of the present with those of the past, to show that these very men, in sermon and in pamphlet, had formerly cursed the king as a tyrant, as one worse than Nero (5. 25; 8. 7; 38. 10 ff.); that they had commended the war against the king (7. 27 ff.); that they themselves had broken the Oaths of Supremacy and Allegiance (32. 26 ff.), and by making war on the king and denying his authority had absolutely deposed him (32. 34 ff.); and that they had broken the Covenant (34. 30 ff.), and had really taken the life of the king by robbing him of his office and dignity (36. 25 ff.).

## V. THE COVENANT.

It was useless, he held, for the Presbyterians to defend their former actions by appealing to a certain clause in the Covenant. But to understand Milton's contemptuous reference to the 'fine clause' of the 'riddling Covenant,' it is necessary to pause for a moment to consider this bone of contention among all parties in the last year of Charles' reign. The Solemn League and Covenant of August, 1643, was based upon the Scottish National Covenant of 1638, which in its turn had been imported from France. A religious pact between England and Scotland, it was not only a league between two kingdoms to defend their civil liberties, but paved the way for uniformity in church matters, for the abolition of episcopacy, and the establishment of Presbyterianism in England. On its acceptance by the English parliament, copies of the document were signed at Westminster,<sup>1</sup> and in nearly all the parishes of England and Scotland. The text of the Covenant<sup>2</sup> was easy to understand, but it contained one clause which was afterwards to be interpreted according as a man turned to the support of king or parliament. This offending clause read as follows:—'We shall with the same sincerity, reality and constancy, in our several vocations, endeavour with our estates and lives mutually to preserve the rights and privileges of the Parliaments, and the liberties of the Kingdoms, and to preserve and defend the King's Majesty's person and authority, in the preservation and defence of the true Religion and

<sup>1</sup> The event is described by Neale. *Hist. of the Puritans* 1. 466. See also Whitelocke. *Memor.* 1. 202.

<sup>2</sup> For a full text of the Covenant see Rushworth. *Hist. Coll.* 5. 478. 479.

Liberties of the Kingdoms; that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his Majesty's just power and greatness.'<sup>1</sup> In the first Sion House tract the Presbyterian ministers accused Cromwell's party of esteeming the Covenant (referring of course to the above clause) no more than 'an almanack out of date.' In their second protestation they held that 'the taking away the life of the King, in the present way of Trial is, not only not agreeable to any word of God, the principles of the Protestant Religion (never yet stained with the least drop of blood of a King) or the fundamental constitution and government of this Kingdom, but, contrary to them, as also to the Oath of Allegiance, the Protestation of May 5, 1641, and the Solemn League and Covenant: from all, or any of which Engagements, we know not any power on earth, able to absolve us or others.' The ambiguous clause of the Covenant follows, and the citizens are exhorted to hold to it rather than to commit the sin of perjury, and so draw upon themselves and the kingdom the blood of their sovereign.<sup>2</sup> Prynne also quotes the 'fine clause' and thus continues: 'This Covenant you have all taken yourselves (some of you often)<sup>3</sup> and imposed it on all three Kingdomes: And will it not stare in your faces your consciences, and engage God himselfe, and all three Kingdomes, as one man against you, if you should proceed to

<sup>1</sup> *A Serious and Faithf. Repres.* etc., p. 7.

<sup>2</sup> *A Vindication of the Ministers of the Gospel . . . with a short Exhortation to their People to keep close to their Covenant-Engagement* pp. 5 ff.

<sup>3</sup> Besides the national pledge, there were local voluntary covenants, by which groups of individuals bound themselves to sustain the parliamentary cause and to be faithful to one another. See *Mem. of Col. Hutchinson*, p. 143.

depose the King, destroy his person or disinherit his posterity? yea, bring certaine ruine upon you and yours as the greatest *Covenant breakers*, and most perjured Creatures under Heaven.’<sup>1</sup> Again he says: ‘Consider that Scotland and Ireland are joynt tenants, at least wise tenants in Common with us in the King, as their lawfull Sovereigne and King, as well as ours: and that the *Scots* delivered and left his person to our Commissioners at *Newcastle*, upon this expresse condition: That no violence should be offered to his *Person*, etc., according to the Covenant.’<sup>2</sup> The Presbyterians supported their constant quotation of this clause by trying to prove from Scripture that oaths, trusts, and covenants were broken only by sinful men. Yet, however dogmatic the divines and Prynne were on this question, others construed the loyal clause in quite a different sense. John Price reflects this difference of opinion. ‘The Presbyterian,’ he observes, ‘pleads Covenant-engaging conformity (as they urge) with the *Church of Scotland*: The Parliamenteer pleads Covenant, engaging to *preserve the rights and priviledges of Parliament*: The Royalist pleads Covenant, engaging to *preserve and defend the Kings Majesties Person and Authority*: The Armists plead Covenant, engaging to *preserve the liberties of the Kingdome*, etc. So that you have made the Covenant a meere contradictious thing, like unto one of the Diabolicall Oracles of the Heathens, speaking nothing certaine but ambiguities.’<sup>3</sup> Another critic, this time a textual expert, complains that the Presbyterians make ‘a stop at *Authority*,’ ‘And thus

<sup>1</sup> *A Briefe Memento*, p. 8.

<sup>2</sup> *A Briefe Memento*, p. 13. The clause is quoted in full on p. 89. See also his *Speech delivered in the House of Commons, Dec. 4, 1648*, pp. 17, 18, for a furious attack upon the Covenant-breakers

<sup>3</sup> *Clerico-Classicum*, p. 27.

our English sentences are read with Scotch comma's and periods, and the Covenant made to speak what it never meant, and Covenanters to undertake absolutely what they promise but conditionally, by the Scotch Artificers, who make it a nose of wax.'<sup>1</sup> That Milton was fully justified in heaping contempt upon the Presbyterians for using Scotch commas and periods in their cavilous reading of the 'unnecessariest clause' (6. 1; 33. 1; 33. 27; 35. 19; 36. 9; 36. 16), we have it on the evidence of Whitelocke that the Scotch themselves had changed their minds as to its meaning. In Dec., 1645, the Parliament of Scotland voted 'that the clause in the covenant, for the defence of the king's person, is to be understood in defence and safety of the kingdom.'<sup>2</sup> Yet in the very next month they made a declaration to the English Parliament that the king was to remain prisoner with 'safety to his person.'<sup>3</sup> On July 27, 1647, the Assembly of the Kirk of Scotland ordered a public fast, for the danger to religion and reformation by sectaries in England, 'and that the Covenant may be kept.'<sup>4</sup> In August, 1647, when Fairfax moved on London, and the Independents gained the upper hand in parliament, Whitelocke mentions the increased emphasis with which the pulpits in Scotland urged 'the necessity of that kingdom to maintain the ends of the covenant against all violation.'<sup>5</sup> After this brief review of the controversy, the plain reader will agree that Milton's many criticisms of the riddling Covenant were well founded.<sup>6</sup>

<sup>1</sup> *The Jovial Tinker of England*, p. 7.

<sup>2</sup> Whitelocke, *Memor.* 2. 99.

<sup>3</sup> *Ibid.* 2. 108.

<sup>4</sup> *Ibid.* 2. 183.

<sup>5</sup> *Ibid.* 2. 194.

<sup>6</sup> For other references to the Covenant in Milton's prose, see *Observ. Art. Peace* (Bohn 2. 197), *Eikon* (1. 488, 390), *First Def.* (1. 193).



## VI. THE PRESBYTERIAN DIVINES.

When we turn to his attack on the Presbyterian party, we are also constrained to admit that Queen Truth was on his side. Alluding to their sins in general, he accuses them of intolerance to other sects (41. 19), of rendering assistance to the Royalists whom they themselves had called reprobates and enemies to God and his church (41. 25), and of opposing the Independents, who are, he declares, their best friends and associates (41. 32).

In his criticism of the life and conduct of the Presbyterian divines, however, we realize that Milton is prejudiced and unfair. His severest accusation is that these men, who formerly denounced the prelatists for being pluralists, are guilty of the same offence. He charges that 'pluralities greas'd them thick and deep' (7. 26); it would be good if they 'hated pluralities and all kind of Simony' (43. 28); they have gorged themselves 'like Harpy's on those simonious places and preferments of their outed predecessors, . . . not to pluralitie onely but to multiplicitie' (51. 18 ff.); they have followed 'the hot sent of double livings and Pluralities,' etc. (56. 31 ff.). In his *History of England*, a work begun at this time, Milton roundly declared that the Presbyterian ministers did not scruple 'to seize into their hands, or not unwillingly to accept (besides one, sometimes two or more, of the best livings), collegiate masterships in the universities, rich lectures in the city, setting sail to all winds that might blow gain into their covetous bosoms.'<sup>1</sup> Neal, in his *History of the Puritans*, is silent on this question, nor does Shaw in the latest and most complete work

<sup>1</sup> *Hist. of Eng.* (Bohn 5. 238, 239).

on the history of the English church during this period<sup>1</sup> mention any instances of Presbyterian pluralism. Marsden resents these charges with asperity. They are, he says, simply the result of Milton's harsh and vindictive mood, his attempt to avenge himself upon the Westminster Assembly.<sup>2</sup> Masson, while he criticizes Milton for his 'somewhat ungenerous summary (43. 26 ff.) of the history of the Westminster Assembly,'<sup>3</sup> adduces several instances where leading Presbyterian divines accepted lectureships at the universities or in the city,<sup>4</sup> but makes no mention of ordinary cases, where two or more benefices were held by Presbyterian ministers. Owing to his prejudices, Milton may have unduly magnified a few cases of this kind, yet, in spite of exaggeration, there was some ground for his repeated accusations. Attached to a proclamation of Sir Thomas Fairfax in 1647,<sup>5</sup> there is a statement that according to 'the petition of many thousands of the poore sequestered clergie of England and Wales,' 'those who are put into our places [Presbyterian divines] labour by all means to stir up the people, and to involve this kingdom in a new war, and are generally men ignorant and unable to instruct the people, and many of them are scandalous in their practices, if impartially examined; and divers of them hold three or four of the best benefices, whilst divers other churches are void and without any constant preachers.' In a tract published in 1646, Thomas Tookey, M. A., charges Mr. John Yaxley with exacting 'the worldly sweet of two distinct congre-

<sup>1</sup> W. A. Shaw, *Hist. of Eng. Church.*

<sup>2</sup> *Hist. of Later Puritans*, p. 86.

<sup>3</sup> Masson, *Life of Milton* 4. 72.

<sup>4</sup> Masson, *Life* 3. 469.

<sup>5</sup> *King's Pamphlets*, Br. Museum, 325, 420 cat. 5.

gations.' Yaxley, he says, 'had peeped into much logic, so that, tho *once he could not,*' now 'he *can* account both nonresidency and sacred thievery dearly lawful, gainful, hopeful, and needful.'<sup>1</sup> In another pamphlet, specific instances are not given, but the general charge is boldly made. 'I could instance in many places,' says this anonymous foe of the Presbyterian clergy, 'where superstitious and blind buzzards were put out of their livings, and some of the orthodox men [Presbyterians] put in their roomes, and when they had got good livings were they, or are they contented? Some hold livings in the country, and some in London, hardly ever coming to the flock but to take the fleece. Some hold two or three livings apiece: some leave one and run to another when they can find a greater, nay, they will fight for a better living rather than lose it.'<sup>2</sup> In view of this contemporary evidence, however prejudiced some of it may be, we must agree that it bears out Milton's general assertion that the Presbyterian ministers were not altogether free from the pleasant vice of pluralism.

When Milton calls these clergymen 'mutinous ministers' (56. 28), 'dancing divines' (7. 15), 'doubling divines' (9. 17), 'prevaricating divines' (35. 27), 'a covetous and ambitious generation' (51. 9), 'disturbers of the civil affairs' (43. 9), he may also be well within the truth, but when he denounces them as being 'clov'n tongues of falshood and dissention' (38. 15), 'ministers of sedition' (38. 28) 'firebrands' (39. 2), it must be said that he is descending to coarse abuse. In the most scandalous passage of this treatise (43. 8 ff.) he accuses them of meddlesomeness, of neglecting their studies, of laziness, of being

<sup>1</sup> *An Inspection for Spiritual Improvement*, etc., p. 5.

<sup>2</sup> *The Clergy in their Colors*, etc., p. 41.

tyrants over other men's consciences, of covetousness, of simony, of pride, of gluttony, of hypocrisy, of being pulpit firebrands. Not content with saying all these things, he returns to the charge in the second edition of his book, repeats his accusation of pluralism (51. 18 ff.) and formulates a new indictment in the amusing passage (55. 7 ff.) in which the ministers are called 'nimble motionists,' time-servers, careless of all considerations except their own material advantage. In the year which elapsed between the publication of the first and the second edition, he also happened upon a Presbyterian pamphlet written as far back as 1643, which he used as a postscript text for further abuse of his clerical foes.<sup>1</sup> The title of this tract, *Scripture and Reason*, is a fitting introduction to our next topic, Milton's Use of Scripture.

## VII. USE OF SCRIPTURE.

In the seventeenth century, Scripture and reason were the touchstones for Puritan arguments on nearly every subject. It was the common custom to prove anything from the Bible, sometimes with the consent of reason, sometimes in defiance of common sense. The poet Waller, for instance, made a speech in the House of Commons in objection to the bill to enforce the burial of the dead in woollen shrouds, and thought he had proved his case when he cited the evangelist who has recorded that Christ was buried in linen. And if the Bible was used with advantage as an authority on general subjects, it was believed by Milton, and all Puritans, that no one could impose, believe, or obey aught in religion, but from

<sup>1</sup> See note on 51. 25.

the word of God only.<sup>1</sup> Inasmuch as the subject's relation to his prince involved questions of conduct, the Bible was regarded as an authority on such themes as the divine right of kings and the legitimacy of armed resistance to tyrants. The translation of the Old Testament by Luther supplied his followers, and the Calvinists also, with an arsenal of arguments on political questions. The stormy history of the Jews afforded precedents to the upholders of divine right, of passive resistance, and of tyrannicide. Needless to say, the teachings of the law and the prophets were regarded as of equal authority with the precepts of Jesus and the apostles. 'Calvin had set forth in his lectures,' says Weill, 'that it would be chimerical to wish to transform all the laws of Moses into laws for modern society. Yet in spite of his objection, the political government of the Hebrews seemed to the religionists of the reformed party a model to copy in all its details; and the example of the monarchy of Israel, so often denounced by the prophets and overthrown by insurrectionists inspired by God himself, fortified their hatred of despotism, and their confidence in ultimate success.'<sup>2</sup> The Protestants, however, were in two camps, as far as political theory was concerned. Although Luther and Calvin were somewhat ambiguous, the former was more a defender of the theory of the divine right of kings than of civil liberty; the latter advised passive resistance, but by his utterances against tyranny encouraged such disciples as Knox and Goodman in more revolutionary principles. The Lutheran defenders of despotism naturally attached more weight to the teachings of the New Testament, especially the Pauline and

<sup>1</sup> *Of True Religion*, etc. (Bohn 2. 513).

<sup>2</sup> *Les Théories sur le Pouvoir Royal en France*, p. 82.

Petrine dicta on unreserved submission to magistrates. The Protestant defenders of civil liberty, Knox, Buchanan, and Milton, for example, emphasized the rebellions and cases of tyrannicide in the history of Israel, and did their best to explain away the awkward passages in the New Testament.

Certain texts and instances in both the old and the new Scriptures became *loci classici* for controversialists. The friends of monarchy advanced the following leading arguments from the Bible:—(1) When David had Saul at his mercy, he refused to kill the Lord's anointed; (2) God punished Israel because of her revolt against Nebuchadnezzar, her lawful sovereign; (3) when David, in Psalm 51, confessed the murder of Uriah, he did not admit that he had sinned against his subject, but only against God; (4) according to 1 Sam. 8. 11–18, God conferred certain rights upon kings; (5) in the New Testament they relied mainly upon three texts—Rom. 13. 1; 1 Pet. 2. 13, 14; Tit. 3. 1; (6) Luke 20. 25, and the fact that Jesus submitted to Pilate, were also often cited. On the other hand, the opponents of the theory of divine right justified rebellion to tyrannical princes on these Biblical grounds:—(1) Ehud, Jael, Jehu, and Judith killed tyrants, being sent by the Lord as liberators; (2) David did not kill Saul, for their quarrel was a matter of private enmity; but at any rate the Lord approved his armed resistance to the forces of the king; (3) the priestly town of Libnah revolted against Jehoram<sup>1</sup> (Weill says that Libnah was a sort of La Rochelle to the Protestant writers); (4) the tribes of Israel fell away from Rehoboam; (5) the Maccabees repelled the Syrian tyrant.

This searching of the Scriptures for arguments to support political theories had been in full swing for

<sup>1</sup> See 1 Kings 8. 22.

over a century when Milton undertook to review the well-worn citations in this treatise. He dwells upon the rebellion of Jeroboam against Rehoboam (16. 6), the deposition of Samuel (16. 12), and the three cases of tyrannicide—by Ehud (20. 29), by Samuel (22. 33), and by Jehu (23. 6). In all these citations he uses Scripture fairly, but in other places, where the plain sense of the text or incident is against him, he does not hesitate to wrest the Scripture to his purpose as unscrupulously as any of his opponents. When he quotes Deut. 17. 14, 'I will have a king set over me,' he interprets these words as referring solely to the people's right of choice, thus deliberately ignoring the words in the next verse, 'Thou shalt in any wise set him king over thee, whom the Lord thy God shall choose' (15. 20). The Royalist argument from Psalm 51, though it seems absurd to the modern mind, was hard to meet with a direct answer, so Milton brushes it aside with the remark that, after all, these are only 'the pathetical words of a Psalme' (14. 18). The New Testament texts are also treated with a high degree of ingenuity. He cannot get round the simple words of 1 Pet. 2. 13, 16, where Christians are enjoined to obey superior powers, so he adds the phrase 'as free men,' a refinement used by Christopher Goodman in 1558.<sup>1</sup> Paul's dictum in Rom. 13. 1, 'For there is no power but of God,' is explained as referring not to tyrannical, but to just power only. This gloss upon the text had also been used by Goodman. The use which Milton makes of Rev. 13. 2 is an excellent example of how eagerly he strained after any text which might seem to uphold his argument (17. 26). Other New Testament texts quoted by him are also arbitrary, and seem ineffective to present-day readers,

<sup>1</sup> See note on 17. 11.

but were no doubt regarded as forceful citations by Milton's contemporaries.<sup>1</sup> The pamphlets of such writers as Prynne, Walker, and Filmer, and indeed all the Stuart controversialists, abound in what seems to us a tiresome and even ludicrous use of Scripture. Compared with these and other pamphleteers, Milton is very sane in his exegesis, and moderate in his citation of texts. A grotesque use<sup>2</sup> of Scripture in this pamphlet should also be mentioned, namely, the allusion to Adonibezek's sufferings (55. 21), and the story of the priests of Bel (56. 35). These illustrations are characteristic of Milton's prose.

#### VIII. BACKGROUND OF POLITICAL THOUGHT.

Before discussing the special sources of Milton's political doctrines, it will be necessary to pass in review several of the main ideas which he inherited from the theorists of the sixteenth century, and which had their roots in the writings of the Middle Ages. The contractual origin of society and government, the sovereignty of the people, the authority of reason, the divine right of kings—all these topics had engaged the argumentative powers of sixteenth century pamphleteers. Certain great movements of thought had contributed to the furtherance of civil and religious liberty in that age—(1) the struggle between the papacy and the rising power of kings, (2) the Protestant Reformation, with its appeal to the Bible and reason as the sole authorities of life and conduct,

<sup>1</sup> See notes on 24. 2, 24. 8, and 24. 12.

<sup>2</sup> For examples of this humorous use of Scripture see *Rem. Def.* (Bohn 3. 86); *Ibid.* (Bohn 3. 74); *Reas. Ch. Govt. against Prel.* (Bohn 2. 463); *First Def.* (Bohn 1. 41, 211), etc.



(3) the influence of the Renaissance in resurrecting the classics of Greece and Rome, with their republicanism, their passion for liberty, and their approval of tyrannicide, (4) the increased study of Roman law, and (5) the rise of the historical spirit, and of the modern historical method. All these currents of thought converge in *The Tenure of Kings and Magistrates*.

It is one of the remarkable facts of history that the doctrine of the sovereignty of the people came from the bosom of the Roman Catholic Church, the arch-foe of modernism, and the determined obstructor of civil and religious liberty. Upholders of this church, however, both in the Middle Ages and in the sixteenth century, emphasized the power of the people, in order to check the growing independence of the king. They were not actuated by any desire to promote democracy, but simply and solely to belittle the dangerous rivals of the pope. 'Civil power,' so wrote Pope Gregory VII to Bishop Hermann of Metz, 'was the invention of worldly men, ignorant of God and prompted by the devil; it needed not only the assistance, but the authorization, of the church.' In conformity with this teaching, Marsiglius of Padua declared that the king might be restrained or deposed if he overpassed his prescribed bounds. In order to exalt the church, this pioneer of political theory recognized the people as the origin of all power in the state.<sup>2</sup> From the time of Augustine, the origin of civil government had been ascribed to Adam's fall, and Cain and Nimrod were asserted to be its first founders. 'The church was therefore ready to admit any form of civil government that would listen to her

<sup>1</sup> Poole, *Illust. Hist. Med. Thought*, p. 229.

<sup>2</sup> *Opera*, ed. Goldast, 18. 185.

claims. Theoretically she had no preference for monarchical institutions; rather, it should seem, she was inclined to promote a democratic sentiment.<sup>1</sup> This principle, then, that the people is supreme, so well-known in the Middle Ages, was eagerly seized upon by the opponents of the Reformation, which was itself furthered and protected by the princes of Germany and the kings of England and Sweden. A school of Jesuit writers arose to battle for the theory that mankind is naturally at liberty to choose its form of government. Towards the close of the sixteenth century, they had even become defenders of tyrannicide, and argued that it was not a sin to depose or put to death a heretical monarch—for the church held that it was a fundamental law of all countries that a sovereign must be a Roman Catholic. Mariana, the Spanish Jesuit, openly approved the assassination of Protestant rulers.<sup>2</sup> In his able exposition of the political teachings of the Jesuits, Figgis sums up this doctrine as follows:—‘Power is in the people, for nature made all men free and equal, and there is no reason why one should have one jurisdiction rather than another. The whole community, then, is the immediate depositary of political power. But it cannot exercise it directly. It must delegate its power to a king or ruling body, under such conditions as shall please it.’<sup>3</sup>

In opposition to this purely utilitarian and secular theory of the state advanced by the defenders of the papacy, the early Protestant reformers set up the theory of the divine right of kings. This also is one of the anomalies of history, that those great religious leaders,

<sup>1</sup> Poole, *Illustr. Hist. Med. Thought*, p. 231.

<sup>2</sup> *De Rege et Regis Institutione* 1. 7.

<sup>3</sup> *Trans. Royal Hist. Soc.* 11. 104.

who put in motion all the forces of modern liberty. should have been at the outset the upholders of despotism. It was owing to the force of circumstances, however, that Luther, Calvin, Bucer, and others became supporters of the regal power. Kings were their sole protectors against the persecuting rage of the papacy, and it was but natural and reasonable that they should magnify kingly authority, in order to combat the claims of the church to absolute sovereignty. Luther, therefore, and his successors searched the Scriptures for divine sanction to the rule and right of kings. As we have seen, they found many texts to support their views; hence the dogma, which was destined to become such a weapon of tyranny in the hands of the Stuarts, that the king is appointed directly by God, that he is *solutus legibus*, that he is responsible to God alone, and that the perpetual duty of the subject is obedience. But Luther's followers, such men as Knox, Gilby, and Poynt, learned that divine right was a doctrine that could mean hindrance and oppression, instead of progress and liberty, and that the Bible also authorized resistance to idolaters and tyrants. In the seventeenth century, Protestant teachers agreed with the Jesuits in asserting the sovereignty of the people. We should remember, however, that when Milton says the power of kings is derivative and transferred (12. 8); when the author of the *Case of the Army Truly Stated* (Oct. 15, 1647) says, 'All power is originally and essentially in the whole body of the people of this nation'; or when, in January, 1649, the committee of the House of Commons, ultra-Protestant and Rome-hating as it was, voted 'that the people, under God, are the original of all just power; that the Commons of England have the supreme authority of this nation,' they were each and all indebted to

Hildebrand, and an army of Romanist writers, for such a theory of civil liberty. We can understand, therefore, that there was a substratum of truth in the declarations of the Royalists that the revolutionary opinions of Cromwell's soldiers were the result of the propaganda of Jesuit priests, who entered the ranks of the army on purpose to sow their anti-monarchical opinions. The Jesuits were not there in the flesh, but the writings of Molina, Mariana, and Bellarmine had come to full flower in *The Grand Army Remonstrance*, in the fierce democracy of the Levelers, and in *The Tenure of Kings and Magistrates*.

The chief buttress of the theory of popular sovereignty is the idea of the social contract, the contention that the origin of kingship is to be traced to the remote occasion when the multitude, of their own accord, transferred to one of their own number the rights and powers of the magistrate. In this treatise, Milton states this opinion, not as a theory, but as a commonly accepted fact (9.31). Although this notion of the contractual origin of society and government was an inheritance from Epicurus, Polybius, and others,<sup>1</sup> it was adopted by the mediæval upholders of the papacy as a valuable argument for their purposes. Manegold, a priest of Lutterbach in Alsatia, who wrote in defence of Hildebrand, clearly states the famous theory: 'Since no one can create himself emperor or king, the people elevates a certain one person over itself to this end that he govern and rule it according to the principle of righteous government; but if in any wise he transgresses the contract by virtue of which he is chosen, he absolves the people from the obligation of submission, because he has first broken faith with it.'<sup>2</sup> This

<sup>1</sup> See note on 9. 31.

<sup>2</sup> Poole, *Illust. Med. Thought*, p. 232.

plain statement was accepted by almost all the political theorists of the sixteenth century, but the defenders of monarchy argued that by this agreement the people surrendered their power to the ruler and his heirs. Towards the close of the century, after the question had become very thoroughly discussed, we find the contractual idea imbedded in the maxims of the Three Estates in 1584: 'La royauté est un office, non un héritage.—C'est le peuple souverain qui dans l'origine créa les rois.—L'État est la chose du peuple; la souveraineté n'appartient pas aux princes, qui n'existent que par le peuple.—Un fait ne prend force de loi que par la sanction des États, rien n'est saint ni solide sans leur aveu.'<sup>1</sup> Milton is therefore following closely in the footsteps of a long line of thinkers in founding royalty on a primitive contract, the conditions of which were dictated by the people. And, like others who had gone before him, he finds a sanction for such a league in the covenants of the chosen people, and, in later history, in coronation oaths and pledges.<sup>2</sup> On this theory he bases his arguments (1) that titles of 'Sovran Lord, natural Lord, and the like, are either arrogancies or flatteries' (12. 17), (2) that the king has not a hereditary right to his crown and dignity (12. 27), (3) that kings are accountable, not only to God, but to the people (13. 11), (4) that the people may choose or reject, retain or depose the king, as they see fit (15. 11).

Out of these doctrines proceeds his outspoken declaration that the people may take up arms against a tyrant, 'as against a common pest, and destroyer of mankind, that it is lawful and has been so through all ages, for any who have the power to convict, depose, and put him to death.' Because this is his

<sup>1</sup> Baudrillart, *J. Bodin et Son Temps*, p. 10.

<sup>2</sup> See notes on 9. 31; 12. 4.

thesis, *The Tenure of Kings and Magistrates* occupies a unique place in English literature, for it contains the first attempt in our language to trace even partially the history of tyrannicide, and it might also be added that until the present no later writer in English has supplemented the material gathered in this treatise and in the *First Defence of the English People*.<sup>1</sup> Although Milton was indebted to Buchanan's dialogue, *De Jure Regni apud Scotos* (1579), for some references on this topic, and possibly to Bodin's *De Republica* (1576), he did research-work on his own account, and has cited here, and elsewhere in his writings, principally in his *First Defence*, many quotations from the ancients on the subject of tyranny.

In this pamphlet, Milton pays most attention to instances of tyrannicide from Jewish history, but he draws one important quotation from Seneca (22. 17) and makes a general statement concerning the practice among the Greeks and Romans (20. 10). His definition of a tyrant shows his knowledge of Aristotle's opinions on the subject (12. 13). He also cites Euripides (14. 22), Dio Cassius (14. 29), Livy (16. 20), and St. Basil (19. 27). In the second edition he added a formidable array of quotations from the Protestant theologians.

This pamphlet, however, was written hurriedly, and he did not have time to make an exhaustive study of the subject. In the days when he toiled over the pages of the *First Defence* he was able to go into the question more deeply, and perhaps nothing in Milton's prose reveals the vast extent of his reading more than his citations on this theme. He quotes Aristotle (Bohn 1. 37, 38, 46), Sallust (*ib.* 1. 38, 39), Cicero (*ib.* 1. 39), M. Aurelius (*ib.* 1. 49); he refers to Tiberius

<sup>1</sup> For a review of the literature on the subject of tyrannicide see the Appendix.

as 'a very great tyrant' (*ib.* 1. 49); the senate and people of Rome would have been justified in proceeding against Domitian 'according to the custom of their ancestors,' and in giving judgment of death against him, as they did once against Nero' (*ib.* 1. 81); he calls attention to Cicero's praise of Brutus as a saviour and preserver of the Commonwealth (*ib.* 1. 90). 'All men' he says, 'blame Domitian, who put to death Epaphroditus, because he had helped Nero to kill himself' (*ib.* 1. 93). He points out that Valentinian was slain by Maximus (*ib.* 1. 105), Avitus was deposed by the Roman senate (*ib.*), Gratian was killed by the soldiers (*ib.*). Diodorus and Herodotus are quoted as authorities for the stories of the deposition of Egyptian tyrants, and the former also yields examples from Persian and Ethiopian history (*ib.* 1. 121 ff.). Plato, Aristotle, Xenophon, Cicero, and Polybius are all cited in rapid succession (*ib.* 1. 125). Of the poets, he quotes Æschylus (*ib.* 1. 126), Euripides, and Sophocles (*ib.* 1. 127). In a review of the Roman historians, he cites Sallust (*ib.*), Cicero, Livy, Tacitus, Dio Cassius (*ib.* 1. 128), Pliny (*ib.* 1. 131), and Capitolinus (*ib.* 1. 133). After quoting Seneca, he continues: 'By what has been said it is evident, that the best of the Romans did not only kill tyrants as oft as they could, and howsoever they could; but that they thought it a commendable and a praiseworthy action so to do, as the Grecians had done before them' (*ib.* 1. 132). In the *Second Defence* he declares that the Greeks and Romans 'are the objects of our admiration because of their resistance to tyrants and their treatment of tyrannicides, whose brows they bound with wreaths of laurel and consigned their memories to immortal fame' (*ib.* 1. 217). The poets are also eulogized; for 'I know that the most of them, from the earliest

times to those of Buchanan, have been the strenuous enemies of despotism' (*ib.* 1. 241).

Although he uses Protestant opinions, he was obliged to pass by the sixteenth century Roman Catholic writers on this subject, for citations from their pages would have been offensive to his readers. Indeed, he takes care to abuse the Jesuit doctrine in favor of tyrannicide, in these words: 'And let him ask the Jesuits about him [Ormond], whether it be not their known doctrine and also practice, not by fair and due process of justice to punish kings and magistrates, which we disavow not, but to murder them in the basest and most assassinous manner, if their church interest so require.'<sup>1</sup> But this criticism of the Jesuits comes with bad grace from the eulogist of Harmodius, Brutus, and the other glorified assassins of Greece and Rome.

## IX. SOURCES.

Turning now to the special sources of *The Tenure of Kings and Magistrates*, we find that Milton's chief debt is to George Buchanan, author of the celebrated revolutionary treatise, *De Jure Regni apud Scotos*, which was published in Edinburgh in 1579. Buchanan and Knox were students at St. Andrews, and imbibed their passion for popular rights and hatred of tyranny from their teacher, John Muir, who held that kings derived their power from the people, could be controlled by them, and, if tyrannical, might be deposed. Knox expressed these views in his argument against Lethington, to which Milton refers (28. 21); in his famous interview with Mary, Queen of Scots; and in the treatise which gave such offence to Queen Elizabeth,

<sup>1</sup> See *De Jure Regni apud Scotos*, trans. Macfarlan, pp. 146, 147.



*The Monstrous Regiment of Women.* Milton was familiar with the opinions of Knox, but he found them systematized in the dialogue of Buchanan. We have indicated in the notes the parallels between Milton's treatise and that of his Scottish mentor, and the reader will observe what a large number of passages have been paraphrased. Leading ideas, and, indeed, many facts, quotations, and illustrations, were appropriated by the English apologist for the Commonwealth. Buchanan clearly owes more inspiration to the ancient republicans than to the Bible, but he draws his arguments from both sources, and in this respect was followed by Milton. In his dialogue he gives the origin of the name tyrant,<sup>1</sup> summarizes various definitions of tyranny,<sup>2</sup> refers to the fears which beset tyrants,<sup>3</sup> and to their punishment, and praises the tyrannicides of antiquity.<sup>4</sup> He bases his argument for the sovereignty of the people on the social contract.<sup>5</sup> Buchanan also lays great stress upon the appeal to reason, as does Milton. This treatise on the rights of the crown, dedicated, perhaps ironically, to the young James IV of Scotland, Buchanan's royal pupil, was destined to have a profound influence on English politics. The hatred which it inspired in royalists, and the popular conception of its close connection with *The Tenure of Kings and Magistrates*, were amply expressed in 1683, when both works were publicly burned by the ever loyal prelates of the University of Oxford.

The second source of Milton's first work in political theory is to be found in his own youthful compi-

<sup>1</sup> *De Jure Regni*, pp. 140-142.

<sup>2</sup> *Ibid.*, pp. 143, 146.

<sup>3</sup> *Ibid.*, p. 148.

<sup>4</sup> *Ibid.*, pp. 161 ff., 198, 199.

<sup>5</sup> *Ibid.*, pp. 91, 95 ff., 103 ff.

lation of quotations, his *Commonplace Book*.<sup>1</sup> When he came to write his protest against Charles and other tyrants, he turned to this storehouse for illustrations and authorities. This book is, in fact, not only a guide to his early reading, but shows the political theory which he had already formulated. Gooch remarks that Milton's earliest political views were merely those of a liberal constitutionalism,<sup>2</sup> and that the *Commonplace Book* reveals his conception of the state as an organism, his comprehensive view of rational well-being, his aristocratical tendencies, his reverence for the thinkers of antiquity, and, in short, the whole spirit of his political thinking. There are in this remarkable book the names of upwards of eighty authors read by the young scholar—English, French, Italian, Latin, and Greek. Along with the instances and conclusions drawn from the original authors, we have a few original observations on political theory. He wrote the facts and quotations in English, French, Italian, or Latin, as the humor seized him. In those earlier years he read the following authors, whose names he mentions, and whose thought he was afterwards to incorporate in his first apology for the Commonwealth: ancient writers—Aristotle, Tertullian, Basil, Chrysostom; French—De Thou, Bodin, Girard, Gilles, Seysell; English—Holinshed, Camden, Gildas, Stow, Speed, Fynes Morison, Raleigh, Sir Thomas Smith, Selden; Scotch—Buchanan; German—Sleidan; theologians—Luther, Calvin, Peter Martyr, proceedings of the Council of Trent; jurists—the Justinian and Byzantine codes. This long array of authors proves that the *Commonplace Book* lay at Milton's elbow when he wrote *The Tenure of Kings and Mag-*

<sup>1</sup> Ed. by Horwood, and published for the Camden Society, 1876.

<sup>2</sup> *Democratic Ideas in the Seventeenth Century*, p. 178.

*istrates*. This treatise is more heavily indebted to that learned scrap-book than any other prose work of Milton, the *History of England*, however, being a close second. In our notes the reader will observe how many seed-thoughts, quotations, and illustrations were transferred from one book to the other by our provident writer, and what embellishment they received in the process. A comparison of the *Commonplace Book* with *The Tenure of Kings and Magistrates* is a most interesting study in literary evolution. Milton's prose masterpiece, *The First Defence*, shows the completion of the process. If the *Commonplace Book* is the blade, *The Tenure* is the ear, and the *First Defence* is the full corn in the ear.<sup>1</sup>

In discussing the subject of tyrannicide, we have already indicated some of Milton's indebtedness to ancient authorities. It was in reality owing to the influence of the Renaissance that he was enabled to bring into this work citations from Aristotle and Euripides, from Cicero and Livy, from Seneca and Dio, from Trajan and Theodosius; the new learning also made it possible for him to support his argument with quotations from the Justinian and Byzantine codes of law.

It is to the French historians of the sixteenth century, however, that we trace perhaps the most novel feature of Milton's contribution to the cause of civil liberty. Francis Hotman has the distinction of being

<sup>1</sup> For the amplification of ideas in the *First Defence*, see notes on 10. 14, 11. 9, 12. 22, 13. 11, 14. 7, 17. 15, 18. 28, 20. 19, 24. 2. That kings are accountable to none but God is refuted in a few lines in the *Tenure*, but the argument covers thirty pages in the *First Defence* (see note on 13. 11). Milton's treatment of tyrannicide may be traced through the three stages of development—in the *Commonplace Book*, in the *Tenure*, and in the *First Defence*.

the first modern historian to search the annals of his own land in an endeavor to discover in the practices of earlier generations proofs that the people had set up and deposed kings at pleasure, and had instituted parliament to be a bridle to monarchs. On this account, his *Franco-Gallia* was an epoch-making book. Milton's debt to Hotman is seen in his statements regarding the coronation and election of early French, German, Scottish and Arragonian kings,<sup>1</sup> the origin and meaning of parliaments, which were intended to be bridles to the kings,<sup>2</sup> instances of the deposition of Frankish kings,<sup>3</sup> his assertion that the people is the original of power,<sup>4</sup> and that the titles of dukes, peers, and great officers of the crown were at first not hereditary, but purely complimentary.<sup>5</sup> Milton also drew considerable material for this treatise from the French historians, Claude de Seysell, Bernard Girard, sometimes called Seigneur du Haillan, and J. A. de Thou (Thuanus). Girard's *Histoire des Rois de France* is often quoted in the *Commonplace Book*. The great Latin tomes of Thuanus also afforded Milton a comprehensive knowledge of the histories of Denmark, Scotland, Belgium, France, and Germany during the sixteenth century. It was these tremendous folios, the *Historia sui Temporis*, that Dr. Johnson regretted he had never translated, and that Froude, Milton's modern disciple in thorough-going hatred of clericalism, read with unflinching interest. The Latin folio of Sleidan's

<sup>1</sup> *Franco-Gallia*, trans. Molesworth, pp. 38 ff., 71.

<sup>2</sup> *Ibid.*, p. 70.

<sup>3</sup> *Ibid.*, pp. 44 ff.

<sup>4</sup> *Ibid.*, p. 64.

<sup>5</sup> *Ibid.*, pp. 97 ff. It is interesting to remember that Hotman read Buchanan's revolutionary dialogue with delight, and paid a tribute to his judgment. See Irving, *Life of Buchanan*, p. 253, and note.

*History of the Reformation* was a source, not only for Milton's knowledge of German history, but also for his citations from the writings of Luther, and his references to the connection of the reformer with the Peasants' Revolt. Pastor Peter Gilles' simple, yet touching recital, of the sufferings of the Piedmontese Protestants was also read by Milton in those industrious youthful days, and lies behind the great sonnet and the references in this tract to the persecutions and struggles of the Waldenses.

Another work of the sixteenth century, whole pages of which are transcribed in the *Commonplace Book*, and to which we have already referred in our sketch of the literature on tyrannicide, was Jean Bodin's *De Republica*. This treatise on government became a classic almost as soon as it was published, and its author was mentioned as one of a triumvirate, the other members of which were Aristotle and Machiavelli. We cannot be certain that Milton borrowed any specific statements for this treatise from Bodin, but we know that he had read his pages devoutly, and it cannot be doubted that the *De Republica* helped to form the mental background of the Miltonic argument for constitutional monarchy.

Somewhere about three years after the appearance of Bodin's book, there came forth from a secret press a work over the significant pseudonym of Junius Brutus, the real authorship of which is still in doubt,<sup>1</sup> a book which was to be the authority of all radicals and tyrant-haters for centuries. Six editions of the *Vindicicæ contra Tyrannos* appeared between 1579 and 1599, and six between 1600 and 1648; in the latter year it

<sup>1</sup> Either Hubert Languet or Du Plessis-Mornay was the real author.

was translated into English, and in this form was read by Milton, for he refers to it as *The Defence against Tyranny*,<sup>1</sup> and says it is commonly ascribed to Beza. At the Oxford inquisition party in 1683, this notable work was burned with the political works of Buchanan and Milton. As we have already mentioned the place of this book in the history of tyrannicide, and have made many references in the notes to Milton's use of it for a source of political theory, we shall add nothing here except to point out that he follows it particularly in his method of appeal to sacred history against tyranny.

For the facts of English history, Milton turned to early authorities, whom he had already been consulting for his proposed *History of England*. He applies to the history of his own land the method of Hotman, examines coronation oaths and ceremonies, cases of deposition of kings, and of punishment meted out to tyrants, and tries to deduce therefrom that the sovereign power is in the people. The weakness in Milton's argument respecting the deposition of Richard II, for example, lay in the fact that it was in the nature of a palace-revolution rather than a concerted movement on the part of the people. Among English historians cited by Milton in this treatise are Gildas, Matthew Paris, Sir Thomas Smith, Camden, Holinshed, Stow, Speed, and Rushworth. His debt to them is indicated in the notes. For the history of Scotland he consulted Buchanan, Knox, and de Thou.<sup>2</sup>

Like all Puritan scholars, Milton was well versed

<sup>1</sup> *Second Defence* (Bohn 1. 280).

<sup>2</sup> For a contemporary estimate of the value of de Thou's history, see Whitelocke, *Memorials*, preface to first edition, 1681, p. 11. For a recent appreciation, see Tilley, *The Literature of the French Renaissance* 2. 221 ff.

in the church fathers and councils, in the commentaries and treatises of the Protestant reformers, and in those of subsequent expositors and pamphleteers. Owing to his disparagement of the patristic writers,<sup>1</sup> he refers only to Tertullian, Chrysostom, and Basil in this treatise, but his list of Protestant authors is lengthy, including Luther, Calvin, Zwingli, Bucer, Martyr, Paræus, Cochlæus, Cartwright, Fenner, Gilby, Goodman, Knox, and Whittingham. His use of the names of Luther and Calvin in support of his argument in favor of deposing tyrants is scarcely honest. His misuse of Luther's words out of their connection is particularly open to criticism.<sup>2</sup> He also wrests Calvin to his purpose, for that stern theologian was far from being an upholder of popular government.<sup>3</sup> On the contrary, he advocated submission to the worst tyrant. 'Let no man here deceive himself,' says he, 'since he cannot resist the magistrate without resisting God. We must be subject not only to good princes, by whatever means they have so become, although there is nothing they less perform than the duty of princes.'<sup>4</sup> Milton must have read these words, yet he was unscrupulous enough to try to induce his readers to believe that Calvin was on his side of the controversy. In quoting other Protestant writers, Milton often suppresses a word or phrase, as will be seen by comparing the text with that given in the notes. In general, it may be said that while the early Protestant theologians uttered brave words in condemnation of wicked princes, their counsel was pas-

<sup>1</sup> See 9. 19, and note.

<sup>2</sup> See note on 45. 12.

<sup>3</sup> See note on 47. 28. See also Janet, *Hist. de la Philosophie Morale et Politique* 2, 40; 2. 67.

<sup>4</sup> *Institutes* 4. 20.

sive obedience; at a later period they stipulated that, if the people were to take action against the powers, they should act through the inferior magistrates, and avoid individual or disorderly uprisings.

## X. STYLE.

Although Milton once confessed that he wrote prose with his left hand, he did not entertain too poor an opinion of his power in that respect. He prided himself upon 'this just and honest manner of speaking.' He tells us that he loves 'the sober, plain, and unaffected style of the Scripture,' and compares it with the 'crabbed and abstruse writing, knotty Africanisms, the pampered metaphors, the intricate and involved sentences of the fathers, besides the fantastic and declamatory flashes, the cross-jingling periods, which cannot but disturb, and come athwart a settled devotion, worse than the din of bells and rattles.'<sup>1</sup> He disliked a 'coy, flirting style,' and would not be 'girded with frumps and curtal gibes, by one who makes sentences by the statute, as if all above three inches long were confiscate.'<sup>2</sup> He did not, however, approve a style utterly devoid of humor. He would mix, here and there, 'such a grim laughter, as may appear at the same time in an austere visage,' but which would avoid levity or insolence, 'for even this vein of laughing hath oftentimes a strong and sinewy force in teaching and confuting.'<sup>3</sup> Regarding the use of quotations and authorities, he criticizes an opponent

<sup>1</sup> *Of Reform. in Eng.* (Bohn 2. 388).

<sup>2</sup> *Apol. for Smect.* (Bohn 3. 99).

<sup>3</sup> *Animad. Rem. Def.* (Bohn 3. 44).



for 'cutting out large docks and creeks into his text to unlade the foolish frigate of his unreasonable authorities.'<sup>1</sup> To sum up, Milton holds that a good prose style should be sober, plain, and unaffected, free from foreign idioms, overdrawn metaphors, flashy rhetoric; the periods should be well-sized, but not intricate or involved; humor, an element of force, should be used, so long as it does not shade over into levity; 'paroxysms of citations'<sup>2</sup> should be avoided.

Measuring the style of *The Tenure of Kings and Magistrates* by his own standard, we are of opinion that he fails to uphold it in only two respects: his sentences are frequently intricate and involved, and he uses occasional Latinisms. The modern reader may be inclined to believe that Milton has transgressed the bounds set up for himself in the matter of citations of Scripture, of sentences from the pamphlet *Scripture and Reason*, and quotations from the Protestant theologians and from the ancients. But one has only to read the *First Defence* to see how moderate he has been in comparison with himself, and such a work as Dr. Ferne's *Conscience Satisfied*, or any of Prynne's volumes, to receive the impression that Milton has been very sparing in his use of citations in this treatise. It was the fashion of every writer of the seventeenth century to support his claim to learning by much quoting, by long parentheses, and by lugging in 'scholastical trash,' as Milton once called it in a moment of loathing of syllogisms. If he seems to indulge somewhat in these sins in this treatise,<sup>3</sup> let us be thankful that, on the whole, even in conducting an argument on a theme which is by nature

<sup>1</sup> *Apol. for Smect.* (Bohn 3. 145).

<sup>2</sup> *Of Reform. in Eng.* (Bohn 2. 388).

<sup>3</sup> See pp. 25 ff.

heavy and abstruse, he contrives to be so easy to understand, and so forceful. For in spite of numerous assertions to the contrary, we agree with Professor Trent that Milton is a writer of lucid prose.<sup>1</sup> The first part of this treatise, where he takes up 'the original of kings,' is highly praised by Tulloch as being 'one of the most clear and consistent arguments in Milton's controversial writings.'<sup>2</sup> To clearness Milton has added force in the style of this treatise. Except in his failure to explain in whom the power of the people was legitimately vested, whether in the majority of the members of the House of Commons, or in what Prynne called an 'unparliamentary junto,' he has shaped a powerful, even an overwhelming argument against tyrannical rulers, Presbyterian divines, and all opponents of the Independent party. Masson speaks of the 'hammer-like force' of this piece of writing, and it is easy to gather that a great deal of this vigor is due to Milton's power as a maker of striking phrases, such as 'apostate scar crows,' 'dancing divines,' 'barking monitories,' 'the spleene of a frustrated faction,' 'greas'd them thick and deepe,' 'presumptuous Sion,' and scores of others of equal merit. The freshness of his metaphors appeals to us on nearly every page, and his style is loaded with color in all passages of personal description, and in those which deal with the events of history. There are no purple patches in this treatise, no 'fits of eloquence,' but plenty of pen-portraits, often thumb-nail sketches, ('apostate scar crows,' for example), of his enemies, and numerous fits of indignation. Milton's satire, although sharp enough, is less objectionable in this pamphlet than in the majority of his prose pieces.

<sup>1</sup> See his *John Milton, Life and Works* pp. 155 ff.

<sup>2</sup> *English Puritanism and its Leaders*, p. 224.

What more delightful specimen of his mordant humor, the grim humor in an austere visage, as he would himself describe it, can be found than his description of the postures and motions of the Presbyterian drill-company of divines?<sup>1</sup> If we find in his prose 'the real Milton,' as Seeley declares<sup>2</sup>—his fire, his sympathy with heroism, his ardor of spirit, his enthusiasm for liberty, and his uncompromising courage—these personal qualities are all fused in the forceful style of this pamphlet. But we find no tenderness in the midst of his strictures, and of his revilings of tyrants on the throne and in the pulpit, no sensible appreciation of the fact that there was some merit in the arguments of his adversaries, and some goodness in their hearts. For this reason, his style in this prose work lacks grace, the tolerant grace of *Comus*, of *L'Allegro*, and *Il Penseroso*; and surely the real Milton was also sending forth his soul in those lovely poems. Iron vigor he shows in abundance in this first apology for the Commonwealth, a noble passion for freedom, a splendid courage, and vast learning, but, alas, a spirit of cruel disdain for fellow-Christians and fellow-countrymen, who also had souls, and who also loved England.

## XI. ORTHOGRAPHY.

Francis Peck was the first critic to remark the singularity of Milton's spelling.<sup>3</sup> He notes that he used *bee*, *hee*, *shee*, *mee*, *wee*, *livlyhood*, *then* for *than*, *ther* for *there*, *thir* for *their*, *vertue* for *virtue*, *yeild* for *yield*, *ancient* for *antient*. Milton lived in what is called

<sup>1</sup> See pp. 54 ff.

<sup>2</sup> 'On Milton's Political Opinions,' in *Lectures and Addresses*, p. 112.

<sup>3</sup> *New Memoirs of Life and Poet (Works of Milton)*, p. 269.

the early modern period of English literature, when the language was being reorganized. In spelling, as in sentence-building and paragraphing, each writer was a law unto himself. But just as Milton had decided ideas as to the proper length of sentences, so he tried to spell by rule in a day when there was no rule. In the system which he devised, and to which he was generally faithful, the main purpose seems to have been simplicity. There is an approach to the modern practice of phonetic spelling in dropping the weak final *e*, as *hear* for *heare*, *soon* for *soone*, *son* for *sonne*. He often omits a mute *e*, as *cov'nant*, *spok'n*, *ev'n*, *alleg'd*, *certainly* for *certainely*, or a useless consonantal termination, as *general* for *generall*, *equal* for *equall*, *gospel* for *gospell*, *stil* for *still*, *especial* for *especiall*. The suffix *ate* he shortens to *at*, as *subordinat*, *privat*, *prelat*. The spelling of preterites and past participles is unsettled in Milton's writings, as is that of words ending in *y* and *ie*. He often changed the final *d* into *t* after the dropping of *e* in verbs ending in a surd consonant, as *stopt*, *profest*, *banisht*, *punisht*.

In this treatise we find that the spelling of the personal pronouns varies. There is such individual orthography as *vertue* for *virtue*, *thir* for *their*, *meer* for *meere*, *onely* for *only*, *then* for *than*, *government* for *government*, *ly* for *lie*, *furder* for *further*, and *sent* for *scent*. The present text of *The Tenure of Kings and Magistrates* possesses special interest for the student of Milton's system of orthography. It is a copy of the actual spelling of the first edition, collated with the second edition, and including the numerous additions made in the new issue of the pamphlet in 1650. By comparing the text of the first with that of the second edition, we find many alterations in the spelling. Nearly all these changes tend toward sim-

plicity, and are in accord with the principles explained above, and with the spelling in his earlier divorce pamphlet, *Colasterion*, published in 1645. We are of opinion, therefore, that Milton was too much occupied with personal affairs, or with current events, to correct the proof-sheets of the first edition. The first copy may have been the work of an amanuensis, or the compositor may have set at naught this finical advocate of spelling reform; at any rate, the first edition was not satisfactory to the author. In his careful revision of the spelling for the later issue, we discover Milton's carefulness in the details of the writer's art, and his devotion to his own way of doing things. The following table shows some of the more important changes made in the spelling of the second edition:

<i>First Edition.</i>	<i>Second Edition.</i>	<i>First Edition.</i>	<i>Second Edition.</i>
Gentilisme	Gentilism	therefore	therefore
still	stil	patheticall	pathetical
mischiefe	mischief	drawne	drawn
prelates	prelats	plaine	plain
sonne	son	mortall	mortal
Britanes	Britans	custome	custom
worse	wors	wee	we
soone	soon	hee	he
betooke	betook	fitt	fit
certainly	certainly	kingdomes	kingdoms
generall	general	devill	devil
learned	lerned	private	privat
again	again	subordinate	subordinat
alleg'd	alleg'd	sinne	sin
equall	equal	schismes	scisms
sinceritie	sincerity		

## XII. A CONTEMPORARY CRITICISM.

So far as is known, there is only one contemporary criticism of *The Tenure of Kings Magistrates*. It is from the pen of a Presbyterian parliamentarian and pamphleteer, Clement Walker, a literary partner of William Prynne, and therefore one who resented Milton's gibes at apostate scarecrows and inconsistent divines. As Walker's book is not accessible to the general reader, we reproduce his diatribe. It reads as follows: 'There is lately come forth a book of *John Meltons* (a Libertine, that thinketh his Wife a Manacle, and his very Garters to be Shackles and Fetters to him: one that (after the Independent fashion) will be tied to no obligation to God or man) wherein he undertaketh to prove, *That it is lawful for any that have power to call to account, Depose, and put to Death wicked Kings and Tyrants (after due conviction) if the ordinary Magistrate neglect it.* I hope then it is lawful to put to death wicked *Cromwells*, Councils of State, corrupt Factions in Parliament: for I know no prerogative that usurpation can bestow upon them. He likewise asserteth, That those, who of late so much blame Depositing, are the men that did it themselves, (meaning the Presbyterians). I shall invite some man of more leisure and abilities than myself, to Answer these two Paradoxes: But shall first give him these cautions:

1. That for the Polemick part he turn all his Arguments into Syllogismes, and then he will find them to be all Fallacies, the froth of wit and fancy, not the Dictates of true and solid Reason.

2. That for the Historical or narrative part, he would thoroughly examine them, and he will find few of them consonant to the plumbline of truth.

3. That he would consider that from the beginning

of this Parliament there were three Parties or Factions in it:

1. The Royalists.
2. The Presbyterians.
3. The Independents.<sup>1</sup>

Without further reference to Milton, Walker proceeds to declare that the Independents have been the inconsistent troublers of Israel, and that the Presbyterians have been laboring to deliver them from their errors.

<sup>1</sup> *Hist. of Indep.* pt. 2, 199ff.





# THE TEXT

A REPRODUCTION OF THE FIRST EDITION,  
WITH VARIANTS  
FROM THE SECOND EDITION.

The Tenure of Kings and Magistrates: Proving, That it is Lawfull, and hath been held so through all Ages, for any who have the Power, to call to account a Tyrant, or wicked KING, and after due conviction, to depose and put him to death; if the ordinary MAGISTRATE have neglected or deny'd to doe it. And that they, who of late, so much blame Depositing, are the Men that did it themselves. *The Author*, J. M. London, Printed by *Matthew Simmons*, at the Gilded Lyon in Aldersgate Street, 1649.

## THE TENURE OF KINGS AND MAGISTRATES.

If Men within themselves would be govern'd by reason, and not generally give up their understanding to a double tyrannie, of Custome from without, and blind affections within, they would discern better, what it is to favour and uphold the Tyrant of a Nation. 5  
But being slaves within doores, no wonder that they strive so much to have the public State conformably govern'd to the inward vitious rule, by which they govern themselves. For indeed none can love freedom heartilie, but good men; the rest love not freedom, 10 but licence; which never hath more scope or more indulgence then under Tyrants. Hence is it, that Tyrants are not oft offended, nor stand much in doubt of bad men, as being all naturally servile; but in whom vertue and true worth most is eminent, them 15 they feare in earnest, as by right their Masters, against them lies all thir hatred and suspicion. Consequentlie neither doe bad men hate Tirants, but have been alwaies readiest with the falsifi'd names of *Loyalty* and *Obedience*, to colour over their base compliances. And 20 although sometimes for shame, and when it comes to their owne grievances, of purse especially, they would seeme good patriots, and side with the better cause, yet when others for the deliverance of their Countrie, endu'd with fortitude and Heroick vertue to feare 25 nothing but the curse writt'n against those *That doe the work of the Lord negligently*, would goe on to remove, not onely the calamities and thraldomes of a people,

but the roots and causes whence they spring, streight these men, and sure helpers at need, as if they hated onely the miseries but not the mischiefes, after they have juggl'd and palter'd with the World, bandied  
 5 and borne armes against their King, devested him, disanointed him, nay, curs'd him all over in their pulpits and their pamphlets, to the ingaging of sincere and reall men, beyond what is possible or honest to retreat from, not onely turne revolters from those  
 10 principles, which onely could at first move them, but lay the staine of disloyaltie, and worse, on those proceedings, which are the necessarie consequences of their owne former actions; nor dislik'd by themselves, were they manag'd to the intire advantages of their  
 15 owne Faction; not considering the while that he toward whom they boasted new fidelitie, counted them accessory; and by those Statutes and Laws which they so impotently brandish against others, would have doom'd them to a traytors death, for what they  
 20 have done alreadie. 'Tis true, that most men are apt enough to civill Wars and commotions as a noveltie, and for a flash, hot and active; but through sloth or inconstancie, and weakness of spirit either fainting ere their owne pretences, though never so just, be  
 25 halfe attain'd, or through an inbred falshood and wickednesse, betray oft times to destruction with themselves, men of noblest temper join'd with them for causes, which they in their rash undertakings were not capable of.<sup>1</sup> If God and a good cause give them  
 30 Victory, the prosecution whereof for the most part, inevitably drawes after it the alteration of Lawes, change of Government, downfall of princes with their Families; then comes the task to those Worthies which

<sup>1</sup> Second edition omits *of*. A new paragraph is also indicated here.

are the soule of that Enterprize, to bee swett and labour'd out amidst the throng and noises of vulgar and irrationall men. Some contesting for privileges, customes, formes, and old intanglement of iniquitie, their gibrish Lawes, though the badge of thir ancient slavery. Others who have beene fiercest against their Prince, under the notion of a Tyrant, and no meane incendiaries of the Warre against him, when God out of his Providence and high disposall hath deliver'd him into the hand of brethren, on a suddaine and in a new garbe of Allegiance, which their doings have long since cancell'd; they plead for him, pity him, extoll him, protest against those that talke of bringing him to the tryall of Justice, which is the Sword of God, superiour to all mortall things, in whose hand soever by apparent signes his testified wil is to put it. But certainly, if we consider who and what they are, on a suddaine grown so pitifull, wee may conclude, their pittie can be no true and Christian commiseration, but either levitie and shallownesse of minde, or else a carnall admiring of that worldly pompe and greatness, from whence they see him fall'n: or rather lastly a dissembl'd and seditious pity, fain'd of industry to beget new commotions.<sup>1</sup> As for mercy, if it bee to a Tyrant, under which name they themselves have cited him so oft in the hearing of God, of Angels, and the holy Church assembl'd, and there charg'd him with the spilling of more innocent blood by farre, then ever *Nero* did, undoubtedly the mercy which they pretend, is the mercy of wicked men; and their mercies, wee read, are cruelties; hazarding the welfare of a whole Nation, to have sav'd one, whom so oft they have tearm'd *Agag*; and villifying the blood of many *Jonathans*, that have sav'd *Israel*; insisting with

<sup>1</sup> Sec. ed. *discord*.

much nicenesse on the unnecessariest clause of their Covnant<sup>1</sup>; wherein the feare of change, and the absurd contradiction of a flattering hostilitie had hamperd them, but not scrupling to give away for complements, 5 to an implacable revenge, the heads of many thousand Christians more.

Another sort there is, who comming in the course of these affairs, to have thir share in great actions, above the forme of Law or Custome, at least to give 10 thir voice and approbation, begin to swerve, and almost shiver at the Majesty and grandeur of som noble deed, as if they were newly enter'd into a great sin; disputing presidents, formes and circumstances, when the Commonwealth nigh perishes for want of deeds in 15 substance, don with just and faithfull expedition. To these I wish better instruction, and vertue equall to their calling; the former of which, that is to say, Instruction, I shall endeavour, as my dutie is, to bestow on them; and exhort them not to startle from 20 the just and pious resolution of adhering with all their assistance<sup>2</sup> to the present Parliament and Army, in the glorious way wherein Justice and Victorie hath set them; the onely warrants, through all ages, next under immediate Revelation, to exercise supreme 25 power in those proceedings, which hitherto appeare equall to what hath been don in any age or Nation heretofore justly or magnanimouslie. Nor let them be discourag'd or deterr'd by any new Apostate Scar crowes, who under show of giving counsell, send out 30 their barking monitories and *memento's*, emptie of ought else but the spleene of a frustrated Faction. For how can that pretended counsell bee either sound or faithfull, when they that give it, see not for madnesse

<sup>1</sup> Sec. ed. adds *wrested*.

<sup>2</sup> Sec. ed. *strength and assistance*.

and vexation of their ends lost, that those Statutes and Scriptures which both falsly and scandalously, they wrest against their Friends and Associates, would by sentence of the common adversarie fall first and heaviest upon their owne heads. Neither let milde 5 and tender dispositions be foolishly softn'd from their dutie and perseverance with the unmasculine Rhetorick of any puling Priest or Chaplain, sent as a friendly Letter of advice, for fashion-sake in private, and forthwith publish't by the Sender himselfe, that wee 10 may know how much of friend there was in it, to cast an odious envie upon them, to whom it was pretended to be sent in charitie. Nor let any man be deluded by either the ignorance or the notorious hypocrisie and self-repugnance of our dancing Divines, 15 who have the conscience and the boldnesse to come with Scripture in their mouthes, gloss'd and fitted for thir turnes with a double contradictory sense, transforming the sacred veritie of God to an Idol with two faces, looking at once two several ways; and with 20 the same quotations to charge others, which in the same case they made serve to justifie themselves For while the hope to bee made Classic and Provinciall Lords led them on, while pluralities greas'd them thick and deepe, to the shame and scandall of Religion, 25 more then all the Sects and Heresies they exclaime against, then to fight against the Kings person, and no lesse a Party of his Lords and Commons, or to put force upon both the Houses, was good, was lawfull, was no resisting of Superiour powers; they 30 onely were powers not to be resisted, who countenanc'd the good and punish't the evill. But now that thir censorious domineering is not suffer'd to be universall, truth and conscience to be freed, Tithes and Pluralities to be no more, though competent allow- 35

ance provided, and the warme experience of large gifts, and they so good at taking them; yet now to exclude and seize on<sup>1</sup> impeach't Members, to bring Delinquents without exemption to a faire Tribunall  
 5 by the common Nationall Law against murder, is now to be no lesse then *Corah, Dathan* and *Abiram*. He who but erewhile in the pulpits was a cursed Tyrant, an enemy to God and Saints, laden with all the innocent blood spilt in three Kingdomes, and so to  
 10 bee fought against, is now, though nothing penitent or alter'd from his first principles, a lawfull Magistrate, a Sovrane Lord, the Lords Anointed, not to be touch'd, though by themselves imprison'd. As if this onely were obedience, to preserve the meere uselesse  
 15 bulke of his person, and that onely in prison, not in the field, and to disobey his commands, denie him his dignitie and office, every where to resist his power but where they thinke it onely surviving in thir owne faction.

20 But who in particular is a Tyrant cannot be determin'd in a generall discourse, otherwise then by supposition; his particular charge, and the sufficient proofe of it must determine that: which I leave to Magistrates, at least to the uprighter sort of them,  
 25 and of the people, though in number lesse by many, in whom faction least hath prevailld above the Law of nature and right reason, to judge as they finde cause. But this I dare owne as part of my faith, that if such a one there be, by whose Commission whole  
 30 massachers have been committed on his faithfull subjects, his Provinces offered to pawne or alienation, as the hire of those whom he had sollicitid to come in and destroy whole Cities and Countries; be hee King, or Tyrant, or Emperour, the Sword of Justice

<sup>1</sup> Sec. ed. *upon*.



is above him; in whose hand soever is found sufficient power to avenge the effusion, and so great a deluge of innocent blood. For if all humane power to execute, not accidentally but intendedly, the wrath of God upon evill doers without exception, be of God; then that power, whether ordinary, or if that faile, extraordinary so executing that intent of God, is lawfull, and not to be resisted. But to unfold more at large this whole Question, though with all expedient brevity, I shall here set downe from first beginning, the originall of Kings; how and wherefore exalted to that dignitie above thir Brethren; and from thence shall prove, that turning to tyranny they may bee as lawfully deposd and punished, as they were at first elected: This I shall doe by authorities and reasons, not learnt in corners among Schismes and Heresies, as our doubling Divines are ready to caluminate, but fetch'd out of the midst of choicest and most authentic learning, and no prohibited Authors, nor many Heathen, but Mosaical, Christian, Orthodoxal, and which must needs be more convincing to our Adversaries, Presbyterial.

No man who knows ought, can be so stupid to deny that all men naturally were borne free, being the image and resemblance of God himselfe, and were by privilege above all the creatures, borne to command and not to obey: and that they livd so,<sup>1</sup> till from the root of *Adams* transgression, falling among themselves to doe wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury, and joyntly to defend themselves against any that gave disturbance or opposition to such agreement. Hence came Citties, Townes

<sup>1</sup> A new sentence begins here in sec. ed.

and Common-wealths. And because no faith in all was found sufficiently binding, they saw it needfull to ordaine some authoritie, that might restraints by force and punishment what was violated against peace  
5 and common right. This autoritie and power of self-defence and preservation being originally and naturally in every one of them, and unitedly in them all, for ease, for order, and least each man should be his owne partial judge, they communicated and deriv'd  
10 either to one, whom for the eminence of his wisdom and integritie they chose above the rest, or to more then one whom they thought of equal deserving: the first was calld a King; the other Magistrates. Not to be thir Lords and Maisters (though afterward those  
15 names in som places were giv'n voluntarily to such as had bin authors of inestimable good to the people) but, to be thir Deputies and Commissioners, to execute, by vertue of thir intrusted power, that justice which else every man by the bond of nature and of  
20 Cov'nant must have executed for himselfe, and for one another. And to him that shall consider well why among free persons, one man by civill right should beare autority and jurisdiction over another, no other end or reason can be imaginable. These  
25 for a while governd well, and with much equitie decided all things at thir owne arbitrement: till the temptation of such a power left absolute in thir hands, perverted them at length to injustice and partialitie. Then did they, who now by tryall had found the  
30 danger and inconveniences of committing arbitrary power to any, invent Lawes either fram'd, or consented to by all, that should confine and limit the autority of whom they chose to govern them: that so man of whose failing they had proof, might no  
35 more rule over them, but law and reason abstracted

as much as might be from personal errors and frailties.<sup>1</sup> When this would not serve but that the Law was either not executed, or misapply'd they were constrain'd from that time, the onely remedy left them, to put conditions and take Oaths from all Kings and Magistrates at thir first instalment to doe impartial justice by Law: who upon those termes and no other, receav'd Allegiance from the people, that is to say, bond or Covnant to obey them in execution of those Lawes which they the people had themselves made,<sup>10</sup> or assented to. And this oft times with express warning, that if the King or Magistrate prov'd unfaithfull to his trust, the people would be disingag'd. They added also Counselors and Parlements, not to be onely at his beck, but with him or without him,<sup>15</sup> at set times, or all times, when any danger threatn'd to have care of the public safety. Therefore saith *Claudius Sesell*<sup>2</sup>, a French Statesman, *The Parliament was set as a bridle to the King*; which I instance rather<sup>3</sup>, because that Monarchy is granted by all to<sup>20</sup> be farre more absolute then ours. That this and the rest of what hath hitherto been spok'n is most true, might be copiously made appeare throughout all Stories, Heathen and Christian; eev'n of those Nations where Kings and Emperours have sought meanes to<sup>25</sup> abolish all ancient memory of the peoples right by their encroachments and usurpations. But I spare long insertions<sup>4</sup>, appealing to the German, French,

<sup>1</sup> Sec. ed. adds: 'While as the Magistrate was set above the people, so the law was set above the Magistrate.'

<sup>2</sup> *Sesel* in sec. ed.

<sup>3</sup> Sec. ed. reads: 'which I instance rather, not because our English Lawyers have not said the same long before, but because that French Monarchy, is granted by all to be a farr more absolute then ours.'

<sup>4</sup> In the sec. ed. the sentence is thus expanded: 'appealing to the known constitutions of both the latest Christian Empires'

Italian, Arragonian, English, and not the least the Scottish histories: Not forgetting this onely by the way, that *William* the Norman, though a Conqueror, and not unsworne at his Coronation, was compell'd  
 5 a second time to take oath at *S. Albanes*, ere the people would be brought to yeild obedience.

It being thus manifest that the power of Kings and Magistrates is nothing else, but what is onely derivative, transferd and committed to them in trust from  
 10 the people, to the Common good of them all, in whom the power yet remains fundamentally, and cannot be tak'n from them, without a violation of thir natural birthright, and seeing that from hence *Aristotle* and the best of Political writers have defin'd a king, him  
 15 who governs to the good and profit of his people, and not for his owne ends, it follows from necessary causes, that the Titles of Sovran Lord, natural Lord, and the like, are either arrogancies, or flatteries, not admitted by Emperors and Kings of best note, and  
 20 dislikt by the Church both of Jews, *Isai.* 26. 13. and ancient Christians, as appears by *Tertullian* and others. Although generally the people of Asia, and with them the Jews also, especially since the time they chose a King, against the advice and counsel of  
 25 God, are noted by wise authors much inclinable to slavery.

Secondly, that to say, as is usual, the King hath as good right to his crown and dignitie, as any man to his inheritance, is to make the subject no better  
 30 then the Kings slave, his chattell, or his possession that may be bought and sould, And doubtless, if hereditary title were sufficiently inquir'd, the best foundation of it would be found but either in courtesie in Europe, the Greek and German, besides the French, Italian, Arragonian, English, and not least, the Scottish Histories.'

or convenience. But suppose it to be of right hereditarie, what can be more just and legal, if a subject for certaine crimes be to forfeit by Law from himselfe and posterity, all his inheritance to the King, then that a King for crimes proportionall, should forfeit all his title and inheritance to the people: unless the people must be thought created all for him, he not for them, and they all in one body inferior to him single, which were a kinde of treason against the dignitie of mankind to affirm.

Thirdly it followes, that to say Kings are accountable to none but God, is the overturning of all Law and government. For if they may refuse to give account, then all covnants made with them at Coronation; all Oathes are in vaine, and meer mockeries, all Lawes which they sweare to keep, made to no purpose; for if the King feare not God, as how many of them doe not? we hold then our lives and estates, by the tenure of his meer grace and mercy, as from a God, not a mortall Magistrate, a position that none but Court parasites or men besotted would maintain.<sup>1</sup> And<sup>2</sup> no Christian Prince not drunk with high mind, and prouder then those Pagan *Cæsars*, that deif'd themselves, would arrogate so unreasonably above human condition, or derogate so basely from a whole Nation of men his brethren, as if for him onely subsisting, and to serve his glory, valuing them in comparison of his owne brute will and pleasure, no more then so many beasts, or vermine under his feet,

<sup>1</sup> The sec. ed. adds: '*Aristotle*, therefore, whom we commonly allow for one of the best interpreters of nature and morality, writes in the fourth of his *Politics* chap. 10. that Monarchy unaccountable, is the worst sort of Tyranny; and least of all to be endur'd by free born men.'

<sup>2</sup> In sec. ed. *surely* follows *and*.

not to be reasond with, but to be injurd<sup>1</sup>; among whom there might be found so many thousand men for wisdom, vertue, nobleness of mind and all other respects, but the fortune of his dignity, farr above  
 5 him. Yet some would perswade us that this absurd opinion was King *Dauids*; because in the 51 *Psalm* he cries out to God, *Against thee onely have I sinn'd*; as if *David* had imagind that to murder *Uriah* and adulterate his Wife, had bin no sinne against his Neighbour,  
 10 when as that law of *Moses* was to the king expressly, *Deut.* 17. not to think so highly of himself above his Brethren. *David* therefore by those words could mean no other, then either that the depth of his guiltiness was known to God onely, or to so few as had not  
 15 the will or power to question him, or that the sin against God was greater beyond compare then against *Uriah*. What ever his meaning were, any wise man will see that the patheticall words of a Psalme can be no certaine decision to a point that hath abundantly  
 20 more certaine rules to goe by. How much more rationally spake the Heathen King *Demophoon* in a Tragedy of *Euripides* then these interpreters would put upon King *David*, *I rule not my people by tyranny, as if they were Barbarians; but am myself liable, if*  
 25 *I doe unjustly, to suffer justly*. Not unlike was the speech of *Trajan*, the worthy Emperor, to one whom he made General of his Prætorian Forces. Take this drawne sword, saith he, to use for me, if I reigne well, if not, to use against me. Thus *Dion* relates. And not  
 30 *Trajan* onely, but *Theodosius* the younger, a Christian Emperor and one of the best, causd it to be enacted as a rule undenyable and fit to be acknowledged by all Kings and Emperors, that a Prince is bound to the Laws; that on the authority of Law the authority of

<sup>1</sup> Sec. ed. reads *trod on*.

a Prince depends, and to the Laws ought submit. Which Edict of his remaines yet unrepeald<sup>1</sup> in the Code of *Justinian*. l. 1. tit. 24. as a sacred constitution to all the succeeding Emperors. How then can any King in Europe maintaine and write himsef account- 5  
table to none but God, when Emperors in thir own imperiall Statutes have writt'n and decreed themselves accountable to Law. And indeed where such account is not fear'd, he that bids a man reigne over him above Law, may bid as well a savage beast. 10

It follows lastly, that since the King or Magistrate holds his autoritie of the people, both originally and naturally for their good in the first place, and not his owne, then may the people as oft as they shall judge it for the best, either choose him or reject him, 15  
retaine him or depose him though no Tyrant, meerly by the libertie and right of free born men to be govern'd as seems to them best. This, though it cannot but stand with plaine reason, shall be made good also by Scripture, *Deut. 17. 14. When thou art 20  
come into the Land which the Lord thy God giveth thee, and shalt say I will set a King over mee, like as all the Nations about mee.* These words confirme us, that the right of choosing, yea of changing thir owne government is by the grant of God himself in the people. And 25  
therefore when they desir'd a King, though then under another forme of government, and though thir changing displeasd him, yet he that was himself their King, and rejected by them, would not be a hindrance to what they intended, furder then by perswasion, but that 30  
they might doe therein as they saw good, *1 Sam. 8.* onely he reserv'd to himself the nomination of who should reigne over them. Neither did that exempt the King, as if hee were to God onely accountable.

<sup>1</sup> Sec. ed. omits *unrepeald*.

though by his especiall command anointed. Therefore *David first made a Covenant with the elders of Israel, and so was by them anointed King,*<sup>1</sup> 1 *Chron.* 11. And *Jehoiada* the Priest making *Jehoash* King, made a  
 5 Cov'nant between him and the People, 2 *Kings* 11. 17. Therefore when *Roboam* at his comming to the Crowne, rejected those conditions which the Israelites brought him, heare what they answer him, *what portion have we in David, or inheritance in the son of Jesse.*<sup>2</sup> See to  
 10 *thine own house David.* And for the like conditions not perform'd, all Israel before that time deposd *Samuell*; not for his own default, but for the misgovernment<sup>3</sup> of his Sons. But som will say to both these examples, it was evilly don. I answer, that not the  
 15 latter, because it was expressly allow'd them in the Law to set up a King if they pleas'd; and God himself joynd with them in the work; though in some sort it was at that time displeasing to him, in respect of old *Samuell*, who had governd them uprightly.  
 20 As *Livy* praises the Romans, who took occasion from *Tarquinius* a wicked prince to gaine their libertie, which to have extorted, saith hee, from *Numa* or any of the good Kings before, had not bin seasonable. Nor was it in the former example don unlawfully;  
 25 for when *Roboam* had prepar'd a huge Army to reduce the Israelites, he was forbidd'n by the Prophet, 1 *Kings* 12. 24. *Thus saith the Lord, yee shall not goe up, nor fight against your brethren, for this thing is from me.* He calls them thir brethren, not Rebels, and forbids to  
 30 be proceeded against them, owning the thing himselfe, not by single providence, but by approbation, and

<sup>1</sup> Sec. ed. adds 2 *Sam.* 5. 3.

<sup>2</sup> An interrogation mark is used in place of the period in sec. ed.

<sup>3</sup> Sec. ed. reads *Misgovernment.*



that not onely of the act, as in the former example, but of the fitt season also; he had not otherwise forbid to molest them. And those grave and wise Counselors whom *Rehoboam* first advis'd with, spake no such thing, as our old gray headed Flatterers now are wont, stand upon your birth-right, scorne to capitulate, you hold of God, and not of them; for they knew no such matter, unless conditionally; but gave him politic counsel, as in a civil transaction. Therefore Kingdom and Magistracy, whether supreme or subordinat, is<sup>1</sup> calld a *human ordinance*, 1 Pet. 2. 13. etc. which we are there taught is the will of God wee should submit to, so farr as for the punishment of evill doers, and the encouragement of them that doe well. *Submit*<sup>2</sup> saith he, *as free men*.<sup>3</sup> And there is no power but of God, saith *Paul*, Rom. 13. as much as to say, God put it into mans heart to find out that way at first for common peace and preservation, approving the exercise therof; else it contradicts *Peter* who calls the same authority an Ordinance of man. It must also be understood of lawfull and just power, els we read of great power in the affaires and Kingdomes of the World permitted to the Devill: for saith he to Christ, *Luke*, 4. 6. all<sup>4</sup> this power will I give thee and the glory of them, for it is deliverd to me, and to whomsoever I will, I give it: neither did hee ly, or Christ gainsay what hee affirm'd: for in the thirteenth of the *Revelation* wee read how the dragon gave to the Beast his power, his seat, and great authority: which beast so autoriz'd

<sup>1</sup> In sec. ed. *without difference* follows *is*.

<sup>2</sup> In sec. ed. *Alike* precedes *submit*.

<sup>3</sup> Sec. ed. adds: 'But to any civil power unaccountable, unquestionable, and not to be resisted, no not in wickedness, and violent actions, how can we submit as free men?'

<sup>4</sup> Begins with a capital in sec. ed.

most expound to be the tyrannical powers and Kingdomes of the earth. Therefore Saint *Paul* in the forecited Chapter tells us that such Magistrates hee meanes, as are, not a terror to the good but to the evill, such  
 5 as beare not the sword in vaine, but to punish offenders, and to encourage the good. If such onely be mentioned here as powers to be obeyd, and our submission to them onely requird, then doubtless those powers that doe the contrary, are no powers ordaind of God, and  
 10 by consequence no obligation laid upon us to obey or not to resist them. And it may bee well observd that both these Apostles, whenever they give this precept, express it in termes not *concret* but *abstract*, as logicians are wont to speake, that is. they mention  
 15 the ordinance, the power, the autoritie before the persons that execute it, and what that power is, lest we should be deceavd, they describe exactly. So that if the power be not such, or the person execute not such power, neither the one nor the other is of God, but  
 20 of the Devill and by consequence to bee resisted. From this exposition *Chrysostome* also on the same place dissents not, explaining that these words were not writt'n in behalf of a tyrant. And this is verifi'd by *David*, himself a King, and likeliest to bee Author of  
 25 the *Psalm* 94. 20. which saith, *Shall the throne of iniquity have fellowship with thee.*<sup>1</sup> And it were worth the knowing, since Kings,<sup>2</sup> and that by Scripture boast the justness of thir title, by holding it immediatly of God, yet cannot show the time when God ever set on the  
 30 throne them or thir forefathers, but onely when the people chose them; why by the same reason, since God ascribes as oft to himself the casting down of Princes from the throne, it should not be thought as

<sup>1</sup> Sec. ed. has question mark.

<sup>2</sup> Sec. ed. supplies *in these days after Kings.*

lawful, and as much from God when none are seen to do it but the people, and that for just causes. For it needs must be a sin in them to depose, it may as likely be a sin to have elected. And contrary if the peoples act in election be pleaded by a King, as the act of God, and the most just title to enthrone him, why may not the peoples act of rejection be as well pleaded by the people as the act of God, and the most just reason to depose him? So that we see the title and just right of reigning or deposing in reference to God, is found in Scripture to be all one; visible onely in the people, and depending meerly upon justice and demerit. Thus farr hath bin considered briefly the power of Kings and Magistrates; how it was, and is originally the peoples, and by them conferrd in trust onely to bee employd to the common peace and benefit; with libertie therefore and right remaining in them to reassume it to themselves, if by Kings or Magistrates it be abus'd; or to dispose of it by any alteration, as they shall judge most conducing to the public good.

We may from hence with more ease, and force of argument determin what a Tyrant is, and what the people may doe against him. A Tyrant whether by wrong or by right comming to the Crowne, is he who regarding neither Law nor the common good, reigns onely for himself and his faction: Thus *St. Basil* among others defines him. And because his power is great, his will boundless and exorbitant, the fulfilling whereof is for the most part accompanied with innumerable wrongs and oppressions of the people, murthers, massacres, rapes, adulteries, desolation, and subversion of Citties and whole provinces, look how great a good and happiness a just King is, so great a mischeife is a Tyrant; as hee the public Father of

his Countrie. so this the common enemie. Against whom what the people lawfully may doe, as against a common pest, and destroyer of mankind, I suppose no man of cleare judgement need goe further to be  
 5 guided then by the very principles of nature in him. But because it is the vulgar folly of men to desert thir owne reason, and shutting thir eyes to think they see best with other mens, I shall shew by such exam-  
 10 bin don in<sup>1</sup> this case heretofore, The *Greeks* and *Romans*, as thir prime Authors witness, held it not onely lawfull, but a glorious and Heroic deed, rewarded publicly with Statues and Garlands, to kill an infamous Tyrant at any time without tryal; and but  
 15 reason, that he who trod down all Law, should not bee voutsafd the benefit of Law. Insomuch that *Seneca* the Tragedian brings in *Hercules* the grand suppressor of Tyrants, thus speaking,

Victima haud ulla amplior

20 Potest, magisque opima mactari Jovi  
 Quam rex iniquus

There can be slaine

No sacrifice to God more acceptable

Then an unjust and wicked King

25 But of these I name no more lest it bee objected they were Heathen; and come to produce another sort of men that had the knowledge of true Religion. Among the Jews this custome of tyrant-killing was not unusual. First, *Ehud*, a man whom God had  
 30 raysd to deliver Israel from *Eglon* King of *Moab*, who had conquerd and rul'd over them eighteene years, being sent to him as an Ambassador with a present, slew him in his owne house. But hee was a forren Prince, an enemie, and *Ehud* besides had special war-

<sup>1</sup> The text reads *is*, evidently a misprint.

rant from God. To the first I answer, it imports not whether forren or native: For no Prince so native but professes to hold by Law; which when he himselfe over-turnes, breaking all the Covnants and Oaths that gave him title to his dignity, and were the bond and alliance between him and his people, what differs he from an outlandish King, or from an enemie? For look how much right the King of *Spaine* hath to govern us at all, so much right hath the King of *England* to govern us tyrannically. If he, though not bound to us by any league, comming from *Spaine* in person to subdue us or to destroy us, might lawfully by the people of *England* either bee slaine in fight, or put to death in captivity, what hath a native King to plead, bound by so many Covnants, benefits and honours to the welfare of his people, why he through the contempt of all Laws and Parlements, the onely tie of our obedience to him, for his owne wills sake, and a boasted praerogative unaccountable, after sev'n years warring and destroying of his best subjects, overcom and yeilded prisoner, should think to scape unquestionable as a thing divine, in respect of whom so many thousand Christians destroy'd, should lye unaccounted for, polluting with thir slaughtered carcasses all the Land over, and crying for vengeance against the living that should have righted them. Who knows not that there is a mutual bond of amity and brother-hood between man and man over all the World, neither is it the English Sea that can sever us from that duty and relation: a straiter bond yet there is between fellow-subjects, neighbours and friends; but when any of these doe one to another so as hostility could doe no worse, what doth the Law decree less against them, then open enemies and invaders? or if the law be not present, or too weake,

what doth it warrant us to less then single defence or civil warr? and from that time forward the Law of civill defensive warr, differs nothing from the Law of forren hostility. Nor is it distance of place that  
 5 makes enmitie, but enmity that makes distance. He therefore that keeps peace with me, neer or remote of whatsoever Nation, is to mee as farr as all civil and human offices an Englishman and a neighbour: but if an Englishman forgetting all Laws, human,  
 10 civil and religious offend against life and libertie to him offended and to the Law in his behalf, though born in the same womb, he is no better then a Turk, a Sarasin, a Heathen. This is Gospel, and this was ever Law among equals: how much rather then in  
 15 force against any King whatsoever<sup>1</sup>, who in respect of the people is confessd inferior and not equal: to distinguish therefore of a Tyrant by outlandish, or domestic is a weak evasion. To the second that he was an enemie, I answer, what Tyrant is not? yet  
 20 *Eglon* by the Jewes had bin acknowledgd as thir Sovran, they had servd him eighteene yeares, as long almost as wee our *William* the Conqueror, in all which time he could not be so unwise a Statesman but to have tak'n of them Oaths of Fealty and Alle-  
 25 geance by which they made themselves his proper subjects, as thir homage and present sent by *Ehud* testifyd. To the third, that he had special warrant to kill *Eglon* in that manner, it cannot bee granted, because not expressd; tis plain, that he was raysd  
 30 by God to be a Deliverer, and went on just principles, such as were then and ever held allowable, to deale so by a Tyrant that could no otherwise be dealt with. Neither did *Samuell* though a Profet, with his owne hand abstain from *Agag*; a forren enemie

<sup>1</sup> Sec. ed. *whatever*.

no doubt; but mark the reason<sup>1</sup>, *As thy sword hath made women childless*; a cause that by the sentence of Law it selfe nullifies all relations, and as the Law is between Brother and Brother, Father and Son, Maister and Servant, wherfore not between King or rather Tyrant and People? And whereas *Jehu* had special command to slay *Jehoram*, a successive and hereditarie Tyrant, it seemes not the less imitable for that; for where a thing grounded so much on natural reason hath the addition of a command from God,<sup>10</sup> what does it but establish the lawfulness of such an act. Nor is it likely that God who had so many wayes of punishing the house of *Ahab* would have sent a subject against his Prince, if the fact in it selfe as don to a Tyrant had bin of bad example.<sup>15</sup> And if *David* refus'd to lift his hand against the Lords anointed, the matter between them was not tyranny, but private enmity, and *David* as a private person had bin his own revenger, not so much the peoples<sup>2</sup>; but when any tyrant at this day can shew to be the<sup>20</sup> Lords anointed, the onely mention'd reason why *David* withheld his hand, he may then but not till then presume on the same privilege.

We may pass therfore hence to Christian times. And first our Saviour himself, how much he favourd<sup>25</sup> Tyrants and how much intended they should be found or honourd among Christians, declares his minde not obscurely; accounting thir absolute autoritie no better then Gentilisme, yea though they flourishd it over with the splendid name of benefactors; charging those<sup>30</sup> that would be his Disciples to usurp no such dominion; but that they who were to bee of most autoritie among them, should esteem themselves Ministers and Servants

<sup>1</sup> Sentence ends here in sec. ed.

<sup>2</sup> A period replaces the semicolon in sec. ed.

to the public. *Matt. 20. 25. The Princes of the Gentiles exercise Lordship over them, and Mark 10. 42. They that seem to rule, saith he, either slighting or accounting them no lawful rulers, but yee shall not be so, but*  
 5 *the greatest among you shall be your Servant.* And although hee himself were the meekest, and came on earth to be so, yet to a Tyrant we hear him not voutsafe an humble word: but *Tell that fox, Luc. 13.*<sup>1</sup> And wherfore did his Mother, the Virgin *Mary* give such  
 10 praise to God in her profetic song, that he had now by the comming of Christ, *Cutt down Dynasta's or proud Monarchs from the throne,* if the Church, when God manifests his power in them to doe so, should rather choose all miserie and vassalage to serve them, and  
 15 let them still sit on thir potent seats to bee ador'd for doing mischief. Surely it is not for nothing that tyrants by a kind of natural instinct both hate and feare none more then the true Church and Saints of God, as the most dangerous enemies and subverters  
 20 of Monarchy, though indeed of tyranny; hath not this bin the perpetual cry of Courtiers, and Court Prelates? where of no likelier cause can be alleg'd, but that they well discern'd the mind and principles of most devout and zealous men, and indeed the very  
 25 discipline of Church, tending to the dissolution of all tyranny. No marvel then, if since the faith of Christ receav'd, in purer or impurer times, to depose a King, and put him to death for tyranny hath bin accounted so just and requisit, that neighbour Kings have both  
 30 upheld and tak'n part with subjects in the action. And *Ludovicus Pius*, himself an Emperor, and sonne

<sup>1</sup> Sec. ed. adds: 'So far we ought to be from thinking that Christ and his Gospel should be made a Sanctuary for Tyrants from justice, to whom his Law before never gave such protection.'



of *Charles* the great, being made Judge, *Du Haillan* is my author, between *Milegast* King of the *Vultzes* and his Subjects, who had depos'd him, gave his verdict for the subjects, and for him whom they had chos'n in his room. Note here that the right of electing whom they please is by the impartial testimony of an Emperor in the people. For, said he, *A just Prince ought to be prefer'd before an unjust, and the end of government before the prerogative.* And *Constantinus Leo*, another Emperor in the *Byzantine* Laws saith, *that the end of a King is for the general good, which he not performing is but the counterfet of a King.* And to prove that some of our owne Monarchs have acknowledged that thir high office exempted them not from punishment, they had the Sword of *St. Edward* born before them by an Officer, who was call'd Earle of the Palace, eev'n at the times of thir highest pomp and solemnitie<sup>1</sup>, to mind them, saith *Matthew Paris*, the best of our Historians, that if they errd, the Sword had power to restraine them. And what restraint the Sword comes to at length, having both edge and point, if any Sceptic will needs<sup>2</sup> doubt, let him feel. It is also affirm'd from diligent search made in our ancient books of Law, that the Peers and Barons of England had a legal right to judge the King: which was the cause most likely, for it could be no slight cause, that they were call'd his Peers, or equals. This however may stand immovable, so long as man hath to deale with no better then man; that if our Law judge all men to the lowest by thir Peers, it should in all equity ascend also, and judge the highest. And so much I find both in our own and forren Storie, that Dukes, Earles, and Marqueses were at first not

<sup>1</sup> Sec. ed. has plural form.

<sup>2</sup> Sec. ed. omits *needs*.

hereditary, not empty and vain titles, but names of trust and office, and with the office ceasing, as induces me to be of opinion, that every worthy man in Parliament, for the word Baron imports no more, might for the public good be thought a fit Peer and judge of the King; without regard had to petty caveats and circumstances, the chief impediment in high affairs, and ever stood upon most by circumstantial men. Whence doubtless our Ancestors who were not ignorant with what rights either Nature or ancient Constitution had endowd them, when Oaths both at Coronation, and renewd in Parliament would not serve, thought it no way illegal to depose and put to death thir tyrannous Kings. Insomuch that the Parliament drew up a charge against *Richard the second*. and the Commons requested to have judgement decree'd against him, that the realme might not bee endangerd. And *Peter Martyr*, a divine of formost rank, on the third of *Judges* approves thir doings. *Sir Thomas Smith* also a Protestant and a Statesman, in his Commonwealth of England putting the question whether it be lawfull to rise against a Tyrant, answers, that the vulgar judge of it according to the event, and the lerned according to the purpose of them that do it. But far before these days, *Gildas*, the most ancient of all our Historians, speaking of those times wherein the Roman Empire decaying quitted and relinquishd what right they had by Conquest to this Iland, and resign'd it all into the peoples hands, testifies that the people thus re-invested with thir own original right, about the year 446, both elected them Kings, whom they thought best (the first Christian British Kings that ever reign'd heer since the Romans) and by the same right, when they apprehended cause, usually depos'd and put them to death. This is the

most fundamentall and ancient tenure that any King of England can produce or pretend to; in comparison of which, all other titles and pleas are but of yesterday. If any object that Gildas condemns the Britanes for so doing, the answer is as ready; that he condemns them no more for so doing, then hee did before for choosing such, for, saith he, *They anointed them Kings, not of God, but such as were more bloody then the rest.* Next hee condemns them not at all for deposing or putting them to death, but for doing it over hastily, without tryal or well examining the cause, and for electing others worse in thir room. Thus we have heer both Domestic and most ancient examples that the people of Britain have deposd and put to death thir Kings in those primitive Christian times. And to couple reason with example, if the Church in all ages, Primitive, Romish, or Protestant held it ever no less thir duty then the power of thir Keyes, though without express warrant of Scripture, to bring indifferently both King and Peasant under the utmost rigor of thir Canons and Censures Ecclesiastical, eev'n to the smiting him with a final excommunication, if he persist impenitent, what hinders but that the temporal Law both may and ought, though without a special text or President, extend with like indifference the civil Sword, to the cutting off without exemption him that capitally offends. Seeing that justice and Religion are from the same God, and works of justice oftentimes more acceptable. Yet because that some lately with the tongues and arguments of Malignant backsliders have writt'n that the proceedings now in Parlament against the King, are without president from any Protestant State or Kingdom, the examples which follow shall be all Protestant and chiefly Presbyterian.

In the year 1546. The *Duke of Saxonie, Lantgrave of Hessen*, and the whole Protestant league raysd open Warr against *Charles the fifth* thir Emperor, sent him a defiance, renounc'd all faith and allegiance toward  
 5 him, and debated long in Counsell whether they should give him so much as the title of *Cæsar*. *Sleidan*. l. 17. Let all men judge what this wanted of deposing or of killing, but the power to doe it.

In the year 1559. the<sup>1</sup> Scotch Protestants claim-  
 10 ing promise of thir Queen Regent for libertie of conscience, she answering that promises were not to be claim'd of Princes beyond what was commodious for them to grant, told her to her face in the Parliament then at *Sterling*, that if it were so, they renounc'd thir  
 15 obedience; and soone after betook them to Armes. *Buch. Hist.* l. 16. certainly when allegiance is renounc'd, that very hour the King or Queen is in effect depos'd.

In the year 1564. *John Knox* a most famous divine and the reformer of *Scotland* to the Presbyterian discipline, at a generall Assembly maintaind op'nly in a  
 20 dispute against *Lethington* the Secretary of State, that Subjects might and ought execute God's judgements upon thir King; that the fact of *Jehu* and others against thir King having the ground of Gods ordinary com-  
 25 mand to put such and such offenders to death was not extraordinary, but to be imitated of all that prefer'd the honour of God to the affection of flesh and wicked Princes; that Kings, if they offend, have no privilege to be exempted from the punishments  
 30 of Law more then any other subject; so that if the King be a Murderer, Adulterer, or Idolator, he should suffer not as a King, but as an offender: and this position hee repeates againe and againe before them. Answerable was the opinion of *John Craig* another

<sup>1</sup> *The* begins a new sentence in sec. ed.

learned Divine, and that Lawes made by the tyranny of Princes, or the negligence of people, thir posterity might abrogate and reform all things according to the original institution of Common-welths<sup>1</sup>. And *Knox* being commanded by the Nobilitie to write to *Calvin* and other learned men for thir judgements in that question, refus'd; alleging that both himselfe was fully resolv'd in conscience, and had heard thir judgements<sup>2</sup>, and had the same opinion under handwriting of many the most godly and most learned that he knew in Europe; that if he should move the question to them againe, what should he doe but shew his owne forgetfulness or inconstancy. All this is farr more largely in the Ecclesiastic History of *Scotland* l. 4. with many other passages to this effect all the book over; set out with diligence by Scotchmen of best repute among them at the beginning of these troubles, as if they labourd to inform us what wee were to doe and what they intended upon the like occasion.

And to let the world know that the whole Church and Protestant State of *Scotland* in those purest times of reformation, were of the same beleif, three years after, they met in the feild *Mary* thir lawful and hereditary Queen, took her prisoner, yeilding before fight, kept her in prison and the same yeare deposd her. *Buchan. Hist. l. 18.*

And four years after that, the Scots in justification of thir deposing Queen *Mary*, sent Embassadors to Queen *Elizabeth*, and in a writt'n Declaration alleag'd, that they had us'd towards her more lenity then shee

<sup>1</sup> The comma is evidently a misprint; a period takes its place in *sec. ed.*

<sup>2</sup> The word is singular in *sec. ed.*

deserv'd; that thir Ancestors had heretofore punishd thir Kings by death or banishment; that the Scots were a free Nation, made King whom they freely chose, and with the same freedom, un-Kingd him if  
 5 they saw cause, by right of ancient laws and Ceremonies yet remaining, and old customes yet among the High-landers in choosing the head of thir Clanns, or Families; all which with many more arguments bore witness that regal power was nothing else but  
 10 a mutuall Covnant or stipulation between King and people. *Buch. Hist.* l. 20. These were Scotchmen and Presbyterians; but what measure then have they lately offer'd, to think such liberty less beseeing us then themselves, presuming to put him upon us  
 15 for a Maister whom thir law scarce allows to be thir own equall? If now then we heare them in another straine then heretofore in the purest times of thir Church, we may be confident it is the voice of Faction speaking in them, not of truth and Reformation.<sup>1</sup>  
 20 In the year 1581. the States of *Holland*, in a general Assembly at the *Hague*, abjur'd all obedience and subjection to *Philip* King of *Spaine*; and in a Declaration justifie thir so doing; for that by his tyrannous

<sup>1</sup> Sec. ed. adds: 'What no less in *England* then in *Scotland*, by the mouthes of those faithful Witnesses commonly call'd Puritans, and Nonconformists, spake as clearly for the putting down, yea the utmost punishing of Kings, as in thir several Treatises may be read; eev'n from the first raigne of *Elizabeth* to these times. Insomuch that one of them, whose name was *Gibson*, foretold *James*, he should be rooted out and conclude his race, if he persisted to uphold Bishops. And that very inscription stamp't upon the first Coines at his Coronation, a naked Sword in a hand with these words, *Si mereor, in me, Against me, if I deserve*, not only manifested the judgement of that State, but seem'd also to presage the sentence of Divine justice in this event upon his Son.'

government against faith so oft'n<sup>1</sup> giv'n and brok'n, he had lost his right to all the Belgic Provinces; that therefore they deposd him and declar'd it lawful to choose another in his stead. *Thuan.* 1. 74. From that time, to this no State or Kingdom in the World hath equally prosperd: But let them remember not to look with an evil and prejudicial eye upon thir neighbours walking by the same rule.

But what need these examples to Presbyterians, I mean to those who now of late would seem so much to abhorr deposing, whenas they to all Christendom have giv'n the latest and the liveliest example of doing it themselves. I question not the lawfulness of raising Warr against a Tyrant in defence of Religion, or civil libertie; for no Protestant Church from the first *Waldenses* of *Lyons*, and *Languedoc* to this day but have don it round, and maintaind it lawfull. But this I doubt not to affirme, that the Presbyterians, who now so much condemn deposing, were the men themselves that deposd the King, and cannot with all thir shifting and relapsing, wash off the guiltiness from thir owne hands. For they themselves, by these thir late doings have made it guiltiness, and turnd thir own warrantable actions into Rebellion.

There is nothing that so actually makes a King of *England*, as rightful possession and Supremacy in all causes both civil and Ecclesiastical; and nothing that so actually makes a Subject of *England*, as those two Oaths of Allegiance and Supremacy observd without equivocating, or any mental reservation. Out of doubt then when the King shall command things already constituted in Church, or State, obedience is the true essence of a subject, either to doe, if it be lawful. or if he hold the thing unlawful, to submit to that

<sup>1</sup> Sec. ed. has *many times*.

penaltie which the Law imposes, so long as he intends to remaine a subject. Therefore when the people or any part of them shall rise against the King and his authority executing the Law in any thing establishd, 5 civil or ecclesiastical, I doe not say it is rebellion, if the thing commanded, though establishd, be unlawfull, and that they sought first all due means of redress (and no man is furder bound to Law) but I say it is an absolute renouncing both of Supremacy and 10 Allegiance, which in one word is an actual and total deposing of the King, and the setting up of another supreme authority over them. And whether the Presbyterians have not don all this and much more, they will not put mee I suppose, to reck'n up a seven 15 yeares story fresh in the memory of all men. Have they not utterly broke the Oath of Allegiance, rejecting the Kings command and authority sent them from any part of the Kingdom, whether in things lawful or unlawful? Have they not abjur'd the Oath 20 of Supremacy by setting up the Parliament without the King, supreme to all thir obedience, and though thir Vow and Covnant bound them in general to the Parliament, yet somtimes adhering to the lesser part of Lords and Commons that remain'd faithful, as they 25 terme it, and eev'n of them, one while to the Commons without the Lords, another while to the Lords without the Commons? Have they not still declar'd thir meaning, whatever their Oath were, to hold them onely for supreme whom they found at any time 30 most yeilding to what they petitioned? Both these Oaths which were the straitest bond of an English subject in reference to the King, being thus broke and made voide, it follows undeniably that the King from that time was by them in fact absolutely 35 deposd, and they no longer in reality to be thought



his subjects, notwithstanding thir fine clause in the Covnant to preserve his person, Crown, and dignitie, set there by som dodging Casuist with more craft then sinceritie to mitigate the matter in case of ill success, and not tak'n I suppose by any honest man, 5 but as a condition subordinate to every the least particle that might more concerne Religion, liberty, or the public peace. To prove it yet more plainly that they are the men who have deposd the King, I thus argue. We know that King and Subject are 10 relatives, and relatives have no longer being then in the relation; the relation between King and Subject, can be no other then regal authority and subjection. Hence I inferr past their defending, that if the Subject who is one relative, takes<sup>1</sup> away the relation, of force 15 he takes away also the other relative; but the Presbyterians, who were one relative, that is say subjects, have for this sev'n years tak'n away the relation, that is to say, the Kings autoritie, and thir subjection to it, therefore the Presbyterians for these sev'n yeares 20 have removd and extinguish<sup>2</sup> the other relative, that is to say the King, or to speake more in brief have depos'd him: not onely by depriving him the execution of his autoritie, but by conferring it upon others. If then thir Oathes of subjection brok'n, new 25 <sup>\*</sup>Supremacy obey'd, new Oaths and Covnants tak'n, notwithstanding frivolous evasions, have in plaine termes unking'd the King, much more then hath thir sev'n yeares Warr not depos'd him onely, but outlawd him, and defi'd him as an alien, a rebell to Law, 30 and enemie to the State. It must needs be cleare to any man not averse from reason, that hostilitie and subjection are two direct and positive contraries; and

<sup>1</sup> Sec ed. *take*.

<sup>2</sup> Sec ed. *extinguished*.

can no more in one subject stand together in respect of the same King, then one person at the same time can be in two remote places. Against whom therefore the Subject is in act of hostility we may be confident that to him he is in no subjection: and in whom hostility takes place of subjection, for they can by no meanes consist together, to him the King can be not onely no King, but anemie. So that from hence wee shall not need dispute whether they  
 10 have depos'd him, or what they have defaulted towards him as no King, but shew manifestly how much they have don toward the killing him. Have they not levied all these Warrs against him whether offensive or defensive (for defence in Warr equally  
 15 offends, and most prudently before hand) and giv'n Commission to slay where they knew his person could not bee exempt from danger? And if chance or flight had not sav'd him, how oft'n had they killd him, directing thir Artillery without blame or prohibition  
 20 to the very place where they saw him stand? And converted his revenew to other uses, and detain'd from him all meanes of livelyhood, so that for them long since he might have perisht, or have starv'd?<sup>1</sup> Have they not hunted and pursu'd him round about  
 25 the Kingdom with sword and fire? Have they not formerly deny'd to treat with him, and thir now recanting Ministers preach'd against him, as a reprobate incurable, an enemy to God and his church markt for destruction, and therefore not to bee treated with?  
 30 Have they not beseig'd him, and to thir power forbid

<sup>1</sup> The sentence reads thus in sec. ed.: 'Have they not sequester'd him, judg'd or unjudg'd, and converted his revenew to other uses, detaining from him as a grand Delinquent, all meanes of livelyhood, so that for them long since he might have perisht, or have starv'd?'

him Water and Fire, save what they shot against him to the hazard of his life? Yet while they thus assaulted and endangerd it with hostile deeds, they swore in words to defend it with his Crown and dignity; not in order, as it seems now, to a firm and lasting peace, or to his repentance after all this blood; but simply without regard, without remorse or any comparable value of all the miseries and calamities suffer'd by the poore people, or to suffer hereafter through his obstinacy or impenitence. No understanding man can be ignorant that Covnants are ever made according to the present state of persons and of things; and have ever the more general laws of nature and of reason included in them, though not express'd. If I make a voluntary Covnant as with a man to doe him good, and hee prove afterward a monster to me, I should conceive a disoblige-  
ment. If I covnant, not to hurt an enemy, in favor of him and forbearance, and hope of his amendment, and he, after that, shall doe me tenfold injury and mischief to what hee had don when I so Covnanted, and still be plotting what may tend to my destruction, I question not but that his after actions release me; nor know I Covnant so sacred that withholds mee from demanding justice on him. Howbeit, had not thir distrust in a good cause, and the fast and loos of our prevaricating Divines oversway'd, it had bin doubtless better, not to have inserted in a Covnant unnecessary obligations, and words not works of a supererogating Allegiance to thir enemy; no way advantageous to themselves, had the King prevail'd as to thir cost many would have felt; but full of snare and distraction to our friends, useful onely, as we now find, to our adversaries, who under such a latitude and shelter of ambiguous interpretation have

ever since been plotting and contriving new opportunities to trouble all againe. How much better had it bin, and more becoming an undaunted vertue to have declar'd op'nly and boldly whom and what power the people were to hold Supreme, as on the like occasion Protestants have don before, and many conscientious men now in these times have more then once besought the parlament to doe, that they might go on upon a sure foundation, and not with a ridling  
10 Covnant in thir mouthes seeming to sweare counter almost in the same breath Allegiance and no Allegiance; which doubtless had drawn off all the minds of sincere men from siding with them, had they not discern'd thir actions farr more deposing him then  
15 thir words upholding him; which words made now the subject of cavillous interpretations, stood ever in the Covnant by judgement of the more discerning sort an evidence of thir feare not of thir fidelity. What should I return to speak on, of those attempts  
20 for which the King himself hath oft'n charg'd the Presbyterians of seeking his life, whenas in the due estimation of things, they might without a fallacy be sayd to have don the deed outright. Who knows not that the King is a name of dignity and office,  
25 not of person: Who therefore kills a King, must kill him while he is a King. Then they certainly who by deposing him have long since tak'n from him the life of a King, his office and his dignity, they in the truest sence may be said to have killd the King: not  
30 onely by thir deposing and waging Warr against him, which besides the danger to his personal life, set him in the fardest opposite point from any vital function of a King, but by thir holding him in prison vanquishd and yeilded into thir absolute and *despotic* power,  
35 which brought him to the lowest degradation and in-

capacity of the regal name. I say not by whose matchless valour next under God, lest the story of thir ingratitude thereupon carry me from the purpose in hand which is to convince them, that they which I repeat againe, were the men who in the truest sense killd the King, not onely as is provd before, but by depressing him thir King farr below the rank of a subject to the condition of a Captive, without intention to restore him, as the Chancellour of *Scotland* in a speech told him plainly at *Newcastle*, unless hee granted fully all thir demands, which they knew he never meant. Nor did they Treat or think of Treating with him, till thir hatred to the Army that deliverd them, not thir love or duty to the King, joyn'd them secretly with men sentencd so oft for Reprobates in thir own mouthes, by whose suttile inspiring they grew madd upon a most tardy and improper Treaty. Whereas if the whole bent of thir actions had not bin against the Kinge himselfe, but against his evill Council,<sup>1</sup> as they faind, and publishd, wherefore did they not restore him all that while to the true life of a King, his Office, Crown, and Dignity, while he was in thir power, and they themselves his nearest Counselers. The truth therefore is, both that they would not, and that indeed they could not without thir owne certaine destruction, having reduc'd him to such a final pass, as was the very death and burial of all in him that was regal, and from whence never King of *England* yet reviv'd, but by the new re-inforcement of his own party, which was a kind of resurrection to him. Thus having quite extinguisht all that could be in him of a King, and from a total privation clad him over, like another specifical thing, with formes and habitudes destructive to the former, they left in his person, dead

<sup>1</sup> Sec. ed. but only against his evill counselors.

as to Law and all the civil right either of King or Subject the life onely of a Prisner, a Captive and a Malefactor. Whom the equal and impartial hand of justice finding, was no more to spare then another ordinary man; not onely made obnoxious to the doome of Law by a charge more than once drawn up against him, and his own confession to the first article at *Nezport*, but summond and arraignd in the sight of God and his people, curst and devoted to perdition worse then any *Ahab*, or *Antiochus*, with exhortation to curse all those in the name of God that made not warr against him, as bitterly as *Meroz* was to be curs'd, that went not out against a Canaanitish King, almost in all the Sermons, Prayers, and Fulminations that have bin utterd this sev'n yeares by those clov'n tongues of falshood and dissention, who now, to the stirring up of new discord, acquitt him; and against thir owne discipline, which they boast to be the throne and scepter of Christ, absolve him, unconfound him, though unconverted, unrepentant, unsensible of all thir pretious Saints and Martyrs whose blood they have so oft layd upon his head: and now againe with a new sovran anointment can wash it all off, as if it were as vile, and no more to be reckn'd for then the blood of so many Dogs in the time of Pestilence: giving the most opprobrious lye to all the acted zeale that for these many years hath filld thir bellies, and fed them fatt upon the foolish people. Ministers of sedition, not of the Gospell, who while they saw it manifestly tend to civil Warr and bloodshed, never ceasd exasperating the people against him; and now that they see it likely to breed new commotion, cease not to incite others against the people that have savd them from him, as if sedition were thir onely aime, whether against him or for him. But God as we have

cause to trust, will put other thoughts into the people, and turn them from looking after these firebrands,<sup>1</sup> of whose fury, and fals prophecies we have enough experience; and from the murmurs of new discord will incline them to heark'n rather with erected minds 5 to the voice of our supreme Magistracy, calling us to liberty and the flourishing deeds of a reformed Commonwealth; with this hope that as God was heretofore angry with the Jews who rejected him and his forme of Government to choose a King, so that he will bless 10 us, and be propitious to us who reject a King to make him onely our leader and supreme governour in the conformity as neer as may be of his own ancient government; if we have at least but so much worth in us to entertaine the sense of our future happiness,<sup>15</sup> and the courage to receive what God voutsafes us: wherin we have the honour to precede other Nations who are now labouring to be our followers. For as to this question in hand what the people by thir just right may doe in change of government, or of gover- 20 nour, we see it cleerd sufficiently; besides other ample authority eev'n from the mouths of Princes themselves. And surely that shall boast, as we doe, to be a free Nation, and not have in themselves the power to remove, or to abolish any governour supreme, or 25 subordinate<sup>2</sup> with the government itself upon urgent causes, may please thir fancy with a ridiculous and painted freedom, fit to coz'n babies; but are indeed under tyranny and servitude; as wanting that power, which is the root and sourse of all liberty, to dispose 30 and *oeconomize* in the Land which God hath giv'n them, as Maisters of Family in thir own house and

<sup>1</sup> Sec. ed. reads: 'and turn them from giving eare or heed to these Mercenary noisemakers.'

<sup>2</sup> A comma follows *subordinate* in sec. ed.

free inheritance. Without which natural and essential power of a free Nation, though bearing high thir heads, they can in due esteem be thought no better then slaves and vassals born, in the tenure and  
 5 occupation of another inheriting Lord. Whose government, though not illegal, or intolerable, hangs over them as a Lordly scourge, not as free government; and therefore to be abrogated. How much more justly  
 10 then may they fling off tyranny or tyrants?<sup>1</sup> who being once depos'd can be no more then privat men, as subject to the reach of Justice and arraignment as any other transgressors. And certainly if men, not to  
 15 speak of Heathen, both wise and Religious have don justice upon Tyrants what way they could soonest, how much more mild and human then is it to give  
 20 them faire and op'n tryall? To teach lawless Kings und all that<sup>2</sup> so much adore them, that not mortal man, or his imperious will, but Justice is the onely true sovran and supreme Majesty upon earth. Let  
 25 men cease therefore out of faction and hypocrisie to make out-crys and horrid things of things so just and honorable.<sup>3</sup> And if the Parlament and Military Council do what they doe without president, if it appeare thir duty, it argues the more wisdom, vertue, and  
 30 magnanimity. that they know<sup>4</sup> themselves able to be a president to others. Who perhaps in future ages

<sup>1</sup> The question-mark is replaced by a semicolon in sec. ed.

<sup>2</sup> Sec. ed. *who*.

<sup>3</sup> The sec. ed. adds: 'Though perhaps till now no Protestant State or kingdom can be alleg'd to have op'nly put to death thir King, which lately some have writt'n, and imputed to thir great glory; much mistaking the matter. It is not, neither ought to be the glory of a Protestant State, never to have put thir King to death; It is the glory of a Protestant King never to have deserv'd death.'

<sup>4</sup> Sec. ed. *knew*.



if they prove not too degenerat, will look up with honour and aspire toward these exemplary, and matchless deeds of thir Ancestors, as to the highest top of thir civil glory and emulation. Which heretofore in the persuance of fame and forren dominion spent it self 5 vain-gloriously abroad; but henceforth may learn a better fortitude to dare execute highest Justice on them that shall by force of Armes endeavour the oppressing and bereaving of Religion and thir liberty at home: that no unbridl'd Potentate or Tyrant, but 10 to his sorrow for the future, may presume such high and irresponsible licence over mankinde to havock and turn upside-down whole Kingdoms of men as though they were no more in respect of his perverse will then a Nation of Pismires. As for the party calld 15 Presbyterian, of whom I beleive very many to be good and faithful Christians misled by som of turbulent spirit, I wish them earnestly and calmly not to fall off from thir first principles; nor to affect rigor and superiority over men not under them; not to compell 20 unforcible things in Religion especially, which if not voluntary, becomes a sin; nor to assist the clamor and malicious drifts of men whom they themselves have judg'd to be the worst of men, the obdurat enemies of God and his Church; nor to dart against 25 the actions of thir brethren, for want of other argument those wrested Lawes and Scriptures thrown by Prelats and Malignants against thir own sides, which though they hurt not otherwise, yet tak'n up by them to the condemnation of thir own doings, give scandal to all 30 men and discover in themselves either extreame passion, or apostacy. Let them not oppose thir best friends and associats who molest them not at all, infringe not the least of thir liberties; unless they call it thir liberty to bind other mens consciences, but are 35

still seeking to live at peace with them and brotherly accord. Let them beware an old and perfer enemy, who though he hope by sowing discord to make them his instruments, yet cannot forbear a minute the op'n  
5 threatning of his destined revenge upon them, when they have serv'd his purposes. Let them feare therefore, if they bee wise, rather what they have don already, then what remains to doe, and be warn'd in time they put no confidence in Princes whom they  
10 have provokd, lest they be added to the examples of those that miserably have tasted the event. Stories can inform them how *Christiern* the second, King of *Denmark* not much above a hundred yeares past, driv'n out by his Subjects, and receavd againe upon  
15 new Oaths and conditions, broke through them all to his most bloody revenge; slaying his cheif opposers when he saw his time, both them and thir children invited to a feast for that purpose. How *Maximilian* dealt with those of *Bruges*, though by mediation of  
20 the German Princes reconcil'd to them by solemn and public writings drawn and seald. How the massacre at *Paris* was the effect of that credulous peace which the French Protestants made with *Charles* the ninth thir king: and that the main visible cause which to  
25 this day hath sav'd the *Netherlands* from utter ruine, was thir finall not beleiving the perfidious cruelty which as a constant maxim of State hath bin us'd by the Spanish Kings on thir Subjects that have tak'n armes and after trusted them; as no later age but can  
30 testifie, heretofore in *Belgia* it self, and this very yeare in *Naples*. And to conclude with one past exception, though farr more ancient, *David*, when once hee had tak'n Armes, never after that trusted *Saul*, though with tears and much relenting hee twice promis'd not to  
35 hurt him. These instances, few of many, might

admonish them both English and Scotch not to let thir owne ends, and the driving on of a faction betray them blindly into the snare of those enemies whose revenge looks on them as the men who first begun, fomented and carri'd on beyond the cure of any sound or safe accomodation all the evil which hath since unavoidably befall'n them and thir king.

I have something also to the Divines, though brief to what were needfull; not to be disturbers of the civil affairs, being in hands better able, and more belonging, to manage them; but to study harder and to attend the office of good Pastors, knowing that he whose flock is least among them hath a dreadfull charge, not performd by mounting twice into the chair with a formal preachment huddl'd up at the odd hours of a whole lazy week, but by incessant pains and watching *in season and out of season, from house to house* over the soules of whom they have to feed. Which if they ever well considerd, how little leasure would they find to be the most pragmatical Sidesmen of every popular tumult and Sedition? And all this while are to learne what the true end and reason is of the Gospel which they teach; and what a world it differs from the censorious and supercilious lording over conscience. It would be good also they liv'd so as might perswade the people they hated covetousness, which worse then heresie, is idolatry; hated pluralities and all kind of Simony; left rambling from Benefice to Benefice, like rav'nous Wolves, seeking where they may devour the biggest. Of which if som, well and warmly seated from the beginning, be not guilty, twere good they held not conversation with such as are: let them be sorry that being call'd to assemble about reforming the Church, they fell to progging and solliciting the Parliament, though

they had renounced the name of Priests, for a new settling of thir Tithes and Oblations; and double lin'd themselves with spiritual places of commoditie beyond the possible discharge of thir duty. Let them assemble in Consistory with thir Elders and Deacons, according to ancient Ecclesiastical rule, to the preserving of Church discipline, each in his several charge, and not a pack of Clergie men by themselves to belly cheare in thir presumptuous Sion, or to promote designes, abuse and gull the simple Laity, and stirr up tumult, as the Prelats did, for the maintenance of thir pride and avarice. These things if they observe and waite with patience, no doubt but all things will goe well without their importunities or exclamations: and the Printed letters which they send subscrib'd with the ostentation of great Characters and little moment, would be more considerable then now they are. But if they be the Ministers of Mammon instead of Christ, and scandalize his Church with the filthy love of gaine, aspiring also to sit the closest and the heaviest of all Tyrants, upon the conscience, and fall notoriously into the same sins, whereof so lately and so loud they accus'd the Prelates, as God rooted out those<sup>1</sup> immediately before, so will he root out them thir imitators: and to vindicate his own glory and Religion will uncover thir hypocrisie to the open world: and visit upon thir own heads that *curse ye Meroz*, the very *Motto* of thir Pulpits, wherwith so frequently, not as *Meroz*, but more like Atheists they have mock'd<sup>2</sup> the vengeance of God, and the zeale of his people.<sup>3</sup> And that they be not

<sup>1</sup> Sec. ed. adds *wicked ones*.

<sup>2</sup> The sec. ed. reads: 'Blasphem'd the vengeance of God, and traduc'd the zeale of his people.'

<sup>3</sup> The first edition ends here.

what they goe for, true Ministers of the Protestant doctrine, taught by those abroad, famous and religious men, who first reformd the Church, or by those no less zealous, who withstood corruption and the Bishops heer at home, branded with the name of Puritans and Nonconformists, wee shall abound with testimonies to make appeare; that men may yet more fully know the difference between Protestant Divines and these Pulpit-firebrands.

Luther.

10

*Lib. contra Rusticos apud Sleidan. l. 5.*

Is est hodie rerum status, etc. *Such is the state of things at this day, that men neither can, nor will, nor indeed ought to endure longer the domination of you Princes.*

15

Neque vero Cæsarem, etc. *Neither is Cæsar to make warr as head of Christ'ndom, Protector of the Church, Defender of the Faith; these Titles being fals and Windie, and most Kings being the greatest Enemies to religion.*

*Lib. De bello contra Turcas. apud Sleid. l. 14.* What hinders then, but that we may depose or punish them?

These also are recited by Cochlaeus in his *Miscellanies* to be the words of Luther, or some other eminent Divine, then in Germany, when the Protestants there entred into solemn Covenant at Smalcaldia. Ut ora iis obturem, etc. *That I may stop thir mouthes, the Pope and Emperor are not born but elected, and may also be depos'd, as hath bin oft'n don.* If Luther, or whoever els thought so, he could not stay there; for the right of birth or succession can be no privilege in nature to let a Tyrant sit irremoveable over a Nation free born, without transforming that Nation from the nature and condition of men born free, into natural, hereditary and successive slaves. Therefore

he saith further; *To displace and throw down this Ex-actor, this Phalaris, this Nero, is a work well pleasing to God*; Namely, for being such a one: which is a moral reason. Shall then so slight a consideration  
 5 as his happ to be not elective simply, but by birth, which was a meer accident, overthrow that which is moral, and make displeasing to God that which otherwise had so well pleas'd him? Certainly not: for if the matter be rightly argu'd, Election much rather  
 10 then chance, bindes a man to content himself with what he suffers by his own bad Election. Though indeed neither the one nor other bindes any man, much less any people to a necessary sufferance of those wrongs and evils, which they have abilitie and  
 15 strength enough giv'n them to remove.

*Zwinglius. tom. I. articul. 42.*

*Quando vero perfidè, etc. When Kings raigne perfidiously, and against the rule of Christ, they may according to the word of God be depos'd.*

20 *Mihi ergo compertum non est, etc. I know not how it comes to pass that Kings raigne by succession, unless it be with consent of the whole people. ibid.*

*Quum vero consensu, etc. But when by suffrage and consent of the whole people, or the better part of them,*  
 25 *a Tyrant is depos'd or put to death, God is the chief leader in that action. ibid.*

*Nunc cum tam tepidii sumus, etc. Now that we are so luke warm in upholding public justice, we indure the vices of Tyrants to raigne now a dayes with impunity;*  
 30 *justly therefore by them we are trod underfoot, and shall at length with them be punisht. Yet ways are not wanting by which Tyrants may be remoov'd, but there wants public justice. ibid.*

*Cavete vobis ô tyranni, etc. Beware yee Tyrants*

*for now the Gospell of Jesus Christ spreading farr and wide, will renew the lives of many to love innocence and justice; which if yee also shall doe, yee shall be honourd. But if yee shall goe on to rage and doe violence, ye shall be tramp'l'd on by all men. ibid.*

Romanum imperium imò quodq; etc. *When the Roman Empire or any other shall begin to oppress Religion, and wee negligently suffer it, wee are as much guilty of Religion so violated, as the Oppressors themselvs. Idem epist. ad Conrad. Somium.*

*Calvin on Daniel. c. 4. v. 25.*

*Hodie Monarchae semper in suis titulis, etc. Now adays Monarchs pretend alwayes in thir Titles, to be Kings by the grace of God: but how many of them to this end onely pretend it, that they may raigne without controule; for to what purpose is the grace of God mentioned in the Title of Kings, but that they may acknowledge no Superiour? In the meane while God, whose name they use, to support themselves, they willingly would tread under thir feet. It is therefore a meer cheat when they boast to raigne by the grace of God.*

*Abdicant se terreni principes, etc. Earthly Princes depose themselves while they rise against God, yea they are unworthy to be numberd among men: rather it behooves us to spitt upon thir heads then to obey them. On Dan: c. 6. v. 22.*

*Bucer on Matth. c. 5.*

*Si princeps superior, etc. If a Sovran Prince endeavour by armes to defend transgressors, to subvert those things which are taught in the word of God, they who are in authority under him, ought first to dissuade him; if they prevaile not, and that he now beares himself not as a Prince, but as an enemy, and seekes to violate priv-*

ileges and rights granted to inferior Magistrates or commonalities, it is the part of pious Magistrates, imploring first the assistance of God, rather to try all ways and means, then to betray the flock of Christ, to such an  
 5 enemy of God: for they also are to this end ordain'd, that they may defend the people of God, and maintain those things which are good and just. For to have supreme power less'ns not the evil committed by that power, but makes it the less tolerable, by how much the more  
 10 generally hurtful. Then certainly the less tolerable, the more unpardonably to be punish'd.

Of *Peter Martyr* we have spoke before.

*Paraeus in Rom. 13.*

Quorum est constituere magistratus, etc. *They whose*  
 15 *part it is to set up Magistrates, may restrain them also from outrageous deeds, or pull them down; but all Magistrates are set up either by Parliament, or by Electors, or by other Magistrates; they therefore who exalted them, may lawfully degrade and punish them.*

20 Of the Scotch Divines I need not mention others then the famousest among them, *Knox*, and his fellow Labourers in the reformation of Scotland; whose large Treatises on this subject, defend the same Opinion. To cite them sufficiently, were to insert thir whole  
 25 Books, writt'n purposely on this argument. *Knox Appeal*; and to the Reader; where he promises in a postscript that the Book which he intended to set forth, call'd, *The second blast of the Trumpet*, should maintain more at large, that the same men most justly  
 30 may depose, and punish him whom unadvisedly they have elected, notwithstanding birth, succession, or any Oath of Allegiance. Among our own Divines, *Cartwright* and *Fenner*, two of the Lernerdest, may in reason satisfy us what was held by the rest. *Fenner*



in his Book of Theologie maintaining, That *they who have power, that is to say, a Parliament, may either by faire meanes or by force depose a Tyrant*, whom he defines to be him, that wilfully breakes all, or the principal conditions made between him and the Com-  
5  
mon-wealth. *Fen. Sac. Theolog. c. 13.* and Cartwright in a prefix'd Epistle testifies his approbation of the whole Book.

Gilby de Obedientia. p. 25. and 105.

*Kings have thir autoritie of the people, who may upon*  
10  
*occasion re-assume it to themselves.*

Englands Complaint against the Canons.

*The people may kill wicked Princes as monsters and  
cruel beasts.*

*Christopher Goodman of Obedience.*

15

When Kings or Rulers become blasphemers of God, oppressers and murderers of thir subjects, they ought no more to be accounted Kings or lawfull Magistrates, but as privat men to be examind, accus'd, condemn'd and punisht by the Law of God, and being convicted  
20  
and punisht by that Law, it is not mans but Gods doing, c. 10. p. 139.

By the civil laws a foole or Idiot born, and so prov'd, shall loose the lands and inheritance whereto he is born, because he is not able to use them aright.  
25  
And especially ought in no case be sufferd to have the goverment of a whole Nation; But there is no such evil can come to the Common-wealth by fooles and idiots as doth by the rage and fury of ungodly Rulers; Such therfore being without God ought to  
30  
have no authority over Gods people, who by his Word requireth the contrary. c. 11. p. 143, 144.

No person is exempt by any Law of God from this

punishment, be he King, Queene, or Emperor, he must dy the death, for God hath not plac'd them above others, to transgress his laws as they list, but to be subject to them as well as others, and if they be sub-  
 5 ject to his laws, then to the punishment also, so much the more as thir example is more dangerous. c. 13. p. 184.

When Magistrates cease to doe thir Duty, the people are as it were without Magistrates, yea worse,  
 10 and then God giveth the sword into the peoples hand, and he himself is become immediatly thir head. p. 185.

If Princes doe right and keep promise with you, then doe you owe to them all humble obedience: if  
 15 not, yee are discharg'd, and your study ought to be in this case how ye may depose and punish according to the Law, such Rebels against God and oppressors of thir Country. p. 190.

This *Goodman* was a Minister of the *English Church*  
 20 at *Geneva*, as *Dudley Fenner* was at *Middleburrough*, or some other place in that country. These were the Pastors of those Saints and Confessors who flying from the bloody persecution of Queen *Mary*, gather'd up at length thir scatterd members into many Con-  
 25 gregations; wherof som in upper, some in lower *Germany*, part of them settl'd at *Geneva*, where this Author having preachd on this subject, to the great liking of certain lerned and godly men who heard him, was by them sundry times and with much instance  
 30 requir'd to write more fully on that point. Who therupon took it in hand, and conferring with the best lerned in those parts (among whom *Calvin* was then living in the same City) with their special approbation he publisht this treatise, aiming principally, as  
 35 is testify'd by *Whittingham* in the Preface, that his

brethren of *England* the Protestants, might be persuaded in the truth of that Doctrine concerning obedience to Magistrates. *Whittingham in Prefat.*

These were the true Protestant Divines of *England*, our fathers in the faith we hold; this was their sense, 5 who for so many yeares labouring under Prelacy, through all stormes and persecutions kept Religion from extinguishing and deliverd it pure to us, till there arose a covetous and ambitious generation of Divines (for Divines they call themselves) who feining 10 on a sudden to be new converts and Proselytes from Episcopacy, under which they had long temporiz'd, op'nd thir mouthes at length, in shew against Pluralities and Prelacy, but with intent to swallow them down both; gorging themselves like Harpy's 15 on those simonious places and preferments of thir outed predecessors, as the quarry for which they hunted, not to pluralitie onely but to multiplicitie: for possessing which they had accusd them thir Brethren, and aspiring under another title to the same 20 authoritie and usurpation over the consciences of all men.

Of this faction divers reverend and lerned Divines, as they are stil'd in the Phylactery of thir own Title page, pleading the lawfulness of defensive Armes 25 against this king, in a Treatise call'd *Scripture and Reason*, seem in words to disclaime utterly the deposing of a king; but both the Scripture and the reasons which they use, draw consequences after them, which without their bidding conclude it lawfull. For if by 30 Scripture, and by that especially to the *Romans*, which they most insist upon, Kings, doing that which is contrary to Saint *Pauls* definition of a Magistrat, may be resisted, they may altogether with as much force of circumstance be depos'd or punishd. And if by reason 35

the unjust authority of Kings *may be forfeited in part, and his power be reassum'd in part, either by the Parliament or People, for the case in hazard and the present necessitie*, as they affirm, p. 34. there can no Scripture  
 5 be alleg'd, no imaginable reason giv'n, that necessity continuing, as it may alwayes, and they in all prudence and thir duty may take upon them to foresee it, why in such a case they may not finally amerce him with the loss of his Kingdom, of whose amendment they  
 10 have no hope. And if one wicked action persisted in against Religion, Laws and liberties may warrant us to thus much in part, why may not forty times as many tyrannies, by him committed, warrant us to proceed on restraining him, till the restraint become  
 15 total. For the ways of justice are exactest proportion; if for one trespass of a king it require so much remedie or satisfaction, then for twenty more as hainous crimes, it requires of him twentyfold; and so proportionably, till it com to what is utmost among  
 20 men. If in these proceedings against thir king they may not finish by the usual cours of justice what they have begun, they could not lawfully begin at all. For this golden rule of justice and moralitie, as well as of Arithmetic, out of three termes which they  
 25 admitt, will as certainly and unavoydably bring out the fourth, as any Probleme that ever *Euclid*, or *Apollonius* made good by demonstration.

And if the Parliament, being undeposable but by themselves, as is affirm'd, p. 37, 38, might for his  
 30 whole life, if they saw cause, take all power, authority, and the sword out of his hand, which in effect is to unmagistrate him, why might they not, being then themselves the sole Magistrates in force, proceed to punish him who being lawfully depriv'd of all things  
 35 that define a Magistrate, can be now no Magistrate

to be degraded lower, but an offender to be punisht. Lastly, whom they may defie, and meet in battell, why may they not as well prosecute by justice? For lawfull warr is but the execution of justice against them who refuse Law. Among whom if it be lawfull 5 (as they deny not, p. 19, 20) to slay the king himself comming in front at his own peril, wherfore may not justice doe that intendedly, which the chance of a defensive warr might without blame have don casually, nay purposely, if there it finde him among the rest. 10 They aske p. 19. *By what rule of Conscience or God, a State is bound to sacrifice Religion, Laws and liberties, rather then a Prince defending such as subvert them, should com in hazard of his life.* And I ask by what conscience, or divinity, or Law, or reason, a State is 15 bound to leave all these sacred concernments under a perpetual hazard and extremity of danger, rather then cutt off a wicked prince, who sitts plotting day and night to subvert them: They tell us that the Law of nature justifies any man to defend himself, eev'n 20 against the King in Person: let them shew us then why the same Law may not justifie much more a State or whole people, to doe justice upon him, against whom each privat man may lawfully defend himself; seeing all kind of justice don, is a defence to good 25 men, as well as a punishment to bad; and justice don upon a Tyrant is no more but the necessary self-defence of a whole Common wealth. To Warr upon a king, that his instruments may be brought to condigne punishment, and therafter to punish 30 them the instruments, and not to spare onely, but to defend and honour him the Author, is the strangest peece of justice to be call'd Christian and the strangest peece of reason to be call'd human, that by men of reverence and learning, as thir stile 35

imports them, ever yet was vented. They maintain in the third and fourth Section, that a Judge or inferior Magistrate, is anointed of God, is his Minister, hath the Sword in his hand, is to be obey'd by St. <sup>5</sup> *Peters* rule, as well as the Supreme, and without difference any where exprest: and yet will have us fight against the Supreme till he remove and punish the inferior Magistrate (for such were greatest Delinquents) when as by Scripture and by reason, there can no  
<sup>10</sup> more authority be shown to resist the one then the other; and altogether as much, to punish or depose the Supreme himself, as to make Warr upon him, till he punish or deliver up his inferior Magistrates, whom in the same terms we are commanded to obey, and  
<sup>15</sup> not to resist. Thus while they, in a cautious line or two here and there stuff in, are onely verbal against the pulling down or punishing of Tyrants, all the Scripture and the reason which they bring, is in every leafe direct and rational to inferr it altogether as  
<sup>20</sup> lawful, as to resist them. And yet in all thir Sermons, as hath by others bin well noted, they went much further. For Divines, if ye observe them, have thir postures and thir motions no less expertly, and with no less variety then they that practice feats in the  
<sup>25</sup> Artillery-ground. Sometimes they seem furiously to march on, and presently march counter; by and by they stand, and then retreat; or if need be can face about, or wheele in a whole body, with that cunning and dexterity as is almost unperceavable; to winde  
<sup>30</sup> themselves by shifting ground into places of more advantage. And Providence onely must be the drumm, Providence the word of command, that calls them from above, but always to som larger Benefice, or acts them into such or such figures, and promotions.  
<sup>35</sup> At thir turnes and doublings no men readier; to the

right, or to the left; for it is thir turnes which they serve cheifly; heerin onely singular, that with them there is no certain hand right or left; but as thir own commodity thinks best to call it. But if there come a truth to be defended, which to them, and thir interest of this world seemes not so profitable, strait these nimble motionists can finde no eev'n leggs to stand upon: and are no more of use to reformation throughly performd, and not superficially, or to the advancement of Truth (which among mortal men is alwaies in her progress) then if on a sudden they were strook maime and crippl'd. Which the better to conceale, or the more to countnance by a general conformity to thir own limping, they would have *Scripture*, they would have *reason* also made to halt with them for company; and would putt us off with impotent conclusions, lame and shorter then the premises. In this posture they seem to stand with great zeale and confidence on the wall of *Sion*; but like *Jebusites*, not like *Israelites*, or *Levites*: blinde also as well as lame, they discern not *David* from *Adonibezec*; but cry him up for the Lords anointed, whose thumbs and great toes not long before they had cut off upon thir Pulpit cushions. Therefore he who is our onely King, the root of *David*, and whose Kingdom is eternal righteousness, with all those that Warr under him, whose happiness and final hopes are laid up in that onely just and rightful kingdom (which we pray incessantly may com soon, and in so praying with hasty ruin and destruction to all Tyrants) eev'n he our immortal King, and all that love him, must of necessity have in abomination these blind and lame Defenders of *Jerusalem*; as the soule of *David* hated them, and forbid them entrance into Gods House, and his own. But as to those before them, which I cited first (and

with an easie search, for many more might be added) as they there stand, without more in number, being the best and chief of Protestant Divines, we may follow them for faithful Guides, and without doubting  
5 may receive them, as Witnesses abundant of what wee heer affirm concerning Tyrants. And indeed I find it generally the cleere and positive determination of them all, (not prelati- cal. or of this late faction sub- prelati- cal) who have writt'n on this argument; that  
10 to doe justice on a lawless King, is to a privat man unlawful, to an inferior Magistrate lawfull: or if they were divided in opinion. yet greater then these here alleg'd, or of more aurtority in the Church, there can be none produc'd. If any one shall goe about by  
15 bringing other testimonies to disable these, or by bringing these against themselves in other cited pas- sages of thir Books, he will not onely faile to make good that fals and impudent assertion of those mutin- ous Ministers, that the deposing and punishing of a  
20 King or Tyrant, is *against the constant Judgement of all Protestant Divines*, it being quite the contrary, but will prove rather, what perhaps he intended not, that the judgement of Divines, if it be so various and inconstant to it self, is not considerable, or to be esteem'd at all.  
25 Ere which be yielded, as I hope it never will, these ignorant assertors in thir own art will have prov'd themselves more and more, not to be Protestant Di- vines, whose constant judgement in this point they have so audaciously bely'd, but rather to be a pack  
30 of hungrie Church-wolves, who in the steps of *Simon Magus* thir Father, following the hot sent of double Livings and Pluralities, advousons, donatives, induc- tions and augmentations, though uncall'd to the Flock of Christ, but by the meer suggestion of thir Bellies,  
35 like those priests of *Bel*, whose pranks *Daniel* found



out: have got possession, or rather seis'd upon the Pulpit, as the strong hold and fortress of thir sedition and rebellion against the civil Magistrate. Whose friendly and victorious hand having rescu'd them from the Bishops, thir insulting Lords, fed them plenteously, 5 both in public and in privat, rais'd them to be high and rich of poore and base; onely suffer'd not thir covetousness and fierce ambition, which as the pitt that sent out thir fellow locusts, hath bin ever bottomless and boundless, to interpose in all things, and 10 over all persons, thir impetuous ignorance and importunity.

[THE END]



## NOTES.

3. 1. **If men**, etc. In this opening paragraph Milton has in mind all opponents of the Cromwellian party, and especially the Scotch and English Presbyterians.

3. 6. **But being slaves within doores**. Living under a domestic tyranny. Alfred Stern (*Milton und seine Zeit* 1. 438) says that these words will recall to every reader the conflict between Milton and the Presbyterians over his theory of divorce.

3. 9. **None can love freedom heartilie, but good men**. Milton based both political and artistic excellence on character. Cf. *Apol. Smect.* (Bohn 3. 118).

3. 13. **Tyrants are not oft offended**, etc. Cf. Aristotle, *Politics*, 5. 11. 12: 'Tyrants are always fond of bad men, because they love to be flattered, but no man who has the spirit of a free man in him will demean himself by flattery.'

3. 15. **Them they feare in earnest**. Milton probably owes this thought to George Buchanan. Cf. *De Jure Regni apud Scotos*. Trans. R. Macfarlan, p. 199: 'But why should we look for a surer witness of what tyrants deserve than their own conscience? Hence springs their perpetual fear of all, and particularly of good men.' See also Raleigh, *The Cabinet-Council* (Works, ed. Birch 1. 96): They [tyrants] are also Protectors of impious Persons, and stand in daily doubt of noble and virtuous Men.

3. 24. **Others**. Cromwell and his supporters.

3. 26. **The curse**. See Jer. 48. 1.

4. 2. **These men**. The Presbyterians.

4. 4. **Juggl'd and palter'd with the World**. A picturesque phrase insinuating that the Presbyterians, especially their ministers, had played the part of patriots because it was to their material advantage to do so. Cf. Shak. *Macbeth* 5. 8. 20:

Those juggling fiends  
That palter with us in a double sense.

4. 4. **Banded.** The origin of this word is obscure, but it is probably derived from the game of tennis, or bandy, meaning to throw or strike a ball from side to side. The allusion here seems to be to the uncertainty of the Scots in their relation to Charles I. First they were against him, then for him, then they sold him to the English Parliament and finally they cried up loyalty and obedience. Cf. *Observ. Art. Peace* (Bohn. 2. 195): 'Conspiring and bandying against the common good.'

4. 8. **And their pamphlets.** A flood of pamphlets greeted Charles' attempts to force ritualism upon Scotland. On March 30, 1640, the king issued a proclamation against 'libellous and seditious Pamphlets and Discourses from Scotland.' The authors are called 'factious spirits, and such as do endeavour to cast most unjust and false aspersions and scandals upon His Majesty and His Government, and upon his proceedings with his subjects in Scotland, and to distemperate and alienate from His Majesty the hearts of his well-affected subjects, and such as are in no way inclined to such seditious and disloyal courses.' For full text of this proclamation see John Rushworth, *Hist. Collections* 3. 1094. During the course of the war sermons continued to be preached against Charles and thousands of pamphlets by Presbyterian and Independent writers poured from the press.

4. 8. **To the ingaging of.** By these actions and utterances the Presbyterians had pledged themselves to an anti-royalist policy.

4. 14. **To the entire advantages of thir owne Faction.** Both the Scotch and English Presbyterians were very jealous of the growing power of the Independents.

4. 16. **Counted them accessory.** The King loved neither the Presbyterians nor the Independents. For three years (1646-1649) he tried to play off one party against the other. Before his flight from Oxford to the Scottish camp at Newcastle he expressed the hope that he should be able so to draw the Presbyterians or the Independents to side with him for extirpating one the other, that he should really be king again. (See his letter to Lord Digby, dated March 26, 1646.

Quoted by Masson, *Life of Milton* 3. 497). Charles hated the Covenant, steadfastly refused to sign it, and looked upon the Presbyterians as rebels who had broken statutes and laws pledging them to obedience to their king. Cf. a similar statement in *First Def.* (Bohn 1. 192).

4. 17. **Those Statutes and Laws.** At this time the Presbyterian preachers and writers were constantly accusing the Independents of breaking 'the Oaths of Allegiance and Supremacy, the Common Law, Stat. 25. Edw. 3. and all other Acts concerning Treason.' (See Walker, *Hist. of Independency*, pt. 2, p. 69).

4. 22. **For a flash, hot and active.** Milton grants that the Presbyterians were active in the good cause for a time. He ascribes their defection to (1) sloth, (2) inconstancy, (3) cowardice, (4) falsehood, or (5) wickedness.

4. 23. **Inconstancie, and weakness of spirit.** Clarendon supports Milton in his indictment of the Scots and Presbyterian party for fickleness and failure to carry out their policy to its end. See his *Hist. of the Rebellion*. Ed. Machray, bk. 10. 168 ff.

4. 31. **Alteration of Lawes**, etc. All these steps ultimately proved necessary to the establishment of the Puritan Commonwealth.

5. 2. **The throng and noises of vulgar and irrational men.** Milton entertained little respect for the fickle and sweaty populace. See his celebrated passage in *P. R.* 3. 49-59, and his sonnet to Oliver Cromwell.

5. 4. **Customes.** Milton had no sympathy with irrational customs. Cf. his attack on prejudices and customs in *Areop.* (Bohn 2. 98): 'Our eyes, bleared and dimmed with prejudice and custom.'

5. 5. **Their gibrish Lawes.** Alluding to the jargon in which statutes were written. A variant form of gibber is jabber, to talk nonsense. *Gibberish* is therefore unintelligible speech, inarticulate chatter.

Under the heading *Leges* in his *Commonplace Book* Milton says, 'Alfred turn'd the old laws into English. I would he

liv'd now to rid us of this Norman gibbrish.' (See Publication of Camden Society for 1876, p. 22).

In 1650 Parliament ordered that all the books of the laws be put into English; and that all writs, processes, indictments, records, and all rules and proceedings in courts of justice be in the English tongue only, and not in Latin or French, or any other language but English. It is possible that Milton's protest and personal influence may have contributed to this result.

5. 12. **They plead for him, pity him, extoll him,** etc. London and Lancashire ministers sent in protests against the policy of Parliament towards the king. Letters were addressed to Lord Fairfax and the army by Dr. Henry Hammond and Dr. Gauden. The indefatigable William Prynne, both in Parliament and out, was busy with tongue and pen in pleading the king's cause. As a sample of these protests see the *Declaration and Protestation of Will: Pryn, and Clem: Walker*, issued Jan. 19, 1649, against the proposal of the House of Commons to bring the king to capital punishment. Prynne and Walker declare that such a course is 'highly impious against the Law of God, Nations, and the Protestant Profession, Traitors against the State, of Treason, 25 Edw. 3., and against all Laws and our Statutes, perjurious and perfidious, against all Oaths of Allegiance, Supremacy, Nationall Covenant, and Protestation; all the Parliaments Declarations and Remonstrances held forth to the world; their Treaties and promises made to the *Scots* when they delivered the King's Person into our hands; against our promises made to the *Hollanders*, and other Nations, and against all the Professions, Declarations, Remonstrances, and Proposals made by this Army; when they made their Addresses to the King at New-Market, Hampton Court, and other places.' (Walker, *Hist. of Independency*, pt. 2, p. 83).

5. 13. **Protest against those,** etc. The Presbyterian ministers of London in their vindication set forth: 'For when we did first engage with the Parliament, (which we did not till called thereunto) we did it with loyal hearts and affection towards the King, and his posterity. Not intending

the least hurt to his Person, but to stop his party from doing further hurt to the Kingdome; not to bring his Majesty to justice (as some now speak) but to put him into a better capacity to doe justice.' (*A Vindication of the London Ministers from the unjust aspersions upon their former actings for the Parliament*, p. 3).

5. 23. **Of industry.** On purpose, intentionally.

5. 25. **They themselves have cited him.** Milton refers to a treatise, *Truths Manifest*, said by him to have been written by a Scotchman, 'in which it is affirmed that there hath been more Christian blood shed by the commission, approbation, and connivance of King Charles and his father, James, in the latter end of their reign, than in the ten Roman persecutions.' See *Eikon* (Bohn 1. 383). For a comparison of Charles with Nero see *ibid.*

5. 29. **Nero, Claudius** (A.D. 54-68). Milton relates that the Senate required that Nero should be stripped naked, and hung by the neck upon a forked stake, and whipped to death. Cf. *First Def.* (Bohn 1. 133): 'Consider now, how much more mildly and moderately the English dealt with their tyrant, though many are of opinion, that he caused the spilling of more blood than even Nero himself did.'

5. 30. **Their mercies.** See Prov. 12. 10.

5. 33. **Agag.** Agag was a king of the Amalekites, conquered by Saul and, contrary to the divine command, saved alive, but put to death by Samuel. (1 Sam. 15). Milton is here comparing the compassion of the Presbyterian party with that of Saul who was disobedient to God's command.

5. 33. **Villifying.** Making vile, of no account. Cf. *P. L.* 11. 516.

5. 34. **Many Jonathans, that have sav'd Israel.** A comparison of the Puritan generals with Jonathan, who led a forlorn hope against a great army of Philistines, and freed his country from invasion. The allusion is to one of the most stirring war stories of the Old Testament (1 Sam. 13).

6. 1. **Niceness.** Subtlety, a tendency to be over particular. *Unnecessariest.* An interesting use of an obsolete superlative. Cf. *famousst* (below 59. 3), *Apol. Smec.* (Bohn 3. 128), *elegantst* (*ibid.* 3. 140).

6. 1. **Clause of their Covenant wrested.** With the mention of the Covenant Milton touches upon one of the leading topics of this pamphlet. For a full discussion of the Covenant, and what was to Milton the unnecessarist and riddling clause, see *Introd.*

6. 4. **But not scrupling,** etc. It is difficult to arrive at the meaning of this ambiguous statement. In return for compliments from the king, for his good opinion of their loyalty, the Scots would not scruple to give over to his implacable revenge, if he should succeed in regaining the throne, the heads of many thousand Christians more, meaning the Republicans who were still opposing him. To save one man, the Presbyterians would sacrifice the lives of thousands. This seems to be the leading thought in this obscure sentence.

6. 7. **Another sort there is.** Milton now turns his attention to the weak-kneed conservatives of his own party. He is glancing at Gen. Fairfax, Ald. Pennington and others, who grew timid at the very last. The trial of the king was carried forward by such Independent army leaders as Cromwell, Harrison and Ireton, but the great bulk of the party shuddered at the task of bringing Charles to justice. On Dec. 23, 1648, the House passed a resolution appointing a committee to consider how to proceed in a way of justice against the king and other capital offenders. 'Though the Resolution passed without a division, the reluctance of some who were present had appeared in the course of the debate. They argued that there was no precedent in History for the judicial trial of a King, and that if the Army were determined that Charles should be punished capitally, the business should be left to the Army itself as an exceptional and irregular power' (Masson, *Life of Milton* 3. 699). Of the 135 Judicial Commissioners appointed by the House to try the King not half the number attended any of the meetings. Fairfax was present at the first sitting of the Commission but never went back. Many more withdrew before the trial was concluded. Milton is writing to encourage these half-hearted Independents, who swerve and shiver, to



execute justice, even upon their King, 'with just and faithful expedition.'

6. 13. **Presidents.** Precedents. Buchanan also expresses his impatience with those who call for precedents. He denies that whatever is not ordained by some law, or evidenced by some illustrious record, should be instantly reckoned wicked and nefarious (George Buchanan, *De Jure Regni apud Scotos*, p. 176).

6. 19. **To startle from.** An obsolete construction. The modern passive form would be *not to be startled from*.

6. 22. **In the glorious way,** etc. For a more extended eulogy of the work of the Long Parliament see *Apol. Smec.* (Bohn 3. 149). Milton's praise of the campaigns of Cromwell was amplified afterwards in his *First Def.* (Bohn 1. 143); see also *Eikon* (Bohn 3. 498 ff.), and *Sec. Def.* (Bohn 6. 317).

6. 28. **Any new Apostate Scar-crowes.** A caustic reference to one of the most interesting figures of the age, the irrepressible pamphleteer, William Prynne (1600–1669). Milton calls him a scarecrow, for his ears had been mutilated twice because he had persisted in sending out pamphlets attacking prelacy. He was also branded on both cheeks with the letter S for schismatic. In later years, when he was a popular hero and sat in the House of Commons, he wore a cap to cover his disfigurement. Milton was not the first writer to charge Prynne with being an apostate. He was so called in a pamphlet entitled *Prynne against Prynne*, published as a reply to Prynne's *Brief Memento*. Prynne replied to this charge on the very day of its publication Jan. 29, 1648, in a broadside: *Prynne the Member, reconciled to Prynne, the Barrister*. Hitherto the most outspoken critic of prelacy and royalty, Prynne had become the most active pamphleteer of the Presbyterian party. He declared that the General, and General Council of Officers of the Army, were 'the greatest Apostates and Renegadoes from our publick trust and duties' (See his *Speech made in the House of Commons, Dec. 4, 1648*, p. 6. London, 1649). In the same publication we have his apology for his later position. He

recites the story of his sufferings and imprisonments and asserts that he has never received any reward from anyone for his services to the public, that he has never published any books to scandalise or defame the king, or to alienate the people's affections from him. Yet he says, 'I am clear of opinion that Kings are accountable for their Actions to their Parliaments and whole kingdoms.' In case of absolute necessity he would even allow the deposition of a tyrant, 'if there be no speciall oaths nor obligations to the contrary (which is our present case).' *Ibid.* p. 29. He is here pleading for the observance of 'the unnecessariest clause of the Covenant,' the great argument of the Presbyterians, which Milton despises as a quibble.

6. 30. **Their barking monitories and memento's.** The reference is to *A Briefe Memento to the Present Unparliamentary Junto*, by William Prynne (London, 1649).

For another attack of Milton upon Prynne, see *To Rem. Hire* (Bohn 3. 17).

6. 31. **The spleene of a frustrated Faction.** This biting phrase hits off the situation exactly. The Presbyterian pamphlets of Prynne, Walker, and the London divines are full of spleen. It was a bitter disappointment to the party, which had hoped to see the Presbyterian system of intolerant church government established in England, to be outmanœuvred and crushed by the Independents in the House with the army at their back.

7. 1. **Those Statutes and Scriptures ... they wrest, etc.** This was a common practice among the controversialists of Milton's day. All arguments were supported by appeals to law or to the Bible. But the freedom of private interpretation, established by the Protestant Reformation, gave rise to all kinds of differences over ambiguous texts. To 'wrest' a text against an opponent was a proof of literary skill. Milton himself was guilty of this art; he was an adept in citing Scripture for his purpose, as may be seen in this very pamphlet. See *Intro.*

In *Ref. in Eng.* (Bohn 2. 404) he uses an analogous phrase: *Wrenching and spraining the text.*

7. 3. **Their Friends and Associates.** The army and the Independents. For the moment Milton uses a milder tone. He reminds all critics of the parliament that the tyrant is after all the common foe. If the king is restored to power, he will revenge himself on both Presbyterians and Independants. Cf. 2. 19, 4. 17. He sounds this warning note repeatedly in this pamphlet, also in *First Def.* (Bohn 3. 194): 'Wo be to you in the first place, if Charles' posterity recover the crown of England; assure yourselves, you are like to be put in the black list.'

7. 7. **The unmasculine Rhetorick of any puling Priest or Chaplain.** The reference is to letters on the king's behalf addressed to General Fairfax by Dr. Henry Hammond and Dr. John Gauden.

Henry Hammond, D. D. (1605–1660). Hammond was not only a great scholar and preacher, but a devoted royalist. He acted for some years as chaplain to Charles, and accompanied him from place to place during his imprisonment by parliament. He was much beloved by the king, who said he was the most natural orator he ever heard. He was a noted theologian and exegete. His most famous works were his *Practical Catechism* and his *Paraphrase and Annotations on the New Testament*. Owing to the fact that he was a personal friend of Fairfax, and of other officers of the army, he made a last effort to save his master by addressing to them a letter on behalf of Charles. Hammond was a man of great piety, learning, and benevolence, and was altogether undeserving of Milton's sneer. Hammond's letter was written Jan. 15, 1648, and its published title is as follows: *To the Right Honourable, the Lord Fairfax, and his Councill of Warre, the Humble Adresse of Henry Hammond* (London, 1649). The writer advises the army officers to test all motives by the true Spirit of God and the Scriptures, not by lying spirits; not to be too sure that God has borne testimony to the justice of their cause by the many victories He has given to them, for the Mahomedans were successful in war, and God often permits His people to suffer defeat. By shedding the king's blood they

will only fill up the measure of the nation's iniquities and provoke the wrath of God. He concludes by saying that he will intercede daily at the throne of grace that God will mollify their hearts towards the king, or else interpose His hand to rescue his royal person out of their power.

Milton entertained a very poor opinion of chaplains. Cf. *To Rem. Hire* (Bohn 3. 35) and *Rem. Def.* (Bohn 3. 47). For his animus against chaplains in general, and a special diatribe against Dr. Hammond as king's chaplain, see *Eikon* (Bohn 1. 458 ff.).

John Gauden, D.D., Bishop of Worcester (1605–1662), at first sympathized with the parliamentary cause, but began to have misgivings as the struggle progressed. Although he subscribed to the Covenant, he published in 1643, *Certain Scruples and Doubts of Conscience about taking the Solemn League and Covenant*. As time passed he grew still more reactionary, and finally at the Restoration was made chaplain to the king and appointed to the bishopric of Exeter, and later to that of Worcester. The celebrated book, which appeared the day after Charles' execution, entitled *Εἰκὼν βασιλική*; the *Pourtraiture of His Sacred Majestie in His Solitudes and Sufferings*, has been attributed to Dr. Gauden on very strong grounds. This book, which went through forty-seven editions, called forth a reply from Milton, his *Eikon*. (1649).

The letter here criticised by Milton bore the following title: *The Religious and Loyal Protestation of John Gauden, Dr. in Divinity against the Declared Purposes and Proceedings of the Army and others; about the trying and destroying our Sovereign Lord the King* (London, Jan. 5, 1648). In this letter Gauden warns Fairfax and the army officers against the perils of success and prosperous power. He calls the king their 'Mistaken Parent.' He appeals to the officers not to forget the common Errours to which all men are subject. 'O stain not the Renown of your valour by so mercilesse an Act, as the destroying your King.' In his final exhortation he speaks of the day, 'When the world shall see your power bounded with Loyalty, sanctified with Pitty,

not foolish and feminine, which I would have below you, but masculine, Heroick, truly Christian and Divine,' etc. This letter is highly rhetorical and in the last period the author, with his talk of feminine and masculine, gave Milton his idea for 'the unmasculine Rhetorick of any puling Priest or Chaplain.'

7. 15. **Self-repugnance of our dancing Divines.** Repugnant to themselves, self-contradictory. In the contemptuous epithet Milton is probably insinuating that the Presbyterian ministers were under the influence of a nervous disease epidemic in the sixteenth century, known as the dancing malady. The meaning may be, however, that they danced to different kinds of music; yesterday they were against the king, to-day they support him.

7. 17. **Gloss'd and fitted for thir turnes.** He reverts to the thought that his opponents wrest Scripture to their *turnes* or purposes. A gloss is a comment or explanation upon a word or passage in the text. Cf. *Sam. Agon.* 1. 948: 'Bearing my words and doings to the lords, To gloss upon, and censuring frown or smile.'

7. 23. **Classic and Provinciall Lords.** Under the Presbyterian form of church government in England there were instituted Classical, Provincial, and National Assemblies, corresponding to the three modern Presbyterian church courts, the Presbytery, the Synod, and the General Assembly. When the Westminster Assembly drew up a frame of Presbyterian church-government for England in May, 1645, they provided that the ecclesiastical provinces should be about sixty in number. The number of Classes or Presbyteries in London were to be fourteen. The meetings of the twelve London Presbyteries and the two Presbyteries of the Inns of Court were called Classical Meetings. In his stinging sonnet, *On the Forcers of Conscience*, Milton speaks of the Presbyterian divines as 'a Classic Hierarchy.' For a full description of the establishment of the Presbyterian system in England see W. A. Shaw, *Hist. of the Eng. Church, 1640-1660*, vol. 2, pp. 1-174. See also Masson, *Life of Milton* 3. 397, 424 and 469.

7. 24. **While pluralities greas'd them thick and deepe.** Milton repeats this charge in *Sec. Def.* (Bohn 1. 268) with more detail. See also *First Def.* (Bohn 1. 26): 'As soon as the bishops, and those clergymen whom they daily inveighed against, and branded with the odious names of pluralists and non-residents, were taken out of their way, they presently jump, some into two, some into three, of their best benefices; being now warm themselves, they soon unworthily neglected their charge.' Cf. *To Rem. Hire* (Bohn 3. 31). For further discussion of this subject see *Intro.* p. 26 ff.

7. 33. **Censorious domineering.** Not an untruthful description of the heat and dogmatism of divines on political measures. Matters before parliament were fully discussed in the pulpits.

When the Independents secured a majority in the House of Commons they dealt a blow at their Presbyterian opponents by ordering on March 26, 1649, that no ministers should teach in their pulpits anything relating to state affairs, but only to preach Christ in sincerity. On July 9 of the same year, parliament declared all ministers delinquents, if they preached or prayed against the government, publicly mentioned Charles or James Stuart, or refused to keep days of public humiliation, or to publish acts and orders of parliament. See Gardiner, *Hist. of C. W. and Protectorate* 1. 191.

7. 34. **Truth and conscience to be freed.** Presbyterianism was intolerant of other sects, but the Independents granted liberty of conscience to all except atheists and Papists. Even Richard Baxter, the saintliest of all Presbyterians of his time, would have enslaved truth and conscience. In his sketch of the ideal commonwealth he lays down the principle that none are to be electors, but those who have publicly owned the Baptismal Covenant, in other words those who are Presbyterian church members in good standing. Those who despise public worship are to be deprived of the right to vote, and ministers of the church are to be able to disfranchise members by excommunicating them (See Baxter, *A Holy Commonwealth, or Political Aphorisms opening the True Principles of Government*, p. 247). Toleration was

denounced by the Presbyterian synod at Sion College in 1645 as 'a root of gall and bitterness both in present and future ages.' The same decision was reached by the ministers of Lancashire, a section where Presbyterianism was particularly strong. They declared that toleration was the taking away of all conscience, the appointing of a city of refuge in men's consciences for the devil to fly to. Neale, *Hist. of Puritans* 2. 382.

The sprightly Edwards has no hesitation in affirming that 'A toleration is the grand design of the devil.' He declares that more books have been written and sermons preached on toleration during the last four years (1642-1646) than on any other subject (*Gangræna*, 1. 3. 121, 122).

For a previous utterance of Milton in behalf of liberty of conscience see *Areop.* (Bohn 2. 92): 'Under these fantastic terrors of sect and schism, we wrong the earnest and zealous thirst after knowledge and understanding, which God hath stirred up in this city.' See also his sonnet to Cromwell,

New foes arise  
Threatening to bind our souls with secular chains  
Help us to save free conscience from the paw  
Of hireling wolves, whose gospel is their maw.

Cf. also his vigorous handling of the intolerants in the poem on *The New Forcers of Conscience* with its famous closing line,

New Presbyter is but Old Priest writ large.

7. 34. **Tithes and Pluralities to be no more.** In his anticipation of the Liberal legislative programme Milton prophesies that the tithing system will be abolished.

The actual origin of the payment of tithes is unknown. They were probably paid to the medieval monasteries as oblations. The first legislative action on the subject was taken in the reign of Edward I who ordered that a tenth of the value of the crops should be paid to support the church. Landowners alone were subject to this tax. The law could be enforced by distress and by sale, or by order of a Justice

of the Peace. See F. A. Inderwick, *The Interregnum*, John Selden, *Hist. of Tythes*, pp. 47–53, also W. Bohun, *The Law of Tithes*, *passim*.

As Milton indicates, the Independent party in parliament had an idea of abolishing tithes and providing some competent maintenance for a preaching ministry. Several attempts were made in this direction, but the Commonwealth was really too poor to establish any satisfactory new method. The Presbyterian ministers were naturally averse to any prohibitory legislation regarding tithes, for they had followed their prelatical predecessors in upholding their right to this ancient source of revenue. 'The Presbyterians preach for their god, viz. the tenth of every man's estates, and for forms,' says Whitelocke, *Memorials* 2. 488. Cf. W. A. Shaw, *Hist. Eng. Church* 2. 255 ff.

Milton denounces tithes in *To Rem. Hire.*, *passim*.

7. 34. **Pluralities.** As early as 1642 the House of Commons recommended five bills to the king as the ground of a treaty. One of these was 'An act against the enjoying pluralities of benefices by spiritual persons, and nonresidence.' But the king refused to come to terms and the bill was therefore not passed. On Nov. 8, 1647, a proposition against pluralities was agreed to by both Houses of Parliament (Neale, *Hist. of the Puritans* 2. 53. Pluralities were never legislated out of existence, however.

7. 35. **Competent Allowance.** Cf. *Sec. Def.* (Bohn 1. 275).

**Warne Experience of large gifts.** When ministers preached before parliament, or sat on commissions, they were liberally paid. In March, 1650, an order was passed to send over six able ministers to preach in Dublin. They were to have £200 per annum apiece out of bishops' and deans' and chapters' lands in Ireland.

8. 3. **To exclude and seize on impeach't Members.** On June 14, 1647, the Army sent forth a remonstrance in which they impeached eleven Presbyterian leaders of the Commons, Holles, Stapleton, Waller, Glynn, Massey, etc. and demanded their exclusion from parliament. When the army marched against London nine fled to the continent. Glynn and



Maynard, who remained behind, were impeached and sent to the Tower, Sept. 7, 1647.

8. 4. **Delinquents.** Milton has the king in mind as the chief delinquent. The preamble to an ordinance passed by parliament, April 1, 1643, sets forth 'that it is most agreeable to common justice that the estates of such notorious delinquents as have been the causes or instruments of the public calamities, should be converted and applied towards the support of the Commonwealth.' On August 19, 1643, this ordinance was further explained, as including in the number of delinquents such as absented from their usual places of abode or betook themselves to the king's forces, and such as concealed effects, evaded taxes or disobeyed parliament's orders in various ways. See Neale, *Hist. of the Puritans* 1. 453.

8. 6. **Corah, Dathan and Abiram.** Korah conspired with Dathan and Abiram against Moses and Aaron. See Num. 16. Milton refers to the language of the Sion tract (see below 53. 14): 'You know the sad examples of Corah, Dathan and Abiram in their mutinous Rebellion, and Levelling designe against Magistracy and Ministry, in the persons of Moses and Aaron' (*A Serious and Faithful Representation of the Judgment of the Ministers of the Gospel within the Province of London*, signed by forty-seven ministers at Sion College, including Case, Gataker, Gower, Roborough, and Wallis, of the Westminster Assembly, and addressed to Fairfax and the Council of War, Jan. 18, 1649, p. 10).

8. 7. **A cursed Tyrant**, etc. On the preaching of seditious sermons by the ministers of the time, and by Stephen Marshall in particular, see Clarendon, *Hist. of the Rebellion*, 6. 39 ff., also Robt. Barclay, *The Inner Life of the Religious Societies of the Commonwealth*, p. 186. Stephen Marshall preached before Commons, Feb. 23, 1641: 'He is a cursed man that withholds his hands from shedding of blood, or that shall do it fraudulently, i. e., kill some and save some. If he go not through with the work, he is a cursed man, when this is to be done on Moab, the enemy of God's church.' Another divine, named Case, preaching to the Commons on Jer. 48.

10, said: 'Cursed be he that withholdeth his sword from blood, that spares when God saith strike, that suffers those to escape whom God hath appointed to destruction'; to the Commons on Nov. 5, 1644, he said: 'Do justice to the greatest. Saul's sons are not to be spared; no, nor may Agag, nor Benhadad, tho' themselves kings: Timri and Cosbi, though princes of the people, must be pursued unto their tents. This is the way to consecrate yourselves to God.' A Royalist writer says, 'The pulpit sounded as much as the drum, and the preacher spit as much flame as the cannon. Curse ye Meroz, was the text, and blood and plunder, the comment and the use' (*A Loyal Tear, a Sermon on Sin*, p. 30).

Price declares that the London ministers have changed front towards Charles, 'whom your selves and the Church of Scotland have charged for the greatest Delinquent, guilty of the blood of hundreds of thousands of Protestants, the blouidiest man under heaven' (*Clerico-Classicum*, p. 23).

Whitelocke tells the story of a Scotch minister, who preached boldly before the king at Newcastle, and after his sermon called for the 52nd Psalm, which begins, 'Why dost thou, tyrant, boast thyself thy wicked works to praise?' (*Memor.* 2. 94).

The king himself denounced the Presbyterian ministers as being ignorant in learning, turbulent and seditious in disposition, scandalous in life, unconformable to the laws of the land, libellers both of church and state, and preachers of sedition and treason itself. See Neale, *Hist. of Puritans* 2. 426.

8. 10. **Though nothing penitent or alter'd.** To the last Charles refused to subscribe to the Solemn League and Covenant. Through all his negotiations with the Scots and with the English House of Commons, he continually spoke of the royal prerogative and endeavored to make a proviso for the partial establishment of episcopacy. The king was too firm a believer in divine right to be penitent for his past conduct, and too stubborn to relinquish his first principles. Cf. *Eikon* (Bohn 1. 474): 'His impenitence and obstinacy to the end.'

8. 11. **A lawfull Magistrate, a Sovrane Lord, the Lords**

8. 11. **Annoited.** Milton is here scornfully repeating the epithets of the Sion tract. See *A Serious and Faithful Rep.*, etc., pp. 12, 13.

8. 12. **Not to be touch'd, though by themselves imprison'd.** This argument is resumed later, and pushed to its logical conclusion. See pp. 32 ff.

8. 22. **His particular charge.** The charge which will be brought against Charles by parliament.

8. 25. **The people, though in number lesse by many.** An obscure statement. The majority of the representatives in parliament must be reckoned for the whole people. Robt. Filmer so understands this sentence. See his *Observations concerning the Original of Government*, p. 19.

8. 29. **If such a one there be.** For another arraignment of the king see *First Def.* (Bohn 1. 59). A committee of the House of Commons drew up a declaration against the king 'wherein they objected many high crimes against him concerning his Father's death, the loss of Rochel and the Massacre and Rebellion in Ireland.' Walker, *Hist. of Indep.*, p. 73. See also *The Act for, Trial of the King*, Walker, *ib.* p. 57.

8. 30. **Whole massachers have been committed, etc.** The Irish insurrection and massacres of Protestants took place in 1641. When the news reached England the nation was horrified. The wildest stories were soon retailed in pamphlet form regarding the awful sufferings of the Protestants. The lowest calculation of contemporary writers gives an estimate of 30,000 English and Scotch Protestants as victims. Gardiner is of opinion, however, that those slain in cold blood at the beginning of the rebellion could hardly have exceeded four or five thousand, whilst about twice that number may have perished from ill-treatment (*Hist. of Engl. (1603-1642)*, 10. 69). In his *Eikon*. (Bohn 1. 407 ff.), where Milton devotes a whole chapter to the subject, he puts the number of slain at 154,000 in the province of Ulster alone, and estimates the total sum as four times as great. In *Observ. Art. Peace* (Bohn 2. 183) he places the figure at more than 200,000. In *First Def.* (Bohn 1. 201) he calls Charles a murderer, by whose

order the Irish took arms, and put to death with most exquisite torments above a hundred thousand Englishmen. In his *Observ. Art. Peace* (Bohn 2. 180) his estimate is much more moderate. He blames the king for using with tenderness and moderation those bloody rebels after the merciless and barbarous massacre of so many thousand English.

However uncertain he may be as to the number of the slain, Milton is positive that the king was responsible for the Irish horror. Parliament was of the same opinion. In a declaration of parliament issued Feb. 15, 1647, the king was charged with complicity in the Irish massacre, and that he had an agent in Rome to attend to it, for it was to be managed by direction from the Pope.

Referring to the massacre Baxter says: 'Because of it all England was filled with a fear both of the Irish and Papists at home, and when they saw the English Papists join with the King against the Parliament, it was the greatest thing that ever alienated them from the King' (*Life*, Pt. 1, p. 29).

For an examination of the evidence incriminating the king, see Masson, *Life* 2. 303 ff.; Symmons, *Life of Milton*, pp. 256 ff.

8. 31. **His Provinces offer'd to pawne or alienation.** In *First Def.* (Bohn 1. 201) Milton says that Charles sent a private embassy to the King of Denmark to beg assistance from him of arms, horses, and men, expressly against the parliament. 'To the English he promised the plunder of London; to the Scots, that the four northern counties should be added to Scotland, if they would but help him to get rid of the Parliament, by what means soever. This aid was coming, when Divine Providence, to divert them, sent a sudden torrent of Swedes into the bowels of Denmark.' See *Eikon.* (Bohn 1. 390). Again we read that the king's letters taken at the battle of Naseby 'revealed his endeavours to bring in foreign forces, Irish, French, Dutch, Lorraines and our old invaders the Danes upon us' (*ib.* 1. 453). So much for Milton's testimony. Gardiner states that Charles appealed for aid from the Pope, from the Duke of Lorraine, begging him to lead an army into England, and from the German

princes. In order to obtain the services of Count Waldemar and his army of mercenaries, he tried to obtain a loan of £50,000 from Amsterdam merchants, pledging the Scilly Islands as security for the repayment of the moncy (*Hist. of the Civil War and Protectorate* 1. 223). The King and Queen Henrietta Maria hoped to obtain aid from the King of Denmark. On April 11, 1642, the Queen wrote to Christian IV, and it was suspected by parliament that a bribe was offered. Agents of the king were also sent to Denmark, but what proposition was made is unknown. At any rate, it was unsuccessful. See Gardiner, *Hist. of Eng.* 10. 188.

8. 31. **Alienation.** Barclay, one of the extreme advocates of the doctrine of the divine right of kings, admits that if a king alienates the kingdom, or brings it into subjection to another, he forfeits it (*De Regno et Regum Potestate adversus Monarchomachos* 4. 16). In *Observ. Art. Peace* (Bohn 2. 182), Milton accuses Charles of alienating and acquitting the whole province of Ireland from all true fealty and obedience to the Commonwealth of England. Parliament declared that Charles was guilty in that he had given away more than five counties to the Irish rebels, 'that Irish Popish army raised by Earl of Strafford to reduce the kingdomes.' (*Declaration of Parliament, in Civil War Tracts*, Yale University Library, Vol. 21).

9. 34. **The Sword of Justice is above him.** Did Milton find a pattern for this phrase in Christopher Goodman's book, *How Imperial Powers ought to be Obeyd*, etc. p. 184: 'Be he Kinge, Quene or Emperour he must dye the death'? See below, 60. 21. Cf. the eloquent apostrophe to Justice in *Eikon*. (Bohn 1. 484): 'She it is, who accepts no person, and exempts none from the severity of her stroke.'

9. 2. **So great a deluge of innocent blood.** Milton and his party blamed Charles Stuart 'that man of blood,' for all the effusion of blood in the Civil War. In *Eikon*. (Bohn 1. 388 ff.) Milton gives a stern reply to the question asked by the author of *Eikon Basilike*, 'Whose innocent blood he hath shed, what widows' or orphans' tears can witness against him?' See also 5. 28.

8. 12. **For if all humane power to execute, etc.** Is this a comment on Calvin's teaching? He advises passive obedience in the presence of the most cruel tyranny, but holds out a hope that God will execute his wrath upon the offending king. 'For sometimes he raises up some of his servants as public avengers, and arms them with his commission to punish unrighteous domination,' etc. (*Institutes* 4. 20. 30). See also Rom. 13. 4.

9. 6. **Or if that fail, extraordinary.** Prynne and others were questioning the ordinary power of parliament to put the king to death. In this phrase Milton boldly declares that he would go outside the bounds of precedent or statutory law to punish a tyrant.

9. 8. **But to unfold more at large this whole Question.** The introduction is now complete. In this sentence he announces his theme.

9. 16. **Not learnt in corners among Schismes and Herisies.** An attempt to anticipate unfavorable criticism. By his divorce pamphlets Milton had earned the reputation of a heretic. The interjection of this clause shows his sensitiveness to the attacks made upon him. Although a freethinker, he scarcely enjoyed being called a schismatic or a heretic.

9. 19. **Authentic.** Gr. *αὐθεντικός*, warranted. Cf. *Eikon*. (Bohn. 1. 485): 'For it were extreme partiality and injustice, the flat denial and overthrow of herself, to put her own *authentic* sword into the hand of an unjust and wicked man,' etc.

9. 19. **No prohibited authors.** An allusion to the Church Fathers, against whose authority Protestant theologians rebelled. Milton himself had little respect for the Fathers. In a former treatise, *Prel. Epis.*, he had expressed his contempt in these words: 'They cannot think any doubt resolved, and any Doctrine confirmed, unless they run to that indigested heap and fry of authors which they call antiquity. Whatsoever time. or the heedless hand of blind chance hath drawn down from of old to this present, in her huge drag-net, whether fish, or seaweed, shells or shrubs, unpicked, unchosen, those are the fathers' (Bohn 2. 422). Cf. *To Rem. Hire*.

(Bohn 3. 38): 'The obscure and tangled word of antiquity, fathers and council fighting one against another.'

9. 20. **Orthodoxal.** This form is used in *Eikon*. (Bohn. 1. 385), and *Prel. Epis.* (Bohn 2. 428). Milton also used the word *paradoxal* in *To Rem. Hire.* (Bohn 3. 3).

9. 24. **All men naturally were borne free.** This favorite modern contention first found formal expression in the work of the Roman jurists who instituted the Justinian Code. Ulpian, the greatest of these lawyers, declared in treating of slavery that so far as pertains to natural rights, all men are equal (*Digest* 50. 17. 32); also by natural law all men are born free (*Institutes of Justinian* 1. 2. 2); the application of these principles to politics proper, however, dates back to the treatise of Nicholas of Cues, *De Concordantia Catholica*, the views of which he presented to the Council of Basel in 1565. Almost the exact phrases used by Milton are to be found in this influential and learned work. See Dunning, *Pol. Theories Ancient and Mediæval*, p. 273. This idea, thus stated by the jurists and by Nicholas of Cues, was given new life by the author of the famous treatise, *Vindiciæ Contra Tyrannos*. The author of this revolutionary tract says: 'Men are by nature free, impatient of servitude, prone to rule rather than to obey. It can only be for some great benefit that they renounce the law of their own nature to bear that of another. The inducement was the necessity of security, when the distinction between *meum* and *tuum* was introduced, when fellow-citizens began to quarrel for property, and neighboring nations for territory; then the people had recourse to a ruler to protect the weaker from the stronger, the nation from its neighbors' (*Digest* by H. Armstrong, *Eng. Hist. Rev.* 4. 31).

Even the earlier supporters of despotic principles, Barclay and Blackwood, for instance, accepted as a truism the theory that all men were naturally born free, so that Milton feels quite safe in saying that every educated man will agree with him on this point. This theory was to be contested, however, by Filmer in his *Patriarcha* in the very year this pamphlet was published, and later writers, such as Heylin, Mainwaring.

and Hobbes, were to set it at naught. But the pleasing assumption could not be argued out of existence, and, a century afterwards it found its way into the Declaration of Independence, and later still provided a favorite text for the orators of the French Revolution.

In *Eikon*. (Bohn 1. 455) Milton roundly declares: 'Men are by nature free; born and created with a better title to their freedom than any king hath to his crown.' See also *Ready and Easy Way* (Bohn 2. 138).

9. 25. **The image and resemblance of God.** See Gen. 1. 26.

9. 26. **By privilege above all the creatures.** See Gen. 1. 26, 28.

9. 28. **The Root of Adam's transgression.** See the story of the fall and its consequences, Gen. 3 and 4. Milton has in mind theological refinements on the simple story of Genesis, especially the doctrine of imputed sin. See his elaboration of this theme in *P. L.*, Book 10. Augustine, rather than Paul, emphasized the doctrine of imputed guilt, and paved the way for the endless disquisitions of Calvinists on original sin. Augustine and Gregory the Great were the first Christian teachers to advance the argument that human government was introduced among men on account of Adam's transgression. This view was held by the church until the time of Wycliffe. Thomas Aquinas was probably the first teacher to depart from this belief.

In a pamphlet published anonymously in London in 1644 (*Jus Populi*, pp. 42, 43) we come upon a passage which seems almost a paraphrase of Milton's thought: 'The nature of Man being depraved by the fall of Adam, miseries of all sorts broke in upon us in throngs, together with sin; inso-much that no creature is now so uncivile and untame, or so unfit either to live with or without societie, as Man.' Todd, in his *Life of Milton*, pp. 225, 226 (London, 1826), notes this pamphlet, and discusses whether Milton could have written it.

9. 12. **They agreed by common league.** This is the political theory made popular in later days by Rousseau and called by him the *Contrat Social*. For the source of this interesting idea we must go back to the writings of the



stoics. Lord Acton, in his essay entitled *History of Freedom*, p. 18, says: 'The notion that men lived originally in a state of nature, by violence and without laws, is due to Critias. Communism in its grossest form was recommended by Diogenes of Sinope. According to the Sophists there is no duty above expediency, and no virtue apart from pleasure. Epicurus said that all societies are founded on contract, for mutual protection.'

Among the French pamphleteers of the latter half of the sixteenth century, the social contract theory was very popular. It was such a stock idea that it is impossible to ascribe it to any one individual. It is deliberately made the foundation-principle upon which the *Vindiciæ Contra Tyrannos* rests.

Milton's idea of contract is that power is only temporarily surrendered, and may be recalled when abused. Suarez and other French theorists held that subjects by compact surrendered their rights once for all, and can never legally recover them. Thus they justified absolutism. Hobbes also adopted this idea: 'They that are subjects to a monarch, cannot without his leave cast off monarchy, and return to the confusion of a disunited multitude' (*Leviathan*, ed Morley, p. 85). It can be seen, therefore, that the ingenuity of the upholders of divine right tried to make even this democratic doctrine serve their own purposes.

For an exposure of the unhistorical character of this theory, see J. Bluntschli, *The Theory of the State*, pp. 276 ff.

10. 9. **His owne partial Judge.** Unduly favoring his own side in the controversy.

**Communicated and deriv'd.** He embodies in this phrase the idea of give and take. He insists upon the notion of a voluntary league or contract, and the derivative power of kings and magistrates. Thus the doctrine of the original contract and that of *jure divino* are placed in opposition.

10. 10. **For the eminence of his wisdom and integritie.** Cf. Buchanan, *De Jure*, p. 99: 'Now I imagine that the intention of the ancients in creating a king was, according to what we are told of bees in their hives, spontaneously to bestow the sovereignty on him who was most distinguished

among his countrymen for singular merit, and who seemed to surpass all his fellows in wisdom and equity.' Although Milton probably transcribed this view from Buchanan, he may have imbibed it from ancient writers, for Aristotle (*Politics*, Book 3) and others, following Herodotus, express the same thought. Among ancient writers Polybius (Book 6, Ch. 1) held that the earliest form of government was monarchy based on force. The early men submitted, like animals, to the guidance of the strongest and boldest. See Dunning, *Pol. Theories*, p. 115.

10. 13. **Magistrates.** Bodin lays down this definition: 'A magistrate is a publick officer, which hath power to command in a Commonweale' (*De Republica*, p. 293).

10. 13. **Not to be thir Lords and Maisters.** See Aristotle (*Politics* 3. 17. 2): 'It is manifest that, where men are alike and equal, it is neither expedient nor just that one man should be lord of all, whether there are laws, or whether there are no laws, but he himself is in the place of law.' Cf. *First Def.* (Bohn 1. 66).

10. 26. **Arbitrement.** The right or capicity to decide for oneself. Here, free choice. A word rarely used in Milton's day. Used more frequently since 1830. See *P. L.* 8. 641:

To stand or fall  
Free in thine own Arbitrament it lies.

10. 31. **Invent Lawes.** In this fanciful sketch Milton follows Buchanan in this argument: 'For when kings observed no laws but their capricious passions, and finding their power uncircumscribed and immoderate, set no bounds to their lusts, and were swayed much by favor, much by hatred, and much by private interest; their domineering insolence excited a universal desire for laws. On this account statutes were enacted by the people, and kings were in their judicial decisions obliged to adopt not what their own licentious fancies dictated but what the laws sanctioned by the people ordained' (*De Jure* p. 105).

Two theories were then prevalent as to the origin of law. Francis Hotman, in his *Franco-Gallia*, declares that law is

the result of the gradual growth of custom. The author of *Vindiciæ Contra Tyrannos* adopted the theory, which Milton upholds. See also Hooker, *Eccles. Polity* 1. 10.

10 (note). **While as the magistrate, etc.** This sentence is quoted from Cicero, *De Legibus* 3. 1: 'Ut enim magistratibus leges: ita populo praesunt magistratus: vereque dici potest, magistratum legem esse loquentem, legem autem, mutum magistratum.'

Aristotle was probably father of the saying. See *Politics* 4. 15. 4. In his turn Buchanan wrote: 'You see, then, that the magistrate derives his authority from the law, and not the law from the magistrate' (p. 193). A somewhat similar maxim is that of Étienne Pasquier in his reply to Macchiavelli's *Prince*: 'Les rois sont faits pour les peuples, et non les peuples pour les rois' (Henry Baudrillart, *J. Bodin et Son Temps*, p. 77).

In the *First Def.* (Bohn 1. 70) Milton gives a whole page to the amplification of the thought which is here dismissed in a line. He quotes Pindar, Orpheus, Plato, Aristotle, and Cicero to support the contention that the laws ought to govern the magistrates, as they do the people. His conclusion is that the institution of magistracy is *jure divino*, and the end of it is, that mankind might live under certain laws and be governed by them. See also *Observ. Art. Peace* (Bohn 2. 183).

11. 7. **Instalment.** Installation.

11. 8. **Upon these termes and no other.** Milton has the ancient practices of the French nation in mind. In the *First Def.* (Bohn 1. 107 ff.) he says: 'For not only Hottoman [Francis Hotman, author of *Franco-Gallia*], but Guiccard, a very eminent historian of that nation, informs us that the ancient records of the kingdom of France testify that the subjects of that nation, upon the first institution of kingship amongst them, reserved a power to themselves, both of choosing their princes and of deposing them again, if they thought fit; and that the oath of allegiance, which they took, was upon this express condition: to wit, that the king should likewise perform what at his coronation he swore to

do. So that if kings, by misgoverning the people committed to their charge, first broke their own oath to their subjects, there needs no pope to dispense with the people's oaths; the kings themselves by their own perfidiousness, having absolved their subjects.'

11. 9. **Bond or Covenant.** *Covenant* is the Biblical synonym for *bond*, or any solemn agreement. In ancient times a covenant was accompanied by a religious rite. Among the Hebrews the most important covenant was between the people and the Deity. The primitive form of the rite consisted in cutting sacrificial victims in pieces, between which the contracting parties passed. See Gen. 15. 17; Jer. 34. 18, 19. There are many instances of covenants in the Old Testament between God and man, and between man and man. The most celebrated instance of a covenant in modern history is that of the league of the Scots against the introduction of prelacy. See Introduction.

11. 9. **Those Lawes which they the people had themselves made, or assented to.** Cf. Buchanan: 'Our kings at their public inauguration solemnly promise to the whole people to observe the statutes, customs, and institutions of our ancestors, and to adhere strictly to that system of jurisprudence handed down by antiquity. This fact is proved by the whole tenour of the ceremonies at their coronation, and by their first arrival in our cities. From all these circumstances it may be easily conceived what sort of power they received from our ancestors, and that it was clearly such as magistrates, elected by suffrage, are bound by oath not to exceed' (*De Jure*, p. 158).

11. 13. **Counselors and Parlements.** Hotman speaks of 'the Common Council of the chosen men in the whole nation' (*Franco-Gallia*, p. 69).

11. 13. **Not to be onely at his beck.** The king calls parliament to meet. The Royalists contended that the later sessions of the Long Parliament were illegal, because it assembled without the king's consent. Milton argues that, whether with the king or without him, the parliament can meet to devise ways and means to care for the public safety.

He resents the imputation of monarchical writers that the parliament is the mere creature of the king.

11. 18. **Claudius Sesell.** Claude de Seyssel (1450—1520). For fifty years Seyssel was professor of law in the University of Turin. He was also bishop of Laon, later of Marseilles, and archbishop of Turin in 1517. He was also one of the most noted diplomats of his time, serving on various missions for Henry VII and Louis XII. Seyssel was a voluminous author. He translated classical authors and produced many theological works, but is remembered chiefly for his historical writings, the most important of which was *La Grand' Monarchie de France* (1519, in Latin 1548). He glorifies the *régime* of Louis XII, absolute in principle but moderate in practice.

Milton studied Seyssel's masterpiece very carefully. He was attracted to its pages because the Turin diplomatist laid great stress upon the power of the states-general, and emphasized the limitations of kingly prerogative. Milton stored up in the pages of his *Commonplace Book* choice passages from *La Grand' Monarchie de France*. The entry in the *Commonplace Book* (p. 33) is as follows: 'Rex Galliæ parliamenti sui perpetui decretis parare necesse habet, ut scribit Claudius Sesellius, quod ille frænum regis vocat; de repub. Gallor. l. 1: ad quaestores etiam publicos rationes expensarum regiarum referuntur: quas illi potestatem minuendi habent, si immoderatas vel inutiles esse cognoverint; ibid.' Seyssel, however, copied this saying from Plato. Hotman quotes Plato's words in *Franco-Gallia*, p. 69.

This comparison is repeated in *First Def.* (Bohn 1. 164), and in *Notes on Dr. Griffith's Sermon* (Bohn 2. 361): 'Parliaments, which by the law of this land are his bridle; in vain his bridle, if not also his rider.' For the general thought, the supremacy of parliament to the king, see *Eikon*. (Bohn 1. 360, 364).

11. 28. **German.** Bodin, *De Republica*, pp. 221, 236, supports this appeal to the history of Germany. He states that the sovereignty of the German empire lay in the hands of 'three or foure hundred men,' electors, princes, and ambassadors deputed for the imperial cities.

11. 28. **French.** See the section entitled *Rex Anglica*, etc. in the *Commonplace Book*, p. 32: 'Scotland was at first an elective kingdom for a long time : vide *Hist. Scot.* France an elective kingdom either to choose or to depose. Bernard de Gerard, *Hist. France*: faut noter che (sic) jusques a Hues Capet, tous les rois de France ont este eleuz par le Francois qui se reserverent ceste puissance d'elire e bannir e chasser leur rois.—By parliament of three estates, first then found out, Charles Martel was chosen Prince of the French. Bern. de Gerard, l. 2, p. 109, and Pepin King, l. 3, p. 134. Afterward Charles the Simple, though of the race of Charles the Great, depos'd and Robert crown'd in his stead by the French.'

**Aragonian.** Aragon, one of the chief divisions of Spain, formerly an independent kingdom. See *Commonplace Book*, p. 27.: 'I re Aragonesi non hanno assoluta l'autorita regia in tutte le cose. Guicciardin. l. 6, Hist. p. 347.'

The favorite formula of the pamphleteers was borrowed, not from England, but from Spain. In the words of the coronation oath administered to Aragonian kings, the people were guaranteed as many rights and more power than the monarch. It was as follows: 'Nos que valemus tanto come vos, os hazemos nuestro rey y senor con tal que nos guardeis nuestros fueros y libertades: y sino, no.' See Du Hamel, *Hist. Constitutionnelle de la Monarchie Espagnole* 1. 215. Hotman also describes the election, and gives the coronation oath in full (*Franco-Gallia*, p. 71).

12. 3. **William the Norman** (1066–1087). In his *Hist. of the Norman Conquest* (4. 802 ff.), Freeman makes no mention of the second oath-taking at St. Albans. Either Milton's memory or authority was at fault. The statement is repeated, however, in *First Def.* (Bohn 1. 163): 'When he broke his word, and the English betook themselves again to their arms, being diffident of his strength, he renewed his oath upon the Holy Evangelists to observe the ancient laws of England.'

17. 7. **Power of kings**, etc. No utterance in this pamphlet is more modern in tone than this sentence. Milton maintains that the people is sovereign by a fundamental and unalterable

law. He approaches modern utilitarian theories of government, but confuses natural and positive law. All talk of natural right is contradictory to artificial law. Milton and all political theorists of his day were at one in counseling obedience to the law of the state. The source of law, whether in king or people, was the point at issue. See J. N. Figgis, *Divine Right of Kings*, p. 241.

12. 10. **In whom the power**, etc. See a curious argument to the contrary in Walker, *Hist. of Indep.*, 2. 22, note.

12. 13. **Aristotle**. He is a tyrant who regards his own welfare and profit only, and not that of the people (*Ethics*, Book 10). The definition of the good king is to be derived from this. Cf. Aristotle's definition of tyranny: 'Tyranny is just that arbitrary power of an individual which is responsible to no one, and governs all alike, whether equals or betters, with a view to its own advantage, not to that of its subjects, and therefore against their will' (*Politics* 4. 10. 4).

12. 17. **Sovran Lord, naturall Lord**. Kings and nobles.

12. 18. **Arrogancies, or flatteries**. These titles are either assumed because of pride, or bestowed by courtesy.

12. 21. **Tertullian**. Date of birth and death unknown. It is conjectured that he was born between A. D. 150 and 160, and that he died between A. D. 220 and 240. He was born at Carthage. He was the first of the great Latin Fathers, and chief among them in vigor of style and acuteness of mind. He was the first to create a technical Christian Latinity, and is known almost entirely through his writings.

In the *First Def.* (Bohn 1. 80), the teaching of Tertullian here referred to is quoted in full.

12. 24. **Against the advice**, etc. See 1 Sam. 8.

12. 25. **Wise authors**. In *First Def.* (Bohn 1. 32) we have it on the authority of Aristotle and Cicero 'that the people of Asia easily submit to slavery, but the Syrians and the Jews are even born to it from the womb.'

Milton probably first met this idea in the pages of Buchanan: 'For as the nations of Asia discover greater servility of mind than the Europeans, so they will submit with greater facility to the commands of tyrants; and, hence there is not, as far

as I know, mention anywhere made in historians of a king subject to laws in Asia' (p. 163).

12. 30. **Chattell.** See Hotman, *Franco-Gallia*, p. 27, who quotes Pliny to this effect.

12. 34. **Courtesie.** A law-term. An estate was sometimes held by the *courtesy* of England or of Scotland. Strictly speaking, it was a tenure by which a husband, after his wife's death, holds certain kinds of property which she has inherited, the condition varying with the nature of the property.

13. 1. **Convenience.** A law-term. A written agreement or covenant.

13. 5. **For crimes proportionall.** The modern phrase would be, *for corresponding crimes*.

13. 11. **Kings are accountable to none but God.** The first implication of the theory of divine right. Salmasius gathered up all the arguments that had ever been adduced in support of this tenet. He defined a king to be a person in whom the supreme power of the kingdom resides, who is answerable to God alone, who may do whatsoever pleases him, who is bound by no law. Milton's lengthy and crushing reply to this doctrine is to be found in the second chapter of the *First Def.* (Bohn 1. 30-60). Even Calvin asserted that, however wicked a ruler might be, he was responsible to God alone, See 8. 12, and Calvin's *Institutes* 4. 20. 30. For an exposition of Calvin's teaching on this point, see Gooch, *Hist. of Democratic Ideas in the 17th Cent.*, pp. 6 ff.

13. 18. **As how many of them doe not.** This phrase, it would seem, was intended to be a forceful parenthesis. Proper punctuation would give this reading: 'For if the King feare not God—as how many of them doe not?—we hold then our lives and estates,' etc.

13. 23. **Those Pagan Caesars, that deif'd themselves.** Early in the reign of Augustus the Roman Senate deified the defunct Julius Cæsar. Even in the lifetime of Augustus the cult of the emperor was established, temples were raised in his honor, and priests and rituals dedicated to his worship.



14. 6. **See Ps. 51. 4.** Milton objects to the royalist interpretation of this text. Of all the wrestings of Scripture in that age surely this is the *locus classicus*. Because David confessed sin only against God, it was held that he was not accountable to his subject Uriah, and therefore no king is required to answer for his sins to his people. That Milton considered it necessary to meet this argument shows its power of appeal even to serious men of the period. Salmasius dwelt upon it, and in *First Def.* (Bohn 1. 50), Milton's ample treatment of the text may be found.

14. 8. **Uriah.** Husband of Bathsheba. See 2 Sam. 11.

**Adulterate.** This verb is not used in Milton's verse. It was probably coined by him. The equivalent phrase is *to commit adultery*.

14. 11. See Deut. 17. 20: 'That his heart be not lifted up above his brethren.'

14. 18. **Patheticall words of a Psalm.** Pathetical means emotional or poetical. Cf. *First Def.* (Bohn 1. 51): 'The words of a Psalm are too full of poetry, and this Psalm too full of passion, to afford us any exact definitions of right and justice.'

14. 22. **Euripides.** (B. C. 480–406). The passage quoted is from a speech by King Demophoon in the *Heraclidæ*:

For I rule not here  
With boundless power, like a barbarian king;  
Let but my deeds be just, and in return  
Shall I experience justice.

Milton himself translates the passage in *First Def.* (Bohn 1. 127): 'I do not exercise a tyrannical power over them, as if they were barbarians: I am upon other terms with them; but if I do them justice, they will do me the like.' Many other passages from the Greek poets are also quoted in the same chapter.

14. 26. **Trajan, the worthy Emperor** (98–117). 'More fortunate than Augustus, and better than Trajan' was a proverbial expression in the later days of the Roman Empire.

14. 29. Thus Dion relates. Dio Cassius Cocceianus (b. 155; d. ?) A celebrated historian who published a Roman history in eighty books. The story is thus translated by H. B. Foster:—'Indeed when he first handed to him who was to be prefect of the Prætorians the sword which the latter was required to wear by his side, he bared the blade, and holding it up said: Take this sword, to the end that if I rule well, you may use it for me, but if ill, against me' (Cassius Dio, *Roman History* 5. 195). Buchanan, in his *Hist. of Scotland*, trans. by John Watkins (1. 20. 501), relates this story.

Grotius also uses this quotation, but says that Trajan wished to avoid assuming kingly authority, and to be a true governor (*Princeps*), and as such was subject to the will of the senate and people, whose commands the prefect was to execute even against the prince (*De Jure Belli et Pacis* 1. 4. 5).

14. 30. Theodosius the Younger (408–450). An amiable but weak ruler. In his reign and that of Valentinian III was made the compilation called *Codex Theodosianus*. It was published in 438, and consists of sixteen books.

Buchanan ascribes to Theodosius and Valentinian, whom he praises as two illustrious emperors, the following words: 'It is an expression worthy of the sovereign's majesty, to confess that the prince is bound by the laws. And, in reality, the imperial dignity is exalted by subjecting the prince's power to the laws; and that we announce, by the oracle of the present edict, which specifies what licence we do not allow to another. These sentiments were sanctioned by the best of princes and cannot but be obvious to the worst' (*De Jure Regni*, p. 192). Milton probably drew his illustration from this source, as he uses the phrase *one of the best* in imitation of Buchanan. No doubt Milton also read the following sentence in Buchanan's *Hist. of Scot.* (1. 20. 501): 'Even Theodosius, a good emperor in bad times, would have it left recorded amongst his sanctions and laws, as a speech worthy of a monarch, and greater than his dominion itself, to confess, that he was inferior to the laws.' Cf. *First*

*Def.* (Bohn 1. 130): 'Indeed if we must believe the oracles of the emperors themselves, for so some Christian emperors, as Theodosius and Valens, have called their edicts (Cod. lib. 1. tit. 14), the authority of the emperors depends upon that of the law.'

15. 2. **Remains yet unrepeald.** Cf. *Eikon*. (Bohn 1. 488): 'For it was decreed by Theodosius, and stands yet firm in the code of Justinian, that the law is above the emperor, then certainly the emperor being under the law, the law may judge him; and if judge him, may punish him, proving tyrannous: how else is the law above him, or to what purpose?'

**The Code of Justinian.** Justinian, Emperor of Rome (482-565).

The Theodosian code of laws was commenced by order of Theodosius II in 429, and published for the eastern empire in 438. In 447 he transmitted to Valentinian his new constitutions, promulgated as the law of the West in 448. The celebrated code of the Emperor Justinian appeared in 529, and to this was added the Digest, the Institutes, and the Novels in 534. It was compiled by a commission appointed by the emperor, and was a compendium of statute law gathered from two thousand volumes. It is a document as much mediæval as ancient in tone. Its fundamental idea is that of a uniform single state existing on a Christian basis. It was an attempt on the part of the best jurists of the Roman Empire to combine the *jus civile*, a body of rules pertaining to the property and family rights of Roman citizens, and the *jus gentium*, a body of law built up by the prætors in the provinces and applying to non-citizens.

15. 3. **Justinian Code.** Lib. 1. tit. 24 is as follows: 'Constitutionibus principum continetur, ut pecuniæ, quæ ex detrimento solvitur, usuræ non præstentur: et ita imperatores Antoninus et Verus Augusti rescripserunt his verbis: Humanum est reliquorum usuras neque ab ipso, qui ex administratione honoris reliquatus est, neque a fidejussore ejus, et multo minus a magistratibus, qui cautionem acciperint, exigi, cui consequens est, ut ne in futurum a forma observata discedatur.'

15. 23. **These words confirme us**, etc. Filmer criticises this sentence severely: 'But can the foretelling or forewarning of the Israelites of a wanton and wicked desire of theirs, which God himself condemned, be made an argument that God gave or granted them a right to do such a wicked thing?' (*Observations Concerning the Original of Govt.*, p. 20). See Hooker, *Eccles. Polity*, Book 8: 'Heaps of Scripture are alledged, concerning the solemn coronation or inauguration of Saul, David, Solomon and others, by nobles, ancients, and the people of the Commonwealth of Israel.'

15. 28. **Displeasd him**. 1 Sam. 8. 7.

15. 32. **Reserv'd to himself the nomination**. See 1 Sam. 9. God revealed to Samuel Saul's coming, and his divine appointment to the kingdom. Buchanan also discusses the deposition of Samuel and the answer of God to the Israelites when they asked for a king (see *De Jure*, p. 163).

16. 2. **David first made a Covnant**. See 1 Chron. 11. 3; 2 Sam. 5. 3. Filmer says: 'As for David's covenant with the elders when he was anointed, it was not to observe any laws or conditions made by the people, for ought appears; but to keep God's laws and serve him, and to seek the good of the people, as they were to protect him' (*Concern. Orig. of Govt.*, p. 22).

16. 4. **Jehoiada**. See 2 Kings 11. 17. The covenant between Jehoiada and the Israelites was the model set up in *Vindiciæ Contra Tyrannos*. The contract between Jehoiada and the people was made with God; on the divine side protection was promised, on the part of the king and people maintenance of the true religion. The people were absolved from allegiance to the king by their duties to God the overlord, if the king should violate the covenant by persecuting the true religion. For further treatment of this stock incident see *First Def.* (Bohn 1. 46, 93, 96). Filmer, in an ingenious attempt to explain away a troublesome piece of Scripture, says: 'It is not likely the king should either covenant, or take any oath to the people when he was but seven years of age, and that never any king of Israel took a Coronation-oath that can be shewed: when

Jehoiada shewed the king to the rulers in the house of the Lord, he took an oath of the people: he did not article with them' (*Concern. Orig. of Govt.*, p. 28).

16. 6. **Roboam.** Rehoboam, the foolish son of Solomon. See 1 Kings 12. 16. The text is not quoted in full here.

16. 11. **Deposd Samuell.** The people of Israel did not actually depose Samuel (see 1 Sam. 8. 1-6). His sons were Joel and Abiah. 'They turned aside after lucre, and took bribes, and perverted judgment' (1 Sam. 8. 3).

16. 20. **Livy.** Titus Livius (B. C. 59—A. D. 17). The most popular of the Roman writers of history. He recounted the history of Rome in 142 books, from the foundation of the city to the death of Drusus (A. D. 9).

**Tarquinius.** L. Tarquinius Superbus (B. C. 534—510). An early tyrant of Rome, who abolished rights conferred upon the plebeians by his predecessors, and who put to death, or drove into exile, all senators or patricians whom he disliked, or whose wealth he wished to seize.

16. 22. **Numa.** Numa Pompilius. The ideal king of the early days of Rome, revered by the Romans as the author of their whole religious worship. He is supposed to have reigned forty-three years. In the opening sentences of his second book, Livy alludes to the expulsion of Tarquinius and the successful insurrection of Brutus. Cf. the treatment of this historical example in *First Def.* (Bohn 1. 128).

16. 27. This text is quoted and explained in *First Def.* (Bohn 1. 95).

16. 30. **Owning the thing himself.** 1 Kings 12. 24. For this thing is from me. God countenances the insurrection of the people against a tyrant. A telling argument from Milton's point of view.

**Not by single providence.** God does not oppose Rehoboam directly, but by the use of secondary agents, Jeroboam and the insurrectionists. God approves not only the rebellion, but the occasion also.

17. 3. **Those grave and wise Counselors.** 1 Kings 12. 6-8.

17. 5. **Our old gray headed Flatterers.** A forceful comparison. Charles I did not lack advisers who urged him to stand upon his prerogative, maintain divine right, and scorn to capitulate to the rebel parliament. Some of the older advisers were Lord Jermyn, Lord Digby, the Earl of Holland, and the Marquis of Hamilton.

17. 8. **Unless conditionally.** The Israelites regarded the king's tenure as *jure divino* only on condition of good behavior.

17. 10. **Therefore Kingdom and Magistracy,** etc. Later editors begin a new paragraph here. In this and the following paragraph we have a specimen of Milton as a wrestler of texts. He is making an ingenious but labored effort to combine Petrine and Pauline dicta into an argument that Christians are obliged to obey only those magistrates who use their power to good ends.

17. 11. **1 Peter 2. 13.** This and Rom. 13. 1 were the great New Testament texts, always quoted by royalists, and always explained away by republican writers. Milton is here following the example of all his predecessors. As early as 1558 Christopher Goodman advanced the same exegesis in his *How Superior Powers ought to be Obeyed*, p. 114. Milton expatiates on this text in *First Def.* (Bohn 1. 68).

17. 16. Rom. 13. 1. In *First Def.* (Bohn 1. 68-73) he spreads his exegesis over five pages. For there is no power but of God: that is, no form, no lawful constitution of any government. The apostle speaks only of a lawful power. A still later comment is to be found in his *Civ. Power in Eccles. Causes* (Bohn 2. 530, 531): 'The apostle in this place gives no judgment or coercive power to magistrates, neither to those then, nor these now, in matters of religion.' For a dexterous treatment of this text from the monarchical point of view, see Filmer, *Patriarcha*, p. 88.

17. 19. **Else it contradicts Peter.** 1 Peter 2. 13.

17. 21. **Els we read of great power,** etc. In his exposition of Rom. 13. 1, Goodman brings forward the same argument (*How Superior Powers ought to be Obeyed*, p. 110).

17. 27. **The thirteenth of the Revelation.** Rev. 13. 2.

18. 4. **Not a terror to the good.** Cf. Goodman: 'And that the Apostle Paule dothe so restrayne his wordes to all lawfull powers, we nede not to seke far of. For in the self same Chap. after he dothe expounde his mynde: that is, what powers and Magistrates he meaneth: Such (saith he) as if thou doest well, thou needest not to feare, but if thou doest evel' (*How Sup. Powers ought to be Obeyed*, p. 111).

18. 6. **If such onely**, etc. A new paragraph should begin here.

18. 13. **In termes not concret but abstract.** In his interpretation of Rom. 13, Chrysostom makes a distinction between authority *in abstracto* and *in concreto*. The apostle says nothing of exceptions, but states a general principle.

Buchanan provided the seed-thought for this argument (*De Jure*, p. 166): 'Paul therefore does not treat of the magistrate but of the magistracy, that is of the function or duty of the person who presides over others, nor of this or of that species of magistracy, but of every possible form of government.'

18. 21. **Chrysostome.** An eminent Father of the Church (347-407).

Buchanan cites the opinion of Chrysostom, quoting this passage from Homily 23: 'For these passages of Paul's relate not to a tyrant, but to a real and legitimate sovereign, who personates a genuine God upon earth, and to whom resistance is certainly resistance to the ordinance of God' (*De Jure*, p. 166).

18. 21. **On the same place dissents not.** Chrysostom does not mention the word tyrant in his homily on Rom. 13. Compare the quotation from Chrysostom in the *First Def.* (Bohn 1. 69).

18. 28. **Immediately of God.** Alluding to the doctrine of divine right. See *The True Law of Free Monarchies*, by James I. For Charles the First's views on this question see his controversy with Rev. Alex. Henderson, the famous Scotch preacher, at Newcastle, as related by Neale (2. 27-30). In *First Def.* (Bohn 1. 48) Milton expands this sentence into a page.

18. 30. **Onely when the people chose them.** Filmer boldly denies that the Israelites had the right to choose their kings,

and cites Hooker in support of his statement (*Patriarcha*, p. 46).

18. 33. **The casting down of Princes.** See Job 12. 18, 19, 21, 24; Ps. 2, 107. 40; 149. 8.

19. 13. **Demerit.** That which is merited, especially for ill doing; punishment deserved.

19. 13. **Thus farr hath bin considered.** A summary of the argument. He has laid down these principles:

1. The kingly power was originally in the people.
2. This power was conferred upon kings only on condition of good behavior.
3. The people retained the right to reassume or to transfer it, if the public good so required.

19. 22. He has now paved the way for his definition of a tyrant.

19. 27. **Thus St. Basil.** See *Commonplace Book*, p. 31: 'And *Basil* distinguishes a tyrant from a K. briefly thus, τοῦτο γὰρ διαφέρει τύραννος βασιλέως ὅτι ὁ μὲν τὸ ἑαυτοῦ πανταχόθεν σκοπεῖ, ὁ δὲ τὸ τοῖς ἀρχομένοις ὠφελίμων ἐκπορίζει. Tom. i. 456.' The idea that a tyrant views as his own that which comes from all sources is also the basis of Aristotle's definition. See 12. 16. Buchanan compares a good king with a tyrant in the following phrase, following Aristotle: 'For the one exercises his power for the benefit of the people, and the other for his own' (*De Jure*, p. 143). Aristotle's definition has also filtered through Thomas Aquinas to Sir John Fortescue: 'For tyrant (tyrannus) is so called a *tyro*, that is, *strong*, or *angustia*, as though by his strength straitening his subjects; and a tyrant, according to St. Thomas in his aforesaid book, *De Regimine Principum*, is a prince who rules for his own pleasure, and not for the good of his people' (*Works of Sir John Fortescue*, ed. by Lord Clermont, p. 220).

Milton quotes St. Basil for his definition of a tyrant, but he could not range any definite deliverances of the early Fathers on his side of the controversy. 'Without a single exception, all who touched upon the subject pronounced active resistance to the established authorities to be under



all circumstances sinful. If the law enjoined what was wrong, it should be disobeyed, but no vice and no tyranny could justify revolt. . . . So harmonious and so emphatic are the patristic testimonies on this subject, that the later theologians who adopted other views have been utterly unable to adduce any passages in their support' (W. E. H. Lecky, *Hist. of the Rise and Influence of Rationalism in Europe* 2. 137). See also Grotius, *De Jure Belli et Pacis*, lib. 1. cap. 4.

After criticizing this definition severely, Filmer declares that Milton 'doth himself give as little regard to the laws as any man.' He quotes Milton's phrase 'their gibrish laws,' and 'a disputing presidents, forms and circumstances,' to prove that the hater of tyrants is like a tyrant himself (*Concern. the Orig. of Govt.*, p. 30 ff.). Cf. Milton's own definition of a tyrant in *Apol. Smect.* (Bohn 3. 163), also in *Sec. Def.* (1. 224).

19. 33. **Look how great a good**, etc. This comparison between a good king and a tyrant is worked out with more detail in *Sec. Def.* (Bohn 1. 224). In his *De Republica*, a book which was diligently read by Milton, Jean Bodin draws a comparison between a tyrant and a good king in a sentence over fifty lines in length (p. 212).

20. 1. **Against whom what the people lawfully may doe**, etc. The most important question in Milton's day was this, 'Is it lawful to kill a tyrant?' This question was the title of a chapter in the celebrated book *De Rege et Regis Institutione* by Mariana, the Spanish Jesuit, in 'An tyrannum opprimere fas sit?' (Lib. 1, Ch. 6.) Mariana approved the assassination of Henry III of France by the young Dominican, Clement (*ib.* p. 69).

Milton follows Bodin in the course of his thought. See *De Republica* (Book 2, chap. 4).

20. 11. **As thir prime Authors witness**. For a full discussion of this topic, and the citation of Greek and Roman authors in praise of tyrannicide, see Appendix. In one of his earliest prose writings, *Apol. Smect.* (1642), Milton spoke of 'those exploits of highest fame in poems and panegyrics of

old,' alluding to 'those ancient worthies who delivered men from tyrants.' (Bohn 3. 147).

20. 13. **Statues and garlands.** Cf. *Sec. Def.* (Bohn 1. 217).

20. 17. **Seneca the Tragedian.** Seneca, Lucius Annæus (circa 4 B. C.—65 A. D.). The famous Stoic philosopher. His works consist of treatises and epistles. The tragedies ascribed to him are of doubtful authenticity.

**Hercules.** He is fabled to have conducted an expedition of vengeance against Laomedon, tyrant of Troy. Laomedon, with all his sons except Podarces, was slain. In a later struggle, Hercules killed Theodamas, king of the Dryopes.

20. 19. The quotation is from Seneca's tragedy, *Hercules Furens*, ll. 922—924. These lines are also quoted in *First Def.* (Bohn 1. 131). Jean Gerson, Chancellor of the University of Paris, was one of the first writers on political theory to quote this passage from Seneca.

20. 28. **Among the Jews,** etc. Milton follows the example of Buchanan, who, in resorting to Scriptural instances, bluntly says: 'Let us examine where the Scripture grants us a license to murder princes with impunity' (*De Jure*, p. 170).

20. 29. **Ehud. Eglon.** See Judges 3. 15—26.

21. 1. **It imports not.** It is of no consequence.

21. 4. **All the Covenants and Oaths.** Coronation pledges. 'Nor can we see why it should be expected a new Engagement could prevail on them, or oblige him more strongly to the Kingdom, then the Solemn Oaths of His Coronation, and the several other Vows, Protestations, and Imprecations so frequently by him broken, during His whole reign, and so often renewed before God and the whole world. Remind him that the Articles he signed with the Scots at the close of the first Pacification he disavowed and had them burnt by the Hangman at London' (*A Declaration of the Commons of England touching no farther Address or Application to be made to the King*. In *Civil War Tracts*, vol. 21, Yale Library).

21. 8. **An outlandish King.** A foreign ruler. Cf. 'What even a Solomon did for Outlandish Idolatrous wives' (*Scripture and Reason*, etc., p. 72).

23. 25. **Contempt of all Laws and Parliaments.** For the relations between the King and Parliament, see Green, *Short Hist. Engl. People*, chap. 8.

21. 19. **A boasted prerogative unaccountable.** In English constitutional history a prerogative means a prior, exclusive, or peculiar right or privilege. The Stuarts claimed special preeminence, by right of regal dignity, over all persons, a sovereign right (in theory) subject to no restrictions or interference. This assertion of unaccountability to Parliament or people was of course hotly contested by Milton and his party. An interesting modern survival of the royal prerogative is the right of the king of Great Britain to give condemned murderers a reprieve. Cf. *Eikon*. (Bohn 1. 347): 'Those fine flowers of the crown, called prerogatives'; *ibid.* (Bohn 1. 414): 'Mere prerogatives, the toys and gewgaws of his crown'; *Sec. Def.* (Bohn 1. 224).

Two expositions by contemporary writers may serve to throw more light on this elastic word. Thomas Cary, in his *Mem. of the Great Civil War in Eng.* says (Intro., p. 21): 'What then if he (the king) shall close up, by this prerogative, the avenues of justice, and screen the offenders from punishment, so perpetuating abuses, and giving wider scope for their arbitrary proceedings'?

In *A Political Catechism*, printed by order of the House of Commons in 1643 (p. 7), we read that the king claimed the following privileges or prerogatives:—'Power of treaties of war and peace, of making Peers, of choosing Officers, and Councillours for State, Judges for Law, Commanders for Forts and Castles; giving Commissions for raising men to make Warre abroad, or to prevent or provide against invasions and insurrections at home, benefit of Confiscations, power of pardoning and some other like kinds are placed in the king.'

Towards the close of the century John Locke defined prerogative as 'That measure of power which the nation concedes to its ruler, and the nation may either extend or restrict it' (*Treatise on Civil Government*, chap. 18).

21. 20. **After sev'n years warring.** The Civil War (1642–1649).

21. 21. **Overcom, and yeilded prisoner.** Alarmed by the march of Fairfax, the king escaped from Oxford in May, 1646, and voluntarily placed himself in the hands of the Scotch army-leaders in the camp near Newcastle. He was regarded by the Scots as their prisoner.

21. 22. **In respect of whom.** By whose instrumentality.

21. 25. **Crying for vengeance.** It was a widespread belief among ancient peoples that the ghost of a murdered man, whose body lay unburied, could not find rest until interment had taken place. Relatives of the dead were visited by the unhappy spirit, and made aware of their duty. It was considered not only as an impious dereliction of duty, but as a provocation to the spirit-world, to deny such a request. The voice of Abel's blood crying from the ground for vengeance upon Cain is a familiar instance.

In Milton's time, *Carcass* was employed in the same sense as corpse.

21. 27. **Who knows not, etc.** It is necessary to go back to the beginning of the previous long sentence to retain the sequences of thought.

**In respect of whom.** In comparison with.

21. 28. **To the second** (argument). See 23. 8. Ehud, so the royalists declared, was (1) a foreign prince, (2) an enemy, and (3) Ehud, besides, had special warrant from God.

22. 20. **Eglon.** The king of Moab. See Judges 3. 14: 'So the children of Israel served Eglon the king of Moab eighteen years.'

22. 22. **William the Conqueror.** Reigned twenty-one years (1066–1087).

22. 24. **Oaths of Fealty and Allegiance.** The oath of *fealty* was a practice of the age of feudalism by which a vassal took an obligation, called *fidelitas*, or fealty, to his lord. The nobles also took a similar pledge to a new-made king.

*Allegiance* was the relation or duties of a liege-man to his liege-lord. We still speak of the oath of allegiance,

referring to the obligation of a subject to his sovereign or government.

22. 26. **Homage and present.** In feudal law homage was the formal and public acknowledgment of allegiance, wherein a tenant or vassal declared himself a man of the king or lord of whom he held, and bound himself to his service. Homage was usually rendered annually, and was expressed by a money-payment, a present, or some kind of personal service.

The present sent by Ehud to Eglon was probably a money-payment. Judges 3. 15.

22. 27. The third argument is now taken up. See 25. 10.

22. 29. **Raysd by God to be a Deliverer.** Milton draws a delicate distinction between a tyrant-killer with a special warrant, and one raised by God to be a deliverer.

22. 34. **Agag.** See 1 Sam. 15. 33. Next to the deed of Ehud, the republican writers prized the story of Samuel's killing of Agag.

**A forren enemie no doubt.** A sarcastic reference to the quibble discussed above. See 23. 9. Dr. Gauden wisely remarks: 'For that of Samuel's severity against Agag, you know that neither is the King an Agag to you, nor you as Samuel to him' (*Religious and Loyal Protestation*, p. 7).

23. 1. **As thy sword,** etc. 1 Sam. 15. 33.

23. 7. **Jehoram.** A son of Ahab, slain by Jehu. See 2 Kings 9. 24. Cf. *First Def.* (Bohn 1. 96).

23. 8. **Imitable.** Deserving of imitation.

23. 16. **David refus'd to lift his hand.** Milton follows Chris. Goodman and others in this interpretation. Goodman says: 'This beinge then David's owne private cause, it was not lawfull for him in that case to seke his owne revengement: especially in murtheringe violently his anoynted kinge, and the anoynted of the Lorde. For it is not written of Saule, that he was an idolatrer or constraigned his people to worshippe stronge Godes' (*How Superior Powers ought to be Obeyed*, p. 139). Cf. *First Def.* (Bohn 1. 90). In *Eikon*. (1. 486) three different meanings of the phrase are stated. On Milton's use of Scripture see Introd.

23. 17. **The matter between them was not tyranny.** The implication is that Saul was a tyrant. Royalist writers insisted that Saul was no tyrant: Saul lost his kingdom, but not for being cruel or tyrannical to his subjects, but by being too merciful to his enemies (Filmer, *Patriarcha*, pp. 84 ff).

23. 24. **To Christian times.** The points raised here are all developed and enlarged in *First Def.* (Bohn 1. 60 ff.). Salmasius advanced the following arguments in favor of the theory of divine right: (1) Christ himself suffered the assaults of tyrants without resistance; (2) Render unto Caesar, etc. Luke 20. 25; (3) The princes of the Gentiles exercise lordship, etc. Mk. 10. 42; (4) Peter's dictum, 1 Pet. 2. 13; (5) Paul's dictum, Rom. 13. 1. In this paragraph, Milton deals with only one of the above points. The opening sentence of the paragraph would lead us to expect an exhaustive treatment of the New Testament field. See *Introd.*

23. 30. **Benefactors.** See Luke 22. 25: 'They that exercise authority upon them are called benefactors.'

24. 2. **They that seem to rule.** The meaning of Jesus in Matt. 20. 25, and its parallels, Mk. 10. 42 and Luke 22. 25, is forced here. Jesus said nothing in criticism of the Gentile rule. He was simply using it as an illustration. Milton makes much of the phrase in Mark 10. 42, *οἱ δοκοῦντες ἄρχειν*, those who are reputed to rule, who have the title of rulers. There may be an insinuation here that the Gentile rulers are not really those who rule, that God is the supreme ruler, but it is very questionable if Jesus had any other end in view than to contrast his kingdom of humility and service with the kingdom of the Roman world. If we press the criticism of Gentilism, his own parallel breaks down.

The argument is presented with much greater cogency in *First Def.* (Bohn 1. 66).

24. 8. **That fox.** See Luke 13. 32. Herod Antipas.

24. 10. **In her profetic song.** See Luke 1. 52.

24. 11. **Dynasta's or proud Monarchs.** 'He hath put down the mighty from their seats, and exalted them of low degree.'

The word used by Milton is the *δυνάστας* of the Greek version. See also Acts 8.27, for the use of this word. There *δυνάστης* is translated, 'a man of authority.'

24. 16. A new paragraph should begin here. This is the author's point of departure from the New Testament argument.

24. 17. **Both hate and fear**, etc. He began his pamphlet with this assertion. See 1. 13.

24. 18. **The true Church**. An ambiguous phrase to Milton's readers.

24. 19. **Subverters of Monarchy, though indeed of tyranny**. A somewhat obscure statement. Tyrants call the true church and saints of God (Milton and his party) enemies and subverters of monarchy, but they are not really so: they oppose not monarchy, not good kings, but tyranny.

24. 21. **The perpetual cry of Courtiers, and Court Prelates**. From the days of Queen Elizabeth the court-party had been jealous of the growing power of the Puritans. In the first year of Queen Elizabeth's reign all preaching was forbidden for a time. Marsden says that the mischievous introduction of state-affairs into the popular harangues of the sectaries seemed to the queen to threaten the safety of the country and the stability of her throne (*Hist. of Early Puritans*, p. 103). The queen's subsequent severe policy towards the Puritans, and the establishment of the Court of High Commission by her at Archbishop Whitgift's suggestion, bear out Milton's assertion. 'No bishop, no king!' was the adage of King James I, when he mounted the throne of England. He and the prelates made common cause against the forces of Puritanism. In the ecclesiastical fabric of Calvinism, in its organization of the church, in its annual assemblies, in its public discussion and criticism of acts of government through the pulpit, he saw an organized democracy which threatened his crown. 'The new force which had overthrown episcopacy in Scotland, was a force which might overthrow the monarchy itself' (Green, *Short Hist. Eng. People*, chap. 8).

25. 15. **St. Edward**. Edward the Confessor (1004(?)—1066).

25. 16. **Earle of the Palace**, etc. See *Commonplace Book*,

p. 29. 'An office to correct the King. The Earl of Chester bare the sword of St. Edward before the K. in token that he was Earle of the Palace, and had authority to correct the K. if he should see him swerve from the limits of justice. *Holinsh.* Hen. 3. 219; this sword is called by *Speed Curtana*, p. 603, Rich. 2.' The reference to Holinshed is untrustworthy. See *Chronicles* 2. 341, 349. For the reference to Rich. and II, see John Speed, *Hist. of Gr. Britain*, p. 728. Cf. *First Def.* (Bohn 1. 174).

Some of the most interesting passages in such chronicles as those of Roger de Wendover and Matthew Paris are the descriptions of coronation-proceedings.

24. 18. **Matthew Paris** (1200(?)–1259). Monk of St. Albans. In 1236 Matthew succeeded Roger of Wendover as chronicler of the convent, carrying on the *Chronica Major* to the year of his death. Milton's eulogy is confirmed by modern historians. 'In vigour and brightness of expression he stands before every other English chronicler, and in these respects his writing is in striking contrast to that of his immediate predecessor, Roger de Wendover' (*Dict. Nat. Biog.*).

24. 24. **The very discipline of Church.** The discipline of the Presbyterian and Independent churches was framed on democratic principles. Each member had a voice in calling or deposing a minister, and in electing officials; all members were on a footing of equality, even the minister in the Presbyterian Church, although moderator of the session, was called simply a ruling elder. Universal suffrage has always obtained in the nonconformist churches.

24. 31. **Ludovicus Pius.** Lewis the Pious, Frankish emperor (814–840). A weak but thoroughly conscientious ruler.

25. 1. **Charles the Great** (742–814).

**Du Haillan.** Bernard de Gerard, Seigneur du Haillan (1535–1616). After a successful diplomatic and literary career, he was made counsellor of Charles IX, and historiographer of France. His most important work was his *Histoire Générale des Rois de France* (1576). Du Haillan criticised the methods of the chroniclers, and attempted to write a history after the manner of the ancients and the Italians. He discarded a vast



number of legends, but retained the trick of making speeches for his characters.

The quotation was transferred from the *Commonplace Book* (p. 31): 'Ludovicus Pius, being made judge of a certain German tyrant, approves the people who had depos't him and sets his younger brother up in his stead. Gerard, *Hist. France*, l. 4, p. 248.' See also entry in *Commonplace Book*, p. 27: 'The cause and reason of creating Kings, see well express'd in Haillan, *Hist. France*, l. 13, p. 719.'

25. 2. **Milegast.** A king of the Vultzes or Wiltzi, a Slavonic tribe who lived east of the Elbe, in the district now known as Prussia. They were originally conquered by Charlemagne.

25. 9. **Constantinus Leo.** Leo the Isaurian (717-740).

25. 10. **The Byzantine Laws.** The emperor Leo was responsible for a revision of the Justinian Code, which in his time had become unintelligible. It was abridged and translated, in order to meet the requirements of the needs and customs of later times. Basil I (867-886), in his turn, made another revision of the Justinian Code, which superseded the Ecloga of Leo the Isaurian. In the *Commonplace Book* (p. 26), Milton quotes Leo from the Byzantine laws as they were finally arranged by Basil I: 'Officium et definitio imperatoris egregia est: Jus Graeco-Romanum, l. 2, p. 178, ex lib. de jure qui est Basil. Constant. Leonis ubi ait τέλος τῶ βασιλεῖ τὸ εὐεργετεῖν καὶ ἠνικὰ τῆς εὐεργεσίας ἐξατονήση δοκεῖ κибδηλεύειν τὸν βασιλικὸν χαρακτῆρα.'

25. 19. **To mind them, saith Matthew Paris.** In his account of the ceremonies at the marriage of Henry III to Eleanor, daughter of the Count of Provence, Matthew Paris says: 'The nobles, too, performed the duties, which by ancient right and custom, pertained to them at the coronation of kings. In like manner some of the inhabitants of certain cities discharged certain duties which belonged to them by right of their ancestors. The Earl of Chester carried the sword of St. Edward, which was called Curtein, before the king, as a sign that he was earl of the palace, and had by

right the power of restraining the king if he should commit an error (Matthew Paris, *English History*, trans. J. A. Giles, 1. 9).

25. 23. **Our ancient books of Law.** Milton gives as his legal authority, in *First Def.* (Bohn 1. 173), the *Mirror of Justice*. 'In this book,' he says, 'we are told, that the Saxons, when they first subdued the Britons, and chose themselves kings, required an oath of them, to submit to the judgment of the law, as much as any of their subjects, cap. 1 sect. 2. In the same place it is said, that it is but just that the king have his peers in parliament, to take cognizance of wrongs done by the king, or the queen.' Cf. Ralph Sadler, *Rights of the Kingdom*, pp. 24 ff.

25. 27. **His Peers, or equals.** *Peer*, an equal in civil standing or rank; one's equal before the law. A celebrated use of the word occurs in Magna Charta 21: 'Earls and barons are not to be punished except by their peers (nisi per pares suos).' In its titular meaning, the word peer means a member of one of the degrees of nobility in the United Kingdom—a duke, marquis, earl, viscount, or baron. Nobles or magnates had a special privilege of having access to the king at all times. Milton's contention that they had a legal right to judge the king is opposed by Bishop Stubbs, who declares: 'The English lords do not answer to the nobles of France, or to the princes or counts of Germany, because in our system the theory of nobility of blood as conveying political privilege has no legal recognition. The nobleman is the person who for his life holds the hereditary office denoted or implied in his title. The law gives to his children and kinsmen no privilege which it does not give to the ordinary freeman, unless we regard certain acts of courtesy, which the law has recognised, as implying privilege. . . . The English law does not regard the man of most ancient and purest descent as entitled thereby to any right or privilege which is not shared by every freeman' (*Constit. Hist. of Eng.* 2. 176, 177).

Hotman devotes a chapter in *Franco-Gallia* (p. 97 ff.) to a discussion of the origin of constables and peers. He thinks

that King Arthur first appointed twelve great men as peers, but does not agree that they were *pares regi*. See also *First Def.* (Bohn 1. 175).

25. 31. **Judge the highest.** On the right of the parliament to judge the king, see the elaborate argument in *First Def.* (Bohn 1. 171 ff.). That the will of the monarch should have the force of law was wholly inconsistent with the forms and theories of English legislation. Glanvil and Bracton lay it down in the strongest terms that the king, while subject to no man, is always subject to law (see Hallam, *Middle Ages* 2. 334, 335). Sir Edward Coke, in the reign of James I, set up the doctrine that the common law was above the king.

25. 33. **Dukes, Earles and Marquesses.** See *Commonplace Book*, p. 38: 'Dukes, Counts, Marquesses, etc. were not hereditary at first, but only places of government and office in the time of Charles the Great. Gerard, *Hist. France* l. 3, p. 163; l. 6, 416. and so continu'd without much difference between gentlemen and nobles till the time of Charles the Simple, about the year 900, when this corruption (for so the historian calls it, though himself a french lord) took beginning, and receiv'd accomplishment afterward in the time of Hugh Capet. Gerard, *Hist. France*, 6, p. 316: taking example from his usurpation, they made themselves proprietaries of those counties and dukedomes which they had as offices, not inheritances, idem, l. 6, 329, 330, except those who were natural lords, as of Normandy, Toulouse, Flanders, etc. idem, p. 333.'

25. 33. **At first not hereditary,** etc. Modern authorities are disposed to accept this view. Cf. Goldwin Smith, *The United Kingdom* 1. 29.

26. 3. **Parlament.** Hotman is one of the earliest writers to define this word: 'Now the word Parliament in the old manner of Speech used by our Countrymen signifies a Debate, or discoursing together of many Persons, who come from several Parts, and assemble in a certain Place, that they may communicate to one another Matters relating to the Publick' (*Franco-Gallia*, p. 139).

**Baron.** The word is thus defined by Goldwin Smith: 'All tenants-in-chief were barons, a name of which the origin is uncertain; but the meaning probably is man of the king; a free man, perhaps, in contrast to the serf' (*The United Kingdom* 1. 29). Milton probably got this idea from Hotman, *Franco-Gallia*, p. 145: 'Budaeus writes that Philip the Fair appointed, that three Sorts of People shou'd sit in Parliament, viz. Prelates, Barons, and Clerks mixed with Laymen.' Cf. *First Def.* (Bohn 1. 167).

26. 6. **Caveats.** A caveat is a process in court to suspend proceedings; a notice given by some party to the proper officer not to take a certain step until the party giving the notice has been heard in opposition. Here *warnings* or *cautions*.

26. 8. **Circumstantial men.** Those who have regard to petty caveats and circumstances.

26. 9. **Our ancestors who were not ignorant.** Cf. *First Def.* (Bohn 1. 172 ff.).

26. 11. **At Coronation.** On the King's coronation oath, and his obligation to observe it, see *Eikon*. (Bohn 1. 364).

**And renewd in Parliament.** See *Commonplace Book*, p. 25: 'K. Rich. the 2 also renew'd his oath in parliament time in the church at Westmin. Stow, an. reg. 11. Richard the 1. Holinsh. p. 118, at large.' 'The third day of June, the K. in the Church of Westminster renewed the oth, which hee toke when he was crowned, and all the Lords sware homage and fealtie to him' (John Stow, *Annales or a General Chronicle of England*, p. 304). The reference to Richard I is in Holinshed, *Chron.* 2. 240.

26. 15. **Richard the second (1377–1399).** By the removal of Richard, parliament made a precedent for after-times, not only for the deposing of Charles I, but also of James II. Further mention is made of Richard II in the *Commonplace Book*, p. 31: 'Of the deposing of a tirant and proceeding against him. Richard the 2nd was not only depos'd by parliament, but sute made by the commons that he might have judgement decreed against him to avoid furdur mischeif in the realm. Holinsh. 512' (Holinshed 2. 859); 'Richard the 2 in his 21

yeare holding a violent parliament shorten'd his days: see in *Sto.* the violency of that parl. See other tyrannicall acts an. 22; and of his parl. Holinsh. 490.' The references are to John Stow, *Annales, or a General Chronicle of Engl.*, pp. 315 ff. and to R. Holinshed, *Chron.* 2. 839 ff. Also p. 29: 'To say that the lives and goods of the subjects are in the hands of the K. and at his disposition is an article against Ri. II. in Parl., a thing ther said to be most tyrannous and unprincely. Holinsh. 503' (2. 861).

26. 18. **Peter Martyr Vermigli** (1500—1562). Pietro Martire Vermigli. Born in Florence, Vermigli became a scholar of the cloisters. At the age of 27 he had acquired such a reputation for learning that he became a public preacher at Rome. He also lectured on Scripture in various convents of the Augustinian order throughout Italy. Influenced by the writings of Bucer and Zwingli, he imbibed Protestant doctrines, and was obliged to flee from Italy. Eventually, on Cranmer's invitation, he went to England, and in 1548 became professor of divinity at Oxford. Later he was professor of Hebrew at Zurich. Vermigli was a voluminous expositor and author.

See *Commonplace Book*, p. 32: 'Petrus Martyr in 3 c. Iud. eis qui potestatem superiorem eligunt certisque legibus reipub. præficiunt, ut hodie electores imperii etc. licere, si princeps pactis, et promissis non steterit, eum in ordinem cogere ac vi adigere, ut conditiones et pacta quæ fuerat pollicitus, compleat, idque vel armis cum aliter fieri non possit: citatque authorem Polydorum nostros homines aliquando suos reges compulsisse ad rationem reddendam pecuniæ male administratæ.'

Milton refers to a disquisition entitled, 'An subditis liceat contra suos principes insurgere.' After noting the commands of Peter and Paul not to resist superior powers, the fate of Zedekiah and his people because they rebelled against Nebuchadnezzar, how David spared Saul, the Lord's anointed, and how the early Christians, even when they were armed, obeyed the cruel tyrant Julian the Apostate, Martyr cites a number of instances where rulers have been forced to keep

their promises to govern justly. The Romans and the Danes took such violent measures, as well as the English against their kings. The Romans even deposed Tarquinius Superbus. Martyr says he will not refer to Brutus and Cassius, because men are divided respecting the justice of their cause. He concludes that, although it is fitting for magistrates to move against princes, the private citizen is not to have the same privilege (*In librum Judicum commentarii Petri Martyris Vermillii*, p. 56).

26. 19. **Sir Thomas Smith** (1513–1577). A typical Elizabethan in the wide range of his activities. At the age of twenty he was appointed public reader or professor at Cambridge. Ten years later he became professor of civil law. In addition to his college work, he took a prominent part in religious affairs of the kingdom, being a strong Protestant. He was also at various times member of parliament and diplomatist. Under Elizabeth he became ambassador to France in 1562. He is regarded as one of the most upright statesmen of his time. His writings include tracts on the reform of the Greek and English languages, and a mass of diplomatic private correspondence. His principal work was his *De Republica Anglorum; the Maner of Government or Policie of the Realm of England*. It is the most important description of the constitution and government of England written in the Tudor age. It was first printed at London in 1583–4, and passed through eleven editions in English in little more than a century. The editions from 1589 onwards have the title which Milton gives, 'The Commonwealth of England' (D. N. B.).

Sir Frederick Pollock, in his *History of the Science of Government* (p. 55), makes the suggestion that Smith had access to Jean Bodin's manuscript of the *De Republica*. He says that 'Sir Thomas Smith's principles, wherever he got them, have the merit of being much the clearest which down to that time had been put into shape by an English author or in the English language.'

26. 23. **The vulgar judge of it**, etc. Milton noted this quotation from Sir Thomas Smith in his *Commonplace Book*,

p. 31. Sir Thomas Smith, in his *Commonwealth of England*, does not use the exact words 'whether it be lawful to rise against a tyrant,' but 'whether the obedience of them be just, and the disobedience wrong? the profit and conversation of that Estate, Right and Justice, or the dissolution? and whether a good and upright man, and lover of his Country ought to maintaine and obey them, or to seek by all meanes to abolish them'? Neither is his conclusion stated, because it would not suit Milton's purpose: 'Which great and haughty courages have often attempted as Dion to rise up against Dionysius; Thrasibulus against the 30 Tyrants; Brutus and Cassius against Caesar, which hath been cause of many commotions in Commonwealths; 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. Certain it is, that it is alwaies a doubtful and hazardous matter to meddle with the changing of Lawes and Government or to disobey the orders of the Rule or Government, which a man doth find already established' (chap. 5, pp. 7, 8).

26. 25. **Gildas** (519?–570?). The monk Gildas, reputed founder of an abbey at Ruys in Brittany, is one of the earliest authorities on Welsh history. Later chroniclers called him Gildas the Wise; Bede used his book as a source for his *Historia Ecclesiastica*, and speaks of him as Gildas, the historian of the Britons (Bk. 1, chap. 22). The oldest title of this ancient chronicle is *Liber Querulus de Excidio Britanniae*. The tone may be gathered from the quotation which Milton uses: it is that of a gloomy patriot who sees that the victories of the Saxons have been possible because of the vices of his own people. The literary value of Gildas' writing is small, and its historical value lies in the fact that he is the most ancient of all our historians.

The passage of Gildas to which Milton has reference is as follows: 'Kings were anointed, not according to God's ordinance, but such as showed themselves more cruel than the rest; and soon after, they were put to death by those who had elected them, without any inquiry into their merits,

but because others still more cruel were chosen to succeed them' (*English Chronicles*, trans. Giles, 1. 309).

Cf. *Commonplace Book*, p. 39: 'De regibus Britannis *Gildas*, ungebantur reges non per deum. p. 119: contra quam nunc vulgus existimat quoscunque scilicet reges dei unctos esse.' Cf. *First Def.* (Bohn 1. 172). Notice how many examples from the early history of Britain are adduced.

27. 1. **Tenure.** The nature of the right or title by which property, especially real property, is held. Land-tenure is in the main either feudal or allodial. Milton in this place, and in the title of this pamphlet, refers to the legal right or title by which the king holds the sovereignty, with all the prerogatives, lands, and emoluments.

27. 14. **Deposd and put to death thir Kings.** Early British kings, Vortiger, Mauricus, and Morcant were disciplined and even deposed. See *Eikon*. (Bohn 1. 487).

27. 18. **The power of thir Keyes.** Alluding to the theory that Peter was made the prince of the apostles and the key-bearer of eternal life. This key-bearing power, if not founded on Scripture, is one of the chief traditions of the church. The key is a symbol of authority, and St. Peter in mediæval art was usually represented as holding the keys of heaven. The power of the keys, and the power to bind and loose, summed up the largest pretensions of the priesthood. The priest, it was claimed, was bearer of the keys of the kingdom of heaven, and also possessed the power to forgive sins. He could open or close the door of forgiveness. Dante contended that the power of the keys could not set aside the civil law: 'Therefore I say that although Peter's successor can loose and bind within the requirements of the office committed to Peter, yet it does not follow from that that he can loose or bind the decrees of the empire, or the laws, (as was their contention) unless it could be further proved that this concerns the office of the keys' (*De Monarchia*, trans. Wicksteed, Bk. 3, chap. 8).

The Presbyterians also claimed the power of the keys, asserting that 'the keys of the kingdom of heaven were committed to the officers of the church, by virtue whereof



they have power respectively to retain and remit sins, to shut the kingdom of heaven against the impenitent both by the Word and censures, and to open it to the penitent by absolution.' See Neale, *Hist. of the Puritans* 2. 10. Cf. also the article, *Of Church Government*, in the *Directory for Public Worship*.

27. 21. **Canons and Censures Ecclesiastical.** At the close of the 13th century, the canon law had become a large body of principles and rules derived from the decretals of popes and commentaries (*glossæ*) thereon. The civil law consisted of Justinian's Digest and the commentaries that had accumulated since the revival of legal studies in the 12th century. Through the development of the canon law into a system, universally applied in the ecclesiastical courts, the advantage derived by the secular rulers from the Roman law had been neutralized. In the varying phases of the controversy over jurisdiction, the jurists of the civil law—the civilians—were confronted by an equally well-trained body of canonists (Dunning, *Political Theories*, p. 222).

27. 22. **A final excommunication.** The greater excommunication. This action was part of the power of the keys. The canon law recognizes two kinds of excommunication: the lesser, by which an offender is deprived of the right to participate in the sacraments; the greater, by which he is cut off from all communication with the church or its members. In the latter case a man was not only sent to Coventry, but liable to be starved to death. He was regarded by the faithful as already in hell. The punishment of excommunication corresponded to the death-penalty in the Mosaic law. When a disobedient monarch refused to submit, the pope attempted to depose him by releasing his subjects from the feudal duties which had been assumed in the oath of allegiance.

Milton speaks of even the Protestant minister holding forth the dreadful sponge of excommunication, and pronouncing the unrepentant sinner wiped out of the list of God's inheritance, and in the custody of Satan till he repent (*Reason of Church Government*: Bohn 2. 498).

27. 23. **Though without a special Text or president.** One of Prynne's arguments in his *Briefe Memento* begins: 'Remember

that you have neither Law nor direct president for what you are going about. He contends that Edward II. and Richard II. were forced by Mortimer and Henry IV. to resign their crowns in a formal manner' (p. 13). See also his argument that there is no precedent for the deposition of a king in Scripture, nor by Protestant kingdoms (*Speech in House of Commons*, Dec. 4, 1648, pp. 91 ff.). He beseeches parliament not to begin 'such a bloody president as this, upon a most false pretext' (p. 93).

Even some of the members of the committee appointed by the House of Commons to arrange for the trial of the king argued that there was no precedent in history for the judicial trial of a king, and that if the army were determined that Charles should be punished capitally, the business should be left to the army itself as an exceptional and irregular power (Masson, *Life* 3. 699).

27. 25. **With like indifference.** With the same impartiality.

27. 30. **Malignant backsliders.** The Presbyterian preachers and pamphleteers. Malignants, cavaliers, dam-mes were the names bestowed on the royalist party by the supporters of parliament. Fuller, on *malignant*, says: 'The deduction thereof being disputable; whether from bad fire, or bad fuel, *malus ignis* or *malum lignum*: but this is sure, betwixt both, the name made a great combustion.'

28. 1. **The Duke of Saxonie, Lantgrave of Hessen.** Maurice, Duke of Saxony, and Philip, Landgrave of Hesse.

28. 2. **The whole Protestant league.** The League of Smalkald, formed by the Protestants of Germany in 1531 as a defensive confederacy, because of the menace of the Catholic majority at the Diet of Augsburg.

28. 3. **Charles the fifth.** Emperor of Germany (1519–1555), champion of the Roman Catholic cause. He was unsuccessful in his war against the Protestant princes of Germany, being forced in 1552 to conclude the treaty of Passau, confirmed at Augsburg in 1555.

28. 4. **Renounc'd all faith and allegiance,** etc. For the proceedings of the Protestant League, see John Sleidan, *Hist. of the Reform.*, trans. Edmund Bohun, p. 17.

28. 6. **Sleidan.** Johannes Philippus Sleidanus (1506–1556), the German historian and dramatist, was called Sleidan from the name of his birthplace. He was historian to the League of Smalkald, and deputy for Strasburg at the Council of Trent. In Milton's day he was regarded as the authoritative historian of the Reformation, and of the struggle of Germany against Spain. His history, written in Latin (1555), was translated into French, English, German, and Italian.

Milton also refers to Sleidan in *Apol. Smect.* (Bohn 3. 130).

28. 10. **Their Queen-Regent.** Mary of Lorraine, Queen of James V, Regent from 1554 to 1560.

28. 11, **She answering,** etc. When the messengers, sent by the parliament assembled in Stirling, reminded the Queen-Regent of her former promises, she answered 'that the pledges of Princes were no further to be urged upon them for performance, than as it stood with their personal convenience. To this they rejoined that then they renounced all allegiance and subjection to her' (Buchanan, *Hist. of Scotland* 16: 1. 398).

28. 15. **Buchanan.** George Buchanan (1506–1582), the famous Scottish poet and historian. He spent his early manhood in France, where he was professor of Latin at Bordeaux. Converted to Protestantism, he was imprisoned by the Inquisition, and compelled to translate the Psalms into Latin verse. In 1562 he became tutor to Mary Queen of Scots, and later to James VI. His greatest works were those of his last years, *A History of Scotland* and the treatise *De Jure Regni apud Scotos*, which was so execrated by royalists that even as late as 1683 it was burned at Oxford.

28. 18. **John Knox** (1205–1572).

28. 20. **Maintaind op'nly.** This debate occurred at a meeting of a General Assembly of the Kirk, convened in Edinburgh in June, 1564. Lethington and a number of courtiers complained to the assembly of a form of prayer used by Knox in which, they declared, he had used insulting language regarding the queen. In the course of the debate the whole question of the lawfulness of disobedience to the ruler was threshed out.

28. 21. **Lethington.** William Maitland, the eldest son of Sir Richard Maitland of Lethington, became secretary to Queen Mary in 1561. Knox refers to him as 'William Maitland of Lethington younger, a man of good learning, and of scharpe witt and reassonyng' (Knox, *Works*, ed. Laing 1. 247.) Queen Elizabeth called Lethington 'the flower of the wits of Scotland.' The common people of Scotland called him Mitchell Wylie, their name for Macchiavelli.

28. 23. **The fact of Jehu**, etc. To the argument of his opponents that the action of Jehu, and other Old Testament cases of tyrannicide, were extraordinary, and not to be imitated in modern times, Knox replied in words paraphrased by Milton: 'And as tuiching that ye allege, that the fact wes extraordinarie, and is nocht to be imitat, I say, that it had ground of Godis ordinary jugement, whilk command is the idolater to dey the deith; and, thairfoir, I yit againe affirme, that it is to be imitat of all those that preferris the true honour, the true worschip and glorie of God to the affectionnis of flesh, and of wickit princes' (Knox, *Hist. of Reform. in Scot.*, ed. David Laing, 2. 446).

In discussing the rebuke of King Uzziah by Azarias the priest, Knox drew this inference: 'Heiroy, my Lord, I conclude, that subjectis nocht onlie may, but also aucht to withstand and resist thair princes, whensoever thay do onie thing that expresslie repugnis to God, his law or holy ordinance' (*Ib.*, p. 450.) In summing up his argument, Knox declared that he had proved the following contentions:

(1) That subjects had delivered one innocent from the hands of their king, and therein had not offended God.

(2) That subjects had refused to strike innocents when a king had commanded, and in so doing had denied no just obedience.

(3) That God has not only of a subject made a king, but has also armed subjects against their natural kings, and commanded them to take vengeance upon them according to his law.

(4) That God's people has executed God's law against their king, having no further regard for him in that behalf

than if he had been the most simple subject within his realm.

'And therefore, yet I am assured that not only God's people may, but also that they are bound to do the same where the like crimes are committed, and when he gives unto them the like power' (*Ib.*, p. 453).

28. 34. **Answerable.** Corresponding, accordant.

28. 34. **John Craig** (1512–1600). In early life Craig became a Dominican friar, and narrowly escaped from a sentence of the Inquisition at Rome, which had condemned him to the flames as a heretic in 1559. He at length succeeded in reaching Scotland. He was minister of the Canongate for a short time, before he was appointed Knox's colleague. He was translated from Edinburgh to New Aberdeen before 1574, but was brought back as King's Minister in July, 1580. He survived till the year 1600 (*M'Crie, Life of Knox* 2. 53–57).

When Craig was called upon to address the Assembly, he told of a disputation on this question, which he had heard at the University of Bologna in 1554. The conclusion was that all rulers may and ought to be reformed or deposed, as often as they break that promise made on oath to their subjects.

29. 5. **Knox being commanded to write, etc.** Knox declared that he had agreed to write, but that Maitland, secretary to Queen Mary, would not allow him to do so, but had promised that he himself would write and would show the reply to Knox. Maitland, however, had not been as good as his word, and now, when the request was renewed that he should write, Knox refused, giving as a reason that by doing so he should 'either schaw my awin ignorance and forgetfulness, or ellis inconstancy.'

29. 14. **The Ecclesiastic History of Scotland.** *The History of the Reformation in Scotland*, consisting of five books, was published under Knox's name in 1644. The first four books are by Knox, but the fifth was by other Scotch divines who contributed anonymously to the work. Events are set forth with great detail, many debates and conversations being

given *verbatim*. Book 4 covers the period 1561–1564. The book was frequently called *The Historie of the Church of Scotland*, and is so referred to by Milton. The original title of the work is as follows: ‘*The History of the Reformation of Religion within the Realme of Scotland: Conteanyng the maner and by what Persons the Light of Christis Evangell hath bene manifested unto this Realme, after that horrible and universall Defectioun from the trewth, which hes cume by the Meanes of that Romane Antichrist.*’

29. 18. **These troubles.** Struggles of the Puritans for a free church in a free state.

29. 24. **They met in the feild Mary thir lawful and hereditary Queen.** Milton drew his facts regarding this struggle from Buchanan, *Hist. of Scot.* 18: 1. 440–462. Buchanan says that Mary was forced to resign her government, ‘on the pretence of sickness, or any other specious excuse, and to commit the care of her son, and the administration of public affairs, to which of the nobles she pleased’ (*Ib.*, p. 461). See also accounts of this event in Spotswood, *Hist. of the Church of Scotland*, ed. Russell, 2. 61 ff.; Knox, *Works*, ed. Laing, 2. 558 ff.; De Thou, *Hist. Universelle* 5. 262–264; and Laing, *Hist. of Scot.* 2. 187 ff.

29. 28. **Five years after that.** 1567.

29. 29. **Sent Embassadors to Queen Elizabeth.** The following were ambassadors: the Earl of Moray, Bishop of Orkney, Abbot of Dunfermline, Earl of Morton, Lord Lindsay, James Macgill, Henry Balnaves, Secretary Lethington, and George Buchanan. The meeting of these ambassadors with the commission appointed by the English government and by Mary’s representatives was held at York, Oct. 5, 1567.

29. 31. **Had us’d towards her more lenity, etc.** An entry in the *Commonplace Book*, p. 31, gives us the clue to Milton’s authority: ‘*Scoti proceres missis ad Elizabetham legatis post Mariam regno pulsam, jure id factum multis exemplis contendunt. Thuan. hist. 50, p. 769.*’ He follows De Thou, *Histoire Universelle* 6. 294.

30. 4. **That the Scots were a free Nation, etc.** Both De Thou and Milton must have consulted Buchanan, *Hist. of*

*Scot.* 20: 1. 501: 'The nation of the Scots being at first free by the common suffrage of the people, set up kings over them, conditionally, that if need were, they might take away the same suffrages that gave it. The principles of this law remain to this day; for, in the neighboring islands, and in many places of the continent, which retain the ancient speech and customs of our forefathers, the same course is observed in creating their magistrates. Moreover those ceremonies which are used in the inauguration of our kings, have an express representation of this law, by which it clearly appears, that monarchical government is nothing but a mutual stipulation between the sovereign and people. It would be tedious to enumerate how many kings our ancestors have divested of their thrones, banished, imprisoned, and put to death.' These sentiments are put into the mouth of Morton, returned from his English embassy. In a convention of the nobles held at Stirling, he gave the substance of the Scotch defence made before Queen Elizabeth. Buchanan, however, in the manner of an ancient historian, has evolved what he considers to be a fitting speech for the occasion. Other histories are silent as to this anti-monarchical speech before Elizabeth, and it must be regarded as a fabrication.

In the protestation made by the Regent and his colleagues at the presenting of the *eeke*, or accusation of Mary of the murder of her husband, they asserted that they had used more lenity to her than she deserved, but there is no mention in either the pages of Spotswood or Calderwood, or in any of the documents presented by the Scotch commissioners, of ancient laws and ceremonies, and power to unking kings. Such language would scarcely have been palatable to Queen Elizabeth. The Regent did not say they deposed Mary, but asserted that she had resigned of her own accord. See Calderwood, *Hist. of the Scottish Kirk* 2. 430-473, for a review of the proceedings. The only evidence in favor of the Buchanan version is supplied by Camden, *Annal.*, pars 11 (ad ann. 1571). He relates that Queen Elizabeth was extremely indignant at the views expressed by the Scotch deputation.

30. 6. **Old customes yet among the High-landers.** Cf. Buchanan, *De Jure*, p. 157: 'For the ancient Scots or Highlanders continue, down to our days, to elect their own chieftains, and to assign them a council of elders; and those who do not obey this council are deprived of the honourable office.'

30. 18. **Faction.** Raleigh, in *The Cabinet-Council (Works*, ed. Birch, 1. 94), defines *Faction* as 'a certain association of divers Persons, combined to the Offence of others. It proceedeth often of private or public Displeasure, and more often of Ambition.'

**Gibson.** See John Mackintosh, *Hist. of Civilisation in Scotland* (1893) 2. 188: 'It should be stated, however, that the preachers sometimes provoked the King. A short time before this incident [1586], James Gibson, the minister of Pencaitland, preached in Edinburgh, and uttered the following statement,—“I thought that Captain James Stuart, Lady Isabel his wife, and William Stewart, had persecuted the Church, but now I have found the truth, that it was the king himself. As Jeroboam and his posterity were rooted out for staying of the true worship of God, so I fear that if our King continue in his present course, he shall be the last of his race.” For this, Gibson was brought before the Privy Council and imprisoned. He was afterwards liberated, and for a time suspended by order of the General Assembly.'

**That very inscription.** The words on the coin were borrowed from the emperor Trajan (15. 13). One side of the coin shows a naked sword, upholding a crown on its point. Milton has not given the full reading: *Pro. Me. Si. Mereor. In. Me.* It is believed that George, Buchanan was the author of this radical motto. 'Hoc lemma, says Ruddiman (quo et suum adversus reges ingenium prodit) Georgium Buchananum Jacobi VI. praeceptorem subministrasse omnes consentiunt' (Anderson, *Selectus Diplomatum et Numismatum Scotiae Thesaurus*, p. 103).

30. 20. **The states of Holland**, etc. De Thou relates that on July 26, 1681, the States-General, assembled at the Hague, made a solemn renunciation of their obedience and fidelity



to Philip II of Spain. They passed an act to this effect, and had it published. This bill sets forth that nations are not born to serve their princes, but that God has created princes for nations. A prince cannot subsist without a people, but a people may subsist without a prince. After a recital of the wrongs done to the people, and the perfidy of the Spanish court, the document proceeds to release the people from their allegiance: 'Qu' à ces causes, les Etats Généraux réduits à la dernière extrémité, ont déclaré et déclarent, que Philippe roi d'Espagne est déchu du droit qu'il avoit à la souveraineté des Païs-bas (*Hist. Universelle* 74: 18. 522).

A recent historian says that the resolution to depose Philip II. was taken by the States-General at the Hague, July 22, 1581. An exhaustive document, setting forth the reasons of the deposition, was printed and scattered over all Europe (Blok, *Hist. of the People of the Netherlands* 3. 151).

31. 4. **Thuanus.** Jacques Auguste de Thou (1553–1617), a French statesman, diplomat, and historian. In spite of his varied activities in camp, in palace, and in foreign embassies, he accumulated materials for his great work, his history of his own times, which he wrote after his appointment as royal librarian in 1593. He carried his work down to 1607. After his death, it was completed by other hands, and the first complete edition (1733) consisted of 138 books. It is usually called *Histoire Universelle*, but the correct title is *J. A. Thuani Historia sui Temporis*. De Thou's history is the most important work of the kind produced in the 16th century. He was singularly impartial and moderate.

31. 5. **No state or kingdom**, etc. The prosperity of the victorious Dutch republic was the talk and the admiration of Europe. That nation was not only an object-lesson because of its struggle for religious liberty, but also because of its opulence. The journals of travelers and the letters of ambassadors bore testimony to its rapidly increasing commercial greatness.

31. 5. **An evil and prejudicial eye.** Probably while Milton was writing this pamphlet, Holland's ambassadors were making their futile efforts to save King Charles. Milton considered

that it was the height of inconsistency for a Protestant republic to interfere in the cause of royalty against the interests of coreligionists. France and other monarchical governments of Europe stood aloof, but the Protestant states of Holland sent two special ambassadors with instructions to use every exertion on behalf of Charles with Fairfax and the parliament (see Despatch No. 3 in app. to Guizot, *Hist. of Eng. Rev.*).

At this time the Dutch were not displaying any too friendly feeling towards Protestant England. Oliver Cromwell, a few years later, did his best to bring about an alliance, but in vain.

31. 16. **Waldenses of Lyons, and Languedoc.** Milton's authority on Waldensian history was Gilles, *Hist. Ecclesiastique des Eglises Vaudoises 1160-1643* (Pignerol, 1881). The Waldensians were a peaceable and harmless people who believed in obeying the word of Christ, 'If they persecute you in one city flee into another' (*Hist. Eccles.*, p. 8).

The Waldenses were so-called from Peter Waldo, their founder, a rich citizen and merchant of Lyons in the latter half of the twelfth century. On the French side of the Alps they were called the Poor Men of Lyons; on the Italian side, the Poor Men of Lombardy. Languedoc is the region between the Rhone and the Garonne.

31. 29. **Oaths of Allegiance and Supremacy.** On the discovery of the Gunpowder Plot, the parliament of 1604 enacted severe laws against the Roman Catholics. A statute required them to take the oath of allegiance, the refusal to do which incurred heavy penalties. The Act of Supremacy, in the first year of Elizabeth, imposed on all accepting temporal as well as ecclesiastical offices an oath denying the spiritual jurisdiction of the pope. It was an acknowledgment that the queen, and not the pope, was the head of the Church of England. The oath of allegiance had to be taken immediately before the admission of a member to his seat in parliament. Prynne, in his *Briefe Memento*, p. 4, accuses the members of high treason, on the ground that they had broken the oath of allegiance. He quotes the oath in full. See also Prynne,

*The Substance of a Speech made in the House of Commons on Dec. 4, 1648* (pp. 5, 86). In this pamphlet he accuses army members of breaking their oaths of supremacy and allegiance, and the Solemn League and Covenant.

The ministers of Lancashire enumerate as oaths, vows, and covenants which they have sworn to obey:

- (1) The Oath of Allegiance,
- (2) The Oath of the King's Supremacy,
- (3) The Vow and Protestation of 5 May, 1641.
- (4) The Solemn League and Covenant.

*The Paper called the Agreement of the People taken into Consideration by the Ministers of Christ in the Province of Lancaster* pp. 4 and 5.

32. 23. **The lesser part of Lords and Commons.** The Presbyterian faction in Parliament.

32. 23. **That remaind faithful.** They voted against the Independents in their determination to treat no longer with the king, and to bring him to justice. On the 2d of December, 1648, there were 242 in the House of Commons. The majority were Presbyterians who detested the army and the Independent minority in league with the army (Masson, *Life* 3. 693). After Pride's Purge (Dec. 6 and 7), when 40 members were arrested and 96 were excluded, the House steadily dwindled until some 50 or 60 remained, nearly all of whom were devoted to the army-chiefs.

32. 26. **One while to the Commons without the Lords.** On July 23, 1647, the Lords unanimously voted in favor of a revocation of the Militia Committee of London. Faithful Presbyterians in the Commons opposed the measure, but were outvoted. Owing to these votes, the Presbyterians of London stormed both Houses of Parliament, and by mob-violence compelled Lords and Commons to revoke their unpopular ordinance. This was one case in which the Presbyterians were wholly against the Lords (Masson, *Life* 3. 550, 551).

32. 27. **Another while to the Lords without the Commons.** When the resolution against the King, and the ordinance for his trial, were passed by the House of Commons on Jan. 1, 1649,

all the Presbyterians of London and of the kingdom were filled with wrath. Their only hope lay in the House of Lords. Their action of Jan. 2, although of no effect, had the prayers of all Presbyterians behind it. On that date the Upper House dealt with the resolution and ordinance sent up to them by the Commons. 'Unanimously and passionately all the Peers present rejected both Resolution and Ordinance, the Earl of Denbigh declaring he would be torn in pieces rather than have any share in so infamous a business, and the Earl of Pembroke, who came nearest to neutrality, saying he loved not businesses of life and death. Having hurled this defiance at the Commons, the Lords were powerless for more, and adjourned for a week' (Masson. *Life* 3. 703).

31. 27. **Still.** Constantly, habitually. Shak. *Ham.* 2. 2. 42: 'Thou still hast been the father of good news.'

33. 1. **Thir fine clause in the Covnant.** See Introduction.

As to the authorship of this clause, see Baillie, *Letters* 1. 52-54. Those responsible for the preparation of the text of the Covenant were the Earl of Rothes, Lord Loudoun, and the celebrated Scotch ministers, Alexander Henderson and David Dickson. It is almost certain that either Henderson or Dickson drew up the clauses. See also Masson, *Life* 1. 730, note.

33. 4. **Ill success.** *Success* was not confined to a favorable sense in Milton's time. Cf. *P. R.* 4. 1,—

Perplex'd and troubled at his bad success,  
The tempter stood.

33. 5. **To every the least particle.** To the very least phrase. The least phrase pertaining to the defence of religion, liberty, or public peace was regarded by the ordinary honest man who signed the Covenant as demanding obedience before the safeguarding of the king's person, crown, and dignity. The fine or loyal clause in the Covenant, so Milton alleges, was inserted to provide a loophole to allow the Scots to escape the consequences, if the king should succeed in the war. Cf. 4. 13-10.

33. 8. **To prove it,** etc. A new paragraph is indicated here by modern editors.

33. 11. **Relatives.** In logic, relative terms are those which denote a kind of opposition, one term requiring the other. Such terms are, king and subject, father and son, husband and wife.

33. 14. **Past their defending.** A thing which they cannot defend.

33. 15. **Of force.** Perforce.

33. 16. **Unking'd the king.** Cf. Shak. *Rich. II.* 5. 5. 37:

Think that I am unking'd by Bolingbroke.

34. 15. **Most prudently before hand.** The most prudent defence is that prepared beforehand.

34. note. **Sequester'd him.** The legal process of sequestration permits the seizure of the real or personal estate of a defendant. Here the sequestration consists in the conversion of the king's revenues to the uses of parliament.

Note. **A grand Delinquent.** Delinquent was a name applied by the parliamentary party to those who assisted Charles I or Charles II by arms, money, or personal service in levying war, 1642-1660. The term was exhaustively defined by an Order of Parliament of 27 March, 1643. The estates of notorious delinquents, according to this order, were 'to be converted and applied to the supportation of the great charges of the Commonwealth.' The lands and goods of the delinquents were sequestered. As the term delinquent was applied to all Cavaliers, it is quite fitting that Milton should call the king a grand delinquent.

On Dec. 23, 1648, the subject of the king's trial was first mentioned. See Whitelocke, *Mem.* p. 358: 'Divers in the debate did not stick to name him for the greatest delinquent.'

**For them.** As far as they were concerned.

34. 25. **Deny'd to treat with him.** On Jan. 3, 1648, it was resolved in the Commons by a majority of 141 to 92, and by the Lords, only two members dissenting, to enter into no further negotiations with the king. Many who voted yea in both Houses must have been Presbyterians, although as a result of this vote the Scottish Commissioners left England. See Masson, *Life* 3. 584 ff.

35. 23. **Nor know I Covenant so sacred.** Buchanan conducts a similar argument. Referring to the mutual compact that subsists between a king and his subjects he proceeds: 'Does not he then, who deviates from conventions, and acts in opposition to compacts, dissolve those compacts and conventions?' He further asserts that 'he also, with whom the agreement was made, becomes as free as he was before the stipulation' (*De Jure*, p. 107).

35. 26. **The fast and loos of our prevaricating Divines.** Fast and loose was an old cheating game played with a stick and a belt or string, so arranged that a spectator would think he could make the latter fast by placing a stick through its intricate folds, whereas the operator could detach it at once. Hence the figure 'to play fast and loose,' as here, meant to ignore at one moment obligations which one acknowledges at another. The whole phrase might be changed into 'The slipperiness, or inconstancy, of our quibbling divines.'

35. 27. **Oversway'd.** Now rare. Prevailed upon by superior authority. Cf. Shak. *Jul. C.* 11. 1. 203:

If he be so resolved,  
I can o'ersway him.

35. 29. **And words not works of supererogating Allegiance to thir enemy.** A work of supererogation, according to Roman Catholic theology, is a work done beyond what God requires, and constituting a reserved store of merit from which the Church may draw to dispense to those whose service is defective. Here the phrase means words (but not works) more than duty required. The Scotch Covenanters put into their obligation words of loyalty which were unnecessary, yet, despite these words of allegiance, their subsequent works, i. e. warrings against the King, laid up no extra store of credit for themselves or others.

35. 35. **Our adversaries.** He refers here to the Royalists proper, the delinquents. He makes a distinction between *adversaries* and Presbyterians.

35. 35. **Ambiguous interpretation.** Another reference to the much-disputed clause in the Covenant.

36. 9. **A ridling Covenant.** Speaking in riddles. Ambiguous or enigmatic in expression. Cf. *Rom. and Jul.* 2. 3. 56:

Be plain, good son, and homely in thy drift;  
Riddling confession finds but riddling shrift.

See also *S. A.* 1. 1064: 'My riddling days.'

36. 35. **Degradement.** Degradation, abasement.

37. 1. **By whose matchless valour.** A veiled compliment to Oliver Cromwell. See Milton's sonnet *To the Lord General Cromwell*. Cf. *Observ. Art. Peace* (Bohn 2. 186).

37. 9. **Chancelour of Scotland.** Lord Lowden.

37. 9. **In a speech told him plainly.** Charles was disappointed at his reception in the Scottish camp at Newcastle. He found himself a prisoner, and declared that he was barbarously treated. The assurances which had been given to him through his French agent with the Scots, were disavowed by his captors.

The Scottish Commissioners several times attended the king during his stay as a prisoner of the Scotch army at Newcastle, July 1646, and pressed him to agree to the propositions for peace forwarded by the English parliament. Among the rest Lord Lowden, Chancellor of Scotland, made a speech in which he said: 'And now, Sir, if your Majesty (as God forbid) shall refuse to assent to the Propositions, you will lose all your friends in the Houses, lose the city, and all the country; and all England will join against you as one man: they will process and depose you, and set up another Government; they will charge us to deliver your Majesty to them, and to render their garrisons, and remove our armies out of England; and upon your Majesty's refusal of the propositions, both kingdoms will be constrained for their mutual safety, to agree and settle religion and peace without you; which (to our unspeakable grief) will ruin your Majesty and your posterity, if your Majesty refuse our faithful advice (who desire nothing on earth more than the preservation of your Majesty's loyal throne). And if your Majesty lose England by your wilfulness, you will not be permitted to come and reign in Scotland' (John Rushworth, *Historical Collections* 6. 320).

37. 12. **Nor did they treat.** Strive to make a treaty.

37. 14. **Joyn'd them secretly**, etc. Milton has no warrant for this statement. There was no sympathy between the Presbyterians and the Cavalier party. Although pity for the king actuated them to some extent, hatred of the Army and the Independents, and a desire to restore the king to power in order that he might re-establish Presbyterianism and suppress schisms, inspired the Scottish Commissioners, and the faction behind them.

37. 16. **They grew madd upon**. Became infatuated. The use of the preposition here indicates the thing to which the emotion is directed.

37. 17. **A most tardy and improper Treaty**. The Scottish engagement or secret treaty between Charles and the Scots in the Isle of Wight (Jan. 1648). By this treaty the king bound himself to confirm the Presbyterian church government in England for three years, and to see to the suppression of Independency and other sects and heresies. In return the Scots bound themselves to invade England, for the purpose of restoring him to his full royalty. See Masson, *Life* 3. 586 ff. It is only fair to say that the Scottish clergy violently denounced this engagement, and opposed the invasion of England and the second civil war.

37. 18. **Bent**. Tendency or purpose. Cf. *P. L.* 11. 597: Admit delight, the bent of nature.

37. 19. **His evil Council**. He alludes to the Sion tract, wherein mention is made of the attempts made by the King and his evil counsellors against the liberties of both houses of parliament, but not a word in denunciation of the King (*A Serious and Faithful Representation*, p. 6).

37. 22. **While he was in thir power**. While the king was a prisoner in the Scottish camp.

37. 33. **Specifical**. Specific. A thing pertaining to another species.

37. 33. **With formes and habitudes**. In ancient philosophy, *form* was the essential determinant principle of a thing, that which makes anything a determinative species or kind of being. Cf. *Tetrach.* (Bohn 169): 'The form by which a thing is what it is.'



**Habitudo.** The usual bodily condition, manner of being, disposition. The whole phrase might be rendered, 'In essentials and appearances.'

37. 34. **Dead as to law.** Cut off from civil rights, and so legally reckoned as dead. A banished subject was so regarded.

38. 4. **Was no more to spare,** etc. That the king was not above the law, but subject to its penalties, if a malefactor, has already been asserted in this pamphlet. This is also one of the leading theses of the *First Def.* See also *Eikon.* (Bohn 1. 360).

38. 5. **Obnoxious to the doome of law.**

*Obnoxious to,* liable to, exposed to. This was formerly the prevailing use of the word. Cf. *Eikon.* (Bohn 1. 398): 'Wholly obnoxious to his will.'

*Doomes,* a judgment or decision, especially one formally pronounced and adverse to the accused.

38. 7. **His own confession at Newport.** On Sept. 18, 1648, the Commissioners chosen by parliament met King Charles at Newport, in the Isle of Wight, and presented the same propositions which were placed before him at Hampton Court. The first proposition, to which Milton refers, was also presented to the king at Newcastle. The preamble runs: 'Whereas both Houses of the Parliament of England have been necessitated to undertake a war in their just and lawful defence.' Charles objected to subscribe to such a statement, as he saw clearly that it would be a confession of his own guilt. After debating the matter for a week, he withdrew his objection, but stipulated that nothing to which he agreed should have any validity, unless a complete understanding were arrived at on every point, and thus convinced himself that whatever concessions he might make would be merely nominal. As Charles had himself no expectation that an understanding could ever be reached, he was thus enabled to promise whatever he found convenient, without regarding himself as in any way bound by his word. As nothing came of the negotiations at Newport, Milton's argument that Charles confessed to the truth of the

thrice-repeated charge is, to say the least, far from satisfactory. See S. F. Gardiner, *Hist. of the Great Civil War* 3. 472. For the full text of the first proposition, see Rushworth, *Hist. Coll.* 6. 309. See also Neale, *Hist. of Pur.* 2. 81, and Marsden, *Later Puritans*, p. 280. Cf. *First Def.* (Bohn 1. 201): 'At the treaty in the Isle of Wight the king openly took upon himself the guilt of the war, and cleared the parliament in the confession he made there, which is publicly known.'

38. 10. **Ahab.** See 1 Kings 22. A stock illustration of a wicked king disobeying God. 'As we reade of wicked Achab, who crediting the flattering cōselle of the false prophetes, disobeyed God in contēning the trueth tolde hī by Micheas: but to his owne destructiō' (Goodman, *How Superior Powers ought to be Obeyed*, p. 126).

**Antiochus IV.** Epiphanes (B. C. 175–164). He decreed that in religion, law, and custom all his people should be one. This edict met with serious opposition in Judæa, for the observance of the Sabbath, circumcision, and abstinence from pork and other unclean foods, were forbidden under penalty of death. By command of Antiochus, offerings were made in the temple to Jove, and the courts were polluted by indecent orgies. Mattathias, a Jewish priest, and Judas Maccabæus, his son, organized a rebellion.

Goodman, and other Protestant preachers, were in the habit of holding up the name of Antiochus as a specimen of a wicked idolatrous king.

38. 12. **Meroz.** See Judg. 5. 23. See also 54. 2.

38. 12. **Meroz Cursed: a sermon preached to the House of Commons Feb. 23, 1641**, by Stephen Marshall. Speaking of this sermon, Clarendon says that 'the preacher presumed to inveigh against, and in plain terms to pronounce God's own curse against, all those who came not with their utmost power and strength to destroy and root out all the malignants who in any degree opposed the Parliament' (*Hist. of the Rebellion* 6. 40).

Christopher Love, pastor of Ann, Aldersgate, and one of the Sion House ministers who issued the tract in defence of

the king, is quoted by John Price as having preached and published a sermon in which Charles was denounced as an Achan, whom the Lord cut off because he troubled Israel, and expressing a wish that 'our State-Physicians would resemble God, to cut off those from the Land who have distemper'd it; melius est ut pereat unus quam unitas' (*Clerico-Classicum* pp. 9 and 54).

Price also says of the Presbyterian ministers: 'When you were for the Parliament against the King and his forces, you stirr'd up the people with Scriptures, *Curse yee Meroz*, etc. (*Ib.* p. 25).

38. 14. **Fulminations.** In mediæval times a fulmination (lit. the bursting forth of thunder and lightning) was the formal issuing of condemnations or censures by the pope or other ecclesiastical authority. Milton is really using the word here in its early sense. The Presbyterians are, therefore, compared with the pope.

35. 22. **Their owne discipline.** The form of Presbyterian church government, agreed upon by the Assembly of divines at Westminster. According to the discipline devised by the Westminster Assembly, ignorant and scandalous persons were to be suspended from the sacrament of the Lord's Supper. If a convicted sinner expressed godly sorrow and repentance, and submitted to the censure of the eldership, he was to be restored to his privileges. If he remained hardened in his sin, he was to be excommunicated. Milton declares that the Presbyterians had absolved Charles in spite of the fact that he remained unrepentant.

38. 28. **Ministers of sedition.** Hugh Peters advised the London ministers to 'forbeare to stirre up the people to sedition' (*Clerico-Classicum*, p. 11).

38. 32. **Cease not to incite others.** In 1648 the Presbyterian pulpits were ringing with invectives against the army. In a tract *Clerico-Classicum* or *The Clergiallurum to a Third War*, an answer to the Sion House tract, John Price declares that these London ministers were calling their opponents 'a rebellious Army, a generation of Vipers, a viprous brood, an oppressing Army, an Army of Hereticks, a Schismaticall

Army, an Army whose lives are not worth a prayer, and whose deaths are not worth a teare' (p. 7).

Cf. *First Def.* (Bohn 1. 192); 'They [the Royalists] had on their side most of the shopkeepers and handicraftsmen of London, and generally those of the ministers, that were most factious.'

39. 5. **Erected minds.** *Erected*, active, attentive. Cf. Sidney, *Apol. Poetrie*, ed. Arber, p. 26: 'Our erected wit, maketh us know what perfection is.' Cf. *Areop.*: 'Our thoughts more erected.'

39. 9. **Angry with the Jews.** 1 Sam. 8.

39. 13. **His own ancient goverment.** A theocracy whose leaders, Moses, Joshua, Samuel, governed according to the direct inspiration of God.

39. 17. **Other Nations.** Although the struggle in England was looked upon with great interest by European nations, there was at this time no similar upheaval.

39. 21. **Other ample authority.** Referring to the evidence which he has adduced in this pamphlet, the sayings of such princes as Trajan, Lewis the Pious, and Leo the Isaurian.

39. 23. **That.** Later editors insert *they* before this pronoun. *That*, however, might refer back to *people* (l. 8).

39. 30. **To dispose.** To ordain, to appoint, to make arrangements.

**To oeconomize**, to act as the governor of a household. Milton uses the word literally, from *οἶκος*, house + *νόμος*, from *νέμειν*, to manage. Cf. *S. A.* 1746.

'Suarez, the Jesuit, riseth up against the royal authority of Adam, in defence of the freedom and liberty of the people; and thus argues: By right of Creation (saith he) Adam had only *oeconomical* power but not *political* (Filmer, *Patriarcha*, p. 31).

40. 4. **Tenure and occupation.** Land-tenure in England is in the main feudal, that is, the person possessing or occupying the land holds it from a superior. According to the English theory, all land is held of the king, either mediately or immediately.

**Occupation**, actual holding or possession of land, tenure, occupancy.

40. 14. **What way they could soonest.** Usually by assassination. See *Intro.*

40. 32. **Which lately some have written.** Prynne, Walker, and the authors of the *Sion Home* tracts. See 27. 23.

40. 32. **Thir great glory.** Ambiguous. Refers either to Protestant kingdoms or to writers of pamphlets.

**It is not, neither ought to be, etc.** A clever epigram, by which he avoids a reply to an unanswerable argument.

40. 33. **Do what they doe.** The tense and mood would indicate that this paragraph was written before the trial of the king.

41. 3. **The highest top.** Top was a favorite word with Milton. He uses it some 18 times in *P. L.* Milton was sure that he was engaging in a great cause.

41. 12. **To havock.** *Havoc* was originally an army order, a signal for general spoliation or pillage. Cf. Shaks. *J. C.* 3. 1. 373: 'Cry havock, and let slip the dogs of war.' Cf. *Of Ref. in Eng.* (Bohn. 2. 411): 'A perpetual havock and rapine.'

41. 15. **Pismires.** Obs. except in dialect. Earlier name for ant. In the Genevan Bible (1560), Prov. 6. 6 is translated, 'Goe to the pissmire, O sluggard.' The word was often used figuratively, being applied contemptuously to persons, as here.

Cf. *Ready nnd Easy Way* (Bohn 2. 118): 'Not so much true spirit and understanding in them as a pismire.' He refers to pismires as examples to imprudent and ungoverned men, of a frugal and self-governing democracy or commonwealth. See also *Eikon*. (Bohn 1. 496).

41. 22. **Unforcible things.** Another plea for liberty of conscience. Cf. *Treat. Civ. Power Eccles. Causes* (Bohn 2. 520 ff.). He did not believe that the church should borrow the arm of civil power to force men to subscribe to any church-discipline. See *Observ. Art. Peace* (Bohn 2. 185).

41. 23. **Drifts.** Schemes, plots, devices. Rare. See Knolles, *Hist. Turks*, p. 647: 'Beware that by their wily drifts thou perish not.' Cf. *To Rem. Hire*. (Bohn 3. 29):

'His political drifts or conceived opinions'; *Eikon*. (Bohn 2. 308): 'The cunning drift of a factious and defeated party.'

41. 24. **Worst of mem.** The reference here seems to be to the prelatists of the Laudian type, who would force ritualism and ecclesiastical courts upon the people.

41. 25. **To dart against.** The usual expression is 'to dart at.' The Presbyterians, he tells us, are throwing into the ranks of their own brethren, the Independents, the mis-used laws and texts—darts, which have been discharged against themselves.

41. 28. **Malignants.** See 27. 30.

41. 31. **Either extreame passion, or apostacy.** This use of the enemy's weapons can be explained only in one way, either the Presbyterians have given way to bad temper, or they have become turn-coats.

41. 35. **Their liberty to bind other men's consciences.** Cf. *Areop.* (Bohn 2. 90).

41. 1. **Brotherly accord.** For a moment, Milton harks back to the mildness of the first sentence of this paragraph. After all, the Presbyterians are brothers in their opposition to prelacy and papacy. The Independents are anxious to live at peace with them. Although Cromwell and his party resolutely upheld liberty of conscience, they tried to placate the Presbyterians. See a pamphlet issued by order of parliament on 23d of September, 1649, *Declaration of the Parliament in the Vindication of their Proceedings*, which makes a friendly appeal for the support of the Presbyterians. For various acts and votes which followed up this declaration see Masson, *Life* 4. 123. In *Observ. Art. Peace* (Bohn 2. 193), Milton argued that toleration in religious matters was not against the Covenant.

42. 2. **An old and perfect enemy.** Stern, *Milton und seine Zeit*, 1. 440, identifies the old and perfect enemy (*alten, schlaunen Feind*) with the king.

42. 9. **Princes.** See Ps. 146. 3.

41. 11. **Stories.** Histories.

41. 12. **Christiern.** Christiern II. (1513–1523). See Buchanan, *Hist. of Scot.*, Book 20, 1. 501: 'Of late, Christiern.

King of Denmark, for his cruelty, was forced out of the kingdom, with all his family; which surely is a greater punishment than any of our people ever inflicted upon any of their kings.'

According to De Thou, *Hist. Univ.* 1. 50, where the story is told, this event took place in 1520. He places the number of those slain at seventy-four. See also Mallet, *Hist. de Danm.* 2. 223 ff.

42. 18. **Maximilian.** Emperor of Germany (1493–1519). In 1485 the citizens of Bruges rose in revolt, seized Maximilian, killed his German knights, and put to death his supporters in the city. The emperor was obliged to make humiliating terms in order to save his own life. He took a solemn oath in the Bruges market-place to observe the conditions imposed upon him, but a few days after his release, when he had joined his father's army, he wrote to the officials of the city that he did not intend to abide by the terms which had been forced upon him. Five years later he reduced Bruges to subjection, exacting an indemnity of 80,000 gold crowns, and executing many of the leading citizens. See Boulger, *Hist. of Belgium*, pp. 262 ff.

42. 21. **The massacre at Paris.** The massacre of St. Bartholomew, Aug. 24, 1572.

42. 22. **That credulous peace.** In 1572, Charles IX effectually deceived Coligny and the Protestant party by sending letters patent into all parts of the kingdom in which he praised the fidelity of the Protestant princes, and enjoined the authorities to enforce the edict which he had given in favor of the reformed religion. Their suspicions being lulled by these marks of the king's favor, the Protestants were lured to Paris, and the Massacre of St. Bartholomew, so carefully planned, took place, Aug. 24, 1572. Milton probably read De Thou's pages describing the king's treachery. See *Histoire Universelle* 6. 339–415.

In his chapter on treaties of peace and alliance, Bodin urges the rigorous maintenance of good faith. He says he prefers to adduce foreign instances, rather than those at home, which he would wish to be buried in everlasting oblivion.

Hallam, in his *Introd. to Liter. of Europe* 2. 225, points out that Bodin is probably alluding to the day of St. Bartholomew. See Bodin, *De Repub.*, chap. 5.

42. 26. **The perfidious cruelty.** See *Commonplace Book*, p. 54: 'Carolus 5tus multas protestantium civitates his insidiis decepit, atque ab armis continuit. *Hist. Concil. Trident.*, l. 2, p. 179.'

42. 30. **Belgia.** Belgium. Referring to the struggles of the Spanish Netherlands against Spain to achieve religious freedom. See Boulger, *Hist. of Belgium*, pp. 260 ff.

**In Naples.** In 1647, the Neapolitans rebelled against the power of Spain because of her oppression. Under the leadership of a fisherman, Aniello, nicknamed Masaniello, the revolt succeeded for a time. While it was at its height the representatives of Spain promised untaxed fruits and other measures of relief, but they revoked these promises after the leader of the revolt was killed, and when it appeared to subside. Although the Duke of Guise came to take the place of Masaniello, the city was betrayed into the hands of the Spaniards in April, 1648. With customary perfidy, Spain dealt out punishment to Naples, instead of living up to her promises. See J. B. Perkins, *France under Mazarin* 1, chap. 8 and 2, chap. 16.

42. 34. **Twice promis'd.** See 1 Sam. 24. 16-22; 26. 21.

43. 3. **Those enemies.** The prelatists and royalists.

43. 12. **Office of good Pastors.** Milton was lavish with advice to ministers to mind their own affairs. Cf. *Animad. Rem. Def.* (Bohn 3. 78); *To Rem. Hire.* (Bohn 3. 40); *Of Ref. in Eng.* (Bohn 2. 393).

43. 15. **Huddl'd up.** Hurriedly and carelessly thrown together, crowded together without order. Cf. *Eikon* (Bohn 1. 458): 'I shall huddle him [the chaplain], as he does prayers.'

43. 16. **A whole lazy week.** For an attack on Presbyterian divines for laziness, see *Observ. Art. Peace* (Bohn 2. 196). He calls them 'prodigal misspenders of time.' Another vivid description of a lazy minister's life is given in *Areop.* (Bohn 2. 80). See also *Introd.*



43. 16. **But by incessant pains**, etc. Milton's conception of the ideal minister. Feeding the flock was a favorite phrase. Cf. 'The hungry sheep look up, and are not fed,' etc. (*Lycidas* 119-127). See also *Of Ref. in Eng.* (Bohn 2. 393).

43. 20. **Pragmatical Sidesmen**. Officious or meddling partisans. Both words are now rarely used. Cf. *Animad. Rem. Def.* (Bohn 3. 83): 'To have a pragmatical voice at sessions and jail deliveries.' See also *Observ. Art. Peace* (Bohn 2. 189): 'The Presbytery of Belfast have not the least warrant to be pragmatical in the state.'

43. 27. **Idolatry**. In denouncing heresy, divines called it *idolatry*, and quoted Old Testament texts as applicable to both.

**Pluralities**. See *Introd.*

43. 33. **Call'd to assemble**. The Assembly of Divines at Westminster was commissioned by parliament in 1643 to revise the articles, to draw up a confession of faith, a directory of public worship, and a scheme of church government.

43. 35. **They fell to propping and solliciting the Parliament**. *Propping*: the modern form is prodding. These divines, he says, began to prod and beseech parliament for a new settlement of the salary question.

'The Presbyterians were very troublesome, the Parliament being teased every week with church grievances of one kind or another; December 19, [1645], the Lord-Mayor and his brethren went up to Westminster with a representation of some of them, and a petition for redress' (Neale, *Hist. of Pur.* 2. 36).

'See but how these men [Presbyterian clergy] press the committee for plundered ministers, for augmentations and removals from day to day, and how they engage Parliament men to act for them, calling themselves in their certificates and petitions godly, learned, and orthodox divines' (*The Clergy in their Colors or The Pride and Avarice of the Presbyterian Clergy hindering Reformation*, p. 41). Cf. *Of Ref. in Eng.* 2. 413): 'To prog and pander for fees.'

44. 2. **Tithes and oblations**. Cf. *To Rem. Hire.* (Bohn 3. 34).

By the ordinance of Nov. 16, 1646, 'all tithes appropriate, oblations, obventions, and portions of tithes, etc., belonging to the said archbishops, bishops, and others of the said hierarchy; all which, together with £ 30,000 yearly rent belonging to the crown, they reserve for the maintenance of preaching ministers' (Neale, *Hist. Pur.* 2. 36).

Rev. John Goodwin, in *The Novice Presbyter Instructed*, paints the comfortable condition of the Presbyterian clergy much as Milton does, although he does not accuse them of double livings: 'Is not the whole English element of church-livings offered up by the state to their service? Are not all the benefices of the kingdom appropriated to their order? And all others thrust out of doors to make room for them?' (quoted by Neale, *Ib.* 2. 45).

**Double-lin'd themselves.** Accepted two or more benefices.

44. 3. **Places of commoditie.** Positions of selfish benefit, profit, interest. Cf. *Reas. of Ch. Govt.* (Bohn 2. 474): 'To their great pleasure and commodity.'

44. 5. **Consistory.** Original meaning in Latin was standing place, waiting-room, whence meeting place of the emperor's council, the emperor's cabinet. Later it was used to signify meetings of ecclesiastical bodies, such as the pope's senate, or a bishop's court; in the Reformed, Genevan, or Presbyterian polity, a court of presbyters. According to Milton, the consistory was equivalent to the Scotch kirk-session. The minister, 'each in his several charge,' presides, and he and his elders and deacons adjudicate upon questions of discipline which concern the members of the congregation. Cf. *Reas. of Ch. Govt.* (Bohn 3. 465): 'Every parochial *consistory* is a right homogeneous and constituting part, being in itself, as it were, a little synod.'

44. 9. **To belly cheare.** To feast luxuriously. When the Presbyterian ministers met at Sion College, they not only talked politics, promoted designs, i. e., discussed ways and means of furthering the ends of their denomination, but refreshed the inner man as well. Cf. *Animad. Rem. Def.* (Bohn 3. 81): 'A race of Capernaïtans, senseless of divine doctrine, and capable only of loaves and belly-cheer.'

See his amusing sketch of the well-fed chaplain in *Areop.* (Bohn 2. 85, 86).

44. 9. **Thir presumptuous Sion.** The several classes, or presbyteries, of London held their provincial assembly twice a week in Sion College in London from 1647–1659. From Sion College the Presbyterian ministers issued several tracts—*Serious and Faithful Representation*, etc. The epithet here probably refers to these writings. According to Leak's Map of London, 1666, 'Sion Collidge' stood at the corner of Cripplegate Street and Philip Lane.

44. 15. **The printed letters.** A contemptuous reference to the sententious style and poverty of thought in the *Serious and Faithful Representation*, the *Vindication of the Ministers of the Gospel*, and possibly to the tract issued by the ministers of Lancashire.

44. 21. **The heaviest of all tyrants.** For an account of the intolerance of the Presbyterians, see Neale, *Hist. Par.* 2. 44. especially the extract from *A Testimony to the Truth of Jesus Christ*.

44. 23. **Meroz.** See 45. 17.

45. 2. **Those abroad.** Luther, Calvin, Zwingli, Bucer, etc.

45. 8. **To make appeare.** Relates to first clause in the sentence. The citations from the Protestant reformers, he says, will prove that the Presbyterians are not what they profess to be—true Protestant ministers.

45. 10. **Luther.** (1483–1546). In *Apol. Smect.* (Bohn 3. 130), Milton praises 'the tart rhetoric' of Luther's style.

45. 11. **Sleidan.** See 28. 6.

45. 12. **Is est hodie**, etc. From Luther's answer to the grievances of the Boors, who, in 1525, under the leadership of Thomas Munzer, advanced the doctrine that all goods should be had in common. Sleidan, in Book 5 of his *Hist. of the Reformation*, gives the substance of Luther's advice to the Munzerians. The impression one gets from reading Luther's words is quite the contrary of the doctrine supported by Milton. In the strongest possible manner Luther teaches obedience to the magistrate. He says, 'God reserves

all vengeance to himself, and the Scripture commands us to obey the magistrate, though he be wicked'; also, 'It is indeed the duty of Christians to suffer and bear the cross, not to resist, revenge, nor smite with the sword' (Bk. 5, p. 92). When Luther had answered the Socialists, he addressed likewise a monitory to the princes and nobility, pointing out to them the folly of their course in grinding the faces of the poor. It is in the course of his warnings that he uses the words quoted by Milton: 'For this is now the present state of affairs, that men neither can, nor will, nor indeed ought to suffer our arbitrary rule any longer.' Further on he says: 'For my part, I have from the very first always taught modestly, abhorred all seditions, and earnestly exhorted the people to obedience to their Magistrates; nay, and advised them too, to bear with your wicked and tyrannical Dominations' (p. 94). In spite of Luther's advice to the people the Boors arose in armed rebellion. 'Then published Luther another Book; wherein he exhorted and incited all men to hasten to the destruction of those villanous Traytors, Robbers and Parricides, as they would run to the quenching of a publick Fire.—He tells the Magistrates that they should not scruple nor fear to set upon and suppress that Seditious Rabble: That it was properly their Duty to do so: Nor was it lawful only for them, but also for every private Man, by any way whatsoever to kill a Rebel, because Rebellion was the greatest of Evils that could happen in a State' (p. 96). It can be seen, therefore, that in this place Milton is committing the sin for which he reproaches his opponents, wresting authorities to his own purpose in a most unscrupulous manner. If Milton had quoted from Luther's later writing, he might have found some justification for his parade of the father of the Reformation as an authority. In later years Luther modified his views on passive obedience. He was obliged to admit that self-defence sometimes became the right of the Christian, and especially was this so in the case of tyranny (see Luther, *Table Talk*, trans. Hazlitt, sec. 828, p. 333). While teaching the duty of passive obedience, Luther frequently declares his contempt for princes. 'They are,' he

says, 'usually the biggest fools or the worst knaves on earth' (*Werke*, Weimar, 11. 257-268).

45. 16. **Neque vero Caesarem**, etc. After 'titles' add, 'And injurious to Christ, who alone defends his own Church.' Milton omitted this phrase, as it would scarcely suit his purpose (Sleidan 14. 294). This is a quotation from a little book issued by Luther in 1542, *A Military or Camp-Sermon on the War against the Turks*. In this very book he counsels obedience to magistrates, asserting that a Christian ought not to resist evil, but suffer all patiently (p. 293). Milton is disingenuous also in the use of this quotation. Luther could criticize kings, but in this book, and at all times, he strenuously upheld the power of the king as superior to the papacy and to the people.

45. 22. **Cochlæus**, Johannes Dobeneck (1480?-1552). A voluminous German scholar in philosophy and theology. He was a stout opponent of Martin Luther and other reformers. He proposed a debate to Luther, the condition being that the vanquished should be burnt alive.

Dobeneck's book, referred to by Milton, is not extant, so far as I have been able to discover.

45. 29. **He could not stay there**. His argument would apply to hereditary kings also.

46. 2. **Phalaris**. A tyrant of Agrigentum, who reigned 565-549 B. C. Legend credits him with ferocious cruelty. He imprisoned captives within a brazen bull, and then heated the metal until they were roasted. He was supposed to have written a series of letters justifying tyranny. In the 18th century, Bentley proved that these letters were a forgery.

**Nero**. See 5. 29.

46. 16. **Zwinglius**. Ulrich von Zwingli (1484-1531), the Swiss reformer. His principal writing was *Commentarius de Vera et Falsa Religione*. 'We have looked so long upon the blaze that Zwinglius and Calvin have beacons up to us, that we are stark blind' (*Areop.*: Bohn 2. 90).

46. 17. **Quando vero perfide**, etc. For the first five quotations from Zwingli, see his *Opera*, ed. Schuler and Schulthess, 1. 42. 380.

46. 25. **God is the chief leader in that action.** The Latin phrase is *Deo fit auspice*. Otherwise the translation is literal.

47. 6. **Romanum imperium**, etc. See *Opera* 8. 493. The title of the letter is, *Zwinglius Conrado Somio et Simperto Memmingensi*. Zwingli's teaching on this question is expressed concisely in *The Acts of the First Zürich Disputation*: 'To magistrates all Christians owe obedience without exception, in so far as they do not command that which is contrary to God. If they give good advice and help to those for whom they must account to God, then these owe to them bodily assistance. But if they are unfaithful and transgress the laws of Christ, they may be deposed in the name of God' (S. M. Jackson, *Selected Works of Zwingli*, p. 115).

47. 11. **Calvin** (1509–1564).

47. 12. **Hodie monarchæ**, etc. See Calvin, *Prælectiones in Librum Prophetiarum Danielis*, p. 60. Comment on Dan. 4. 25.

47. 22. **Abdicant se terreni principes**, etc. *Ib.* p. 91. This quotation is incomplete. The original sentence is as follows: 'Potius ergo conspuere oportet in ipsorum capita, quam illis parere, ubi ita proterviunt ut velint etiam spoliare Deum jure suo, & quasi occupare solium ejus, acsi possent eum e cælo detrahere. Nunc ergo tenemus sensum hujus loci.' Comment on Dan. 6. 26.

For Calvin's advocacy of passive obedience to established authority, even to the worst tyrants, see *Institutes*, chap. 20, parts 25 and 31. See *Introd.*

47. 27. **Bucer**. Martin Bucer, the Alsatian reformer (1491–1551). A Dominican converted to the reformed faith by the writings of Erasmus and Luther. In 1522, as a preacher to the people of Wissemburg, a free city of Alsatia, he attained great success. Later he became a pastor in Strasburg. He endeavored to effect a union between the Lutherans and Zwinglians. In concert with the landgrave, Philip of Hesse, he also tried to establish peace between the Protestants and Catholics of Germany, but without success. Invited to England by Cranmer in 1549, he became professor of theology

at Cambridge, where he spent the rest of his life. Bucer was consulted by Henry VIII about his divorce. His views on this question were used by Milton. On 15 July, 1644, Milton issued a tract entitled, *The Judgement of Martin Bucer concerning Divorce*. Of the 40 small quarto pages, 24 consisted of abridged translations by Milton of certain passages from Martin Bucer. He also includes in the pamphlet six pages of 'Testimonies of the high approbation which learned men have given of Martin Bucer.'

47. 28. **Si princeps superior**, etc. See *Sacra Quatuor Evangelia*, ed. 1553, p. 55. Bucer's comments on the magistrate, as quoted by Milton, occur in his commentary on the phrase, 'Resist not evil' (Matt. 39. 5).

48. 4. **Pious magistrates**. Bucer says it is the part of pious princes and magistrates (*prii principes et magistratus*) where Milton mentions only magistrates.

48. 12. **Peter Martyr**. See 30. 12.

48. 13. **Paraëus**. David Pareus (1548–1622) became professor of theology in Heidelberg in 1598. He endeavored to unite the Lutheran and Reformed churches. Some of his theological works are not extant. The only complete edition of his works is a folio published in Frankfurt in 1647 by his son Philip.

Milton has not reproduced the entire passage, which is as follows: 'Quorum est constituere magistratus, eorum etiam est, enormiter grassantes cohercere, aut tollere, (si non desistant grassari contra Deum, et contra rempublicam). Constituuntur autem vel per senatum, vel per electores, vel per alios magistratus. Ergo hi recte faciunt, cum cohercent aut tollunt grassatores.' ('Davidis Parei in Divinam ad Romanos S. Pauli Apostoli Epistolam Commentarius,' *Opera Theologicorum*, art 2, p. 306).

But Pareus proceeds to forced resistance to tyrants by private persons, instancing David, who, a private person, would not lift his hand against the Lord's anointed. The only remedy was to take action through the constituted authorities (see *ib.*, p. 307).

See *Reas. of Ch. Govt.* (Bohn 2. 497) where Milton speaks of 'the grave authority of Pareus, commenting that book' (the Book of Revelation). Pareus is also quoted on divorce law (Bohn 3. 187).

48. 21. **Knox.** In *Observ. Art. Peace*, Milton says that John Knox 'taught professedly the doctrine of deposing and killing kings' (Bohn 2. 196).

**Whose large treatises.** See Knox, *The First Blast of the Trumpet against the Monstrous Regiment of Women*, 1552. This book appeared in the same year as Christopher Goodman's *How Superior Powers ought to be Obeyed*; and both declare the regiment [government] by women contrary to the teaching of the Bible. See also *Certain Questions Concerning Obedience to Lawful Magistrates, with Answers by Bullinger*, 1554 (*Works of Knox*, ed. Laing, 3. 217 ff.).

48. 25. **Knox appeal; and to the reader.** *The Appellation of John Knoxe from the cruell and most unjust sentence pronounced against him by the false bishoppes and clergy of Scotland, with his supplication and exhortation to the nobilitie, and comunaltie of the same realme.* Printed at Geneva, 1558. In the same volume is published Anthony Gilby's *An Admonition to England and Scotland, to call them to Repentance*. The summary of the proposed Second Blast of the Trumpet is printed at the end of the *Admonition*, and is headed, *John Knoxe to the Reader*. Milton has given the substance of the four brief points, the last of which is as follows: 'But if either rashely they have promoted any manifest wicked personne, or yet ignorantly have chosen such a one, as after declareth himself unworthie of regiment above the people of God, and such be all idolaters and cruel persecuters, moste justely may the same men depose and punish him, that unadvysedly before they did nominate, appoint, and electe' (*Works of Knox*, ed. Laing, 4. 539, 540).

48. 33. **Cartwright.** Thomas Cartwright (1535-1603) was the greatest preacher and writer among the early Puritans. As professor of divinity in Cambridge, he built up a party opposed to the constitution and hierarchy of the Anglican Church. Driven from his college by the prelates, he visited



Geneva, but soon returned to England and became involved in religious controversy. Forced into exile in 1573, he became minister of churches in Antwerp and Middelburg. Returning once more to England in 1585, he was for a time imprisoned, but spent his last years in affluence and peace. As an upholder of the Presbyterian form of church government, he was the most influential writer and thinker of his party.

**Fenner.** Dudley Fenner (1558?–1587), a celebrated tutor in Cambridge. Owing to his support of Cartwright's doctrines, he was obliged to leave the university before taking a degree. He followed Cartwright to Antwerp, where he was a minister of the Reformed Church. Returning to England about 1583, he became a curate of the established church, but, refusing, to subscribe to articles drawn up by Whitgift, he was imprisoned for some months. On his release he retired to Middelburg, where he became minister of the Reformed Church. Here he died in 1587. The work cited by Milton was Fenner's masterpiece, in the composition of which he spent seven years. Fenner wrote many treatises, and is regarded as one of the ablest of the early Puritan apologists.

49. 1. **Book of Theologie.** *Sacra Theologia, sive Veritas quae est Secundum Pietatem*, 1586. With introductory epistle by 'his loving brother,' Thomas Cartwright.

The quotation is from 5. 13. 81: 'Monarchiæ leges propriæ sunt.'

49. 6. **Cartwright in a prefix'd Epistle**, etc. He addresses Fenner as 'Ornatissimo et clarissimo fratri, et in ministerio collegæ, Domino Dudleio Fennero.' Cartwright occupies most of the preface of eight small quarto pages in describing the qualities of mind and heart requisite to a great theologian. The art of the theologian he asserts to be the most difficult of all intellectual pursuits, and compares the queen of the sciences with other branches of learning.

49. 9. **Anthony Gilby** (1510–1585?). Gilby early became a pamphleteer, in opposition to Bishops Gardiner and Hooper. During Mary's reign he was forced into exile. He joined

the English congregation at Frankfort, and assisted in the translation of the Bible, known as the Genevan version, first printed in 1560. Returning to England not later than 1564, he became vicar of Ashby in Leicestershire. Thomas Fuller, in his *Worthies of England* (Lincolnshire, p. 167), mentions Gilby as being, after his return from exile, 'a fierce, fiery, and furious opposer of the Church Discipline established in England.' In his *Church History* Fuller refers to Gilby, Whittingham, and Goodman as the fierce (not to say furious) sticklers against church discipline. These three he says, 'were certainly the Antesignani of the fierce Non-Conformists.' Owing to dissension in the congregation at Frankfurt, Gilby, Goodman, Whittingham, and others, with their families, moved to Geneva in 1555. Here they erected a church and formed a congregation. Christopher Goodman and Anthony Gilby were appointed 'to preach the Word of God and minystyre the Sacraments' in the absence of John Knox (*Works of Knox*, ed. Laing, 4. 147. In the full list of Gilby's works, catalogued by Laing in his *Works of John Knox* (4. 548-550), no mention is made of such a title. The quotation must be drawn from one of the numerous books where he touches upon this topic. In his pamphlet, *An Admonition to England and Scotland to call them to Repentance* (re-printed in full by Laing 4. 553 ff.), Gilby takes the same ground as Knox and Goodman.

49. 12. **England's Complaint against the Canons.** This book is not extant. Neither the British Museum Catalogue nor the catalogue of the Thomas Collection mentions it.

49. 15. **Christopher Goodman** (1520?-1603). Professor of divinity at Oxford, he was driven into exile by the Marian persecution, and lived at Strasburg. Afterwards joining the schism of reformers at Frankfort, he and other English exiles withdrew to Geneva. Here he and Knox became pastors and close friends. Goodman's tract, quoted by Milton, was published in the same year as Knox's *First Blast of the Trumpet* (1558), and both pamphlets were circulated secretly in England. In 1559 Goodman went to Scotland on the invitation of Knox, and became minister of Ayr, but preached

in various parts of Scotland. Later he returned to England, and became archdeacon of Richmond. Tried on a charge of unconformity in 1571, he was obliged to make a full recantation of his published opinions. His later years were spent in peace, and he died at a great age in 1603.

**Of Obedience.** The complete title is, *How Superior Powers ought to be Obeyd of their Subjects: and Wherin they may lawfully by Gods Worde be disobeyed and resisted.*

49. 16. **When Kings or Rulers.** *Ib.* chap. 10, pp. 139–140.

49. 22. **By the civil laws a foole or Idiot born,** etc. *Ib.* chap. 11, pp. 143–144. The quotation is correctly given.

49. 33. **No person is exempt,** etc. *Ib.* chap. 13, p. 184. Milton has suppressed the condition under which the ruler is to be punished—that is, either openly or privately known to be an idolater.

50. 8. **When Magistrates cease to doe thir duty,** etc. The whole sentence, as it stands in the original, is not quoted, but the suppressed clauses are unimportant (*ib.*, chap. 13, p. 185).

50. 13. **If princes doe right,** etc. ‘For this cause have you promised obedience to your Superiors, that they might herein helpe you: and for the same intent have they taken it upon them. If they will so do, and keepe promise with you accordinge to their office, then do you owe unto them all humble obedience: If not, you are discharged, and no obedience belongeth to them: because they are not obedient to God, nor be his ministers to punishe the euell, and to defend the good. And therefore your study in this case, oght to be, to seeke how you may dispose and punishe according to the Lawes, such rebells agaynst God, and oppressors of your felues and your cuntrye (*ib.*, chap. 13, p. 190). Notice how Milton has added and suppressed phrases.

The principal teachings of this book are set forth in chap. 5, and may be summed up as follows:

(1) To obey man in anything against God is unlawful, and plain disobedience.

(2) God requires his people to choose such a king as the Lord doth appoint, and not as they fancy. We can judge whether a king is God's choice by God's word. He should be

One who hath the fear of God before his eyes,  
One hating all papistry and idolatry,  
He who will promote God's laws.

(3) The government of women is against nature and God's ordinances, for God appointed woman to be in subjection to her husband. The title of the crown belongeth only by God's word to the heirs male. Queen Mary is 'a bastard.'

See Goodman's partial recantation of some of the doctrine of this book in Strype, *Annals* 1. 184 (vol. 7, ed. 1824).

50. 32. **Among whom Calvin**, etc. Although he does not make a direct statement, Milton tries to convey the impression that Calvin, among others, sanctioned Goodman's book. But Milton knew perfectly well that Calvin would never have stamped with his approval such revolutionary doctrines.

50. 35. **Whittingham**. William Whittingham (1524?–1579), a noted Oxford scholar, was obliged to flee to the continent in the reign of Queen Mary. He became a leader among the Frankfort exiles. He and Knox led an opposition party against the use of the prayer-book. Owing to the schism created, he withdrew to Geneva with Knox, Goodman, and other dissentients. In 1559, he succeeded Knox as minister in Geneva, where he took a prominent part in the translation of the Geneva Bible. He returned to England in 1560, and three years later was made Dean of Durham. He was brought to trial by a royal commission in 1578 on charges of adultery and drunkenness. Before any verdict was rendered, he died in 1579.

51. 3. **In Prefat.** 'When M. Christopher Goodman, one of our ministers, according to the course of the text, expounded both faithfully and comfortably this place of the Actes of the Apostles, *Judge whether it be juste before God to obey you rather than God*, certeyne learned and godly men moste instantly, and at sondry tymes required him to dilate more at large that his sermon, and to suffre it to be

printed, that not onely we here present, but our bretherne in England and other places might be persuaded in the trueth of that doctrine concerninge obedience to the magistrat, and so glorifie God with us.'

51. 19. **Preferments of their outed predecessors.** Ecclesiastical appointments once held by the ministers of the established church, who were driven out because they remained loyal to the king's cause.

51. 26. **A Treatise called Scripture and Reason.** The complete title is, '*Scripture and Reason pleaded for Defensive Armes: or the whole Controversie about Subjects taking up Armes.* Wherein besides other Pamphlets, an Answer is punctually directed to Dr. Fernes Booke, entitled, Resolving of Conscience, etc. Published by divers Reverend and Learned Divines.' This book was ordered to be printed by the Committee of the House of Commons concerning Printing on April 14, 1643.

51. 27. **Seem in words to disclaime,** etc. In the preface, the authors appeal to their congregations and sermons 'whether wee have taught any thing, but humble and holy obedience to all just and lawfull authority.' They declare that they are not preachers of sedition, not troublers of Israel; on the contrary they pray for the peace of our king. See also pp. 37, 64.

51. 30. **For if by scripture,** etc. An elaborate exegesis of Rom. 13. 1-7 is given in this pamphlet. See pp. 3-6. Passive obedience to the powers that be is enjoined in civil matters, but subjects are not to be bound to suffer tyrannous violence.

52. 8. **Amerce him.** *To be amerced* was originally to be at the mercy of any one as to amount of fine; hence the active *to amerce*, to fine arbitrarily or according to one's own estimate. Here the fine imposed upon the king is the loss of his kingdom. Cf. *Observ. Art. Peace* (Bohn 2. 194): 'To punish and amerce by any corporal infliction.'

52. 23. **This golden rule.** The rule of proportion. Cf. Barnard Smith, *Arithmetick*, p. 196: 'Almost all questions which arise in the common concerns of life, so far as they

require calculation by numbers, might be brought within the scope of the Rule of Three, which enables us to find the fourth term in a proportion, and which on account of its great use and extensive application is often called the Golden Rule.' The same phrase is used in *Areop.* (Bohn 2. 90).

52. 26. **Euclid.** Euclid of Alexandria, author of the celebrated work, *Elements of Geometry*. According to Proclus he lived from 328 to 283 B. C., and was one of the Platonic school.

52. 27. **Apollonius.** Apollonius Pergæus, 'the great geometer,' was a native of Perga in Pamphylia, and flourished in the second century B. C. He was author of a treatise on conic sections which is still extant.

52. 28. **Being undeposable but by themselves.** 'And this Parliament (what ever other might bee) is not deposeable [dissoluble] but by themselves. The Sword cannot be Legally taken from them till they give it up' (*Scripture and Reason*, p. 38). 'The parliament is bound in conscience to prevent Tyranny, and preserve themselves, and Religion, Lawes and Liberties' (*ib.*, p. 38). 'They are empowered to take away the wicked from before the king. The sword may also be taken out of the hand of God's anointed till it hath beene sufficiently employed, to punish those Malefactors and delinquents which he should, but will not strike with it, or rather will defend and employ.' In the sentence, however, we read that 'they may Legally and Lawefully take the sword into theyr hands; and doe not take it out of the Kings, but his wicked Followers' (*ib.*, pp. 37, 38). It is this sort of quibbling which Miltons condemns.

52. 32. **Unmagistrate.** Cf. 'unking the king,' 35. 5.

53. 11. **By what rule,** etc. 'By what rule of conscience or God is a State bound to sacrifice Religion, Laws and Liberties rather than endure that the Princes life should come into any possibilities of hazard, by defending them against those, that in his name are bent to subvert them? If he will needs thrust upon the hazard, when he needs not, whose fault is that?' (*ib.*, p. 19). See also p. 20.

53. 16. **These sacred concernments.** Religion, laws, and liberties. *Concernments*, interests. *To Rem. Hire* (Bohn 3. 2, 22).

53. 19. **The Law of Nature.** That which is eternal and immutable, an embodiment of some universal human feeling. Positive laws were composed of human and of divine statutes. See Grotius, *De Jure Belli* 1. 8. 8. and 1. 4. 3. Cf. *Sec. Def.* (Bohn 1. 264), and *Observ. Art. Peace* (Bohn 2. 190). Milton alludes to *Scripture and Reason*, p. 51: 'But how humane Laws made without or against God's Authority, can hinder me from the liberty granted me by the Law of Nature, to defend myself from outrageous Violence, being altogether an Innocent, I cannot see, specially in a case concerning God's immediate Honour as well as my safety.'

54. 2. **A Judge or inferior Magistrate**, etc. 'Saint Peter names Governours to be submitted to for the Lord's sake, as well as the Supreme' (*Scripture and Reason* p. 38).

54. 5. **St. Peter's rule.** 1 Pet. 2. 13, 14.

54. 15. **In a cautious line or two.** The justification of resistance to tyranny is plainly urged.

54. 18. **See Scripture and Reason**, p. 4. For further references to tyrannical rulers and the right of the Christian to resist them, see *ib.*, pp. 2, 6, 9, 10, 20, 21, 27, 56.

54. 16. **Stuffed in.** Cf. *Reason of Ch. Govt.* (Bohn 2. 481): 'Men whose learning and belief lies in marginal *stuffings*'; *Apol. Smect.* (Bohn 3. 109): 'His own *stuffed* magazine and hoard of slanderous inventions.'

54. 22. **For divines**, etc. This passage represents the nearest approach to humor in this treatise. It is altogether one of the happiest pieces of satire in Milton's prose. See *Intro.*

54. 23. **Posture** was formerly a military term, meaning a particular position of a weapon in duel or warfare. Cf. Wood, *Ath. Oxon.* 2. 262: 'He learned . . . how to handle the pike and musquet, and all *postures* belonging to them.' It was also applied to the appearance of a body of troops: 'They are still out of the garrison in a mutinous *posture*,

with their arms' (Henry Cary, *Mem. of Great Civil War* 1. 296. Cf. *Doct. and Discip. of Div.* (Bohn 3. 184): 'In such a posture Christ found the Jews.' Cf. *Scripture and Reason*, p. 71: 'To draw them into such a posture of defence.'

**Motions.** A motion was each of the successive actions of which a prescribed exercise of arms consisted. For instance, according to the manual of 1760, the officers faced to the left about in three *motions*. There were also *motions* of the firelock. Cf. *Of Ref. in Eng.* (Bohn 2. 365): 'Then was the priest set to con his motions and postures.'

54. 24. **Feats.** Another military term. Feats of war were military duties or exercises.

**Artillery-ground.** In a tract, entitled *Ancient Military Government of London*, we read: 'Besides the forementioned Trained Bands and Auxiliary Men, there is the Artillery Company, which is a nursery for Soldiers, and hath been so about 80 years. Their Place, or Field of Exercise, formerly was in the old Artillery Ground, now in Finsbury Fields.' The Artillery Company dates back to 1585, and the first officers were called *Captains of the Artillery Garden*, from the place where they exercised. From the year 1610 a weekly exercise of arms was held in the Artillery Garden (*The Antiquarian Repertory*, p. 269, London, 1807).

67. 17. **Commodity.** Cf. *Eikon* (Bohn 1. 315).

55. 6. **Nimble motionists.** *Motionists*, a word now obsolete, was probably coined by Milton. In the *New Eng. Dict.*, the only example of its use is in the present connection.

55. 12. **Strook.** An old preterite of strike. Cf. *P. L.* 2. 165, *H.* 95.

55. 14. **Scripture.** An attack on his opponents, narrow interpretation of Scripture texts. On Milton's own use of Scripture, see *Introd.*

55. 17. **Impotent conclusions.** In logic, every syllogism has three propositions—the major premise, the minor premise, and the conclusion. If the conclusion contains any term that has not been used distributively in one of the premises, such a conclusion would be impotent or invalid.



55. 18. **In this posture.** He still retains the military metaphor. The Presbyterian divines are at drill on the walls of Sion College.

55. 20. **Like Jebusides.** Like the heathen enemies of the Lord's people, not real Israelites, or members of the priestly tribe of Levites. Although both the Jebusites and Adonibezek were Canaanites, the Bible is silent as to whether Adonibezek was their chief, as Milton implies. Jebusites was the name of the local tribe which, in the first centuries of Israel's occupation of Canaan, held Jerusalem, until its citadel, the stronghold of Zion, was captured under David. Allusions to the inability of the Israelites to expel the Jebusites from their stronghold are found in Jos. 16. 63; Judg. 1. 21, and in Judg. 19. 10–12 it is described as a city of foreigners (*H.D.B.* 2. 554).

55. 21. **Adonibezec.** See Judg. 1. 5–7. The real meaning of the name is, Bezek is my Lord. Adonibezek was chief of a Canaanitish tribe. He was defeated by the tribe of Judah, and was mutilated by having his thumbs and great toes cut off. According to his boast, he himself had similarly treated seventy kings.

In this interesting and humorous illustration from Scripture, Milton compares the two leaders, David and Adonibezek, which being translated mean Christ and Charles I. The Presbyterian Jebusites who cry, 'Bezek is my Lord', declare that Charles is the Lord's anointed, instead of being true to their real king, Christ, the Root of David. But these very divines who now cry up the King, not long ago cut off his thumbs and toes upon their pulpit cushions, that is, insulted his sovereignty, cursed him, denounced him, etc. (see 4. 6), as an enemy of Israel.

55. 33. **As the soul of David hated them,** etc. See 2 Sam. 5. 6–10, especially v. 8; 'And David said on that day, Whosoever getteth up to the gutter, and smiteth the Jebusites, and *the lame and the blind*, that are *hated of David's soul*, he shall be chief and captain.

55. 35. **But as to those before them.** Earlier Protestant divines—Luther, Calvin, Zwingli, Goodman, Fenner, etc.

56. 8. **Sub-prelatical.** Prelatical, in Milton and other writers of his time, is a hostile term for Episcopalian. The force of the prefix here is ambiguous. It may mean *after*, in point of time, but the more probable meaning is *somewhat*. He cannot call the Presbyterian faction out-and-out supporters of prelacy, but he means to indicate that their advocacy of divine right and of a tyrannical church government is inclining them in that direction.

56. 11. **To an inferior Magistrate lawfull.** What is unlawful to a private man, may be lawful for an inferior magistrate. This was one of the ways in which Calvin, Knox, and others qualified their support of the rights of the people.

56. 18. **That fals and impudent assertion.** See 32. 2.

56. 30. **Simon Magus.** See 43. 28 and 51. 16.

56. 31. **Sent.** This old spelling of 'scent' is more correct than the modern use.

56. 32. **Advowsons.** An advowson was the patronage of an ecclesiastical office or religious house, the right of presentation to a benefice or living. Originally it meant the obligation to defend its rights, or to be its advocate. Cf. Sterne, *Tristram Shandy*, chap. 15: 'And also, the advowson, donation, presentation, and free disposition of the rectory or parsonage of Shandy aforesaid, and all and every the tenths, tithes, glebelands.'

**Donatives.** Benefices or livings which the founder or patron can bestow, and which are exempt from the visitation of the bishops or their officers.

56. 33. **Inductions.** The induction is the ceremony by which the Presbytery, or its representatives, install a new minister.

**Augmentations.** An augmentation was an increase of stipend obtained by a Scottish parish minister by an action (process of augmentation) in the Court of Teinds, against the titular or beneficiary, and heritors.

56. 35. **Priests of Bel.** See the story of Bel and the Dragon in the Apocrypha. The priests of Bel, their wives

and children, had a secret entrance to the great idol, and consumed the daily offerings of flour, sheep, and wine made by the Babylonians. Daniel exposed their tricks to King Cyrus.

57. 4. **Fed them plenteously.** All the services performed by the Presbyterian divines, such as their attendance on the Westminster Assembly and sermons before parliament, were liberally paid for by the House of Commons. Ample provision was also made for the clergy throughout the nation. See 44. 2.

57. 6. **Rais'd them to be high and rich of poore and base.** Many of the Presbyterian and nonconformist divines were of low birth. From poor and base circumstances they were lifted by the successes of the army into high and rich positions. See a tract entitled *The Brownist Synagogues* (1641): 'The chief preachers of the Independents are said to be Green, the feltmaker, Marlin, the buttonmaker, Spencer, the coachman, Rodgers, the glover.' These names are given on the title-page.

See also Prynne, *The Schismatics Sifted, or The Picture of the Independents* (1646), p. 34. 'It is a miracle or wonder to the saucie boyes, bold botching taylors, and others most audacious, illiterate mechanicks run out of their shops into a pulpit?'

Cf. *To Rem. Hire.* (Bohn 3. 40): 'Crept for the most part out of extreme want and bad nurture.'

57. 9. **Thir fellow-locusts.** Probably he means the clergy-men of the Established Church formerly in power. In ancient times, the locust was a synonym for the most awful greed and waste. For a celebrated description of the ravages of a plague of locusts see J. H. Newman, *Callista*, chap. 15. See also Exod. 10. 5.

Here 'bottomless pit' refers to Rev. 9. 1-3. Cf. *Of Ref. in Eng.* (Bohn 2. 417).

57. 11. **Thir impetuous ignorance and importunity.** This last criticism of the divines for their domineering attitude to parliament, and ceaseless clamors for the establishment of their intolerant church-system, is a repetition of what he has said over and over again in this pamphlet.

## THE HISTORY OF TYRANNICIDE.

Milton's contribution to a history of tyrannicide is, as we have said, the most important that has ever been made by any English author. The subject seems to have escaped the notice of later English students of the classics, so that it becomes necessary for the present writer to add several references to those collected by Milton, and to present the material in a more connected form.

In the heroic age the Greeks seem to have been upholders of the doctrine of the divine right of kings, and they believed that the king was the choice of the gods, and to murder him was an act of sacrilege.<sup>2</sup> In the course of time, however, the Spartans instituted a regular tribunal for the trial and punishment of tyrannical kings. Both Pausanias and Agis were deposed by the ephors and the senate.<sup>3</sup> Not alone in Sparta, but throughout Greece, attempts at despotism became common; the isolated districts of a mountainous country, and the isles of the Ægean, saw the rise of numerous small kingdoms governed by tyrants.<sup>4</sup> The fickleness of the Greek, and his natural love of liberty, made the tenure of these petty tyrants exceedingly precarious, and usually short-lived. They were frequently driven into exile by sudden revolutions; in Athens a law of Solon decreed the more merciful punishment of ostracism, instead of death.<sup>5</sup>

It was not until the murder of Hipparchus by Harmodius and Aristogiton that tyrannicide became popular in Greece

<sup>1</sup> *Observ. Art. Peace* (Bohn 2. 188).

<sup>2</sup> *Odys.* 16. 400 ff.

<sup>3</sup> Thucydides, *History*, Bk. 8.

<sup>4</sup> The rapid rise and fall of these tyrannies, and their great number, may be studied in the exhaustive work of H. G. Plass, *Die Tyrannis*.

<sup>5</sup> Plutarch. *Life of Solon*, chap. 19.

Although this assassination was inspired by motives of private vengeance, the deed of the two friends became one of the great traditions of Greek liberty, and the murderers of the son of the tyrant Pisistratus were henceforth the subjects of the poet's song and the sculptor's chisel. 'To honor them and their descendants became an article of republican faith.'<sup>1</sup> Duruy draws up a list of the honors accorded to the two heroes; it includes a vase, a painting, two monetary types, and marble and brazen statues. 'The Athenians,' he says, 'represented the two friends as martyrs of liberty, they erected statues to them, they granted privileges to their descendants, which the latter enjoyed as late as the time of Demosthenes, and on festival days they chanted:

'I will carry the sword under the myrtle-branch, as did Harmodius and Aristogiton when they slew the tyrant, and established equality in Athens.

'Most dear Harmodius, thou art not dead; doubtless thou livest in the Islands of the Blessed, where are, they say, Achilles the swift-footed, and Diomedes, the son of Tydeus.

'In the myrtle-branch I will hide the sword, like Harmodius and Aristogiton, when at the festival of Athene they slew the tyrant.

'Thy fame shall for ever endure upon earth, beloved Harmodius, and thine, Aristogiton, because you have slain the tyrant and established equality in Athens.'

Pliny dwells specially on the works of art inspired by this first famous instance of tyrannicide: 'I do not know whether the first public statues were not erected by the Athenians, and in honor of Harmodius and Aristogiton, who slew the tyrant; an event which took place in the same year in which the kings were expelled from Rome. This

<sup>1</sup> Egger, *Sur le Meurtre Politique chez les Grecs et chez les Romains*, p. 5.

<sup>2</sup> Duruy, *Hist. of Greece*, trans. Ripley, 2. 22. This *Scolium*, or drinking-song, has been attributed to Callistratus. It is quoted by Aristophanes, *Lysistrata* 632; *The Acharnians* 990, 1093. For various English translations of this song, and an interesting sketch of the two friends, see Kennedy, *Orations of Demosthenes*, 3. 264.

custom, from a most praiseworthy emulation, was afterwards adopted by all other nations.<sup>1</sup> Praxiteles also executed 'two figures of Harmodius and Aristogiton, who slew the tyrants.'<sup>2</sup> Amphicrates made a brazen statue of Leæna. 'She was a skilful performer on the lyre, and had so become acquainted with Harmodius and Aristogiton, and submitted to be tortured until she expired, rather than betray their plot for the extermination of the tyrants. The Athenians, being desirous of honoring her memory, without at the same time rendering homage to a courtesan, had her represented under the figure of an animal (a lioness), whose name she bore; and, in order to indicate the cause of the honor thus paid her, ordered the artist to represent the animal without a tongue.'<sup>3</sup>

So extravagant was the popular estimation of this murder of the son of Pisistratus that the Athenians gave a dowry to a niece of Aristogiton, who was living in poverty in the isle of Lemnos.<sup>4</sup> Even so distinguished an author as Plato joined in the chorus of approbation: 'For the interests of rulers require that their subjects should be poor in spirit, and that there should be no strong bond of friendship or society among them, which love, above all other motives, is likely to inspire, as our Athenian tyrants learned by experience; for the love of Aristogiton and the constancy of Harmodius had a strength which undid their power.'<sup>5</sup> Callisthenes relates that Philotas, the friend of Alexander, asked him one day what person was most honored by the Athenians. He gave the names of Harmodius and Aristogiton, because they had destroyed tyranny by the murder of one of two tyrants.<sup>6</sup> Alexander also declared that Athens would be foremost among Greek cities in receiving the murderer of a tyrant. It afterwards happened that the pretended author

<sup>1</sup> *Natural Hist.*, Cap. 34. 10.

<sup>2</sup> *Ibid.*, chap. 19.

<sup>3</sup> *Ibid.*

<sup>4</sup> Plutarch, *Life of Aristides*.

<sup>5</sup> *Symposium*, trans. Jowett, 1. 182.

<sup>6</sup> Callisthenes, quoted by Arrian, *Anabasis of Alexander*, 4. 10; 8. 16; 7. 19.

of Alexander's death was publicly honored by a decree passed by the Athenians. A decree passed in the year 403 B. C. had already authorized any Athenian to kill the citizen who should aspire to the tyranny, betray the republic, or overthrow the constitution. Even down to the days of the Roman empire the memory of the two friends was honored;<sup>1</sup> for, after the assassination of Julius Cæsar, the Athenians dressed the statues of Brutus and Cassius, and placed them beside those of Harmodius and Aristogiton on the Agora.<sup>2</sup>

The earliest reference in Greek literature to the evils of tyranny is contained in verses written by Solon (circa B. C. 638–558):

Truth it is that I declined the bloody desperate career  
Of tyrannical command, to rule alone and domineer,  
In my native happy land, with arbitrary force and fear:  
Neither have I since repented; unreproach'd, without a crime;  
Placed alone, unparalleled, among the statesmen of the time.<sup>3</sup>

Another early poet, Theognis of Megara (B. C. 570–548 or 544) was deprived of his property by a tyrant, and forced into exile. The following fragments express his indignation:

Court not a tyrant's favor, nor combine  
To further his iniquitous design!  
But, if your faith is pledged, though late and loath,  
If covenants have pass'd between you both,  
Never assassinate him! keep your oath!  
But should he still misuse his lawless power,  
To trample on the people, and devour;  
Depose or overturn him—anyhow!  
Your oath permits it, and the gods allow.<sup>4</sup>

The sovereign single person—what cares he  
For love or hate, for friend or enemy?  
His single purpose is utility.<sup>5</sup>

<sup>1</sup> For further reference to the praises of these heroes in Greek literature, see Ilgen, *Σχολιά, id est Carmina Convivialia Græcorum*, passim.

<sup>2</sup> Dio Cassius, *Hist.* 47. 21.

<sup>3</sup> Trans. Frere, *Works* 3. 356.

<sup>4</sup> Trans. Frere, 3. 361.

<sup>5</sup> *Ibid.* 362.

Herodotus (B. C. 484–443[?]) was also forced into exile by a cruel tyrant. In Samos he gathered together his fellow-exiles, returned to Halicarnassus, his own city, and expelled the tyrant Lygdamis. His writings show his animus against despotism, a good instance being the speech which he puts into the mouth of Miltiades on the eve of Marathon; he represents the general as appealing to the soldiers to emulate Harmodius and Aristogiton.<sup>1</sup>

Xenophon (B. C. 444–357[?]), in the dialogue entitled *Hieron*, pictures the miseries of a tyrant's life, and refers to the great honors conferred upon tyrannicides by Greek cities.<sup>2</sup>

Andocides (B. C. 439–399), exiled in B. C. 415, was allowed to return to Athens upon the fall of the Thirty Tyrants. In replying to the charge of unlawful participation in the mysteries, he alludes to the exoneration of the tyrannicide by the Athenian law, and gives as a law of Solon the text of an oath which the Athenian was required to take, to the effect that he would himself kill, if able, any one who overthrew the democracy in Athens, or who set himself up for a tyrant, or should aid another to establish tyranny. If another should kill a tyrant, the citizen swore to regard him as one who had killed an enemy of the Athenians. If a citizen should be killed in attempting to destroy a tyrant, or in such an enterprise, he would accord him and his children the same honor as was given to Harmoeius and Aristogiton and their descendants.<sup>3</sup>

Plato (B. C. 428–347) was an unfriendly critic of tyrants, although he lived for a time at the court of Dionysius. He did not go to the extent of openly defending tyrannicide, but his intimate friendship with Dion made him sympathize with the latter in his efforts to expel Dionysius. Plato taught that if a man kills another unjustly, he is wretched; if justly, he is not to be envied. He would evidently consider the

<sup>1</sup> 6. 109. See also 5. 55; 6. 123.

<sup>2</sup> As noted above, Milton quoted this dialogue in *First Def.* (Bohn 1. 125).

<sup>3</sup> *On the Mysteries*, § 98. Cf. Schelling, *De Solonis Legibus*, p. 7. and Schoemann, *De Comitibus Atheniensium*, pp. 181 ff.



murder of a tyrant a righteous act, but would not care to be the assassin. He defines tyranny as 'the power of doing whatever seems good to you in a state, killing, banishing, doing all things as you like.' He makes Socrates say that a tyrant has no more real power than a man who runs out into the Agora carrying a dagger.<sup>1</sup> In the ninth book of the *Republic*, after describing the excesses of a private person, he says: 'This noxious class and their followers grow numerous and become conscious of their strength; assailed by the infatuation of the people, they choose from among themselves the one who has most of the tyrant in his own soul, and him they create their tyrant.'<sup>2</sup> Again he says that the tyrant is of all men the most miserable,<sup>3</sup> and, in comparing the tyrant with the legitimate monarch, he asserts that one year of the tyrannical equals only twelve hours of the royal life.<sup>4</sup>

Aristotle (B.C. 384–322) was even more outspoken in his condemnation of tyranny than Plato. His famous definition of tyranny was destined to be quoted by the republican writers of future ages: 'There is also a third kind of tyranny, which is the most typical form, and is the counterpart of the perfect monarchy. This tyranny is just that arbitrary power of an individual which is responsible to no one, and governs all alike, whether equals or betters, with a view to its own advantage, not to that of its subjects, and therefore against their will. No freeman, if he can escape from it, will endure such a government.'<sup>5</sup>

Demosthenes (B. C. 383–322) quotes the oaths of the Heliasts, which bound them to oppose tyranny.<sup>6</sup> He explains that the descendants of Harmodius and Aristogiton are exempt from certain services demanded from other citizens,<sup>7</sup> refers

<sup>1</sup> *Gorgias* 2. 402.

<sup>2</sup> *Dialogues*, trans. Jowett, 3. 285.

<sup>3</sup> *Ibid.* 3. 288.

<sup>4</sup> *Ibid.* (Introd., p. 144).

<sup>5</sup> *Politics*, trans. Jowett, 4. 10. 4. See also 5. 5. 6, 5. to 9. 5. 11. 13; 5. 11. 15; 5. 11. 30; 3. 7. 5.

<sup>6</sup> *Against Timocrates* § 149; *Against Leptines* § 18.

<sup>7</sup> *Against Leptines* § 29.

to the brazen statue erected to their memory,<sup>1</sup> and calls them supreme benefactors, to whose memory the people pour libations, and honor them in songs as the equals of heroes and gods.<sup>2</sup> The great orator feared that tyrannicide might be a political necessity in future ages, when the deed of Harmodius and Aristogiton would have to be repeated. 'The Syracusans,' he says, 'could never have expected that a scribe, Dionysius, would become their tyrant, nor yet that Dion with a few ships would be able to expel him.'<sup>3</sup>

Æschines (B. C. 389–314), the rival of Demosthenes in oratory, was at one with him in denunciation of tyranny, and in praise of the love of Harmodius and Aristogiton.<sup>4</sup>

Polybius (B. C. 204–122) says the following in approval of tyrannicide: 'To take away the life of a citizen is considered as a most horrid crime, and such as calls for vengeance; yet a man may openly destroy an adulterer or robber, without any fear of being punished for it: and those who rescue their country from a traitor or a tyrant are even thought worthy of the greatest honors.'<sup>5</sup> Again, he observes that 'the first conspiracies against tyrants were first contrived not by men of obscure or low condition, but by those of noblest birth, and who were the most distinguished by their courage and exalted spirit: for such are at all times most impatient of the insolence of princes.'<sup>6</sup> Aristomachus, a tyrant of Argos, was put to death in tortures the most cruel and merciless that ever were inflicted upon man; but Polybius was of opinion that 'the wicked tyranny which he had exercised upon his country might very deservedly have drawn upon him the severest punishment. Because of his great cruelty to others and his perfidy, this tyrant should rather have been led through all the towns of Peloponnesus,

<sup>1</sup> *Ibid.* § 68.

<sup>2</sup> *On the Embassy* § 280.

<sup>3</sup> *Against Leptines* § 159.

<sup>4</sup> *Against Timarchus* § 132.

<sup>5</sup> *Hist.* 2. 4.

<sup>6</sup> *Ibid.* 6. 1.

exposed to every kind of torture and indignity, and afterwards have been deprived of life.'<sup>1</sup>

Diodorus Siculus (lived during the reign of Augustus) had much to say on the subject of tyranny. He calls Sicily 'the land of tyranny,'<sup>2</sup> relates sympathetically the expulsion of Dionysius by Dion,<sup>3</sup> describes the assassination of Alexander of Pharos,<sup>4</sup> of Dion,<sup>5</sup> of Philip by Pausanius,<sup>6</sup> and relates the awful story of how Timoleon killed his brother, who aspired to be a tyrant.<sup>7</sup> In a short chapter which he devotes to the discussion of tyranny, he quotes a saying of Solon to the effect that wealthy men are dangerous to the state, because of their opportunity by means of corruption to set up a tyranny<sup>8</sup>; in this book we also find a prolix account of the cruelties perpetrated by the tyrant Agathocles. Harmodius and Aristogiton receive the customary honorable mention.<sup>9</sup>

Plutarch (A. D. 50-120) is the connecting link between Greek and Latin literature, so far as this subject is concerned. He was equally at home in denouncing the Pisistratidæ or the Tarquins, in praising Thrasybulus or Brutus. His lives of Solon, Publicola, Timoleon, Cato, Cicero, Dion, Brutus, and Galba breathe his passionate hatred of tyranny. He contended that the mildness of the doctrines of the Epicureans rendered the soul incapable of strong deeds, since this school had never produced a tyrannicide.<sup>10</sup> He praised the philosophical teaching of Plato, however, because it had fortified the souls of patriots; for it was owing to this inspiration that Dion had been able to proceed against Dionysius,<sup>11</sup> and others had dared to murder King Cotys of Thrace.<sup>12</sup> His parallel lives of Dion and Brutus display Plutarch's uncompromising republicanism, and his declaration that 'the greatest glory of both men consists in their abhorrence of tyrants and

<sup>1</sup> *Hist.* 2. 4.<sup>2</sup> 11. 87.<sup>3</sup> 16. 6.<sup>4</sup> 16. 14.<sup>5</sup> 16. 3.<sup>6</sup> 16. 94.<sup>7</sup> 16. 65.<sup>8</sup> 19. 1. Cf. Ure, *Origin of the Tyrannis*, in *Journ. Hellen. Studies* 26. 141.<sup>9</sup> 8. 87, 92.<sup>10</sup> *Moral Maxims*, chap. 32. <sup>11</sup> *Ibid.*, chap. 20. <sup>12</sup> *Ibid.*, chap. 32.

their criminal measures' is thoroughly characteristic of the whole body of his political opinions.

Lucian (A. D. 120 (?)—190 (?) speaks of the hopes and fears which agitate the breast of the tyrant; simply the name of tyrant is sufficient to create hatred in the hearts of the people.<sup>1</sup> The adorers of tyrants are lovers of power and timeservers, and under the rule of a tyrant the citizen is in greater danger than if he were among a foreign foe.<sup>2</sup> Lucian enters upon a nice discussion as to whether a person who kills the son of a tyrant ought to receive the regular reward of a tyrannicide; he concludes that the law of tyrannicide determines the recompense, i. e., the patriotic deed is its own reward.<sup>3</sup> This author also gives some interesting data as to the lives, customs, and violent deaths of tyrants.<sup>4</sup>

Arrian (flourished in the second century A. D.), besides quoting Callisthenes' account of the conversation between Philotas and Alexander,<sup>5</sup> relates that Alexander the Great sent back to Athens bronze statues of Harmodius and Aristogiton, which were recovered at Babylon.<sup>6</sup>

Although we have already anticipated the Roman point of view in quoting the republican sentiments of Plutarch, we find that long before the days of the great biographer the Latin writers were interested in this subject. Rome had no Harmodius and Aristogiton to commit a political murder in her early days, but she produced a stern foe to tyranny in Junius Brutus, who, even if he did not kill the Tarquins, at least established a precedent for the deposition of unjust rulers. Strictly speaking, the Roman republic could not boast a single case of tyrannicide, but the ancient Brutus, Servilius Ahala, Marcus Brutus, and Cassius took their places in Latin literature on a footing of equality with Harmodius and Aristogiton. As in other respects the literary fashions of the conquered became those of the conquerors, so the eulogy

<sup>1</sup> *Works*, p. 465 (Paris, 1615).    <sup>2</sup> *Ibid.*, p. 233.    <sup>3</sup> *Ibid.*, p. 413.

<sup>4</sup> *Ibid.*, p. 211.

<sup>5</sup> *Anabasis of Alexander the Great*, *cit. supra*.

<sup>6</sup> *Ibid.*, chap. 10.

of tyrannicide became a popular theme with the Roman poets, orators, and historians. The troublous and corrupt days of the empire saw the cutting-off of numerous tyrants. 'The experience of the Roman world,' says Egger, 'shows on a larger scale that which Greece had proved many times, the powerlessness of murder to regenerate the people and to establish good government. The republican tradition, however, obstinately outlived these proofs, for it was perpetuated in the conscience of mankind, in serious literature, and in the sophistry of the schools.'<sup>1</sup>

Cicero (B. C. 106—43), one of the glories of Latin literature, set his seal of approval upon the Greek custom of honoring tyrannicide. 'The Greeks,' he says, 'give the honors of the gods to those men who have slain tyrants. What have I not seen at Athens? What in the other cities of Greece? What divine honors have I not seen paid to such men? What odes, what songs have I not heard in their praise? They are almost consecrated to immortality in the memories and worship of men.'<sup>2</sup> Two more quotations from the great orator of Rome must suffice to represent his uncompromising views on this topic; both are from his *Offices*: 'What can be greater wickedness than to slay, not only a man, but an intimate friend? Has he then involved himself in guilt who slays a tyrant, however intimate? He does not appear so to the Roman people at least, who of all great exploits deem that the most honorable.'<sup>3</sup> Again he says: 'Now as to what relates to Phalaris [the tyrant of Agrigentum], the decision is very easy; for we have no society with tyrants, but rather the widest separation from them; nor is it contrary to nature to despoil, if you can, him whom it is a virtue to slay—and this pestilential and impious class ought to be entirely exterminated from the community of mankind. For as certain limbs are amputated, both if they themselves have begun to be destitute of blood, and, as it were, of life, and if they

<sup>1</sup> *Sur le Meurtre Politique*, etc., p. 28.

<sup>2</sup> *Speech for Milo*, chap. 29.

<sup>3</sup> B. 4.

injure the other parts of the body, so the brutality and ferocity of a beast in the figure of a man ought to be cut off from the common body, as it were, of humanity.<sup>1</sup>

Nepos (B. C. 100–24) narrates the deeds of Thrasybulus, Miltiades, Dion, and Timoleon.

Sallust (B. C. 86–A. D. 34) puts a protest against tyranny into the mouth of Caius Memmius.<sup>2</sup>

Livy (B. C. 59–A. D. 17) describes the revolution led by Brutus against the Tarquins,<sup>3</sup> and recites the text of the Valerian Law against those aiming at tyranny.<sup>4</sup>

Seneca (B. C. 4 (?)–A. D. 65) wrote the verses quoted by Milton in *The Tenure of Kings and Magistrates* (22. 9).<sup>5</sup>

Persius (A. D. 34–62), in his third satire, exclaims: ‘Great father of the gods, be it thy pleasure to inflict no other punishment on the monsters of tyranny, after their nature has been stirred by fierce passion, that has the taint of fiery poison—let them look upon virtue, and pine that they have lost her for ever!’ He refers in the same satire to the dread of Phalaris and Damocles, when they heard a voice whispering to their hearts, ‘We are going, going down the precipice.’

Quintilian (A. D. 35–97 (?)) uses as an illustration in his *Principles of Oratory* the phrase of Cato, ‘Cæsar came sober to destroy the commonwealth.’<sup>6</sup> He also employs the similitude: ‘As physicians prescribe the amputation of a limb that manifestly tends to mortification, so would it be necessary to cut off all bad citizens.’<sup>7</sup> The use of all such material in school-exercises reflects the thought of the age; the Roman Senate in the days of Nero and Domitian had become cowardly in its subservience to tyrants, yet the educated classes loved

<sup>1</sup> *Ibid.*, chap. 7. Other references to Cicero’s writings: *ibid.* 3. 21; *Letters to Atticus* 10. 8; 14. 15; 16. 15 (in which he calls those who kill tyrants *tyrannocotones*); *To Brutus*, chap. 16, *Philip*. 1. 1.

<sup>2</sup> *Jugurthan War*, chap. 31.

<sup>3</sup> *Hist.* 2. 8.                      <sup>4</sup> 3. 5.

<sup>5</sup> *Hercules* 922–924.

<sup>6</sup> *Bk.* 8, chap. 2.

<sup>7</sup> 8. 3; cf. 7. 2, 3, 7.

to talk about resistance, even if they had become too effeminate to take up arms against misrule.

Suetonius (during the reign of Trajan) describes the last days and unhappy deaths of Tiberius,<sup>1</sup> Nero,<sup>2</sup> and Galba,<sup>3</sup> and gives a sympathetic account of the revolt of Vindex.<sup>4</sup>

Tacitus (A. D. 65 (?)—119 (?), from the opening words of his *Annals*, wherein he states that 'liberty was instituted in the consulship of L. Junius Brutus,' shows his animus against tyrants. His sketch of the life of Tiberius is one of the most terrible exposures of tyranny ever written. His best-known saying on this topic is contained in his description of the funeral of Junia, the niece of Cato: 'The busts of twenty most illustrious families were borne in the procession, with the names of Manlius, Quinctius, and others of equal rank. But Cassius and Brutus outshone them all, from the very fact that their likenesses were not to be seen.'<sup>5</sup>

Marcus Aurelius (A. D. 121—180), the republican emperor, was at one with other philosophers of his age in eulogizing Marcus Brutus: 'From him I received the idea of a polity in which there is the same law for all, a polity administered with regard to equal rights and equal freedom of speech, and the idea of a kingly government which respects most of all the freedom of the governed.'<sup>6</sup> He seems to have imbibed these views from the rhetoricians of the day, who taught their pupils to declaim against tyrants: 'From Fronto [the rhetorician],' he says, 'I learned to observe what envy and duplicity and hypocrisy are in a tyrant, and that generally those among us who are called patricians are rather deficient in paternal affection.'<sup>7</sup>

Dio Cassius (A. D. 155—?) praises Vindex, who incited the

<sup>1</sup> *Lives*, chap. 75.

<sup>2</sup> Chap. 37, 49.

<sup>3</sup> Chap. 3, 12, 14, 19, 20.

<sup>4</sup> *Nero*, chap. 40; *Galba*, chap. 11.

<sup>5</sup> 3. 76.

<sup>6</sup> *Meditations* 1. 14.

<sup>7</sup> 1. 11.

army to rise against Nero, and describes with gusto the latter's vices, vanities, and miserable death.<sup>1</sup>

Appian (middle of the second century) shows his hatred of tyranny in his relation of the conspiracy of Brutus and Cassius, and their subsequent misfortunes in war.<sup>2</sup>

Marius Maximus (reign of Severus) wrote the lives of three tyrants, Avidius, Albin, and Niger.

Trebellius Pollio (reign of Constantine), in an endeavor to match the roll of the Thirty Tyrants of Greece, whom Thrasybulus overthrew, drew up accounts of the lives of thirty Roman foes of liberty, most of them being military leaders of slight importance.<sup>3</sup>

Capitolinus (a contemporary of Pollio) imitated him by writing the lives of the tyrants, Verus, Pertinax, and the Maximins.

Flavius Vopiscus of Syracuse (flourished circa A. D. 300) also produced literature of this kind in his lives of the tyrants, Firmus, Saturninus, Proculus, and Bonosus.

Lucius Florus (reign of Trajan) has a single reference to this subject in his remark: 'Brutus and Cassius seemed to have cast Cæsar, like another king Tarquin, from the sovereignty.'<sup>4</sup>

Libanius (A. D. 314–393 (?)) lived in a century when Christianity had inculcated the duty of passive obedience, but his voluminous writings show all the ardor of Plutarch against tyranny. He quotes Socrates and Theognis as authorities against the prevailing practice of poets in praising tyrants, even those despots who surpass all in madness and wickedness. Alluding to the eulogy of Harmodius and Aristogiton by early poets, he says that he has heard that no slave should be given the name of either hero.<sup>5</sup> In a bold justification of tyrannicide he declares: 'Whoso

<sup>1</sup> *Hist.*, Bk. 63. See also 73. 22; 57. 24; 62. 27.

<sup>2</sup> *Hist. of Civil War* 4. 114–135.

<sup>3</sup> See his *Thirty Tyrants*. See Gibbon's ridicule of this list, *Decline and Fall* 1. 408 f.

<sup>4</sup> *Epitome* 4. 2.

<sup>5</sup> *Opera* 1. 655 (Paris).



kills a tyrant subjects himself to greater dangers, and should receive greater honor, than one who has done equal deeds in war, because the soldier is sustained by the presence of his comrades, while the slayer of a tyrant has to act alone.<sup>1</sup> After enumerating the causes of hatred of tyrants, he exclaims: 'Shall we not love any kind of wickedness before tyranny?'<sup>2</sup> He also treats of the perils of tyrants,<sup>3</sup> their punishment,<sup>4</sup> their infamy,<sup>5</sup> the cruelty of Echetus and Phalaris,<sup>6</sup> the Athenian tyrants,<sup>7</sup> the destruction of the Theban tyrants,<sup>8</sup> and the proper reward of tyrannicide.<sup>9</sup>

Among the schoolmen of the Middle Ages this subject received some attention from John of Salisbury, who approved of tyrannicide,<sup>10</sup> and from St. Thomas Aquinas, who disapproved, although he denounced tyranny.<sup>11</sup> The murder of the Duke of Orleans in 1407 invested the old question with new and living interest. The assassin, Jean sans Peur, gloated over his crime, and contended that the sixth commandment did not include princes in its prohibition. Had this enthusiast stood alone, his strange plea might have been disregarded, but the Duke of Burgandy was charged with being the instigator of the crime, and the learning of the day came to his assistance. Jean Petit, a doctor of the Sorbonne, publicly maintained the thesis that it is lawful for subjects to slay a tyrant,<sup>12</sup> while his associates in the University of Paris drew up rules or maxims on the policy and justice of taking away the life of any tyrannical person, declaring that natural, moral, and divine laws authorize each person to kill, or cause to be killed, a tyrant, and even to do it by wiles or snares.<sup>13</sup> This question was not to be decided, however, without the pronouncement of the church. Jean Gerson was the leader of conservative thought on this

<sup>1</sup> 1. 62.<sup>2</sup> 1. 783.<sup>3</sup> 1. 396.<sup>4</sup> 1. 594.<sup>5</sup> 1. 623, 735.<sup>6</sup> 1. 507.<sup>7</sup> 1. 651.<sup>8</sup> 2. 490.<sup>9</sup> 1. 590.<sup>10</sup> *Polycraticus* 8. 17—21.<sup>11</sup> *De Reg. Princ.* 1. 2.<sup>12</sup> Creighton, *Hist. of the Papacy* 2. 71, 72.<sup>13</sup> Blakey, *Hist. of Political Liter.* 2. 215.

subject, and, chiefly owing to his denunciation of tyrannicide, it was condemned by the Council of Constance, which decreed in 1415 that it was heretical to assert 'that any tyrant may be killed by a vassal or subject of his own, even by treachery, in despite of oaths, and without any judicial sentence being passed against him.'<sup>1</sup> The Council, for political reasons, refused to condemn the specific opinions of Petit, and, in spite of the decree, Pope Sixtus V subsequently publicly eulogised the assassination of Henri III by Clement, the Dominican.<sup>2</sup>

Throughout the sixteenth century there was a steady development of the theory of the deposing power, and the literature on the question of tyrannicide becomes abundant. The sermons and exegetical works of the Protestant reformers, especially those of the second generation, encouraged resistance to tyrants through the intervention of the Huguenots, and Roman Catholics of France were opposed to the tyrannical monarch, the former invoking the interests of the state, the latter those of religion.<sup>3</sup> But the massacre of St. Bartholomew in 1572 created deeper convictions, and exerted a tremendous effect on thinkers of all shades in politics; the results of that awful event were really most beneficial to the cause of civil and religious liberty. It has been pointed out that within seven years of that seeming calamity were written the most important revolutionary tracts of the century. The following works of that great creative period are especially noteworthy as bearing on the subject of tyranny: Hotman, *Franco-Gallia* (1573); Bodin, *De Republica* (1576); Boétie, *Discours de la Servitude Volontaire, ou le Contr'un* (1576); Languet (or Du Plessis-Mornay) *Vindiciæ contra Tyrannos* (1579); and Buchanan, *De Regni Jure apud Scotos* (1579). Of these writers, Bodin seems to have been the first modern to make a search in the writings of Greece and Rome on the sub-

<sup>1</sup> Creighton, *Hist. of the Papacy*, 2. 72.

<sup>2</sup> Von Ranke, *Hist. of the Popes* 1. 521. See also Oxenham, *Ethics of Tyrannicide*, in *Short Studies*, p. 409.

<sup>3</sup> Armstrong, *Political Theory of the Huguenots*, in *Eng. Hist. Rev.*, Vol. 4, 1899.

ject of tyranny. He draws up a short list of the tyrannicides of antiquity, quotes the law of Solon and the Valerian Law, and admits that if the king be not an absolute sovereign, it is lawful for either the people or the nobility to proceed against a tyrant by way of justice, or even by open force; but if he be an absolute sovereign, as in France, Spain, England, or Scotland, the subjects do not possess even the right to bring him to trial, for they have no jurisdiction over him.<sup>1</sup> 'But a tyrannical king may by another foreign prince be lawfully slain, as Moses slew the Egyptian, and Hercules destroyed many most horrible monsters, that is to say, tyrants.' Among the imitators of Hercules he includes Dion, Timoleon, Aratus, Harmodius, and Aristogiton.<sup>2</sup>

The author of *Vindiciæ contra Tyrannos* refined upon Bodin's curious distinction between princes, contending that there is the tyrant *absque titulo* and the tyrant *ab exercitio*, the former being a usurper, and the latter a legitimate prince, but one who has violated the compact, tacit or expressed, between himself and his people. The private citizen may draw his sword against the usurper, but not against the legitimate prince. The magistrate, however, may be appealed to, and is empowered to compel a lawful king to do his duty.<sup>3</sup>

The formulation of such views had its natural consequence. They were carried to their logical conclusion by the Roman Catholic party. The articles of the League of Paris in 1584 provided for the suppression of heresy and tyranny, and the assassination of Henri III was the result.<sup>4</sup> Henceforth the Jesuit writers regarded any tyrant, and particularly a heretical monarch, as a fitting victim of tyrannicide. The ecclesiastical upholders of political murder taught that there were two kinds of tyrants—usurpers, who might of course be slain, and despots, to be regarded as worthy of death at the hands

<sup>1</sup> *The Six Bookes of a Commonweale*, p. 222.

<sup>2</sup> *Ibid.*, pp. 220, 231.

<sup>3</sup> Janet, *Hist. de la Science Politique*, pp. 86, 87.

<sup>4</sup> Armstrong, *The French Wars of Religion*, p. 53.

of the individual citizen, after the whole republic had expressly or tacitly condemned them. This doctrine, to be sure, allowed much latitude for individual judgment.<sup>1</sup> Mariana, the Spanish Jesuit, in his famous chapter, *De Tyranno*, in *De Rege et Regis Institutione* (1599), gave the frankest exposition of this teaching, and may be regarded as the leading advocate of tyrannicide among the numerous Roman Catholic pamphleteers. He openly justified the assassination of Henri III, and decided that a tyrant might be killed either publicly or by craft. At certain kinds of poisoning he drew the line, but did not object to the poisoning of a tyrant through his clothes or cushions. With the names of Mariana and Buchanan we have completed the historical circle, and have reverted to the views of the Athenians, who chanted the *Scolium* to the memory of the murderers of the son of Pisistratus.

<sup>1</sup> Figgis, *Some Political Theories of the Early Jesuits*, in *Trans. Royal. Hist. Soc.* 11. 104, 105.

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