

SUPPRESSION OF INTERPRETER
AND
DENOUNCEMENT OF DR. COWELL

THE KING JAMES VERSION

THE
INTERPRETER:

OR

BOOKE CONTAINING
the Signification of Words:

*Wherein is set foorth the true meaning of all, or
the most part of such Words and Termes, as are mentioned in
the Law Writers, or Statutes of this victorious and re-
nowned Kingdome, requiring any Exposition
or Interpretation.*

A Worke not onely profitable, but necessary for such as desire
throughly to be instructed in the knowledge of our
Lawes, Statutes, or other Antiquities.

Collected by IOHN COWELL Doctor, and the Kings
Maiesties Professour of the Ciuill Law in the
Vniuersitie of Cambridge.

In Legum obscuritate captus.



AT CAMBRIDGE

Printed by IOHN LEGATE. Anno 1607.

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March 2008

NOTHING turns off the young
quicker than **HISTORY**

FOREWORD:

You'll never know what you will miss if you fail to read a book's preface. If you haven't read the preface of this book, please finish reading this foreword then read the preface.

This book is a story about a book, "*The Interpreter*," an English law dictionary, published in 1607 at Cambridge, England. A book made famous by its suppression and the denouncement of its author Dr. John Cowell in 1610 by Royal Proclamation of England's King James I who had succeeded the beloved Queen Elizabeth I to the throne on March 24, 1603.

James had not planned to make it or any other book famous, nor did he plan to change his mind about the prerogatives of a King, or permit the enlargement of the English Parliament's role as maker of laws. But an irascible, strong willed English judge brought most of that about, the famous author of Coke on Littleton, Sir Edward Coke Chief Justice of the Court Common Pleas, whose reputation as a competent lawyer, legal writer and judge is perhaps as well known to American law students as America's own famous Chief Justice of the Supreme Court Oliver Wendell Holmes, author of "*The Common Law*," and other writings.

Interpreter probably sold well enough among lawyers, but it is doubtful that its author, Dr. John Cowell, Regius Professor of Civil Law at Cambridge University, England, held any book signings, or was given very many English pounds in advance of its publication in 1607. He had no typewriter, computer or Cross pen with which to prepare the manuscript for the printer. But he was blessed with access to a good library and the absence of our 20th century distraction - TV.

Other legal books were available to English lawyers at that time. Two were well known. Henrie Swinburn's "*A Briefe Treatise of Testaments and Last Willes*" (1590) and William West's book of legal forms, "*Symbolaeographia, Which may be termed The Art, Description, or Image of Instruments, Covenants, Contracts, &c. OR The Notarie of Scrivener*," (1590).

West's *Symbolaeographia* contains a sample formulaic provision of a will that Professor S. Schoenbaum in his "*William Shakespeare - A Compact Documentary Life*," page 298, says is almost word for word like the introductory provision of William Shakespeare's 1616 will:

"In the name of god Amen I William Shackspeare of Stratford upon Avon in the countie of Warr gent in perfect health & Memorie god be prayسد doe make & Ordaine this my last will & testament in manner & forme followeing That ys to saye first I Commend my Soule into the

hands of god my Creator hoping & assuredlie beleaving through thonellie merittes of Jesus Christe my Saviour to be made paartaker of lyfe Oeverlastinge And my bodye to the Earth whereof yt ys made. . ."

Schoenbaum says that the Stratford lawyer Francis Collins probably wrote Shakespeare's will. If, however, Shakespeare himself wrote his will, as Charles Hamilton contends in his *"In Search of Shakespeare - A Study of the Poet's Life and Handwriting,"* then we should ask, *"Did Shakespeare have a copy of West's form book and follow West's form mentioned by Schoenbaum, or a copy of Swinburn's book on wills?"*

Dr. Cowell mentions both authors in *Interpreter*, but not Shakespeare, a contemporary. Shakespeare knew lawyers, and they knew him and saw his plays, but we don't know if he knew Cowell, West or Swinburn, or they knew him. His dig at lawyers, *"The first things we do, let's kill all the lawyers."* (Second Part of King Henry VI, Act IV, Scene II) wouldn't necessarily have attracted Cowell's attention and prompted mention of it in *Interpreter*, even if in fact the dig was in the play when Cowell's manuscript was ready for the printer.

Cowell did, however, mention a famous law writer, Thomas Littleton. And did that mention raise the hackles of Coke, the self appointed protector of Littleton's reputation, and cause James to state in his Proclamation that Cowell spoke *". . .unreverently of the Common Law of England, and the works of some of the most famous and antient Judges thereof. . ."*

Coke had no very kind feelings for any species of law that was not Common Law. He had downright hatred for Civilians, that is, Civil Law lawyers as opposed to Common Law lawyers. Cowell was a Civil Law lawyer. In one of Coke's harangues about Civilians and Canonists he said:

"It is a desperate and dangerous matter for Civilians and Canonists, (I speak what I know, and not without just cause,) to write either of the Common Laws of England, which they profess not, or against them which they know not. And for Littleton's Tenures, I affirm, and will maintain, against all opposition whatsoever, that it is the work of an absolute perfection in its kind, and as free from error, as any book that I have known to be written of any human learning."

As we shall see later, Cowell's reference to Littleton was but a repeat of the negative comments on Littleton's Tenures by the French jurist Hottoman, a Civilian. Cowell did not, as Coke and others claimed, approve and adopt the comments as his own. And furthermore, as we shall see, Cowell vigorously criticised some of Hottoman's other opinions of legal matters.

Dr. Cowell's patron Archbishop of Canterbury Richard Bancroft, to whom Cowell had dedicated *Interpreter*, like both Cowell and Coke had attended Cambridge. And Bancroft, like Cowell, was another one of Coke's enemies.

Bancroft represented the Ecclesiastical Courts and reportedly wanted to make them free of the law. Coke on the otherhand wanted to control them. I will cover in detail their feud so you will understand how it fit in with Coke's disagreement with both Cowell and James, and how Coke prodded Parliament to attack Cowell for *Interpreter's* definitions of King, Parliament, Prerogative and Subsidy. Hell had no fury like Coke's jealousy of Cowell's reputation for knowledge of the law, both Civil Law and Common Law, a knowledge that Coke felt was a severe challenge to his reputation.

Religion was a factor during these times. And hell had no fury like James's dislike for Puritans as he so emphatically expressed in his book *Basilikon Doron* which I'll cover later.

Lawyers played an important role in the dispute between James and Parliament, between James and Coke, and between Coke and Bancroft. The two types of lawyers, Common Law lawyers (Coke was the leading advocate of Common Law) and Civil Law lawyers (Cowell was the leading advocate of Civil Law) had been contesting each other for supremacy during Queen Elizabeth's reign. Coke and the Common Law lawyers in Parliament, most of whom usually opposed James, became the saviours of Common Law for England. Bancroft's petition to James for relief from writs of prohibition issued by Coke's courts against Ecclesiastical courts came to naught.

Although Common Law lawyers eventually took over nearly all of the practice of Civil Law lawyers, writing at Cambridge about Civil Law continued far into the next century. In 1774 a book about Civil Law appeared. University of Cambridge's Samuel Hallifax, "The King's Professor of Civil Law and Master of the Faculties to the Lord Archbishop of Canterbury" published "*An Analysis Of The Roman Civil Law, compared with the Laws of England.*" It is dedicated: "*To His Grace The Duke of Grafton, Chancellor of the University of Cambridge.*"

Hallifax's Preface tells a story about Civil Law, Roman Law and English Common Law that I believe is worthy of inclusion in my story about *Interpreter*. You will profit intellectually from what he writes. See Appendix _____

Before Dr. Cowell wrote *Interpreter* he wrote in Latin [one of the very few writers upon English jurisprudence who has written in Latin] a

work entitled *Institutiones Juris Anglicani*, written after the method of Justinian's *Institutes*, "with the view that in the Universities where the Civil Law was taught, the transition might be made more easy to an acquaintance with the municipal law." [The quote is from Marvin's Legal Bibliography which you learn more about later.]

Apparently English law writers in the 17th and 18th Centuries thought it obligatory to take pot shots at what other law writers wrote. You will see plenty of them as you read on.

Hallifax could not resist. He states in his Preface that Dr. Cowell in *Institutiones* undertook to compare Roman Laws and those of England but because it was done improperly, "I could not therefore reap the fruit I expected and hoped for from this performance. The comparison I have aimed at is of a very different nature. . ."

Even though Hallifax's remarks about the work of the famous William Blackstone (1723-1780) Vinerian Professor at Oxford in 1758, were not too complimentary, we see Hallifax was so happy with what Blackstone said about the study of Civil Law (Hallifax's subject) that Blackstone's complimentary remarks about it are quoted on the title page of "*Analysis*."

First, Hallifax about Blackstone: "*No such treatise is extant concerning the laws of our own country; and even the Commentaries of Mr. Justice Blackstone, excellent as they are, are still without the stamp of public authority.*"

Now Blackstone's remarks that are on the title page of Hallifax's book:

"Far be it from me to derogate from the study of the Civil Law, considered as a collection of Written Reason. No man is more thoroughly persuaded of the general Excellence of its Rules, and the usual Equity of its Decisions; nor is better convinced of its Use, as well as ORNAMENT, to the SCHOLAR, the DIVINE, the STATESMAN, and even the COMMON LAWYER.

Blackstone's Comm. on the Laws of England, Intro."

We see amazing statements in the Prefaces of English law books. I have included many of them throughout this book and in the Appendix. What Mr. Viner said, I find amusing compared to statements of those authors who point out the deficiencies in the works of others.

Charles Viner (1678-1756), who left the residue of his estate to Oxford from which the Vinerian Chair was established, Blackstone being its first occupant, spent years in the compilation of *A General Abridgment Of Law and Equity* (1746). The criticism he expressed in the Preface to

Abridgment took a different tack. He went after all opponents of his work, and especially after a Mr. Worrall. Here are excerpts:

"Notwithstanding the violent, and even indecent, Opposition given to this Work, the Author was not deterr'd from proceeding to the kind of the Alphabet; and has now adventur'd (if any thing can be said an Adventuring, under so great a Patronage and Recommendation) to begin with the letter (A) . . ."

"As to Mr. WORRALL's PEEVISH ADVERTISEMENT, in his last Law Catalogue, relating to this Work, it IS scarcely worth taking any Notice of, it being SILLY, AND much the more so, as it is FALSE TO HIS OWN KNOWLEDGE."

In 1637 the second edition of *Interpreter* appeared. There were no changes in the wording of the definitions that led to the suppression of the 1607 edition. Because there were no changes, *Interpreter* once again came to the attention of Parliament in the reign of James's second son Charles I, another reign marked with with turmoil between King and Parliament, and ending with the public execution of Charles I on January 30, 1649 outside Whitehall Palace.

In 1633 Charles appointed William Laud as Archbishop of Canterbury. Later Laud was charged with treason. During the trial he was accused of the 1637 printing of *Interpreter*, a **suppressed book**. Archbishop Laud's denial of the accusations, which you will read here, did not save his neck. He was executed.

Now here is why I say it is important to read a book's preface **FIRST**.

It is from White Kennett's Preface to his 1701 edition of *Interpreter* that we learn the full story of Dr. Cowell and his *Interpreter*. A story that had been known for nearly one hundred years. Kennett's Preface is a most unusual one.

Kennett sets forth a biography of Dr. John Cowell.

He gives us the details of Archbishop Bancroft's petition to King James I for protection of the Ecclesiastical Courts from the writs of prohibition issued by Justice Coke's courts.

He tells us of the gyrations of Parliament, James and Coke over Cowell's writings and Bancroft's actions in trying to protect the jurisdiction of the Ecclesiastical Courts, why James ate crow by denouncing Cowell's positions with respect to the definitions of King,

Prerogative, Parliament and Subsidy, which in fact James doubtless secretly supported, and why he issued his Proclamation on March 25, 1610 denouncing Dr.Cowell and suppressing *Interpreter*. And he reports what Archbishop Laud had to say about the 1637 publication of *Interpreter*.

Dr. Cowell and his book have been mentioned by countless legal historians. Some have speculated on his reasons for including definitions that should have been apparent to him would raise hackles. I share in Kennett's support of all that Dr. Cowell wrote in *Interpreter*.

So now. On to the story.

WHY ENGLAND'S KING JAMES I DERAILED THE EXECUTION OF DR. COWELL

The attached material about Dr. John Cowell, Regius Professor of Civil Law at Cambridge and Thomas Blount is a supplement to my story "Why England's King James I Derailed the Execution of Dr. Cowell."

Dr. Cowell's THE INTERPRETER, an English Law Dictionary was first published at Cambridge in 1607. By Royal Proclamation of James I dated March 25, 1610- the book was suppressed and Dr. Cowell denounced.

In 1701, 91 years after James's Proclamation suppressing THE INTERPRETER, The Right Reverend Dr. White Kennett, Bishop of Peterborough, a prolific writer on various subjects, besides religion, edited the 1701 edition, the eighth edition of the ten editions of THE INTERPRETER. The Preface to Dr. Kennett's edition includes a biography of Dr. Cowell, and an extensive account of James's suppression and denouncement.

It is generally believed that Dr. Kennett wrote the Preface, an intriguing story about King James I, Dr. Cowell, and his patron the Archbishop of Canterbury Richard Bancroft, England's Parliament and Justice Sir Edward Coke. Kennett expresses contempt for Coke, but approval of James, Cowell and Bancroft.

Kennett's remarks in his Preface prompted me to look into some of his "facts."

I knew, of course, the Holy Bible is commonly referred to as the "Authorized King James Version," but I soon learned that many historians gave James low marks, and seldom failed to repeat old gossip about his homosexuality, his Scottish heritage and accent, and the belief of some, despite his denials, he secretly preferred the Civil Law of Scotland over England's Common Law. Perhaps he did prefer the Civil Law. So what? No crime.

But after reading some of James's speeches, especially to his judges, I concluded that the criticism of some historians reflected a lot of staid British prejudice.

My political prejudice prompts me to applaud James's advice to his eldest son Prince Henry we see in *Basilkon*

Doron, Or His Majesties Instructions To His Dearest Sonne, Henry The Prince, that James wrote and privately published in 1599:

" . . . Keepe sepecially three rules with you Wife; first, suffer her never to meddle with the politicke govenment of the Commonweale, but holde her at the Oeconomicke rulē of the house; and yet all to be subject to your direction . . ."

Thomas Blount born in 1618, seven years after Cowell's death, was an English Common Law lawyer who wrote on legal and various other subjects.

Blount's Preface to his English Law Dictionary, *NOMO-LEXICON*, published in 1607 and again in 1691, includes some unflattering observations about Dr. Cowell, *THE INTERPRETER*, and authors of other law dictionaries.

I find some of Blount's prefatory remarks, while quite informative, to be most amusing.

For example:

"My Genius has also led me {though sometimes diverted} to this kind of search these thirty years, as my Glossographia will in some measure witnes; For, whil'st my Contemporaries studied the Law it self, and gain'd Riches, I was hunting after the difficult and uncuth Terms of it, and got nothing, but my own satisfaction."

In expressing hope he will not be censured for "mistakes" he says:

" . . . even Sir Edward Coke has err'd (pardon the boldness of that word . . . "

The following is the complete text of James's Proclamation:

"By the King.

"THIS later age and times of the world wherein we are fallen, is so much given to verball profession, aswell of Religion, as of all commendable Morall vertues, but wanting the actions and deedes agreeable to so specious a profession, as it hath bred such an insatiable curiosity in many mens spirits, and such an itching in the tongues and pennes of most men, as nothing is left unsearched to the bottome, both in talking and writing. For from the very highest mysteries in the Godhead and the most inscrutable Counsels in the Trinitie, to the very lowest pit of Hell, and the confused actions of the divils there, there is nothing now unsearched into by the curiositie of Mens braines. Men not being contented with the knowledge of so much of the Will of God as it hath pleased him to reveale: but they will needs fit with him in his most privie Closet and become privie of his most inscrutable Counsels. And therefore it is no wonder, that men in these our dayes doe not spare to wade in all the deepest Mysteries that belong to the Persons or State of Kings or Princes, that are Gods upon Earth: since we see (as we have already said) that they spare not God himselfe. And this Licence that every Talker or Writer now assumeth to himself, is come to this abuse, that many Phormios will give Counsel to Hannibal, and many Men that never went out of the compasse of cloisters or Colleges will freely wade by their writings in the deepest mysteries of Monarchie and politique government: Whereupon it cannot otherwise fall out, but that when men goe out of their element, and meddle with things above their capacitie; themselves shall not onely goe astray and stumble in darknesse, but will mislead also divers others with themselves into many mistakings and errors; the proof whereof wee have lately had by a Book written by Doctour Cowell, called The Interpreter: For he being only a civilian by profession, and upon that large ground of a kinde of Dictionary (as it were) following the Alphabet, having all kind of Purposes belonging to Government and Monarchie in his way, by meddling in matters above his reach, he hath fallen in many Things to mistake and deceive himself: In some things disputing so nicely upon the Mysteries of this our Monarchie, that it may receive doubtful interpretations: yea in some points very derogatory to the supreme Power of this Crowne: In other cases mistaking the true state of the Parliament of this Kingdome, and the fundamental Constitutions and privileges thereof: And in some other points speaking unreverently of the Common Law of England, and the works of some of the most famous and antient Judges therein: it being a thing utterly unlawfull to any Subject, to speak or write against that lawe under which he liveth, and which we are sworne and are resolved to maintaine. Wherefore upon just*

considerations moving us hereunto, for preventing of the sayd errors and inconveniencies in all times to come, we doe hereby not onely prohibit the buying, uttering, or reading of the sayd Books, but do also Will and straitly command all and singular persons whatsoever, who have or shall have any of them in their hands or custody, That upon paine of our high displeasure and the consequence thereof, they doe deliver the same presently upon this publication to the Lord Maior of London, if they or any of them be dwelling in or neere the said Citie, or otherwise to the Sheriffe of the County where they or any of them shall reside, and in the two Universities to the Chancellour or Vice-chancellour there, to the intent that further order may be given for the utter suppressing thereof. And because there shall be better oversight of Books of all sorts before they come to the Presse, we have resolved to "make choice of Commissioners, that shall looke more narrowly into the nature of all those things that shall be put to the Presse, either concerning our Authoritie Royall, or concerning our government, or the Lawes of our Kingdome, from which a more strict account shall be yeilded unto us, then hath bene used heretofore.

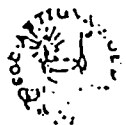
"Given at our Palace of Westminster the 25, day of March,
in the eight yeere of our Reigne of Great Britaine, France and
Ireland.

God save the King.

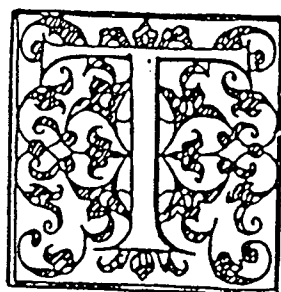
Imprinted at London by Robert Barker, Printer to the
Kings most Excellent Majestie. Anno Dom. 1610."

*Phormio. A hanger-on, a toady, sycophant.

bouch.pro



By the King.



His later age and times of the world wherein we are fallen, is so much gluen to verball p[ro]fession, as well of Religion, as of all commendable w[or]shipp[er]s, but wanting the actions and deedes agreeable to the same, as it hath byed such an insatiable curiositie in many mens spirits, and such an itching in the tongues and penne of inuol men, as nothing is left vnsearched to the bottome, both in talking and writing. For from the very highest mysteries in the Godhead, and the most inscrutable Councils in the Trinitie, to the very lowed pie of Hell, and the confused actions of the diuels there, there is nothing now vnsearched into by the curiositie of mens byaites: When not being contented w[ith] the knowledge of so much of the will of God, as he hath pleased him to reueale: but they will needs see w[ith] him in his most p[ri]uie Closet, and become p[ar]t of his most inscrutable Councils: And therefore it is no wonder, that men in these our ages doe not spare to wade in all the deepest mysteries that belong to the persons of State of Kings or Princes, that are gods vpon Earth: since we see, (as we haue already said) that they spare not God himselfe. And this licence that euery talker or w[ri]ter now assumeth to himselfe, is come to this abuse, that many Phormio's will giue counsell to Hannibal, and many men that neuer went out of the compasse of Cloisters or Colledges, will scrip wade by their w[ri]tings in the deepest mysteries of Monarchie and politique government: whereupon it cannot otherwise fall out, but that when men goe out of their element, and meddle w[ith] things aboue their capacitie: themselves shall not onely goe astray, and vnbable in darkness, but will mislead also diuers others w[ith] themselves into many misadings and errors: The p[ro]ofe whereof wee haue lately had by a Booke w[ri]tten by Doctour Cowell, called *THE LAWES OF THE KINGES*: For he being onely a Civilian by profession, and vpon that large ground of a kinde of Dictionary (as it were) following the Alphabet, hauing all kind of purposes belonging to Government and Monarchie in his way, by meddling in matters aboue his reach, he hath fallen in many things to mistake and deceiue himselfe: In some things disputing so nicely vpon the Mysteries of this our Monarchie, that it may receiue doubtful interpretations: yea in some points very derogatory to the supreme power of this Crowne: In other cases mistaking the true Date of the Parliament of this Kingdome, and the fundamentall Constitutions and p[ri]uiledges thereof: And in some other points speaking vncouerently of the Common Law of England, and of the w[or]ks of some of the most famous and ancient Judges therein: It being a thing bitter vnlawfull to any Subject, to speake or w[ri]te against that lawe vnder which he liueth, and which we are forborne and are resolved to maintaine. Wherefore, vpon full considerations mouing vs hereunto, for p[re]uenting of the sayd errors and inconueniencies in all times to come, we doe hereby not onely prohibit the buying, selling, or reading of the sayd Booke, but doe also will and grauely commaund all and singular persons whatsoever, who haue or shall haue any of them in their hands or custody, That vpon paine of our high displeasure, and the consequence thereof, they doe deliuer the same presently vpon this publication, to the Lord Mayor of London, if they or any of them be dwelling in or nere the sayd Citie, or otherwise to the Sheriffe of the Countie where they or any of them shall reside, and in the two vniuersities to the Chancellors or vicechancellors there, to the intent that further order may be giuen for the better suppressing thereof. And because there shall be better ouersight of Booke of all sorts before they come to the p[re]sse, we haue resolved to make choice of Commissioners that shall looke more narrowly into the nature of all those things that shall be put to the p[re]sse, either concerning our Authortie w[or]shipp, or concerning our government of the Lawes of our Kingdome, from whom a more strict account shall be required vnto vs, then hath bene vsed heretofore.

Given at our Palace of Westminster, the 15. day of March, in the eight yere of our Reigne of Great Brittain, France and Ireland.

God saue the King.

Imprinted at London by Robert Barker, Printer to the Kings most Excellent Maieslie. Anno Domini. 1610.

Dr. John Cowell (1554-1611)

[cowell.mac]

Cowell was born in Devonshire in 1554, attended Eton School and Cambridge. He served as Regius Professor of Civil Law at Cambridge 1594 until his death in 1611, shortly after his denouncement by King James.

Regius Professor is defined in *Interpreter*:

"Regius Professor, Anno 12 Car.2. cap. 17, Henry the Eighth founded five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law and Physick. The Readers of which lectures are called in the University Statutes, Regii Professores"

A modern Dictionary's definition of Regius Professor is:

"Royal professor (1621) a holder of a professorship founded by a royal subsidy at a British university."

Henry VIII founded the professorship of civil law at Cambridge, in 1540, partly no doubt, to demonstrate his displeasure at the Canonists. many of whom had proved less than cooperative in matters of divorce.

Cowell became a member of Doctors Commons in 1584, served as Master of Trinity Hall 1598, and Vice Chancellor of Cambridge 1603 and 1604. Richard Bancroft, then Bishop of London, persuaded him to study civil law and to write *Interpreter*. Cowell in turn dedicated *Interpreter* to Bancroft who had become Archbishop of Canterbury in 1604. Cowell practiced as an Advocate in the Court of Arches and served as Vicar-General of Archbishop of Canterbury, 1608-1611.

From what we see in his will, apparently he never married. Brian Levack in his *The Civil Lawyers in England 1603-1641 A Political Study*, Oxford at the Clarendon Press, 1973, said Cowell left by his will land in Landkey to his brother Simon, a Manor to nephew John Allen, a house to Trinity Hall to support logic lectures, and books in civil and canon law to Trinity College Library, and for the discharge of a debt of a friend, Dr. Mountlowe, he left 30 pounds sterling.

Charles Howard McIlwain's "The Political Works of James I," 1918, reprinted in 1994 by Legal Classics Library, Includes as Appendix B: "*Cowell's Interpreter*."

A special edition of McIlwain's book has been printed by The Legal Classics Library, Division of Gryphon Editions, 133 East 38th Street, New York, New York, 10016

COWELL (JOHN) Gardener.

Cereus, or Torch-Thistle, which have likewise put forth their blossoms in Mr. Cowell's said garden, *etc.* pp. 44. T. Warner: London, 1729. 8°. B. 118. (5.)

— [Another copy.] 866. f. 23. (4.)
With two plates, published subsequently to the text, inserted.

COWELL (JOHN) LL.D. Anti Sanderus duos continens dialogos non ita pridem inter viros quosdam doctos Venetiis habitos: in quibus variae Nicholai Sanderi aliorumque Romanensium calumniae . . . refelluntur. [By J. Cowell. The editor's dedicatory epistle signed: A. L.] pp. 200. 1593. 4°. See SANDERS (Nicholas)

C. 110. f. 41. (2.)

— [Another copy.] C. 110. f. 40. (2.)

— [Another copy.] C. 28. l. 4.

— Institutiones Iuris Anglicani ad methodum et seriem Institutionum Imperialium compositae & digestae. Opus non solum iuris Anglicani Romaniq; in hoc regno studiosis, sed omnibus qui *politeiæ* & consuetudines inclyti nostri Imperii penitus scire cupiunt vtile & accommodatum . . . Cum duplici indice, *etc.* pp. 268. Ex Officina Iohannis Legat: Cantabrigiæ, 1605. 8°. 1607/2496

— [Another copy.] 883. d. 17.

— [Another edition.] 1630. 8°. 1607/1640

— [Another edition.] pp. 273. Cura & impensis W. Hall, pro E. Forrest in Oxon, 1664. 12°. 6148. a. 5.

— [Another edition.] pp. 248. Excudebat Hen. Hall impensis Ed. Forrest: Oxoniæ, 1676. 12°. 1380. a. 20.

— The Institutes of the Lawes of England, digested into the Method of the Civill or Imperiall Institutions . . . Written in Latine by John Cowel . . . And translated into English according to Act of Parliament, for the benefit of all. By W. G. Esquire. pp. 283. Tho. Roycroft for Jo. Ridley: London, 1651. 8°. 1379. a. 20.

— The Interpreter: or Booke containing the Signification of Words: Wherein is set forth the true meaning of all, or the most part of such words and termes, as are mentioned in the lawe writers, or statutes of this victorious and renowned kingdome, requiring any exposition or interpretation, *etc.* Iohn Legate: Cambridge, 1607. 4°. 507. d. 14.

— The interpreter. Cambridge 1607. Amsterdam: Theatrum Orbis Terrarum; New York: Da Capo Press, 1970. ISBN 90 221 0231 0 1653/231

Pages not numbered. 23 cm. (The English experience. no. 231.) Δ

A facsimile. Made from a copy in the library of King's College, Cambridge.

— The interpreter, 1607. Mendon: Scolar Press, 1972. ISBN 0 85417 647 0 X 961/3122

Pages not numbered. 24 cm. (English linguistics, 1600-1800. no. 318. □

Made from a copy in the Bodleian Library.

— [Another edition.] FEW MS. NOTES. William Sheares: London, 1637. 4°. 507. d. 16.

— [Another edition.] The Interpreter: or Booke, containing the signification of words, *etc.* Printed for William Sheares: London, 1637. 4°. 1488. gg. 44.

— [Another issue.] L.P. London, 1637. 4°. C. 108. d. 22.

With a different setting of type in the preliminary leaves. In a contemporary gold-tooled calf binding.

— [Another edition.] Printed by F. Leach; sold by Hen. Twyford, Tho. Dring, & Jo. Place: London, 1658. fol. 515. k. 29.

COWELL (JOHN) LL.D.

— [The Interpreter.] *Nomothetis*. The Interpreter . . . First compiled by the learned Dr. Cowel, and now enlarged from the collections of all others who have written in this kind . . . Whereunto is subjoyned an appendix, containing the ancient names of places here in England . . . By Tho. Manley. Printed by J. Streater, for H. Twyford, G. Sawbridge, J. Place, and T. Basset: London, 1672. fol. 1487. k. 31.

— [Another edition.] *Nomothetis*. The Interpreter . . . First compiled by . . . Dr. Cowel, and now enlarged from the collections of all others who have written in this kind . . . Whereunto is subjoyned, an Appendix, containing the ancient names of places here in England . . . The second edition, wherein many errors and mistakes in the former are corrected. By Tho. Manley. Printed by the Assigns of Richard Atkins Esq; & Sir Edward Atkins Knight, for H. Twyford, Tho. Basset, J. Place, & H. Sawbridge: London, 1684. fol. 514. k. 29.

— The Interpreter of Words and Terms . . . First publish'd by . . . Dr. Cowel . . . and continu'd by Tho. Manley . . . Now further augmented and improv'd, by the addition of many thousand words . . . not hitherto explain'd

in any dictionary. (By White Kennet.) MS. NOTES (by E. Bentham and Sir H. Ellis). J. Place; A. & J. Churchill; R. Sare: London, 1701. fol. 507. i. 8.

The MS. notes by Sir H. Ellis were transcribed by him from those of Bishop Tanner in the copy in the Bodleian Library.

— [Another edition.] A Law Dictionary: or, the Interpreter of Words and Terms . . . Now very much augmented and improv'd, by the addition of many thousand words . . . to the year 1708, *etc.* FEW MS. NOTES. D. Browne, *etc.*: London, 1708. fol. 21. d. 10.

— [Another edition.] Printed by E. & R. Nutt, & R. Gosling, for J. Walthoe, *etc.*: In the Saovoy, 1727. fol. 510. i. 22.

— See BLOUNT (Thomas) A World of Errors discovered in the New World of Words (by E. Phillips) . . . And in Nomothetes, or the Interpreter of Law-words and terms [i.e. the revised edition by T. Manley of J. Cowell's "The Interpreter"]. 1673. fol. 5805. f. 22.

— A Law Dictionary. See supra: The Interpreter, *etc.*

— *Nomothetis*. See supra: The Interpreter, *etc.*

COWELL (JOHN) a Servant of Jesus Christ.

— See STENNET (Edward) The Insnared taken in the Work of his Hands; or an Answer to Mr. John Cowell his book, entituled, The Snare broken, *etc.* 1679. 8°. 1471. de. 11.

The Snare broken: being a true and faithful account of the authors grounds for his leaving off the observation of the Sabbath of the First or Old Covenant, *etc.* pp. 152. E. Brewster: London, 1677. 8°. 4355. aa. 11.

COWELL (JOHN JERMYN) The Graian Alps and Mount Iseran. See GALTON (Sir Francis) Vacation Tourists and Notes of Travel in 1860, *etc.* 1861. 8°. 2352. e. 6.

COWELL (JOHN STEPNEY) afterwards COWELL-STEPNEY (Sir JOHN STEPNEY) Bart. Leaves from the Diary of an Officer of the Guards [i.e. J. S. Cowell, afterwards Sir J. S. Cowell Stepney]. pp. viii. 296. 1854. 8°. See LEAVES. 1323. b. 2.

COWELL (JOHN WELSFORD) France and the Confederate States. pp. 37. Robert Hardwicke: London, 1865. 8°. 8177. aaa. 84. (9.)

— La France et les Etats Confédérés. pp. 30. Paris, 1865. 8°. 8177. d. 84. (8.)

cobkword.1

Dr. Cowell's definition of KING in 1607 edition of *Interpreter*:

"King (Rex) is thought by M. Camden in his *Britan.* pag.105 - to be contracted of the Saxon word *Cyninge*, signifying him that hath the highest power & absolute rule over our whole Land, and thereupon the King is in intendment of Lawe cleared of those defects, that common persons be subject unto. For he is alwaies supposed to be of full age, though he be in yeares never so young. *Cromptons Jurisdiccions.* fol. 134. *Kitchin.* fol. i. He is taken as not subject to death, but is a Corporation in himselfe that liveth ever. *Crompton ib idem.* Thirdly, he is above the law by his absolute power. *Bracton lib. pri cap. 8. Kitchin fol. 1.* and though for the beter and equall course in making Lawes he doe admitte the 3 estates, that is, Lords Spirituall, Lords temporall, and the Commons unto Councell; yet this, in divers learned mens opinions, is not of constreinte, but of his owne benignitie, or by reason of his promise made upon oath, at the time of his coronation.

"For otherwise were he a subject after a sort and subordinate, which may not bee thought without breach of of duty and loyaltie. For then must we deny him to be above the lawe, and to have no power of dispensing witht any positive lawe, or of graunting especiall priviledges and charters unto any, which is his onely and cleare right, as Sir Thomas Smith well expresseth *lib. 2 cap. 3. de Reput. Anglican and Bracton, lib. 2. cap. 16 num. 3. and Britton, cap. 39.* For hee pardoneth life and limme to offendours against his crowne and dignitie, except such as he bindeth himself by oath not to forgive. *Stawnf. pl. cor. lib. 2. cap. 35. And Habet omnia iura in manu sua. Bracton, lib. 2. cap. 24. num.prim.*

"And though at his coronation he take an oath not to alter lawes of the land: Yet this oath notwithstanding, hee may alter or suspend any particular lawe that seemeth hurtfull to the publike estate. *Blackwood on Apologia Regum, c.1 1. See Oath of the king.* Thus much in short, because I have heard some to be of opinio,' that the lawes be above the king. But the kings oath of old you may see in *Bracton, lib.3.cap. 9. nu. 2.* for the which looke in Oath of the King. The kings oath in English, you may see the old abridgement of Statutes, *titulo, Sacram. Regis.* Fourthly, the kings only testimonie of any thing done in his presence, is of as high nature and credit as any Record. Whence it cometh, that in all writs or precepts sent out for the dispatch of justice, he useth none other witsse but himself, alwaies using these words under it, *Teste me ipso.* Lastly, he hath in the right of his crowne many prerogatives above any commone person, be he never so potent or honourable; whereof you may reade your fill in *Stawns. tractate upon the Statute thereof made, anno 17. Ed. 2.* though that containe not all by a great number. What the kings power is, reade in *Bracton. lib. 2. cap. 24. nu.prim & 2.*

make good a doctrine; And of these two one must needs be true, that either the king is above the Parliament, that is, the positive lawes of his kingdome, or els that he is not an absolute king. Aristotle lib. 3. Politico. cap. 16. And therefore though it 'be a mercifull policie, and also a politique mercie (not alterable without great perill) to make lawes by the consent of the whole Realme, because so no one part shall have cause to complaine of a partialitie; yet simply to bind the prince to or by these lawes, were repugnant to the nature and constitution of an absolute monarchy. See Bracton.lib.5. tract. 3.ca.3.nu.3. and Cassan de consuet:Burg. pag. 335. and Tiraquel. in his book De Nobilitate, cap. 20. pag.68.nu. 26. See the statute anno 3 1 H.8.cap. 8. in proximo . and many excellent men more that handle this point. That learned Hotoman in his Francogallia, doth vehemently oppugne this ground, as some other that write in corners; but he is so cleane overborne by the pois of reason, that not onely many meaner men for learning triumph over him in this case, but himselfe, as I have credibly hard, upon the sight of his fault, cried God and the world for mercie for his offence, in writing that erroneous and seditious booke. The Emperours of Rome had their semestria consilia & their praetorium or place of councill, builded by Augustus in his palace, and thereupon called (palatium) afterward termed (consistorium) where they, as in their principall court, did both determine the greatest sort of their causes , And heere had they assisting them many of the wisest of their empire; whome Augustus first called (consiliariou,) Alexander Severus afterward (seriniorum principes) others after that (palatinos) and then (comites consistorianus) And these men in this respect, were indeed with great honour, and enjoyed many privileges. Yet were they but assistants to the Emperour to advise him, not chalenging any power over him, or equal with him. More touching the course and order of this Parliament, see in Cromptons Jurisdict.fol.pri. & segg, and Vorell, alias Hooker, in his booke purposely writen of this mater. See King.

Dr. Cowells definition of SUBSIDY (Subsidie) in 1607 edition of Interpreter.

"Subsidie, (subsidiium) commeth of the French (subside) signifying a taxe or tribute assessed by Parliament, and graunted by the commons to be levied of every subject, according to the value of his lands or goods after the rate of 4. shillings in the pound for land, and 2 shillings 8. pence for goods, as it is most commonly used at this day. Some hold opinion, that this subsidie is graunted by the subject to the Prince, in recompense or consideration, that whereas the Prince of his absolute power, might make lawes himselfe, he doth of favour admit the consent of his subjects therein, that all things in their owne confession may be done with the greater indifferenc.

"The manner of assessing every mans lands or goods, is this: first, there issueth a Commission out of the Chauncerie to some men of honour or worship in every Countie, by vertue thereof to call unto them, the head Constables or Bayliffes of every Hundred, and by them the Constable and the three or foure of the substantiallest householders in every town within their hundred at a day certaine which men so called or so many of them as the Commissioners thinke good to use, do rate the inhabitants of their owne towne, in such maner, as they find meete, yet by the discretion of the said Commissioners.

"And then every man after his value set downe, must at his time pay to the Collectour appointed, after the rate aforesaid. Yet in auncient time, these subsidies seeme to have beene graunted both for other causes as in respect of the Kings great travell, and expences in warres, or his great favours toward his subjects; as also in other maner then now they be, as every ninth Lambe, every ninth fleece, and every ninth sheafe. anno 14.Ed.3.stat.prim.cap.20. And of these you may see great varietie in Rastalls Abridgement tit. Taxes, Tenth, Fifteenths Subsidies,&. whence you may gather that there is no certaine rate, but even as the two houses shall thinke good to conclude. Subsidie is in the statute of the land, sometime confounded with custome. anno 11 H.4.cap.7. See Benevolence..

Dr. Cowell's definition of PARLIAMENT (Parlament) in 1607 edition of *Interpreter*.

"Parlament (*parlamentum*) is a French word signifying originally as much as (*Co'locutio*) or (*colloquium*) but by use, it is also taken for those high courts of justice throughout the kindome of Fraunce, where mens causes and difference are publikely determined without farder appeale. whereof there be seven in number: as Paris, Tolouse, Gresnoble in Daulphene, Aix in Provence, Boardeaux, Diion in Bourgogine, and Roan in Normandy. Nincentius Lupanus de Magistrat. Franc. lib. 2. cap. *Parlamentiem*. num. 28. whereunto Gerard de Haillon addeth the eighth. viz. Rhones in Bretagne.

"In England we use it for the assembly of the king and the three estates of the Realme, videlicet . the Lords Spirituall, the Lords Temporall, and commons, for the debating of maters touching the common wealth, and especially the making and correcting of lawes, which assembly or court is of all other the highest, and of greatest authoritie, as you may reade in Sir Thomas Smith. de Repub. Anglo lib.2.cap.1 & 2. Camd. Britan.pag. 112. and Crompton Jurisd. fol.pri & segg. the institution of this court Polydor Virgilib. 11. of his Chronicles, referreth after a sort to Henry the first; yes confessing that it was use before, though verie seldome. I find in the former prologue of the Grande Customarie of Normandie, that the Normans used the same meanes in making their lawes. And I have seene a monument of Antiquite, shewing the maner of houlding this parlement in the time of King Edward the sonne of Etheldred, which (as my note saith, was delivered by the discreeter sorte of the Realme unto William the Conquerour, at his commaundement, & allowed by him. This writing beginneth thus.

"*Rex est caput, principium, & finis parlamenti, & ita non habet parem in suo gradu. Et sic ex Kege solo primus gradui est. Secur.due gradus est ex Archiepiscopis, Episcopis, Abbatibus, Prioribus per Baronia tenentibus. Tertius gradus est, de procuratoribus cleri. Quartus gradus est de Comitibus, Baronibus, & alus Magnatibus. Quinthus gradus est de militibus Comitatum Sextus gradus est de civibus & Burgenfibus & ita est parlamentum ex sex gardibus. fed sciendum, licet aliquis dictorum quin'g graduum post Regem absens fuerit, dunatamen omnes pramoniti suerint per rationabliles summonitiones, parlamentum nibilo minus censetur ess plenum.*

"Touching the great authoritie of this court, I finde in Stowes Annalls, pag. 660. that Henry the sixth directing his privie seal to Richard Earle of Warwick, thereby to discharge him of the Captainship of Cales, the Earle refused to obey the privie seale, and continued forth the said office, because he received it by Parlament. But one example cannot

make good a doctrine; And of these two one must needs be true, that either the king is above the Parliament, that is, the positive lawes of his kingdome, or els that he is not an absolute king. Aristotle lib. 3. Politico. cap. 16. And therefore though it be a mercifull policie, and also a politique mercie (not alterable without great perill) to make lawes by the consent of the whole Realme, because so no one part shall have cause to complaine of a partialitie; yet simply to bind the prince to or by these lawes, were repugnant to the nature and constitution of an absolute monarchy. See Bracton.lib.5. tract. 3.ca.3.nu.3. and Cassan de consuet:Burg. pag. 335. and Tiraquel. in his book De Nobilitate, cap. 20. pag.68.nu. 26. See the statute anno 3 1 H.8.cap. 8. in proximo . and many excellent men more that handle this point. That learned Hotoman in his Francogallia. doth vehemently oppugne this ground, as some other that write in corners; but he is so cleane overborne by the pois of reason, that not onely many meaner men for learning triumph over him in this case, but himselfe, as I have credibly hard, upon the sight of his fault, cried God and the world for mercie for his offence, in writing that erroneous and seditious booke. The Emperours of Rome had their semestria consilia & their praetorium or place of councell, builded by Augustus in his palace, and thereupon called (palatium) afterward termed (consistorium) where they, as in their principall court, did both determine the greatest sort of their causes , And heere had they assisting them many of the wisest of their empire; whome Augustus first called (consiliariou,) Alexander Severus afterward (seniorum principes) others after that (palatinos) and then (comites consistorianus) And these men in this respect, were indeed with great honour, and enjoyed many privileges. Yet were they but assistants to the Emperour to advise him, not chalenging any power over him, or equal with him. More touching the course and order of this Parliament, see in Cromptons Jurisdict.fol.pri. & segg, and Vorell, alias Hooker, in his booke purposely written of this mater. See King.

COWELL'S "definition" of Littleton.

L I

Theol's digest of writs lib. 10. cap. 2. So it is vsed in the old. nar. br. fol. 77. in these words: the writ de consuetudinibus & sermibus lyeth, where I or mine Auncelers after the limitation of Assise, were not seised of the Customes, &c. But before the Limitation of Assise wee were seised, &c.

Lindwood, was a Doctor of both Ciuill and Canon lawes, and Deane of the Arches, he was Embassadour for Henry the fiue into Portugall, anno 1422. as appeareth by the preface to his commentarie vpon the Provincialls.

Littleton, was a lawyer of great accompt, liuing in the daies of Edward the fourth, as appeareth by *Stamf. prerogati: cap. 21. fol. 72.* he wrote a booke of great accompt, called *Littletons tenoures*, which *Hotoman* in his commentary *de verbis feudilibus. verb. Feudum*, thus commendeth. *Stephanus Pasquierius excellens vir ingenio, & inter Parisienses causidicos dicendi facultate praestans, libellum mihi Anglicanum Littletonum dedit, quo Feudorum Anglicorum iura exponuntur, ita incondite, absurde, & inconcinne scriptum, ut facile appareat verum esse, quod Polidorus Virgilius in Anglica historia scribit, stultitiam in eo libro cum malitia & calumniandi studio certare.*

Litera ad faciendum assorna-

L I

tum pro secula facienda: see in the Regist: originall, fol. 172. Litera de annua pensione, eodem, 266. & 307. Litera patens ad faciendum generale assornatum quia infirmus, eodem, fol. 21. Litera per quam dominus remittit curiam suam Regi, eodem, fol. 4. Litera de requestu, eodem, fol. 129. Litera canonici ad exercendam iurisdictionem loco suo, fol. 305. Litera patentes ad conferendum beneficia, domo in remotis agente, fol. 305. Litera ad innovandum recuperationem Regis de ecclesia omnibus quorum interest, fol. 305. Litera patentes regis quod Abbas ad totam vitam suam possit facere Assornatos generales, f. 21. Litera procuratoria, fol. 205. 306. Litera Regia deprecatorie pro annua pensione, fol. 307. All these you may see in their places, & vnderstand the meaning of them, as occasion shall require.

Livree (Liberatura) is drawne from the French (*livree i. msigne, gestamen, Censurale discrimen, nota censurialis, surmalis*) or els from (*livrer. i. tradere*) and accordingly hath 3. significations. In one it is vsed for a suite of cloth or other stulle, that a gentleman giueth in coates, cloakes, hats or gownes, with cognisance or without, to his seruants or followers, anno 1. *Rich. 2. cap. 7. & anno 20. eiusdem, cap. 1. & 2. & anno 7. El. 4. ca. 14. &*

ANNO

J. G. Marvin's LEGAL BIBLIOGRAPHY or a THESAURUS of AMERICAN, ENGLISH, IRISH AND SCOTCH LAW BOOKS. 1847 states the following about Dr. John Cowell, author of THE INTERPRETER, Cambridge, 1607

COW

COVENTRY, T. Concise Forms in Conveyancing. 4th ed. 12mo. London. 1831.

COVERT, NICH. The Scrivener's Guide. Being choice and approved Precedents of all sorts of Business, now in use and Practice. 5th ed. much enlarged, particularly relating to Bankruptcy, and the whole made agreeable to the present Practice. 3d ed. 2 vols. 8vo. London. 1740.

COWELL, JOHN. Institutiones juris Anglicani ad Methodum et Seriem Institutionum Imperialium compositæ et digesta. 8vo. Cantab. 1664, 1651, 1630, 1605.

Dr. Cowell's work is written after the method of Justinian's Institutes, "with the view that in the Universities where the Civil Law was taught, the transition might be made more easy to an acquaintance with the municipal law." The author was well skilled in both the common and civil law, and he is one of the very few writers upon English jurisprudence who has written in Latin. His work is founded upon the old Feudal Tenures, such as the law of wards and liveries, tenures in capite, and knight service, which he has treated with considerable ability in "elegant Latin, but it has passed, with the learning which it contains, into almost total oblivion." It was, however, so highly esteemed during the Commonwealth, as to have had the honor of being translated into English by order of Parliament, by W. G. 8vo., London, 1651. 1 Kent's Com. 508; Blax. Codex. 146; Prof. Wood's Civil Law, 88; Prof. Blackstone's Analysis, 6; Prof. Gregor's Fortescue, 17.

—————. A Law Dictionary; or the Interpreter of words and terms used either in the Common or Statute Laws of England, and in Tenures or jocular Customs; much augmented and improved. With an Appendix, containing two Tables: one, of the Ancient Names and Places in Great Britain, the other, of the Ancient Surnames. fol. 1607, 1609, 1638, 1672, 1684, 1701, 1708, 1727.

The Interpreter was written at the suggestion of Bishop Bancroft, and is an enlargement of a Treatise ascribed to Fitzherbert, entitled "*Les Termes de la Ley*." It was the misfortune of Cowell to live in tyrannical times, and some of the author's enemies, among whom were Sir Edward Coke, discovered that the Interpreter contained what they represented to be dangerous doctrines, under the titles *Subsidy*, *Parliament*, *King*, *Prohibition*, &c. One of the crimes laid to Cowell's charge, "was his vilifying the laws of England, and endeavoring to expose *Milton's Tenures*; whereas, in truth, all that could justly be charged

COW

on him (as to this particular,) was only a modest recital of Hottoman's raillery and objections; under the word Littleton." But this, together with Coke's proverbial hatred of the civilians, was enough to excite his deep and continued animosity towards Cowell, who, chiefly through Coke's influence, was thrown into prison, threatened to be hanged, and his Interpreter was suppressed by a royal proclamation and publicly burned; "for which the Commons returned thanks with great joy at their victory."

The edition of 1638 is purged from the objectionable passages. The Interpreter, by Thomas Manley, in 1672, and by several anonymous editors since that time, has been considerably enlarged. Selden and other writers, of, and since his time, have freely used the work, and previous to Jacobs' it was the best existing Law Dictionary. "With the exception of the prerogative doctrines in Cowell's Interpreter, it is a useful work, and is an excellent glossary to Coke Littleton and the old law books, and will be found of considerable utility to a modern student of English law and antiquities."

1 Hall. Const. His. 444; Eunomus, 126; Biog. Brit. art. Cowell; 1 Kent's Com. 508; Gregor's Fortescue, Pref. 17; 3 Nic. Hist. Lib. 177; 2 L. M. 513.

DR. COWELL'S INSTITUTIONES

Dr. Cowell published INSTITUTIONE in 1605. --

The handwritten manuscript, in Latin, used by the printer of iNSTITUTIONE is in the Library of Trinity Hall, Cambridge.

Following are:

1. Title page of 1605 edition of INSTITUTIONES and a page of its Preface
2. Title page of 1651 edition of INSTITUTIONES.
3. Preface of 1651 edition of INSTITUTIONES titled:
"THE Institutes of the Lawes of ENGLAND
4. Table of general heads contained in 1651 edition
5. Page of 1651 edition titled:
"The First Booke of the Institutes of the Lawes of ENGLAND."

NOTE: Item "2" of the above page states:

"2. The Precepts of the Law are these, To live honestly, to doe no injury to any one, and to render every one their due."

INSTITVTIONES
IVRIS ANGLICANI AD METHO-
DVM ET SERIEM INSTITVTIONVM
IMPERIALIVM COMPOSITAE

Francis & digeste. Harpocratione

OPVS NON SOLVM IVRIS ANG-
licani Romaniq; in hoc regno studiosis, sed omnibus

qui potestates & consuetudines incliti nostrae

Imperii perpetuis ferre cupiunt, utile

faccommodatum.

AVTHORE IOHANNES COVELLO
IVRIS CIVILIS DOCTORE, ET IN

Academiae Cantabrigiae professore

Regio.

Cum duplici Indice, quorum alter titulos ordine Alphabetico,
alter oblectus iuris Ang. dictiones Cantab.

explicationem continet.

Parte dictionum Cantabrigiae, et dictionum Regiae.

Theophilus cap. 1.

IN
CANTABRIGIAE
EX OFFICINA IOHANNES LEGAT.
MDCV

*Estant Londini apud Simonem Waterson ad ingressum Carcerum
in Coemeterio D. Pauli.*



VIRO ILLUSTRIS-

SIMO, SVOQUE DOMINO BE-

NIGNISSIMO HENRICO HOWARDO,

Comiti Northamptonensi, Baroni de Mambil,

quinq; Portuum praefecto, Equiti de honorifica Gra-

ecii ordine, & serenissimi IACOBI Regis Consiliario

dignissimo, omnino honoris & felicitatis incre-

mentum optat. I. G. 1633.



Aspe multumq; intransolito

(illustissime Howarde) vnde

orientur aperte arte & inve-

teratae similitates, quas iam

diu legunt Anglicarum pro-

fessores, & iuris imperatorij

in hoc regno studiosi invicé

exercuerunt. Sed re penitus inspectâ, nullam

tante invidia causam tandem inveni præter pri-

vatum commodum. Postquam enim aliquot an-

nos in harum scientiarum comparatione posuis-

serunt eadem vtriusq; fundamenta, easdem re-

rum definitiones divisionesque, consentaneas

planè regulas, similia ferè scita solâ idiomatis ac-

que methodi varietate disparata animadverti: &

legem nostram communem (quam dicimus) ni-

THE INSTITUTES OF THE

Institutes of the Lawes

O F

ENGLAND,

Digested into the Method of the
Civill or Imperiall Institutions.

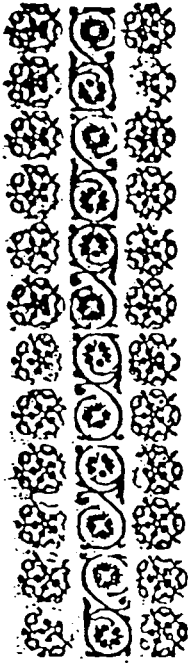
USEFUL FOR ALL GEN-
tlemen who are Studious, and desire
to understand the Customes of this
Nation.

*Written in Latine by JOHN COWEL, Doctor of
the Civill Law, and Regius Professor in the Univer-
sity of Cambridge.*

AND TRANSLATED INTO
ENGLISH, ACCORDING TO
ACT OF PARLIAMENT, FOR
THE BENEFIT OF ALL.

By W. G. Esquire.

London, Printed by Tho: Roycroft for
Ridley, at the Castle in Fleet Street, by
Ram Alley, 1651.



THE PREFACE.

THE Eminency of our Author
is so well knowne to this pre-
sent Age, that it were to little
purpose for me to imagine, that what I
am able to say, would add any thing to
his Glory. Only this, his too much cry-
ing up Parliament Priviledges, rendered
him not so much a favourite of those
former times as his worth merited;
nor his Bookes so vendible as they have
been since these late changes in Eng-
land: And therefore though this Trea-
tise

The Preface.

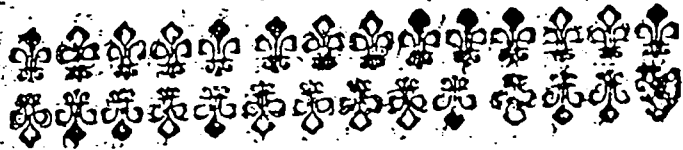
tise be of the Lawes of England, since himselfe was so good a Common wealths man, I hope, for the Authors sake it will find no less acceptance in the English World, then if he had lived to maintaine what he in that Age durst avow; and thereby appeared in his owne small and proper colours. If in any thing I have erred in this Translation, Charity can pardon me, especially when I shall affirme, that this was a worke of Charity in my selfe (as I conceived) not to let so choyse a method of our English Lawes be obscured in a language, which I know many of this Nation who were well-willers to the Law could not understand; and to those only it is intended. And if it happen into any other hand, especially into such as
hate

The Preface.

hate the profession of the Law, I do no more regard their censure then they do the Lawes Precepts, which our Author tels us, are to live honestly, to do no injury to any one, and to render every one their due.

Farewell.

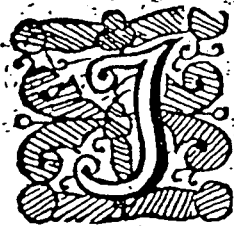
THE



THE
 First Booke of the Insti-
 tutes of the Lawes of
 ENGLAND.

Of Justice and Law.

TIT. I.



Justice is a constant and perpetuall will of rendering unto every one their Due. (a)

(a) *Bract. l.*

1. The knowledge or learning of the Law, is a knowledge of things both Divine and Humane, and a Science distinguishing what is just, what unjust. (b)

c. 4. num. 2. Flet. l. 4. c. 1

2. The Precepts of the Law are these, To live honestly, to doe no injury to any one, and to render every one their due. (c)

(b) *Bract. l. eod. num. 4.*

3. The Law is to be considered, either as publique or private: We call that the Law publique,

(c) *Id. eod. 6.*