

Fortescue; in Commendation

Ad huc, legis Angliae
consulti dicunt quod
partus ex legitimo
thoro, non certius nos-
cit matrem quam ge-
nitorem suum. Na-
bæ leges, quæ jam
cōtendunt, unifor-
miter dicunt, quod
ipse est pater, quem
nuptiae demonstrant.
Nunquid tunc ma-
gis est conveniens, ut
filii cōditio ad pa-
tris, potius quam ad
matris cōditionem
referatur, cum de
conjugatis dixerat
Adam? erunt ipsi
duo in carne una, qd
dominus exponens
in Evangelio ait:
Nam non sunt duo,
sed una caro, &
cum masculinum
concipiatur fœmini-

father. Whereunto the
Lawyers of England an-
swer on this wise: That a
child lawfully begot-
ten hath no more certain
and sure knowledge of the
mother then of the father.
For both these laws thus
disagreing, agree yet in
this point, that he is the
father, whom wedlock
declareth. And is it not
then more cōvenient, that
the condition of the child
should have relation ra-
ther to the fathers condi-
tion, then to the mothers.
Seeing that Adam speak-
ing of married couples,
said: They shall be two in
one flesh, which our Lord
expounding in the Gospel
saith; Now are they not
two but one flesh. And for-
somuch as the male, as
more worthy, containeth

the female then the whole flesh so united must have relation to the male as to the worshipper, wherefore the Lord called Adam and Eve not by the name of Eve, but because they were both one flesh, he called them both in the name of Adam, the man, as it appeareth in the first chapter of Genesis. The Civil Laws also hold that women do ever glister with the shining beams of their husbands. Wherefore in the title beginning with these words; Qui se professione excusant, in the 9 Book L. si. the text saith thus, we advance women with the honor of their husbands, and with the kindred of their husbands we worship them, in the court

num, ad masculinum quod dignius est, referri debet tota caro sic facta una, Quare Adam & Evam vocavit dominus, non Evam, sed quia caro una ipsi erat ambos eos vocavit ipse nomine viri, videlicet, *Adam*: ut patet *Genesis* quinto capitulo. Ipsæ quoq; civiles leges dicunt: quod mulieres semper coruscāt radiis maritorum suorum. Unde C. qui professione se excusant, libro nono, l. si text⁹ sic loquitur: *Mulieres honore maritorum erigimus, & genere nobilitamus, & forum ex eorum*

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rum persona statui-
mus, & domicilium
mutam⁹. Sin autem
minoris ordinis virū
pōstea sortitæ, priore
dignitate private, po-
sterioris mari: i conse-
quantur conditionem
& domicilium. Et cū
nomen patris, & non
matris, gerat proles
omnis, & maxime
masculina. Unde
tunc provenire po-
terit, qd filius, ra-
tione matris, amitt-
teret honorem, cō-
ditionemve patris
sui mutaret, cuius
tamen nomen ipse
retinebit præsertim
dum honore patris
ejusdē ac conditio-
ne resplendeat ma-
ter ejus, & dum viri
honor vel conditio

we decree matters to pass
in the name of their hus-
bands, & into the house and
surname of their husbands
do we translate th̄e. But if
afterward a woman marry
with a man of baser de-
gree, then loseth she her
former dignity, & follow-
eth the condition of her
latter husband. And so lo-
much as all children, spe-
cially male children, bear
the fathers Name, and not
the mothers, whereof then
should it come, that the son
by reason of the mother
should lose the honor, or
change the condition of
the father, whose name ne-
verthelesse he shall still
kep, specially seeing the
mother her self receiveth
of the same Father, ho-
nor, worship & dignity,
which honor, worship, and
dignity

dignity of the husband can never be destained or impeached through the fault of the wife. Truly that law may well be deemed cruel, which without any cause, committeth to bondage the fræmās son, & which, disheriting the innocent son of the innocent fræ father, adjudgeth his land to an unworthy stranger, which also with the base state of bondage in the son defaceth the name of the fræ father. Cruel also of necessity must that law be counted, which augmenteth shaldome, and diminisheth liberty or frædome. For liberty is the thing that mans nature ever coveteth. For by man and for sin, did bondage first enter. But freedome is grased in mans

nunquā per uxoris vitium denigratur. Crudelis nēpe censeretur lex, quæ sine causa, filiu liberis servituti committit, & terrā, pro qua liber ille innocens à crimine, sudavit innocētis filii sui titulo, non sudanti, tradet extraneo possidendam, ac patris nomen, etiā filii servitutis nota cōmaculat. Crudelis etiā necessario judicabitur lex, quæ servitatem augmentat, & minuit libertatem. Nam pro ea natura semper implorat humana. Quia, ab homine, & pro vitio, introducta est servitus. Sed libertas adeo

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 à Deo hominis est
 indita naturæ. Quia-
 re ipsa ab homine
 sublata, sēper redire
 gliscit, ut facit om-
 ne, quod libertate
 naturali privatur.
 Quo ipse & crude-
 lis judicād⁹ est, qui
 libertati non faver.
 Hæc considerantia
Angliae jura, in om-
 ni casu libertati dāt
 favorē. Et licet *jura*
 illa judicent eum ser-
 vum, quem servus in
 conjugio ex libera
 procreavit, non per
 hoc, *jura* illa rigida,
 crudeliave sentiri
 poterunt. Nam mu-
 lier, quæ conjugio
 servo se subjecit
 facta ei caro una,
 quo ipsa ut dicunt
 leges suprascriptæ,

nature of God. Whereof
 if man be deprived, he is
 ever desirous to recover
 the same again, like as all
 other things do, that are
 spoiled of their natural
 liberty. Wherefore wic-
 ked and cruel is he to be
 dæmed that favozeth not
 liberty. Which things
 the Laws of England,
 duly considering doe in
 all respects shew favour
 to liberty. And though
 the same Laws judge him
 thrall, whom a bondman
 in wedlock begetteth of
 a free woman, yet hereby
 cannot these Laws be re-
 puted severe and cruel.
 For a woman, which by
 marriage hath submitted
 her self to a bondman, is
 made one flesh with him,
 wherefore as the fo-
 said Laws determine,

g

she followeth the state of his condition, and of her own free will hath made her self a bond woman, not forced thereto by the Law, much like to such, as in Kings Courts become bondmen, or sell themselves into bondage without any compulsion at all. And how then can the Law determine the child to be fræ, whom such a mother hath thus born: For the husband can never be in so much subjection to his wife, though she be a right great Ladye, as this woman is subject to the bondmā, whom shē hath made her Lord, insomuch as the Lord saith to all wives: Thou shalt be under the power of thy ej⁹ cōsequitur cōditionem, & proprio arbitrio se fecit ancillam, sed potius servam nullatenus à lege coacta, qualiter & faciunt, qui se servos reddunt in curiis regum, vel in servitutem se vendunt, nullatenus ad hoc compulsi. Quomodo tunc, liberū sancire possunt leges filium illum, quē mater talis, taliter est enixa? Nunquam enim sic subiect⁹ est vir uxori, iacet maxima Domina ipsa fuerit, ut subiecta est libera hæc servo, quem ipsa facit dominum ejus, dicente Domino uxori omni, Eris sub O 3 potestate

SOT

potestate viri, & ipse
dominabitur tibi. Et
quid est, quod dic-
cunt legistæ illi de
fructu arboris bonæ
vel malæ, nōne con-
ditionis liberæ vel
servilis est uxor ônis,
qualis est marit⁹ ej⁹?
Et in cuius solo plan-
tavit maritus, dum
uxor ejus est sibi caro
una? Nonne in pro-
prio? Quid si surca-
lum dulcis naturæ in-
severit ipse stipiti ar-
boris acerbæ: Du-
modo arbor illa ej⁹
est, nonne fruct⁹ (li-
cet ex stipite redi-
let) semper sint fru-
ctus ejus: Sic ex mu-
liere genita proles,
mariti est progenies,
fuerit mater libera
vel ancilla, Sanciūt

husband, And he shall
have dominion over thee;
And what is it that these
Civilians say of the fruit
of a good or evill tree,
Is not every wife of a
free or thrall condition,
according to the state of
her husband? And in
whose ground hath the
husband planted, while
his wife is one flesh with
him? Not in his own?
And what then if he have
grafted a slip of a sweet
nature in a stock of a
soure tree: So that the
tree be his own, shall not
the fruits, though they
ever savor of the stock, be
his own fruits? So the
child which the wife be-
areth is the husbands
issue, whether the wife
be free or thrall. How-
beit the Laws of Eng-
land

land decree, that if a bond-woman, without the consent of her lord, be married to a freeman, though they cannot be divorced, cause the Gospel saith, whom God hath conjoined let no man separate: yet shall her lord recover against the same freeman all the damages, that he hath sustained by reason of the loss of his vassal or bondwoman. This now, as I suppose, is the sum and form of the law of England in the case now declared. What therefore is your opinion most excellent Prince, in the same case? And whether of these two laws do you esteem to be of more worthiness and excellency?

tamē leges Angliae,
qd dominus native,
à libero in matrimonio
nū sumptae ipso inconsulto, cum eam repudiare nequeat, dicete Evangelio: quos Deus conjunxit, homo non separet: recuperabit versus liberum illum, omne dānu, qd ipse sustinuit ratione deperditi servitii, & amissæ ancillæ. Hæc jā ut astimo, est summa & forma legis Angliae, in casu jā enarrato. Quid igitur jam tibi videtur, Princeps, in casu isto? & quæ legū prædictarū præstantior aut eligibilior à te judicatur?

¶ Chap. 43. The Prince approveth the Law, whereby the issue followeth not the womb.

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Princepſ, Anglo-
rum legē in hoc
casu Romanorū le-
gi præſtare dubita-
re nos ratio nō per-
mittit. Et optatior
mihi ſemper eſt lex,
quæ favorem potius
quā rigorē, partubus
admiſtrat. Reco-
lo nāq; illi⁹ juris re-
gulā, quæ ſic dicit :
odīa perſtrīgi, &
favores conuenit ampliari. Cancellarius,
Et bene quidem.
Aliū adhuc caſum
tibi referam, prin-
ceps, in quo concer-
tant leges iſtae, & nō
multum poſtea tūc
deſiſtā, ne onerosū
tibi ſit, tātis ſolicta-
ri ſcismatib⁹, etiā ne
in fastidiū tibi veni-
at diſceptatio mea

Reachon ſuffereth us
not to doubt (quoth
the Prince) but that in
this caſe the law of Eng-
land ſurmounteth the
Roman Law. And that
Law is to me more al-
lowable, which unto
children ſheweth favour,
rather then rigour. For
I remember a rule of the
Law, that ſaith: It is
behoeveable that cruell
hate be repreſſed, and
favour advanced. And
good reason (quoth the
Chancellour) Yet will
I expreſſe unto you an-
other caſe, wherin these
Laws are repugnant,
And ſhortly after I will
make an end, ielſt it
be tedious to you, to be
troubled with ſo many
diſagreements, and ielſt
you happen to be wearied
with

with my over long talk. | diutius protelata.

¶ Chap. 44. The fourth case, wherein the said
Laws vary.

The Civil laws commit the tuition of Orphans to the next of their bloud, whether the kindred grow on the fathers side, or on the mothers side, that is to say, to every man according to the degree and order, wherein his turn is next to succeed the pupill in his inheritance. And the reason of this law is for that no man will behave himself more tenderly or more favourably in the carefull education of the Infant, then he that is next of his bloud.

L Eges civiles im-
puberum tute-
las, proximis de eo-
rum sanguine, com-
mittunt, agnati fu-
erint seu cognati,
unicuique videli-
cet secundum gra-
dum & ordinem,
quo in hæreditate
pupilli successurus
est. Et ratio le-
gis hujus est, quia
nullus, tenerius fa-
vorabilisve infan-
tem alere sataget
quam proximus de
sanguine ejus.

Ta-

Tamen longe ali-
ter de impuberum
custodia statuant le-
ges Angliae. Nam
ibidem, si hereditas,
qua tenetur in So-
cagio, descendat im-
puberis ab aliquo agna-
torum suorum, non
erit impubes ille sub
custodia alioius ag-
natorum ejus, Sed
per ipsos cognatos,
videlicet, consanguineos ex parte ma-
tris ipse regetur. Et
si ex parte cognato-
rum hereditas sibi
descenderit, pupillus ille cum heredi-
tate sua, per prox-
imum agnatum, &
non cognatum, ejus
custodietur, Quous-
q; ipse fuerit adul-
sus. Nam leges illæ

Nevertheless the Laws
of England touching the
custody of Orphans, do
determine much other-
wise. For there, if an in-
heritance, being holden
in Socage descend to an
Orphan, from any of the
kindred of his Fathers
side, the same Orphan
shall not be under keep-
ing of any of that kindred,
but he shall be governed
by his cosins or kinsfolk
of his mothers side. And
if the inheritance come to
him from any kinsman
of his mothers side, then
the pupill with his inhe-
ritance shall be in the
custody, till he come to
lawfull age, of him that
is next of his kin of his
fathers side, and not of
any kinsman of the mo-
thers side. For our laws
say,

say, that to commit the
tuition of an infant to
him, that shall next suc-
ceed him, is like as if
one should betake a lamb
unto a Wolfe to be de-
voured. But if the inheri-
tance he not holden in so-
cage, but by Knights ser-
vice, then by the Laws
of the same land, the child
with his inheritance
shall be in the keeping
of none of his kindred of
either side, but in the
custody of the Lord of
the fee, untill he come
to the age of one and
twenty years. And think
you, that any man can
or will better instruct
and train up the child
in seates of Armes, which
by reason of his tenure,
he is bound to yeld
to the Lord of his fee,

dicunt qd committere tutelam infantis illi qui est ei proxime successarius, est quasi agnum committere in popo ad devorandum. Sed si hereditas illa, non in socagio, sed teneatur per servitium militare, tuc per leges terrae illius, infans ipse & hereditas ejus non per agnatos neq; cognatos, sed per dominum feodi illius custodientur, quousque ipse fuerit etatis viginti & unius annorum. Quis, putas infante tale, in actibus bellicis, quos facere ratione tenuerat suu ipse astrinxitur domino feodi sui, melius instruere poterit, aut velit, quam

quā dominus ille,
cui ab eo servitium
tale debetur? & qui
majoris potentiae &
honoris æstimatur,
quā sunt alii amici
propinqui tenentis
sui? Ipse namq; ut si-
bi ab eodem tenen-
te melius serviatur,
diligentē curā ad-
hibebit: & meli⁹ in
his eum erudire ex-
pertus esse censetur,
quam reliqui amici
juvenis, rudes for-
san & armorum in-
experti, maxime si
non magnum fuerit
patrimonium ejus.
Et qd utilius est in-
fanti, qui vitam &
omnia sua periculis
bellicis exponet in
servicio domini sui
ratione tenuræ suæ,

then the Lord himself,
to whom such service is
by him due? Which is
also to be judged of more
power and honor, then
the friends and kinsfolk
of his tenant. For
he, to the intent he
may in time to come be
the better served of his
tenant, will use the
more diligence towards
him, And it is to be pre-
sumed, that he is more
expert & skilfull to trade
than in these things, then
his other friends, rude
peradventure & unpracti-
ced in martiall feats,
specially if his patrimo-
ny be but small. And
what can be more profit-
able for the child, which
by reason of his tenure,
shall in service of his
Lord, endanger his life
and

and all that he hath, in
the acts of Thibalry,
then in his nonage to be
brought up in the discipline
and practice of the
same, seeing that in his
ripe age he shall not be
able to avoide the adven-
ture thereof? And to say
the truth, it shall be no
small commodity for the
realm, that the inhabi-
ters of the same be well
expert in the knowledge
of Arms. For, as saith
the Philosopher, every
man doth the things bold-
ly, wherein he assureth
himself to be skilfull. And
do you not then, most no-
ble Prince, allow this
Law, and commend it
abovz the other now de-
scribed?

quam in militia ac-
tibusque bellicis
imbui, dum mi-
nor est, cum a-
etius hujusmodi ip-
se in aetate matura
declinare non po-
tent? Et revera,
non minime erit
regno accommo-
dum, ut incolae
ejus in armis sint
experti. Nam, ut
dicit Philosophus,
audacter quilibet
facit, quod se sci-
re ipse non diffidit.
Nunquid tunc le-
gem hanc, tu ap-
probas, fili Regis,
& collaudas su-
per Legem alter-
ram jam descri-
ptam?

Here

¶ Chap. 45. Here, the Prince commendeth the
education of Noble mens children being
Orphans.

Princeps: Immo, Cancellarie, legem hanc, plusquam alteram, ego laudo. Nam, in ejus parte prima quam tu noctasti, caute magis, quam civilis, ipsa providet securitati pupilli. Sed tamē in ejus parte secunda, multo magis ego delector, nam ab ea est, qd in Anglia, nobilium progenies de facili degenerari nō potest, sed probitate potius, strenuitate, & morum honestate, antecessores suos ipsa transceder, dum in altiori,

YEs, good Chancellor, quoth the Prince, this last I do allow much more then þ other. For in the first part of it, which you noted, it provideth much more warily for the security and safegard of the pupil, then the Civil law doth. Howbeit in the second part of the same, I do take more delight. For thereof it cometh to pass, that in England Noble mens childzen cannot easily degenerate, but rather pass and surmount their ancestors in vertue, in courage, and in honest conditions, forasmuch as they are brought up and instructed in an higher and

and an honozabler Court, then in the houses of their Parents, though ther Parents were peradventure brought up in the like places: For their Parents house was never yet like the Lords house, whom as well the Parents, as also the Children served. The Princes also of the Realm, being ruled by this Law, and likewise other Lords, holding their Land immediatly of the King, cannot lightly fall to wantonness and unseemliness, seeing that in their childhood while they be Orphanes, they are brought up in the Kings house. Wherefore I must needs highly praise and commend the riches

nobiliorique curia, quam in domo parentum, illa sit imbuta; licet in domo consimili forsan parentes ejus educati erant: Quia consimilis adhuc non erat domus parentum illorum, domui Dominorum, quibus, ipsi parentes, & ipsi infantes, servierunt. Principes quaque regni sub hac lege regulati, similiiter & domini alii à rege immediate tenuentes, non possunt de levi in lasciviam cruditatem vel labi, cum in pueritia, dum Orphani fuerint ipsi, in domo regia nutriuntur. Quare non infime domus

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domus regiae opulentiam magnitudinemq; collaudo, dum in ea gymnasium supremum sit nobilitatis regni: schola quoque strenuitatis, probitatis, & morum quibus regnum honoratur. & floret ac contra irruentes securatur, etiam formido ipsa erit inimicis & amicis regni. Hoc revera bonum accidisse non potuisset regno illi, si nobilium filii, orphani & pupilli, per pauperes amicos parentum suorum nutrirerentur. Nec regni bono officere posset, licet burgen- sium filii & aliorū libere tenentium,

a high porce of the Kings Court, in that it is the chtefest school within the Realm, for the nobility of the Land. It is also the Schoolhouse of manhood, of virtue, and of good manners, whereby the Realm is honoured and flourisheth, & is preserved against invasions: so that it is dreaded both of friends and foes: and to be plaine, this great commodity could not have happened to the Realm, if noble mens children, being orphans and pupills, had been nourished and brought up by the poor friends of their parents. Neither can this be prejudiciall or hurtfull to the wealth of the Realm, that the Children of Burgesses, and

and of other fræholders-
which hold their tene-
ments in socage, & are not
thereby bound to warfare,
are brought up in the hou-
ses of their like friends;
as to him, that shall tho-
roughly weigh the matter,
it may evidently appear.

qui in socagio tenet
tenementa sua, quo
ipsi ad militiam non
astringuntur, in do-
mo consimilium a-
micorum suorum edu-
catur, ut perspicue
consideranti, lucide
apparere potest.

¶ Chap. 46. Yet he rehearsed other cases, where
¶ in the foresaid Laws differ.

There be yet divers
other cases quoth
the Chancellour, where-
in the Laws afore-
said do vary. As in
that the Civil Laws
do judge, open Theft
to be satisfied by the
recompence of four-
fold, and privy Theft,
by the recompence of dou-
ble. But the Laws of
England suffer neither of

Tunc Cacella-
ri⁹. Sunt & alii
casus nonnulli, in
quib⁹ differunt leges
antedictæ. Ut quia
leges civiles judicat
furtum manifestam,
per redditionem qua-
drupli: & furtum non
manifestam, per du-
pli recōpensationē,
expiari. Sed leges
Angliae, neutrū
P faci-

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facinorum illorum, mitius quam committentis morte puniri permittunt, dummodo ablati valor, duodecim denariorum valorem excedat. Item libertinum, ingratum, leges civiles in pristinā redigunt servitutē: sed leges Angliæ semel manumissum, semper liberum judicant, gratum & ingratum. Alii quoque sunt casus hujuscemodi non pauci, quos jam, studio brevitas, prætereo. Et neque in hiis duobus casibus, præstatarum legum præstatias ego jam describo, cum non magnæ sint indagi-

those offences to be more favourably punished than with the offendours death, so that the value of the thing stollen, be above the value of twelve pence. Also a libertine, that is to say, freeman, that sometime was bond, if he become unkind or churlish, the Civil Laws reduce him into his former state of servitude again: But by the Laws of England he that is once made free, be he grante or ingrate, is adjudged to enjoy his Freedome still. There be other like cases also not a few, which at this time for brevities sake I overpass. Neither in these two cases do I dispute the excellencie of the foresaid Laws, saing

seeing the qualities of them
require no great search.
And I doubt not, but the
quickness of your wits
such, that it can sufficient-
ly discusse the same:

nis, eorum qualita-
tes, nec diffido, in-
genii tui solertiam
eas sufficienter pos-
se rimari.

¶ Chap. 47. *The Prince regardeth not the cases now rehearsed.*

NOZ it boodeth not,
good Chancellour,
heretin much to tarry,
quoth þ Prince, For though
in England, aswell o-
pen, as priþy thieves, are
commonly put to death,
yet cease they not there
from stealing, as though
they had no fear of so
great a punishment.
How much less then
would they withhold
tunc minus, se ab
theirs hand from theft,

Princep: Nec ex-
pedit Cancella-
rie, in hiis multū su-
dare: quia, licet in
Anglia fures clade-
stini & manifesti
passim morte plect-
antur, nō cessat ipsi
ibidē omnino pra-
dari, ac si poenā tan-
tam illi minime for-
midarent. Quanto
stinerent a criminē

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si paenam prævide-
rent mihiorem? Et
absit, a servitute se-
mel evasum, sem-
per deinde sub mi-
nis tremere servitu-
tis, maxime ingra-
titudinis colore,
cum ingratitudi-
num species vix po-
terint, præ multitu-
dine, numerari, &
humana natura, in
libertatis causa fa-
vorem semper, ma-
gis, quam in causis
aliis, deprecetur.

Sed jam, Cancella-
rie, obnoxie te im-
ploro, ut amodo o-
missa plurium ca-
suum hujusmodi exa-
minatione, mihi edi-
cas, quare leges An-
gliæ, tam bonæ, fru-
gi, & optabiles, in

if they foresaw once that
the punishment were mi-
tigated? And God forbid,
that he which once hath
escaped miserable servi-
tudz, should ever after
tremble and quake at the
threatnings of bondage,
spectally under the colour
of ingratitude or unkind-
ness, seeing the kinds
of ingratitude are so ma-
ny, that they can skant
well be numbred: and
mans nature in the cause
of liberty of Freedome,
more then in other causes,
requireth favour.

Wherefore at this time,
good Chauncellour, I be-
seech you heartily meddle
no more with the exami-
nation of any such cases.
But now explaine a open
unto me why the laws of
England, being so good,

so fruitfull, and so commodious, are not taught in the Universities, as the Civil and Canon laws are: and why in the same, none are commenced Bachelors and Doctors, as in other faculties and sciences it is accustomed.

universitatibus non docentur, ut Civiles similiter & Canonū leges: & quare in eisdem, non datur Baccalaureat⁹ & Doctoratus gradus, ut in aliis facultatibus & scientiis est dari consuetum.

¶ Chap. 48. Here the Chancellour sheweth,
why the Laws of England are not
taught in Universities.

If the Universities of England, quoth the Chancellour, sciences are not taught but in the Latine tongue: And þ laws of that lād are to be learned in iit. severall tongues: to wit, in the English tongue, in the Frēch tōgue, and the Latine tongue.

Cancellarius: in Universitatib⁹ Angliae, non docentur scientiae nisi in Latina lingua: Et leges terræ illius in triplici lingua addiscuntur: videlicet, *Anglica, Gallica, & Latina.*
P 3 *Anglica*

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Anglica, quia inter Anglos lex illa maxime inolevit. *Gallæ*, quia postq; galli, Duce Wilhelmo Angliae conquestore, terrâ illâ obtinuerunt, nō permiserût ipsi eorū advocatos placitare causas suas, nisi in lingua, quā ipsi moverunt, qualiter & faciūt omnes advocati in Francia, etiā in curia parliamēti ibidē. Consimiliter gallici post eorū adventum in Angliam, ratiocinia de eorum provectibus non reperunt, nisi in proprio idiomate, ne ipsi inde deciperentur. Venari etiam, & jocos alios exercere, ut talorū & pi-

In the English tōgue, because the law is most used, & longest cōtinued amōgst the Englishmen. In the Frēch tongue, because that after the Frenchmen under William the Cōqueror of England had obtained the land, they suffered not their men of law to plead their causes, but in the tōgue w^{ch} they knew, and so do all the men of law in France, yea in the court of Parliamēt there. Likewise the Frenchmen, after their coming into England, received not the accompts of their revenues but in their own language, lest they should be deceived therein. Per̄ther had they delight to hunt, and to exercise other spors and pastimes, as dice play, and the hand ball,

ball, but in their own proper tongue. Wherefore the Englishmen by much ussing of their company, grew in such a perfectness of the same language, that at this day in such playes and accompts they use the French tongue. And they were wont to plead in French till by force of a certain Statute, that manner was much restrained. But it could never hitherto be wholly abolished, as well by reason of certain Terms, whitch pleaders do moze properly exprest in French, then in English, as also for that declaratiōns upon originall writs cannot be pronounced so agreeably to the nature

lariū lados, nō nisi in propria lingua delectabātur. Quo, & Angli ex frequēti eorū in talib⁹ cōitiva, habitū talē contraxerūt, qd huc usque ipsi in iudicis hujusmodi, & cōpotis, lingua loquuntur gallicanam: & placitare in eadem lingua soliti fuerūt quousq; mos ille, vigore cujusdā statuti, quā plurimū restrict⁹ est; tamē in toto hucusq; aboleri nō potuit, tū propter terminos quosdā, quos pl⁹ propriè placitantes in Gallico, quā in Anglico, exprimūt, tū quia declarationes super brevia originalia, tā cōveniēter ad naturā

Fortescue, in Commendation

breviū illorum pronuntiari nequeūt, ut in Gallica, sub quali sermōe declarationū hujusmodi formulæ addiscunt'. Reportātur etiā ea quæ in curiis regiis placitant², disputant & judicantur, ac in libros ad futurorū eruditionē redigūtur in sermone sēper gallico. Quā plurima etiā statuta regni illi⁹ in gallico cōscribūtur. Unde accidit qd lingua jā in Francia vulgaris, non concordat aut consimilis est galllico inter Legisperitos Angliæ usitato, sed vulgariter quadam ruditate corrupta. Qd fieri nō accidit in sermone gallico

of those w̄rits, as in French, And under the same speach the forms of such declarations are learned. Mozeober, all pleadings, arguings, and Judgements passed in the kings court, and entered into books, for the instruction of them that shall come after, are ever more reported in the French tongue. Many statutes also of that realm are w̄ritten in French. Whereof it hapneth that the common speach, now used in France, agreeth not, nor is not like the French used among the Lawyers of England, but it is by a certain rudeness of the common people corrupt. Which corruption of speach changeth not in the French that

that is used in England, forasmuch as the spech is there oftner written then spoken. Now in the third of the said thre^e tongues, which is the Latine tongue, are written all Writs original and judicial: and likewise all the Records of plees in the Kings Courts, with certain Statutes also. Wherefore, while the Laws of England are learned in these thre^e tongues, they cannot conveniently be taught or studied in the universities, where onely the Latine tongue is exercised. Notwithstanding the same Laws are taught and learned, in a certain place of publicke or common study, more convenient and apt for attaining to the

infra Anglia usitato, cū sit sermo ille ibidē sāpi⁹ scriptus quā locut⁹. Sub tercia vero linguarum prædictarū yz. sub *latina*, omnia brevia *originalia & judicia- lia*, similiter & omnia recorda placitorū in curiis regū, etiam & quadam *Statuta* scribuntur. Quare, dum leges Angliae in his trib⁹ addiscuntur linguis, ipsæ in universitatib⁹ ubi solū exercetur lingua latina convenienter erudiri non poterūt aut studeri. Leges tamen illæ in quodam studio publico pro illarū apprehensione (omni universitate convenientiore & pro-

proniore docētur &
addiscūtur. Studium
nāq; istud situm est
prope curiam regis, ubi
leges illæ placitātur,
disputantur, & judi-
cia per easdem red-
dūtur per judices vi-
ros graves, senes, in
legib⁹ illis peritos &
graduatos, quo in
curiis illis ad quas
omni die placitabili
cōfluunt studētes in
legib⁹ illis, quasi in
scholis publicis leges
illæ legūtur & docē-
tur. Situatur etiā stu-
diū illud, int' locum
curiarum illarum &
Civitatē London quæ
de ōnib⁹ necessariis
opulētissima est om-
niū civitatū & op-
pidorū regni illius.
Nec in civitate illa,

knowledg of them thē an-
other university. For this
place of study is situate ne-
to the Kings court, where
the same laws arē pleaded
& argued, & judgements by
the same given by Judges,
men of gravity, ancient
in years, perfect and gra-
duate in thz sa.ze laws.
Wherefor, evry day in
court, the students in those
Laws resort by great
numbers into those courts
wherin the same Laws
are read and taught as it
were in common schol's.
This place of study is
set between the place of
the said Courts, and the
City of London, which
of all things necessary
is the plentifullest of all
the Cities and Towns of
the Realm. So that the
said place of study is not
situato

stuate within the City, where the confluence of people might disturb the quietness of the students, but somewhat severall in the suburbs of the same City, and nigher to the said Courts, that the students may dayly at their pleasure have access and recourse thither without weariness.

ubi cōfluētum turba, studentiū quietē perturbare poslit, situm est studiū istud sed seorsum parum ~~per~~
per, in civitatis illi⁹ suburbio, & proprius Curiis prædictis, ut ad eas sine fatigatio⁹ ~~nus~~ incōmodo, studi⁹ dētes, indies ad libitum tū, accedere valeant.

¶ Chap. 49. Here he declareth the disposition of the general study of the Laws of England, and that the same in number of students passeth certain universities.

But to the intent most excellent Prince, ye may conceive a form and an image of this study, as I am able, I will describe it unto you. For there be in it ten lesser houses or Innes, & sometimes more,

SEd, utet tibi constiteret princeps huj⁹ studii forma & imago, illam, ut valeo, jam describā. sunt namq; in eo, decem hospitia minora, & quādoq; vero plura, quæ

quæ nominātur *hos-*
pitia Cancellariæ ad
quorū qdlibet perti-
nēt cētū studētes ad
minus, & ad aliqua
eorū major in mul-
to numer⁹, licet non
oēs sēper in eis simul
cōveniant. Stadētes
etenim isti, pro eorū
parte majori, juve-
*nes sūt, *originalia*, &*
quasi legis elementa
addiscētes, qui in il-
lis proficiētes, ut ipsi
maturescunt, ad ma-
jora hospitia studii
illius, quæ hospitia
cūriæ appellantur,
assumūtur, Quorum
majorum quatuor
sunt in numero, &
ad minimum eoram
pertinent in forma
prænotata, ducenti
studētes aut prope.

which are called Innes of
 the Chancery. And to e-
 very one of them, belong-
 eth an hundred students,
 at the least, and to some of
 them a much greater num-
 ber, though they be not e-
 ver all together in the
 same. Those students for
 the most part of them, are
 young men, learning or
 studying the originals, & as
 it were the elements of
 the Law, who profiting
 therein, as they grow to
 ripeness, so are they ad-
 mitted into the greater
 Innes of the same study,
 called the Innes of Court,
 Of the which greater Inns
 there are four in num-
 ber. And to the least
 of them belongeth, in
 form above mention-
 ed, two hundred stu-
 dents or there abouts.

Foz

For in these greater Innes, there can no Student be maintained for lesse expenses by the year, then twenty Markes, And if he habe a servant to waite upon him, as most of them have, then so much the greater will his charges be. Now, by reason of thys charges, the children onely of pleble men do study the Laws in those Innes. For the poor and common sort of the people, are not able to bear so great charges for the exhibition of their Children. And marchant men can seldom find in their hearts to hinder their marchandise with so great yearly expences.

In hiis enim majoribus hospitiis, nequaquam potest studens aliquis sustentari minoribus expensis in anno, quam octoginta scutorum, & si servientem sibi ipse ibidem habuerit, ut eorum habet pluritas, tato tunc maiores ipse sustinebit expensas. Occasione vero sumptuū hujusmodi, ipsi nobiliū filii tantū in hospitiis illis leges addiscut. Cū pauperes & vulgares, pro filiorū suorum exhibitione, tantos sumptus nequeant sufferre. Et mercatores raro cipiunt tantis oneribus annuis attenuare mercandisas suas.

Quo

Quo sit ut vix do-
ctus in legibus illis
reperiatur in regno
qui non sit nobilis,
& de nobilium ge-
nere egress⁹. Unde
magis aliis cōsimi-
lis status hominib⁹,
ipſi nobilitatem cu-
rant & conservatio-
nē honoris & famæ
suæ. In his revera
hospitiis majoribus,
etiam & *minoribus*,
ultra stadium legū
est quasi gymnasium
omnium morū, qui
nobiles decent. Ibi
cantare ipſi addis-
cunt similiter & se
exercent in omni
genere harmoniæ.
Ibi etiam *tripudia-*
re, ac jocos singulos
nobilibus convenien-
tes, qualiter in do-

And thus it falleth out
that there is scant any
man found within the
realm skilfull & cun-
ning in the laws, except
he be a Gentleman born,
& come of a noble stock.
Wherefore they more then
any other kind of men
have a speciall regard to
their nobility, and to the
preseruation of their ho-
nor & fame. And to speak
uprightly, there is in these
greater Innes, yea & in the
lesser too, beside the stu-
dy of the laws, as it were
an university or school of
all commendable qualities
requisite for noblemen.
There they learn to sing,
& to exercise themselves
in all kinde of harmony.
There also they practise
dauncing, & other Noble
mens pastimes, as they use

to do, which are brought up in the Kings house: On the working dayes, most of them apply themselves to the study of the Law, And on the holy daies to the study of holy Scripture: and out of the time of Divine service, to the reading of Chronicles. For there indeed are vertues studied and vices exiled. So that, for the endowment of vertue, and abandoning of vice, Knights and Barons, with other States and Noble men of the Realm, place their children in those Innes, though they desire not to have them learned in the Laws, nor to live by the practise thereof, but onely upon their fathers allowance.

mo regis exercere solet, enutriti: in ferialebus dieb⁹, eoru pars major, *legatis discipline*, studio: & in festivalibus *sacrae scripturae*: & *cronicorum lecti⁹*, post divina obsequia, se confert. Ibi quippe disciplina virtutum est & vitiorum omniam exiliū. Ita ut propter virtutis acquisitionem, vitii etiam fugā, milites, barones, alii quoq; magnates & nobiles Regni, in hospitiis illis ponunt filios suos, quamvis non gliscant eos legū imbui disciplina nec ejus exercitio vivere, sed solum ex patrociniis suis.

Ibi

Ibi vix unquam seditio, iurgium, aut murmur resonat, & tamen delinquentes non alia poena quam solum a communione societatis suae amotione plectur, quia poenam hanc ipsi plus formidant, quam criminosi alibi carcerem timent, aut vincula, nam semel ab una societatum illarum expulsus, nunquam ab aliqua ceterarum societatum earundem recipitur in socium, quo ibi pax est continua, & quasi amicitia conjuctorum, est eorum omnium conversatio. Forma vero, qua leges illae in his discuntur

Scant at any time is there heard amongst them any sedition, chiding or grudging, And yet the offendours are punished with none other pain, but onely to be amoved from the company of their fellowship. Which punishment they do moze fear, then other criminal offendours do fear imprisonment and irons: For he that is once expelled from any of those fellowships is never received to be a fellow in any of the other fellowships, And so by this means there is continual peace: and their demeanour is like the behaviour of such as are coupled together in perfect amity. But, after what manner and soz the lawes

laws are learned in those Innes, thereof here to makē rehearsall, it is not naefull, forasmuch as it is not for your estate most noble Prince, to put the same in ure. Yet know ye this, that it is pleasant and delectable, and in any wise expedient, for the learning of the Law, and worthy with all affection to be embraced. But one thing there is, that I would have you to know, that neither at Ocleance, where as well the Canon as the C*it*-
vill laws, are taught, and whither, out of many countries, scholars do repair, nor at Angeo, or at Cane, or any university of Frāce (Paris onely excepted) are found so many students past childhood, as in this place of studies,

hospitiis, hic exprimere non expedit, cum tibi, princeps, ea experiri nō licet. Scito tamen, qd delectabilis ipsa est & omni modo expediēs legis illi⁹ disciplinæ, omni quoque affectione digna. Num tamen te scire desidero, qd neque *Aurelianis* ubi tam Canones addiscuntur, quam civiles leges, & quò, a quampluribus regionib⁹ confluunt scholares, neq; *Andaginis*, aut in Cadomo, aliave universitate Franciæ præterquam soluta *Parisius*, reperiuntur tot studentes infantiam evasi, sicut in hoc studio, licet

Q

Fortescue, in Commendation

licet ibi addiscētes notwithstanding that all
omnes, solū ab An- the students there are En-
glia sīnt oriundi. glish born.

¶ Chap. 50. Of the estate and degree of a Ser-
jeant at Law, and how he is created.

Sed cum tu, prin-
ceps, scire deside-
res, cur in legib⁹ An-
gliae nō dātur Baccala-
uriat⁹ & Doctoratus
grad⁹, sicut in utro-
q; jure in universi-
tati⁹ est dari cōsue-
tum: Scire te volo,
qd licet gradas hu-
jusmodi, in legibus
Angliae, minime cō-
ferātur: datur tamē
in illis, nedum grad⁹,
sed & status quidam;
grad⁹ doctoratus non
minus celebris aut
solemnis, qui grad⁹
servientis ad legē ap-
pellatur. Et cōfertur
sub hac, quæ subse-

But forasmuch as you
desire to know, most
gracious Prince, for what
cause the degrees of Ba-
chelors and Doctors are
not given in the Laws
of England as they are
accustomably given in
both Laws within uni-
versities, your Majesty
shall understand, that,
though their degrees are
not given in the Laws
of England, yet there is
given in them not a de-
gree onely, but also a state
no lesse worshipfull and
solemn, then the degree
of doctors: which is cal-
led the degree of a ser-
jeant at Law. And it is
given

given under the manner
and form following. The
Lord chief Justice of the
Common Bench, by the
counsel & assent of all the
Justices, useth, as oft as
he thinketh good, to
chuse seven or eight of
the discretest persons,
that in the foresaid ge-
nerall study have most
profited in the Laws,
and which to the same
Justices are thought to
be of best disposition,
and their names he
presenteth to the Lord
Chancellour of Eng-
land in writing, Who
incontinent, by virtue of
the Kings Writ, shall
charge every of the per-
sons elect to be before the
king at a day by him as-
signed, to take upon him
the state & degree of a ser-

quitur, forma Capital' Justicarius de
communi banco, de cō-
silio & assēsu ónium
Justiciariorum, eli-
gere solet, quoties
sibi videtur opportu-
num, 7 vel 8 de ma-
turiорibus personis,
qui in prædicto ge-
nerali studio majus
in legibus profece-
rūt, & qui eisdē justi-
ciariis optimæ dis-
positionis esse vidē-
tur & nomina eorū
ille deliberare solet
Cancellario Angliae in
scriptis, qui illico
mādabit per brevia
regis, cui libet elect-
orum illorum, quod
fit corā rege, ad diē
per ipsum assigna-
tū, ad suscipiendum
statū & gradum ser-

Q 2 vienit:

Fortescue, in Commendation

vientis ad legem, sub
ingēti poena, in quo-
libet breviū prædi-
ctorum, limitata : ad
quem diem quilibet
eorū cōparēs, jura-
bitur (super sancta
Dei evangelia) fore
paratū, ad diē & lo-
cum tunc sibi statu-
endos, ad recipiēdū
statū & gradū prædi-
ctum, & qd ipse in
die illo dabit *aurum*
secundū cōsuetudi-
nē regni in hoc casu
usitatā. Tamen, quā-
liter ad diem illum,
quilibet electorum
prædictorū se habe-
bit, nec non formam
& modum, qualiter
status & gradus hu-
jusmodi conferen-
tur & recipientur,
hic inscrere omitto :

jeant at Law, under
a great penalty in eve-
ry of the said Writs
limited : on the whch
day, every one of them
appearing, shall be
sworn upon the holy
Gospel of G D D, to
be ready, at the day
and place then to be ap-
pointed, to receive the
state and degree afore-
said, and that he the same
day shall give Gold
according to the cu-
stome in that behalf u-
sed. Now be it, how
and after what sort, e-
very of the said per-
sons shall that day de-
mean himself, and al-
so the form and man-
ner, how that state
and degree shall be gi-
ven and received, forso-
much as the same cannot
so

so brefely be written, as
to the shorcnesse of this
work is requisite, there-
fore at this time, I will
leave these points untou-
ched. And yet I have de-
clared the same to you ere
now by way of talk. But
this you must under-
stand, that when the day
appointed is come, those
elect persons among o-
ther solemnities, must
keep a great dinner like
to the feast of a Kings
Coronation, which shall
continue and last by the
space of seven dayes,
And none of those elect
persons shall defray the
charge growing to him
about the costs of this
solemnity, with lesse ex-
pences, then the summe of
four hundred marks, so
that the expences, which

cum scripturā ma-
jorem illa exigant,
quam cōgruit ope-
ri tam succinto.
Tibi tamen, ore re-
nus, ea alia expli-
cavi. Scire tamen te
cupio, quod adve-
niēte die sic statuto,
electi illi, inter alias
solemnitates festum
celebrant & convi-
vū ad instar corona-
tionis Regis, quod &
continuabitur per
dies septem, nec
quisquam electo-
rum illorum, sumptu-
sus sibi contingentes
circa solemnita-
tem creationis suæ,
minoribus expen-
sis perficiet, quam
mille & sexcen-
torum scutorum,
quo, expensæ, quas

Q 3. octo,

Fortescue, in Commendation.

octo, sic electi, tunc
refundent, excedunt
summā 3200 mar-
carum expēsarū: pars
quæda inter cetera,
hæc erit. Quilibet
eorum dabit annulos
de auro, ad valēiam
in toto 40. librarum
(ad minus) monetæ
Anglicanæ: Et bene
recolit Cācell' ipse,
quod dū ille statū &
grad. hujusmodi re-
ceperat, ipse solvit
pro annulis, quos tūc
distribuit, 50. libras,
quæ sunt 300. scuta.
Solet nāque unus-
quisq; Servientiū hu-
jusmodi, tēporū cre-
ation' suæ dare cui-
libet Principi, Duci,
& Archiep'o, in solen-
nitat' illa præsentia, ac
Cacellario, & Thesau-

eight men, so elect, shall
then bestow, will sur-
mount to the sum of three
thousand and two hon-
dred Markes: Of the
which expences, one
parcell shall be this.
Every of them shall give
rings of gold, to the
value of forty pounds
sterling at the least: And
your Chancellour well
rememb'reth, that at
what time he received
this state and degrē,
the rings which he then
gave, stood him in fifty
pounds. For, every
such Serjeant, at the
day of his creation,
useth to gib: unto eve-
ry Prince, Duke, and
Archbishop, being pre-
sent at that solemnity,
and to the Lord Chan-
cellour, and Lord Treas-
urer

luer of England, a ring
of the value of xxvi. shil-
lings viti. pence. And to e-
very Earl and Bishop be-
ing Likewise present, and
also to the Lord Privy seal,
to both the Lords chief
Justices, and to the Lord
chiefe Baron of the Kings
Exchequer a ring of the
value of xx. shillings. And
to every Lord Baron of
the Parliament, and to e-
very Abbot & notable Pre-
late, & worshipfull Knight,
being then present, & also
to the Master of the Rolls,
and to every Justice, a
ring of the value of a
Mark. And likewise
to every Baron of the Ex-
chequer, to the Cham-
berlains, and to all the
officers and notable men
serving in the Kings
courts, rings of a smal-

rario Angliae annulū
ad valorē 26.s. 8 d.,
& cuilibet Comiti &
Episcopo cōsimiliter
præsētib⁹, necnō Cu-
stodi privat⁹ sigilli ut-
triq; capitali Iustic⁹
& capitali Baroni de
scaccario regis ānulū
ad valorē 20.s. & ōni
domino bar. parlia-
mēti & ōni Abbati &
notabili Prælato, ac
magno Militi, tunc
præsenti, custodi etiā
Rotulorū cancellarie
regis, & cuilibet Ju-
stic⁹ ānulū ad valen-
tiā I. marçæ, Simili-
ter & omni Baroni
de scacc' regis, cam-
erariis, etiā omnibus
officiariis & notabi-
libus viris in curiis
regis ministratibus
ānulos minoris pre-

iii, cōveniētes tamē
statib⁹ eorū, quibus
donātur. Ita qd, non
erit cleric⁹ maxime
in curia cōmūnis bān-
ci, licet infim⁹, quin
annulū ipse recipiet
conveniētē gradū
suo. Et ultra hos ipsi
dāt annulos, aliis a-
amicis suis. Similiter
& libratam magnam
panni unius sectæ,
quā ipsi tunc distri-
buent in magna a-
bundantia nedū fa-
miliarib⁹ suis, sed &
amicis aliis & notis,
qui eis attendent &
ministrabūt tēpore
solēnitatis prædictæ.
Quare, licet in uni-
versitatibus in gra-
dum doctoratus e-
recti, expensas non
medicas faciant tē-

ler p̄ice, but agreeable to
their estates, to whō they
are given, Insomuch that
there shall not be a Clerk,
especially in the Court of
the Common bench, but he
shall receve a ring conve-
nient for his degr̄e. And
besides these, they give di-
vers rings to other of their
friends. They give also li-
veries of cloth of one suite
or colour in great abun-
dance, not only to their
houſhold many, but also
to their other friends and
acquaintance, which, du-
ring the time of the fo-
said solemnity, shall attēd
and waite upon them.
Wherefore, though in the
Universities, they, that
are promoted to the de-
gree of Doctorz, do su-
stain no small charges at
the time of their com-
mence-

mencement, as in giving of bonnets and other rich gifts, yet they give no gold, nor do bestow any other gifts or costs like unto these expenses. Neither in any countrey of the world, is there any speciall degree given in the Laws of the same Land, but onely in the realm of England. Neither is there any man of Law throughout the univerſal world, which, by reason of his office or profession, gaineth so much as one of these Serjeants. No man also, be he never so cunning and skilfull in the laws of the realm, shall be exalted to the office & dignity of a Justice in the court of pleas before the king, or in the court of the common bench, which

pore creationis suæ, ac birreta, alia quoq; donaria quā bona extorcent: nō tamē aurū ipsi conferūt aut alia donaria, sūptus-ve faciūt, his expē-ſis simila. Neq; in regno aliquo orbis terrarum, dat' gradus ſpecialis in legibus regni illi⁹, præterquā ſolum in regno Angliae. Nec eit advocat⁹ in universo Mundo, qui ratiōe officii ſui, tatum lucrat', ut ſer- viens hujusmodi. Null⁹ etiā, licet in legib⁹ regni illi⁹ ſcientiſſim⁹ fuerit, afflu- metur ad officium & dignitatē justiciarii, in curiis placitorū coram ipſo Rege, & communis banci quæ ſunt

sunt supremæ curiæ ejusdem Regni ordinariæ, nisi ipie primi-^v statu & gradu ser- vientis ad legem su- erit insignitus, Nec quisquam, præterquā serviens talis in curia communis banci, ubi omnia realia placita placitantur, placita- bit. Quare ad statum & gradum talem, nul- lus hucusque assump- tusest, qui nō in pra- dicto generali legis studio, sexdecim an- nos ad minus, antea complevit, & in signum, quod omnes ju- sticiarii illi taliter ex- tāt graduati, quilibet eorum semper utitur dū in curia regis se- det, birreto albo de serico, quod primū &

are the chief ordinary Courts of the same realm, unless he be first promoted to the state and degree of a Serjeant at Law. Neither shall any man, but onely such a Serjant, plead in the Court of the Common bench, wherz all reall actions are pleaded. Wherefore to this state and degree hath no man bene hitherto admitted, except he hath first continued by the space of sixteen years in the said general study of thz law, and in token or signe, that all Justices are thus graduat, every of them always, while he sitteth in the Kings court, weareth a white Quoite of silke : whitch is the principal and chief in-

insignement of habit, wherewith Serjeants at law in their creation, are decked: and neither the Justice, nor yet the Serjeant, shall ever put off the quoife, no not in the kings presence, though he be in talke with his majesties highness. Wherefore most noble Prince, you cannot hereafter doubt, but that these laws, which so singularly above the Civil laws, yea, and above the laws of all other Realms are honored, and with so solemn a state of such as are learned therein, & do profess the same, are worshipped, must needs be precious, noble and high, and of great excellency, and of speciall knowledge and vertue.

principium est de insignib⁹ habit⁹, quo servientes ad legē, in eorū creatione, decorātur. Nec birretum illud justiciari⁹ sicut nec serviens ad legē unquā deponet, quo caput suū in toto discopiet, etiā in præsentia regis licet ^{cum} celitudine sua ipse loquat⁹. Quare, Prin- ceps præclarissime, tu amodo hæsitare non poteris, quin leges istæ quæ tā singulariter supra civiles le- ges, leges etiā omnium aliorū regnorū hono- rāt⁹, & tā solēni statu eruditiorū & minist- ratiū in eis vērātur, preciōse sint, nobiles & sublimes, ac magnæ præstantiæ, maximæq; scientiæ & virtutis.

¶ Chap.

UFRB

¶ Chap. 51. After what manner a Justice is created, and of his habit and conversation.

Sed ut *Justiciario-*
ram (sicut & ser-
vientū ad legem) sta-
v Tibi inotescat, eo-
rum formam officium-
que (ut potero) jam
describā. Solent nā-
que in cōmuni Ban-
co quinque *Justiciarii*
esse, vel sex ad maj⁹:
Et in Bāco Regis qua-
tuor ad quinque, ac
quoties eorū aliquis
per mortē vel aliter,
cessaverit, Rex, d' ad-
visamēto consilii sui,
eligere solet unū de
servientibus ad legem
& eum per literas su-
as patentes constitue-
re in *Justiciarium*, lo-
co judicis sic cessan-
tis, & tunc Cancel-

But to the intent the
state of Justices as
well as the Serjeants at
Law, may be known to
your grace, as I can, I
will describe unto you
their form and office. In
the common bench there
are customable v. Justi-
ces or six at the most.
And in the Kings bench
iii. or five. And as oft
as the place of any of
them by death or other-
wise, is void, the King
useth to choose one of
the Serjeants at Law,
and him by his Letters
Patents to ordain a
Justice, in the place of
the Judge so ceasing,
And then the Lord
Chancellor of Eng-
land

land shall enter into the Court, where the Justice is so lacking, bringing with him those letters patents, & sitting in the middest of the Justices causeth the Serjeant so elect to be brought in, to whom in the open Court he通知eth the Kings pleasure touching the Office of the Justice then void and causeth the foresaid letters to be openly read. Which done, the Master of the Rolls shall read before the same elect person, the oath that he shall take, which when he hath sworn upon the holy Gospel of God, the Lord Chancellour shall deliver unto him the Kings letters aforesaid, And the Lord Chief Justice of the Court shall assign unto him a

lari⁹ Angliae adibit curiam, ubi justic' sic deest, deferēs secum literas illas, ac sedēs in medio justic' introduci facit serviētem sic electū, cui in plena curia, ipse notificabit voluntatem regis, de officio judiciario sic vacat, & legi faciet in publico literas prædictas: Quo facto, custos rotulorū cancellariae regis leget corā eodē electo, iusjurandum quod ipse facturus est, qd & cum super sancta Dei Evangelio juraverit, Cancellarius sibi tradet literas regis prædictas, & capitalis justiciarius curiæ illius assignabit sibi locum

Fortescue, in Commendation

locū in eadē, ubi de-
inceps ille sedebit,
& mox eū sedere fa-
ciet in eodē. Scīcāū
tamē tibi est, Prin-
ceps, quod Insticiari-
us iste inter cetera
tūc jurabit: se justitiā
ministraturū iniffer-
enter omnibus homi-
nib⁹, corā eo placi-
tātib⁹, inimicis & a-
micis, nec sic facere
differet, etiamsi rex
per literas suas, aut
ore tenus contrariū
jussérat. Jurabit etiā
qd extunc non reci-
piet ipse ab aliquo
præterquam a rege,
feodum, aut pensionem
aliquā, seu liberatam;
neq; donū capiet ab
habente placitū co-
ram eo, præterquam
esculenta & pocu-

place in the same, where
he shall then place him, &
that place shall he after-
ward keep. Yet you must
know, most noble Prince,
that this Justice shall then
amōg other things, swear,
that he shall indifferently
minister Justice to all men,
as well foys as friends,
that shall have any suite
or plea before him. And
this shall he not forbear
to do though the king by
his letters, or by expresse
word of mouth, would
command the contrary.
He shall also swear that
from that time forward, he
shall not r. ceive or take a-
ny ffe or pēsiō, or livery of
any man but of the King
only, nor any gift, reward
or bʒibe of any man ha-
ving suite or Plea be-
fore him, having meat and
drink

drink, which shall be of no great value. You shall also know, that a Justice, thus made, shall not be at the charges of any dinner or solemnity, or any other costs at that time when he taketh upon him his Office and dignity. For so much as this is no degree in the faculty of the Law, but an office onely and a room of authority, to continue during the kings pleasure. Howbeit the habit of his raiment, he shall from time to time forward, in some points change, but not all the ensignements thereof.

For being a Serjeant at Law, he was cloathed in a long robe pretest like, with a Furred Cape about his shoulders, and thereupon a Hood with

lēta, quæ nō magni erūt precii. Sciēdū etiā tibi est quod *In-*
sticior sic creat⁹, cō-
viviū, solēnitatēve,
aut sūptus aliquos,
nō faciet tempore
susceptionis officii
& dignitatis suæ, cū
non sint illa gradus
aliqui in facultate le-
gis, sed *Officium* suū
illa sint & *magistra-*
tus, ad regis vntum
duratura, *habitum* ta-
men *indumenti* sui
(in quibusdā) ipse
extunc mutabit, sed
non in omnibus in-
signiis ejus. Nā ser-
viens ad legem ipse
existens *roba* longa
ad instar sacerdotia,
cum capicio penulato
circa hūeros ej⁹ &
desuper *collobio*, *cum* duo-

Fortescue, in Commendation

duob⁹ labellulis, quater uti solēt doctores legū in universitatib⁹ quibusdā, cū supra descripto berretō vestiebatur. Sed *Justic' fact⁹*, loco collabii, chlamide induetur, firmata super humerū ej⁹ dexterum, cæteris ornamentis serviētis adhuc permanentibus, excepto quod strigulata veste, aut coloris bipartiti, ut potest serviens, *Justiciarius* non utetur, & capicum ejus non alioquam menevero penulatur, Capicum tamen servientis pelibus agninis semper albis implicatur, qualem habitum te plus ornare optare,

two Labels, such as Doctors of the Laws use to wear in certain Universities, with the above described Quoyse. But being once made a Justice instead of his Hood, he shall wear a Cloak closed upon his right shoulder, all the other ornaments of a Serjeant still remaining: saving that a Justice shall wear no party-coloured Vesture as a Serjeant may, And his Cape is Furred with none other then Menever, whereas the Serjeants Cape is ever Furred with white Lambe. And this Habit I would wish your Grace to bring into htgh estimation,

when

when it shall be in your power, for the worship of the state of the Law, & the honour of your Realm. Furthermore, I would ye should know, that the Justices of England sit not in the kings courts above iii. hours in a day, that is to say, from viii. of the clock in the forenoone till xi. compleat, & in the afternoones, those courts are not holdē or kept. But the Sates then resort to the perusing of their writings, & elsewhere consulting with the Serjeants at law, and other their Councillours. Wherefore the Justices, after they have taken their refaction, do pass & bestow all the residue of the day in the study of the laws, in reading of holy Scripture, and using

cū potestas tibi fuerit, ad decorē status legis & honorē regni tui. Scire te etiam cupio, quod justiciarii Angliae nō sedēt in curiis regis, nisi per tres horas in die s. ab hora viii. ante meridiem, usque horam xi. completam, quia post meridiem curiae illae non tenentur. Sed placitantes tunc se divertunt ad perusum, & alibi, consulentes cum serviētibus ad legem & aliis consiliariis suis. Quare Justiciarii, postquam se resecent, totum diei residuum pertrāsunt, studendo in legibus, sacram legēdo scripturam, & aliter ad eorum R.

Fortescue, in Commendation

corū libitū contem-
plando, ut vita ipsorū
pl^o contēplativa vi-
deatur quā activa.
Sicq; quietā illi vitā
agunt ab omni soli-
citudine & mundi
turbīnibus semotā :
nec unquā cōpertū
est eorum aliquem,
donis aut munerib^o
fuisse corruptū. Un-
de & hoc gen^o gra-
tiæ vidim^o subsecu-
tæ, quod vix eorum
aliquis sine exitu de-
cedat, quod justis
magnæ & quasi ap-
propriatae benedi-
ctionis Dei est, mibi
quoq; non minimi
muneris divini cen-
setar esse pensandū,
quod ex iudicium so-
bole, plures de proceri-
bus & magnatibus

other kind of contempla-
tion at their pleasure, So
that their life may seem
more contemplative then
active. And thus do they
lead a quiet life dischar-
ged of all worldly cares
and troubles: And it hath
never been known, that
any of them hath been
corrupt with gifts or
bribes. Whereupon we
have seen this kind of
grace following, that
skant any of them dieth
without issue, which unto
just men is a token of
the great and peculiar
blessing of God. And in
mine opinion it is to be
judged for no small point
of the bountifull good-
ness of God, that out of
the generation of Judges
there have hitherto sprung
up moe States and Peers
of

of the Realm, then out of any other state of men : which by their own wit & policy have aspired unto great wealth, nobility & honour. *Bea*, though the state of Merchants surmount the number of Judges by many thousands, being men of such singular wealth, that among them commonly there be such, as one of them in riches passeth all the Justices of the Realm. *For* this canot be ascribed unto fortune, which is nothing, But it is to be attributed (as I take it) only to the blessing of God. *For* so much as by his Prophet he saith, that the generatio of righteous men shall be blessed. And the Prophet in a nother place, spekking of just men, saith,

regni hucusque pro-
dierunt, quam de a-
liquo alio statu homi-
nus regni, qui se
prudentia & indu-
stria propria opulen-
tos, inclitos, nobiles-
que fecerunt. Quan-
quam mercatorum
status, quorum aliqui
sunt qui omnibus ju-
sticiariis, regni præ-
stat divitiis, judicū
numerū in millibus
hominum excedat.
Nā fortunæ, quæ ni-
hil est, istud ascribi
nō poterit : sed divi-
næ solū benedictio-
ni fore arbitror tri-
buēdum. Cum ipse
per prophetam dicat :
quod generatio recto-
rum benedicetur. Et
alibi de justis lo-
quens propheta ait :

R 2 quod

Fortescue, in Commendation

quod filii eorum in benedictione erunt. Dilige igitur, (fili Regis) justiciam, quæ sic ditat, colit, & perpetuat fœtus colentium eam. Et Zelator esto legis, quæ justiciam patrit, ut à te dicatur, quod à justis scribitur, & semen eorum in eternum manebit.

that their children shall be in blessing. Wherefore, O most magnificēt Prince, be you in love with Justice, whch thus enricheth, exalteth to honor & addaceth to perpetuity the children of them that have her in veneratio. And be you a zealous lover of the Law, the very welspring of justice, that by you it may be said what is written of the righteous, And their seed shall remain for ever.

¶ Chap. 52. The Prince findeth fault with delays, that are made in the Kings Courts.

Princep. Unū a. solū supest, Cancellarie, declarādum quo parūper adhac fluctuat, inquietatur quoq; mens mea, in quo, si ea solidaveris, nō apli⁹ te quaſſionibus fatigabo.

There remaineth now but one thing, good Chancellour, quoth the Prince, to be declared, wherewith my mind soe what yet wabereth and is disquieted, wherein if you stay and satisfie me, I will trouble you with no mo

mo questiōs. The Laws of England as the report goeth, suffer great delays in their processes, more then the Laws of other Nations, which unto su-ters is not onely a hinderance of their right, but also many times an importa-ble burden of charges, and chesly in those actions, wherein damages are not allowed.

Dilatōnes ingētes, ut assurit, patiuntur leges Angliae in processib⁹ suis plus quam leges aliarum nationum, qd petētib⁹, nedū juris sui prolatio est, sed & sumptuū quādoque importabile on⁹, & maxime in actionibus illis in quibus damna potentibus non redduntur.

T Chap. 53. Delays, that happen in the Kings Couris are necessary and reasonable.

In actions personall, quoth the Chancellour, out of Cities and Townes of merchandise, where the manner of proceeding is according to the customes and liberties of the same, there the proceedings are ordinary. And though they suffer great

Cancellarius: In actionibus personalib⁹ extra urbes & villas mercatorias, ubi proceditur secundum consuetudines & libertates earundem, processus sunt ordinarii. Et quanta libet dilati-

Fortescue, in Commendation

ones patiuntur, non tamen excessivas. In urbibus vero & vil- lis illis, potissimum cū urgens causa depos- cat, celeris, ut in ali- is mudi partibus sit processus, nec tamē (ut alibi) ipsi nimium aliquādo festinantur, quo subsequitar partis Iæsio. Rursus in realib⁹ actionib⁹ in omnib⁹ fere mundi partib⁹, morosi sunt processus, sed in An- glia, quodammodo ce- leriiores. Sunt quippe in regno Franc⁹ in curia ibidem supre- ma quæ curia Parlia- menti vocat⁹ process⁹ quidā, qui in ea pl⁹ quā triginta an- nis p̄p̄derunt. Et novi ego appellati-

delays, yet they be not excessive. But in the same Cities and Towns chiefly when any urgent cause so requireth, there is quick dispatch made like as in other parts of the world, and yet not with such hot haste as in some other places, that the party be thereby en- damaged. Again, in actions reall, the proceedings are very slow, almost in all parts of the world, but in Eng- land, somewhat speedier. For, within the realm of France, in the highest Court there, which is called the Court of Par- liament, there be cer- tain process⁹ that have hanged there above thirty years. And I know that a cause of appeal, which in

in the court betweē Rich. Heron an English merchāt, & other merchāt men for a transgression made, hath bin debated within the jurisdiction of that court, hath already haged by the space of 5. years, & it is not yet like, that it cā be decided within other 5. years: While I was late-ly abiding in Paris, mine Hoste shewed me his pro-cessē in writing, which in the court of Parliament there he had then follow-ed full 8. years, for 4 s. rent, which in our mony maketh not above 8 d. and yet he was in no hope to obtain judgement in 8. years more: and I know other cases there like unto these. So that the Laws of Englad, as seemeth to me, cause not so great delays,

onis causā unā, quæ in curia illa agitata fuit, jā per decē an. suspēla fuisse & ad-huc verisimile non est, eā infra annos x. alios posse decidi. Ostendit & mihi du-dū, dū *Parisii* mora-bar, hospes meus processum suum in scriptis, qui in curia parliamēti ibidē ip-se tūc 8. an. pro 4 s. reddit⁹, qui de pecu-nia nostra 8 d. nō ex-cedūt prosecut⁹ est, nec speravit se in 8. ann. aliis judicium inde obtēturum. Alios quoq; nōnullos novi casus ibidē, his similes, sic qd. leges *Angliae* non rāntas, ut mihi visum est, dilat-iones forciantur iusti-

Fortescue, in Commendation

faciunt leges regionis illi⁹. Sed revera per necessariū est, dilatior- nes fieri in processib⁹ ōniū actionū, dūmo- do nimiū ipsæ non fuerint excessivæ. Nam sub illis partes, & maxime pars rea, quā sape sibi provi- dēt de defensionib⁹ utilibus, similiter & consiliis, quib⁹ alias ipsi carerēt. Nec un- quā in judiciis tātū imminet periculum, quantum parit proces- sis festinatus. Vidi népe quondam apud civitatē Sarum, corā judice quodam ad gaolā ibidē delibe- randā, cum clero suo assignato, mul- erem de morte ma- ritii sui infra annum

is do the Laws of that countrey. But to speak uprightly, it is necessary that delaies be had in the processes of all nations, so that the same be not too much excessive. For by reason thereof, the parties, and chiefly the party defendāt, do oftentimes pro- vide themselves of good defences, and also of coun- cels, w^c else they should lack. And in judgements, there is never so great danger toward, as when processe goeth forward with over much haste. For I saw once in the City of Salisbury, before a cer- tain Judge, at a gaole de- livery there, with the Clerk of the assises, a wo- man attainted and bur- ned for the death of her husband within a year after

after he was slain, In
the which case, it was in
the Judges power to
have reprimed or respe-
cted the woman. araign-
ment till the end of the
year. And about a year
after that, I saw one of
the servants of the slain
man convict, before the
same Justice, of the
death of the same his
master. Who then o-
penly confessed, that he
himself alone slew his
master; & that his ma-
ster his wife, which be-
fore was burned, was
altogether innocent of
his death. And he for
the same was drawn
and hanged. And still e-
ven at the point of death
he lamented the woman
burned, as one clear
from that offence.

ad interficiōe ej⁹
attinclam similiter &
combustam, in quo
casu licuit judici illi,
usq; post ānū illū ar-
retamētū sive distra-
tionē mulieris illius
respectuasse, & post
ānū illū, vidi unū de
serviēt⁹ interfeci
illī⁹ corā eodē justi-
ciario, d'morte ejusdē
magistri sui cōvictū,
qui tūc publice fate-
bat, ipsūmet solū ma-
gistrū suū occidisse,
& magistrā suā, uxo-
rē ej⁹, tūc cōbusta,
innocētē onino fuisse
de morte ej⁹ :quare
ipse tract⁹ & suspen-
ſ⁹ fuit. Sed tamē oni-
no, etiā in ipso mor-
tiſ articulo, mulierē
cōbusta īmunē à cri-
mine illo fuisse, ipse
lugebat. O

O quale putadū est
ex hoc factō cōsciē-
tiæ discriminē & re-
morsū evēissle justi-
ciario illi tā präcipi-
ti, qui potuit proces-
sū illū juste retardas-
se? Sxpi⁹ proh dolor
ipse mihi fass⁹ est, qd
nūquā in vita sua ani-
mū ej⁹ de hoc factō
ipse purgaret: crebro
etēim in deliberatiōi-
b⁹, iudicia m̄itūref-
cūt: Sed in accelerato
processu, nūq̄ia. Qua-
re leges Angliae effōiū
admitunt, qualia nō fa-
ciūt leges aliæ mūdi
ūiversi. Nōne quā u-
tiles sūt vocationes ad
warratū? Auxilia de
his ad quos spectat
reverſio teemētrū, qui
in placitū deducunt,
& qui habēt eviden-

D what perplexity & re-
morse of conscience it is
to b̄ thought, that this so
hasty a Justice had of this
dæd, which might justly
have stayed the processse?
He himself (alas) often
confess'd unto me that he
should nev̄e during his
life be able to clear his
conscience of this fact:
For many times, in de-
liberations, judgements
grov̄ to ripenes: but in
overhasty process, never.
Wherfore the Liws of
England admit esoya,
and so do no other laws
of all the world. Are not
vouchings to warrant
right profitable? are not
the aides of them profi-
table to whom the re-
version of tenements
brought in plea belong-
eth, and which have the
eviden-

evidences of the same? Are not also the aides of co-partners profitable, which shall pay according to the rate of a tenement, allotted to their copartner by force of the Law evicted from him? And yet all these are delays, as you, most noble Prince, by my talk at other times do well know: and the like delays to these do no other Laws admit, neither do the Laws of England admit trifling and unfruitfull delays. And if any such fond delays should be used, they may at every Parliament be cut away. Yea, and other Laws used in the same Realm, when in any point they begin to halt, they may at every

tias eorundē? Auxilia etiā de coparticipibus qui reddent pro rata, si tenementū coparticipi allotatum evincatur? & tamen hæc dilationes sunt, sicut, tu Princeps, alias nosti ex doctrina mea: & dilatōes his similes, leges aliae nō admittūt, neq; leges Angliæ frivolas, & infructuosas permittant inducias. Et si quæ in regno illo dilationes in placitis, minus accomodæ, fuerint usitatae, in omni parliamento amputari illæ possunt: etiam & omnes leges aliae, in regno illo usitatae, cum in aliquo claudicaverint, in omni

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omni Parlamento
poterunt reformari.
Quo recte cōcludi
potest, quod *omnes*
leges regni illius opti-
mæ sunt, in actu vel
potentia, quo facili-
ter in actū duci po-
*terunt & in assenti-*a n realē.* Ad quod
faciendum, quoties
æquitas id poposce-
rit, singuli reges ibi-
dem, sacramento a-
stringantur solem-
niter præstito tem-
pore receptionis di-
adematis sui.*

Parliament b^r reformed.
Wherfore, it may well
be concluded, that all the
Laws of that Realm
are right good, either in
deed, or in possibility,
So that if they b^r not
presently good, they may
easily be reduced to the
present perfection of good-
ness. To the perfoz-
mance wherof, as oft
as equity so requireth, e-
very king there is bound
by an oath solemnly ta-
ken at the time of his Co-
ronation.

¶ Chap. 45. The Laws of England are right good,
the knowledge whereof is expedient for kings.
Yet it shall suffice them to have but a su-
perficial knowledge of the same.

Princep^s. Leges
illas, nedum bo-
nas sed & optimas

I have well & evidently
perceved, quoth þprince,
by the proces of your talk,
good

good Chancellour, that those Laws are not onely good but also of most perfect & excellent goodness. And if any of them habe need to be amended, that may quickly be done, as the forms & orders of the parliamēts there do plainly prove. Wherefore the realm is ever really, or potentially governed by most excellent and most worthy Laws, and I doubt not, but that your instructions, in this our talk, shall be profitable for the kings of England, which hereafter shall be: so that they have no pleasure in governing by unpleasant laws. For the unhandsomeness of the tool or instrumēt wearies the workman: & a blut pike or a dull sword maketh a cowardly souldier.

esse cancellarie, ex prosecutione tua in hoc dialogo certissime deprehendi. Et si qua ex eis meliorari depositā, id citissime fieri posse, parliamentorum ibidem formulæ nos eruditunt. Quo, realiter, potentialiterve, regnum illud semper præstatiſſimis. legibus gubernatur, nec tuas in hac conciatione doctrinas, futuris Angliae regibus, inutilis fore cōjicio, dum non delectent regere legibus, quæ non delectant. Fastidit namq; artificem, ineptio instrumenti: & milite ignavum reddit, debilitas lanciae & mucronis.

Sed

Fortescue, in Commendation

Sed sicut ad pugnā
animatur miles, cum,
nēdū sibi prona sint
arma sed & magis,
cum in astib⁹ belli
cis ipse sit expertus,
dicēte Vegetio de
re militari qd, scien-
tia rei bellicæ, dijudi-
cādi audaciā nutrit.
(Quia nēo facēt me-
tuit qd se bene didi-
cisse cōfidit) S.c &
Rex ōnis, ad iustitiā
animatur, dū leges,
quibus ipsa fiet, ne-
dum justissimis esse
agnoscit, sed & ea-
rum ille expert⁹ sit
formam & naturam:
quas tantum in un-
versali, inclusive &
in confuso Principi-
scire sufficiet, rema-
nente suis iudicibus,
earum discreta de-

But like as a souldier is
encoraged to fight, not on-
ly when he hath handsome
& fit weapoñs in a rediness,
but also much more, when
he is expert & skilfull in
warlike acts, according to
the saying of Vegetius in
his book of Chivalry, that
knowledge & cunning in
Martial feats ministreth
boldnes in fighting (for no
mā feareth to do that wh
he trusteth he hath well
learned) in like manner e-
very King hath a fervent
zeal, and earnest desire to
the maintenance of Ju-
stice, not only knowing
thz Lawz, whereby that
must be done, to be most
just, but also being skilfull
in the form and nature of
the same: Whereof it shall
suffice thz Prince to have
only an universal, a super-
ficial

ficiall & a confuse know-
ledge, the discret & deter-
minate perfectness, & dæp
understanding of the same,
being left to his Judges.
So also, ought all princes
to be well seen in the holy
scriptures of God, as saith
Vincentius Beluacensis in
his book of the Moral in-
stitution of Princes, For-
asmuch as the Scripture
above mentioned saith, that
vain are all they, in whom
is not the knowledge of
God, and for that in the
sixtænth Chapter of the
proverbs it is thus writ-
ten: Let Prophesie, or the
Word of God, be in the
lips of the King, & then his
mouth shall not go wrong
in judgement. And yet is
not a King bound to have
profound knowledge and
determinate understand-
ing, terminataque peri-
tia & sciētia altiori.
Sic equidē & scrip-
turarum divinarum
peritiam, ut dicit
Vincentius Belua-
censis in libro de
Morali institutione
Principum, Omnis
princeps habere de-
beret, cum dicat
scriptura superius
memorata, quod
vani sunt omnes, in
quibus non est sci-
entia dei, & Prover-
xvi. scribatur: *Di-*
vinatio, id est, divina
sententia, vel, sermo
divinus, sit in labiis
regis: & tunc in ju-
dicio non errabit os
eius. Non tamē pro-
fude, & determinati-
ve intelligere tene-
tur Princeps scrip-
turas

Fortescue, in Commendation

turas sacras, ut de-
cet sacrae Theologie
professorem: sufficit
namque ei, earum in
confuso degustare
sententias, qualiter &
peritiā legis sux. Sic
& fecerunt Carolus
Magn⁹, Lodovic⁹ fi-
li⁹ ejus, & Robertus
quondā rex Frācia, qui hāc scripsit se-
quētiā (Sancti spirit⁹
ad sit nobis gratia,) &
quā plures alii, ut
in xv. c. lib. prædi-
cti Vincentius prædi-
cet. Unde & docto-
res legum dicūt: qd
Imperator gerit om-
nia jura sua in scri-
nio pectoris sui, non
quia omnia jura ipse
noscit realit⁹ & in actu
sed dum principia but for that he under-
ding in the holy Scri-
ptures as it becometh a
professor of Divinity:
For it shall be enough for
him superficially to taste
the sentences thereof, as
also of his Laws. Thus
did Charles the great, Lew-
es his sonne and Robert
sometimes King of France
(Sancti Spiritus ad sit no-
bis gratia) and divers o-
ther Princes, as the fore-
said Vincentius in the fif-
teenth Chapter of his
Book aforesaid plain-
ly sheweth. Where-
fore the Doctors of the
Laws do say, that an
Emperour beareth all
his Laws in the box of
his breast: not for that
he knoweth all the
Laws really and indeed,
but for that he under-
stand-

proposito unius et usus
magistrorum iuris iuri uall 26

standeth the Principles
of them, likewise their
forme and their nature,
in which respect he is
judged to be skilful in
all his Laws, Which also
he may alter, change, and
repeale: So that in him
are potentially all his
laws, as Eve was in A-
dam before she was made.
But now, good Chancel-
lour, seeing I perceive my
self sufficiently perswa-
ded to the studie of the
laws of England, which
thing in the beginning of
this work you promised
to performe, I will no lon-
ger trouble you in this
behalf, But thus I in-
stantly desire you that ye
will instruct me in the
principles of the Law,
as you once began to do:
and that you will teach

eorū ipse præcepit,
formam similiter &
naturam, omnia jura
sua ipse intelligere
censemur, quæ etiam
formare ille potest,
mutare & cessare:
quod in eo potenti-
aliter sunt omnia
jura sua, ut in Adam
erat Eva, antequam
pasmaretur. Sed quia
Cancellarie, ad leg-
um Angliae disci-
plinatum mihi jam
conspicio sufficien-
ter esse suatum, quod
& in hujus operis
exordio facere pro-
misisti: Non te am-
plius hujus prætex-
tu, solicitare cona-
bor, sed obnoxè de-
posco, ut in legis hu-
jus principiis, ut quo-
dā incepisti, me eru-

Fortescue, in commendation,

dias: docēs quodā-
modo ejus agnoscere
formam & naturam,
quia *lex ista* mihi
ſepe peculiariſ erit
*inter ceteras leges or-
bis*, inter quas ipsam
lucere conſpicio, ut
Incifer inter ſtellas. Et
dum intentioni tuae
qua ad collationem
hanc concitatus es,
jam ſatisfactum eſſe
non ambigo, tem-
pus postulat & ra-
tio, ut nostris collo-
quiis terminum con-
feramus: reddentes
ex eis, laudes ei &
gratias, qui ea incep-
pit, prosecutus eſt,
& finivit, *Alpha &*
O. quem dicimus,
quem & laudet om-
nis spiratus. Amen.

me to know and under-
ſtand the forme and na-
ture thereof, For this
Law shall be ebermore
peculiar to me among all
other Laws of the world,
among the which I ſee
it ſhine, as Lucifer a-
mong the Starrs. And
forſomuch as I doubt not
but your intent, whereby
you were mooved to
this conference, is fully
ſatisfied: both time and
reason requireth, that we
make an end of our talke,
yielding therefore lauds
and thanks to him, which
began, furthered, and
hath finished the ſame,
Whom we call Alpha and
O. who alſo be praifed
of every living creature.
Amen.

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