

A

9006471

STD 906

SZ-2009/
703/6



24.08,
2003



A
PUBLICATION
OF HIS Ma^{ties} EDICT,
AND SEVERE CENSURE
against Private Combats and
Combatants;

*Whether within his Highnesse Dominions,
or without ; With their Seconds,
Accomplices, and Adhærents:*

*Straitly charging all Officers, and other his Ma^{ties} Sub-
jects, to use no comminencie, or remisse proceeding
toward such Offenders :*

For the necessary and timely preuention of those heauy
euents, whereunto aswell Kingdomes, as worthy Families
become obnoxious, by the odious and enormous
Impieties ineuitably subseqent
thereupon.

Imprinted at London by ROBERT
BARKER, Printer to the Kings most
Excellent Maiestie. ANNO 1613.



A
PUBLICATION
OF HIS Ma^{ties} EDICT,
AND SEVERE CENSURE
against Private Combats and
Combatants;

*Whether within his Highnesse Dominions,
or without ; With their Seconds,
Accomplices, and Adhærents:*

*Straitly charging all Officers, and other his Ma^{ties} Sub-
jects, to use no comminencie, or remisse proceeding
toward such Offenders :*

For the necessary and timely preuention of those heauy
euents, whereunto as well Kingdomes, as worthy Families
become obnoxious, by the odious and enormous
Impieties ineuitably subseqent
thereupon.

Imprinted at London by ROBERT
BARKER, Printer to the Kings most
Excellent Maiestie. ANNO 1613.

affection doeth suggest, without any further prooffe : so as the *Challenge* be sent in a ciuill maner, though without leaue demaunded of the *Soueraigne*, and without respect to any *prohibition* or *limitation*, that hath bene layd downe either by the *King* himselte, or by the *Lawes positive*.

THe *Law of Nature* neuer warranted the presumption of a *Subiect*, to challenge any person to the *Combate for his life*, in cold blood, and vpon aduiseement, nor any other Acte, then a necessary defence vpon a violent assault, because a Life might otherwise be lost, before a complaint could bee made, the Weapons working their outrageous effects and ends in an instant, and without hope of redresse. And yet the *Ciuill Lawes*, which speake with the voyce of *Nature* among men, doe not admit so much as this defence of Life by the *Sword*, but vpon necessitie; and as they speake themselues, *Ratione inculpatæ tutula*, which is in such distresse, as destruction cannot bee declined, nor auoyded otherwise : For if it so fall out,
that

that the partie set vpon, be able to secure himselfe without the *Sword*, either by stepping aside, or by crauing ayd at the same leasure, that a *Gentleman*, or any other wronged in his *reputation*, may take his remedy without rage or violence, before a *lawfull Iudge*, the *Duellours* of these dayes must want this thinne couer for an excuse of their *audacitie*.

FOR nothing can be more certaine, then that *Gentlemen* do first offend against the *Law of Nations*, which is in deed the *Law of Nature* among men that are indued with *reason*, and created according to GODS *owne Sacred Image*: Howfoeuer Wee know that the *Law of Nature* hath *In primæuo iure*, a more large extent, not by demaunding, but by tearing out their *portions* like beasts, by their teeth and nailes, and pearcing the very bowels of the *Earth*, to find out weapons far more mischieuous then these: Whereas *Injustice* looking rather to the first ground in her establishment of *Lawes*, that are truely said, *Suum cuique tribuere*, then to the passions of
wrath,

wrath, which are tied to no dimension, hath taken a more safe and easie course, by debating and deciding Iniuries, that are indeed, or may bee strained or pretended by one man against another, according to the rules of *Moderation* and *Equitie*.

They spare not in like maner to transgresse the *written Lawes* of GOD himselfe, which providently referre all kinds of Complaints, Actions, and Suits, that concerne the Bodies, the Liues and Fortunes of men, all kinds of strife betweene Title and Title, Plea and Plea, Blood and Blood, not to that humorous construction of the parties *Humour* that is interess'd (and therefore *partialitie* corrupts) but rather to the strength of *testimonie*, to the *Iustice of Lawes*, and to the conscience of an *upright Iudge*, who bending neither to *partialitie*, nor *preiudice*; but looking vpon the matter with *uprightnesse* of *conscience* and *knowledge*, is more likely then the persons, whom the case so neerely and dearely concernes, to resoluē according to the *streight leuell*.

Moreover,

Moreouer, if the Lawes of this Kingdome (consenting touching this point, with all others in the world) could speake as vocally, and audably in their owne defence, as the Iudges (who are indeed *Loquentes Leges*, the speaking Lawes,) both pleade for them, and out of them vpon the Bench: then doubtlesse they would extremely disdain that priuate persons (borne not to cōmand but to obey, not to struggle but to submit, not to make Lawes; but to obserue and keepe them with reuerence and awe) should bandie out of boldnes and presumption, against the wisdom of all precedent times, iustifie the crooked measure of affection against the streight rule of Right, and out of the pride of their owne distempered conceits, make themselues in the point of Reputation, (which comes neereest to the life of a Generous and worthy minde) both parties, and Iudges absolute: and in a sort submit the reall grounds of Morall vnderstanding, to the suddaine flashes of their owne furie.

B

Wee

WE make no question, but that if Honour had beene reputed such an *Individuum vagum*, or such a wilde transcendent in former times, as neither Ciuill Courts were able to containe, which notwithstanding iudge of all matters that concerne Libertie and Life, which are reckoned with reputation *Inter res inestimabiles*, nor the Court of Honour to confine, which was erected to no other end, then to decide such questions, as the Lawes of the Land omit, as no way appertaining to their element, which the Bookes themselves expresse, some other course would haue bene found before our dayes, that had beene more indifferent, and in so many ages past, betweene the sense of Honour, and the seueritie of Law. But since we see, that notwithstanding these pretended colours in this vetite kinde, the Lawes of the Kingdome proceede capitallie against all those that are found to speede their enemies vpon priuate Quarrells in the Fields after a faire maner, (according to the phrase) that is, without treacherie or fraud, without either protection by the Court of
Chivalrie,

Chiuallry, or discharge by *Parliament*, though therein many members are found to be tied in blood, in friendship, and alliance to those Gentlemen that runne this hazard of their liues and fortunes euery day : we may conclude that boldnesse doeth rather begge, then Iustice can finde any cause to graunt impunitie vpon a point that is so desperate. For by how much Conscience is of greater price then Conceit, by so much hath an ignorance inuincible, or a resolution vnchangeable, more reason to defend it selfe in that, then in this, setting obedience aside: for the one stabbes piety, the other doth but onely pricke or offend humour.

THE wisedome of Our *Ancestours* vndoubtedly foresaw, that if these *Challengers* vpon disgrace, that affect so earnestly to be priuiledged as *Spirituales homines*, which, as Gods Spirit witnesses, *à nemine iudicantur*, could by audacitie, intreatie, or impunitie, haue compassed their owne end in this point of Honour, they would likewise within a while haue pressed vpon the same

B 2 ground,

ground, to reuerſe the Sentence of a Iudge in poynt of Right. For *Otho* hauing firſt pre-uailed in procuring Trials by the Sword, for diſcharge of diſhonor, would after that haue brought the Trials of the Subiects property to the ſame bloody touch of gaine. Some of the *French* Writers report, That in that Kingdome alſo, this maner of proceeding in defence of Titles vpon Challenge, was very riſe. And *England* it ſelfe, as appeares by the *Writ of Right*, which ſtands in force till this preſent, was not cleare of the like liberty.

THUS hauing made it euident, how farre all *Challenges* in cold blood, ſwarue from all preſcription and formes of Juſtice that euer were, Wee may further adde, That againſt the State of a King (whoſe Office is to take a precise accompt of all wrongs) and the Juſtice of a Kingdome, that make diſtribution without defect, they tranſgreſſe wilfully. For what can be more repugnant both to duetie and humanitie, then to ſnatch the Sword of Juſtice out of Our hands, which they meane to draw and exerciſe in their owne

owne will , as if it lay in their owne election to obey or not obey, as if they might keepe a Posterne gate euer open without watch or ward, to which it should bee lawfull for yong Gentlemen without consulting either Prince or Iudge, to runne headlong to their owne ruine; or as if it could stand with the tender care, which We professe of conseruing the Subiect in securitie, the *State* in strength, the gouernement in peace, to open the great Vaine , by which the Common wealth might bleed , not as Feuers pestilent *ad animi deliquium*, but rather as in the heart of *Seneca*, when hopes are desperate, *ad uitæ exitum*? for this must be the issue of an vn-lawfull acte, which excludes all maner of satisfaction for wrongs, besides that of the sword, which obserues no measure.

IN this course of proceeding, these *Challengers* doe likewise so strangely crosse the line of their owne pretended leuill, as if malice did not stand too much in the light of reason, they would easily confesse. For pretending aboue all things to regard Ho-

nour for a flourish, yet to satisfie their owne inordinate desires, they flie the certaine iudgement of the Court of Honour; vpon question which hath no other object to contemplate, then it selte: which mooues Vs to conceiue vpon iust cause, that their scope and drift is to plant this Idole *Honour*, (as they make it) onely *in scrinio pectoris*; that is, in the Cabinet of their owne Conceit, intending nothing lesse then to hit the marke whereat they shoote, or *Stc currere vt comprehendant*, so to runne as they may preuaile in that which they prosecute. But howsoeuer their light passions may shift often like the sands, yet Our purpose and intent is, neuer to giue way to these bolde pressing humours in the least degree, whereof Iustice may finde cause to complaine, or reason to repent; lest by the faire aduantage of this rise, our rash Aduenturers *in paruis viam praestruendo*, by dispensing with themselues in these things (which they value but as pertie contempts) may by vse and daily practise bee emboldened to leape ouer these guards of loyaltie.

It is

IT is but a wanton kind of dalliance, which some of the stoutest Proctours of the *Challengers* are inforced to vse, for some excuse of their opposition to the written lawes of God, which forbid priuate men to kill for any cause; & besides, more safely to conuey themselues, as some conceiue vnprobably, out of the reach of the eternall curse, which God by his owne mouth hath pronounced against all those, that aduenturing to leaue this life in passion, presume to presse in the next, to the Supper of the Lambe without charity, which is the true badge of a *Christian* Profession, because it must euer distinguish Gods seruants from Satans forelorne hopes; and the heires of the promise, from the damned crew, expecting no greater mercy then they merit: The guiltinesse of euery mans owne conscience that offendeth in this kind, is able to make vp a *Decem tales* for euery Iurour that is absent from the Barre: And howsoeuer some presume too farre vpon the grace that may be graunted *in extrema hora*, yet Mercy it selfe makes a great difference betweene those that offend in weaknesse,

nesse, or of wilfulnes : For where presumptions are confident, euents doubtfull, and the time which should serue for repentance, short ; nay which is worst of all, where rather feare of hell, then obedience to God, may be conceiued probably to be a kinde of spurre to that repentance, which sometime deceiues the world, it behoueth men to be as certaine of their instrument, as of their acte ; and that they shall haue as much leasure to confesse, as God hath mercy to forgive, before they make their passage so safe and easie, as they apprehend, frō the paines that are transitorie, to the blisse that is vnchangeable. It lies not in the wit or prouidence of any mortall man, before hand to assure himselfe of such a perfect patience, as may prepare the mind to meditate vpon the best meanes of release from eternall death, while his enimie is in his eye, the woundes bleed freshly, shame blinds the iudgement, choller preuails against aduise, and the voice of nature herselfe is more apt to call for reuenge, then to teach humilitie.

By

BY comparing forraine mischiefes with home-bred accidents, it will not be hard to iudge, into what region this bolde bird of audacious presumption, in dealing blowes so confidently, will mount, if it be once let flie from the breast wherein it lurkes. And therefore it behoueth Iustice, both to keepe her still in her owne close cage, with care that she learne neuer any other dittie, then *Est bene*; but withall, that for preuention of the worst that may fall out, we clippe her wings, that they grow not too fast. For according to that of the Prouerbs, *It is labour lost, to lay nets before the eyes of winged fowles*; and experience prooues all Gouvernments to be weake, and for the most part disobedient and mutinous, where the Father is not able to dispose of a Sonne, nor the Commonwealth of a Member, nor the Church of a child, nor the Soueraigne, that is chiefly put in trust with the raines of Regiment, of a natie Subiect longer then they list, or at the least, then they stand free from Quarrels, which ought, as some defend, to be preferred before duties in all degrees: which fencelesse

C

Paradox

Paradox hath in effect dissolued al the ioints both of ciuill and diuine discipline.

T Here is no doubt, but the ordinary exceptions of Cowardize, which the world takes to soft spirits, that put vp disgrace without running instantly into some sharpe course for vengeance, leaues very deepe impressions in the mindes of forward Gentlemen, that are not so sensitiue of smart, as feareful of dishonor; considering how strictly all men that conuerse in the world, are bound to giue an account to the world for all their actions that are visible, and therefore without satisfaction vpon the proffer of offence, so farre as the point of reputation doeth vrge, it will be found almost impossible to stay the current of quarrelling. For by what ground of Iustice (to speake indifferently) can either a friend perswade, or a superiour command one that is wounded, either in his person, or his good name, to passe ouer the least imputation of discredit, as if it were but the biting of a flea, where Gentlemen cannot be satisfied, nor repaired
by

by any other meane: since many of the *French*, that are both iudicious and prouident, haue ascribed the slight obseruation, or rather the grosse contempt of both their Soueraignes Edicts against Quarrels, and Single Fights, either hand to hand, or in set match, to the great haste that was vsed by the State it selfe; in prohibiting them with vnspeakeable seueritie, before that any course or order were set downe for reparation to the partie griued or distempered in some such measure as might bee thought to be sutable.

This hath bene likewise our chiefest motive in forbearing to prohibite Quarrels, vpo grieuous penalties, before We had commanded the Lords in Commission for the office of *Earle Marshal*, whom the wisdom of precedent times held fittest to iudge matters of this kind, that touch Honor to the quick so carefully and precisely to apply the pleasing balme to the swelling sore, the satisfactions to the smart, and the reparation to the disgrace, as none might bee able to pre-

tend any colour of exception or complaint, but such as in their actions and oppositions, seeme rather to demonstrate wilfulnes, then to desire indifferencie.

IT is the part and Office of an vpright Iudge, that intends as well to heare with indifferencie, as to resolute by rule, to giue that satisfaction to men distressed, which the course of Iustice, and the qualitie of the wrong requires, though hee labour not vnprofitably, like an Empericke, to please humorous affections, which choller hath put out of taste, and which selfe-loue suspends from acknowledging the distractions and impressions of fantasie.

TWo speciall benefits may be expected by this course, which We take in publishing to the world Our constant purpose, to abolish vtterly all Challenges to fight in the field, that is, all single Fights in the field after Challenge in cold blood vpon preparation and set match, if it be possible, because these are the cupping glasses that draw to the
weakest

weakest parts of the Kingdome, as well as the strongest, as many sharpe humours, as there are occasions springing to stirre choller. The first is feare in a generallie to giue offence by opposition vpon the consideration of sharpe punishments imposed vnder Our hand and Seale. For many of Our Subjects that are thought to be most fierie, will forbear to pursue personally the reuenge of euery word or acte, either truly grounded vpon iniury, or so conceited at the least, and apprehended according to that false figure, which malice is more likely to present, then indifferencie to examine. For howsoeuer passions in the prosecution of Quarrels, heretofore might be abidden and endured, with greater patience, whe reparation could not bee had by any fairer meane: yet one rule must hold from this time forward infallibly, considering the care and paine, which Wee in Our person take, to set all courses streight by the golden compasse of indifferent regard; that, *voluntarie peccantibus hostia non relinquitur.*

C₃

The



THe second benefit is prouidence, in deuising meanes that are apt and proper to giue satisfaction for all kinds of offences, that touch honour in the least degree betweene the seruants or Subiects of one powerful Soueraigne, that lookes as well to be obeyed, as honoured: For Princes may be truly said, to hold rather a shadow then a strength of power, that leaue it in the Subiects libertie, either to skanne their directions, or to scorne their authoritie.

Touching the first, which shewes both what We wish, and many want; it will appeare by rules prohibitory to good effect, as We conceiue, that no part of a Kings Office hath beene neglected or omitted in the reglement, that may either draw by sweetnesse, or driue by sharpnesse all degrees and rankes of Subiects as they stand affected, well or ill, to those worthy ends of moderation which Our heart affects, propounding vnto all men water & fire, as God speaketh in the letter of his owne Law; that as they choose, so they may speed: so as wise-
dome

dome in his owne brood may bee euer iustified. The second tending more to the rates of proportion in setting forth the *Shares*, then in the weight of inhibition, by casting censure vpon contempts, when questions that touch credit come to be debated, with that freedome, which in point of iustice makes no difference betweene degrees, Wee leaue to be set downe at greater length, by the Lords in Commisſion for the *Marshals* Office, that no way be left vnſought, for the ſatiſfaction of all mens minds, which either reason or right can ſatiſſie.

IT is true, that whoſoeuer will cut euently vpon this nice quarrell, betweene tenderneſſe of reputation, and compaſſion of life, had neede to haue the ſame certaine aime in his luckie hand, that *Alcon* is affirmed by the Poets to haue had, when hee ſhot the Serpent deadly in the very head, without hurt to the child, that ſucked in his breath. For to end a quarrell between two men of worth, and valour, deeply grounded, and ſhrewdly feſtered, without diſgrace or wrong to either

ther side, is as well an effect of skill, as an affection of desire, considering how pettie circumstances are sufficient to put these clockes both out of temper & true motion, that are wound vp with the greatest warinesse. The Lords whom Wee haue formerly deputed to the care of these tickle points (which stand as much vpon discretion as right) are the fittest instruments both to search with vnderstanding, and resolue by reason, in respect of their Honour by birth, their endeauour out of an infinite desire to doe good, and their skill in the nature of the Subiect, which they take in hand, whereof many reconcilements made already betweene Gentlemen, and in cases which were thought to presse somewhat heauily vpon narrow points affoorde very pregnant and cleare testimonie. These vnderstand the dispositions of the persons with whom they are to treat, the scope of Our intent, the rules of Our instruction, the nicetie of the worlds exceptions, and aboue all, the great hazard which they runne of their owne Honours, in case they should for any cause encline to any motiue in their
iudge-

iudgement, which the grounds of Honour cannot iustifie. To this implicate faith in their sinceritie, the skill, the worth, and values of those worthy *Constables & Marshals*, that sit in the Court of *Chivalrie* in *France*, many of that nation haue ascribed the continuance and constancie of agreements made by them; as if to doubt of so graue Oracles were an effect of sacriledge: which moues Vs the more confidently to expect the like proote of the Ministers which Wee depute, because Honour, in all parts of *Europe*, wilbe euer like it selfe: wisdom, temper, and integritie, produce futable effects, and experience armes industry.

BVt because it is vnpossible that the Lords in Commission, being all of Our Priue Councel, and by consequence, employed dayly in the publique seruice of the *State*, should bee able in their persons, without an Vbiquitie, to assise all treaties for agreement betweene Gentlemen in all places of the Kingdome that breed Quarrels, especially those that are farthest remote from the

D

common

common Center, which is, the Court: Wee thinke good to limit their labours and endeouours about matters of this kind; first, to the Court it selfe, then to the Citie of *London*, which is called *The Kings Chamber*, and then to the Counties adiacent, so farre only, as the space of twenty miles in length and circuit doe extend, leauing all other Counties that are farther distant, to the charitable and honourable care of the Lords Lieutenants and their Deputies, who being furnished by the Lords in Commission, with certaine Copies of the same resolutions and rules, which they themselues obserue ordinarily within the limits of their owne precincts, may with greater satisfaction to Vs, ease to the Lords, the whole kingdome, and themselues, proceed correspondently: providing alwaies, that in case any Peere of the Kingdome, or any other Nobleman shall happen to bee one of those, with whom (by vertue of Our Order and Decree) there shall bee iust occasion to treat, the Lords Lieutenants faile not to send vp both that Lord, and his Opposite, to the Lords in Commission

sion, which are likewise Peeres, there to abide that iudgement, which to their discretions shall appeare indifferent and iust, vpon the view of the maine businesse, which ought with like equitie and sinceritie to bee aduertised.

CAre must be also taken in due time, that vpon the first notice of a Quarrell likely to proceed, either letters or messengers (as the qualitie of the place requires) bee sent with speed into those parts, wherein the parties interessed in the cause, are knowen either to dwell or reside for the greater part of the yeere; lest Malice, waxing bold vpon neglect, may preuaile by opportunitie. If the parties cannot be found, yet notice must be left in those places, with certaine intimation of the perill, into which the parties are likely to runne *in pœnam contumacie*, in case within the space of eight and twentie dayes next ensuing, (which giue time sufficient to come from the farthest part of *England*, though the Summons come to their knowledge, but at the second or third hand) they

appeare not in the place specified. Beside, Our will and pleasure is, that by how much they shew themselues to be more impatient and fiery during the time of this direction, by deuising meanes to fight, before the matter can bee heard, by so much more ought the Lords, vpon iust prooffe made of a notorious contempt, to panish the same more remarkably.

THe charges of calling vp offendours to the proper touch, with sundry other circumstances, incident to a regular and formall course of proceeding vpon discouery, We thinke good to leaue to the discretion, and good consideration of the Lords put in trust, that vsing the same moderation which they doe commonly in sending for suspected persons or offenders in other kinds, nothing bee done that may either grieue the Subiect, or giue libertie. The purpose of Our loue and tender care, ayiming at the same equitie by preserving Subiects liues, which in ciuill courtes Iustice doeth, to preserve their goods, cannot want lawfull meanes

meanes of execution in forme, but may bee furthered exceedingly by the diligence of discreete Officers, that in discharge of dutie, bind themselues so farre to the literall instruction, as the maine scope of the Worke it selfe be not hindered. What further time soeuer shall be borrowed or assumed, by the persons that are sent for, aboue eight and twentie dayes in their comming, after notice left, (as hath bene specified before in the places of their ordinary resiance) must be cast by the Lords, &c. into the Censure of Contempt, lest otherwise our effectuall Injunctions be drawen by wilfull custome into disgrace; and disgrace of publike order giue encouragement to stubburnnesse.

BVt now because We see, that all labours and endeauours wilbe lost, if either Wee presse, or the Lords, &c. perswade an ende without an offering, a peace without a price, or a free remission without some such kinde of satisfaction, as may remooue the cause, and qualifie the smart: some protesting to their friends (affrighting them with the pe-
D 3
rill

rill both of soule and body) with the Prophet, that they had rather *fall into the hands of God, then of man* ; becaufe his mercie surmounts all his workes , though in very deed they secure themselues from neither one nor other by this act : others hoping vpon grace and mercy at Our hands, when Iustice thunders , *Quia Reges Irael clementes sunt* : and the greatest part resolving peremptorily to aduenture all, rather then be poynted at in Courts and streetes for Cowardize , in preferring formall terrours , before eternall shame. Before We come to touch the natures of the wrongs and iniuries themselues, that implore both Iustice and Honor for redresse, it shall bee requisite and sutable to the methode of Our iust proceeding in all matters, that touch Reputation and Life, to beate downe that desperate and accursed *Paradoxe*, which comes more freely out of their mouthes, then Our coyne doeth out of the purses of many Subiects in these dayes, that no kind of satisfaction without blood, can scoure out the foule staynes of many wrongs ; and that so many as esteeme or
value

value Honour at a meane rate, may flatter their owne infirmities, and dance in the net of nouelty, to please the moods and humors of men, more inclined to saue Fortunes stake, then Honours rest; but neuer either remooue, or mooue other mens opinions, that had the true cause of fortitude. They know that many had wonne Honour by the losse of their liues, vpon this worthy ground, and those should bee the Saints, whose names they would insert, by limning them in red letters, into Honors *Callender*.

THey presse further, as it were by way of complaint, that although it were agreed by Gentlemen, that some such disgracefull word, as Knaue or Raskal: or some such disgracefull acte, as a blow with the hand, might be expiated by those ordinarie and propitiatorie meanes, which men of woorth and courage, as well as of capacitie and sense, haue both warranted, and duely put in practise in all forraine Courts and Campes, without exception or obloquie; howsoeuer such reprochfull words or deeds are

are in theſelues extremely foule, yet the eye of Iuſtice here in *England*, vouchſafing not out of grauity to puniſh any other ſcandals, then thoſe that will beare action, nor any other blowes or ſtripes, then thoſe that breake bones, or giue maymes, with that ſeueritie, which the wound of reputation, & contempt of worth vntainted ſhould deſerue, leaues men free to proſecute the beſt wayes for amends that they can deuife, without offence to Honour, by their owne induſtry. To this, ſome adde for an excuſe of diſobedience to peaceable decrees, that the Countrey *Iurours* at the *Grand Affizes* are put in truſt with the weights of reparation by rating damages, as no more ſenſitiue of the vexations, which worthy mindes endure vpon reproachfull tearmes or actes, in reſpect of the groſſe element, wherein they haue bin bred or brought vp, then of the ſcratch of a bramble, or the pricking of a pinne in the brawnes of their hard hands, which are made hard by labour.

TO the firſt poynt it may be answered by any man that hath not drunke vp the
 Very

very dregs of *Circes* her enchanted Cup, that *Nature* her selfe, whom *Philosophers* account the most indulgent Mother, in conseruing that faire of-spring which she brings to light, should rather be reputed *iniustissima nouerca*, a most wreakfull and wicked stepmother, in case she had ingrafted in mens hearts, a peremptory disposition to pursue their passions and violent impulsions with a bloody and implacable kinde of Reuenge, without giuing way to satisfaction in moderate degrees, since this execrable *paradox* dissolues all harmonic.

WHen God himselfe out of his gracious and eternall prouidence established his owne holy Law, as the purest touch by which all titles might bee tried, and reparations afforded to all kindes of wrongs, whether they respected credite, libertie, or life; he likewise set down the proportiōs, that might euer keepe the great Beame of the Ballance streight, depriving all men of that dangerous and audacious interest, which many would vsurpe, to the breach of Iustice,

E

and

and disturbance of the common peace, by adding out of passion what right admitteth not; and drawing desperately the satisfaction for many wrongs, from the Barre to the Sword; which in cutting keepes no measure, & in that respect abhorred as an instrument of outrage, rather then a *Standard* of equity. But against that eternall Wisedome, it is no more possible for seduced iudgements, and infected humours to raise platformes of reuenge, according to the module of their erring aimes, then for a man to build against all the rules and principles of Geometry.

A Gaine it must be vnderstood, that sober iudgement will preferre the streight rule, which is of use for all men at all times, and vpon all occasions and accidents, before the crooked *Libian*, and leaden rule, which is euer subiect to inflection vpon phantasie. Princes ought to bee obserued in their directions, that Subiects may be supported with securitie. The voice of one Iuror is not sufficient to beare out a cause; nor the blinde conceit of one deprauing Cauiller, to coyne principles.

principles. Woe be to that kingdom, wherein priuate persons, vnstayed by youth, vntaught by negligence, vnweighed by liberty, may carue out of their owne proportions according to the rage of humorous affections that dazle them. It is true; that God the Father in his Iustice tooke reuenge of our wilfull Sinnes, by a bloody stroke vpon his onely begotten Sonne, and our onely Saviour; who for the redemption of all mankinde, *Idcirco crucifixus est, quia voluit*. But it is as true, that this cause was vniuersall, the stroke was iust, the iudgment ripe, the Iudge voyd of passion, the patient of contradiction. The date of pleasing God by bloody Offerings, is happily expired by the death of one, to deliuer all; which makes vs the more to maruell, that since *Christian* policy for the sparing of blood, brought in iust Lawes, that any man should banish Lawes, that blood may follow. The *Proctors* of this practise cannot with their Honours range all satisfactions for iniuries to the Court of Honour, though the Soueraigne command; but they can rayse a Court of *Chiuallrie* within their

thoughts, to iustifie their passions and precipitations, both against Prince, and Governement.

EXamples are as full and pregnant in the point of satisfaction as grounds; for not only they which in former times haue bene esteemed for their Valour, both in Courts and Campes, but the Writers of best iudgement, that haue handled this poynt most tenderly, and all the Courts of *Chivalrie* in forraine parts, that both conceiue the *Theorique*, and apply the *Practique* of this point more commendably, and with greater Honour and applause, then any that impugnes the rule; agree together vpon *axiome* infallible, that the malice of mans heart in giuing cause, cannot exceed the wisdom of mens thoughts in affording remedy. What credit may bee giuen to those that dare oppose their humour, which is passion, to the Iudgements and Decrees of many choyse *Commanders*, in the greatest actions, that are preserued by Record, Let reason resolue, if rage will not submit; and Iustice punish, if
 Custome

Customes quarrell? The rule that barreth satisfaction by any other meanes then bloud, or bloody strokes, sprang neuer out of any worthy mind, that rightly vnderstood the true weight of contempt, and how vnpossible it is to maintaine society or commerce in any kind of Gouvernement, where the rates of satisfaction are reserued to singular conceits, the sword of execution is conueyed to priuate handes, and those men shall bee thought to keepe the right measure, that will be bound to no measure.

TOuching the best meanes to raise the values in the rates of punishment, by *Iuries* at the *grand Assizes*, of many wrongs which the world holds to bee very weightie, and the Commons very sleight, by conferring with Our graue and learned Iudges, Wee hope to worke some good and auailable effect. For they both out of conscience and care of the Common peace, hauing in their eye the great waste which these bloody *Challenges* haue brought vpon the Kingdome within these few yeeres, by

the cutting downe not of trees, but of men, will vndoubtedly endeavour, so much as they are able, to cut off this current, that for the most part empties it selfe *in mare rubrum*, or to speake more properly *in mare mortuum*: For though We are not deeply grounded in the knowledge of the Common Lawe, yet hauing heard that the Iudges in such hurts as are subiect to their own eyes, may raise the damages which the *Iurie* giues, according to their owne discretion: As for example, if a *Iurie* should allow but tenne groats satisfaction for the losse of an arme, or a limme, Wee doubt not but the Iudges finding also out of wisdome, obseruation and common sense, how farre the poore and beggerly satisfactions, which Iurers ordinarily giue, for those wrongs which trench to the very quicke of Honour, in the iudgement and construction of time present come short of right value, will bee as willing to preuent a mischiese, as to cure a maladie. For since they see and feele more then the vulgar sort, it is expected that their iudgements should incline & resolute accordingly.

Forso much

FOrsomuch as concernes' our owne opinion, We must acknowledge, that in very deed Wee are of the minde, that howsoever some wilde persons haue had, and sometimes will haue their own course, though the wisdom of Superiours apply the best defensatiues they can deuise; yet many staied, discreet, and worthy Gentlemen, that rather quarrell vpon necessitie to defend their reputations, then with desire and delight to draw blood, haue runne their fortunes with greater force vpon the rock of hazard, in respect of the disgrace, which they feele more that looke to Honour, then that liue by labour, for the reuenge of disgrace, then if by the state of ordinary Iustice, as things are conceiued now, they might haue bene respectfully regarded, and condignely satisfied. Much may bee done by the Iustices of Asise, either by raising the conceits of the meaner sort of Subiects, or by tempering the demands of the greater, till the wisdom of the Parliament, obseruing tenderly vpon what feete this common mischiefe doth march, may adde much to the weight of
those

those sillie helpes, which being now in ordinarie vse, in respect of weakenesse, doe rather giue displeasure then flake choller. For in very deede, it is not the word that a man vtters, but the construction which it carries; not the thunder clap, but the thunder bolt; not the passion, but the scorne; that giues the speeding blow. Proportions must holde in all iust courses of proceeding, aswell touching persons, as times; so as according to the qualitie and worth, aswell of him that offers, as endures disgrace of that qualitie, which the Lawes doe not expressely punish, errours hauing once beene brought to the perfect and true touch, in values of contempts, may bee either improoued, or qualified.

BVt forasmuch as Wee foresee, that many persons of great worth, and of necessary vse for the Common wealth, may either bee corrupted by the *Canker*, or cut off by the sword of common Iustice, before the Parliament haue time and opportunitie to amend these errours, which are the seeds of calamities,

ties, besides the brand of terrour which We
 set vpon the boldnesse of contempt, as well
 premonishing those that haue not offend-
 ed, as punishing those that haue, to binde
 all those by whome these matters shall bee
 thoroughly examined and qualified to the
 mincing of proportions, so daintily and ten-
 derly, for satisfaction to these wrongs by
 word or deed, of which many are more sen-
 sitive, then of the pangs of death, as they
 that are once brought to the fine, neede to
 make no kind of scruple or doubt of the reco-
 uery. If those meanes then, which the Lords
 &c. shall warily and aduisedly propound,
 bee such as Iustice doth auerre, Forraine
 Courts of Honour put in practise, and the
 Lords now in Commission will auowe and
 warrant vpon their Honours to bee found;
 the forme of direction, which inspires life
 to action, shall expresse, what difference, not
 onely Wee, but Honour, Trueth and Rea-
 son, put betweene indifferencie and mu-
 tinie.

THe punishments which We resoluē vp-
 on strange motiues, and inducements

F to

to inflict vpon head-strong quarrellers, whom neither reason can containe, nor aduise dissuade, nor authoritie reclaime from their inueterate & peremptorie contempts, are not written like *Dracoes* Lawes in blood, nor suited to the seueritie vpon like occasions of forraine *States*, nor steeped in vineger. But howsoeuer Wee desire to worke our ends at greatest ease, yet since Wee finde beside the greene pastures, wherein fantasie doth feede partiall conceits; but rough fallowes also, that will sooner wearie proude affections, then a quick spurre vpon a plaine ground, it will perhappes appeare to those that are most hote, and hastie vpon the point of reuenge, by that time Wee haue supplied olde censures with new penalties; where the verie letter of the Law falls short, it had beene better for them to haue borne the rashe imputations of greene wits, that will bee satisfied by nothing but the sword, then the graue Iudgements of Superiours, that in comparison of the preiudice, which the common peace of the Kingdome may sustaine by conniuecie, (in case these braueries

ries were permitted to passe freely, without checke or opposition) make smal account of those high figures that are raised out of fantasie.

THe frequencie of *Fraies* falling out daily with greater mischiefe to the Common vvealth, then the *Thunder-bolts*, which as the Poets obserue wel, affright more then they kil, declares how little good is wrought by ordinary proceedings against quarrels, which are onely vsed as it were of course. It may be that sharper ingredients may sooner heale old Vlcers : *Diagredion* will worke when *Manna* failes ; malice may be tempered, but it cannot be more inflamed ; And as a wise man hath obserued pertinently to this point, *Quos non dirigit amor, timor corrigit.*

THe skil of gouernment doth more consist in preuenting harmes ; *Ne omnino contingent*, then in taxing them *Postquam contigerint*. For though both cautions bee equally expedient in their degrees to the

F 2

policie

policie of *State*, yet the forecasting part doeth best expresse the iudgement, care and industrie of the person that commands; and experience doeth further proue, that effects of rigour without preparations by wit, like the bubbles which *Vespasian* beheld in *Nilus*, are more windie then durable.

WEe therefore desiring and intending to cut off the causes of such quarrels as disturbe the Peace and quiet of the land, by the benefit whereof, the Subiect sits happily vnder the shade of his owne trees, preferring many brables to sharpe trials by the sword, that might easily haue beene heard, and ended by a safer meane, doe first obserue out of experience, that the very naturall and kindly seeds of quarrels, commonly brought to the bloodie issue, are such iniuries, as purposely, and not by chance or accident, touch the person or the reputation of one that stands confidently in the defence of his owne worth, branching from this bitter root, into as many sundry kindes and heads, as the ordinary cōuersation of commerce of
 Subiects

Subjects to this waightie Crowne, are able to afford grounds and motives of discourtesie.

VWe are not ignorant how futable and proper it is to the Maieftie and prerogative of Kings, that acknowledge no Superiour but God only, to direct and command what is expedient for time present, out of the grounds of their iudgements, without asking voices, or affording speciall reasons for the care of every inconuenience that may occurre: for otherwise it might happen oftentimes that the fault would be committed before the prohibition were sent, and the mischief done, before the penaltie were known: so as *Ipsa Respublica aliquid caperet detrimenti*, the maine State of the Commonwealth it selfe should susteine some prejudice. The Subjects are presumed to haue put the Soueraignes in trust at their first Election, and their Successors, with the care of stopping any present mischief that is likely to breake out, before the three States of the Kingdome can be either formally as-

F 3

sembled,

sembled, or take leasure to consult. But yet Wee haue bene pleased for a better earnest and imprest of Our owne gracious intent, to satisfie the most curious conceits of those that take pleasure to shread Quarrels into mites, to set downe seuerall Corrections and Chastisements for these Offences that breed Quarrels most abundantly in these carping dayes, as reason may bee rather thought to haue bene Our Guide, then Passion Our Solicitor.

Touching the maine point, it is euident that Wrongs, which are the grounds of Quarrels, are either *Verball*; that is, when one Gentleman accuseth another of some dishonest fact, or giues the Lye: or *Reall*; vnder which Head may bee comprised, Blowes, Stripes, or Hurts in all degrees, though they differ in proportion; and beside all scornefull lookes, actes, or figures, that implice contempt, all Libels published in any sort to the disgrace of any Gentleman, or any person, whom that Gentleman is bound in credite to defend, as himselfe: for
all

all these trench as deeply into reputation,
as the stabbe it selfe doeth into a man that
esteemes Honour.

VEe acknowledge with the learned
in the Ciuill Law, that the world
contains more things then can bee fitted
with proper termes, and doe likewise holde it
a thing almost vnpossible to applie to euery
ground of quarrell betweene Gentlemen, a
certaine and particular receit for cure in that
particular offence: The best course will bee
first to prouide for those that chiefly fall into
the practise of the time, leauing the genera-
litie of occurrents and accidents, to that rule
of reason, which applies it selfe most aptly
and agreeably to all formes and figures.

V*Erball* wrongs expressed by reprochfull
termes, whither they be spoken to the
parties face, that is depraued, or behinde his
backe, breed ill conceits in standers by, be-
sides the deepe disgrace, which he sustaines
by foule aspersions vpon faire grounds. For
by this meane all men may bee robbed of
that

that reputation, which as a *Birth right* they brought with them into the world, and cannot forsaite nor forgoe, without some acte done by themselves vnworthily. The words or termes by which men may receaue disgrace, are in number too many, and in nature too different, to be comprised in a List: but this rule neither faileth in the point of scandall, nor the prooffe of scorne, that whereinsoeuer reputation is agreeued, though it be but in the weight of one graine, it ought to be repaired, and as much restored, as hath beene diminished.

WEe therefore, whom it chiefly concerns to bruisse the seedes of *Quarrels* in the bud, before they come to beare those bitter fruits that are euer gathered in stormes, and are contented to value motiues of this nature, rather as they are esteemed in respect of Honour, then as by their lawfull weight they are in deed, doe charge and command, First, the Lords in Commission, and then the Lords Lieutenants and their Deputies in their seuerall Precincts,

cinets, That so soone as they can take notice of any such reprochfull terme let slip, as in likelihood, without preuention, may raise a Quarrell betweene persons sensitiue of iniurie, and tender of their good names, they commit the partie thus offending, either to his owne house or chamber, only in respect of disobedience to Our prohibition; leauing him beside to the discretion of the Lords Commissioners, for so much as belongs to the parties satisfaction that was wounded by this discourtesie, according to the rules and formes, which vpon like occasions, aswell within Our Kingdome, as in forraine *States* are vsuall, before he be set at full libertie. For it is true, that this small instrument the *Tongue*, in the body of a man, being kept in tune by the wrest of awe, preuents many fearefull accidents that are apt to spring out of neglect of discipline.

WEe holde not any man excusable in this case, that offers to make prooffe of that aspersiō, which he casteth vpon another mans reputation in rage: for bee the

G

matter

matter true or false, it cannot be denied, that this maner of *proceeding* leaues a deepe impression, before due prooffe bee made. That *Sophist* was not sufferable in the Commonwealth of *Athens*, that held it lawfull for an enemye at all times, *Criminari audacter ut aliquid hæreat*; and Reason prouides remedies for those onely that are reasonable. Either the matter deserues not to be spoken of at all in any sort, because it is vntrue; or not in this sort, because it is turbulent. For nothing flies more swiftly, nothing sinckes more deeply, nothing spreads more widely, then the slanders that emblemish any mans good name; and which is worst of all, though *Conscience* and *Trueth* presse any man that is *Religious*, to confesse an error when the fault is found, yet lies it not in him to purge the scandalous impression of other mens conceits; which, betweene the time of Error and acknowledgement, finde a large space wherein to multiply. But Our end is, to suppress these *motiues* to contention, which are vrged as iust grounds of the pretended Libertie.

The

THe first foule word, vpon which a quarrell is begunne, whether the anſwere leape at the firſt bound to the lye, or a blow bee dealt, and that blow produce a Challenge, or choler breake abruptly into Challenge at the very firſt, as it happens oftentimes, becauſe the property of diſtemper is to confound all dealings, and put cuſtome out of courſe, ought to be puniſhed both for it ſelfe, and in it ſelfe *ab origine*. The Saxons laid a fine of five ſhillings, as appeares by Antiquitie, vpon euery one, that vnciuilly miſgreeted his countreyman. In *Spaine* *vn hombre diſtinguado*, a man that uſeth ill language, out of the libertie or the looſeneſſe, according to his ranke, is either whipped in the open ſtreetes, or ſent to the Gallies, or (holding the part of a Gentleman) called to the next barre of publike Juſtice, to the place of complaint for this inhumanitie. Beſide, it is very worthy obſeruatiō, that the king of *Spaine* doth neuer remit the penaltie ſet downe for ſatiſfaction, to the wrong that any Gentleman receiues to diſhonour. The firſt reprochfull tearme, *quod*

dat esse pugna, which giues the very life and beeing to a Quarrell, at this day is rayed both in *Fraunce*, and in the *Archdukes* Dominions, to so high a rate, when Originals come to be examined, as in comparison of those, Our censures are conceiued to bee but Flea-bitings. These sharpe wayes of proceeding, bring foorth one notable effect, that rarely in seuen yeeres a man shall heare in *Spaine*, of the passing of any such reprochfull word or accusation betweene persons of good sort, that may prouoke them to these personall reuenges, that are worthily prohibited.

TOuching the second branch of *verball* iniuries comprised vnder the giuing of the Lye, though We are not ignorant, that among the *Romanes*, that are worthily reputed the purest and best Interpreters of all words that originally are drawn from themselves, the Lye was thought to bee no other then an earnest negation of a bold affirmation, as may appeare by that the *Senators* themselves did often, as their owne
Histo-

Histories declare, interchange this tearme without displeasure, as a word of course: Though malice it selfe hath beene forced to corrupt the very nature of the word, by making this *mentiri*, and *contra mentem ire*, to bee one; as if it were not enough to bee vnmanerly, vnlesse he were in like sort an hypocrite: Though the lye it selfe admit qualification in fundrie cases, and vpon very pregnant circumstances, according to the grounds of the *Duellors* themselues, which the Lordes in Commission doe distinguish properly: Though Snakes may be couched in mens bosomes without hazzard, if their teeth bee first plucked out: yet, since the word hath wrought it selfe, partly by error, and partly by time, into that conceit of horror, which mooues Gentlemen well borne, rather to endure the racke, then the reproch; We likewise giuing way to the powerfull current of prescription, haue beene pleased in Our punishments, to ranke this with the highest *verball* wrongs; expecting till time, warned and reformed by meane accidents, for so much as concernes the pro-

pertie and nature of the word it selfe, weare out that high crest, that is rayfed vpon impressions of credulitie.

WHerefore leauing the Lords in Commission, &c. to the best vse of their owne discreete endeauours, in diuising meanes to satisfie the party that is wounded by the giuing of the Lye: Our pleasure is, that, to repaire the wrong done to Our place and power by this Contempt, who-soeuer standes conuicted thereof in the presence of the Commissioners, the Lordes Lieutenants, or their Deputies, by proote sufficient, be presently committed to prison; and that he be not suffered to depart out of durance, before he shall acknowledge, both an error in his iudgement, and a breach in duetie, in vpbraiding any man with that vnciuill tearme, which Our tender caution hath very sharply prohibited. Hee shall also aske forgiuenesse of his fault, in presence of the Lords &c. and renounce that interest, which men claime in these daies, in righting themselues by the fury of the Sword, when
Iustice,

Iustice, either *Marshal*, or *Ciwill*, or both, provides with so great tenderneſſe for their indempnitie. The scope of *Honour* is not to retaine the reputation of another person in our hand, by seeking to recouer lawfully what is our owne. *Iustice* abhorres oddes, and *Nature* her selfe, holding the beame of the Ballance streight and vpright, as the *Philosophers* affirme, *Maximè latatur æqualibus*. This duetie being yeelded to the publique *Iustice* of the *Kingdome*, which aswell *Ordine* as *Potestate*, ought to precede all priuate ends, the Lords may worke hard met-tals into ciuill formes at greater ease; after the fire of correction hath made them pliant to the stroke of the hammer, the wheelles will be put in order, that were absolutely out of frame; & they that decide the point, weighing carefully and precisely, not by pounds, but by graines, the motiue of the distemper, may better vnderstand with what abatement or aduantage to repay the principall.

TOuching the first branch of actuall offences by Blowes with the hand, Stripes with

with a rod, Bruises with a cudgell, stabbes with a Dagger, or hurts with a Rapier, Our purpose is out of the sense of Honour, to extend Our punishment as far about those ordinary degrees, which are now in vse, as the facts themselves exceede all humanity, For though the differences betweene greater and lesser occasions and motiues cannot bee denied, and the *Ciilians* distinguish by their Lawes betweene Blowes that smart, or smart not; yet since that scorne holdes a Gentleman well borne, and suitably behaved, worthy the chastisement of a dog, this onely respect ought to bee preferred to the smart that is felt by the senses.

WHerfore, though Our purpose be, as hath bene specified, to leaue proportions and degrees of satisfaction for wrongs to the caution and temper of the Lordes, when they come to reconcile the parties vpon conditions that are at warre; yet apprehending how great hazard may growe by these disgracefull actes to the State it selfe, so often as they light vpon persons that are
powerfull

powerfull in their owne Countries, strong in
partie and alliance, or employed in charge,
in case the Quarrell spread by taking holde
of affections that are futable; calling to mind
also the combustion of many forrain States
vpon the like occasions, either neglected or
countenanced, We resolue in this offence by
blowes, as in the other cōming vpon words,
to punish the breach of Order before
wrongs to reputation, which is to seeke a
lawfull and iust remedie, when Contempts
haue bene duely considered, and censured.

O Vr pleasure therefore is, that all of-
fenders in this kinde, that shall be con-
uicted orderly before the Lordes, the Lieu-
tenants, &c. either by the strength of Wit-
nesses, or by their owne confession, of stri-
king hastily for any other cause, then their
owne defence vpon assault, shall instantly,
and before the Lordes take any course for
reconcilement of them, be committed to
prison; to the end, that during this time of
breathing and respiring, they may learne,
that Princes remit not actions of presump-

H

tion

tion and contempt at the will of their Subjects, that are oftentimes as easily appeased, as they were at the first causelessly kindled.

IT mooues Vs little, that so many as are rash and violent in the prosecution of reuenge, would holde the time to bee tedious and long, for so flight a fault as this is reckoned and esteemed among them. For it is proper to Delinquents in all kindes, to complaine of Iustice, and exclaime, like *Hercules* in fury, against the heauinesse of a correcting hand: but Our scope beeing rather to preferue life then please conceit; & to suppress outrage, that sets the sharpest edge vpon the first aduantage, We resolute both to taxe and to touch accordingly.

OUr pleasure likewise is, that, in case the partie thus prouoking and offending, neuer were of the Commission of the peace, before the fact committed, he be peremptorily disabled from being put in for the space of seuen yeeres next ensuing, vpon notice,
both

both of the Conuiction, and the *Kings* implicite pleasure, deliuered by the Lords once for all, to the Lord *Chancellour* for the time being: but if at the time of the Contempt he were of the *Peace*, vpon like notice from the Lords, let him be remoued and put out instantly.

FVrthermore, all persons thus committed and disgraced, in the end of their Restraine shall not be set free, before they haue acknowledged their offence at the *Councill Board*, for breaking the *Kings* Ordinance, notwithstanding any colour of regarding their owne credite more then Life, that custome or construction can pretend for their indemnitie. For first they strike those, whom by no lawfull right they can commaund: They brand a *Gentleman* in the forehead with a marke of shame, that cannot be easily repaired, as a word that passeth with the wind: They prouoke anger aboue patience: They stop the course of common *Iustice*, that deales equally with all: They take the *Sword* out of Our hand; They fore-

shall by outrage the vsuall and lawfull meane
for recouerie.

THis *Striker* shall condemne vnder his
owne hand, before hee be suffered to
depart out of restraint, that saucie *Paradox*,
which giues liberty to *Gentlemen* with their
owne *Swords* to reuenge wrongs done to
themselues. He shall further promise so-
lemnly before the Lords, neuer to offend
vpon the like occasion, in the like contempt.
Hee shall be bound to the good Behaviour
during the space of the next fixe Moneths
that ensue, and during the same terme like-
wise abstaine from Our *Court*, and from all
places where the *Queene* our dearest *Spouse*,
and the *Prince* Our dearest *Sonne* shall hap-
pen to reside. For it is true that *Palaces* of
this qualitie, should rather serue for so many
Sanctuaries to distressed *Subiects* that en-
dure wrong, then receptacles or retraits for
persons of vntayned iudgement, that offer it.
Last of all, Wee leaue the person that was
hurt or stricken, to the benefit of his Action
of *Batterie* at the *Common Law*, with a
mea-

meaning, that Our Censures be reputed rather *cumulative*, then *pruative*, of any lawfull helpe that *Iustice* yeelds, vnlesse the Lords can deuise by their discretion at the cleansing of the wound, to purge all motiues that may cause it by succeeding accidents, (that rancle and renue) to breake out againe.

MOreouer, though it be true, that the trip of a foot, the thrust of an elbow, the making with the mouth or hand an vnciuill signe, doe neither bruisse the bone, nor maim the parts; yet, since the malice, the disgrace, and scorne in these things doe so farre exceed, the fact it selfe (expressing the base reckoning, which they that offer these contempts, make of the person vpon which they braue them,) is to be taxed and corrected by the Lords vpon like termes, and with like seueritie: presuming, that when they, that are most apt to inueigh against all kinds of correction that stay passion, tearing bold offences pettie trespasses, to this end onely, that they may keepe euer in their owne hand a dispensation to deale blowes

at their owne pleasure, without any checke as they list, shall finde the same Proportions and courses of proceeding to be put in practise at this day in forraine Courts, they wil confesse, that neither Our *directions* can be opposed without contempt, nor their positions granted without *Anarchie*.

THUS hauing laboured and endeououred with all industry and prouidence to preuent the bloody *execution* of endlesse malice in the Field, by giuing timely satisfaction to the motiues and occasions, by reprochfull words, by the grosse terme of the Lie it selfe (as in our daies it is in vse) by blowes, stripes, stabbes, hurts, bruises, libels, disgracefull signes, &c. which commonly produce the greatest Quarrels of the time; so as from hencefoorth, neither Our part for *discouragement*, nor that which appertaineth to the diligence and vnderstanding of the Lords for *reconcilement*, can bee wanting for an end of Quarrels, as they happen to breake forth: It now remaines, that Wee proceed with like caution and tendernes, to the suppression

pression of all bloodie Challenges, to single Fights into the field, the fatall center, vpon which the lines of passion and leuitie, without due circumspection and care doe light. For thus we shall be better armed, and prepared to make answere in the dreadfull day at the highest barre, and before the highest Iudge, *Vbi neminem vel Crassi accusabit inuidia, vel Antonij defendet eloquentia.*

HOW absurd a *Paradox* it is, to suffer Subiects, that are borne to their Prince and countrey more then to themselues, and haue no right of interest to dispose so much as of their owne liues, which is lesse then to call vp their fellowes to the sword without leaue, to make their own elections thus absolute within the *Spheare* of limited and confined scopes; the *Philosophers* themselues haue best expressed in the figure of a Camp, which *Pari in parem imperium non dat*, which giues to no man any right or interest aboue those that are equall in the same degree, nor so much freedome as to shift a standing, or to contest with an Opposite.

The

THe grounds aswell of Natural, as of Legal Justice, are found euer to be equally and vniformly vpon this certaine point, that satisfaction be sutable in weight & measure to the wrong, whereof the party grieued, finds iust caule and reason to complaine, but if wee see that this proportion cannot possibly be kept, where swords cut out satisfactiō by rage, & not by rule; it followes that these Challenges agree neither with the Iustice which the Lawes of Nature, nor Lawes positive prescribe; and therefore it were good to marke what compasse carries them. For fantasie encouraged by passion, and swayed by precipitation, cannot bee properly compared with the Signe of *Libra* in the *Zodiacke*, which, as the Skarte and Cincture of the world, diuides not, as the other doth, by Degrees equally.

IT is true that in pestilent and contagious Feuers, they that professe Physicke, hold it sometimes necessary for the cooing and clearing of the blood, to open the Liuer vaine, euen *ad animi deliquium* to the fainting
of

that either in their own time their owne persons, or in succeeding times their off-spring, or in that time which is beyond that which the *Greeks* call *Paulo post futurum*, (without a cordiall and true repentance) shall pay for it,

THe *Duellors* apprehending out of Wit, together with the feare (wherein they liue) of eternall Wrath, for killing men in such a manner, as Gods holy Lawes abhorre, and yet aduising all men, that are once ingaged in a Quarrell, to giue ouer before they drawe blood, trauerse the maine poynt, by aduising all Gentlemen, that meet with the enemy by appoyntment in the Field, by drawing of their Swords, to fall downe humbly vpon their knees, and protest earnestly to God, that desire to defend Honor, rather then to kil, hath drawn them to this desperate extremitie, which would make *Heracitus* laugh, that neuer laughed in his life before, in case he were an eye witness of the successe that followes. For supposing that a man out of awe and feare of iudgement, at the first should fight so warily,

rily, as the standers by might imagine a desire rather to hurt lightly then to kill, seeking to receiue cleare satisfaction by weight and measure, for the wrong which he receiued, and no more: but as the fight goes forward, malice increasing by the pressure of reuenge, nature moouing all men betwene two desperate extremes, to speede another, rather then to be sped by another: and no meane course comming into choice betweene desire of killing, and prouisionall regard not to bee killed; thirst of reuenge drinckes vp the former vowe of abstinence, *Charitas ordinaria a seipsâ incipit*, and the curse of *Tomyris* is commonly the scope of desires and endeaouours on both sides, *vt se sanguine satient*.

THe point which seemeth most absurd, is a flat impossibilitie for him that aduentsures Soule and Body, to atchieue his owne ende by this act. For howsoeuer it be daily seene, that vpon a question of fact, one Gentleman that is accused of vntrueth, calls another into the field of set purpose to cleare

the charge, yet no touch can bee more deceitfull in this triall then the Sword, since he that is most cleare doeth often perish. For GOD, whose Iudgements, actions and purposes are inscrutable, will not bee tied like mortall men to secondary meanes: and this age ought to follow Reasons, without respect to Miracles. GOD may, when it shall seeme good to his heavenly wisdom in defence of Trueth, support weake *Dauid* against *Philistim*, but hereof neither rule nor certaintie can be set down. For by ordinarie experience it happens, that the strongest limmes, the cleanest breath, the greatest skill, the fittest meanes, are instruments of Victorie, howsoever the true state of the cause in question be right or wrong: because it holds not *Ratione causæ & effecti*, with those effects that follow.

W Herefore, leauing to the Lordes in Commission all satisfactions for braueries in pressing *Challenges*, for so much as concernes the reconciling and compounding part, according to the measure that hath

hath bene kept in other things before, according to the reasons and proportions of their owne Rules, Our purpose is to proceed orderly with the deterring and correcting part, which properly belongeth to Our *Regall providence*, leauing the Lords as before, to the best vse that may be made by their discretions and obseruations, according to the matter, after circumstances haue bene thoroughly examined and ripped vp by degrees, till the sending or performing of the *Challenge* it selfe, which highly wrongs both the Common Iustice of the *State* and Vs. For by the Rule of G O D S eternall Law, satisfaction to priuate quarrels and exceptions, comes after punishment.

FOr triall of the maine point, after Gentlemen haue agreed to try the Quarrell by their Swords in the Field, it is considerable whether both of them bee slaine or neither. For in euery one of these, the diuersitie of Degrees drawes in likewise a great difference betweene the courses that are to be
 I 3 obserued

obserued by the Lords, and their Deputies.
 Touching the partie slaine after *Challenge* in
 cold blood by single Fight, in despite of
 Our decree, or in case the match consist of
 many, touching all those that are slaine,
 Our part is onely to leaue them to the Iu-
 stice or Mercy of their *Eternall Iudge*; who
 knowing best the secrets of mens thoughts,
 the dispositions of their mindes, and the
 qualitie of their repentances, whether they
 were cordiall out of the root of Loue, or
 seruile out of the ground of Feare, accor-
 ding to the depth of his *Diuine Wisedome*,
 can best distinguish of the diuersitie.
 Though it be true, that GODS Mercies sur-
 mount all his Workes, yet it is as true, that
In quo statu quisque moritur in eodem iudicabi-
tur, and likewise one may aswell presume
 too much, as feare too much, according to
 the measure of their owne affections, and
 the Iudgement which they make without a
 warrant. This onely Wee command, That
 vnlesse sufficient prooffe bee made by wit-
 nesses, in the behalfe of those that in the
 Quarrell happen to be slaine, first for their
 true

true contrition in respect of their offence to
G O D, and then of their Religious Charitie
in forgiuing him that did the deed, they be
interred in no Church, Chappell, nor
Churchyard. For to speake trueth, What
reason hath the *Spouse of Christ*, to receiue
into her bosome those vnkinde sonnes after
they are dead, that in this life scorned her di-
rections, *Et pugnauerunt contra illam*, and
fought against Her, as she complaineth out
of the very griete and vexation of vnkind-
nesse in the *Canticles*.

THe partie that kils, if he escape with Life
out of the Field, shall be brought by a
course of Ordinarie proceeding, without
dispensation or conniuenie to the *Common
Barre* for triall of the Fact, and for a grea-
ter discouragement of all men that preferre
their passions to Ciuill dueties. We doe like-
wise protest and promise vpon the word of
a King, That We will neuer by the strength
and vertue of Our *Royall prerogative*, grant
to any such offender, any pardon for his life,
or any Lease for life, nor any other kind of
grace

grace or fauour , that may put Aduenturers
 into the least hope of life, breaking all bonds
 of *Iustice* and Ciuill conuerſation thus wil-
 fully. For howſoeuer ſome out of their paſ-
 ſion and pride, will not confeſſe that kind of
 ſlaughter to be *wilfull Murther*, that is com-
 mitted after the *Challenge* hath bene ſent in
 cold blood, without either treacherous ad-
 uantage, or indirect proceeding in the Field;
 Yet all Lawes both *Diuine* and *Humane* re-
 ſolue otherwiſe, ſo often as Life is deſtroyed,
 both in that maner, and by ſuch a miniſter
 as cannot bee iuſtified. The right which
Iuſtice affords to men that being hardly
 and extremely preſſed , oftentimes kill o-
 thers in their owne defence , auails not
Challengers that ſeeke Quarrels out of a kind
 of luſtineſſe. For acts done in this maner,
 differ no leſſe in condition and kinde from
 others, which inſtant danger, and deſire ra-
 ther to repell then to offer wrong extorts,
 then conſideration from paſſion , choiſe
 from conſtraint, and neceſſitie from teme-
 ritie.

The

THe late *French* King, finding the names of many thousands of his Subiects in a bloudie List, that had bene slaine since the peace of *Veruine* in single fight after these brauing *Challenges*, acknowledged his owne facilitie in granting pardons for these murthers, to haue beene a great cause of encouraging animositie, with hope of impunitie. For what crime dare not men in passion attempt or vndertake, while Iustice sleepe, and Princes wincke : And hereupon that sharpe *Edict* was published, that put a great deale of water into their wine, and by severity suppressed rage. For to forbear a *no-cent* is an effect of as great iniustice, as to punish an *innocent*. The life of him that kils, by **G O D**s owne Lawe must suffer. Princes ought not to blesse those whom **G O D** doth curse. Iustice setteth snares for the feete of men that are swift in shedding blood, and pietie hath well obserued, That those Kings haue seldome beene brought drie to their graues, that in sparing wilfull murthers, haue affected to bee counted mercifull. For

K

this

this is that *crudelitas parcens* which no Religious conscience can iustifie.

THose seruants of Ours, that by the right of their places offer Pardons oftentimes vnder the pretext of *Man-slaughter* to be signed by Our hand, can best witnesse with what curiositie and tendernesse of conscience We seeke to be enformed of the true state of the cause, for feare lest murder might be masked vnder cunning vailles: because outrage is sometimes esteemed fortitude, and *Philosophers* obserue rightly, *Vicina esse vitia virtutibus*. They know with what mistrust and iealousie We draw backe Our hand, before Our conscience be certified by the report of those Iustices before whom the maine cause was tryed. They are likewise acquainted vvith Our exceptions to Pardons of all sorts of Offenders, recommended by Certificates and hands, before the *delinquent* haue receiued Triall by the ordinarie course of Lawe. For such is the boldnes of many shifters in these dayes, as to redeeme the life of an Allie, a friend or
seruant

seruant in despite of Iustice, pietie, and conscience, they sticke not to aduenture Soules and reputations, as We haue reason to feare vpon all such occasions, lest Our good meaning bee abused in the right scope of Our clemencie.

BY two meanes onely it is possible for a Gentleman, that hath slaine his enemy by fight hand to hand in the Field, to escape the fatall Sentence of death inflicted by the Iustice of the Law: That is, either by Our *Royall Pardon*, or by the practise of his owne friends, and allies, in corrupting the pure fountaines of Iustice it selfe in their heades and originals, by their flie trickes and intermedlings. Wherefore as to the first, Wee haue protested, what by GODS grace Wee will faithfully and vnchangeably performe, leauing all delinquents in this high Degree, to the strict letter of the Law, with this adiunct, That whosoever sues for any such, shall taste of Our displeasure, as the qualitie of the presumption deserues; so doe Wee likewise charge all those of Our Priuy Coun-

cell, of Our Nobilitie, all attendants on Our *Royall Person* by Offices in Ordinary, or otherwise, & all other Subjects of whatsoever quality or rancke, to abstaine from pressing Vs for the Pardons of such like Delinquents, as Gods law draggeth from the very hearthes of the *Altar* to the place of execution, without distinguishing the poynts that touch reputation, from other motives of Offences that breed caninie.

IT standeth Vs in hand, with speedy expedition and resolution, to make vp this breach of Iustice, which hath beene long a very perillous In-let to the losse of many gallant Gentlemen, whose liues in actions (more worthy of their hazard) would haue bene of greater vse to the Common wealth: Since it is cleare, that many haue aduentured too farre vpon secret confidence in the credite of some persons deeply interessed in Our gracious conceite, making therein Our clemencie, to bee rather a receptacle for malefactours, then a scourge of inhumanitie. But these are not the bladders that can
make

make men swimme that haue heauy heads. For they will find from this time forward, that their aymes will erre, their hopes will quail, those which they account to bee their surest Anchors will come short home; and that for those that shall bee found to haue offended in this kind after fortie daies, beginning from the publication of Our pleasure, *tanquam voluntarie peccantibus hostia non erit reliqua*. Vpon this resolution, Wee haue heereby engaged Our word, which is the word of a King, constant both to His Honour and His Promise; holding it more honourable, more iust, and safe, both for the Soueraigne and Subiect, to brand offenders in the forehead with the Character of implacable indignation, whom neither Religion towards God, nor obedience to Lawes and Magistrates, can bound within the limits of humanity, leauing the blood of offenders on their owne heades, then by default or negligence to drawe the wrath of God vpon Vs and Our Posteritie: because the Iustice of God will be satisfied.

THus hauing put all persons that presume too farre vpon causlesse clemency, from their surest holde; Our next care must bee to prouide, that practise in the Countie, by the sleights and trickes of instruments, suborned by the friends and allies of the delinquent, drawen into danger of the Law by his owne bloody fact, worke not the wished effect in close couerts, before the cause come to bee tried orderly. For were not these inuentions cut off by the carefull watch, Wee resolute to set vpon combinations and conspiracies, a great let and impediment would arise, to the disturbance of that iust and lawfull course, that agrees best both with Our end, and Our Honour.

IT fals out in experience, that so often as a Gentleman that is well allied, or any person of a meane rancke and qualitie well fauoured, doeth kill a man in single fight (as they call it) Fairely, because it is done without treachery, and after a Challenge sent aduisedly, and in cold blood; some kinsman, neere allie, or wel-affected friend to the partie,

tie, that is after to bee brought in question for the fact it selfe, vpon the first notice of the manner, being powerfull in the Countie, procures a speedy meeting of certaine Gentlemen his owne friends and allies, and such sometimes as are also in Commission of the peace, in some place adiacent: Hereupon, an enditement of man-slaughter *in se defendendo* must bee drawen, and likewise found by the silly *Coroners* inquest, of purpose to suppress all bruits of murder, that are caried ouer all the Kingdome vpon the wings of the wind, before the case be rightly vnderstood, the witnesses examined, the reasons euently peized, or the friends and allies of the partie flaine brought foorth, and heard for the stronger euidence.

IF then a Pardon may be compassed vpon this ouerture, by the colour of the *Coroners* inquest, before any further inquisition be made, together with a faire Certificate vnder the hands of some Gentlemen, or Iustices of the peace, that the party had bene euer holden and reputed of a very good behauour,

hauour before this accident, that he stands deeply grieued with his owne misfortune, and did rather seeke to shunne the Quarrell, then prouoke his enemie, so farre as with his reputation hee might: the pursuite is at an end, and hee that sped thus luckily by strong assistance in the first attempt, in hope to speed as well by like assistance in the next, will aduenture with greater confidence. For either Princes, that for want of an Vbi-quitie, see by the eyes, and obserue by the iudgements of ministers subordinate, must suspect those, whom in absence they put in trust, or sometimes drawn by wrongfull informations, cleare those that deserue to bee condemned; and condemne others, that deserue to be iustified.

BVt if it happen by the neere approach of the *Grand Assizes*, that the time of open triall come before the Pardon can finde oportunitie to passe, yet must the Certificate serue for a leading Motiue to the *Grand Jury*, with many other secret Motiues, touching the *Delinquents* sober disposition, as hath beene

bene specified before, and the hastinesse of
 the defunct impressing and prouoking that
 occasion that bred the Tragedie. Some
 Presidents of Pardons granted vpon like
 occasions are kept in store, to draw the *In-*
rors dispositions & affections to fauour life:
 Friends, Allies, Tenants, & al sorts of Instru-
 ments are huddled together at the very pinch,
 to spare the man: so as in conclusion, that
 which the Lawes of the Kingdome hold to
 bee wilfull Murder, must passe for Man-
 slaughter: The Murderer must be reputed
 the most honest man: Matters are concea-
 ued, as offendours are fauoured: Foolish
 Pitie weighes downe pious Charitie: Great-
 nesse is made a maske for Guiltinesse, and
 they that dare not take holde of Hornets,
 catch Butterflies: The discharge of one of-
 fendor, is the Warrant of one hundred rash
 aduenturers. If God be potent, where is his
 Honour? If Princes lawfull, where is their
 regiment? If Subiects seruiceable, where is
 their obedience? if Lawes indifferent, where
 is their execution? The least gratuitie con-
 ueyed in a good houre into the close fist of

an *Vnderſheriffe*, ſtrikes the bargaine dead :
 And Wee haue likewise heard , that ſome
Judges in times paſt, not out of baſe corrup-
 tion, but in feare to be reputed as ſharpe and
 rigorous in poynt of life, haue bene content
 at ſome time, for the ſparing of an offender
 at the Barre , to make uſe of ſome of theſe
 excuſes , which at another time they would
 haue deemed to be, as in deed they are, both
 deluſory, and impertinent.

S Ince then Our louing Subiects apprehend, how hard it was for Vs at Our firſt
 comming to the Crowne , to deſcrie theſe
 errours by Our owne eyes without light;
 and how hard it would bee at this inſtant,
 without ten yeres experience, to make them
 plaine ; they cannot wonder, that the paſſi-
 ons and practiſes of men, blinded with their
 owne inordinate deſires , haue ſometimes
 found wayes to paſſe without either checke
 to diſcountenance, or correction to terrifie.
 But time that ripens ſecret ſores to incision,
 hauing brought this courſe of working and
 combining to diſcouery, awakes our beſt en-
 deuours

deuours to reforme, and affords to Our iust, graue, and learned Iudges, an aduantage for the bringing of all offenders in this kinde more roundly to their answere, by stopping vp in time those secret holes and Earths that were wont to couer them.

FOr helpe herein, Wee charge and commaund so many of Our louing Subiects, as are interess'd in the trust and care of conseruing Peace, that in all Counties, Corporations, and Liberties, wherein any murder happens vpon a *Challenge* sent to Fight in the Field hand to hand, or by match and partie, as it shall fall out; they seeke foorthwith to enforme themselues as carefully and precisely as they can deuise, of all deuices, trickes, subornations, practises, and shifts, as are daily put in practise for sauing the liues of persons that play cunningly vpon the packe: adding hereunto for their better vnderstanding, all such leading motiues, and importing circumstances, as may make the right state of the cause it selfe to bee more euident. For by this course, a cleare separation

tion will bee made betweene the scope of Iustice, and the drift of deuise: Proceeding will be better guided in the prooue of Single Combates, then before: Subiects will prepare themselues, before the comming of the Iudges in their Circuits, to trust lesse vpon Protection, and more vpon Innocencie: And We, that resolute certainly from this time forward, vpon no recommendation or suite, to signe any Pardons before Legall trials passe, shall find iust cause, either worthily to commend, or seuerely to punish the corruptions of inferiour Ministers, to whom seruices subordinate in the preservation of Peace doe properly belong, when the world shall both discerne and confesse, that *Nihil tam occultum, quod non reuelabitur.*

TO set the clocke more roundly forward, and vpon certaine wheelles, Wee doe further command all Our Iustices of *Afsize*, which like faithfull Watchmen, and trustie *Stewards*, take account of all actions that (concerning the right execution of Iustice) haue passed in their absence in those parts, that

that at their comming down they faile not,
 as they will answere to God for their consci-
 ence, to Vs for their dueties, and to the
 world for their reputations, to examine all
 grounds of Enditements with a single eye,
 and to keepe one eare alwayes open, with-
 out regard of persons or of qualities, to the
 complaints and iust exceptions of as many
 of our louing Subiects, as shall tender their
 agrieuances vpon the ground of this crying
 sinne, out of the griefe and anguish of their
 soules. Moreouer, that they forget not in
 those Charges which they giue vpon the
Bench, to stirre vp the best endeauours of
 Our louing Subiects in Our name, and ex-
 pressly from Our owne mouth, to enforme
 duetifully, as becomes them, and without
 feare, as they shall haue cause, against all
 Quarrellers that infringe the Peace: Againe,
 that calling earnestly for the full Euidence,
 they see the same pressed home to the full
 point, without suppressing, colouring, or
 blanching the whole, or any part: That they
 set secret Spies vpon *Embraceors*, and ply the
Coroners so narrowly in their flie conniuen-
 ces,

ces, as vpon iust cause they may bee sifted, and vpon detection notoriously and exemplarily punished. For malice finding by these euident effects, that she is had in chase, will easily conclude, how vnpossible it will bee from hencefoorth, either to shrowd, or countenance her selfe vnder the protection of potencie.

WEc doe further expect, that the said Iustices in their publike charges vpon the Bench, shall impresse in the Subiects minds, a fearefull horreur of GODS iudgements, that light heauily vpon all men, whose hands are ready, and their feete swift in shedding blood vpon such particular and lightly grounded Quarrels, as the course of ordinary Iustice would compound, in case that way were taken, without any stripe, hurt, or maime; and therewithall acquaint the Kingdome with Our vchangeable resolution, neither to pardon the life of any man that kils vpon challenge into the Field, whosoever intercede; nor countenance, or grace any man, though he doe but meet another

other with a drawen Sword in the field vpon agreement, though hee doe not kill; and how grieuoufly Wee censure those weake mindes, that rather out of folly, then humanitie, are apt to pitie, where Law doeth punish. For as Wee purpose not to adde any thing to the sharpenesse of that punishment which is now in vse: So doe Wee likewise resolute, so to ballance Our course of proceeding, as no graine bee scanted or abated of the rigour which is due, hauing euer in Our eye, the true scope of Iustice, that sets life at the same price, which the Lawes of the kingdome doe put on it.

THe *Jurors* must be animated and fortified against the proud lookes, and heauy threats of powerful persons, which beare themselves about their equals with the bladders of ambition, and hold it a greater Honour in the protection of a deare friend, a seruant or allie, to crosse the course of Iustice, in the places of their owne abode, then to command a Corporation: All Free-holders must bee likewise charged in all matters that

that touch life, to relye rather vpon the Iustice of the Kingdome, then the Combinations of friends; beleeuing confidently, that none of these crosse courses shall be further warranted and approued in Our iudgment; then they ground themselues vpon legality.

IF *Iuries* may bee kept in awe by counsell and aduise, the labour may be thought to haue beene luckily vndergone, that brings forth so peaceable and moderate effects: if not, yet because it auaieth little toward the reformation of any scandalous corruption, to publish orders for amendement, where no penalties are prescribed against contempt; Wee held it requisite to charge Our Iustices of *Assize* in a high degree, and as they will answer at the latter day, that so often as they discover any plot of embracerie, for the preservation of those liues after slaughter, which by Iustice deserue to bee lost, they will proceede directly, without casting any eye of preiudice or partiall affection to either side, and bind the *Jurors* thus offending to appearance in the Starre-chamber,

ber, where they shall finde iust Iudges readie both to reprove for instruction, and to chastice for example, whatsoeuer hath bene deuised or done disorderly.

THus farre Our care hath beene extended, to the preuention of all plots, that men wel friended, and allied in all the Counties of the Kingdome, may set in hand by stirring instruments, to preserue the liues of bloody offenders, of whose crimes the lawes themselves are ready to take sure hold. For certainly the greater part would shrink at the sight of the ciuill sword, and be wary and well aduised, before aduenturing to drawe their owne against such persons, as the Iustice of the Kingdome values for their worth, if they were not confident in these flie trickes, which are kept in store for a sure list in a case of extremitie.

BVt if it happen that both parties, after meeting vpon Challenge in cold blood, retorne aliue out of the field, though generallie we may obserue, that neither the principals

cipals themselves, that went of purpose,
 to make good their agreement, nor the Se-
 conds that in a fort asist, are punished by
 any ordinary course (which slackenesse ra-
 ther multiplies offenders, then cuts off offen-
 ces) yet Our purpose is without regarde of
 issues or euent, to punish very sharply and
 seuerely the presumption it selfe, in seeking
 either by the sending, or accepting of a Chal-
 lenge, to reuenge that out of passion, which
 Iustice would examine and correct, with
 greater indifferencie. For thus We shall dis-
 courage them from taking holde of Bul-
 rushes in deepe pooles, when the strength
 of their owne arme faileth them. To holde
 this maner of proceeding to be sharpe, were
 both vaciull and absurde, considering how
 many wilfull murders happen in this King-
 dome daily, for want of awfull obedience to
 authoritie. For deepe wounds cannot bee
 searched with shallow instruments. It is as
 hard to make those that are disorderly, to
 confesse, as to forbear a fault, and they de-
 serue least to be consulted about the propor-
 tion of the punishment, that are most auda-
 cious

cious in defending the liberty of *Challenging*.

WHosoever therefore shall presume, as it were in despite of Lawes and Magistrates, after the space of 40. dayes, to beginne *exclusive* from this Publication of Our will and pleasure, either to send any *Challenge*, or to declare a voluntarie acceptance of the *Challenge* that is sent, whereby Our Subjects may bee drawne to Triall by the *Sword* for their lives in the *Field*: Our pleasure is, that he or they, as numbers hit, be first committed to some prison, knowne and vsed in the Countie for the restraint of *Malefactours*, that they may learne at good leasure to repent with sorrow, what was committed with temeritie. The punishments prescribed against reprochfull *Quarrellours* and *Strikers*, with prouisionall regard and tender care, shall be added in like maner *cumulative*, to the censure of these *Challenges* in cold blood, as the wreckfull executions of all passions that those preparatorie meanes and outrages haue kindled. They shall moreouer bee suspended for the

M 2

space

space of seuen yeeres compleat , without hope of forgiuenesse during that prefixed time, not onely from Our Court , but likewise from all places, wherein the Queene Our dearest *Spouse* , or the Prince Our dearest *Sonne* reside , that it may bee found more easie for the Sea to brooke a dead carcase, then the Court a quarreller. Moreover Wee intend, that during the terme of this suspension and separation, aswell from Our presence, as from the Court, all Offices, all personall Attendances , and the discharges of all duties, that belong either to Our *Person* , or the seruice of Our Court, shall cease by consequence , that hereby greater care may be created in the lookers on, to flie and eschew by their best endeouours, the forerunning causes of so many miseries.

BEside, although We purpose not to depriue any of Our Seruants , or any of Our Subiects of the Fees or Pensions, which they receiue by warrant of Our *Broad Seale*; because the Lawes and Statutes haue not

as yet brought these audacious contempts within the compasse of Forfeiture by Law; Yet are Wee resolute to make the price of this contempt as heauie to the *Challenger*, and *Answerer*, as We can deuise, by calling backe all Graunts, depending meerely on Our pleasure; holding it more reasonable to reward an humble Subiect with the iust abatement of a Crest, that neither vnderstands, nor will be taught the right way to submit; then to leaue Offenders in too great pride of their owne happinesse.

BY how much Wee declare Our selues to be more compassionate and cautious, in forbearing to punish those, that offend wilfully, and after prohibitions published, by prouoking Quarrels, or sending *Challenges*, by Life, Lands or Goods, which are the ordinary meanes of chastisement in foraine parts; by so much Wee haue greater reason and iuster cause, to pinch as hardly in those points that onely touch their humours and affections, as Wee can, lest the slighnesse of proceeding, bring the course

it selfe into contempt, which Wee tooke in hand for the *Kingdomes* strength, and the Subjects securitie: Wherefore, beside the *Penalties* exprest in that which goes before, not with the quill of an *Ostrich* vvhich may bow, but as the *Prophet* speakes, *Vngue Adamantino*, which cannot breake; Wee doe further binde Our purpose, *verbo Regio*, by the word of a King, That during the seuen yeeres *Suspension* formerly decreed, both from Our *Presence* and Our *Court*, Wee will neuer vse or inploy any Gentlemen, &c. in *Peace* or *Warre*, at home or abroad, directly or indirectly in Our *Affaires*: Wee will neuer bestow on them the least fruit or effect of Our Grace and fauour, in Land, Lease, Pension, or by Letters commendatorie, to their aduantage in the least degree, nor repute them other then as seare and fruitelesse branches, cut off from the body of the *Vine*, and made thereby vncapable both of Sustenance and Support, by which the members of all bodies, as well *Naturall*, as *Oeconomicall* and *Politicke*, both subsist and flourish.

Moreover,

Moreouer, because it is obserued by all
 wife men in these dayes, That how
 grievous soeuer Penalties may seeme, that
 are layed either vpon the Persons, or the
 Purses of Our Subiects (once infected with
 vaine-glory to the very coare,) yet they
 neither worke Repentance or remorse in
 themselves, nor caution in those that should
 take warning, vnlesse the Plumes of pride
 bee blasted by some kinde of acknowledge-
 ment of error, in the fact and circumstances
 of the fact it selfe: because many in despite
 of countermaunds, hold all men to die ra-
 ther Martyrs then Malefactors; that are
 slaine (as they terme it) in a faire maner,
 that is, after a *Challenge* sent and accepted
 by agreement to fight in the Field: Our
 will and pleasure is, That no persons, that
 haue beene once committed vpon this con-
 tempt, be released of restraint, before they
 haue confessed vnder their owne hands, a
 grosse error in the iudgement of all sorts of
 men, wronging Honour as much as Duety,
 that seekes to reuenge Injuries, either truly
 apprehended, or suspiciously imagined by
 their

their owne Act; when both the *Court of Honour*, and other *Ciwill Courts*, make offer of due satisfaction, when Subiects orderly resort to them.

BEside, since it is euident, that the brauerie of Challengers desiring to be obserued and admired for their courage, pressing Quarrels hastily to triall by the sword, spurres many faster to the pursuite of reuenge, then the qualitie of the pretended cause deserues; Wee hold it very iust to deprive all actuall Offendors of that vsual and ordinarie libertie, (which all Gentlemen enioy in the nature of a birth-right) to weare swords and daggers, to the end that men according to the right and equitie of Gods owne lawe, may be punished in the same kind, wherein the first offence was giuen; and that the sonnes of *Adam*, as well as *Adam* himselfe, *Libertate malè utendo eam amittant*. They that seeme to bee worst affected to the quenching of this flame with milke, can neither ascribe this limitation to noueltie nor seueritie, the times of former Princes

Our

Our Progenitors, abounding with examples of like prooffe, and the lawes of God himfelfe setting markes of warning vpon thofe hurtfull creatures, that are naturally apt to doe mifchiefe, beeing left to the beft vfe of the waies, which they defire to take for fatisfaction to furie.

VPon this fit occafion, Wee may commend the binding of all men to their good behauour, that, after fighting vpon Challenge, happen to retorne aliue out of the field, for fixe moneths at the leaft. For as the plagues that hang vpon this censure, are both many, and thofe very heauy; fo doth the qualitie of the contempt deferue them all, moouing bufie fellows that are giddie, rafh, and inconfiderate, to bee well aduifed, what the lighting will be on the other fide, before they leape, and how much better, and more fecure it is, to preuent hazard by caution, then to procure forgienefle by acknowledgement.

Some care ought likewise to bee had, in fubiection Challengers, and acceptors of
N
all

all Challenges that are sent vpon aduise-
ment, and in cold blood, aswell to censures
of the Soule, as to checkes of insolence: And
for this respect, Wee purpose (by Gods
grace) to mooue Our *Archbishops* and *Bi-
shops*, about a generall Excommunication to
be published against all persons, that dare
presume to put life in question by the pur-
suite of priuate reuenge by single fight in the
field; since all Lawes, aswell those that looke
to Honour, as touch Propertie, finde satis-
faction vpon more certaine principles. For
God, refusing to accept an offering at the
hand of any man, that is not reconciled to
an enemy, before he offer vp the gift, hath
taught the graue and learned *Bishops*, with
what temper to proceed vpon these
grounds, beside the *Canons* of some Coun-
cels that asist their charitie.

THus farre Wee hold it requisite, to ex-
tend Our prouisionall and tender care
for the safetie of Our Subiects, since Wee
touch the life or limme of no man, to make
an assay, whether many persons of good
woorth,

woorth, finding how malignantly the most powerfull Planets are affected to these single fights, will not be more affrighted with these wearing punishments, which, like a creeping feuer, eate the very marrow of the bones, and reforme with leasure; then with the sodaine stroke of death it selfe, that ends all tortures in the turning of an eye. For more diseases are cured by good diet, then by letting blood, & *minus timentur que citò perimunt.*

BVt if any, seeking to contriue a mischief, by defrauding the true purpose and meaning of the Lawe, conceiue idly, that one Gentleman running at another, when they meete either in the fields or streetes, as if it were by chance, ought to bee freed of those heauy censures, which all Lawes in the world inflict vpon those, that first challenge in cold blood, and after kill in fury; because the malice cannot bee said to haue beene prepensd, where the chance was vnexpected; they shalbe taught, how farre they wander both frō the Lawes intention,

and Our end. For as no man is presumed, without some certaine precedent grudge or quarrell, to runne madly at another with a mischieuous intent, remaining in his wits; so when *Time*, which the *Poets* tearme, the *Mother of Trueth*, shall bring those occasions to light, that bred the heart-burning, by witnesses, examinations, discoveries, or any ordinarie meane, the ground & motiue of that rencounter will then bee laid open evidently, howsoever caution and cunning seeke to succour it selfe against all extremities. Sure We are, that malice is the cause, both of formall Challenges, and of rash rencounters, whatsoever bee pretended vpon feare of Legall seueritie : and therefore it were strange, if the wisdom of the Iudges could not as easily lay these secret hookes bare, as hypocrisie can couer them. If any thing fall out to make the matter darke or doubtfull, whether the rencounter happen meerely vpon accident, or with some mixture of precedent grudge, the construction ought in reason to be caried in the hardest sense, for the Rencounterers, that seeke out
of

of pride or obstinacie, to robbe the seate of Iustice of her right, in affoording satisfaction to all rankes and degrees, according to the merit of the motiue, and as it shall seeme to craue greater effects of seuerity or clemency.

THe most desperate inuention of all others, to free men from the sentence of the Law, that kill after the sending and accepting of Challenges in colde blood, proceeds from the craft of some, that agree to fight in forraine parts, where the *Kings* Writ runnes not, neither can the Lawes of the kingdom take hold of any Subiect outward bound, though the *Romanes* perhaps would haue thought it strange, both in the time of their faire flourishing and happy Commonwealth; and after likewise during the reigne of the first potent *Emperours*, that the life of any Subiect, taken by another Subiect wrongfully, in whatsoeuer quarter of the world, should not bee awfully accompted for. This reason might perhaps moue the *States* of *Brabant*, before the dutifull admittance of Duke *Iohn* to bee their Lord in the

right of his wife, to bind him by oath, neuer to spare the life of any Subiect in that *State*, that should kill another in the Field, though the acte were done in a forraine Governement. It may likewise bee the reason why the Lord *Segraue*, as appeareth vpon record, attempting onely to passe ouer into *France* from *Douer*, for the performance of a priuate Quarrell, was condemned *Iudicio Parium*, by the iudgement of his Peeres: as if he had preferred by this act, the Iustice of a forraine Country before his owne. Vpon like equitie stands that Acte, by which all Appales that concerned things done without the Realme, were drawn in the time of *Henry* the fourth, into the *Constables* and *Marshals* Court within the Realme. *France* prosecutes all men without compassion, that agree to ende their priuate Quarrels in forraine parts. In *Spaine* the lands and goods of all men that kill after an agreement, to satisfie themselves by Single Combats vpon Challenge in forraine parts, are instantly seized into the Kings possession by his Officer, though the principals doe not returne;
and

and so many of their Allies, Seruants, or Friendes, as shall by further inquisition bee conuincd of priuity to the plot, shall be fined and imprisoned.

WE therefore, finding out of Our owne Iudgement, and experience, how desperately the whole body of the Kingdome may be enfeebled, and by consequence endangered, by suffering so great a quantitie of Blood, and, as it happens sometimes, of the purest and best of the Land, to be let out incessantly, in case the *Vena mediana*, branching into many Generous and noble parts, that hath so large and wide an *Orifice*, should bee still kept open for a vent of violence, resolved to supply the slacknesse of the Lawes of *England* (as Wee did then conceiue) in punishing these Slaughters, vpon agreement to fight in *Forraine parts*, by the sharpest Censures and corrections, that We could possibly deuise by vertue of Our high Prerogatiue, till further order might be taken, to make Subiects more afraid of their delusorie Stratagems, to defraud the scope
and

and purpose of the Law, which hath the safetie of the *Subiects* life in that regard, which is due aswell to Common securitie, as to Charitie.

BVt hauing lately vnderstood by conference with Our learned Iudges vpon this point, that though there can be no proceeding by *the Common Law*, against one *Subiect* that hath slaine another by agreement vpon *Challenge* to fight in forraine parts; yet by appeale, so often as it shall please Vs to appoint a *Constable* and *Marshall* of *England*, but for the present onely, both to heare and to adiudge the cause, the partie thus offending may bee condemned in that *Court* to death; (as by an Acte of *Parliament* made in the first yeere of King *Henry the fourth* is euident,) We doe hereby warne Our louing and faithfull *Subiects*, that they bee carefull not to put themselues vpon the danger of the Law from hencefoorth, vpon hope of former impunitie, taking onely from the time of this *Proclamation* published, allowance of so much space

as

as may serue to giue notice of Our pleasure to all those that shall bee questioned vpon the point. For We protest and promise two things in the word of a Religious and iust King, That Wee will not onely for the present vse, so often as this accident shall chance, appoint a *Constable* and *Marshall* for that time onely, to heare and adiudge all matters of this kinde: But besides, abstaine from remitting and forgiuing that sharpe Iudgement, which the Lawes of the Land impose vpon Offenders thus condemned, and accordingly to bee executed. It may suffice for satisfaction to duetifull and well deseruing *Subiects*, that they haue bene thus respectiue premonished of perils incident. For in this case Ignorance cannot excuse. If hereafter, either out of obstinacie in error, or confidence in Protection, they runne into the same hazard wilfully and *precipitately*, that others haue done in former times, let them blame their owne presumption, and not Our *Resolution*, which in a Case, that so neerely concerns the *Kingdomes* safetie, and the *Subiects* life, resolute to proceed in

O

that

that manner, and with that rigour, which all Lawes inflict, and the State of time present finds to be necessary.

IN excuse of Seconds, it is said by some, that they were onely brought in as vsfull instruments to paire weapons, to search bodies, to depart the *Combatants* vpon equall tearmes, to suppressle aduantage vpon either side, and to see faire play: yet since the Fight it selfe is absolutely bad in it selfe, it is not possible for any acte assisting, or abetting, whatsoeuer cloud be cast vpon a tender eye, to bee iust, or in a matter of this weight to warrant accessaries, when We taxe the principall. These Seconds in very deed, to make the best of them, are onely stout Assistants to bad ends: their fairest actions are but formall preparations: their excuses are but shadowes: though they see the sinner, yet they runne with him. If wee marke well, their labours and endeouours are of little vse: For whatsoeuer be expected of their Humantie, their Charitie and Care; yet whosoever vndertakes to moderate men in fight,

will

will not forbear, either vpon the sight of blood, or the fence of sinart, to rush desperately vpon extremities. These Seconds might perhaps serue better to some ende, in case the prosecution of priuate Quarrels by the Sword, were first admitted and approoued by any *Prince* or *State*: But since they shrink that should bee the Supports and Stayes, it is not strange, that *Sublato Principali, omnia cadant accessoria*: Betweene an Actor therefore and an Abettor, the difference cannot bee great, howsoeuer malice may be masked vnder false couers.

WEe finde by the moderne vse of *France*, of the *Archdukes* Dominions, and many *States* in *Italy*, that the Carriers of *Challenges*, and they that bring backe answeres and acceptances, are both condemned and punished in a very high degree, vpon a violent presumption, that they either blow the coale, or endeuour not to quench the fire, as they ought. For weake beginnings, where care may be timely taken, haue speedie ends. Wee doe therefore lay the

O 2

same

same proportion of punishment vpon the *Seconds*, the *Carriers*, and *Entercommoners*, that We do vpon the *Principals* themselues, in hope that Gentlemen giuen ouer, as it were in a fit of a feuer, to the violence of their owne vntemperate desire, will bee sooner brought to detest and abhorre the falshood of the spectacle, that deceiues their eye, when they shall see how little grace and fauour is bestowed vpon the *Complices* that shall strike to them, and discern the shallownesse of those impressions that haue no better foundation then fury.

IN many places men runne hazards of their reputations, that couer the beginnings of hote Quarrels, that might easily bee tempered, in case they were discreetly taken vp vpon discouerie, before they ranne too farre; and not without iust cause. For by the Ciuill Lawes themselues, men are conceiued to aduance and further a mischiefe, which there is a possibilitie to preuent: And therefore Wee would haue Our louing Subiects apprehend, with what mislike and horreur

Wee

We shall euer iudge of those corrupted and putrified affections, that either out of delight in blood-shed, or slouth in seruice, or feare to crosse the priuate humour of a friend in passion, forbear to bend their best endeauours for preuention of bloodshed or murder, by a reasonable and discreet remedie.

BVt because it is a more easie labour to repaire wrongs, after they haue once beene opened to Iudges competent, as for example, to the Lords in Commission for the Office of *Earle Marshall*, who by the Honour of their blood, the frequencie of examinations, and the equitie of their rules, are best able to conceaue the true state of the cause, then in a world so cautiously, and reservedly enclined to the couering and concealing of their friends intention to fight, to draw them to the proper touch for triall, before the Sword begin to play: Wee charge all persons, of whatsoeuer ranke or qualitie, which are present in the place where a Quarrell first beginnes, that vpon paine of Our high displeasure, they

first apply their best perswasions and endeavours, to the taking of the ground of the contention away, and the reconcilment of the parties mindes if it be possible; if not, to call in with all expedition an Officer of the Peace, that may bring the matter before the Lords in Commission, before it be too farre exasperated and enuenomed.

IT shall not serue any man for an excuse to say, that he was not present, but receiued notice at the second or third hand; because the opening of a bloodie purpose and intent may giue ease at any time, and conscience it selfe will throb, to call to mind, in case murder should ensue, that a purpose onely fixed, without any acte engaged, might easily haue beene cut off, in case the best meanes had beene vsed, before it were too late to call for an euen measure.

THe better to bring Quarrels to discouerie, when they begin first to worke, it is obserued, that not onely in the common Ordinaries, to which Gentlemen doe usually

ally resort, but sometimes also in the Tennis Courts, in bowling Allies, Dicing houses, and all houses of game, questions sometimes vpon a cast, sometimes vpon distemper in losse, vpon refusall to lend vpon importunitie to be paid, vpon termes of comparison, and words of exception, vpon as many contingents, as places of that nature breed vexations and contradictions.

FOr remedie whereof, Wee doe straitly charge and command; First Our owne Groome-porter, and then all other keepers of gaming houses, of Tennis courts, and bowling Allies, vpon paine of Our high displeasure, beside three Moneths commitment & suspension of their power, to keepe houses of resort to that end, for the space of three whole yeeres at the least, that instantly vpon the giuing of any reproachful word, or passing any blow betweene Gentlemen, that are likeli to seeke a sharpe reuenge by the sword, in some place more priuate, their first care bee to take the weapons of the persons kindled with rage, if it may be; the next
to

to keepe them in sunder till some Officer of the Peace be brought into the place to command in Our name, till the Quarrell coming to the hearing of the Lords in Commission, may receiue a sharper censure, or a better satisfaction, as they in their graue Iudgements shall finde, both the persons to deserue, and the cause to be considerable.

THe ground of so great sharpenesse and seueritie in proceeding against all publike keepers of these publike places of resort, is drawne not onely from a likelihood in view; but in effect from a certaintie in experience, that howsoever householders themselves may oftentimes excuse their absence vpon incident affaires, yet those seruants that ordinarily keepe the boxe, that are euer readie to deliuer balles and rackets, that bring bowles, and carry measures, that are often trusted with the stakes & pawnes, that are admitted witnesses of all points in fact, and ordinary iudges of all questions in play, that perfectly know euery Gentleman that frequents their Masters house, should
be

be absent at the beginning of many Quarrels, which are made vncurable by default of discouerie. Beside, We make no doubt, that Masters, finding that their fortunes must pay for their seruants faults, and that those Quarrels which are not ended within priuate walles, breake out with great rage, both into fields and streetes, will bee more cautious in making choice of such, as may secure them from penaltie.

THe common vse and custome of those, in deprauing all directions and ordinances, that tend to the suppression of priuate Quarrels, be they neuer so indifferent and iust, if in the least degree they crosse the current of their owne inordinate desires, expressing hereby rather an humour to contest with Magistracie, then to submit to moderation, mooues Vs the more carefully to checke this boldnesse in the lower Region, before it giue checke to intelligences, that are most powerfull in the Spheares of sublimitie.

IF any therefore shall presume sawcily, after publike notice hath beene taken of Our pleasure, published by word or writing, vpon delight in Quarrels, or ostentation of pride, priuatly or publikely, in ieast or earnest, to contest or argue against the punishments and censures, which Wee haue very iustly, and yet fauourably set vpon these peremptorie contempts, in deprauing, disgracing, striking, challenging, &c. Our purpose is, to hold him euer after a professed enemie both to Our Iustice and ends, and to exclude him, without hope of mitigation or satisfaction (as one that loues his own Peacockes plumes more then the State) from all future grace in any kind, that either the fauour of a King, or the bountie of a Master can conferre on him.

WE haue already published by Proclamation, Our high displeasure against certaine persons of vnstayed affections, that so soone as they find themselues crossed by any interuening occasion of their blood-thirstie and reuenging appetite
for

for destruction, either of themselves, or of their partie in the field, presently set forth a writing to be published to the world, which can bee no other then a Proclamation or Edict as farre as lies in them, thereby either shifting, or excusing their former slownesse, or accusing their partie for not duely meeting them in their preposterous haste, to their owne ruines.

Herein Wee obserue three great and maine *Offences*; one against both GOD and Vs, that they dare presume to set downe to the world without shame, their owne *vindicatiue* and bloody humor vpon so vniust a ground. For no Quarrell of any *Subjects* can be lawfull, except in defence of their Prince or Countrey, the reuenge of all priuate wrongs onely belonging to Vs vnder GOD, into whose hand hee hath put the sword for that purpose. The next is, their offence against Vs, in daring to presume so farre vpon Our especiall Prerogatiue, as to take vpon them to make any publication of their pleasure, the power whereof is onely

in Vs. The third and last is, that thereby a new feede of Quarrels is sown, whereby they doe not onely become immortall, but multiply. For when Wee shall haue taken the paines to cause Our *Marshals* to agree a Quarrell, whereupon both Wee and all honest men haue reason to account it vtterly extinct, vpon such a Publication, both the Parties, and the Seconds are brought vpon the Stage againe; and not onely by these meanes may happen, that the parties shal againe fall out, who were before agreed, but euen their friends, and peraduenture other friends, that had nothing to doe with the matter, must vpon the backe-reckoning fall by the eares together. But if it should chance one or both of the Parties to be killed in the first Quarrell, if such sort of Publication should bee made by any of the Seconds, it is enough to renew a Quarrell, either betweene those Seconds, or some of the neereft of their kinne, who were killed before; and so shall quarrels become immortall, and their memory renew, whereas the best remedy against all sinnes and offences, is forgetfulness.

For

For remedy whereof, We doe hereby declare, That whosoever shall after the publication of Our pleasure, presume to put in writing, or publish any discourse of the maner, either of their meetings appointed with their parties, or their fighting, or any part of that quarrellous businesse, Wee will haue them to be brought *Oretenus*, or otherwise, as the case shall require, in the *Starre-Chamber*, and there to be punished at the discretion and Censure of that Court, for their high contempt against Vs, to be hereafter banished the Court of Vs, Our dearest *Bed fellow*, and the Prince Our *Sonne*, for the space of seuen yeeres: And which is heaviest of all, Wee doe protest for Our owne part, Wee shal neuer account of them but as *Cowards*. For We doe euer hold it the part of man to shew his courage, when hee is put to it in action: But hee that seekes his reputation from manifest voyces among the people, Wee will euer accompt it to proceed from the knowledge and ieaiousie of his owne weakenesse; as if a man could not winne honour, but *per mendicata suffragia*,

among the ordinaries. If any man should finde himsefe griued with any whisperings or rumours spread abroad, misreporting the cariage of any such matter, he may resort to Our *Commissioners Marshall*, who shall right him in his Reputation, if they finde he be wronged.

THe greatest Oratour aliue, can neuer draw yong Gentlemen to beleue, considering the tickle state wherein men stand, that by aduenturing too far, run themselues within the danger of the Law, though the proposition it selfe be very iust and true, that the sending of a *Challenge* in cold blood, is rather a demonstration of pusillanimitie and cowardise, then an acte of resolution and fortitude. For prooffe whereof, howsoeuer it be deemed and reputed as a *Paradox* by some, that had rather leese their liues, then the libertie which they take, to put others to the perill of their liues; as many pregnant arguments may be brought out of all professions, as there are certaine grounds of morall iustice, to support the rules by which

States

States are directed, & contempts punished.

TO make the case more cleare and euident, Wee must conceiue this ground, that all persons haue beene heretofore, and to the worlds end shall be, branded with the marke of ignominie and grosse cowardise, that offer to send *Challenges* to men that are in duresse, or that are lame, or necessarily tyed, as ministers subordinate, to Superiour commands. Men may bee likewise brought in question probably for their valour, for presuming out of heat to strike an enemy within the *Verge*, either of a Church, or of a Court of Iustice, or of a Princes house: hee lends the Charitie to one that cannot possibly repay the lender in his owne coine, without the breach of as many Lawes, as faults can be subiect to censures.

IF then in euery one of these extreames, it is not onely expected, but imposed, that Gentlemen should not onely forbear with caution, but feare out of conscience to offend more heinoufly in the manner of the reuenge,

revenge, (the persons and the places cautiously considered) then the first affronts did to satisfie despight; what shall We iudge of *Challenges* in colde blood, that wrong Iustice in those very kindes that are expressed, besides many more, that times and occasions may exemplifie.

FOr, who can deny that man to liue in the state of a prisoner, whom so many bands of duety and obedience deteines from answering a person that is past himselfe, according to his folly, or a man transported beyond ciuill bounds, by consenting in the same act of wilfulnesse? Why may wee not accompt those men to be lame, whom Iustice, for the time, deprives of all forces and faculties, by which they should perfourme that vnlawfull Challenge, to which they are inuited or prouoked, by the pride and outrage of their Opposites? How can they be said to stand free from superior commands, that are borne in obedience to Lawes and Magistrates, and that by the Lawe of nature couerle first duty to their Countreies,

the

the next to their parents and friends, and the last to themselves, being further bound by the rules of the great Generall, to keepe their standing firme, according to the iudgment of the diuine *Philosopher*, without so much as stepping aside vpon any errand, till they be otherwise employed, or receiue sufficient discharge by supereminent Authority? what difference can any wise man put betweene one that strikes in the Church, and that strikes against the Canons of the Church; that giues a blow within the barre, and him that breakes those Lawes and Orders wilfully, that are impleaded at the barre; betweene him that buffets his Opposite within the *Verge* of the Kings house, and him that by conforming to the *Challenge*, braues the Prince himselfe that fortifies the *Verge*? For whether shall we say to be greater, as our *Sauour* himselfe demaunds, the Gold it selfe, or the Temple, by which the Gold comes to be sanctified? Since then the partie thus bound vp with *Lazarus* both hand and foote, cannot appeare vpon a *Challenge*, without incurring first the cen-

Q

sure

sure of all Lawes without respect to conscience or awe, Wee hold the partie that pro-
uokes him to the perill of his Honour, for-
tune, conscience & life, to be timorous, and
base, because all circumstances, as well perso-
nall, as locall, vtterly bereaue him that free
scope which Subiects ought to challenge,
answering a matter of this weight Opposite.

BY that time the most proper Remedies
haue qualified the distemper of ill dis-
posed minds, audacious Spirits haue smar-
ted for incompetent desires, the false co-
lours and pretences of erring Custome,
haue both bin counter-pleaded & corrected
by reforming Seueritie, by that time Passion
hath bene put into the right course of sub-
mitting to Discretion, and Caution hath
wrought it selfe at leasure, into as constant
a forme and habite of conforming to Obe-
dience, as Selfe-will tooke in former times to
plant false Principles; the greater part will
easily discerne, that there is greater reason to
reprooue those that offer Challenges of
madnesse, then to taxe those of Cowardise,
that abstaine out of duety.

Since

Since therefore it belongeth vnto Vs that
 are accountable to the Soueraigne Com-
 maunder both of heauen and earth, to pu-
 nish all wilfull transgressours of Diuine
 Lawes, whose end is to destroy the sacred
 Image of G O D himselfe in the soules of
 men; to preuent the shipwrackes that are
 daily made of Liues and Families, to the
 great enfeeblement of the *State* it selfe; to
 binde Honour to Obedience, with a knot
 insoluble; & to suppress selfeloue that sedu-
 cing Counsellour, that obserues no rules: It
 now remaines, that so many as shal cōceiue
 themselues to be behinde in the least respect
 or point of Honour, seeke discreetly and ad-
 uisedly to repaire themselues in the *Marshals*
 Court, who are already throughly instru-
 cted and prepared, as well for the clean-
 sing of all greene *Wounds*, as for the
 healing of olde *Ulcers* that
 shal appeare to them.

SIT LAVS SANCTÆ
 TRINITATI.



Since therefore it is our duty to be
 accountable to the Government, and
 to the people, and to the
 Legislature, whose end is to destroy the
 image of God in the hearts of
 men; and since the Legislature is
 composed of men and women, who
 are the representatives of the
 Government of the State, it is
 the duty of the Legislature, and
 of the Executive, and of the
 Judiciary, to be faithful to the
 Constitution, and to the
 rights of the people, and to
 the rights of the State, and to
 the rights of the Union, and to
 the rights of the world.

THE
 TRINITY