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THE  
CIVIL HISTORY  
OF THE  
KINGDOM  
OF  
NAPLES.  
In Two VOLUMES.

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VOL. II.

31051

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Wherein is contain'd,

The History of that Kingdom (*comprizing also the general Affairs of Europe,*  
under the *Anjouian, Aragonian, and Austrian Kings,* till the Year 1723.

With the History of the Civil, Canon, and Feodal Laws; the Ecclesiastical  
Polity, and the Succession of the Popes.

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Written in *Italian,*

By *PIETRO GIANNONE*, Civilian and Advocate in  
NAPLES; and publish'd *Anno 1723.*

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Translated into *ENGLISH,*

By Captain *JAMES OGILVIE.*

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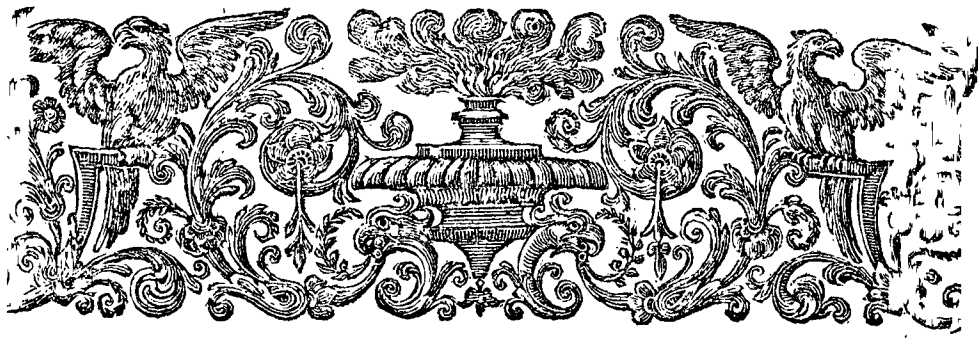
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T O T H E

R I G H T H O N O U R A B L E t h e

V i s c o u n t o f *F A L K L A N D*.

• *M y L O R D,*

 S my Design was to have address'd this Volume of the History of the Kingdom of *Naples* to your Lordship's Father; as a Token of Gratitude for the many *Obligations* I lay under to his Lordship; and particularly for his having done me the Honour to make me his Fellow Traveller through *Italy*, whereby I was enabled to undertake the Translation of this Work; hence it is, that none has so just a Title to this grateful Acknowledgment as your Lordship. Besides, my Lord, I should be wanting in my Duty, if I did not embrace this Opportunity to acknowledge the many Favours I have receiv'd from your Lordship, who, in the Prime of your Age, sets out in the World; indow'd with all the excellent Qualities, which have ever been the distinguishing Characters

## D E D I C A T I O N.

Characters of your noble Family, and illustrious Ancestors, from whom your Lordship derives immortal Honour, particularly from that Pattern of Virtue and glorious Hero, who died in the Battle of *Newberry* fighting for the just Cause of his Royal Master, and whose Character is so truly described by the Noble Historian, that it puts him upon a Level with the greatest Men, either of his own, or of any preceding Age. A Character, which already begins to shine in all your Lordship's Actions; and were it not for fear of trespassing upon your Modesty, I could instance one of a very fresh Date, in which, by a generous Sacrifice of private Interest to filial Duty, you have shewn a Soul so truly great, as gives a sure Prefage, that your Lordship's future Conduct will be an exact Imitation of the Virtues of your renown'd Predecessors, which will but answer the Expectation of every one who has the Honour of your Lordship's Acquaintance. As I am afraid that even this very Hint will put your Lordship to the Blush, I shall therefore conclude, and beg that you will be pleased to accept of this as a Mark of the great Sincerity, with which I am,

My LORD,

Your Lordship's most obliged,

and most obedient humble Servant,

J A. G I L V I E.





THE  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.  
BOOK XVIII.



THE Emperor *Frederick* was no sooner dead, than *Manfred*, who had been left Regent by his Father's Will, during *Conrad's* Absence in *Germany*, took upon him the Government of these Kingdoms with absolute Power and Authority. *Manfred* was a Prince indued with all his Father's excellent natural Gifts and Virtues; and the anonymous Writer of his Exploits says, he was called *Manfred*, because he was *quasi manus & mens Frederici*. He had been brought up at the Imperial Court, caref'd, and more belov'd by his Father than all his other Children, and by which Means he had by Degrees imbib'd the more generous Notions; and had he had the good Fortune to have been his eldest Son in lawful Wedlock, he certainly would have rival'd his Father's Glory and Greatness; but *Frederick*, by his last Will giving Way to the Order of Succession in *Conrad* his eldest Son, could do no more than to appoint *Manfred* to succeed, in case *Conrad* and *Henry* should die without Issue, and during *Conrad's* Absence to appoint him Regent of *Italy* and the Kingdoms of *Sicily*.

IN relating the alternate Fortune of this Prince, and his noble Exploits follow the anonymous cotemporary Writer, whose Chronicle is now to be seen in the Works of *Ughellus*<sup>1</sup>, and is reckoned to be of great Authority not only by *Inveges*, *Tutini*, and other more modern Writers, but likewise by *Johannes* *Ughellus*

<sup>1</sup> Ughel. Ital. Sacra, Tom. 9. Anonym. de reb. Freder. Conrad & Manfred.

in his Ecclesiastical Annals. This Writer says, that *Manfred's* Conduct and Virtues so much resembled those of his Father, that though the Death of Princes frequently occasions great Disorders, yet by *Manfred's* prudent Management every thing went on smoothly, as if it had been one continued Government: No Alteration could be perceived either in the Court or Ministry; and after he had caused *Conrad* to be proclaimed King in the Kingdom of *Puglia*, he sent *Henry* his younger Brother to govern under him in *Sicily* and *Calabria* <sup>1</sup>, that the *Sicilians* and *Calabrians*, by having *Henry* among them, might be kept to their Allegiance, and look upon him as the same Person with *Frederick*.

BUT this Calm was of short Duration, and the Storm and Troubles that Pope *Innocent IV.* was about to raise were easily perceived. *Innocent* being persuaded, that by the Sentence of Deposition pronounced in the Council of *Lyons*, *Frederick* with all his Posterity had forfeited the Kingdoms of *Sicily* and *Puglia*, pretended that by his Contumacy, as Fiefs of the Church of *Rome*, they were devolved upon her: So that upon the News of *Frederick's* Death, the Pope resolved to leave *Lyons*, and return to *Italy*; and in the mean time he wrote to all the principal Cities, and Barons of both Kingdoms, to set up the Standard of the Church, and being arriv'd at *Genoa*, the Place of his Nativity, he stirred up the *Genoese* to make War upon these Kingdoms. *Manfred* being appris'd of these underhand Dealings, with a good Body of *Saracen* Troops made a Progress over all the Kingdom, baffled the Pope's Conspiracy, and caus'd *Conrad* to be proclaimed King, which quieted the Minds of the People, and confirm'd them in their Allegiance to their lawful Prince; nevertheless these Steps of the Pope did not fail to foment a secret Conspiracy, which was afterwards discover'd in the Provinces of *Puglia* and *Terra di Lavoro*. *Foggia*, *Andria* and *Barletta* rebell'd in *Puglia*; and *Naples* and *Capua* in *Terra di Lavoro*. *Manfred* march'd immediately into *Puglia*, and by his Valour and Courage suppress'd the Rebellion of these Cities, mercifully pardon'd the Citizens, and reduc'd them to *Conrad's* Obedience <sup>2</sup>.

HAVING thus restor'd Peace and Tranquillity in this Province, he presently march'd into *Terra di Lavoro*; where he reduc'd *Aversa*, which being situated betwixt *Capua* and *Naples*, its Loyalty was suspected: He laid close Siege to *Capua*, laying waste the Territories to the very Walls; and *Nola*, which had taken part with the two rebellious Cities, refusing to surrender, was besieg'd and taken. But *Naples* at this time was very obstinate; so soon had the *Neapolitans* forgot that *Frederick* had made their City famous by the new Academy which he had establish'd, and the magnificent Buildings which he had erected in it, and which were the Ground-work of its being afterwards rais'd to be the Head and Metropolis of all the other Cities: For laying aside all Gratitude, he was no sooner dead than they rebell'd against his Son, surrender'd their City to Pope *Innocent*, and set up the Standard of the Church: Whose Example was followed by *Capua*, and the Counts of the House of *Aquino*, who at that time were in Possession of almost all that Tract of Land betwixt *Vulturno* and the *Garigliano*.

AS soon as *Manfred* was appris'd of the Revolt of the *Neapolitans*, he sent them several Messages, exhorting them not to blemish their Reputation so unworthily; but they pretending that they could not refuse to obey the Pope, who had threaten'd them with terrible Anathemas and Interdictions, plainly declared, that they chose rather to subject themselves to the Dominion of the Church, than to be interdicted and excommunicated, by adhering to *Conrad*; whom, without the Pope's Investiture, they could not acknowledge for their lawful King. Wherefore *Manfred*, finding all his Labour lost, resolv'd to reduce them by Force; and having laid Siege to that part of the City next to Mount *Vesuvius*, he began to lay waste all the Territories on that Side, to the very Walls, in order to oblige the *Neapolitans* to sally out of the City, and attack him in the open Field; not having Forces sufficient to make an Assault, by Reason of the strong Walls wherewith it was fortified. But the *Neapolitans*, ware of his Design, by no Means would leave the City, not minding the Destruction of their Fields; which *Manfred* perceiving, he resolv'd to lay Siege to another part of the City, whereupon he march'd and encamp'd on the *Solfatara* near *Agnano* <sup>3</sup>, where he laid waste and plunder'd all the Territories

<sup>1</sup> Anonym. Misitque Henricum fratrem suum minorem ad gubernandam Siciliam & Calabriam vice sua. | <sup>2</sup> Anonym de reb Frid' | <sup>3</sup> Anonym

that Side, in order to draw the *Neapolitans* out of the City, when they should see his Army surrounded with Mountains and Rocks, and not able to escape if pursued. But the *Neapolitans*, stedfast in their Resolution, would not quit the City, to expose themselves to a Battel; and although *Manfred* had often challeng'd them to come out and fight him, nothing could persuade them to do it, so that having waited for them three Days after the Challenge he rais'd the Siege, and after he had destroy'd all the Neighbourhood march'd off, and encamp'd in other Parts of *Terra di Lavoro*, to keep these People from following the Example of *Naples* and *Capua*.



## C H A P. I.

*Conrad King of Germany comes to Italy, and by the Adriatick Sea arrives in Puglia, and subdues the Counts of Aquino: Capua surrenders to him, and Naples is taken by Storm, and pillaged.*

**W**HILE *Manfred*, with great Vigilance and Conduct, was altogether Intent on frustrating the Pope's Designs, he had Advice, that *Conrad King of Germany*, some few Months after his Father's Death, had disingag'd himself from the Wars in *Germany*, and was on his March to *Italy* with a powerful Army of *Germans*; and this Year 1251, <sup>1</sup> he actually arriv'd in *Lombardy*, where he found the Power of the *Ghibelins* at such a low Ebb, that he was forced to halt for some time, in order with the greater Security to enter the Kingdom; whereupon he call'd for all the leading Men of that Party, and order'd them to make up amongst themselves a competent Army, of which he would have *Ezzelino* the Tyrant of *Padua* to be General, that he might so crush the *Guelf* Faction, as Pope *Innocent* should not be able to make use of them, to dispute the Possession of the Kingdom. Thus having settled the Affairs of *Lombardy*, he very prudently resolv'd to go to his Kingdom by Sea; for finding that all the Cities of *Romagna* and *Tuscany* sided with the *Guelf* Faction, he did not think it safe to venture by Land, lest his Army, being oppos'd in its March, should desert for want of Pay and Provisions <sup>2</sup>. Therefore he sent to the *Venetians* for Ships and Gallies to carry him to *Puglia*; who, willing to have him gone from their Neighbourhood, sent to him at *Friuli* as many Vessels as he desir'd, where he embark'd with all his Army, and with a prosperous Gale, in a few Days arrived near to *Monte Gargano*, and landed at the antient City of *Sipontum*, not far from the Place where the City of *Manfredonia* now stands <sup>3</sup>.

*MANFRED*, with all the Barons of that Province, was there ready to welcome the King, to whom he gave an Account of the State of the Kingdom, and the Contumacy of the *Neapolitans*, *Capuans*, and the Counts of *Aquino*; the King commended *Manfred* for his Care and Diligence; and they were both of Opinion, that the first thing to be undertaken was to crush the Counts of *Aquino*, who being posted betwixt *Garigliano* and *Vulturno* were ready at hand to assist the Pope, and to make themselves Masters of these Places, where they could hinder *Capua* and *Naples* from getting Succours, which would make the taking of these important Cities very easy. Whereupon the King with *Manfred* and his Army, by the way of *Capitanata*, and *Contado di Molise*, march'd against these Rebels <sup>4</sup>.

<sup>1</sup> Costanzo lib. 1. Ist. di Napoli.

<sup>2</sup> Panfa, Vita Inn. iv.

<sup>3</sup> Anonym. Dictum Regem cur. magna Theutonicorum comitiva per mare venientem apud Sipontum debitâ reverentiâ, & devotione recepit sub

anno Domini 1252.

<sup>4</sup> Anonym. Cum ipso Rege præcedente, in Terram Laboris contra rebelles illarum partium cum toto suo exercitu profectus est.

THE Pope, who had gone from *Genoa* to *Milan*, and from thence to *Ferrara* and *Bologna*, and at last stop'd in *Perugia*, shunn'd going to *Rome*, because the *Romans* were all in *Factions*, and many of them were in *Conrad's* Interest; and being inform'd of the Distress of the Counts of *Aquino*, whose Safety he had much at Heart, he immediately sent some Soldiers from *Perugia* to their Assistance, promising at the same time to send them greater Succours; but such was the Bravery of *Conrad's* Army, being reinforc'd by *Manfred* with a good Body of *Saracens* from *Lucera* and *Sicily*, that in a few Days these Rebels were subdued, and their chief Cities pillaged and burnt; among which were *Arpino*, *Sessa*, *S. Germano*, and some Castles in that Neighbourhood <sup>1</sup>.

AFTER *Conrad* had subdued the Rebels, and reduc'd these Cities to his Obedience, he march'd to *Capua*, which, being warn'd by the Treatment the before named Cities had met with, immediately surrender'd without Resistance <sup>2</sup>. *Conrad* now with all his Army march'd against the City of *Naples*, which was resolutely determin'd to hold out against the enrag'd King, and stick to the Church; for not only the Pope had promis'd the *Neapolitans* immediate Relief, but they were afraid of being deliver'd up a Prey to the *Germans* and *Saracens*. After *Conrad* had pitch'd his Camp near the City, he besieg'd it so close, that no Provisions could enter by Land; and observing, that by the Pope's Means they receiv'd some by Sea, he order'd *Manfred* to send for the Gallies that were in *Sicily*.

IN the mean time the *Neapolitans* did not fail to send frequent Messengers to the Pope for Relief, who always return'd loaded with Benedictions and Promises, but no Relief; for *Ezzelino* had got all the *Ghibellins* in *Lombardy* to take Arms; and the *Guelfs*, amongst whom the Pope had many Relations and Followers, had much ado to defend themselves; for the *Guelfs* of *Tuscany* and *Romagna*, though they were at full Liberty, and had entirely crush'd the *Ghibellins*, were at Variance amongst themselves. Neither could the City of *Genoa* (the Place of the Pope's Nativity, and on which he laid great Stress) give any Assistance, because the *Genoese* Fleet at this time had been sent against the Infidels, so that the Besieged were depriv'd of all Relief, and had nothing to trust to but Promises.

AT last, by the Arrival of the *Sicilian* Gallies, all Hopes of Succour were at an end: Nevertheless such was the Obstinacy of the Besieged, that they continued to hold out till they were become so feeble through Famine, that they were no longer able to bear the Weight of their Arms; whereupon the old Men began to persuade them to send Messengers to capitulate, which was done. But *Conrad*, who knew to what Straits they were reduc'd, rejected their Offer; and having dispos'd the Machines round the City, and undermin'd the Walls, he forc'd them to surrender, on Condition only to have their Persons safe <sup>3</sup>.

THE City was given up to be plunder'd, and cruelly and rigorously treated by the enrag'd King; the Archbishop was banish'd, the Citizens, with their own Hands, were forc'd to demolish, to the very Foundation, the strong Walls of that City, which *Livy* says intimidated *Hannibal* the *Carthaginian*. After the King had stay'd two Months in *Naples*, and spent all that Time in severely punishing the Disloyalty of the *Neapolitans*, he return'd to *Puglia*, and took *Manfred* with him, whom he declar'd to be the second Person in the Kingdom.

<sup>1</sup> Anonym. In processu autem illius in Terra Laboris, Rex Civitates Aquini, Sueffæ, S. Germani, pluraque vicina Castra, quæ per Regis adventum rebel- laverant, vicit.

<sup>2</sup> Anonym. Costanzo, lib. 1.

<sup>3</sup> Machinis quoque circumcirca dispositis, cavis etiam subterraneis ad murorum obversionem, & fossis, ad deditionem coegit; magnaue victoria ex illarum deditione Rex illustratus est.

## • S E C T. I. •

*Pope Innocent's first Invitation to the King of England's Brother to come and conquer the Kingdom.*

INNOCENT, finding that *Conrad* had subdued his favourite Cities, and reduc'd the Kingdom of *Puglia* to his Obedience, thought it was in vain any longer to contend with him, and seeing all the Expeditions of the Popes against this Kingdom had always prov'd unfortunate, *Innocent* resolv'd to invite *Richard* Earl

Earl of *Cornwal*, and Brother to *Henry III.* King of *England*, a warlike and gallant Prince, to come and conquer the Kingdom. For which end he sent *Alberto* the Apostolick Notary to treat about the Conditions of the Investiture to be given to *Richard*. But *Matthew Paris*, in his Chronicle for this Year 1253. says, that several things concurr'd for rendring this Treaty fruitless. First, *Richard* thought it would not be in his Power to drive *Conrad* out of the Kingdom. Secondly, The Relation that was betwixt them, for *Conrad*, as he says, was the Son of *Elizabeth* of *England*, Sister to King *Henry*, and Wife of *Frederick II.* in which he is widely mistaken, for *Conrad* was the Son of *Jole*, and not of *Elizabeth*; so that the same *Paris* elsewhere, *viz.* in the Year 1258. gives another Reason, which was, that *Richard* would not accept of the Investiture but upon these two Conditions. First, That by vertue of his Conquest he should have Power to exact the half of the Tithes that were wont to be collected for the Holy War. Secondly, That the Pope should put him in Possession of some Castles in the Kingdom which he had fortified, for a Place of Retreat to his Army. To which the Pope would not consent, so that this first Investiture came to nothing, and there was another treated of afterwards in the Person of *Edmond* his Nephew, as shall hereafter be related. This is a convincing Proof of the Error of *Collenuccio*, and of his Follower *Paolo Panfa* in the Life of *Innocent IV.* where he says, that the Pope invested *Richard* the King of *England's* Brother, and that he accepted, and therefore in his Letters took the Title of King of *Sicily*.



## C H A P. II.

*Conrad being jealous of Manfred deprives him both of his Authority and Estate; poisons his own younger Brother Henry; and soon after he himself dies of Poison; whereupon Manfred reassumes the Regency of the Kingdom.*

**I**N the mean time *Conrad*, by his having treated *Naples* and the other vanquish'd Cities in so cruel a manner, and by his natural rough and severe Disposition he became the Object of the Hatred and ill Will of all Ranks and Degrees of People; and being altogether destitute of the civil and military Virtues with which his Father was adorn'd, his Government became troublesome and grievous to his Subjects. On the contrary *Manfred*, a Man of excellent Parts and Courage, with admirable Dexterity always restrain'd the King's Cruelty, which endear'd him to the People and Barons; insomuch that it was the Opinion of the whole Nation, that whatever Mischief was legundone by the King and the *German* Army, was owing to the Intercession and Humanity of *Manfred*.

THIS Prince likewise with wonderful Art conceal'd the many Injuries which out of meer Jealousy *Conrad* did him; for perceiving that *Manfred* was a Man of noble Endowments and royal Virtues, more fit to reign than govern the Kingdom as a Regent, he was afraid that by his Power and good Conduct, and the Love he had acquired amongst the People, he would some time or other aspire to the Crown. Therefore he bethought himself how to bring him low, which he had no Mind to do openly, but said to him one Day, that he had resolv'd to revoke all the Donations which the Emperor his Father had made by his last Will, as being very detrimental to the State, and a great Loss to the Crown; and that the other Barons, by his Example, might bear it the more easily, he had a Mind to begin with him. *Manfred* with the same Cunning seem'd to give Credit to what he said; and to shew

how ready he was to go into Measures, he willingly resign'd to him the County of *Monte S. Angelo* and the City of *Brindisi*, which he possessed by vertue of his Right to the Principality of *Taranto* <sup>1</sup>.

AND likewise from time to time, as Occasion offer'd, he took from him the Counties of *Gravina*, *Tricarico* and *Montescaglioso*, which had been given him by *Frederick* his Father; and there only remain'd to him the Principality of *Taranto* very much diminish'd; and that this remaining Principality might be of little Use to him, he impos'd a very heavy Tax upon the People of it, which he caus'd to be exacted, and brought into the Royal Treasury. He turn'd out the Justice of that Principality, which *Manfred* had usually made, and put in one of his own, as was practis'd in all the other Provinces of the Kingdom. He likewise depriv'd him of the *merum Imperium* and Power which *Frederick* had granted him over that Principality, and ordain'd, that the Prince should have no other Jurisdiction over it, but in civil Cases only <sup>2</sup>; for in those Times no Barons got *merum Imperium* over their Fiefs, except some great ones, and those of the Royal Family, out of special Favour; which in the time of *Alphonfus I.* of *Aragon* began to be given to all the Barons, so that there is not the least Baron now that has it not.

THE Malice which *Conrad* bore this Prince did not end here; for, in order to free himself from all Jealousy, he resolv'd to reduce him to the most abject State: For which end, under sham Pretences, he order'd all *Manfred's* Relations by his Mother to depart the Kingdom; among the rest he banish'd *Gualvano Lancia*, who had so well and faithfully serv'd the Emperor *Frederick*, that he had made him his Lieutenant in *Tuscany*, where he had exercis'd that high Office for many Years with great Fidelity. He likewise banish'd *Federico Lancia* his Brother, and *Bonifacio di Anglono Manfred's* Uncle by the Mother, with all his other Relations, their Wives, Mothers, Sisters, Sons and Daughters, young and old. All these, having left the Kingdom, retir'd into *Romania* to *Constancia* Empress of *Constantinople Manfred's* Sister; whither he sent *Conrad Bertholdus* Marquis of *Honebruch* to acquaint the Emperor that he would take it as a very great Affront if he entertain'd these Exiles; whereupon that Emperor oblig'd them to depart his Dominions <sup>3</sup>.

PRINCE *Manfred* very prudently seem'd to be no wise offended at all these Injuries; for he did not fail chearfully to assist and accompany him in all his Undertakings, as he had done in *Terra di Lavoro*, when he subdued the Counts of *Aquino*, *Capua* and *Naples*; and now in *Puglia*, concealing his bitter Displeasure; and at the same time gaining the Hearts of the Barons and People.

AT this time, while *Conrad* was in *Melphis*, *Henry* his Brother, who was only twelve Years of Age, came from *Sicily* to pay him a Visit; and though the anonymous Writer makes not *Conrad* guilty of so great a Villany, yet there are not wanting grave Authors, who relate, that by the Means of *Gio. Moro* a *Saracen* Captain, whom *Henry* had brought with him from *Sicily*, he got him poison'd. Those who say that *Conrad* had procur'd the Death of *Henry* in order to be Master of the Kingdom of *Sicily*, and that *Frederick* neither ought nor could separate it from that of *Puglia*, are grossly mistaken; for it was not the Kingdom of *Sicily*, but that of *Jerusalem*, or *Regnum Alcarensis*, which in his last Will he left to *Henry*, at *Conrad's* Choice; and *Manfred* had sent *Henry* to *Sicily* to keep the *Sicilians* in their Allegiance to *Conrad*, as we have already said. Some believe, that he caus'd him to be put to death in order to get the greatest part of the Emperor *Frederick's* Treasure, which *Henry* was Master of. However that may be, *Matthew Paris* says <sup>4</sup>, that *Conrad* was very much suspected to have been the Author of that innocent Youth's Death, for from that time forth he never had so serene and cheerful a Countenance as formerly. And in the *Acta publica Angliæ*, which were lately printed by the Order of *Queen Anne*, we find a Letter written by *Conrad* in the Year 1254. to the King of *England*, *Henry's* Uncle, wherein, on purpose to stifle the Report that had been spread abroad of his having caus'd him to be poison'd, he gave that King an Account of the Death of his Nephew, in very passionate Expressions, and seem'd to be very much afflicted for the Death of that Prince; but *Pope Innocent* fomented the Enmity arisen on that Account between *Conrad* and *Henry*, King of *England*, and offer'd the Kingdom of *Sicily* to *Edmond* his Son, who was but a Child; and it is

<sup>1</sup> Anonym

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Paris Hist. Angl. Unde Rex Conradus post mortem sui fratris nunquam ut antea vultum ostendit serenum.

to be observ'd in these *Acta publica*, that *Innocent* left no Stone unturn'd to engage the Father to put him in Possession, by ordering the Clergy of *England* to lend Money to their King, and for that end to mortgage the Goods of their Churches. But all that Money was afterwards squander'd away, and put to other Uses by the same Pope, and this second Treaty likewise came to nothing.

*CONRAD*, having thus reduc'd the fluctuating Cities of the Kingdom to his Obedience, was preparing to go to *Germany*; but in the Spring of this Year 1254. when he was upon the Point of setting out, he was seiz'd with a mortal Fever in the Fields near *Lavello*, and in a few Days, in the Flower of his Age, being only twenty six Years old, on the twenty first Day of *May* he departed this Life<sup>1</sup>, after he had reign'd little more than three Years; whence we have nothing more recorded of this Prince.

NEVERTHELESS the Writers of the *Guelf* Faction, Enemies both to *Frederick* and his Progeny, say, that *Manfred*, by the Means of a Physician, caus'd *Conrad* to be poison'd, in hopes that *Henry* and he being both dead, and none of *Frederick's* Issue remaining but young *Conrad*, the Son of *Conrad*, born the Year before, he might easily take Possession of both Kingdoms; and that *Conrad*, not knowing that he was dying of Poison given him by *Manfred's* Order, left his Son *Conrad* his Heir, and *Manfred* to be Regent.

BUT if we may give Credit to the anonymous cotemporary Writer, *Manfred* was neither Author of that Villany, nor left Regent by *Conrad*.

THIS Writer says, that when *Conrad* was on his Death-bed, *Bertoldus* Marquis of *Honebruch*, by Means of the *Germans*, then very powerful, seeing him inclin'd to leave *Manfred* Regent of the Kingdom, very slyly, in order to feel *Manfred's* Pulse, ask'd him if he would take that Charge upon him. *Manfred*, being aware of the Marquis's Cunning, answer'd him, that he would not accept of the Regency, because the Marquis himself deserv'd it better, and to whom he would yield in every Respect: This he did very artfully, whereby he not only did not expose himself to the Hatred of the *Germans*, but he knew that *Bertoldus* was not fit for the Charge, and that he would soon sink under the Load of Affairs, and that the *Grande*s of the Kingdom would invite himself to take the Regency upon him, as it happened. *Bertoldus* having receiv'd this Answer, went and told *Conrad* that *Manfred* would not accept of the Regency, whereupon the dying King nam'd *Bertoldus* to be Regent of the Kingdom.

*CONRAD*, before he died, made his last Will, in which he left his young Son *Conrad* his Heir, and the Marquis of *Honebruch* Regent; he foresaw that *Innocent* was able to raise Commotions in the Kingdom, therefore he recommended to the Regent to use all Means possible to procure to his Son *Conrad* the Favour of the Apostolick See, that he might not be involv'd in new Wars with the Pope.

THE Marquis had no sooner taken the Regency upon him, and possess'd himself of the Royal Treasure, than, in Obedience to the King's last Will, he sent Ambassadors to the Pope, begging him in the Name of the young King to be at Peace with him, and take him into his Favour, as *Conrad* the Father had recommended in his last Will. But *Innocent*, upon *Conrad's* Death, thought he had a fair Opportunity to make himself Master of the Kingdom, and look'd upon this Embassy rather as a Sign of the Weakness of the Royal Party than an Act of Respect; whereupon he became more haughty than ever, and answer'd the Ambassadors, that he would do his best to have Possession of the Kingdom now devolv'd to the Church of *Rome*; that when the young King came to be of Age, his Pretensions should be examin'd into; and perhaps, if the Apostolick See should find him deserving, he should meet with Favour<sup>2</sup>.

THIS Answer made it evident to the Marquis and the Barons of the Kingdom, that the Pope was fully resolv'd to take Possession of the Kingdom; the Effects of which were soon discovered, for he now began to assemble a sufficient Army in order to invade it; and besides it was found out that he kept a secret Correspondence with many Barons, who were in the Interest of the Church, desiring their Assist-

<sup>1</sup> Anonym. In campis prope Lavello infirmitate correptus, cum esset circa annos ætatis 26. in triumphorum suorum primordiis a serbo mortis fato succubuit.

<sup>2</sup> Anonym. Summus Pontifex illam legatorum Missionem, & Apostolicæ gratiæ postulationem ma-

gis debilitati partis Regiæ, quam devotioni ascribens, respondit, præcisè se habere velle Regni possessionem, atque dominium; promittens Regi Pupillo, cum ad pubertatem veniret, de jure, si quod haberet in Regno, gratiam esse faciendam.

ance in the Conquest; these Barons, not pleas'd with the Marquis's Government and the Insolence of the *Germans*, chose rather to be under the Dominion of the Church, than to be oppress'd and enslav'd by them. The Marquis was preparing to guard against the threatened Invasion, but having discovered that many Barons, from whom he expected Assistance, were gone over to the Pope's Interest, and his Army ready on the Borders to make an Invasion, he became so terrified and dejected, that he repented of his having taken the Regency upon him, which, to his great Shame, he basely laid down <sup>1</sup>.

THE Counts, Barons and other Grandees of the Kingdom, who had continued firm in their Allegiance to the King, seeing that the Marquis had abandoned the Government, immediately had recourse to Prince *Manfred*, begging and conjuring him, that in order to save the Kingdom from Ruin and Destruction, he would be pleas'd, as by Right it belonged to him, to reassume the Regency. *Manfred* refus'd, saying, that the Affairs of the Kingdom were in so calamitous a Situation, that he could not undertake it and save his Honour; but the Barons still importuning him, and protesting that the Kingdom would be ruined, at last prevail'd with him to take the Government again upon him. He had another very persuasive Argument to induce him, for it was rumour'd Abroad that the young King was dead, and that the Pope had now greater Hopes of getting Possession of the Kingdom. Wherefore *Manfred*, who, according to the last Will of the Emperor *Frederick* his Father, look'd upon himself to be the next Heir to his Dominions, was determined to reassume the Government, that in case his Pupil was still alive, he might take care of the State for him, and resist the Attempts of his Rival *Innocent*; and if the Report of his Death should be confirm'd, he might easily get himself to be crown'd <sup>2</sup>.

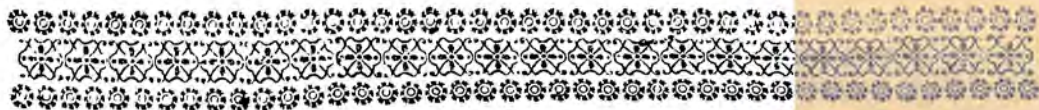
*MANFRED* then having taken the Government upon him, oblig'd the said Marquis, the Counts, Barons, and all the faithful Subjects of the Kingdom to take an Oath of Fidelity in this manner: That if the young King was still alive they swore to him as Regent; if he was dead, they were from that time forth to look upon himself as their Lord and King <sup>3</sup>.

<sup>1</sup> Anonym. Baliaus officium se assumpsisse poenituit, & extunc onus quidem incaute susceptum, non sine pudore deponendum existimavit.

<sup>2</sup> Anonym. Quamobrem Princeps ad hujusmodi quidem æmulum intentionem repellendam, Regni gubernaculum, tam ad utilitatem pupilli nepotis sui,

si viveret, quam ad suam, si forte de facto aliud contigisset, assumere de jure debebat.

<sup>3</sup> Anonym. Sin autem ipse puer vel jam defecisset, vel post, liberis non susceptis, deficeret, ipsum Principem Manfredum extunc in Regem, & Regni Dominum haberent.



### CHAP. III.

#### *Innocent's Expedition against the Kingdom.*

**MA**TTERS being thus settled the Marquis went to *Puglia*, promising to send from thence both Men and Money to *Manfred*, who in the mean time began to assemble and dispose the Army, so as to be able to face that of the Pope, which was marching in all haste to invade the Kingdom: Whereupon he garrison'd *S. Germano* with a good Body of *Germans*, and fortified *Capua*, and all the neighbouring Towns which were beginning to waver, in order to keep them in Subjection.

BUT on the other hand *Innocent*, for facilitating his Undertaking, had sent Messengers into *Sicily* to *Ferdinando* of *Calabria*, who, by the Marquis of *Hohenbruch*, had been late Governour of *Sicily* and *Calabria*, that he might dispose those People



People to set up the Standard of the Church <sup>1</sup>; and *Pietro* actually dispatched *Folco* his Nephew, with other Messengers, in two Gallies to acquaint the Pope, that both *Sicily* and *Calabria* were ready to desert *Manfred*, and espouse his Interest.

BESIDES, *Riccardo di Monte Negro*, out of Hatred to the Marquis *Bertoldus*, had gone over to the Pope's Faction, and promised to give his Army free Passage through his Lands, situate on the Borders of the Kingdom. Many other Barons had likewise privately sworn Allegiance to the Pope, and engaged to take new Investiture from him of their Fiefs which they possess'd <sup>2</sup>; and some had actually got new Investiture from him, such as *Bonello di Anglone*, who was invested by *Innocent* with the County of *Lefina* before he entred the Kingdom, though it belonged to *Manfred*, as an Appurtenance of the County of *Monte S. Angelo*. *Innocent* had likewise given Investiture of the County of *Lecce* to *Marco Ziano*, the Son of *Pietro* Doge of *Venice*, and declared that it belonged to him as a Descendant of Count *Tancred* his Grandfather, notwithstanding the Claim of Count *Tigrisio de Mudignana* and his Children, by Right of his Wife *Alberia*, who ought to have been preferred to the Succession before all others; and was excluded by *Innocent*, because he and his Sons had adhered to the Emperor *Frederick* against the Church, and were still Enemies to her, which made *Innocent* look upon them as unworthy of his Favour; and the Charter of this Investiture drawn up in *Perugia* in the Year 1252, is recorded by *Ughellus* <sup>3</sup>, which he says he found in the Register of the *Vatican*. As also the same Year 1252 on the twenty first of *January*, while the Pope was still in *Perugia*, he invested *O. Frangipane* with the Principality of *Taranto*, though it belonged to *Manfred*, with all the Lands of *Otranto*; under Pretence that it had formerly been given by the Empress *Constantia I.* to *O.* his Uncle, as appears by the Grant dated in *Perugia* and recorded by *Rainaldus* <sup>4</sup>; thus *Innocent*, by gratifying these chief Barons of the Kingdom made them his Liege-men and Dependents, and brought over many Persons of great Interest to his Faction.

MOREOVER there was a Conspiracy discovered, which had been hatched in *Capua* against *Manfred*, with a Design, as soon as the Pope's Army should reach the Kingdom, furiously to attack that Prince, and either to make him Prisoner, or put him to Death. The Marquis *Bertoldus* also proved very disloyal; for contrary to his Promise made to *Manfred* of sending him both Men and Money from *Puglia*, he not only did not perform what he had undertaken, but rambled about the Country, and minded nothing but oppressing the Subjects with heavy Taxes for his own Use; and his *Germans* by their Rapine had alienated the Minds of the People from the King, insomuch that they longed to be under the Dominion of the Pope; and though *Manfred* had sent his Uncle *Galvano Lancie* to inform the Marquis of the Difficulties he laboured under, it was to no Purpose.

*MANFRED* finding himself in so distressed a Condition, occasioned more by his secret than open Enemies, thought it was in vain to make Head against the Pope with Force, but chose rather to yield to the Times, and have recourse to Art and Dissimulation. The Pope, in order to give Life to the Expedition, was resolved to be present himself at the Conquest of the Kingdom, and had stopped in *Anagni*, where he was making great Preparations; and that he might leave no Stone unturn'd for facilitating his Undertaking, he sent several Messengers to induce *Manfred* to quit the Government of the Kingdom, and deliver it up into the Hands of the Church. *Manfred* very cunningly delayed giving an Answer; but now finding himself in these Straits, he thought fit to return the Pope a very submissive and respectful Answer, and bid the Messengers tell him, that trusting to the great Concern and Affection his Holiness had for the King his Nephew, and judging that by Right it belonged to the Church to protect and receive him into her Favour, he was willing to quit the Government of the Kingdom, and put it into the Hands of the Church, the holy Mother of all, especially of Pupils; whereby he meant to fulfill the Desire of *Conrad*, the Father of the young King, who in his last Will had earnestly desired that the Holy See would receive the innocent Youth into its Protection and Favour; that he would not only not oppose, but would give all Assist-

<sup>1</sup> Anonym.

<sup>2</sup> Ibid.

<sup>3</sup> Ughel. Ital. Sacra, tom. 9. pag. 109. found in the Register of the Vatican, anno 9. Pontif. num. 121, & 122.

<sup>4</sup> Rainal. tom. 13. Annal. Ecclesiast. anno 1252. anum. 5. ad. 7. dat. 12. Kal. Feb. anno Pontific. ix.

ance to the Pope's entering into, and taking Possession of the Kingdom, but that it was to be done without Prejudice to the young King's and his own Right <sup>1</sup>.

THE Pope, upon receiving this Answer, was so transported with Joy, and so extolled *Manfred*, that though before he looked upon him as excommunicated and in no wise a Catholick, yet now he received him into his own and the Church's Favour, and forgave him all past Offences; and having encouraged *Manfred* to rely upon him, assuring him that his putting the Kingdom into the Hands of the Church, should not in the least prejudice the King's or his Right; and that when the King should be of Age, the Apostolick See would restore him to his own; he made ready with his Army to enter the Kingdom. In the mean time *Manfred*, for a greater Mark of his Fidelity, sent *Galvano Lancia* his Uncle to *Agnani* to do Homage for him to the Pope; and if that Bull recorded by *Tutini* be genuine, we see that *Innocent*, in order to make a suitable return on his Part, on the twenty seventh of September this Year 1254, in *Agnani*, confirmed to *Manfred* the Investiture, which by the Means of the same *Galvanus* he had given him, and likewise confirmed to him the Principality of *Taranto* (with which he had before invested *O. Frangipane* the Counties of *Gravina*, *Tricarico*, and *Monte S. Angelo*, with all the Titles, Honours and Prerogatives which the Emperor *Frederick* his Father had given him, and which *Conrad* had taken from him. And *Innocent*, as a stronger Proof of his Friendship, seeing the Marquis *Bertoldus* was then in Possession of the County of *Montescaglioso*, in room of that gave him the County of *Andria*, and in a publick Consistory invested the said *Galvano Lancia* with it in *Manfred*'s Name, by giving him a Ring as a Symbol of the Investiture, as we read in the Bull of Investiture, recorded by *Tutini* in his Book of the Countables of the Kingdom <sup>2</sup>.

ALTHOUGH Prince *Manfred*, by the Tenor of this Investiture and other Facts, perceived that *Innocent* was resolved to govern the Kingdom, not as a Guardian till *Conrad* was of Age, but looking upon it as devolved to the Apostolick See, to rule it with absolute and independent Authority, yet with admirable Dexterity *Manfred* put up with every thing; and in order to wheedle the Pope the more, he appeared to be still more humble and obsequious to him; and as a Mark of great Respect, when he heard that *Innocent* was on his March, he went as far as *Cepperano* to meet him, where on his bended Knees he adored him, and then led his Horse by the Bridle till he passed the Bridge of *Garigliano* <sup>3</sup>.

INNOCENT took these Demonstrations of Submission in so good part, that though he was old, and by Experience very prudent, yet he suffered himself to be imposed upon so far, that besides having imparted to *Manfred* his most secret Thoughts, believing him to be entirely devoted to the Apostolick See, he heaped greater Honours upon him; for he not only gave him the first Rank among the Barons, but he likewise made him Vicar of the Kingdom, from the Phare of *Messina* to the River *Sele*, and of all the County of *Molise*, and the Territories of *Benevento*, excepting the Jurisdiction of *Abruzzo*; and allowed him a Pension of eight thousand Ounces of Gold; and the Charter of this Grant is also recorded by *Tutini* <sup>4</sup>. The News of the Pope's entering the Kingdom, and with the Consent and Permission of *Manfred* taking the Government thereof upon him, being spread over all the Realm, the People, wearied with the ill Treatment of the *Germans*, were all ready to receive him, reckoning thereby to be freed from their Slavery, and out of Danger of being interdicted by the Church <sup>5</sup>. And this was the Reason which induced *Manfred* very cunningly to advise the Pope to divide his Army amongst the richest Provinces of the Kingdom; the result of which Advice was, that the *German* Officers, partly out of Fear of the Pope's Army, and partly conscious of the Ill-Will the People bore them departed the Kingdom, and returned to *Germany* outwitted by *Manfred*, leaving only a few in *Puglia* and *Terra d'Otranto*, who daily dwindled away for want of Subsistence. Thus *Manfred* being rid of the *Germans*, whom he suspected more than open Enemies, and by Degrees acquiring more Power in those Provinces over which the Pope had made him Vicar, sought now an Opportunity to drive out the Pope's Army, which being cantoned in many Places distant from one another, he might the more easily accomplish

<sup>1</sup> Anonym.

<sup>2</sup> Ibid.

<sup>3</sup> Anonym. Et Papa Regnum intrante, Princeps Stratoris ei officium exhibens frænum tenuit, quous-

que ad pontum Garigliani transfret.

<sup>4</sup> Tutin. loc. cit. pag. 60.

<sup>5</sup> Costanzo lib. 1 Hist. di Nap

IN the mean time the Pope had enter'd the Kingdom, and by Reason of a slight Indisposition had stopped in *Teano*, and from thence had gone to *Capua*, where he had been received with great Pomp and Solemnity<sup>1</sup>; and having staid there some time, he was wholly intent upon uniting under the Apostolick See all the other Provinces of the Kingdoms of *Puglia* and *Sicily*, as he had done those of *Abruzzo*, *Terra di Lavoro*, part of *Puglia*, and some others. He made the Cardinal of *S. Eustatius*, his Nephew, Apostolick Legate over the Kingdom, and gave him all his Authority and full Power to govern the same. This Cardinal, being young and *Innocent's* Kinsman<sup>2</sup>, began to rule with a high Hand, not as Governor but absolute Master, and obliged the Counts, Barons, and all others to take an Oath of Fealty to him, *nullo jure Regis, & Principis salvo* (according to the anonymous Writer) but absolutely to himself, as Legate of the Apostolick See, to which the Kingdom was devolv'd. For which Cause he likewise pretended, that Prince *Manfred*, as all the other Barons had done, ought to take the like Oath of Fidelity to him.

THEN it was that *Manfred* began to take off the Mask, and openly to thwart the Legate, by telling him, that the Stipulation made with the Pope was, that the Government of the Kingdom should be put into the Hands of the Church, without Prejudice to the King's and his own Right, and that there should no Alteration be made in the State the Kingdom was in till the King should be of Age; therefore he refused to take the Oath required, notwithstanding the Legate's importunate Demand. The anonymous Writer says, that by these Disputes *Manfred* lost much of the Affection which the other Barons of the Kingdom had formerly had for him; for they seeing that the Legate had no regard to his Royal Descent, but put him upon the same Level with the rest, they began likewise to neglect him.

FOR which Reason the Pope, in order to induce *Borello di Anglone* to desert the King's Interest, and espouse that of the Church, having given him the Investiture of the County of *Lefina*, he pretended, that by vertue of that Investiture that County belonged to him; but *Manfred* justly claimed that County as a part of his Inheritance, and that he ought not to be disturbed in the Possession of it; and first in a friendly manner gave him to understand that he ought to lay aside such Pretensions; but as for certain other Lands which he (*Borello*) held, he might enjoy them, provided he would take the Investiture of them from him, and acknowledge him as his Superior, by taking the Oath usual in such Cases, otherwise he must renounce them<sup>3</sup>. *Borello*, puff'd up with the Pope's Favour, despised *Manfred's* Message, and answered him very saucily, that he would neither part with the County, nor acknowledge him as Superior of these Lands, nor take any Oath to him. *Manfred*, though ruffled at this Answer, yet unwilling to contend at so great a Disadvantage, put up the Injury; and being informed that *Borello* had sent a good Body of Troops to take Possession of the County of *Lefina* by Force, and that they had already made themselves Masters of two Villages of that County; he did not think fit to make use of Force, but had recourse to the Pope who was then at *Teano*, to whom he represented the Injuries done him by *Borello*, who, under Pretence of a Grant of that County from his Holiness pretended it was his; whereas, being dependent on the County of *Monte S. Angelo*, it was a part of his Patrimony; therefore he begged of the Pope to do him Justice, that thereby greater Inconveniences might be prevented.

THE Pope, according to the usual Ambiguity of that Court, like an Oracle answered him thus: *Se præfato Borello nihil de juribus Principis concessisse*<sup>4</sup>. *Manfred* understood by this Answer that the Pope had a Mind to favour *Borello*; but he pressing to be restored to his Right, was told, that as soon as the Pope was arrived at *Capua* he would cause the Affair to be examined by due Course of Law.

IN the mean time there came an Account that the Marquis *Bertoldus* was on his Way from *Puglia* to *Capua*, to pay his Respects to the Pope; whereupon *Manfred*, in order to shun meeting him, took his Leave of the Pope; and as he was on his Way returning, some of his Retinue saw *Borello* at a Distance, who, with a great Number of armed Men, was lying in wait in a narrow Pass to attack the Prince. *Manfred's* Men understanding their Design fell upon them, and routed them, and in the Scuffle *Borello* was killed, without *Manfred's* Knowledge.

<sup>1</sup> Anonym.

<sup>2</sup> Idem, viro quidam juvene, & Pius Papæ con-

sanguineo.

<sup>3</sup> Idem.

<sup>4</sup> Anonym.

WHEN the Pope arrived at *Capua*, *Manfred's* Enemies misrepresented the Fact, and made him guilty of a Crime; and though he employed the Marquis *Bertoldus* to tell the Pope that he was unjustly blamed; yet he found that the Marquis, instead of defending him, was endeavouring to get him made Prisoner; therefore he sent his Uncle *Galvano Lancia* to *Capua* to represent his Innocence to the Pope; and in the mean time he retired for Shelter to *Acerra* to his Cousin the Count of that Name.

THE Pope pretended that *Manfred* ought to appear before him, and stand his Trial. *Manfred* did not refuse to come, provided he had Security given him for the Safety of his Person; but *Galvano Lancia* having smelt out that the Pope had a Mind to make him Prisoner, and would give him no Security for his Person, but that he must appear before his Legate, advised *Manfred* immediately to leave *Acerra*, where he was not safe, and retire to *Puglia*, and by the Means of the *Saracens*, who were his Friends, endeavour to get into *Lucera*, and there fortify himself<sup>1</sup>. *Manfred* upon this Advice departed in the Night time, and carried with him *Maria Capece* and *Conrado* his Brother, two trusty young noble *Neapolitans*. These two were his faithful Companions, who never left him during all that dangerous and troublesome Journey.

*MANFRED*, after having gone through many Dangers and Difficulties, at last arrived at *Lucera*, and with the Assistance of his *Saracens* who were in the City having broke open the Gates, he entered triumphantly with the Acclamations of all the Inhabitants, who proclaimed him their Lord and Prince; and after he had told them the Reasons for his leaving the Pope, who was resolved to usurp the Kingdom from the King his Nephew, he declared that his Intention was, *jura Regis Nepotis sui, & sua, & libertatem, bonumque statum Regni, & Civitatis ipsius viriliter manuteneere atque defendere*, as the anonymous Author has it. Whereupon all of them took the Oath of Fealty and Homage, *pro parte Regis, & sub*.

THE Marquis *Bertoldus*, *Odo* his Brother, and the Pope's Legate, hearing of the Surprize of *Lucera*, immediately joined, and fortified themselves in *Troja* in order to oppose him; but *Manfred* soon after having taken *Foggia*, and daily gathering Strength, his Army became very numerous, and after alternate Success, he at last defeated the Legate and the Pope's Army, took *Troja*, forced *Odo* and the Marquis *Bertoldus* to fly, and obtained a notable Victory. It was on this Occasion that *Manfred* wrote to the Barons of the Kingdom, his Adherents, that Letter which we read in *Summonte*<sup>2</sup>, who had it from *Pier Vincenti di Brindisi*, in which this Victory is minutely described, and it is certainly genuine, for *Rainaldus* has recorded it as such in his Annals, and it agrees with the particular Account of that Victory which the anonymous Writer gives us.

<sup>1</sup> Idem.

<sup>2</sup> Summont. tom. 2. pag. 132.

## S E C T. I.

*Innocent relinquisheth the King of England, and invites the Brother of the King of France to come and conquer the Kingdom: He dies in Naples, and all his Designs come to nothing.*

**I**NNOCENT, with his Court, in the Month of *June* this Year 1253 had gone to *Naples*, where hearing of *Manfred's* Success in *Puglia*, he was afraid of being driven out of all the other Provinces of the Kingdom that had submitted to the Church; and seeing it was in vain to have recourse to *England*, he sent *M. Alberto da Parma* his Chaplain and Secretary to *Charles* of *Anjou*, Count of *Provence*, Brother to *S. Lewis* King of *France*, whose Valour and Prudence, when *Innocent* was in *France*, had been much extolled; to treat about his coming to take Possession of the Kingdom, and to offer him the Investiture of it. But King *Lewis* being at that time in the East employed in the Holy War, nothing could be concluded: Nevertheless *Alberto* remained in *France* the Space of fourteen Years, and managed this Affair under the succeeding Popes, in order to bring it to Perfection, which was at last accomplished in the Pontificate of *Urban IV.*<sup>1</sup>

<sup>1</sup> Tutin. de Contest. pag. 61. Rainal. Annal. Eccl. tom. 13. anno 1255.

THERE are some who write that *Innocent*, hearing of the News of this Victory obtained by *Manfred*, was taken ill in *Naples*, and on the seventh, or as others will have it, on the thirteenth of *December* this Year 1254 died of Grief <sup>1</sup>. This Pope lies buried in the Cathedral Church of *Naples*, where his Tomb is to be seen at this Day. A Pope who could brag that he was the first, who to the Pretensions which all the *Roman* Pontiffs have always kept up, added the actual Possession of this Kingdom. All the Attempts of the other Popes for conquering it, either proved unfortunate, or very soon abortive; but as for *Innocent IV.* he had real Possession of it for several Months, and transmitted it to his Successor *Alexander IV.* *Innocent* was excellently skilled in the Civil Law, and adorned our Jurisprudence with many Treatises and Volumes.

IN those Days the Academy of *Bologna* was the most flourishing in *Italy*, whither *Innocent* was sent in his Youth to learn the Laws, and his Masters for the Civil were *Azone*, *Accursio*, and *Jacopo Baldnino*; and for the Canon *Lorenzo Spagnuolo*, *Giovanni Teutonico*, *Jacopo d'Albasio* and *Ugucione*, the best Doctors of that Age, whence he came to be one of the most learned Lawyers of his Time <sup>2</sup>. And resolving to rival *Innocent III.* likewise a famous Lawyer in his Time, in the midst of the Cares of his troublesome Pontificate, while he remained in *Lyons*, he wrote the *Apparatus* on the five Books of the Decretals, which are of so great Use to the Canonists; and in which Work he laid greatest Stress on the Authority of *Ezechiel Profeta*. *S. Antonino* speaking of this Work says, that it is of greater Authority than all the Books of the other Doctors, whence he was called the Father, and Paramount both of divine and human Laws.

HE wrote the Constitutions which he made in the Council of *Lyons*, a part whereof are to be found in the sixth Book of the Decretals. He wrote a Book, which *Osienfis* in his Collection calls an Original. He wrote another intitled *Apologeticus*, against *Pietro delle Vigne*, concerning the Jurisdiction of the Empire, and the Authority of the Pope; and he likewise wrote Commentaries on the Old and New Testament.

HE had a great Regard for Men of Learning and Virtue, and particularly for *Alexander Hales* an *Englisman*, who in his old Age took the Habit of the Friars Minors, and at *Innocent's* Desire wrote upon the chief Points of Divinity, and other great Works, whence he got the Name of *Dott. Irrefragabilis*. He encouraged *Bernardo da Parma* and *Composellano* his Chaplains, to write upon the Decretals and other Works.

HE was a great Lover of religious Orders, and especially those of *S. Benedict*, *S. Dominick*, and *S. Francis*, which then were rising like young Plants. He reformed the Rule of the *Carmelite Friars*, the Care of which he committed to Cardinal *Ugo*. He ordained, that all Hermits living without Rule, and especially those in *Tuscany*, and likewise many Religious under the Rule of *S. Austin* should be united under a General, and called *Eremitani*. He revived in *France* and also in *Italy* the Order of the *Cruciferi*, which was almost extinct; so that he rebuilt some Monasteries in *Italy* for them, and particularly in *Naples* they afterwards got that of *S. Maria della Vergini*, without the Gate of *S. Januarius*, from the Families of *Carmignana* and *Vespoli*. He granted Power to the Knights of *SS. Mauritius* and *Lazarus* to chuse their Great Master out of their own Order; and allowed the Canons of the Archbishoprick of *Naples* to wear a white Mitre when the Archbishop performed Divine Service; and he gave the Clergy the Immunities, which to this Day they enjoy over all the Kingdom.

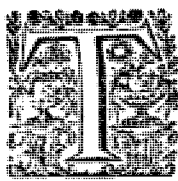
<sup>1</sup> Chiocc. de Archiep. Neap. 1262.

<sup>2</sup> Panfa in V. Innoc.



## C H A P. IV.

## Alexander IV.'s Expedition into the Kingdom, and new Invitations made by him to the Count of Provence and the King of England.



THE Pope's Legate, intimidated by the Victory obtained by *Manfred*, abandoned *Puglia*, and returned with the Army to *Terra di Lavoro*, directing his March towards *Naples*, and on the Way joined the Marquis *Bertoldus*, who accompanied him to *Naples*, where they found that *Innocent* had died some Days before <sup>1</sup>. When the Cardinals and all those of the Court saw the Legate and the Marquis, and heard that their Armies had been routed, they were seized with such a panick Fear, that they resolved to leave *Naples*, and retire to *Compagna di Roma*; but being encouraged by the Marquis not to go they remained there, and were all fully bent on electing a new Pope. There are not wanting Writers <sup>2</sup> who say, that there was a great Debate among the Cardinals about this Election, and on that Account the See was vacant a whole Year. But the anonymous Writer, *Colenuccio, Panfa*, and others <sup>3</sup> say, that the Cardinals fearing that if they delayed the Election it might turn to their Disadvantage, immediately with one Consent joined and elected *Rainaldo d' Agnani* of the Family of *Conti*, Nephew of *Gregory IX.* who took the Name of *Alexander IV.* and was consecrated and crowned in the Cathedral Church of *Naples*, and, according to *Chioccarelli*, he remained in that City a whole Year <sup>4</sup>.

MEAN while *Manfred*, animated by the Death of *Innocent*, reduced to his Obedience almost all the other Cities of *Puglia* that had set up the Standard of the Church. He subdued *Barletta*, then *Venosa*, and at last *Acerenza*, where *Gio. Moro* was cruelly put to Death by the *Saracens*. He took *Rapallo*, then *Bari*, and *Trani* surrendered, and in short all *Puglia*, excepting some Cities of *Terra d'Otranto*, which still held out for the Church.

POPE *Alexander IV.* terrified at these Proceedings of the Prince in the beginning of his Pontificate, dispatched *Tommaso* Count of *Cerra*, *Manfred's* Kinsman, and *Riccardo Filangerio* to have an Interview with him: It was said, that they were likewise moved by some Cardinals to insinuate to him, that he ought to send Ambassadors to congratulate the new Pope upon his Advancement to the Chair, and that they wondered he should neglect to do what all the other Princes of the World had done <sup>5</sup>. But *Manfred* was afraid that if he should send an Embassy to the new Pope, it might be interpreted as a Mark of Weakness and Want of Courage, therefore he answered them, that he would send Ambassadors for no other end, but to treat of a Peace on the following Conditions: *Ut Regnum in dominio, & possessione Regis Conradii II. Nepotis sui, sub baliatu Principis remaneret. Compositio autem super eo tantum esset, ut census pro ipsa Regno Romanæ Ecclesiæ augetur.*

WHEN the Pope, upon the return of the Count and *Riccardo*, understood that *Manfred* was neither disposed to send Ambassadors to him, nor to leave the Kingdom in the Hands of the Church, after the Example of his Predecessor, he began to shew himself more an Enemy than any other Pope had been. For first he caused

<sup>1</sup> Anonym. Ambo simul Neapolin pervenientes, invenerunt, quod ipsis diebus, videlicet idibus Decembris Papa defunctus erat.

<sup>2</sup> Gio. Villani, Costanzo, lib. 1.

<sup>3</sup> Anonym. Panfa. Vita Jun.

<sup>4</sup> Chiocc. de Archtep. Neap. anno 1262. ex Glos.

in L. si maritus 15. §. Legis Juliae, D. de Adulterijs, where: Quidam erat absens causæ Reipublicæ, ut puta in Civitate Neapolitana, ubi nunc est Papa Alexander quar us.

<sup>5</sup> Anonym.

*M. Alberto da Parma* to set on Foot again the Treaty with *Charles* Count of *Provence*, in which there appeared such Difficulties, that *Charles* had no Inclination for the Enterprize; then he had recourse to *Henry* King of *England*, by renewing the Treaty with him which his Predecessor had begun, offering him the Investiture of the Kingdom for his Son *Edmund*, provided he would come immediately and drive out *Manfred*; and it is recorded in the *Acta publica* of that Kingdom, that *Alexander* was so eagerly bent upon this Design, that he changed the Vows which the Kings of *England*, *Norway*, and others had made to go to the Holy Land, and applied them to the Conquest of *Sicily* and the Kingdom of *Puglia* in favour of the Church.

HE likewise sent a Bishop into *Puglia* to summon *Manfred*: *Ut in festo Purificationis Beate Mariæ proximè futuro ad Curiam Romanam accederet, responsurus de injestione Borelli de Anglone; & de injuria, quam Apostolicæ sedi intulerat expellendo legatum, & Exercitum Ecclesiæ de Apulia* <sup>1</sup>. This Citation was answered by *Manfred* in a Letter directed to the Pope, wherein he cleared himself of the Death of *Borello*; and as for driving the Legate and the Church's Army out of *Puglia*, he said it was in Defence of his Nephew's and his own Right.

WHILE *Manfred* was firmly resolved not to send Ambassadors to the Pope, *M. Giordano da Terracina* Apostolick Notary, and formerly a Well-wisher of *Manfred*, came to him from the Pope, and appearing to be much concerned for those Disputes between them, advised the Prince by all Means to send Ambassadors to the Pope, which would turn both to his Honour and Advantage: At last *Manfred*, moved by *Giordano*'s Advice, appointed *Gervasio di Martina*, and *Goffredo di Cofonza* his Secretaries to be his Ambassadors, and gave them Power to treat of a Peace <sup>2</sup>.

THESE Ambassadors upon their Arrival at *Naples*, where the Pope then kept his Court, began to treat about Peace with some Cardinals deputed for that Purpose; but Difficulties and Doubts arising, which could not be surmounted but by treating with the Prince himself, the Ambassadors pressed the Pope to send a Cardinal to him, whereby the Articles might easily be concluded. But the Cardinals, puffed up with their Dignity and Grandeur, which had been lately so much exalted by *Innocent*, said, *Id non convenire sedis honori, ut Cardinales hoc modo mittantur* <sup>3</sup>. This Point being long debated, the Prince's Ambassadors could by no Means prevail with the Court to send a Cardinal to *Manfred*.

IN the mean time the Prince, seeing that the Treaty was suspended, resolved to lose no time in taking Possession again of his County of *Andria*, which of Right belonged to him, and therefore seiz'd *Guardia Lombarda*, which belonged to that County, and had been till now in the Pope's Possession. The Cardinals, upon the News of this, seemed to be much offended, and said, the Prince had a Mind to amuse them, and break off the Treaty. The Prince's Ambassadors answered, that *Manfred* by this Action had no Design to break off the Treaty, because he had only acted as Count of *Andria* and not as Regent, and that his re-possessing himself of that Country, which, as the anonymous Writer says, *erat de speciali jure ipsius Principis*, ought no wise to displease the Pope.

BUT though the Cardinals under this Pretence seemed to be offended, yet the true Cause of their Uneasiness was *Manfred*'s approaching with his Army; for they were afraid he would at last come to *Naples*, which put them into such a Consternation, that the Pope with all his Court were resolved to take Shipping, and leave that City: Therefore they bid the Prince's Ambassadors acquaint him, that if he was in earnest to make Peace with the Church, he ought to march with his Army out of *Guardia Lombarda*, and return to *Puglia*.

THE Ambassadors, perceiving their Fear, promised to write to *Manfred* to persuade him to return to *Puglia*, which they did; but at the same time they gave him privately to understand that if he would march towards *Naples*, the Pope and his Army were in such a Fright he might easily defeat them, and be Master of *Terra di Lavoro*. *Manfred* upon this Intelligence, notwithstanding a great Storm of Snow, was resolved to march into *Terra di Lavoro*; but upon Advice which he received that very instant of time, that the People of *Brindisi* had risen up in Arms, and had surprized *Nardo*, and made a great Slaughter among the Citizens and Soldiers commanded by *Manfred Lancia*, whom the Prince his Cousin had made Governor of

<sup>1</sup> Anon. m<sup>2</sup> Idem.<sup>3</sup> Idem

*Terra d'Otranto*, he altered his Resolution and marched towards *Brindisi*, which made the Pope easy.

THE Cardinals, since he was now at a Distance, and engaged in this new Expedition in *Terra d'Otranto*, became indifferent about the Peace, so that *Manfred's* Ambassadors could conclude nothing; on the contrary the Pope appointed *Ottaviano* Cardinal Deacon of *S. Maria in via Lata*, Apostolick Legate over the Kingdom, who was no sooner made than he began to assemble a sufficient Army to oppose *Manfred*, of which the Ambassadors being apprized, they immediately left *Naples*, and went to join the Prince, who was now on his March to *Brindisi*, and told him what the Pope, by the Means of his new Legate, had resolved to do, and that the Treaty was dropt.

*MANFRED* was not at all daunted but pursued his Purpose, and laid Siege to *Brindisi*, the Seat of the Rebellion, with which many other Cities of *Terra d'Otranto*, such as *Oria*, *Otranto*, *Lecce* and *Mesagna* had joined; he laid waste the Country about *Mesagna*, and demolished the City, subdued *Lecce*, and laid Siege to *Oria*.

WHILE the Prince was wholly intent upon quelling these Revolts, he was diverted by new Revolutions in *Calabria* and *Sicily*.

AT this time *Pietro Ruffo di Calabria* Count of *Catanzaro* had the sole Government of these Countries. This Count, in the time of the Emperor *Frederick*, had been brought to Court in a very poor Condition<sup>1</sup>, and by Degrees crept into Favour and was made a Privy Counsellor, and at last Marshal of the Kingdom of *Sicily*. Upon *Frederick's* Death *Manfred* made him *Henry's* Guardian, and Governor of *Calabria* and *Sicily*. *Conrad* afterwards created him Count of *Catanzaro*, and confirmed him in the Government of these Provinces; but *Conrad* dying he became uneasy under *Manfred's* Regency, and was suspected to be in Confederacy with *Innocent IV.* and an Enemy to the young King *Conrad*; he had always an Aversion for *Manfred*, and now more than ever, when he saw him so powerful in *Puglia*, insomuch that by the Means of *Giordano Ruffo* he not only made *Calabria*, but also *Sicily* to revolt. He had now fortified himself with a great Number of Followers in *Cosenza*, and kept the Province of *Val di Crati*, and *Terra Jordana* so much at his Devotion, that the Name of *Manfred* was both despised and hated; and a secret Treaty between him and Pope *Alexander* was discovered for delivering up *Calabria* into the Hands of the Church, and Messengers were going and coming for completing the Treaty<sup>2</sup>.

*MANFRED* being advised of this Conspiracy by some *Cosentines* and *Gervasio di Martina*, immediately sent Troops to *Calabria*, and gave the Command of them to *Conrad Truich*, to whom and the said *Gervasio* he committed the Charge of that Province. These gallant Warriors, after alternate Fortune at large describ'd by the anonymous Writer, at last reduced these Provinces under King *Conrad's* Obedience; and after *Manfred's* Army had subjected almost all *Calabria*, *Messina* was taken by Storm, and *Reggio* quickly reduced; the Prince at the same time his Army was making War in *Calabria* and *Sicily*, carried on the Siege of *Oria*, and reduced the Cities of *Terra d'Otranto* to his Obedience.

BUT while *Manfred* was intent on the Siege of *Oria*, and had his Forces divided into different Parts of *Calabria* and *Sicily*, *Ottaviano* the Apostolick Legate had assembled a great Army in order to invade *Puglia*; and the Number of Troops was such, that *Manfred* was obliged to raise the Siege, and march to *Melphis* to ward off the impending Danger. However he assembled his *Germans* and *Saracens* the best Way he could; and though his Army came far short of that of the Legate, nevertheless by the Bravery of his Soldiers, with wonderful Intrepidity he met him and offered him Battel. But the Legate shunned an Engagement, and contented himself with fronting *Manfred's* Army.

MEAN while another Army was assembled for the Expedition into *Calabria* under the Conduct of the Arch-Priest of *Padua*, whom the Legate had made his Vicar; for *Pietro Ruffo* being driven out of *Messina* and *Calabria*, had put the Legate upon that Expedition. Besides *Bartolomeo Pignatelli*, whom the Pope had made Archbishop of *Cosenza*, being a mortal Enemy to *Manfred*, pushed on that Expedition, and the Pope looked upon him as a fit Instrument to carry it on in Conjunction with *Pietro Ruffo*. To them was added *Odo* Marquis of *Homburg*, to

<sup>1</sup> Anonym. Curia ipsius Imperatoris Frederici pauper ingressus.

<sup>2</sup> Idem. Qui tractat dicebatur, quod Calabria in manibus Ecclesie taretur.



whom *Alexander*, for an Allurement, had given the Investiture of the County of *Casanzaro*, which *Manfred* had taken from *Pietro Ruffo* <sup>1</sup>.

WHILE these were on their March to *Calabria*, the Archpriest was ordered back, by the Legate, in order to reinforce the Army that was facing *Manfred*; and the Archbishop of *Cosenza* and *Pietro Ruffo* marched to *Cosenza*, who, upon their Arrival there, spread a great many false Stories, in order to draw in these People, and at last required them to surrender to the Pope. But *Gervasio di Martina*, who had the Charge of that Country, opposed them stoutly; and observing that thro' want of the Troops that had returned with the Archpriest, the Archbishop's Army was greatly diminished; and in order to recruit it, by a Power he had received from the Pope, the Archbishop began by way of Crusade to enlist all the *Calabrians* he could in that Neighbourhood; and after he had published this Crusade against *Manfred*, with a Remission of all Sins, and a plenary Indulgence, as if they had taken the Cross for driving the Infidels out of the Holy Land, and from the Sepulchre of Christ, the *Calabrians* left the Spade, the Plough and the Oar, and flocked to him from all Parts to be marked with the Cross <sup>2</sup>: By which Means two thousand *Calabrians* entered into this Crusade, and joined the Archbishop's Army: and though they were but ill provided both with Horse and Arms, yet they were as intrepid as if they had been going to suffer Martyrdom for the Faith, insomuch that they pressed the Archbishop at all Hazards to fight the Enemy. However *Gervasio di Martina* despising their Numbers, after various Turns of Fortune, minutely related by the anonymous Writer, at last routed and dispersed them all, and forced the Archbishop and *Pietro Ruffo* to fly to *Lipari* for Shelter, and they afterwards returned to the Pope in *Terra di Lavoro*. By this Victory the *Calabrians* were humbled, and all Things being set to rights again, they returned to their former Allegiance.

IN the mean time *Manfred* was encamped with his Army in *Puglia* near *Guardia Lombarda*, fronting that of the Legate, who by no Means would venture an Engagement, but both Armies watched the Motions of each other.

WHILE the two Armies were in this Situation, there arrived a Marshal of the Duke of *Bavaria's*, Uncle to the young King, sent by Queen *Elizabeth* the King's Mother and the Duke himself to treat with *Manfred* and the Court of *Rome* concerning the King's Affairs <sup>3</sup>.

AS soon as the Legate and the Marquis *Bertolus* heard of the Arrival of the Marshal, and the Occasion of his Message, they went to *Manfred* to desire a Truce and Suspension of Arms, in order to treat of a Peace between Pope *Alexander* and King *Manfred* by Means of the Marshal. *Manfred* consented; and many of the Nobility and Barons of both Sides swore to the Truce as long as the Treaty should last, and five Days after, in case nothing should be agreed upon: The Legate answering nothing as to the five Days after the Treaty, it was suspected, that he had a Mind to play some Trick, as the Event shewed; for *Manfred*, after the Truce had been agreed to by both Parties, having removed with his Army from the Place of Encampment, and marching along the Sea Coast of *Bari*, the Legate, contrary to the Terms of the Truce, entered with his Army into *Capitanata*, surprized *Foggia*, and put all the Cities of that Province into a Consternation; and the City of *S. Angelo* situate upon the Top of *Monte Gargano*, upon the Arrival of the Pope's Army in *Foggia*, revolted from the Prince. *Manfred*, who was then at *Trani*, amaz'd at the Legate's Treachery <sup>4</sup>, could not at first believe the Surprizal of *Foggia*; but being afterwards assured of the Villany, full of Resentment, he immediately marched with his Army to *Barletta*, and after he had made himself sure of the Fidelity of that City he returned to *Lucera*; from thence he marched to *Gargano*, took that rebellious City by Storm, and reduced it to his Obedience; and after he had refreshed his Army he marched directly to *Foggia*, and besieged that of the Pope which had retired into that City. In the mean time the Marquis *Bertoldus* came with his Troops to the Legate's Assistance; but *Manfred* prevented him, and after a notable Defeat put him to flight, and took all his Baggage.

THE Legate shut himself up with his Army in *Foggia*, and *Manfred* laid close Siege to it, which occasioned so great a Scarcity of Provisions, that a Horse was

<sup>1</sup> Anonym.

<sup>2</sup> m.

<sup>3</sup> l m.

<sup>4</sup> Anonym. Minime credibile narravit, & mira-

tus est si verum esset, quod Legatus sedis Apostolicæ vir quidam Ecclesiasticus, & qui magis aliis fidem servare tenebatur, firmata inter se & Principem Trejuarum pacta, fregisset.

exchanged for a Hen; and to complete the Misery of that Army it was seized with a Sickness, of which many died, and the Legate himself was likewise taken ill <sup>1</sup>.

THE Legate finding himself in this Distress, and knowing it was in vain to strive against the Frowns of Fortune and the Valour of the Prince, to prevent the Ruin of his Army by this close Siege, sent Messengers to beg Peace of *Manfred*: The Prince complied with his Desire, and after divers Conferences the Peace was concluded on these Conditions <sup>2</sup>,

THAT the Prince should possess the Kingdom for himself and King *Conrad* his Nephew, except *Terra di Lavoro*, which Province was to be yielded to the Church; that if Pope *Alexander* would not accept of this Agreement and Transaction, it should be lawful for the Prince to recover that Province which belonged to the Kingdom.

AS soon as this Peace was concluded, the Legate earnestly begged of *Manfred*, that after the Example of our blessed Redeemer he would pardon those Gentlemen, who in the time of the Emperor *Frederick* had been banished the Kingdom, and who were now along with him. Although this was not included in the Articles of Peace, yet *Manfred* was so merciful as to pardon them all; and not only restored them to his Favour, but also gave them back all the Lands, which by their Rebellion they had justly forfeited, provided that by their future Behaviour and Loyalty they would efface their past Offences.

NEITHER did he except out of this Act of Grace the Marquis *Bertoldus* and his Brothers, but with an ample Pardon received them into Favour again, and allowed them to possess their Estates, which by their Crimes they had deservedly forfeited for ever.

THIS Peace being thus settled, the Legate with the Pope's Army left *Foggia*, and marched to *Terra di Lavoro*, and *Manfred* having raised the Siege went a hunting in the neighbouring Plains; and during this Tranquillity he sent Ambassadors to the Pope to get him to ratify the Articles of Peace, agreed upon with the Legate; otherwise in pursuance thereof he would endeavour to be Master of *Terra di Lavoro*.

SHORT liv'd was this Peace; for the Ambassadors, upon their Arrival at *Naples*, found at the Pope's Court Count *Guaferbuch*, who discovered to them a Conspiracy, which the Marquis *Bertoldus*, his Brothers, and some Noblemen of the Kingdom, by a Correspondence with that Court, were hatching against *Manfred's* Person, whereof it was necessary to advise him that he might be upon his Guard. The Count likewise told them, that the Pope had not the least Inclination to ratify the Peace made with the Legate, whereupon they immediately sent Advice of both these Matters to *Manfred*.

THE Prince surprized at this Account, after he had caused the Conspiracy to be narrowly examined into, found, that what his Ambassadors had wrote to him was true; therefore he ordered the Marquis and his Brothers to be put in Prison. And after his Ambassadors had returned from the Pope's Court without concluding any thing, by Reason of *Alexander's* refusing to accept of the Peace, in order to guard against the Mischiefs that was intended, he summoned a Parliament of all the Counts and Barons of the Kingdom to be held in *Barletta* on *Candlemas-day* the Year following 1256. And in the mean time that nothing might be wanting on his part, and that the Pope might have no Excuse, he sent new Ambassadors to him to demand a Ratification of the Peace; but *Alexander* positively refusing it, dismissed the Ambassadors.

THE appointed Time for holding the Parliament being now come, all the Counts and Barons of the Kingdom met in *Barletta*, where divers and weighty Affairs were resolved upon.

*Pietro di Calabria*, on Account of his Disloyalty, was deprived both of the Honour of Count of *Catanzaro*, and of the Office of Marshal of the Kingdom of *Sicily*.

*Gualvano Lancia*, the Prince's Uncle, was created Count of the Principality of *Salerno*, and had likewise the Office of Great Marshal of the Kingdom of *Sicily* conferred upon him.

<sup>1</sup> Anonym.

<sup>2</sup> Idem. Ut Princeps pro parte sua, & Regis Conradi nepotis sui Regnum teneret, excepta Terra La

boris, quam Princeps Ecclesie concessit tenere.

<sup>2</sup> Idem.

*GUALVANO*'s Brother, another Uncle of *Manfred*'s, was created Count of *Squillace*; and *Errico di Spernaria* got the County of *Marfico* <sup>1</sup>.

IN this Parliament was likewise tried and discussed the Case of the Marquis *Bertoldus* and his Brothers, who were found guilty of the Conspiracy hatched against the Prince, and with the unanimous Voice of the Counts and Barons of the Kingdom were sentenced to die. But *Manfred* out of his Clemency commuted the Punishment to perpetual Imprisonment, where they miserably ended their Days.

AS soon as *Manfred* had put an end to this Parliament, wherein the Polity and Quiet of the Kingdom were taken care of, he was wholly intent upon the Expedition to *Terra di Lavoro*, and rooting out of *Calabria*, and more especially out of *Sicily*, the Faction of the Pope, who still kept in that Island *Rufino*, of the Order of Friars Minors, as Legate of the Apostolick See, who had seduced many of the *Sicilians* from their Allegiance to the King, and engaged them to acknowledge him as Lord of the Island in the Name of the Church of *Rome*. In order to remedy these Mischiefs, *Manfred* made *Federico Lancia*, his Uncle, his Lieutenant of *Calabria* and *Sicily*, who by his admirable Conduct and Bravery restored Peace and Tranquillity among the wavering Cities of *Calabria*, and made them obedient to the King; and he so animated the Royal Army that was in *Palermo*, that the Legate *Rufino*, with all his Followers, were made Prisoners, and *Palermo* and all the Neighbourhood returned to their Allegiance; and afterwards having marched to *Messina* he likewise reduced that City.

IN the mean time Prince *Manfred*, having declared War against the Pope who had left the Kingdom, and with his Court had first gone to *Anagni*, and afterwards to *Viterbo*, prepared himself for the Expedition to *Terra di Lavoro*, in order to recover that Province. He displayed his Standards, and with a powerful Army marched directly towards *Naples*. It was truly very surprizing, as *Coslanzo* observes <sup>2</sup>, that the City of *Naples*, which a few Years before had stubbornly shut their Gates upon him, and renounced their Allegiance to *Conrad*, should now send Messengers to *Manfred* when at a great Distance, and spontaneously offer to surrender to him <sup>3</sup>. The Reason of this Procedure was thought to be the low Ebb to which the Pope's Power was reduced, and that it was fresh in their Memory, how by trusting to Assistance from Pope *Innocent IV.* they had been pillaged and ruined. Neither is it to be doubted but that *Manfred* himself had a Hand in it, for he had sent to insinuate to many Gentlemen of his Acquaintance, that gallant Men had more Reason to expect Encouragement under his Government, than under that of a parcel of Priests; many Instances of which they might see in *Puglia*, *Calabria* and other Provinces, where he had raised many to the Order of Knighthood, and other Dignities and Prerogatives. In a Word, the *Neapolitans* received *Manfred* into their City with great Pomp and Acclamation; and he, to be as good as his Word, behaved quite otherwise than *Conrad* had done; for at his own Charges he repaired all the publick Edifices, pardoned all those who in *Conrad*'s and his own Time had appeared Enemies to the House of *Suevia*, and, according to their Ages and Qualities, honoured many of the Nobility by making them Counsellors, or giving them Posts about his own Person <sup>4</sup>.

THE kind Usage which *Naples* received at *Manfred*'s Hands induced the *Capuans* likewise to surrender their City, and all the other neighbouring Cities did the same, excepting *Aversa*, where the Pope's Faction made some Resistance, but at last it was forced to yield to *Manfred*, and in short all the Province of *Terra di Lavoro* submitted to him. Having thus reduced this Province he marched to *Capitanata*, and then to *Brindisi*, in order to quell the Sedition which the Archbishop of that City had fomented, which he soon accomplished, and imprisoned the Archbishop. *Ariano* and *Aquila*, that were the last and most obstinate in their Rebellion, were burnt and destroyed.

THIS Prince having thus subjected the whole Kingdom of *Puglia* to his Dominion, was resolved to go over to *Sicily*, whereby he might more firmly establish the King's Authority in that Island, and entirely extirpate the Pope's Faction. He took shipping, passed the *Streights*, and arrived at *Messina*, where he remained a few

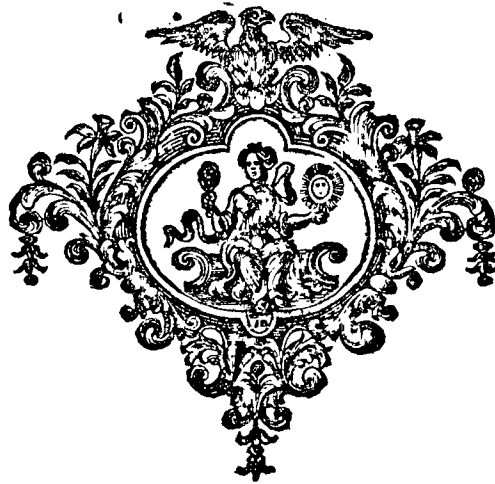
<sup>1</sup> Anonym  
Cassari 20 lib. 1  
<sup>2</sup> Anonym

<sup>4</sup> Idem. Et ideo predictæ duæ Civitates Neapolitanæ & Capuæ sponte sua se ad mandatum Principis converterunt.

Days, and from thence went to *Palermo*, the Royal Seat of the ancient Kings of *Sicily*.

IN the mean time Pope *Alexander*, not able to make Head against *Manfred*, this Year 1257, renewed his Intrigues in *England*, in order to bring that King to accept of the Investiture of the Kingdom for his Son *Edmund*; and *Matthew Paris* says, that *Henry* did accept of it; but because he had not Forces sufficient for the Undertaking, it behoved him to ask powerful Assistance from his Subjects; whereupon he called a Parliament, wherein his Son *Edmund* appeared in a *Neapolitan* Dress, that thereby they might be the more readily induced to grant him Assistance, and that the Kingdom which was offered might not be lost through their Fault; but the *English* came to no Resolution, and, as shall be related in the Year 1259, the Treaty was entirely laid aside; and on a false Report that the young King *Conrad* was dead, *Manfred* caused himself to be crowned in *Palermo*, and fixed himself on the Throne of *Sicily*; as we shall have Occasion to mention in the following Book of this History.

‡ Inveges Annal. di Palerm. tom. 3.



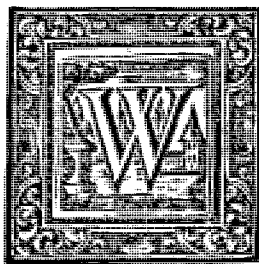


THE  
 CIVIL HISTORY  
 Of the KINGDOM of  
 NAPLES.  


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 BOOK XIX.  


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WHILE *Manfred* was in *Palermo*, News was brought him that the young King *Conrad* was dead in *Germany*; but Historians, according to the Faction they are of, differ in this Point of History. The *Guelfs*, such as *Giovanni Villani* a *Florentine*, and other *Italian* Writers of that Faction say, that *Manfred* having for a long time had a Design to usurp the Kingdom from the King his Nephew, had in vain endeavoured to get him to be poisoned, but now had employed some false Messengers to bring him News from *Germany*, first of *Conrad's* Sickness, and then of his Death, which Report he artfully caused to be spread in *Palermo*, and all the other Cities of the Kingdom; and in order to give it the greater Air of Truth, with much Dissimulation and Grief, he sent this Advice to the Barons and Syndicks of both Kingdoms, publishing *Conrad's* Death as a certain Truth; and having caused the Funeral Oblequies to be performed in *Palermo* with great Pomp and Demonstration of Grief for the pretended Death of this Prince, in Presence of all the Counts, Barons and Prelates there conven'd, he made a very moving Speech, wherein, after he had enumerated all the Favours which the *Norman* Princes and the Emperors of the House of *Suevia* his Ancestors had done to both the Kingdoms, and the Services done by himself in the Reign of *Conrad*, and the Minority of his Son *Conrad*, he begged of them all, that since in so short a Space of Time Death had robbed them of so great an Emperor as *Frederick* his Father had been, and of his numerous Offspring, not to defraud him of that Succession, which the Will of *Conrad* and that of his Father in his Testament had marked out for him, he being

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the only surviving Prince of all the Blood Royal. And then he added, that they had little to expect and as little to fear from the *Roman* Pontiffs, because their Government was but short and changeable, for the Death of a Pope broke all his Measures, and left his Successor to begin anew. So that the Writers of the *Guelf* Faction will have it, that these Things being told with so good a Grace and admirable Art, were of such Force and so effectual, that he was immediately proclaimed their King and Lord.

ON the other hand the anonymous Writer, though Cotemporary but a rigid *Ghibelline*, and those who follow him say, that *Manfred* made use of no such Deceit and Cunning; but that as soon as this Report of *Conrad's* Death was spread over our Kingdom, almost all the Counts, Barons and Prelates immediately set out for *Sicily* to wait upon *Manfred*; and that all the Cities of both Kingdoms sent their Syndicks and Messengers to *Palermo*, where being all assembled in one Body, with unanimous Consent they requested him, that since he had hitherto with so much Prudence governed the Kingdom for *Conrad* his Nephew now dead, he would as lawful Heir take upon him the Government, and cause himself to be crown'd King of *Sicily*; then all the Counts, Barons and Prelates of the Kingdom being assembled together proclaimed him King, and with the usual Ceremonies on the eleventh Day of *August* 1258, crowned him in the Cathedral Church of *Palermo* <sup>1</sup>.

LET it be so, that *Manfred* brought all this about by Art, which is very probable, considering the Ambition he had to reign, or whether it was Chance, or the Will of the Subjects, he was with great Solemnity, according to ancient Custom, with the Consent of all the Counts, Barons and other Grantees of the Kingdom, and of a great many Prelates, crowned King, and *Raimond* Archbishop of *Agrigento*, assisted by the Archbishop of *Sorrento*, and the Abbot of *Cassino* said the Mass; and he being afterwards seated on the Throne, the Archbishops of *Palermo*, *Taranto* and *Monreale* put the Royal Crown upon his Head. Some have dreamed that *Manfred* likewise caused himself to be crowned King of *Puglia* in *Bari* with the Iron Crown, as had been said of *Henry* and *Constantia*; but though *Beatillo* in the Life of *S. Nicholas* of *Bari*, from the Authority of some modern Writers, endeavours to prove it, 'tis altogether a Romance, there being neither ancient nor cotemporary Authors or Vouchers.

*MANFRED* had no sooner mounted the Throne, than in order to gain the Hearts of the People, and get the Name of a gracious and generous Prince, he made very rich Presents, conferred Offices, and advanced many to the Honour of Knighthood. After the Ceremony of the Coronation was over he left *Palermo*, and to keep the *Germans* in Awe, took some *Saracens* with him to *Puglia*; but finding all the Provinces in perfect Peace and Tranquillity, and pleased with his new Government, he held a Parliament in *Barletta*, where he honoured many with the Order of Knighthood, and invested others with different Bounties, by delivering to them the Standard as a Symbol of Investiture. After this he called another Parliament in *Foggia*, where he conferred the Order of Knighthood on many others, and liberally bestowed other Honours, Offices and Dignities, and with magnificent Feasts, Games and Illuminations kept the People all merry and full of Joy.

POPE *Alexander* was grievously vexed at *Manfred's* prosperous Fortune, and the small Account he made of him; and being sensible that the Forces of the Church were not sufficient to check him, had already the preceding Year 1257 resumed the Treaty with *Henry* King of *England*, by inviting *Edmund* his Son to come and conquer the Kingdom; and, as we have said, had sent his Legates into *England* to invest King *Henry* with the Kingdom in Name of his Son *Edmund*, who was then under Age. And *Henry* in the Name of his Son took the Oath of Fealty to the Legates; and the Conditions and Tribute which was to be paid to the Apostolick See were settled, and he had promised to come with a powerful Army to drive *Manfred* out of the Kingdom. But that Prince, either upon second Thoughts did not think fit to involve himself in a new War, or that the Tribute agreed upon was truly too heavy and exorbitant, delayed the Expedition, and being pressed by *Alexander*, he answered him, that first of all the Tribute ought to be moderated <sup>2</sup>. The Pope impatient of Delay had resolved to send into *England* *Arlotto* Subdeacon of the Apostolick See, and his Chaplain to treat about moderating the Tribute; but he altered his Resolution, because at that very time King

<sup>1</sup> Anonym. Pirri, Rinaldo.

<sup>2</sup> Tut. de Conc. p. 61.

*Henry* sent the Archbishop of *Monstiers*, the Bishops of *Bath* and *Wells* and *Rocheſter*, and Mr. *Nicholas French* his Royal Chaplain Ambassadors to treat about the ſame Affair; but theſe having been at a great deal of Pains to no purpoſe, on Account of new Troubles ariſen in *England*, at laſt, the following Year 1259, the Treaty was quite broken off; neither did *Alexander* ever after make any farther Application to *Henry*, but both he and his Succeſſor *Urban* had recourſe to *France*.

WHILE theſe Things were tranſacting, *Manfred* had driven the Pope's Forces out of *Puglia*, *Terra di Lavoro* and *Sicily*; he had taken and puniſhed the Rebels, and had been, as we have ſaid, crowned King in *Palermo*. The Pope therefore, more enraged than ever, and reſolving to be revenged, ſince the ſecular Arm availed nothing, was determined to have recourſe to the ſpiritual, by Excommunications and Interdictions.

FIRST he prefixed a certain time for King *Manfred's* appearing before him, to give him Satisfaction for all the Injuries done againſt the Apoſtolick See, otherwiſe he would depoſe, excommunicate and ſtrip him of all his Honours; but *Manfred* not appearing, and undervaluing all his Threats, he excommunicated him and declared him a Rebel, an Enemy to the Church of *Rome*, and a ſacrilegious Uſurper and Robber of her Rights, and a Confederate of the *Saracens*, whoſe Head he had declared himſelf to be. He deprived him of the Principality of *Taranto*, and of all the Fiefs, Rights, Honours and Prerogatives. He pronounced him guilty of moſt execrable Crimes, of having taken and put Friar *Ruffino* his Chaplain, and Legate in *Sicily* and *Calabria*, into a dark Priſon; of having laid his ſacrilegious Hands upon the Goods of the Churches of the Kingdom of *Sicily*; of having taken and kept chained in cloſe Priſon the Archbishop of *Brindifi*, and robbed him of all his Goods; and of having, by an outrageous Attempt aſpired to the Throne of *Sicily*, and poſſeſſed himſelf of that Kingdom devolved to the Apoſtolick See, and made himſelf to be crowned King without his Permiſſion and Conſent. Therefore with the Advice and Suffrages of his Cardinals he declared *Manfred* excommunicated, his Coronation, Unction, and all that had followed thereupon void and of no effect.

HE interdicted all the Cities, Places and Caſtles that ſhould receive *Manfred*, or acknowledge him for King. He prohibited all the Archbishops, Bishops, Abbots, or any other Eccleſiaſtical Perſon whatſoever to celebrate the Divine Offices if *Manfred* was preſent, or to receive from him any Eccleſiaſtical Benefices, or any Power of Adminiſtration of Churches or Monaſteries; and he ordered, that thoſe who had received them from him ſhould by all Means within two Months reſign them.

BESIDES, the Pope when he was in *Naples* had ſtrictly forbidden all Prelates and other Eccleſiaſtical Perſons to go near *Manfred*, or to ſend or receive Meſſages from him, or give him Aſſiſtance or Advice; notwithſtanding that Prohibition, almoſt all the Archbishops, Bishops, Abbots and other Prelates of the Kingdom of *Sicily* had gone to *Palermo*, and been preſent at his Coronation; therefore he gave a general Summons to all thoſe who had been preſent, and to ſome in particular, to appear perſonally before him between that and a certain time; but none appearing or regarding his Citation, he therefore excommunicated *Rainaldo* Biſhop of *Agrigento*, and depoſed him from the Epiſcopal Dignity, for having, with his ſacrilegious Hands, anointed *Manfred* King, and on the Day of the Coronation ſolemnly celebrated Maſs. He likewiſe excommunicated and depoſed the Archbishop of *Sorrento*, as alſo the Abbot of *Caffino*, for having aſſiſted at the Unction and Coronation, ordering the Chapters of the Churches of *Agrigento* and *Sorrento*, and the Convent of the Monaſtery of *Caffino*, and all the Vaſſals of the ſaid Churches and Monaſtery not to obey them, or own them as ſuch, or pay them any Rents or Profits. He cited the Archbishops of *Salerno*, *Taranto* and *Monreale*, who had put the Royal Crown upon *Manfred's* unworthy Head, and had ſeated him upon the Throne of *Sicily*, to appear perſonally before him on the next Feaſt of the Octave of SS. *Peter* and *Paul*. The Writ of theſe terrible Cenſures, which *Alexander* fulminated againſt *Manfred* and his Adherents, is recorded by *Tubini* in his Treatiſe of the Countables of the Kingdom<sup>r</sup>.

BUT theſe Thunderbolts were not at all minded, but looked upon as void, and thrown without an juſt Cauſe; ſo that neither *Manfred*, or the Cities, Prelates or People took any Notice of them; on the contrary he enjoyed the Fruits of his

Labour and Toil, and often diverted himself with Games and Hunting, and gave strict Orders for performing the Divine Offices in all the Churches of the Kingdom as formerly, which all the Prelates and other Ecclesiastical Persons willingly obeyed. *Manfred* being now powerful and triumphant, carried his Arms beyond the Confines of the Kingdom, and his Name was become famous in other Parts of *Italy*, insomuch that the *Ghibelline* Faction began to outstrip the *Guelfs*; and in *Lombardy* and *Florence* they had made notable Progress.

ALTHOUGH this Prince was Master of two opulent Kingdoms, yet he was sensible they were not able to maintain so great an Army as was necessary to be kept on foot, in order to defend himself against such Enemies as the *Roman* Pontiffs; therefore he resolved to send part of his Army to *Tuscany*, and part of it to *Lombardy* to assist the *Ghibellins*; whereby he not only saved Charges, but gave the Pope a Diversion, by obliging him to send his Army to protect the *Guelfs*, *S. Peter's* Patrimony, *Romagna* and *Marcia*<sup>1</sup>. And in the mean time *Manfred* lived at Ease and in great Splendor, diverting himself in the maritime Cities of *Puglia*, and particularly in *Barletta*: And while he was in this City there came to him Ambassadors from Queen *Elizabeth*, according to the anonymous Writer, or (according to the Opinion of *Summontes*, who took it from a Charter) *Margaret* King *Conrad's* Mother, and the Duke of *Bavaria*, who declared their Embassy to *Manfred*, and told him that King *Conrad* was still alive, and that he ought to punish those who had reported that he was dead; so that in the Name of the Queen and the Duke they entreated him to relinquish the Kingdom, which of Right belonged to *Conrad*. *Manfred* received the Ambassadors with great Honour and Respect, and like a cunning and prudent Man, having foreseen the Embassy, he readily answered them, that it was notorious and manifest to all the World that the Kingdom was lost as to *Conrad*, and that he with the Sweat of his Brow, and much Fatigue and Labour, had by mere Force recovered it from the Hands of two Popes; that *Conrad* being very young would soon lose it again; and the Popes, who were bitter Enemies of the House of *Suevia*, would easily recover it from him; besides that the People, who abhorred the  *Germans*, whose Support *Conrad* must depend upon, would never bear to be domineered over by that Nation; that now the People being used to his Government, and gentle *Italian* Customs, by giving them a new Prince, would be afraid of new Revolutions; and since it was obvious that it was not out of Ambition to reign, but for the young King's Advantage that he did not part with the Kingdom, he would keep it for him and govern it as long as he lived, and then leave it to him; that the Queen would act very prudently in sending her Son to be brought up by him, that he might learn the *Italian* Customs, and that he would take care of him, not as his Nephew, but as his own Son<sup>2</sup>. The Ambassadors having received this Answer, and taken Leave of *Manfred*, departed, loaded with Presents; he sent ten fine Horses to the Duke of *Bavaria*, and many Jewels to young *Conrad*.

THE Queen's and the Duke's Ambassadors returning with these Answers, that unfortunate Princess found that it would be a very difficult Matter to recover the Kingdom out of the Hands of *Manfred*, and therefore was forced to put up with the Injury for the present, and wait for a more favourable Opportunity to get her Son restored to the Throne of *Sicily*.

*MANFRED* was now better fixed on the Throne than ever; for he had not only humbled the Pope and the *Guelfs*, but had made himself formidable to all *Italy*; and the Fame of his Courage, Munificence, and all the other truly Royal Virtues that adorned his Person were every where known, which had made him to be beloved and esteemed by almost all the Princes of *Europe*, amongst whom he made a very shining Figure; and it happened at this time, that *Baldwin* Emperor of *Constantinople* came to *Bari*, and *Manfred* being at *Barletta* went and received him very honourably, and in a most magnificent manner entertained him with Feasts and Tournaments, and sparing no Cost, he treated him with Royal Fare, and continual Tiltings, to which the chief Nobility of both Kingdoms were invited.

THE Fame of *Manfred's* noble Endowments made *James* King of *Aragon* desirous to enter into Alliance with him, by marrying his eldest Son *Peter* to *Constantia* *Manfred's* Daughter, whom he had by *Beatrice*, the Daughter of *Amadeus* Count of *Savoy*, his first Wife, whom he had married in the Life-time of the

<sup>1</sup>Costanzo, lib. 1. 'Hist. di Nap.

<sup>2</sup>Idem.



Emperor his Father<sup>1</sup>; and the Marquis of *Monferrat* married another of his Daughters.

THESE Alliances much displeas'd Pope *Alexander*, and to prevent that with the King of *Aragon*, he order'd *Raimonda di Pennaforte* a *Dominican* Friar, and famous for his Collection of the Decretals, to use his utmost Endeavours with that King, whose Confessor he was, to dissuade him from it; but all Friar *Raimondo's* Efforts and Insinuations were in vain; whereupon *Alexander* being out of all Hopes, from that time forward never attempted to disturb *Manfred* any more; so that he govern'd and restor'd the Affairs of the Kingdom with all Tranquillity and Prosperity as long as this Pope lived; and being born to great Things, he was resolv'd to leave among us a lasting and perpetual Monument of his Name, by founding at the Foot of *Monte Gargano* on the Sea-shore a magnificent City, which altogether abolish'd the antient *Sipontum*, and from his Name to this Day it retains that of *Manfredonia*, although *Charles* of *Anjou*, after he had possess'd himself of the Kingdom, and the *Roman* Pontiffs out of Hatred to the Name of *Manfred*, did all they could to sink the Name of *Manfredonia*, and have it call'd *New Siponto*.

POPE *Alexander* not able longer to bear the continual Vexations of Mind, which the Prosperity of *Manfred* and the *Ghibellins* gave him, at last overcome with Grief, while he kept his Court at *Viterbo*, was taken ill, and in a short time ended his Days this Year 1260, according to the anonymous Writer, though *Sigonius*, *Inveges* and others have unanimously recorded his Death to have been in the following Year 1261.

THE Cardinals had great wrangling about chusing a Successor, and at last not able to agree amongst themselves, after three Months Dispute, they elect'd one that was not of their College. This was *James* Patriarch of *Jerusalem*, who was then at *Viterbo* about some Concerns of his Church<sup>2</sup>. He was a Native of *France*, a Man of great Parts, and a most zealous Promoter of the Pretensions of the Court of *Rome*, and consequently a bitter Enemy to *Manfred* and his *Ghibellins*. He was call'd *Urban IV.* a mischievous and fatal Name to the House of *Suevia*.

<sup>1</sup> Anonym. Et filiam suam Constantiam, quam ex Petro Primogenito dicti Regis Aragonum matrimonio prima consorte sua Beatrice, filia quondam A. S. baudia Comitiss, Imperatore vivente suscepit, Don nio copulavit. <sup>2</sup> Idem.



## C H A P. I.

*Urban IV.'s Expedition against Manfred; and his Invitation to Lewis King of France to come and conquer the Kingdom for one of his younger Sons.*

**K**ING *Manfred*, upon the News of *Urban's* Election, was very much alarmed, and began to be afraid that he would have recourse to the Power of *France* for disturbing the Peace of the Kingdom. Nor was his Jealousy ill grounded, for the new Pope had no sooner mount'd the Chair, than he form'd Schemes to induce *James* King of *Aragon* to break off the Marriage already concluded between his Son *Don Peter* and *Constantia* *Manfred's* Daughter<sup>1</sup>; and to shew that he had more Courage than his Predecessor, he resolv'd to begin anew with *Manfred's* Trial; and accordingly on the Feast of *Corpus Christi* he solemnly, in Presence of a prodigious Multitude of People, set him a dreadful Citation<sup>2</sup>, and to make it the more pub-

<sup>1</sup> *Inveges*, Ann. di Palermo, tom. 3.

<sup>2</sup> Anonym.

lick, he caused it to be affixed to the Doors of the Churches, whereby he summoned *Manfred* to appear before him, to purge himself of many great and heinous Crimes, and to receive such Punishment as in Justice he should think fit to inflict upon him.

THE Crimes expressed in this Citation, as they are recorded by *Tutini*<sup>1</sup>, and for which the Pope would have Satisfaction, were, that *Manfred* had caused the City of *Ariano* to be demolished and ruined by the *Saracens*: That he had most inhumanly caused *Tommaso d'Oria* and *Tommaso Salice* to be put to Death: That he had cruelly and treacherously caused *Pietro Ruffo di Calabria* Count of *Catanzaro* to be murdered, and had made a terrible Slaughter among the Adherents of the Church of *Rome*: That in Contempt of the Apostolick Authority and Ecclesiastical Censures he caused the Divine Offices to be performed in his Presence in Places under Interdiction, which was a Sign of a stubborn Heretick, and for which he had been cited by *Alexander* his Predecessor, and not appearing, had been by him excommunicated: That to the Reproach of the Catholick Faith, he preferred the *Saracens* to Christians, and made use of their Rites, and conversed familiarly with them: That by the heavy Taxes and Impositions which he laid upon the People of *Sicily*, he had reduced that Kingdom to a State of Infamy and Slavery: That he had imbrued his Hands in the Blood of his Relations, and had treacherously caused *Corrado Busario* the Ambassador and Vassal of King *Conrad* to be murdered, besides many other execrable Villanies, for all which he was publickly declared infamous.

ALTHOUGH *Manfred* was not personally cited, but only by this Edition, yet upon hearing of the Citation he did not fail to send Ambassadors in order to vindicate himself in the Matters laid to his Charge; but they were quickly sent back without concluding any thing; however, the time affixed for Appearance drawing near, *Manfred* sent other Ambassadors, viz. the Judge *Aitardo da Venosa*, and *Cirivanni da Brindisi* Notaries, and his own Domesticks, who strenuously demanded Letters of safe Conduct for *Manfred's* personal Appearance before the Pope and the College of Cardinals, to prevent any Molestation or Hostilities in passing through the Places belonging to the Church, for being cited to answer to weighty and serious Matters, he could not intrust Ambassadors with his Defence. The Pope consented to his coming, but limited the Number of his Convoy, and that he should bring no Army with him; whereupon *Manfred* set out, and for fear of Treachery, took with him a competent Number of Soldiers and a good many Gentlemen. *Urban* looking upon this as a great piece of Boldness in *Manfred*, was highly enraged, and would hear nothing that the Ambassadors alledged in his Vindication, but being out of all Patience renewed the Censures against *Manfred*, and with as great Solemnity as his Predecessor had done, excommunicated him anew, and declared him a Tyrant, Heretick, and an Enemy of the Church.

*MANFRED* therefore despairing of a Reconciliation with *Urban*, whom he saw determined to do him all the Mischief he could, and seeing no other Remedy left but to humble his Pride by Force, he immediately sent to raise a new Body of *Saracens*, with Orders for them to march to the Borders of the Kingdom to infest the Estate of the Church in *Campagna di Roma*; he sent also other Troops to *Marca d'Ancona*, and retired himself to *Puglia* to make Provision for a new War with *Urban*, which he saw was inevitable.

THESE Steps so provoked the Pope, that as he had humbled the House of *Suevia* in *Germany*, so he was resolved likewise to crush it in *Italy*; and observing that the recourse his Predecessors had had to *England* proved always fruitless, he therefore resolved to try if he could meet with better Success in *France*. Whereupon he sent thither *M. Alberto* Apostolick Notary to treat with King *Lewis* about accepting the Investiture for one of his three younger Sons, which were *John* Count of *Nevers*, *Peter* Count of *Alençon*, and *Robert* Count of *Clermont*. But that holy King refused the Offer, lest (as may be gathered from a Letter of that Pope's to the said *Alberto*, recorded by *Rainaldo*<sup>2</sup>) by invading a Kingdom, which by Right belonged to *Conrad* the *Sueve*, and given by Investiture to *Edmund* of *England* by *Alexander IV.* he should give Scandal to the World.

<sup>1</sup> Tutin. de Contest. del Regno, fol. 67.

<sup>2</sup> Anonym. Excusatio cum itaque prædictorum allegationibus non discussis, ipse summus Pontifex cum

vinculo excommunicatus adstrinxit.

<sup>3</sup> Rainald. ad ann. num. 21.

NOTWITHSTANDING King *Lewis* had rejected the Offer made him of the Kingdom, yet *Urban* had a mind to proclaim a Crusade in *France*, and for that purpose sent thither an Apostolick Legate to list Soldiers, and to publish a plenary Indulgence and Remission of Sins to all those that should take up Arms against *Manfred*, declaring him to be a Tyrant, Heretick, and an Enemy of the Church.

THE Legate upon his Arrival in *France* publish'd the Crusade, and listed a great Number of Soldiers under the Command of *Robert* Count of *Flanders*, the Son-in-Law of *Charles* Count of *Provence* and *Anjou*, who, with a good Body of *French* Horse, came to *Italy*, and so animated the *Guelfs*, and dispirited the *Ghibellins*; that *Manfred* was forced to recall a great part of his Army which were dispersed in *Italy* for supporting the *Ghibellins*; whereupon the *Guelfs* of *Tuscany* and *Romagna* went to meet *Robert*, and being joined, they fought and defeated the Marquis *Uberto Pallavicino*. King *Manfred*, in order to be in readiness to prevent the greatest Danger, resolv'd to march into *Campagna di Roma*, and post himself so as to be able to hinder the Enemy from entering the Kingdom, either by the way of *Abruzzo* or *Terra di Lavoro*; and he immediately marched and encamped with all his Army between *Frosinone* and *Anagni*<sup>1</sup>.

THE Pope was then at *Viterbo*, and desired that the Count of *Flanders* would march his Army that Way, where he gave him a gracious Reception, praising and caressing him and the other chief Men of the Army; and he blessed the Standards and Soldiers, wishing them all Prosperity, and loading them with Benedictions and Promises, with which *Robert* was so elated, that without halting one Moment in *Rome*, he marched in all haste and encamped close by *Manfred*.

BUT the King well knowing that it was not for his purpose to front the Enemy in the Field, but rather to garrison the Towns, and guard the Passes, in order to take Advantage of the Temper of the *French*, who are naturally impatient of Fatigue, when it's of long Continuance, retired to the other Side of the *Garigliano*, to that part which divides the Estate of the Church from the Kingdom of *Naples*; whereupon *Robert* likewise endeavoured to pass that River. But God had designed others to be the Instruments of *Manfred's* Ruin; for the *Romans* rebelled, shook off the Pope's Yoke, and created a new Magistrate called *Banderefe*, which obliged *Urban* to recall the *French* Army to guard himself, and keep the rest of the Estate of the Church from following the Example of *Rome*.

MANFRED did not neglect to take the lucky Opportunity to harrass the *French*; for they had no sooner quitted the other Side of the River, than he with the *Saracens* only repass'd it, the Barons refusing to act offensively against the Dominions of the Church, under pretence, that it was their Duty only to fight in Defence of the Kingdom<sup>2</sup>, as if to harrass the Enemy had not been defending the Kingdom. But *Manfred* yielding to the Times, seem'd not to regard their leaving him, but readily permitted them to retire quietly to their Families; only entreating them, that by way of Loan, they would let him have what Money they had brought with them for their Charges, which was managed by the Count of *Caserta*, and agreed to.

THEN the intrepid King with his *Saracens* only marched towards *Rome*, and by giving Assistance to others of the Pope's rebellious Subjects, he put the Estate of the Church into such a Commotion, that the mercenary *French*, for want of their Pay, retired to the other side of the *Alpes*, and those that remained were scarcely able to protect the Pope.

<sup>1</sup> Costanzo, lib. 1.<sup>2</sup> V. Jacob. de Ajello tract. de Adoba. num. 15.

## S E C T. I.

*Urban invites Charles of Anjou to come and conquer the Kingdom.*

THE Revolt of the *Romans* and *Manfred's* joining, with the other Rebels so perplexed and involved *Urban*, that he began to think of more powerful and effectual Means by which he might ruin him; and having found by Experience that the Church was not able to raise an Army sufficient for so great an Undertaking,

dertaking, he called a Meeting of Cardinals <sup>1</sup>, and with a grave and elaborate Discourse put them in mind of the Injuries and Hardships that, for the Space of fifty Years, the Church of *Rome* had suffered from *Frederick*, *Conrad* and *Manfred*, without any Regard to Religion or Humanity; and proposed, as a thing absolutely necessary, not only for the Credit of the Apostolick See, but likewise for the Safety of their own Persons, to extirpate that impious and cursed Race; and according to the Sentence of Deposition pronounced against *Frederick* by Pope *Innocent IV.* in the Council of *Lyons*, to give both the Kingdoms of *Sicily* and *Puglia*, by Right devolved to the Church, to some gallant and powerful Prince, who, at his own Charges, would undertake not only to deliver the Church, but likewise many others from the Oppression of that perfidious and cruel Tyrant, by whom, in all Probability, both himself and all the sacred College would soon be put in Chains and sent to tug at the Oar. This Speech, delivered by the Pope with so much Energy, so moved the Minds of all the College, that his Proposition was approved of, and the Concern he had shewed for the Apostolick See and their common Safety was much commended.

THE first thing then to be done was to pitch upon a Prince; and seeing there was nothing to be expected from *Henry* King of *England*, who was at so great a Distance, and had already disappointed them, they must look out for another. The King of *France* had already rejected the Offer. No Relief was to be expected from *Germany*, then involved in a cruel War about the Election of two Kings of the *Romans*, viz. *Alphonfus X.* King of *Spain*, and *Richard* Brother to the King of *England*. As for the other Princes of *Spain* they were either of kin to *Manfred*, or at too great a Distance, or else too weak; so that of Necessity they must have recourse to *France*, as near at Hand, and always ready to succour the Church of *Rome*.

*CHARLES* Count of *Provence* was then a famous Warrior, and remarkable for his noble Exploits against the Infidels in *Asta* under the Banner of his Brother *Lewis* King of *France* <sup>2</sup>, who, for the Innocency of his Life, is now adored as a Saint; and besides *Charles* was rich, and by right of his Wife was in Possession of all *Provence*, *Languedoc*, and a great part of *Piedmont*; he was therefore no sooner named, than he was judged by the Pope and the whole College to be the fittest Person for their Purpose; whereupon without farther Delay they pitched upon *Birto-lommeo Pignatello*, formerly Archbishop of *Amalphis*, then of *Cosenza*, and afterwards of *Messina* <sup>3</sup>, to go as Apostolick Legate to *Provence*, and give him an Account of the Inclinations of the Pope and College to make him King of two Kingdoms, and to invite him to come as soon as possible. There was likewise this 1263 another Legate sent by *Urban* to *Henry* King of *England* and *Edmund* his Son, to get them to make a Renunciation to the said Legate of any Right they could claim in those Kingdoms, by vertue of the Investiture given them by Pope *Alexander IV.* seeing they were neither willing to accept, nor in a Condition to perform the Articles contained in the Investiture. And these Princes, rejecting the Conditions demanded by the Pope, readily renounced the Investiture <sup>4</sup>, and would never hear it mentioned any more; whence the *English* say, that the Popes, after having drawn vast Sums of Money out of *England* for that Affair, at last left *Henry* in the Lurch, and blame him for not refusing that Crown at first, or at least immediately renouncing it, upon so many hard Conditions as were required of him; and that the Pope's giving a Kingdom to which he had not the least Shadow of Title, and even then to be conquered at *Henry's* Expences and Hazard, was making not only an unjust but a disadvantageous Present, which must be as injurious in the Acceptor, as it was dishonourable in the Donor.

IN the mean time the Archbishop of *Cosenza* arrived in *Provence*, where he declared his Message; and being a *Neapolitan*, and *Manfred's* bitter Enemy, whom he had many times offended, dreading too that some time or other *Manfred* might be revenged of him, he pressed hard on the Count to accept the Proposal; and with a great deal of Art extolled the Beauty and Opulency of both the Kingdoms, which, because of the Hatred the People generally bore the House of *Suevia*, would be easily conquered.

<sup>1</sup> Costanzo lib. 1.

<sup>2</sup> Idem.

<sup>3</sup> Anonym.

<sup>4</sup> Tutin. de Contest. pag. 69. Chioccar. M. S. juris. Tom. 1.

ALTHOUGH *Charles* was an ambitious Prince, yet after he had heard the Message he was a little in suspense, and when he had considered the Difficulty of the Undertaking, and the Aversion which his Brother King *Lewis* had always shewn to it, he seemed to decline the Offer; but *Beatrice* his Wife (not brooking to see three of her Sisters Queens, one of *France*, another of *England*, and the third of *Germany*, and she herself, who had had a greater Portion than all of them, being Heiress of *Provence* and *Languedock*, with no other Title but that of Countess) seeing him thus undetermined, offered him all her Treasure, and all her Jewels, even those that served to adorn her Person, provided he would not neglect so honourable an Undertaking. Moved therefore no less with a Desire to please his Wife, than with his own Thirst after a Crown, he answered the Archbishop, that he thanked the Pope for his kind Offer, and that as soon as the Conditions of the Investiture should be agreed upon, he would acquaint the King his Brother therewith, who he hoped would not only consent to his going upon the Expedition, but would likewise favour and assist him in it.

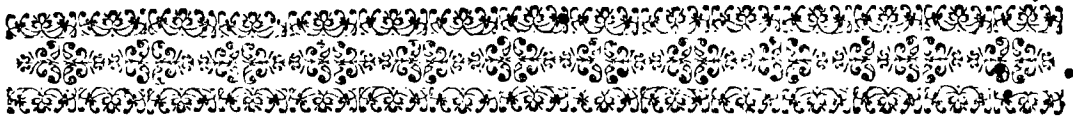
AND after they had begun to treat of the Conditions which the Pope had a mind to impose upon the Kingdoms of *Sicily* and *Puglia*, they were found to be the same with those on which the Peace had been concluded between *Manfred* and Cardinal *Ottaviano* then Apostolick Legate, viz. *That the City of Naples and all the Province of Terra di Lavoro, with all its other Cities, Towns, and the adjacent Islands, such as Capri and Procida; Benevento with its Territories and Val di Gaudo should belong to the Church of Rome, and that Charles should have the Investiture of all the other Provinces, with the Island of Sicily.*

THESE Conditions having been represented to *Charles*, he by no Means would accept of them, but would have them modified thus: *That he was not willing to undertake the Expedition, unless all the Kingdom of Sicily, with all the Provinces on this Side of the Phare of Messina to the Confines of the Ecclesiastical Estate were given him, in the same manner as the Norman and Suevian Kings had possessed them, excepting the City of Benevento with all its Districts and Appurtenances, and that none of the other Provinces should remain in the Possession of the Apostolick See, excepting the Quit-rent of ten thousand Ounces of Gold, which he would pay yearly* <sup>2</sup>.

SINCE it was of great Moment to *Urban* not to have this Affair any longer in suspense, for otherwise he would not have been able to drive *Manfred* out of the Kingdom, he was content to model the Conditions according to *Charles's* Pleasure; the Treaty therefore being thus concluded, the Pope wrote to King *Lewis*, to desire him to assist his Brother, and by another told him, that the Money he should advance him should be only by way of Loan, and should be repayed him. King *Lewis* no longer able to resist so much Importunity, was at last forced, though with Reluctance, to give his Consent, that his Brother should accept of the Invitation. As this remarkable Transaction was the Cause of the fatal Ruin of the House of *Suevia*, so likewise that cannot be denied, which has been allowed by all wise Politicians, That it not only at the same time brought Destruction and Desolation upon the House of *Anjou* itself, but also great Expences and many fruitless Expeditions upon the Crown of *France*, which for several Ages on that Account was obliged to be involved in many expensive Wars, which were always attended with ill Success, immense Charges, and great Inconveniencies; for it is well known, and can be proved both by antient and modern Instances, that from *Gregory* the Great all the Pope's Successors, though they have invited many Princes to the Conquest of the Kingdom, yet whenever any of them became successful and had arrived at a Pitch of Grandure, the Popes then became jealous, and invited others to drive them out whereby our Kingdom has been always miserably afflicted, and made the Theatre of bloody and cruel Wars.

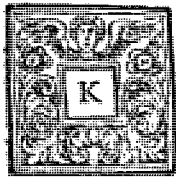
NEVERTHELESS while the Apostolick Legate was returning to *Italy* with the News of *Charles's* coming, *Urban* dies in *Perugia* this Year 1264, which put a Stop to *Charles's* Expedition for that time.

<sup>2</sup> These Conditions and Modifications are recorded by *Tutini* in his *Treatise de Contestab. del Regno*, fol. 70, & 71.



## C H A P. II.

*Clement IV.'s Expedition; and the Conquests of Charles of Anjou whom Clement invests with the Kingdoms of Puglia and Sicily.*



ING *Manfred*, upon the News of Pope *Urban's* Death, was extremely rejoiced, and thought himself out of all Danger, not only because of the Disputes, that on these Occasions were usual among the Cardinals about the Election, the Result of which was generally a long Vacation of the Apostolick See, but likewise because he had great Hopes that some *Italian* might be elected who was not in the *French* Interest, and would abhor the bringing an *ultramountain* Nation into *Italy*; but he was hugely mistaken, for the Cardinals, conscious of their having offended him, were afraid that he would be revenged on them; therefore they were resolved to elect a Pope of the same Spirit and Resolution with the deceas'd, and in the Month of *February* this Year 1265, the Cardinal *de Narbone* was elected. This Pope was not only a *Frenchman*, but also *Charles's* Vassal<sup>1</sup>; he had formerly been married, and had Children, and was one of the best Lawyers in *France*. As soon as he was apprized of his Election he left *France*, and, according to *Platin*<sup>2</sup>, in the Disguise of a Beggar, or as *Collenuccio* will have it, of a Merchant, came to *Perugia*, where with the utmost Reverence he was received by the Cardinals, who adored him as Pope, and called him *Clement IV.* from thence with great Marks of Honour they conducted him to *Viterbo*.

THIS Pope, moved with the natural Affection which the *French* have for their Princes, in the beginning of his Pontificate, was eagerly bent on having the Treaty put in execution, which *Urban* his Predecessor, by Means of the Archbishop of *Cosenza*, had concluded with *Charles* of *Anjou*; and finding all the College of the same Mind, he immediately dispatched the Archbishop to solicit *Charles's* coming to *Italy*. He likewise confirmed Cardinal *Simone* of *S. Cecilia* Legate in *France*, and ordered him to absolve all the *French* that had lifted themselves in the Crusade for the Holy Land, by applying their Vows to the Conquest of *Sicily*, as may be gathered from a Letter of *Clement's* recorded by *Inveges*<sup>2</sup>. He wrote to King *Lewis* also, desiring him to assist his Brother *Charles*; and upon Assurances that both of them were disposed for the Expedition, he ordered the Cardinal *de Tours* to agree to the Conditions upon which the Investiture was to be given; and though nothing of the Modification which had been stipulated with *Urban* was to be altered, yet now when he saw *Charles* engaged, he had a Mind, at the giving of the Investiture, to tie him down to harder Conditions.

*URBAN* as we have said had endeavoured, by the Investiture he offered the Count of *Provence*, to make the best Bargain he could for the Apostolick See, by doing what in him lay to have the Province of *Terra di Lavoro*, with the City of *Naples* and the adjacent Islands, as well as *Benevento*, excepted, and annexed to the Church; but *Charles* by no Means would agree to it, because he was not to take Possession of a vacant Kingdom, but was to dispossess *Manfred* of it by Force, and the Pope was to be at no Charges but of Blessings and Indulgences, and a little Paper for the Writ of Investiture; his own Forces being so weak, that they were not sufficient to support him in *Rome*. *Clement*, though not able to gain his Point as to that Province, yet resolving to make the best of a bad Market, clogged the

<sup>1</sup> Costanzo lib 1.

<sup>2</sup> Inveges Annal. c. Palumbo, tom 3.

Investiture with so many Articles and Conditions, that the new King in effect became his Liege-man, being stripped of many Prerogatives, of which his Predecessors the *Norman* and *Suevian* Kings were formerly possessed.

THE Conditions stipulated and sworn to by *Charles*, and which the Pope required, as they are recorded by *Summonte*, *Rainaldo*<sup>1</sup>, and *Inveges*, are these following.

I. *CHARLES* Count of *Provence* was invested by *Clement* with the Kingdom of *Sicily ultra & citra*, that is to say, that Island, and all the Provinces on this side of the *Phare* reaching to the Confines of the Estate of the Church of *Rome*, excepting the City of *Benevento* with all its Territories and Appurtenances; *Pro se, descendantibus masculis, & foeminis: sed masculis extantibus, foeminae non succedant; & inter masculos, primogenitus regnet. Quibus omnibus deficientibus, vel in aliquo contrafacientibus, Regnum ipsum revertatur ad Ecclesiam Romanam*<sup>2</sup>.

II. THAT *Charles* upon no Account was to divide the Kingdom.

III. THAT he was to take an Oath of Fealty, and do Homage to the Church of *Rome*.

IV. THE Princes of the House of *Suevia* that had been both Emperors and Kings of *Sicily*, having been the Terror of the *Roman* Pontiffs, *Clement* would have it to be stipulated by several Articles, that *Charles* by no Means should aspire, or endeavour to be elected, or anointed King and Emperor of the *Romans*, or King of *Germany*, or even Lord of *Lombardy* or *Tuscany*, or of the greatest part of those Provinces; and if he should be elected, and did not renounce within four Months, he should be deemed to have forfeited the Kingdom.

V. THAT he should not aim at the Possession of the *Roman* Empire, the Kingdom of *Germany*, or *Tuscany* and *Lombardy*.

VI. THAT if it should happen, during the Dispute now in Agitation about the Election of an Emperor of the West, that *Charles* should be elected, he was in that Case to deliver up into the Hands of the Pope his Son who was to succeed him, and in Favour of him to renounce the Kingdom, without any Reservation.

VII. THAT the King at the Age of eighteen Years was to take the Administration of the Kingdom upon him, but while under that Age he could not do it; but was to be under the keeping and Guardianship of the Church of *Rome* until he was of Age.

VIII. THAT if it should fall out that a Daughter of the King's should be married to the Emperor in her Father's Life-time, and who at his Death should become Heiress, she was not to succeed him; and if a Daughter should happen to succeed the Father, and should be married to the Emperor, she was to lose her Right of Succession.

IX. THAT the Kingdom of *Sicily* should never be united to the Empire.

X. THAT the King should be obliged to pay a yearly Quit-rent of eight thousand Ounces of Gold at the Feast of *SS. Peter and Paul*, upon Failure of which he should forfeit the Kingdom; besides, he was obliged to send every Year a good handsome white Horse; and according to the Instrument now in the Royal Archives<sup>3</sup>, drawn up in the Year 1274, between King *Charles* the First's Treasurers and some Merchants for payment of this Quit-rent of eight thousand Ounces of Gold, we see that six thousand were paid for the Kingdom of *Puglia*, and two thousand for the Island of *Sicily*. The Popes exacted this Quit-rent with so much Rigour, that in the Year 1256, King *Charles* being in *Rome* and without Money, he was forced to write to his Treasurers in *Naples* to pledge his great Golden Crown, many Jewels and other Things of Gold to Merchants for the Loan of eight thousand Ounces of Gold, which was immediately to be sent to *Rome* for the payment of that Year's Quit-rent to the Apostolick See<sup>4</sup>.

XI. THAT he should pay five thousand Marks *Sterling* every six Months to the Church of *Rome*.

XII. THAT on the Pope's Demand he should be obliged to send as Auxiliaries to defend the Lands of the Church, three hundred Cavaliers well-armed; and that

<sup>1</sup> Rainald. anno 1165.

<sup>2</sup> V. Rainald. ad ann. 1267. where he has many Articles more at large concerning the manner of Suc-

<sup>3</sup> 701

<sup>4</sup> Reg. 1275. fol. 167. It is likewise recorded by Tutini degl' Ammirag. del Reg. p. 89.

<sup>5</sup> Chioccar tom. 1. M. S. giurisd.

each of them should have wherewithall to keep three Horses at least on his own Charges three Months every Year, or in lieu thereof an equivalent Number of Ships.

XIII. THAT he should be obliged to stand to the Pope's Determination with respect to the Limits of *Benevento*.

XIV. THAT the *Beneventans* should have free Access to all Parts of the Kingdom; and that they should enjoy their Privileges, and have Power freely to dispose of their own Goods.

XV. THAT he should not on any Pretence whatsoever acquire any Thing, Office or Jurisdiction within the Dominions of the Church of *Rome*.

XVI. THAT he should be obliged to restore to the Churches of the Kingdom all the Goods that had been taken from them.

XVII. THAT all Churches and their Prelates and Rectors should enjoy Ecclesiastical Immunity, and particularly in Elections, by observing what *Alexander IV.* had subjoined in the Investiture given to *Edmund* the Son of the King of *England*, viz. That the King and his Successors should not intermeddle in Elections or Collations of Prelates, insomuch, that *nec ante electionem, sive in electione, vel post, Regius assensus, vel consilium aliquatenus requiratur*<sup>1</sup>; subjoining however, that this should not prejudice the King and his Heirs, in what belonged to them, *In jure patronatus, si quod Reges Siciliae, seu ejusdem Regni, & Terræ Domini, hætenus in aliqua, vel aliquibus Ecclesiarum ipsarum consueverunt habere: In tantum tamen, in quantum Ecclesiarum Patronis canonica instituta concedunt*; therefore the Kings still retained the Power of hindering a Person elected, whom they suspected of Disloyalty, from taking Possession, and of giving their Royal Assent to the Bulls of Induction, as shall be treated of elsewhere.

XVIII. THAT Ecclesiastical Causes shall be tried by the Ordinaries; and by Appeal to the Apostolick See.

XIX. THAT all Statutes enacted against the Ecclesiastical Immunity shall be repealed.

XX. THAT the Clergy, neither in civil or criminal Cases, should be obliged to appear before a secular Judge, unless in Cases relating to Fiefs.

XXI. THAT the Churches should be free from all Taxes.

XXII. THAT the King should not claim the *Regale* or Rents of vacant Churches.

XXIII. THAT those that have been banished *Sicily* shall have leave to return, as the Church of *Rome* shall order.

XXIV. THAT the King shall enter into no Alliance or Confederacy against the Church.

XXV. THAT he shall have a thousand *ultramontain* Horsemen ready and well accoutred either for the Holy Land, or other Occasions of the Church.

THESE are the Conventions so often mentioned by *Marino di Caramanico*, *Andrea d'Isernis* and others of our Writers in treating of the hard Conditions imposed upon *Charles* in the Investiture given by *Clement*.

THESE Stipulations being thus agreed, and *Clement* earnestly solliciting *Charles's* coming, he set out, accompanied by *Beatrice* his Wife, and many *French* and *Provensale* Captains and Knights: These marched over Land, and he himself with a few Vessels boldly undertook the Voyage by Sea; and after having miraculously escaped the Ambushes which *Manfred* had laid with eighty Gallies, he at last in the Month of *May* 1265 arrived safely at *Rome*, where he was received and caressed with all the Demonstrations of Gladness and Rejoicing; and the anonymous Writer says<sup>2</sup>, that such was the Levity and Vanity of the *Romans*, who by their Senatorial Dignity had still some Shadow of their antient Liberty remaining, that they divested themselves of that, and secluding their Nobles, created *Charles* their Lord, and perpetual Senator of *Rome*.

THIS so prosperous and sudden Arrival of *Charles*, gained him the Reputation and Fame of being so bold and magnanimous a Prince, that over all *Italy* even his

<sup>1</sup> Idem. M. S. Giurisd. in Judice, tom. 19.

<sup>2</sup> Anonym. Romani Cives de more nobilibus, quos ex hoc in illud exiles de sacri verfat occasio, illius terum transfudit autoritas, tamerè distrahentes, exclusis pro magna parte nobilibus, Carolum Provincie Comitem elegerunt in Dominum, & Senatorem Urbis perpetuum, & evocaverunt.



very Person was deemed equivalent to an Army; infomuch, that all the Favourers of the *Guelf* Faction came to wait upon him, and offer their Service. And at last *Charles's* Army after various Adventures, arrived in *Italy*, and the Countess *Beatrice* came to *Rome*; then *Charles*, eager to enter the Kingdom, and left by staying too long in *Rome*, his Money for paying the Soldiers should be exhausted, he hastened the Expedition, by drawing all his Forces together in order to fight *Manfred's* Army.

S E C T. I.

*Charles crowned in Rome.*

**B**UT *Charles*, before he left *Rome*, would have *Clement* with the usual Solemnity to crown him King, and send him the Investiture according to Agreement. The Pope, who was then at *Perugia*, sent him his Bull, by which he gave Commission to five Cardinals to proclaim the Bull of Investiture before the Altar of the Church of *S. John Lateran*, and to take the Count's Oath of Fealty and Homage, for the Observance of the Articles abovementioned, and in due form to crown him King of both the Kingdoms of *Sicily*. The Cardinals appointed for this Solemnity were *Rodolfo* Bishop of *Albano*, *Archerio* Priest by the Title of *Prassede*, *Riccardo di S. Angelo*, *Goffredo di S. Giorgio al velo d'Oro*, and *Matteo di S. Maria in Portico*, Cardinal Deacons, who, on the Feast of the Epiphany this Year 1266, with the usual Ceremonies crowned *Charles* King of both the *Sicilies*, together with *Beatrice* his Wife, in the Presence of many Prelates and Lords, and a great Multitude of People. *Clement's* Bull of Investiture was read, by which on the Conditions above mentioned *Charles* was invested with the Kingdom of *Sicily*, & *de tota Terra, quæ est intra Pharum, usque ad confinia terrarum ipsius Romanæ Ecclesiæ, excepta Civitate Beneventana cum toto Territorio, & omnibus districtibus, & pertinentiis.*

ON the other hand the King did Homage to the Cardinals, and gave them his Oath of Fealty, the Form of which, with the Instrument of Coronation, are both recorded by *Tutini*<sup>2</sup> thus: *Nos Carolus Dei gratia Rex Siciliae, Ducatus Apulie, & Principatus Capuæ &c. Vobis Dominis Rodulpho Albanensi Episcopo, Archerio &c. Diaconis Cardinalibus, quibus per literas suas Dominus Papa commisit receptionem ligii homagii, quod pro Regno Siciliae, ac aliis Terris nobis a prædicta Ecclesia Romana concessis tenemur, eidem Domino Clementi Papæ IV. & ejus successoribus canonice intrantibus, & prædictæ Ecclesiæ Romanæ facere, ac in manibus vestris, vice, & nomine ipsius Domini Clementis Papæ, & hujusmodi ejus successorum, ac prædictæ Romanæ Ecclesiæ, & per nos eidem Domino Papæ, ejus successoribus, ac Romanæ Ecclesiæ ligium homagium facimus pro Regno Siciliae, ac tota Terra, quæ est intra Pharum, usque ad confinia Terrarum, excepta Civitate Beneventana cum toto territorio, & omnibus districtibus, & pertinentiis suis, nobis, & hæredibus nostris a prædicta Ecclesia Romana concessis, &c.*

THIS Prince in Recompence and Commemoration of this Deed gave to the Chapter of *S. Peter* and its Canons for ever the Rents and Profits of the Bailiwick of the City of *Aitona*, and the other Revenues, which the Chamber of Accounts gathered from that part of it situate in *Abbruzzo*, as may be seen in a Charter of the Royal Archives recorded by *Tutini*<sup>2</sup>; besides fifty Ounces of Gold yearly for ever out of the Custom-House of *Naples*<sup>3</sup>.

THE Summary of the Bull of this Investiture, with the Articles abovementioned, is recorded by *Summonte*, and a part of it by *Baldus*<sup>4</sup>, in his Commentaries on our *Code*. And this is the first Writ, wherein these two Kingdoms for the first time got the Name of *Sicilia citra, & ultra Pharum*, thus: *Clemens IV. infeudavit Regnum Siciliae citra & ultra Pharum*. And from this in process of time the modern Title had its Rise: *Rex utriusque Siciliae*. Not that *Charles* ever made use of it in his Letters Patent and Grants, for he always retained the antient Titles, which the *Normans* and *Suevian* Kings took, as may be observed in the abovementioned

<sup>2</sup> Tutin. de Contestabili, pag. 81.  
<sup>3</sup> Idem. Ibidem, fol. 70, ex Reg. Caroli II 1297.  
 a. l. 152.

<sup>3</sup> Tom. 1. M. S. Giurisd. apud Chioccar.  
<sup>4</sup> Bald. in l. cum antiquioribus, C. de jur. de-  
 liber.

Writ of Homage, and in a great many other Deeds afterwards, and *Agostino Inveges* in his Annals of *Palermo* shews the same.

*BLONDUS*, *Platina* and some others affirm, that *Charles* at this time procured to himself the Title and Crown of King of *Jerusalem*; but they are grossly mistaken, for this Title had not as yet been taken from the young King *Conrad*, which he had by Right of *Jole* the Mother of his Father *Conrad*, and which the Pope never disputed with him. It came afterwards to *Charles* after the Death of that young King in the Year 1276, by the Cession of *Mary* of *Antioch*; whence it comes, that in his Writs the Number of the Years of his Reign as King of *Sicily* is greater, than that of his Reign as King of *Jerusalem* <sup>1</sup>.

THE Solemnity of the Coronation being over, King *Charles* without further Delay set out with his Army in order to give *Manfred* Battel, and directed his March through *Campagna di Roma* towards *S. Germano*. The Pope to encourage him and facilitate the Expedition, sent Cardinal *Rodolfo* Bishop of *Albano* to *Sicily*, to engage the *Sicilians* to enter into a Crusade and take up Arms against *Manfred*. Another Crusade had been before proclaimed in *Italy*, which conduc'd not a little to *Charles's* good Fortune and Success, by notably encouraging the *Guelf* Faction, and crushing that of the *Ghibelins*.

<sup>1</sup> Inveges Tom. 3, Annal. di Palermo.



### C H A P. III.

*King Manfred with invincible Courage engages the Enemy, and betrayed by his own Men is unhappily killed.*

**O**N the other hand King *Manfred* with great Intrepidity prepared to make a gallant Defence. Notwithstanding he was equally grieved and surprized to see that his Enemy with a few Ships had not only passed the Sea, and escaped his Gallies, but had been received in *Rome* with Joy and Acclamations, and was now on the Borders with an Army ready to enter the Kingdom. He was astonished to find his Subjects so inconstant and fickle <sup>1</sup>, for it seemed to him that they all cried out *Charles*, and that his Name and that of the *French* were echoed again from every Corner. In the mean time this unfortunate Prince did not fail to animate and encourage them to stand by him; for which end he called a general Assembly of all the Counts and Barons requiring their Assistance <sup>2</sup>: He run up and down, sometimes to *Capua*, sometimes to *Cepparano*, sometimes to *Benevento*, and entrusted the guarding of the Passes to the Count of *Caserta* his Brother-in-Law, and to *Giordano Lancia* his Kinsman, whose Conduct and Fidelity he had no Reason to suspect: He garrison'd *S. Germano*, and left in it a good Body of *German* and *Puglian* Cavalry, and all the *Saracens* of *Lucera*; he also went to *Benevento* to keep that City firm to his Interest, and to hasten some Necessaries for his Army, and from thence he went to *Capua*.

BUT all these Precautions were of no Service to this unfortunate Prince, for upon *Charles's* Arrival at the opposite Bank of the *Garigliano*, near *Cepparano*, the Count of *Caserta*, who had the keeping of that Pass, retired, and left him to pass the River without any Resistance: Count *Giordano* amazed at this Treachery, retreated to *Manfred* by the way of *Capua*. Thus, as the anonymous Writer laments, *Ad malum destinatus Manfredus, qui apud Ceperanum gentis suæ resistentiæ ordinare debebat, passus Regni vacuos, & sine custodiae munitione reliquit, ut liber quæ Regnum aditus pa-*

<sup>1</sup> Anonym. Qui semper de instabilitate, & voto contrario illorum de Regno merito dubitabat.

<sup>2</sup> Idem

*teat inimicis.* Thus did *Charles* with his victorious Army enter the Kingdom, all the open Places submitted to him, and he soon took *Aquino* and the Castle of *Arce*.

*KING Manfred*, upon hearing that *Charles* had passed the River without the least Opposition, was shocked at this piece of Treachery; he instantly reinforced his Army with the Troops under the Command of Count *Giordano*, but began now to suspect the Fidelity of the other Barons, as he had done before the Loyalty of the Gentry, therefore he endeavoured to be Friends with *Charles*, and bring about a Treaty of Peace; for which end he sent Ambassadors to him to desire a Peace, or at least a Truce. But King *Charles*, who saw that Fortune smiled upon him, unwilling to let slip so fair an Opportunity, in his *French* Language gave the Ambassadors this haughty and rough Answer. *Tell the Sultan of Lucera, that I will neither make Peace nor Truce with him, and that very quickly I shall either send him to Hell, or he shall send me to Heaven*<sup>1</sup>. *Charles*, in order to encourage his Soldiers, had persuaded them that he was fighting for the Catholick Faith against *Manfred* an excommunicated Heretick and *Saracen*: That they were Christ's Soldiers, and the worst that could happen to them, was either certain Victory, or a Crown of Martyrdom, which would render their Memories immortal<sup>2</sup>.

*MANFRED*, upon receiving this Answer, was altogether bent upon Action, and laid his whole Stress upon the strong Garrison, which he had left in *S. Germano*; he believed that *Charles* would not venture to advance farther, and leave so strong a Body of his Enemy's Troops behind him; and that the strong Situation of *S. Germano* would be able to keep him so long in play, that either the *French* Army, by being kept in those fenny and marshy Places in the Month of *January*, would be ruined, or that he would get a strong Reinforcement from *Barbary*, whither he had sent to hire a good Body of *Saracens*; besides, he expected to be joined by some *Ghibellins* from *Tuscany* and *Lombardy*. But alas how soon are the Schemes of Man brought to nought by the over-ruling Providence of God; for contrary to the Nature of the Season, the Weather was warm and serene, as if it had been the middle of the Spring; and the Garrison of *S. Germano* did not shew that Courage in defending it that might have been expected; for though the *Saracens* made a gallant Defence, yet such was the Bravery of the *French*, that they stormed the Place and took it, and put the greatest part of the Garrison to the Sword.

WHEN *Manfred* heard by some of the Garrison that had escaped that *S. Germano* was lost, he was quite confounded; and after he had sent a good Body of Troops to garrison *Capua*, by the Advice of Count *Galvano Lancia*, and other loyal Barons, he retired to *Benevento*, that thereby he might have it in his Choice, either to fight the Enemy when he thought fit, or in case of Necessity to retire to *Puglia*. King *Charles* hearing that *Manfred* had retired to *Benevento*, marched directly after him, and exactly on the sixth Day of *February* he arrived in the Plains of *Benevento*, and encamped two Miles-distant from the City, and less than one from the Enemy's Camp. Then *Manfred* with the Advice of the chief Men of his Army resolved to give him Battel, judging, that *Charles's* Soldiers being sore fatigued he could not fail of certain Victory. On the other hand King *Charles*, spurred on by his own natural Courage, and that which Fortune inspired him with, after he had drawn up his Men in order, though much wearied, marched out, and began that memorable and bloody Battel, a particular Description of which not being to our purpose, we refer the Reader to the anonymous Writer *Inveges*, *Tutini*, and many other Historians, who have given a relation of it with all its Circumstances.

THE unfortunate *Manfred*, in the Heat of the Battel, from a rising Ground seeing two of his Squadrons severely handled by the Enemy, made a Motion with that under his Direction, consisting all of *Puglians*, and called to his Officers to run immediately to their Relief; but having been corrupted by *Charles*, they treacherously refused to obey, and in the Heat of the Action gave over Fighting<sup>3</sup>. Whereupon *Manfred* with invincible Courage, chusing rather to die, than outlive so many gallant Champions, whom he saw slaughtered, marched down to the Field, and rushed into the thickest of the Enemy's Squadrons, and while he was fighting bravely, by the Stroke of an unknown Hand, he was miserably kill'd, but none could brag of

<sup>1</sup> Coltanus lib. 11.

<sup>2</sup> Amoyen.

<sup>3</sup> Idem. Mense ceteris Capitulis, & Propositis sui exercitus, quod illis circumdatis ad pugnam. Sed cum nonnulli de Regno sui quidam filii

Comites, cum quibus Rex Carolus sui colorato paramonialis successione, titulo spolia Regni diviserat, sequebantur, nolent bellum ingredi, sed proditorie abstrissent, Manfredus cum suis militibus morti potius eligens &c.

having given the fatal Blow. His Body lay three Days amongst a Multitude of dead Carcasses before it was known. Thus died *Manfred* by the infamous Treachery of his own Men<sup>1</sup>. Both *Dante* and the anonymous Writer have charged our Natives, then commonly called *Puglians*, with this Treachery, and the first, in his Poem<sup>2</sup> in Commemoration of this Defeat, and of that of young *Conrad*, says,

The other, wrong'd *Manfredi*, whose Remains,  
Lie scatter'd yet on *Ceperan's* curs'd Plains,  
Where by the *Puglian* Treachery betray'd,  
He was to Spite and Rage a Victim made;  
And *Tagliacozzo's* Field; unheard of Shame!  
Where old *Allardo* without Arms o'ercame.

BEHOLD the unfortunate End of this invincible and gallant Hero, a Prince (laying aside his too great Thirst after a Crown, and his Mistortune of being hated by several Popes, who represented him to the World to be a Man both cruel, barbarous, and void of Religion) to be compared to the most famous Captains among the Ancients. By his great Courage, Liberality, and Love of Justice, he kept his Dominions always in a flourishing and plentiful State. It is true he violat'd the Laws, but then it was only for the Sake of a Crown; however, in all other things he was a Promoter of Piety and Justice. He was a deep Philosopher, and a most expert Mathematician, not only a Patron of learned Men, but most learned himself; and it is said he compos'd *A Treatise on Hunting*, at that time much practis'd and esteem'd. He was fair, of a beautiful Shape, and genteel Carriage, most affable, always pleasant and smiling, and of an admirable and ready Wit; insomuch, that there are not wanting some<sup>3</sup>, who for his Liberality, Gracefulness and Courtesy, have compar'd him to *Titus*, the Son of *Vespasianus*, who was reckon'd the Delight of Mankind. There are still remaining among us shining Monuments of his Liberality, such as the Harbour of *Salerno* and the famous City of *Manfredonia*, so called from his Name. And if the continual Trouble of defending the Kingdom against the Invasions of four Popes had not taken up his time, he would have left us more magnificent Monuments of his Bounty, and provided this Kingdom with wholesome Laws.

AFTER *Charles's* Army had entirely routed that of *Manfred*, it advanced farther into the Kingdom, and on its March the *French* committed all manner of Cruelty: *Benevento* was plundered, and neither Age nor Sex spared. Some of the Barons that were not killed in the Battel made their Escape by flight, others were pursued and made Prisoners: Some of which were sent to *Provence*, where they were cruelly put to Death: Some other *German* and *Puglian* Barons were kept Prisoners in different Places of the Kingdom: Nevertheless at the Intercession of *Bartolommeo Pignatelli* Archbishop of *Cosenza*, afterwards of *Messina*, *Charles* set at Liberty the two Brothers, Counts *Guilvano* and *Federico*, and *Corrado* and *Marino Capece di Napoli*, likewise Brothers<sup>4</sup>.

THREE Days were already past, and not the least News of *Manfred*, so that it was believed he had made his Escape by flight; but *Charles* having ordered a most exact Search to be made amongst the Dead, at last upon the twenty eighth of *February*, being *Sunday*, his Body was found<sup>5</sup>; which being brought to King *Charles*, he bid *Riccardo* Count of *Caserta*, and Count *Giordano Lancia*, and other Barons, who were Prisoners, look upon it, and tell him if they knew it, some of them answered faintly, but when it was shewn to *Giordano*, he no sooner knew it, than he struck himself on the Face, and crying out aloud, fell into a violent Passion of Grief and threw himself upon the Corps, and kissing it, said, *Alas, my Lord, what is this I see! My good Lord, my prudent Lord! who has been so cruel as to kill thee? The Prop of Philosophy, the Ornament of Warriors, the Glory of Kings! why am I denied a Knife, wherewith to put an end to my Days, that I may accompany thee in the Grave, as I have done in thy Misfortunes*<sup>6</sup>? And thus lamenting he could not be plucked away from the Corps, which Fidelity and Love for the dead Prince was much com-

<sup>1</sup> Idem. proh dolor! a suis sic proditus, &c.

<sup>2</sup> Dante nell' Inferno, canto 28.

<sup>3</sup> Riccobald. apud Summont.

<sup>4</sup> Anonym. Quibus ad preces B. de Pignatellis Archiepiscopi Massanensis vitæ veniam post eventum

præfatæ deliberationis indulserat.

<sup>5</sup> Epist. Caroli ad Clem. IV. apud Tutini de Contestab. del. Reg. pag. 96.

<sup>6</sup> Inveges Annal. di Paler. tom. 3.

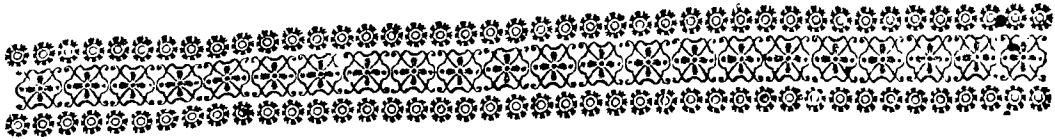
mended by the *French* Nobility there present, who, moved with Compassion, begged of *Charles* at least to allow the Funeral Rites to be performed, and the Body put in holy Ground; which the Apostolick Legate opposed, and said, that it was not proper, since he died a Rebel to holy Church; whereupon *Charles* answered them, that he would willingly consent, if he had not died excommunicated. Therefore his Body was buried in a Ditch near the Bridge of *Benevento*, upon which every Soldier threw a Stone and raised him a Monument, that thereby at least it might be known to Posterity where his Body had been laid, and his Bones might likewise be preserved in that Place.

BUT the Archbishop of *Cosenza*, a bitter Enemy to *Manfred*, whose Death was not sufficient to assuage his implacable Hatred, made a terrible Splutter, and said, that though *Manfred* had not been buried in holy Ground, yet his Carcass had been laid near *Benevento*, in Earth that belonged to the Church of *Rome*: That that dead Dog ought to be taken out of that Place, and carried out of the Kingdom, and his Bones exposed to the Wind; with which Zeal Pope *Clement* was so well pleased, that he ordered the Bones to be dug out, and with extinguished Torches \* they were carried to the Banks of the River *Verde*, now called *Marino* <sup>1</sup>, and exposed to the Wind and Rain, so that the Inhabitants of those Places could never find any Mark or Memory of them. <sup>2</sup> *Dante*, who was a *Ghibellin*, commiserating so deplorable a Case, imagines *Manfred* penitent, and not in Hell, but in Purgatory, and makes him speak thus :

\* A Ceremony performed at the Burial of excommunicated Persons.

I am *Manfred*, and of *Constantia's* Race,  
 Whose Royal Brow th' Imperial Crown did grace.  
 When therefore thou shalt breathe thy native Air,  
 I beg thou to my Daughter wou'd repair,  
 To her I mean, whose Offspring grac'd the Throne  
 Of *Sicily*, and eke of *Aragon*.  
 Tell her the Truth, nor leave her in Mistake,  
 To think me doom'd to the eternal Lake:  
 Tell her that at the Point to yield my Breath,  
 (Two mortal Wounds made haste to cause my Death)  
 In grief of Soul, tho' late, to him I su'd,  
 Whose willing Mercy still proclaims him good.  
 Tho' monstrous were my Crimes, yet when compar'd  
 With Bounty infinite, they disappear'd.  
 Eternal Love gives Pardon without Date,  
 Repentance, if sincere, is ne'er too late:  
 This had the Prelate of *Cosenza* known,  
 Whom *Clement* sent, with Rage, to run me down;  
 He had not basely dug beneath the Stones,  
 At *Benevento's* Bridge, to raise my Bones;  
 Nor shou'd my poor Remains neglected lie  
 Expos'd to Wind and Rain in open Sky,  
 Furth of the Kingdom, on the Banks of *Verde*,  
 With Lights extinct, doom'd not to be interr'd.  
 Let their Anathema then take its Course,  
 Eternal Love surmounts their feeble Pow'rs;  
 Hope is not limited to Days or Hours.

<sup>1</sup> *Boccaccio*: Viridis fluvius a Picænatibus divi-  
 tæ s Aprutinos, & in Truentum cadens, mirabilis,  
 eo quod ejus in ripam, quæ ad Picænatos versa est,  
 jussu Clementis Pontificis summi, ossa Manfredi Re-  
 gis Siciliae, quæ tecus Calorem Beneventi fluvium  
 sepulta erant, absque ullo funebri officio dejecta fue-  
 runt a Cosentino Præsule, eo quod fidelium commu-  
 nione privatus occubuerit.  
<sup>2</sup> *Dante* Canto 3. del Purgatorio.



## C H A P: IV.

*King Charles begins his Reign with Cruelty and Severity, which made his Government to be abhorred, and so exasperated the People, that they invited young Conrad to come and conquer the Kingdom.*

**M**ANFRED's Defeat and Death were no sooner spread abroad, than all the Cities of both Kingdoms submitted to the *French* Government. The Name of *Charles* was huzza'd every where, and the People hugged themselves with the Notion of Plenty and Freedom, and of being eased, not only from the extraordinary, but likewise from the ordinary Taxes under this new Reign. There was not a City whither *Charles* went, that did not receive him with all Marks of Joy and Gladness. He immediately left *Benevento* and went towards *Naples*, but before he arrived, the *Neapolitans* sent and presented him with the Keys of their City, into which with *Queen Beatrice* he made his Entry with great Pomp and Magnificence, accompanied by all the Nobility of the City, who proclaimed him their King; and assisted by the Archbishop of *Cosenza*, he went to the Cathedral Church of *S. Restituta* to give Thanks to God for so signal a Victory. He afterwards created his eldest Son *Charles* Prince of *Salerno*, and left *Naples* in order to make a Progress through the Kingdom, thereby to win the Affections of the People; and with an uninterrupted Series of Prosperity every thing succeeded according to their Wish. The Remains of the broken Army had retired to *Lucera*, where *Queen Sibylla Manfred's* Wife, with her young Son *Manfred* and a Daughter had likewise taken Shelter <sup>1</sup>. King *Charles* presently sent *Philip* of *Monfort* with the greatest part of the Army to besiege that City, but the *Saracens* within made so stout a Defence, that he was forced to abandon the Undertaking; however he left it closely besieged, and that City with the Queen and her Son did not surrender till after the Defeat of young *Conrad*, as shall be told.

THE *Sicilians*, and among the first those of *Messina* had declared for the *French*. Therefore King *Charles* sent *Philip* of *Monfort* to that Island, who in a short time reduced it to *Charles's* Obedience <sup>2</sup>.

THUS in a Trice did *Charles* make himself Master of these Kingdoms, than which nothing could be more acceptable to the People, who thought themselves now freed, as they said, from the Yoke of *Manfred* and the *Saracens*, and expected to live under *Charles's* Government, exempt from all Taxes, in lasting Plenty, Tranquillity and Peace.

NEVERTHELESS they soon found their Mistake, for the *French*, scowring about every where, carried Ruin and Destruction to the Inhabitants wherever they came <sup>3</sup>. And the King, besides calling the Barons of both Kingdoms to come and serve him, laid an extraordinary Tax upon all the Lands of the Kingdom contrary to their Expectations, having flattered themselves not only with seeing no more Soldiers, or paying extraordinary Subsidies, but likewise with being free from the ordinary. But on the contrary the King, whose chief Aim was by these Means to fill his Coffers, called for all the Treasurers and Chamberlains of the Kingdom,

<sup>1</sup> Costanzo, lib. 1. V. Inveges Annal. di Palermo, tom. 3. | pum de Monforte.

<sup>2</sup> Anonym. Mittit in Siciliam Dominum Philip- | <sup>3</sup> Idem

and ordered them to give him an exact Account of the Revenues of the Kingdom, Offices and Jurisdictions; and having been informed, that there was one of *Barletta* named *Giezzolino della Marra* who was very knowing in these Matters, he sent for him in order to take his Advice about laying on the new Taxes, Tributes and Contributions: *Giezzolino*, to curry Favour with his new Prince, and humour him in his Avarice, not only brought him all the Registers, wherein were set down the Revenues of the Offices, Jurisdictions, and all the other Royal Rights, but likewise the Registers, wherein were marked with red Letters all the extraordinary and exorbitant Imposts, Collections, Taxes, Donations and Contributions, wherewith the miserable People had often been oppressed<sup>1</sup>. Such were the Insinuations and Advices of *Giezzolino*, that *Charles*, in order to have them speedily put in execution, turned out all the Officers of the Provinces, and made new Justices, Admirals<sup>2</sup>, Protonotaries, Port-reeves, Collectors of the Customs, Warehouse-keepers, Secretaries, Jurats, Bailiffs, Judges and Notaries in all parts of the Kingdom; over those also he put other superior Officers to have an Eye upon them. These executed their Orders with unheard of Austerity and Rigour, and so harassed the People by insupportable Exactions, that they sucked the very Blood and Marrow out of them<sup>3</sup>.

THUS was the Joy of the People changed into Tears; they groan'd under the heavy Yoke, being now of another Mind, and but too late lamented the Loss of *Manfred*. Nothing was heard but grievous Complaints in all Quarters: *O Rex Manfrede* (with a doleful Voice said they) *te met non cognovimus, quem nunc & ter etiam deploramus. Te Lupum credebamus rapacem inter oves pascuæ hujus Regni, secuti spem præsentis domini, quod de mobilitatis, & inconstantie more sub magnorum profusione gaudiorum anxie morabimur, agnum mansuetum te jam fuisse cognoscimus, dulcia tuæ potestatis mandata sentimus, dum alterius, & majora gustamus. Conquerebamus frequenter nostram partem, partem in domini tuæ Majestatis adduci, nunc autem omnia bona, quod prius est, & personas alienigenarum convertere debemus in prædam*<sup>4</sup>.

<sup>1</sup> These Registers are likewise mentioned in a Writ recorded by Summonte.

<sup>2</sup> Idem. Legem ponit Regnicolis novosque Secretarios, Justitios, & Magistros juratos, Bajulos, Judices, & Notarios ubique per Regnum, & super hos majores Præpositos statuit.

<sup>3</sup> Idem. Subjectos gravant indebitè, ac eis importabilia onera imponentes exigenda plus debito, cruorem eliciunt ac medullas.

<sup>4</sup> Idem.

## S E C T. I.

### *Young Conrad invited to Italy, and his unfortunate Expedition.*

FROM Complaints the People proceeded to Murmurs, and at last resolved to invite young *Conrad* from *Germany* in order to drive out the *French*. Many Barons of both Kingdoms prepared themselves for the Undertaking, and, besides the Fugitives and Vagabonds, they instigated the *Ghibellins* of *Lombardy* and *Tuscany* to do the same, and the more to spur them on, they set forth to them the insupportable Government of the *French*<sup>1</sup>. The most forward in this Undertaking were the Counts *Gualvano* and *Federico Lancia* the two Brothers, and *Corrado* and *Marino Capece*; these went to *Germany* to sollicite *Conrad*<sup>2</sup>, the only remaining Branch of all *Frederick's* Posterity. For this purpose, many Imperial and *Ghibellin* Cities, such as *Pisa* and *Sienna*, sent likewise Ambassadors with Promises and Offers, besides a good Sum of Money for facilitating *Conrad's* coming.

*CONRAD* being a Youth of not above fifteen Years of Age, his Mother *Elizabeth* of *Bavaria*, who loved him dearly, was afraid to expose him to the Dangers of so difficult an Enterprize; but *Conrad*, spurred on by a generous Spirit, got the better of her, and embraced the Invitation; he was likewise encouraged by the Duke of *Austria*, also a Youth, who offered to accompany him, and help to restore him to the Throne of his Ancestors; whereof *Corrado Capece* sent Advice to *Sicily*.

<sup>1</sup> Anonym. Universis in Lombardia, & Tuscia Ghibellinorum Capitibus intimare procurant de aspectu, & angustis, ac importabili dominio Gallorum.

<sup>2</sup> Idem.

IN the mean time *Conrad* prepared for his Journey, and in the beginning of the Winter 1267, he set out from *Germany*, taking with him the Duke of *Austria* and an Army of ten thousand Horse, and by the way of *Trent* in the Month of *February* he arrived at *Verona*; where he conven'd all the chief Men of the *Ghibellin* Faction, who had press'd his coming; and after it had been resolv'd that he should march through *Tuscany*, he left *Verona*, and having sent the greatest part of the Army by the way of *Lunigiana*, he with the rest of it directed his March by *Genoa*, and in a few Days arrived at *Savona*, where he found the *Pisan* Fleet, in which he embarked and sail'd to *Pisa*. The *Pisans* received him with great Honour and Respect, provided him with Money, and shew'd him the Fleet, which they design'd to send to the Assistance of the maritime Cities of both the Kingdoms.

WHILE *Conrad*, with a great many *German* Princes was at *Pisa*, *Corrado Capece* desired the *Pisans* to furnish him with some Ships for going over to *Tunis* to sollicite the Assistance of the *Saracens*. *Frederick* and *Henry* of *Castile*, envying the Grandure and Prosperity of the King of *Castile* their Brother, had provok'd him to that Degree that they had been banish'd *Spain*, and were now in the Pay of the King of *Tunis*<sup>1</sup>; and by their continual Conversation with the *Saracens*, they had almost forgot the Christian Religion, and differ'd little in their Manners from the *Saracens* themselves<sup>2</sup>. *Frederick* was in *Tunis* when *Corrado Capece* arriv'd there, and being inform'd by him of the State of King *Conrad's* Affairs, he was inclin'd to espouse his Interest, and interpose his good Offices for persuading the King of *Tunis* to send him a powerful Assistance. But *Henry*, out of his natural Pride and Ambition, jealous of the King of *Tunis*, had gone over to join *Charles* in *Italy*, and then by Fictions and Cunning, endeavour'd to raise his Fortune at the Court of *Rome*; on Account of his Birth he was honourably received at that Court, and he began to lay Claim to the Kingdom of *Sardinia*. Upon his Arrival at *Rome* he manag'd Matters so artfully, that he got himself to be chosen Senator of that City, though a great part of the Nobility of *Rome* and of the Cardinals were against it<sup>3</sup>. He had formerly been a Friend to *Charles*, who was his Cousin-German, by whose Means he expected some Principality in *Italy*; but seeing him too covetous, and that he seiz'd upon every thing for himself he began to hate him, and envy his Greatness, and sought all Opportunities to ruin him. He likewise heavily complain'd, that tho' he had assist'd him with Money when he was in a low Condition, and he went upon the Expedition into *Italy* against *Manfred*, yet now when he had rais'd himself to so much Grandure and Riches, and could easily repay him, he by no Means could be brought to do it. Therefore having heard that *Conrad* had been invited to come into *Italy*, he thought he had a fair Opportunity of being reveng'd of *Charles*, and by siding with *Conrad*, he was in Hopes to obtain of him what he had been deny'd by *Charles*; whereupon he sent Letters and Messengers to *Conrad* to encourage him to come, and to tell him, that he would do him all the Service in his Power, and that he long'd more to see him *Italy* than all his Subjects, *Rome*, and all the rest of *Italy*, and that he was confident they would be able to drive out the *French*.

CONRAD being thus sollicit'd by *Henry's* Letters, and as we have said, arriv'd at *Pisa*, the more to incite the People of *Italy*, and those of *Puglia* and *Sicily*, he caus'd a Manifesto to be drawn up, and Copies of it to be dispers'd every where<sup>4</sup>, he therein made heavy Complaints against four Popes, and two Kings, *Manfred* and *Charles*, and invit'd his Friends to assist him in the Expulsion of the *French* from his Dominions of *Puglia* and *Sicily*.

IT is incredible what Commotions this Manifesto occasion'd in *Sicily*, *Puglia* and *Calabria*; nothing was heard but the Name of *Conrad*; besides, for another Motive there had been an Engagement at *Ponte a Valle* near *Arezzo*, wherein *William Stendard* and *William Biselwe*, two of *Charles's* famous Captains, in endeavouring to hinder *Conrad's* Army from passing, had been roapt, and *William Stendard* with Difficulty escap'd with two hundred Lance-men, and *Biselwe*, with a few *French* Troopers that were left alive, made Prisoner.

<sup>1</sup> Idem.

<sup>2</sup> Idem. Hi sane fratres Hispani pro Saracenarum conversatione diutina astibus Agarenorum imbuti, & ferè Christianæ Religionis obli-

vita parum, & moribus differebant.

<sup>3</sup> Idem.

<sup>4</sup> This Manifesto is recorded by Inveges, Annal. di Palerm. tom. 3.



THE News of this Defeat being spread over both the Kingdoms, was pretty much magnified, and the Minds of the People being already disposed, almost all the Provinces revolted; and the *Saracens*, who under *Frederick* and *Manfred* were wont to be employed, respected, and raised both to civil and military Posts, not able to bear the mean Condition to which they were reduced under *Charles*, took Courage, and made *Lucera* revolt, and declare for *Conrad*. Almost all the other Cities of *Puglia*, *Terra d'Otranto*, *Capitanata* and *Basilicata* followed the Example of *Lucera*; and it was very surprizing to see so much Inconstancy and Levity in those very People, who, a little before, had so earnestly desired the coming of *Charles* and his *Frenchmen*, whom they now abhorred so much, that the Name of *Conrad* was continually in their Mouths; from this, and many former Instances, and from some that we shall have Occasion to mention, proceeds the Opinion of both antient and modern Historians, that our Natives are most fickle and inconstant, soon disgusted with one Government, and ever desirous of a new one. A Blemish, from which *Scipione Ammirato*<sup>1</sup> in his Characters, durst not venture to clear our Natives; and from which *Tommaso Costa* in his unhappy *Apologia del Regno di Napoli* could not excuse them.

SUCH Inconstancy, both in the Natives and his Fortune, astonished King *Charles*; and after he had recovered himself, he was wholly intent upon augmenting his Army, in order to oppose *Conrad*, who was marching in all haste towards *Rome*, where *Henry of Castile* and the *Romans* were waiting to enter the Kingdom with him by the way of *Abbruzzo*.

IN the mean time Pope *Clement* who was at *Viterbo* having heard of *Conrad's* Success in *Italy*, and of the Commotions of the Kingdom, in order vigorously to oppose him, did not fail, when he was apprized that *Conrad* was arrived at *Verona* and *Pavia*, to write very pressing Letters to sundry Cities of *Italy*, enjoining them not to take part with *Conrad*; but finding that these Letters had no Effect, he resolved to try if another Method would frighten *Conrad*. Therefore in the Month of *April* this Year 1267, he sent him a terrible Summons, in which he prefixed a certain time for appearing before him; and if he had any Pretension to the Kingdoms of *Puglia* and *Sicily*, he was not to do himself Justice with Arms, but to produce his Right before the Apostolick See, which would do him Justice; and if he did not appear, Sentence would be pronounced against him. *Conrad* did not appear, but pursued his March, and the Pope, on the twenty eighth of *April*, in the Cathedral Church of *Viterbo* in Presence of all the People, pronounced Sentence against him. Then he invited *Charles* to come to *Viterbo*, where they had an Interview, and the Pope made him Governor of *Tuscany*; and seeing the Empire of the West was vacant, he made him Vicar-General of the Empire. And on the twenty ninth of *June*, the Feast of the holy Apostles *Peter* and *Paul*, with great Pomp and Solemnity he publicly excommunicated *Conrad*, and declared him an Enemy and Rebel to the Church of *Rome*, whereby he had forfeited all his Pretensions<sup>2</sup>. He likewise wrote to *William of Thuringia* a *Dominican* Friar, to excommunicate all those that would not submit to *Charles*; and on the contrary he bestowed his Blessings and Indulgences upon all who would take up Arms for him against *Conrad*. And after all, when he knew for certain that *Conrad* was in Confederacy with *D. Henry of Castile*, he excommunicated him anew. But *Conrad*, little minding these Thunderbolts, was not at all discouraged, but firm in his Resolution, and applied himself wholly to raise Men and Money for the Expedition<sup>3</sup>.

ON the other hand *Corrado Capece*, and *D. Frederick*, *Henry's* Brother, who were still at *Tunis*, hearing that the Expedition went swimmingly on, set sail from *Tunis* with two hundred *Spaniards*, as many *Germans*, and four hundred *Turks*, and landed in *Sicily*. *Capece* arriving at *Schiacca*, declared himself *Conrad's* Lieutenant, and dispersed Letters over all the Island, for encouraging the People to receive their King, who was coming with a numerous Army. The Tenor of these Letters was this: *Ecce Rex noster citò veniet in celebri, &c.* and they are recorded by *Inveges*. These Letters, strengthened by the Fame of *Capece's* Courage, in a short time had such Effect, that almost all *Sicily* declared for *Conrad*, insomuch that *Fulk*, who was Lieutenant of the Island for King *Charles*, was amazed, and with Force of Arms endeavouring to suppress the Revolt, his Troops were routed, and he himself forced

<sup>1</sup> *Ritratti d'Ammirato, in his Character of King Charles I.*

<sup>2</sup> *Inveges Annal. Palerm. tom. 3.*

<sup>3</sup> *Anonym.*

to fly. The anonymons Writer ending his Chronicle here, we shall now have recourse to *Villani*, and other no less careful Writers, than faithful Recorders of what passed in these Times.

IN the beginning of the Year 1262, Pope *Clement*, hearing of *Fulk's* Defeat in *Sicily*, published the Crusade, and excommunicated all those, who should invade the Kingdoms of *Puglia* and *Sicily*. He sent Legates to *Conrad*, ordering him immediately to depart *Italy*; and he, not obeying, was deprived of the Kingdom of *Jerusalem*, and declared incapable of being Emperor, or King of any Kingdom. He excommunicated anew all People, Cities and Villages that should assist him. He likewise excommunicated *D. Henry*, and deprived him of the Senatorial Dignity, and conferred it on King *Charles* for ten Years.

BUT *Conrad*, without taking any Notice, pursued his March, and arriving at *Rome*, he was received in the Capitol by the Senator *Henry*, and by the *Romans* with the same Pomp and Rejoicings as if he had been Emperor; and after he had raised both Men and Money, and been joined by *D. Henry* and his Troops, and likewise hearing of the Commotions of the Barons and Cities, he thought it a fit time to enter the Kingdom, and on the tenth of *August* he left *Rome*, accompanied by *D. Henry* and his Barons, with many *Romans*: He did not think it proper to march through *Campagna*, knowing that the Pass of *Ceperano* was well guarded, but took the Mountains between *Abruzzo* and *Campagna*, and led his Army through Places unguarded, cool, well watered, abounding in Provision for Men and Horses, which to the *Germans*, impatient of Heat, was a great Comfort, and at last encamped his Army in the Plains of *Tagliacozzo*.

ON the other hand King *Charles*, after he had ordered *Ruggiero Sanseverino*, with a great many other Barons of his own Faction to keep in Awe those that had revolted, with all his Forces marched from *Capua* to oppose *Conrad*; but it happened, that at this very time landed at *Naples* *Alard de S. Valtri*, a most gallant French Baron, who had come from *Asia*, where, for the Space of twenty Years with great Honour, he had served in the Wars against the Infidels, and now being old was returning to *France* to rest himself and die in his native Country. He, not finding the King in *Naples*, went to wait upon him at *Capua*, where he was with the Army: King *Charles* seeing him was overjoyed, and immediately resolved to embrace the Advantage of a Man of his great Experience, therefore he entreated him to give him his Advice and Assistance in so critical a Juncture; and though he excused himself, that upon Account of his Age he had laid aside the Exercise of Arms, and had taken himself to a Christian Life, and that having spent his Youth in fighting against Infidels, it was not fit, now in his old Age, to pollute his Hands with the Blood of Christians. Nevertheless *Charles* having given him to understand, that fighting against *Conrad* was still fighting against Infidels, he being a Rebel to the Pope, excommunicated and excluded the Church; besides, that the King of *France* would take it as a Favour done him; he at last was prevailed upon; and hearing that *Conrad* was encamped in the Plains of *Tagliacozzo*, he would have *Charles's* Army, of which he had now the Direction, to encamp about two Miles distant from the Enemy: Then, with a few Horse, having gone up to the Top of a Hill, and viewed the Enemy's Camp, he found that *Charles's* Army was much inferior in Number to that of *Conrad*, therefore Prudence and Stratagem were more to be depended on than Strength; and after he had privately posted the third Squadron in a Valley behind, he offered Battel to the Enemy, who, despising the Boldness of the *French*, in offering to engage with so great Disadvantage in Number, greedily accepted of it. The Battel began, and though the *French* with two Squadrons only bore the Shock of the Enemy with great Bravery, yet they were forced to give Way at last, and were cruelly slaughtered. King *Charles*, who with *Alard* from the Hill seeing his Men cut in pieces, was pressing to go to their Relief, but he was hindered by *Alard*, who begged of him to have Patience till the end of the Victory, which would be the result of the Defeat of his Men, as it fell out; for the *French* beginning to throw away their Arms, and yield themselves Prisoners, and some flying: *Conrad's* Army thinking they had gained an entire Victory, dispersed themselves, some following the Runaways, some plundering the Dead, and pursuing their Horses, and others carrying off the Prisoners. Then *Alard* turning to the King, said, Let us go Sir, the Victory is our own; and then going down, they joined the third Squadron which had been posted in the Valley, and with great Fury attacked the Enemy scattered here and there, and easily routed them, and

pushing

pushing forward they found that *Conrad*, the Duke of *Austria*, and the greatest part of the Lords that were with them, being certain of Victory, and quite spent with Fatigue and Heat, had thrown off their Helmets; and having neither Time nor Strength to put on their Armour again they fled, and the most part of them were killed in the Flight.

*CONRAD* and the Duke of *Austria*, with Count *Gualvano*, and the Count *Girardo da Pisa* run towards the Sea-Coast next to *Rome*, with Design to take Shipping there for *Pisa*; and travelling Day and Night in the Disguise of Countrymen they came to *Astura*, which at that time belonged to the noble Family of the *Frangipani*, where by cruel Fate they were accidentally discovered, and made Prisoners by one of that Family, and from thence conducted and delivered up to *Charles*, who sent them Prisoners to *Naples*. *Charles* looking upon this as a most valuable Present, gave to that Lord *Pelosa*, and some other Villages in the Valley of *Benevento*, and would have him to settle in *Naples*: From him are descended the *Frangipani*, who had the Honour for a long time to be Presidents \* *A Tribunal* of the *Seggio* \* of *Portanova* in *Naples*.

*D. Henry* of *Castile* in his Flight was overtaken by *Charles's* People, who defeated his Troops, and made many of them Prisoners; and he himself made his Escape by the Favour of the Night. Some say that he went to shelter himself in *Monte Cassino*, where the Abbot, in order to curry Favour with the Pope, made him Prisoner; and after he had been assured that his Life should be spared, he sent him to Pope *Clement*, who immediately carried him to King *Charles*, by whom he was made Prisoner in *Naples*. Others say, that he fled towards *Rieti*, and that an Abbot of another Monastery to which he flew made him Prisoner and sent him to the Pope.

THE only Persons of Note that escaped the King's Fury, were *Corrado Capece*, and *Henry's* Brother *Frederick* who had fled to *Sicily*, where they took shipping in some *Pisan* Gallies, and landed at *Pisa*.

KING *Charles*, in order to perpetuate the Memory of this signal Victory, by which, if we may credit *Fazzello*, twelve thousand *Germans* lost their Lives, caused a Monastery for *Benedictin* Monks to be erected † in the Field where the Battel was fought, and gave it the Name of *S. Maria della Vittoria*, and endowed it with many Lands. But in the following Wars it was demolished and deserted; and now the Pope disposes of the Title of this *Commendam*, and the Revenues thereof are still in the Possession of the Crown ‡.

THE cruel Slaughter which *Charles* made of the Rebels, and of those taken in the Battel, is inexpressible. Some were hanged, others were beheaded, and a great many condemned to perpetual Imprisonment. The Cities of our Provinces, which upon *Conradin's* Arrival had rebell'd, were destroyed by the *French*, who carried Desolation, Ruin and Fire wherever they went. *Aversa* was demolished, *Potenza*, *Corneto*, and almost all the Villages of *Puglia* and *Basilicata* were cruelly destroyed.

THE Slaughter was no less in the Island of *Sicily*. *Conrad* of *Antioch* and many Lords who had sided with young *Conrad*, first had their Eyes put out, and were afterwards barbarously hanged. The *Sicilians* were in a manner reduced to Slavery by new and heavy Taxes; and the insolent *French* spared neither the Honour nor Goods of the Inhabitants which was the Ground-work of the famous *Sicilian Vespers*; for the *Sicilians* afterwards, in order to get rid of the Slavery, entered into the Conspiracy of *Giovanni di Procida*, of which we shall treat hereafter.

*LUCERA* held out by the *Saracens*, was taken and reduced to *Charles's* Obedience, where young *Manfred* and his Mother *Hellen*, King *Manfred's* second Wife, were made Prisoners, and sent to *Castel dell' Uovo* near *Naples*, where, by *Charles's* Orders, they were put to Death.

*Scipione Ammirato* in his Characters † says, that *Manfred* had left three Sons, *Henry*, *Frederick* and *Ansellin*, who were kept Prisoners in the Castle of *Santa Maria a Monte*, and had three *Tari* of Gold allowed them a Day. But others, amongst whom *Inveges* ‡, confute *Ammirato*; for *Manfred's* two Sons, which he had by his first Wife *Beatrice* of *Savoy*, died before their Father.

De Bottis in addit. ad Cap. de assicurandis hominibus Morum, qui turbationis tempore Conradini a Rege Regia defecerunt.

‡ Costanzo lib. 1.

† Ammir. in the Character of King Charles I.

‡ Inveges Annal. di Paler. tom. 3.

## S E C T. II.

*The unfortunate Death of King Conrad, in whom the Race of the Sue became extinct.*

CHARLES having thus brought these Kingdoms under his Obedience, and with the utmost Severity put it out of the Power of his Subjects to give him any more Trouble, the only Matter in Question now was, how to dispose of *Conrad*, the Duke of *Austria*, and the other Prisoners. At first he would by no means hearken to the Pope's Advice, with whom he used to consult in the most weighty and serious Affairs of the Kingdom. *Errico Guadelfier*, *Villani*, *Fazzello*, *Collenuccio*, and others say, that when the Question was put to *Clement*, he gave this short Answer: *Vita Conradini, mors Caroli: Mors Conradini, vita Caroli*. But *Cosanzo*, *Summonte* and *Rainaldo* deny it; and *Summonte* grounds his Opinion upon a very false Reason, saying, that that could not be, because *Clement* was dead ten Months before *Conrad* was beheaded; nevertheless that's not repugnant to the Testimony of these Writers, who say, that *Charles* asked the Pope's Advice, which he gave him; but soon after, being prevented by Death, he could not see his cruel Advice put in execution. *Cosanzo* taking *Clement* to be a Man of a very sanctified Life, and because *Collenuccio* his Antagonist asserted this Advice, he could not be persuaded to believe it. But in this *Villani* deserves all credit, who, though a *Guelf*, and a mortal Enemy of the House of *Suevia*, in defending the Pope, had not the Assurance to deny it.

POPE *Clement* could not see his cruel Advice put in execution, for on the twenty ninth of *November* 1268, or as some write on the thirtieth of *December*, he departed this Life; and on Account of the continual Discords and opposite Factions among the Cardinals, about chusing a Successor, the See, according to *Gordon*, was vacant three Years, viz. till the Year 1271.

THE Pope being dead, King *Charles*, spurred on by his natural Ferity and Cruelty to take the most inhuman Resolutions against that unfortunate Prince, in order to colour his Barbarity with the Name of Justice, resolved to take Advice; and having conven'd in *Naples* all the Synodicks of the chief Cities, and the principal Barons of the Kingdom, and those *French* Lords that were with him, he held a Council, for determining what should be done with *Conrad*. The principal *French* Barons differed in their Opinions, for the Count of *Flanders* the King's Son-in-Law, and many other great and generous hearted Lords, who had no Design of settling in the Kingdom, were of Opinion, that *Conrad* and the Duke of *Austria* should be kept some Years in Prison, till *Charles's* Government should be so well rooted and fixed, that he might have no Reason to be afraid of them. But those who had been rewarded by the King, and were desirous to secure themselves in their Estates (which they thought they could not do while *Conrad* was alive) were of Opinion, that they ought to be put to Death. Others who knew the King's Mind, in order to humour him joined with the last, and the King himself was likewise of the same Opinion<sup>1</sup>. Whether it was out of his natural Cruelty, or the great Ambition he had to be Master of *Greece*, which he could not attempt till he was sure not to be disturbed at Home, considering the Revolutions which *Conrad's* coming had occasioned; and fearing that the *Saracens* who were still in the Kingdom, assisted by those of *Barbary*, while he was at a Distance, might set *Conrad* at Liberty, at last it was resolved that they should be put to Death.

THEREFORE the Articles of the Process were ordered to be drawn up, and they were these: That they were Disturbers of the publick Peace, and disobedient to the Pope's Command: That they were Traitors to the Crown: That *Conrad* had had the Boldness to invade and usurp the Kingdom under the false Title of King, and had likewise attempted to kill King *Charles*. The Process was drawn up and completed before *Robert da Bari*, who was King *Charles's* Protonotary, and he pronounced and read publickly the Sentence of Death, founding it upon the

<sup>1</sup> *Cosanzo* lib. 1.

abovesaid Articles. *D. Henry of Castile* was the only Person excepted in this Sentence of Death, who was condemned to perpetual Imprisonment in *Provence*, in order to fulfill the Promise given to the Abbot, who delivered him up to the Pope under Condition, that his Blood should not be spilt.

HIS barbarous and execrable Sentence was put in execution on the twenty sixth of *October* 1269, in the midst of the Market-place of *Naples*; and 'tis said, that when the unfortunate *Conrad* heard the Protonotary read it, turning to him, he said thus: *Serve nequam tu reum fecisti filium Regis, & nescis quod par in parem non habet imperium*: Then turning again to the People, he purged himself of the Crimes falsely laid to his Charge, saying, that it never was his Inclination to give Offence to the holy Church, but only to take Possession of the Kingdom which was his undoubted Right, and of which he had been unjustly deprived. That he hoped the Duke of *Bavaria*, his Relation by the Mother's Side, and the *Germans* would not leave unrevenge'd his barbarous and cruel Death. And having said these Words, he took a Glove, according to *Collenuccio*, or as others will have it, a Ring, and threw it among the People, as a Token of Investiture. And there are some who write, that by this Act he had a mind to leave *D. Frederick of Castile* his Heir, who, as we have said, had fled to *Sicily*, and from thence to *Pisa*. But *Maurolico*, and others generally affirm, that by this Act he appointed *D. Peter of Aragon*, the Husband of *Constantia* his own Cousin-German, his Heir. And Pope *Pius II.* writes, that this Glove or Ring was taken up by *Errico Dapifero*, who carried it to *Spain* to King *Peter*. From this the Kings of *Aragon*, and the House of *Austria* derive their Right of Succession to the Kingdoms of *Sicily* and *Puglia*, and not from the Family of *Anjou*, but from this *Conrad*, who transmitted them to the Kings of *Sicily*, descended of *Peter* and *Constantia* the Daughter of *Manfred*, according to *Befoldus*<sup>2</sup>, *Summonte* and others, who take it from *Aventin*. And the *Sicilian* Writers<sup>3</sup>, considering the Emperor *Frederick's* last Will, wherein *Manfred* is treated as a lawful Son, and named in the Succession of his Kingdoms, in case *Conrad* and *Henry* should happen to die without Children, look upon as a Truth what *Matthew Paris* tells as a Story invented by *Manfred* himself, viz. that his Mother being at the Point of Death, caused the Emperor to be called to her, and by her earnest and fervent Prayers prevailed upon him to marry her, and own her as his lawful Wife for the few remaining Hours of her Life; by which *Manfred* became legitimate<sup>4</sup>; and hold it as a thing certain, that the Right of Succession to these Kingdoms, by the Death of *Conrad*, was conveyed to *Constantia Manfred's* Daughter, and Wife of King *Peter*, and their Offspring; and that the *Aragonese* had a Right to drive out the *French*, and take Possession of them as their lawful Lords.

BUT what is more, that the unfortunate *Conrad's* Anguish might be the greater and more bitter, he was not the first that suffered, but was reserved to behold the cruel Death of *Frederick Duke of Austria*, whose Head was no sooner sever'd from his Body by the Hangman, than the sorrowful *Conrad* took it in his Hand, and after having bathed it with bitter Tears, he kissed and hugged it, bewailing his cruel Fate, and blaming himself, who had been the Cause of his barbarous Death, by taking him from his unhappy Mother. Being then weary of surviving so cruel a Spectacle he kneeled down, asked Pardon of God for his Sins, and gave the Hangman a Sign to do his Duty, who at one Stroke cut off his Royal Head. And after him were beheaded Count *Girardo da Pisa*, and *Hurnqsius* a *German* Knight; and nine Barons, all Natives of the Kingdom, were hanged.

SUCH was the unhappy End of the young *Conrad*, at the Age of seventeen Years; a Spectacle so horrid and dismal, that it drew Tears from all the Spectators. In him was extinguished the famous and most noble House of *Suevia*, which both by the male and female Lines was descended from the Kings *Clovis* and *Charles the Great of France*, and the Dukes of *Bavaria*. A Family that could have boasted of more Emperors, Kings, Princes and Dukes than any other in *Europe*, and of all the Families in *Germany* was the most noble. This barbarous Action gained *Charles* eternal Infamy throughout all the Nations of *Europe*; and there is not a Writer, not excepting the *French*, that does not detest and abominate so cruel a Fact, not to be parallel'd by all the inhuman and wicked Deeds of the most brutal Tyrant that ever

<sup>1</sup> Pius II. in Europa.

<sup>2</sup> Befold. de Regno Sicil. & Neap. c. 3. anno 1269. fol. 681.

<sup>3</sup> V. Tutin. d. Contest. pag. 52.

<sup>4</sup> V. Inven. Annal. di Palerm. tom. 3.

lived. From thence the illustrious House of *Austria* had its Rise in *Germany*; for the Race of the Princes of *Suevia* being extinct, and *Richard* Brother to the King of *England*, who aspired to the Empire being dead, and *Alphonfus* King of *Castile* his Competitor having no more Partizans in *Germany*; in the Year 1273 the Electors met in *Franckfort* and elected *Rodolphus* Count of *Hapsburg* Emperor, who was crowned that same Year in *Aix la Chapelle*, and acknowledged by the Princes of *Germany*; and having humbled *Othocarius* King of *Bohemia*, made him restore *Austria*, which he gave to *Albertus* his eldest Son, whose Offspring took the Name of *Austria*.

THUS ended the House of *Suevia*, after they had reigned in *Sicily* and *Puglia* for the Space of sixty nine Years, and was succeeded by the *French* with so cruel a Beginning, as brought about great Alterations in these our Provinces, not only in the Civil and Temporal, but likewise in the Ecclesiastical and Spiritual State. Which, after having related the Ecclesiastical Polity of these Times, shall be the Subject of the following Books of this History.



## CHAP. IV.

### *The Ecclesiastical Polity of the thirteenth Century down to the Reign of the Family of Anjou.*

THE Power of the *Roman* Pontiffs was arrived to such a Pitch in this Age, as never had been seen in any former; they would have themselves believed to be Monarchs no less in temporal than in spiritual Matters, and therefore they assumed the Power of deposing Princes from their States and Dominions; of calling them to *Rome* for purging themselves of Crimes laid to their Charge; of appointing them a prefixed time for appearing, and in case they did not obey, of passing Sentence, and declaring that they had forfeited their Dominions; of absolving their Vassals from their Oaths, and inviting others to conquer the Dominions they had forfeited. Looking upon themselves to be Lords of the Universe, they made no Difficulty to invest their Favourites with Provinces and Kingdoms over all the Earth, and with Islands and Gulphs in every Sea, and even with unknown and distant Provinces. *Ruggiero di Loria*, a famous Admiral, having conquered *Gerba*, and some other Islands of *Africa*, *Boniface VIII.* in the first Year of his Pontificate, while he was in *Anagni*, sent him a Bull of Investiture, by which he gave him the said Islands in Fief, and obliged him to take an Oath of Fealty and Homage, and to pay him yearly fifty Ounces of Gold, *Sicilian* Weight, as a Quit-rent, and an Acknowledgment of the Sovereignty, which that Pope pretended to over these Islands, as he did over all the other Provinces of the World; and the Charter of this Investiture is recorded by *Tutini*<sup>1</sup>. From this beginning it was, that in the Year 1493 *Alexander VI.* took upon him to grant a Continent and Islands, till that time unknown, to *Ferdinand* and *Isabel* King and Queen of *Castile*, and to draw a Line from Pole to Pole, which he made the Limits of their Dominions<sup>2</sup>. Whence the new Doctrine taught by the *Guelf* Doctors and Canonists had its Rise, that the Pope was Lord of the Universe, in Opposition to the *Ghibelins*, who ascribed that Title to the Emperor.

THE Popes would have *S. Peter's* Chair to be looked upon as the Royal Throne of all Christendom, and in order to give it the more Lustre, they aggrandized the

<sup>1</sup> Tutin. degli Ammir. del Regno pag. 90. dated in *Anagni* the 11th of August 1295.

<sup>2</sup> Bulla Alex. VI. Apud Franc. Lopes de los Indios, c. 19.

Cardinals, and depressed the Bishops. The Cardinals, as we have seen, disdain'd to go in Person to treat with *Manfred*, saying, that it was not consistent with their Dignity and Honour; and *Innocent IV.* out of spite to *Frederick*, who was doing what he could to humble him and all the Ecclesiasticks, gave them the red Hat, the Portmanteau, and the Silver Mace when they travelled on Horseback, and put them upon the same Level with Kings; and having afterwards got their Dignity to be raised to a much greater Degree of Honour and Eminency, by the Flatterers of the Court of *Rome* they came likewise to be called Great Senators, and thus adorned with Royal Honour, they elect the Sovereign Prince, for such they call the Pope, and attend at his Throne.

THE Pope thus become a Monarch, the Cardinals Great Senators, and the Apostolick See the Royal and General Court of Christendom. *Gregory IX.* in order to the more firmly establishing the Monarchy, set about to compose and publish the Decretals, the result of which was the entire Ruin of the antient Canon Law, and the Establishment of an absolute and unbounded Power in the *Roman* Pontiffs; for he, considering that the Emperor *Theodosius* had framed the Polity of the Empire, by collecting into one Volume, both his own Edicts, and those of the Emperors his Predecessors, which was afterwards called the *Theodosian Code*; and that the Emperor *Justinian*, besides his collecting the *Pandects*, which contained the antient Law adapted to his time, likewise collected his own Constitutions and those of the Emperors his Predecessors into his *Code*, thought it incumbent on him to frame a new Polity for the Church adapted to his Time (though as Matters then stood, the Decretals were not to the Purpose) and to pick out and collect into one Volume all the Decretal Epistles of his Predecessors, which he thought might be subservient to his Purpose, of establishing a *Roman* Monarchy, especially with respect to the Matter of Benefices, and the Episcopal Court, and for enlarging the Cognizance of Causes, and the Ecclesiastical Jurisdiction; whence he, in Imitation of these two great Emperors, ordered a new Code to be composed; and having repealed all the other Rescripts, he would have his Book to be called the *Decretals*, and to have the Force and Authority of Laws, in which there is much more contained concerning the Management of Law-Suits, than the Edification of Souls.

## S E C T. I.

*Of the Collection of the Decretals; their Use and Authority.*

THOSE Letters, which in the first Ages the Bishops of the most noted Sees wrote to the Fathers of the Church to ask their Opinions concerning the Doctrine and Discipline of the Church, were called Decretal Epistles<sup>1</sup>. But afterwards the *Roman* Pontiff, as Head of the Church, having raised himself above all Patriarchs and Bishops, and therefore taking more Authority upon him than all the rest, assumed to himself alone that Privilege of sending his Letters to the Fathers and Bishops, who had recourse to him for consulting about the Affairs of their Churches; and these Letters being increased to a considerable Number, were confirmed in the Synod of seventy Bishops held in *Rome* in the Year 499, in the Pontificate of Pope *Gelasius*, and thereby acquired the same Authority with the Canons that had been established in Councils<sup>2</sup>.

BUT in the Time of *Charles the Great*, a mighty favourer of the *Roman* Pontiffs, their Decretals acquiring much more Force, they began to be separated from the Canons, and were thought sufficient of themselves for regulating the Doctrine and Discipline of the Church, without being confirmed by Councils or Synods, whence the Popes established their Authority the more, and their Number grew much greater, so that it was thought necessary to collect them into one Body, and

<sup>1</sup> Jo. a Costa Comment. in Decretal. Greg. IX. pag. 22.  
<sup>2</sup> Synod. Roman. sub Gelasio anno 494. Item. Decretales epistolæ, quas Beatissimi Papæ diversis

temporibus ab Urbe Romana pro diversorum Patrum consultatione dederunt, venerabiliter suscipiendæ sunt. Can. sanctæ Romanæ 3. dist. 15.

thereby introduce a new Pontifical Law, leaving the Canons of the Councils to shift for themselves <sup>1</sup>.

THE first Collection of these Decretal Letters, distinct from the Canons, was made by *Bernardo Circa* Prefect of *Pavia*, and afterwards Bishop of *Favenza*, who disposed the Decretals of the Popes under certain Titles, beginning from *Lucius III.* down to Pope *Celestin III.* whose Pontificate began in the Year 1191. All his Design was, that his Collection might serve as a Supplement to *Gratian's Decree*; whence it was called *Liber Extravagantium*, because the Constitutions therein contained, *Vagabantur extra Decretum* <sup>2</sup>. *Antonio Augustino* published them, and gave them the first Place among the other Collections of antient Decretals. In this thirteenth Century there appeared another Collection, of which *Gilberto*, *Alano*, and *Giovanni Gallense* are said to be Authors. These imitating *Bernardo*, collected the Decretals of those Popes who lived after *Bernardo*; but *Giovanni* excelled the other two, by making more ample Collections <sup>3</sup>. The third is owing to *Bernardo Compostellano*, who collected it from the Registers of *Innocent III.* the most learned and the greatest Decretal Maker, and it was called the *Roman* <sup>4</sup>.

ALL these Collections being made by private Authority, were of no Force when quoted in the Courts or elsewhere, whence of Necessity recourse was to be had to the Archives of the Church of *Rome* to give them Authority. For which Reason the *Romans* begged of *Innocent III.* that of his own Authority he would be pleased to order a new Collection to be made. *Innocent* granted their Request, and gave the Charge of doing it to *Pietro Benevento* his Notary, who finished it in the eleventh Year of *Innocent's* Pontificate 1210, and it was the first Collection of the *Jus Pontificium* that was made by publick Authority <sup>5</sup>. Five Years being taken up with the *Lateran Council* under the same Pope, there was another Collection made in the Year 1215, in which were added all the Decretals and Rescripts that had been issued out during those five Years. Afterwards in the Year 1227, *Tancred* Dean of *Bologna* made another, into which he inserted the Constitutions of *Honorius III.* *Innocent's* Successor; but altho' it was finished that same Year that *Honorius* died, *Gregory IX.* his Successor, with Design to eclipse the Fame of his Predecessors by a new and more ample Collection, caused it to be suppressed, and it was never published till of late, when *Innocentius Cironius* caused it to be printed with his own most learned Notes in *Thoulouse* in the Year 1645 <sup>6</sup>.

*Gregory IX.* in order to the better establishing the *Roman Monarchy*, ordered a new Code to be made, and, in Imitation of the Emperor *Justinian*, he caused all those Constitutions of the Popes his Predecessors, which were not suitable to his Time, to be left out, and his own, with those of his Predecessors that he thought were more for his Purpose to be inserted; and besides, that there might be no Occasion of having recourse to the *Jus Civium*, he instituted many things of himself that were not required <sup>7</sup>, that by this his Code the Tribunals might regulate themselves in their Sentences, and the Schools in teaching Youth the Law. He entrusted the making of this Collection to *Raimundus di Pennaforte* of the County of *Barcelona*, a *Dominican Friar*, a great Canonist and Inquisitor in *Catalonia*, much esteemed by *James King of Aragon*, who chose him for his Confessor <sup>8</sup>. *Gregory*, taken with the Fame of his Learning and good Life, called him to *Rome*, and made him his Chaplain and Penitentiary, a Dignity, which in those Times was bestowed only upon Men of Worth and Learning. *Raimondus* performed and completed the Work, and divided it into five Books, following the same Method that *Tribonianus* had done in composing *Justinian's Code* <sup>9</sup>.

POPE *Gregory*, the Work being done to his Mind, immediately published a Constitution, which he prefixed to the same Code, by which he repealed all the other, and ordered that this Collection only should be made use of in the Courts of Justice and Schools: He likewise, under a severe Penalty commanded, that no Person should be so bold as to make any other, without the special Authority of the Apostolick See <sup>10</sup>. He likewise ordered it to be published over all the World, and

<sup>1</sup> V. Baluz. in præfat. ad Ant. Augustini Dialogos §. 2.

<sup>2</sup> V. Maffricht. Hist. jur. can. num. 238. Fr. Florent. de methodo, & Ant. Collect. Grat. §. 4.

<sup>3</sup> Maffricht. loc. cit.

<sup>4</sup> Guido Pancirol. lib. 3. c. 8. Maffricht. loc. cit.

num. 349.

<sup>5</sup> Mutric. num. 349.

<sup>6</sup> Idem. num. 351.

<sup>7</sup> Cujac. ed. c. ult. X. de sent. & re jud.

<sup>8</sup> Andr. Schottus Bibl. Hispan. tom. 2. p. 186.

<sup>9</sup> Fr. Florens. dissert. de meth. & auct. Collect. Grat. in fine.

<sup>10</sup> Greg. IX. Volentes igitur, ut hac tantum Complatione universi utantur in judiciis, & in Scholis, districtius prohibemus, ne quis præsumat aliam facere, absque auctoritate Sedis Apostolicæ speciali.



read in all the Academies and Universities in *Europe* <sup>1</sup>, and excited both Professors and Scholars to study it.

THERE was no part in *Europe*, where *Gregory* had either Power or Interest, that did not greedily receive it, and the Professors every where not only taught it, but made large Commentaries upon it. The first that commented upon it were *Ruffinus*, *Silvester*, and *Richard* an *Englishman*: *Rodovicus* surnamed *Pocopassus*, and *Petrus Corbulus*, or *Boliatus* a *Spaniard*; *Bertrandus*, *Damasus*, and *Allan* an *Englishman*; *Pietro* Prefect of *Pavia*, *Pietro Gallense* of *Volterra*, *Bernardo Compostellano*, *Vincenzo Castiglione* of *Milan*, *Giovanni Teutonico*, and *Tancredi*. After these *Guglielmo Naso*, and *Giacomo di Albenga* Bishop of *Faenza*, *Vincenzo Goffredo*, *Filippo*, *Innocenzio Ostiense*, *Pietro Sampso*, *Egidio* of *Bologna*, *Bonaguida* of *Arezzo*, *Francesco* of *Vercelli*, *Boatino* of *Mantua*, and the Archdeacon. But afterwards *Bernard Button* of *Paris* collected all their Glosses, and about the Year 1240 made a more full one of his own, which was commended above all the rest <sup>2</sup>.

THE Monks likewise, out of Complaisance to the Popes, employed their Talents, and composed a Treatise, intitled, *Suffragium Monachorum*; but this Work being defective in essential Things, and full of Errors, trifling and superfluous, was noways esteemed. Friar *Giacomo*, a Canon of *S. John in Monte*, likewise commented upon this Code; but he came off with as little Credit as the other Monks, which gave Rise to the Proverb *Magnus Decretista, magnus Asinista*; and *Cujacius* tells us <sup>3</sup>, that there were no Doctors more ridiculous than those, who had took in hand to write upon this new *Jus Pontificium*.

AFTER this Collection of *Gregory's*, the Popes his Successors (in order still to aggrandize the *Roman* Monarchy) did not fail to establish other Constitutions; so that about the end of this thirteenth Century *Boniface VIII.* thought that another Collection was much wanted. Some Constitutions had been made by this *Gregory*, and many by *Innocent IV.* *Alexander IV.* *Urban IV.* *Clement IV.* the two *Gregories IX.* and *X.* *Nicholas III.* and by *Boniface* himself. There had likewise many Constitutions been made in the Council of *Lyons* in the Year 1242. under *Gregory X.* ~~Therefore~~ *Boniface VIII.* who, above all his Predecessors, had conceived the greatest Notion of the Papal Dignity, by his truly extravagant Constitution *Unam Sanctam*, looking upon the Pope to have Power equally to wield both the Swords, and the temporal Sovereignty to be a dependent upon the spiritual, resolved to have a new Collection made of all these Constitutions, to be a Supplement to that made by *Gregory IX.* and committed the Care of it to three Cardinals, *William Mandogot* Archbishop of *Embrun*, Bishop *Berengario Fredello*, and *Riccardo Malumbro* a learned Doctor of *Sienna* and Vice-Chancellor of the Church of *Rome* <sup>4</sup>. These accomplished the Work, and it was divided into five Books, and as many Titles, in the same manner as *Raimundus de Pennaforte* had divided his. As soon as this Collection was finished, *Boniface* caused it to be published about the Year 1299. and to be added to *Gregory's* Decretal Volume, and therefore it was called the sixth Book; and by a particular Bull, ordered it to be observed by all Persons, and to be read in all the Universities of the World, and to have the same Authority with that of *Gregory's*; but this Collection of *Boniface's* was little regarded in *France*, not only because it contained many Constitutions relating to the enlarging of his own Power, and the Advantage of his Court; but likewise because he had established many Things in it out of Hatred to the Kingdom of *France*, by Reason of the hot Disputes, which were then between him and King *Philip* the Fair <sup>5</sup>. It had better Success in other Kingdoms <sup>6</sup>, where it got an honourable Reception, and was glossed upon by the Canonists, and among the rest by *Giovanni d' Andrea*, a famous Doctor of the Canon Law in those Days <sup>7</sup>.

IN the following fourteenth Century other Collections were made, and called *Clementine*; and also *Extravagantes*, to the End, that as the Collections already made, to wit, the Decree answered to the *Pandects*, and the *Decretals* to the *Code*, so the *Extravagantes* might answer to the *Novellæ*; and that nothing might be want-

<sup>1</sup> Matth. Paris, Hist. Anglic. anno 1235. pag. 252. Soleminter, & authenticè, per totius mundi latitudinem legi præcepit, & divulgari.

<sup>2</sup> Cuius Pancirol. de Clar. Leg. Interpret. lib. 3. c. 8. Malu. ic. num. 356, 357.

<sup>3</sup> Cujac. ad cap. X. extr. de sent. & re judic.

<sup>4</sup> Bulla Bonifac. ad lib. Decret. & Pithæi Fratres in notis ad libri titulum.

<sup>5</sup> Duar. in Præfat. lib. de Sac. Eccles. Ministr.

<sup>6</sup> Arth. Duck de an. jur. civ. lib. 1. cap. 7. num. 13, 14, 15, 16, 17, 18.

<sup>7</sup> Pancirol. de Clar. leg. Interpret. lib. 3. c. 19.

ing, in the latter Ages the Books of Institutions were likewise to be collected; of which in their Place, and as Occasion offers.

THESE *Decretals*, during the Reign of the House of *Suevia*, had but little Weight with us, in Matters, wherein they clashed with our *Constitutions*; and both *Frederick*, and the other Kings of that House his Successors supported their own *Constitutions*, and those of the *Norman* Kings their Predecessors, and vigorously withstood the Encroachments intended by the *Roman* Pontiffs upon their Rights and Royal Prerogatives; they maintained the Laws they had made concerning Matrimony, and Immovables acquired by Churches; and they kept up their Royalties in vacant Sees and the Election of Prelates; and in many other Things related in the preceding Books.

BUT this Kingdom coming under the Dominion of the Family of *Anjou*, who themselves became Liege-Men to the *Roman* Pontiffs, and of whom they held the Kingdom; the *Guelf* Faction also gathering Strength, and that of the *Ghibellins* being at a low Ebb, the Face of Affairs was quickly altered, and new Maxims were introduced, and the *Decretals* not only received and taught in the Schools, but likewise in the Tribunals; not by the Laws of any Prince, but by Use and Custom, and as containing Things not expressed in the Civil Law, especially concerning the Form and Manner of Proceedings at Law contained in the second Book<sup>1</sup>; as also containing Directions with respect to Ecclesiastical Causes, and Suits that might occasion Sin, and endanger the Salvation of the Soul<sup>2</sup>. And although our Princes of the Family of *Anjou* knew very well that this Volume was collected in order to vie with the Laws of the Emperors, and to enlarge the Power of the Popes, who not only intermeddled in Ecclesiastical, but likewise in Civil Affairs, by assuming the Authority of judging in all Causes within the Dominions of Christian Princes, as well between Laicks as Ecclesiasticks; yet partly through Negligence and Ignorance, and partly because it was their Interest to be in Favour and Friendship with the Popes, they were easily prevailed upon to receive it into their Dominions, and to allow it to be publicly taught in the Schools, and quoted on the Tribunals.

THEREFORE our Professors applied themselves as much to the Study of the *Decretals*, as those of the other Cities of *Italy*, so that being corrupted in their Maxims, whatever was not conformable to them, was reckoned foreign and unlawful. Some *Constitutions* of *Frederick* and of the *Norman* Kings his Predecessors were therefore looked upon to be impious, particularly those concerning Matrimony, Acquisitions, the Disposal of the Revenues of vacant Churches, and such like Things; for it was thought that these Things were not in the Power of the Prince, and that it was *falces in alienam messem mittere*. *Andrea d'Isernia* plainly says, that all these Things were formerly established, because the Book of the *Decretals* was not then in being: *Non erat compilatum Volumen Decretalium*<sup>3</sup>.

THE *Roman* Pontiffs took care in the Investitures they gave to our Kings to provide against these Encroachments; and *Clement IV.* in that which he gave to *Charles I.* of *Anjou*, would have all the *Constitutions* and Statutes which he thought against the Ecclesiastical Immunity to be repealed<sup>4</sup>; thereby depriving him of many Royalties and Prerogatives, which the *Norman* and *Suevian* Kings had maintained; whence with us, during the Reign of the Family of *Anjou*, the Popes not only had nothing to obstruct their Designs of establishing the Monarchy; but treating this Kingdom as their Fief, and the Princes as their Feudatories and Liege-Men, they made a wonderful Progress, as will be observed in the following Books of this History.

<sup>1</sup> Decretal. lib. 2. Arth. Duck lib. 1. cap. 7. num. 19.

<sup>2</sup> V. Arth. Duck. loc. cit. num. 10, 11, 12, 13, 14.

<sup>3</sup> Andr. de Isern. in Constit. lib. 3. tit. 31. de ad- min. rer. Eccl.

<sup>4</sup> Cap. 19. Invest. Clem. IV.

## S E C T. II.

*The Election of Bishops, and the Collation of Benefices.*

IN order to lay the Foundation of a Monarchy it was not sufficient barely to provide it with Laws, and adorn the Court with great Senators and other Ministers for rendering it more majestic; but it was necessary to furnish it with Money, for supporting the Pomp and Grandure suitable to the general Royal Seat of Christendom, without which it would soon come to nothing. The Revenues of the Ecclesiastical State alone were not sufficient; Care therefore was taken to draw every thing to *Rome* from the Provinces. That as other Princes, to gratify their faithful Subjects, and reward those that fought for them, gave Fiefs, Dignities and Offices; so it was requisite to have such Posts and Offices as were necessary to support the Grandure and Magnificence of a Court, and to find out Means for establishing them, that nothing might be wanting to render the Priesthood in every thing conformable to Empire. Wherefore many Dignities and Offices were instituted, which did not in the least concern the Hierarchy of the Church, in things relating to her spiritual Power, but were solely intended for the temporal Jurisdiction and political Government; and in that the Court of *Rome* has outdone all the Courts of Princes. *Benefices* were appointed in order to answer to Fiefs, and as there had started up a new Body of Law, called the *Feodal*, which had taken up so many Volumes; so with respect to the Matter of Benefices there appeared another, on which the *Canonists* have written more Volumes, than the *Lawyers* have done on the *Feodal* Law.

THE Method taken for carrying on these Matters, was no less artful than laborious; it required a long time to establish them, and both the Princes, the People, and the Chapters of the Provinces struggled hard in order to prevent their going to *Rome*.

ALTHOUGH in Appearance the Election of Bishops was left to the Clergy, yet we have already seen, that the Popes have made use of sundry Means for drawing them all to *Rome*. Care was likewise taken to deprive our Princes of their Assent in Elections. *Frederick II.* *Conrad*, and *Manfred*, boldly defended their Rights, and would not suffer the least Innovation; but when *Clement IV.* invested *Charles I.* of *Anjou*, amongst the Stipulations already related, which he made him swear to, one was, That he should expressly renounce his Right of Assent; and in the eighteenth Article it is stipulated, That neither he nor his Successors shall intermeddle in the Elections, Postulations, or Provisions of Prelates; insomuch, that neither before nor after the Election, was the King's Assent to be demanded; and he was only to retain the Right of Patronage of some Churches, so far as was agreeable to the Canons of the Church<sup>1</sup>.

HENCE there remained to our Kings the Power only to hinder the Elect from getting Possession without the Royal Consent, and even that was disputed; however, not only the Kings of the House of *Aragon*, but also those of *Anjou* who were Liege-Men to the Popes maintained it; for we find, that when *Manfredi Gifanio* a Canon of *Melito* was elected Bishop of that City, *Charles II.* being jealous of his Loyalty, hindered him from taking Possession of that Church, by not granting him the Royal *Exequatur*, as may be seen in a Writ of the King's dated in *Naples* in the Year 1299, recorded by *Ughellus* in his *Italia Sacra*<sup>2</sup>. And all the other Kings of the Family of *Aragon*, such as *Charles III.* *Ladislaus*, down to Queen *Joan II.* when the Elect was not suspected by them, gave immediately the *Exequatur* to the Bulls of the Popes, of which we have many Instances in *Chioccarelli*<sup>3</sup>.

CLEMENT likewise deprived our Kings of the Royalty, which (as well as the Kings of *France*) they had in the vacant Sees of our Kingdom, by appointing their Bailiffs or other Officers for taking the Administration of the Revenues, in order to preserve them for the Successor, according to the Prescription of the Canons;

<sup>1</sup> Chioc. MS. giurisd. in indice tom. 19.

<sup>2</sup> Chioc. tom. 1. de Regio exequatur

<sup>3</sup> Ughel. tom. 1. in Episc. Militens. num. 16.

and *Frederick II.* as is clear from the Constitutions of the Kingdom, maintained <sup>1</sup>. Besides, *Conrad* his Successor did the same; who, according to *Matthew Paris*, among other things being blamed by the Pope for having taken Possession of the Revenues of the vacant Churches, answered to that Accusation, That he had not made the least Encroachment, but had made use of that very Right which his Predecessors had enjoyed in vacant Sees, by giving the Charge of the Rents thereof to his proper Officers, and that he was satisfied with the exercise of the same Right, which the Kings of *France* and *England* had in the vacant Churches of their Kingdoms <sup>2</sup>.

BUT *Clement IV.* not pleased therewith by the twenty second Article of the foresaid Stipulation, obliged *Charles I.* and his Successors to renounce that Royalty, declaring, that he had no Pretension either to the Royalty or Revenues of vacant Sees; but that the Charge of the Churches was to be committed to Ecclesiastical Persons until they were provided, who, according to the Prescription of the Canons, were to receive the Rents and preserve them for the Successors <sup>3</sup>. This depriving of our Princes of the Royalties in vacant Churches was a great Step in the Popes; for though in these Beginnings they pretended to give the Charge of them to Ecclesiastical Persons, and to regulate the Administration of the Revenues according to the Canons; nevertheless in process of time, they appointed Collectors and Nuncios, who seized on the Revenues, which they preserved for *Rome*, and not for the Successors; whence a new Calamity was entailed upon our Kingdom, and the Title of Apostolick Nuncio began to be known; which was not brought to Perfection till the following Century in the Reign of King *Robert*, to serve Ends, which shall be mentioned in the following Books of this History, when we shall have Occasion to treat of the Introduction of the Apostolick Collector into the Kingdom, and of his wonderful Success in furnishing *Rome* with Money from the Spoils of our Churches, and other Emoluments drawn from thence.

IN these Times other Circumventions were practised for drawing every thing to *Rome*; for whereas formerly, according to the agreement made between King *William I.* and the Apostolick See, appeals to *Rome* from the Kingdom of *Sicily* were excepted <sup>4</sup>; *Clement* now, in the eighteenth Article of the Investiture given to *Charles*, expressly declares, That Ecclesiastical Causes are to be referred to the Ordinaries, and by Appeal to the Apostolick See; and in these Times Care was taken, as we shall see by and by, to extend the Cognizance of the Episcopal Court excessively; insomuch that there was no Controversy but what they pretended to be Judges of, and all Causes were brought to *Rome*, which brought vast Profits to that Court.

BUT that which proved of greatest Advantage and Profit to the Court of *Rome*, and was the Means of bringing Poverty on the Kingdom, was the Collation of Benefices, and the various Ways and Means invented, and afterwards established by their *Decretals* and *Extravagantes*; and much more by the Rules of Chancery, by which almost all the Money of our Churches and Monasteries was spent in *Rome*.

IN the first Ages of the Church the Name of *Benefice* was never heard of, nor during all the time of the *quadripartite* Division of the Goods was it ever mentioned; but that Division being afterwards laid aside and annulled, many Alterations followed. As that Share which was allotted for the Poor was given to the Bishops with the Burthen of maintaining them; so that Portion which was appointed for the Clergy ceas'd, and in lieu thereof certain Offices were assigned the Ecclesiasticks, and a settled Income allowed them, which the Ministers of the Church made use of as their own Goods; and this Right of collecting the said Incomes being annexed to the spiritual Ministry, was generally called *Benefice*; and it is commonly believed that this Name, and the Assignment of Income to each Minister began in the ninth Century about the Year 810, as may be gathered from the Council of *Metz* held that Year, where for the first time mention is made of *Eccle-*

<sup>1</sup> Tit. de Administr. rerum Eccl. post mortem Prælator.

<sup>2</sup> Matth. Paris, Hist. Angl. in Henrico III. fol. 597. edit. Paris. & ex libro additamentorum cuso post dict. Hist. fol. 125, 126. Quod si videtur absolum Apostolicæ sedis, contentus est Dominus Rex illo jure in prædictis vacantibus, quo utitur Rex Franciæ & Angliæ in Ecclesiis vacantibus Regni sui.

<sup>3</sup> Rainald. Ann. Eccl. ad ann. 1253. num. 3. & ann. 1265. Custodia Ecclesiarum earundem liberè remanente penes personas Ecclesiasticas, juxta Canonicas sanctiones.

<sup>4</sup> Bulla Adriani apud Capceclatr. histor. Neap. lib. 2. Habebit Romana Ecclesia, quæ habet in illis partibus Regni nostri, excepta appellatione.

*fiastical Benefice* <sup>1</sup>. Thus, as those who fought for the Empire were rewarded with Fiefs, which were likewise called *Benefices*; so it was reasonable, that the Ministers militant for the Church should be rewarded with such *Benefices*, that is to say, with those Revenues and Ecclesiastical Dignities which were called *Benefices*; so that by such a Reward every one might be encouraged and enabled to perform his Duty and Office.

BUT, these *Benefices* being only an annexed Right, and the Enjoyment of the Ecclesiastical Revenues depending on the Ministry by vertue of a Canonical Institution, it was necessary for the Person, who conferred a *Benefice*, to have a Right and Power of conferring; and for the Person, upon whom it was conferred, to be an Ecclesiastick, becaufe of the Ministry, to which by a perpetual Right it was annexed. In Diocesses the Power of conferring belonged to the Bishops, who either did it freely, or of Necessity, when the *Benefice* could not be conferred upon any, but the Person whom the Patron, by vertue of his Patronage, presented; which Right he had acquired, either by having founded the Church, or endowed it with Possessions, upon which the *Benefice* was instituted.

THE Popes contrived Means not only to draw the Collations to *Rome*, and deprive the Bishops of them, and the Patrons of the Presentation, but likewise invented new Regulations, whereby every thing was made to contribute towards the acquiring of Riches. They prescribed a certain time, both to the Bishops and Patrons for making use of their Rights, which being elaps'd, the Collation devolv'd to the Church of *Rome*. Moreover, if unworthy Persons were presented, or others rendered incapable by the Canon Law, then they reserved the Power of dispensing to themselves only. If any Dispute happened between Persons named or elected, the Cause was brought to *Rome*, and very often the *Benefice* was given to neither of the contending Parties, but to a third Person. It was made a standing Rule, that the Pope could either concur with or prevent all Patrons. The *Reservation* was contrived as a Decree, by vertue whereof the Pope, before a *Benefice* becomes vacant, declares, that when it shall be vacant none can confer it. That all Vacancies by the Sentence of Courts shall be filled up by the Pope; as also all Vacancies by Deprivation, Translation from one *Benefice* to another, or Resignation; and he had likewise Power to dispose of all the *Benefices* of Cardinals, Officers of the Court, Legates, Nuncio's, Rectors and Treasurers within the Dominions of the Church of *Rome*; and in like manner the *Benefices* of those, who came to Court about Business, if in coming or returning they happened to die within forty Miles of the Court; as also all Vacancies occasioned by the Possessor's having had two *Benefices*.

UNDER the specious Pretence of abolishing the Plurality of *Benefices*, those who were possessed of them were ordered to resign; and for the Time to come, whoever enjoyed one *Benefice* and afterwards got another, was obliged to resign the first, which was to be disposed of by the Pope; whence *Resignations* were introduced.

IT was in this Century too that the Practice of holding *Benefices* in *Commendam* took its Rise, which, according to their ancient Institution, were only to last for a short time; because when a *Benefice* became vacant, which the Ordinary, for some Reasons, could not immediately supply, the Care of it was recommended by the Superior to some worthy Person, till it should be filled up; however he was not to apply the Incomes to his own Use, but to take care of them, and reserve them for the future Successor; but afterwards, though the Popes forbade Bishops to give *Commendams* for more than six Months, yet they themselves gave them for Life. And the *Commendams* of our vastly rich Abbeys have brought more Treasure to *Rome*, than those of all other Parts of *Italy*.

POPE *John XXII.* who above all the rest was remarkable for his exquisite Art of squeezing Money out of every thing, having in his twenty Years Pontificate gathered an immense Sum of Money; and notwithstanding his Profuseness while he lived, leaving at his Death twenty five Millions, afterwards introduced the *Annats*, ordering, that for the Space of three Years to come, every Person, who should obtain a *Benefice*, whose Income should be above twenty four Duckets, should pay a Year's Income for passing the Bulls; which Payment, after the three Years were elapsed, was continued both by him and his Successors.

<sup>1</sup> Cap. 1. de Eccles. ædific.

PENSIONS upon Benefices were likewise introduced, which have turned to better Account than the Benefices themselves. Then followed the *Coadjutories*, *Gratie expectativæ*, *Spolia*, and many other Devices for drawing Money to Rome<sup>1</sup>. But the chief of all were the great Number of *Prohibitions*, in order to lay a Foundation for so many *Dispensations* afterwards, as well with Regard to the Plurality of Benefices, as the Degrees of Matrimony, Irregularities, Bastardy, and an infinite Number of other Cates; which Dispensations not being granted without Money, the general Royal Seat of Christendom was well provided with many different kinds of Sources for heaping up Treasures; whereby our Churches were impoverished, and our Bishops deprived of the Collation of almost all the Benefices of the Kingdom, which were for the most part bestowed in Rome upon Strangers, and the Natives excluded, contrary to the Prescription of the Canons.

CARDINAL *Pallavacino* says<sup>2</sup>, when upon the Complaint of the Princes and Bishops, it was proposed in the General Diet held in Worms to reform these Abuses, that Pope *Alexander's* Legate protested loudly, that they might as well turn the whole World upside down; for, said he, to make the Church a Body Politick, and then confine her to the antient Discipline, is the same as to tie down a full grown Man to the Food of a sucking Child; for as the Constitutions of human Bodies alter, so it fares with Bodies Politick. And when the same thing was moved in the Council of Trent, at least to make some Reformation, it was taken more heinously ill, and gave more discontent, than any thing that could be proposed. The Prelates of the Pope's Party stood up for these Abuses, and defended them with the same Warmth, as if that *Body Politick*, and that great *Monarchy* had been to be dissolved; and the same Cardinal *Pallavicino*<sup>3</sup> says plainly, that the Pope being the *Supreme Prince*, who has so many *Great Senators*, to whom Royal Honours are paid, and being placed upon the universal *Royal Throne* of Christendom, it ought not to seem strange, if, in order to keep up the Splendor of the *Royal Ecclesiastical Chair*, he has taken to himself all the Graces, Dispensations, Collations, and so many other Emoluments by Resignations, Regressions, Annats, Pensions, &c. and all the other Methods introduced for drawing Money to Rome; forasmuch as (says he) all Princes, without being blamed, exact the Taxes laid on their Subjects, in requital of the Favours and Privileges they heap upon them; so neither ought the Pope, who is the *Supreme Prince* and *Monarch*, to be blamed for what he grants and dispenses in Christendom; and as Princes bestow Fiefs or other Rewards upon any of their faithful Subjects who signalize themselves by some military or political Action; so the Pope as *Supreme Prince* bestows as many Benefices as he thinks fit upon those who have signalized themselves by any Action, or managed an Affair, a Legation or Nunciature to purpose, or done any other signal Service to the Holy See. and to remove the Incompatibility of many Benefices, and the Impossibility of performing the several ministerial Duties annexed thereto, the bare reciting of the Breviary, and of the Canonical Hours in lieu thereof, was thought sufficient.

THIS same Cardinal says<sup>4</sup>, that in order to support this Royal Court, it was necessary to open many Fountains for drawing forth Money and Honours, wherewithal to maintain its Ministers with kingly Grandure and Pomp; and that therefore the Plurality of Benefices in one Person, without his being bound to Residence, was not to be minded: These are the sure Means (says he) whereby to support with Splendor the Dignity of the Clergy, and a *Royal Ecclesiastical Court*; and that one of the most effectual Means was plenty of these Benefices, which do not oblige the Incumbent to Residence: And elsewhere<sup>5</sup> making use of the same Comparison, he avowedly says, that as, in order to the right Government of a State, the Prince's Treasury must always be full, so to keep the Pope's Coffers empty, who is the *Supreme Prince*, is the same as to un hinge all Discipline. Whence he concludes, that to reform the *Datary*, to forbid Ecclesiastical Judges to impose pecuniary Mulcts, and to take off the Fees for *Dispensations*, was putting a Stop to all Discipline; Since Money (these are his Words) *virtually implies every thing; so by human Weakness a pecuniary Mulct affects Men more than any thing else that can be inflicted by a Court purely Ecclesiastical; which, like a Secular, when it cannot curb Licentiousness with Iron, must therefore do it by Silver.*

<sup>1</sup> V. *The Treatise of Benefices attributed to P. Paolo the Servite.*

<sup>2</sup> *Pallavic Istor. del Concilio di Trento, lib. 1. cap. 25.*

<sup>3</sup> *Idem. lib. 1. cap. 8. & 16.*

<sup>4</sup> *Idem. lib. 8. cap. 12.*

<sup>5</sup> *Idem. lib. 2. cap. 6.*

## S E C T. III.

## Of the Cognizance of Causes.

ALL Appeals being carried to *Rome*, Care was taken to enlarge the Jurisdiction of the Episcopal Court, and to extend the Cognizance of the Ecclesiastical Judges over more Persons and more Causes, so that little was left to the secular Magistrates to trouble themselves about. However *Frederick II.* not willing to see some enormous and insufferable Crimes of the Clergy go unpunished, was wont frequently to chastise them; but *Clement* in the Conditions of the Investiture given to *Charles* by the twentieth Article would have it stipulated, that the Clergy should not be sued before a secular Judge either in civil or criminal Cases, except in those that concerned Fiefs. And the Encroachments which in these Times were practised, not only in our Kingdom, during the Reign of the Family of *Anjou*, but even in that of *France*, were surprizing; for our Kings of that Family holding their Crown of the *Roman* Pontiffs, and seeing that the Kings of *France* bore with those Encroachments, had not the Courage to resist. The Clergy being now wholly exempted from secular Jurisdiction, and enriched with many Privileges and Immunities, first of all it was resolved to have that Exemption extended to many Persons, who were not of the Clergy.

I. THEY included in the Number of the Clergy all those who had received Tonsure, although they were married, and did not follow Ecclesiastick Employments; and *Loyseau*<sup>1</sup> says, that in *France* the thing was carried to so great Excess, that almost every Body was within their Jurisdiction, because all took Tonsure, more for obtaining Exemption from the Jurisdiction of the King and their Lord, than for serving the Church. Therefore in *France* this bad Practice, with respect to Exemption from Taxes and Customs, in the Year 1274, was remedied by King *Philip the Hardy*, who would have the married Clergy to be subject to Taxes, like mere Laicks, and their Immunity to be extended only to the Courts of Justice; of which afterwards they were likewise deprived by the Edict of *Rouffillon*, by which this Immunity was only allowed to the Clergy in holy Orders; and after that, the Parliament allowed it also to those that had Benefices. But in our Kingdom this Grievance was only remedied so far as it regarded the Exemption from Taxes and Customs, because our Kings of the Family of *Anjou* made the Constitution of *Boniface VIII.* take place in our Kingdom, whereby the Privilege of Immunity was granted to the married Clergy; whence King *Robert* in the Year 1322, ordered his Officers to have regard to that Privilege, and not to proceed against such Clergy, either in civil or criminal Cases, provided they had been married to Maids, and had got the Tonsure, and wore the Habit of the Clergy, and did not meddle with Merchandising or Traffick; nor had, after committing the Crime, in order to shun the Punishment, taken the Tonsure and Habit<sup>2</sup>: Which Ordinance was afterwards in the Year 1347 renewed by Queen *Joan I.*<sup>3</sup>, and confirmed by King *Ferdinand I.* of *Aragon* by his Pragmatick<sup>4</sup> enacted in the Year 1469.

IN our Kingdom the Friars of the third Order of *S. Francis*, who wear Cloaks and Cords, and live in Cloisters, are likewise intitled to Exemption from the Secular Courts. And during the Reign of the Kings of the Family of *Anjou*, Exemption was extended even to the Concubines of the Clergy; and we read, that the Clergy of the City and Diocess of *Marisco* quarrelled with King *Robert*, because the Justice of the Province of the *Hither Principato* proceeded against their Concubines; for *Charles II.* *Robert's* Father having by a Law ordained, that Concubines who continued a Year under Excommunication should be fin'd in a certain Sum of Money, the Justice would needs exact the Fine; whereupon King *Robert* in the Year 1317, ordered him not to proceed against them by vertue of that Law of his Father, nor

<sup>1</sup> Loyseau des sign. & Justic. Eccl. c. 15.

<sup>2</sup> Chioc. MS. jurid. tom. 10.

<sup>3</sup> Idem. loc. cit.

<sup>4</sup> Pragm. 1. de Clericis, seu Diaconis Selvaticis.

to trouble their Persons or Goods, but to leave their Punishment to the Prelates of the Churches <sup>1</sup>.

THERE sprung up likewise in the Kingdom the *Diaconi Sylvatici*, who also pretended Exemption; and for remedying this Grievance, the abovementioned *Ferdinand I.* in the Year 1479, was forced to publish a Pragmatick <sup>2</sup>, by which it was ordained, that whenever it was found that they were not appointed for the Service of any Church, but meddled in secular Affairs, and had only the bare Name of Deacons and Clergy, they were to be looked upon as mere Laicks, and should be in Subjection to the secular Courts of Justice, and were equally liable to be sued in civil as well as criminal Cases before the secular Judges; nor were they exempt from Taxes, Customs, and other Burdens laid upon the Laity. And they were afterwards deprived of the Benefit of *Can. si quis suadente*, and of the Privilege of the Courts of Justice in civil Cases, and had it only in criminal and civil Cases with respect to their Persons, and personal Duties, but not as to Taxes, Imposts, and other Collections belonging to the King. All which Points were better regulated, and the Grievances partly redressed, by several Deliberations of our Collateral Council, and the Tribunal of the Chamber of Accounts; for which see *Chioccarelli* <sup>3</sup>.

IT was likewise a controverted Point among us, whether the *Domesticks of Bishops*, both in civil and criminal Cases, ought to be judged by the Bishops, or by the Secular Judges <sup>4</sup>; the Ecclesiasticks pretending to call them before the Episcopal Court.

THE Ecclesiasticks, in Consequence of that misunderstood Maxim, *mobilia sequuntur personam*, extended the Exemption granted to their Persons, even to their Moveables, so that none of the Moveables of the Clergy either married or unmarried could be attached, or adjudged to any Person by a Lay Magistrate.

II. THEY maintained, that all Causes, wherein *Breach of Faith* was concerned, and consequently Sin, belonged to their Jurisdiction, because the Soul was engaged, whereof they had the Direction; and thus they understood that Passage of the Gospel, *Si peccaverit frater tuus dic Ecclesie*, particularly when the Parties accused one another, which Accusation they call *Denunciatio Evangelica*, at large treated of in the *Decretals* <sup>5</sup>; where the Pope takes upon him to be Judge of the Differences between the Kings of *France* and *England*, concerning the Devolution of all the Fiefs and Lordships which the King of *England* held of that Crown, on Account of his Rebellion, to the King of *France*; wherefore they pretended to be Judges competent of all personal Actions among the Laity, saying, that such Actions were seldom free from *Breach of Faith*, and consequently sinful in one of the Parties; and when the Question was about performing of Contracts, they made no Difficulty in appointing themselves Judges, because of the Oath, which, by the common Stile of Notaries, is inserted in all Contracts <sup>6</sup>, maliciously confounding *Censura morum* with *Jurisdictio*; and *Correctio penitentialis* with *Jusitia contentiosa*, without regarding *Nathan's Case* with *David* recorded in *Gratian's Decree* <sup>7</sup>.

III. BY the same Parity of Reason they affirmed, that they were Judges of Testaments, as being a Matter of Conscience, saying, that they were the proper Executors of them; but what is more, the Body of the Testator being left to be buried by the Church, she likewise became Mistress of his Moveables in order to quiet his Soul, and execute his Testament. And *Loyseau* <sup>8</sup> tells us, that there had been a Custom introduced into *England*, that when any Person died without making a Will, the Bishop, or one appointed by him, seized the Moveables of the Deceased. And that formerly in *France* the Ecclesiasticks would not bury the Dead, unless the Testament was put in their Hands; if otherwise, a special Licence from the Bishop was necessary; insomuch, that in the Year 1407, the Parliament was forced to remedy this intolerable Grievance, by making an Edict against the Bishop of *Amiens*

<sup>1</sup> Chioc. loc. cit.

<sup>2</sup> Pragm. 4. de Clericis, seu Diaconis Selvaticis.

<sup>3</sup> Chioc. MS. jurisd. tom. 10. de Immunit. Cleric.

<sup>4</sup> Idem. ibid. tom. 20.

<sup>5</sup> Cap. novit de Judge.

<sup>6</sup> Cap. 3. de For. compet.

<sup>7</sup> Can. 41. §. Item. cum David. caus. 2. qu. 7.

Nathan cum David redarguit, suum est executus Officium, in quo erat Rege superior: non usurpavit Regis Officium, in quo erat Rege inferior. Movit eum, ut per penitentiam peccata sua expiaret: non autem tulit in eum sententiam qua tanquam Adulter, & homicida morti adijceretur.

<sup>8</sup> Loyf. loc. cit.



and the Curates of *Abbeville*, obliging them to bury those that died intestate, without any Delay, or particular Order from the Bishop. And that it had likewise been a Custom in *France*, in order to save the Honour of those that died intestate, for the Heirs to ask a Licence of the Bishop to impower them to make a Testament for the Deceas'd, *ad pias causas*; and in that Case the Ecclesiasticks obliged the Heirs to agree upon Arbiters for determining the Sum which the Deceas'd ought to have left to the Church.

FROM these Encroachments of the Clergy in our Kingdom arose the Pretension of some Bishops, to arrogate to themselves the Power of making Testaments, *ad pias causas*, for the Laicks who died intestate, in the same manner as formerly the Bishops of *Nocera de Pagani*, *Alife*, *Oppido*, *S. Marco*, and other Prelates had claimed in their Diocesses a Power of applying the Goods of the Deceased to their own Uses, which they frequently put in Practice. And in some parts of the Kingdom the Prelates pretended to apply to their own Uses indifferently the fourth Part of the Moveables of those that died intestate. And it was not without a great Struggle, and but of late Years, by the reiterated Deliberations of the Royal Chamber of Accounts, and the Votes of the Collateral Council, that these Grievances were redressed; and the Bishops were enjoined not to pretend to assume to themselves such a Power; and those that disobeyed were proceeded against even to the Sequestration of their Revenues, and Imprisonment of their Accomplices; nor was the Bishop of *Nocera* spared, although he alledged Prescription, being adjudged guilty of an unpardonable Grievance, and a Corruption rather than a laudable Custom.

WHENCE likewise proceeded the Custom which still subsists among us, as also in *France*, that Curates or Vicars are as capable of drawing Testaments as Notaries; and when they make them *ad pias causas*, though without Solemnity, they are still good and valid.

IV. BY Reason of *Connexity*, if amongst many Buyers, Coheirs, or Debtors there happen to be one Clergyman, according to the Canonists, the Clergyman, on Account of his Dignity, ought to carry all the other Parties before his Judge. Moreover they maintained, that a Laick could refer his Cause to the Ecclesiastical Jurisdiction, but a Clergyman could not refer his to the Secular; and affirmed also, that it belonged to the Ecclesiastical Judge to supply the Defects or Negligence of the secular Magistrate; but not reciprocally; and when the Reason was asked them, they said it was, because that formerly the Ecclesiasticks were not only Judges of the Clergy, but likewise of the Laity; and that according to Cardinal *Ostiensis*<sup>2</sup>, no Inconveniency would follow, if things returned to their former Channel. And we have clearly seen from the preceding Books of this History, that the *Justitia contentiosa* granted to Ecclesiasticks by Princes, is distinct from the *Justitia ordinaria*; and therefore was called *Privilegium Clericale*, and the Canonists call it *Privilegium Fori*, to denote that it is contrary to the common Law.

V. THEY asserted, that all difficult Cases, especially in Point of Reason, belonged to them, and chiefly when the Lawyers and Judges differed in their Opinions, for which they quoted that Passage of *Deuteronomy*<sup>3</sup>: *Si difficile, & ambiguum apud te judicium esse prospexeris, & judicium intra portas videris variari, venies ad sacerdotes Levitici generis, & ad judicem, qui fuerit illo tempore, qui judicabunt tibi veritatem, & facies quaecunque dixerint qui præsunt in loco, quem elegerit Dominus.* Although the great Difference between the *Roman Laws*, and the Polity of the Old and New Testament be manifest to every Body. And from this Principle it comes to pass, that in many Places of the *Decretals* we see difficult Cases decided by the Popes, which by no means belonged to the Ecclesiastical Court; as for Example the famous Decretal *Raynutius*<sup>4</sup>.

VI. THEY said, That it was their Business to supply the Defects, Negligence or Suspicion of Partiality in Lay Judges<sup>5</sup>; and under this Pretext, if a great Process depended long in a secular Tribunal, they brought it before their own. Whence

<sup>1</sup> V. Chioccar. MS. jurisd. tom. 17.

<sup>2</sup> Ostiens. in summa, tit. de foro compet.

<sup>3</sup> It is quoted in Cap. per venerabilem, Extr. qui

fili sint legit.

<sup>4</sup> Cap. Raynutius, Extr. de Testamentis.

<sup>5</sup> Cap. licet, Extr. de Foro compet.

they claimed to themselves the Power of judging secular Magistrates suspected of Corruption; and this Grievance was not only introduced into *France*, as *Loyseau* tells us <sup>1</sup>, but also into the Kingdoms of *Spain* <sup>2</sup>; and with us it got footing in the Reign of the Kings of the Family of *Anjou*: For such was the Cunning and Artifice of the Popes, or the Stupidity of the Princes of that Family, that it is very surprising to find amongst the Customs of the High Court of the *Vicariate* <sup>3</sup>, a Pragmatick of Queen *Joan II.* by which she ordains, that (excepting the City of *Naples*, where she would have the Great Protonotary to be Judge of Suspicions) in all other Cities and Places of the Kingdom, Suspicions were to be brought before the Bishop of the Diocess, or his Vicar: And though in the Reign of the Kings of the House of *Aragon* it was not observed, yet the Bishops, whenever they had an Opportunity, did not fail to take Cognizance of them.

BUT when the *Spaniards* came to the Crown, they made use of more effectual Means for redressing that Grievance; for in the Year 1551, the Archbishop of *Acerenza* having attempted to take Cognizance of the Suspicion alledged before him by the Governor of *Pietrapertosa* against his under Officers, *D. Peter* of *Toledo*, at the Instance of that Corporation, with the Consent of the Royal Collateral Council, wrote a serious exhortatory Letter to the Archbishop, intimating to him, that he must forbear taking Cognizance of that Suspicion, because the Cognizance of such Matters belonged to the King's Jurisdiction, such a pretended Pragmatick not being observed; and that if he did otherwise he would be proceeded against as an Usurper of the Royal Jurisdiction <sup>4</sup>: And *Prosper Caravita* says <sup>5</sup>, that he caused this Letter to be printed among the other Pragmaticks of this Kingdom, which is still to be seen in that Volume. And when *D. Parafan de Rivera* was Viceroy, it being told him, that the Bishops and their Vicars in the Provinces of the *Hither Principato* and *Basilicata* had presumed to take Cognizance of Cases wherein Judges were suspected, in the Year 1566 he directed a peremptory Order to the Governor of these Provinces, commanding him, in his Name, to issue out a Proclamation thro' all the Cities, Towns and Places of these Provinces, that in Cases of Suspicion, the Parties concerned were not any more to have recourse to the Bishops of the Diocesses, but that they were to make their Application to the Royal Courts, where Justice should be duly administred; which Order was likewise printed amongst our Pragmaticks <sup>6</sup>, in order to have the Grievance effectually abolished.

VII. UNDER Pretence that by the antient Canons the Bishop was the Protector of Persons in Distress, such as Widows, Pupils, Strangers and the Poor, they pretended to take Cognizance of all their Causes <sup>7</sup>; notwithstanding there is a manifest Difference between protecting the Distressed, and obtaining Justice for them by becoming their Judges.

VIII. THEY contrived another kind of a Judicature, called, *Forum Mixtum*, insinuating, that both the secular Magistrate and the Bishop might proceed against a Laick, allowing *Prevention* in the Crimes of Bigamy, Usury, Sacrilege, Adultery, Incest, Concubinage, Blasphemy, Sorcery and Perjury, as also in the Cases of Tithes and Legacies for pious Uses; in which they had always the Advantage, because by their exquisite Industry, they always prevented the secular Magistrate, and brought all the Grist to their own Mills; and besides, they looked upon these as Ecclesiastical Crimes. These Grievances indeed were not quite redress'd in our Kingdom till the Reign of the *Spaniards*, who allowed of no *Prevention*; and it was wholly left to the secular Magistrate to take Cognizance of the abovemention'd Crimes in Laicks <sup>8</sup>; for those by no Means could be said to be Ecclesiastical, because Ecclesiastical Crimes must certainly be, either those that concern the Ecclesiastical Polity, as *Justinian* says in *Nov. 83.* or the lesser Crimes, which the ordinary Courts of Justice overlook, and whereof the Primitive Church undertook the *Censure* or Correction, in order to preserve a particular Purity of Manners amongst Christians; but that Corrections were summarily executed, and with-

<sup>1</sup> *Loyseau* loc. cit.

<sup>2</sup> *For. Judic. lib. 2. tit. 1. l. 22. & ibi Villad. num.*

<sup>3</sup> *Rov. Pragm. 2, 3. de suspic. Offic.*

<sup>4</sup> *Rit. 265.*

<sup>5</sup> *Pragm. 2. de suspic. Offic.*

<sup>6</sup> *Caravita Rit. 265. num. 2.*

<sup>7</sup> *Pragm. 3. de suspic. Offic.*

<sup>8</sup> *Cap. ex parte de Foro compet. Cap. nuper de donat. inter vir. & uxor.*

<sup>9</sup> *V. Chiocc. MS. jurisd. tom. 5.*

out any judicial Trial, as we have observed in the first and second Books of this History.

IX. THEY pretended that all matrimonial Cases belonged to them, saying, that Matrimony having been advanced to be a Sacrament by our Saviour Jesus Christ, all Matters relating to it ought to be decided by Ecclesiastical Judges. But we have seen in the preceding Centuries, that the Catholick Princes took care of matrimonial Affairs; it being most evident, that the Laws of Matrimony, prohibiting and dispensing with the Degrees, were all established by the Emperors; and as long as the *Roman* Laws were in force, all Proccesses depending on them were discussed by the secular Magistrate; which the bare reading of the *Theodosian* and *Justinian Codes* and of the *Novelle* plainly demonstrates. And in the Prescripts of *Cassiodorus* <sup>1</sup>, as we have observed elsewhere, the Words are recorded which the *Ostrogoth* Kings made use of in dispensing with the prohibited Degrees, which were then looked upon to belong to the Civil Government, and not to be a religious Concern; and it is most notorious to any versed in History, that the Ecclesiasticks began to judge in Matters of that Nature, partly by Order, and partly by the Negligence of Princes and Magistrates. But now, by the Decision of the Council of *Trent* <sup>2</sup>, it is no longer lawful to call that in Question.

LASTLY, the *Roman* Doctors <sup>3</sup> took upon them to teach, that Delinquents in the Territories of other Princes ought not to be pardoned, but sent directly to *Rome* to be punished; because the Pope being Lord of the City of *Rome*, which is the common native Country of all Men (the Emperor *Antoninus* having established by a Law <sup>4</sup>, that all those born within the *Roman* Empire were Citizens of *Rome*) he could lawfully judge and punish them <sup>5</sup>.

THEIR Encroachments did not stop here, for there are innumerable other Cases wherein Licks were forced to plead before Ecclesiastical Judges, of which it is not for my purpose to make a longer Catalogue in this Place. Nevertheless *Ostiensis* has summ'd them up in seven Verses <sup>6</sup>, which whoever considers must be surprized to see what an unbounded Latitude the Ecclesiasticks took in those Times in extending their Jurisdiction; whence we may likewise see that there is no end in Usurpation, when once the Bounds of Reason are exceeded and transgressed.

ALL these Usurpations of Ecclesiastical Judges continued for a long time amongst us during the Reign of the Family of *Anjou*, as also in *France*; but afterwards the *French*, having applied strong and effectual Remedies, broke their Chains; and by the Edict of 1539 cramped them so, as to reduce their Judicature within the Bounds of Reason; leaving only to the Church the Power of administering the Sacraments to all Persons, and to take Cognizance of the Causes of Ecclesiasticks only; which was effectually to restore the ancient Distinction between the two Powers, leaving the Persons and Things spiritual to the Ecclesiastical Judicature, and temporal to the Secular. In our Kingdom the *Spaniards* began to redress these Grievances, but they did not reduce their Judicature within such just Bounds, as was done in *France*; for the *Spaniards*, as *Peter de Marc* Archbishop of *Paris* wisely observed, and which we shall shew when we come to treat of their Government, took in Hand to cure the Wounds of the Royal Jurisdiction with Plaisters and Ointments, and not with Fire and Sword as the *French* did.

<sup>1</sup> Cassiod. lib. 7. cap. 46.

<sup>2</sup> Con. Trid. Sess. 24. can. 12.

<sup>3</sup> Oldrad. conf. 124. Petr. Barbof. ad l. 2. §. legatis, D. de Judic. Farinac. in prax. crim. p. 7. n. 17.

<sup>4</sup> L. Romæ 33. D. ad municipal. l. in Orbe 17. D. de Stat. hom.

<sup>5</sup> V. Arth. Duck de auth. jur. civ. Rom. lib. 2. cap. 3. num. 3.

<sup>6</sup> Ostiens. Hæreticus, Simon, fœnus, perjurus Adulter,

Pax, privilegium, violentus, sacrilegusque,  
Si vacat Imperium, si negligit, ambigit, aut sit  
Suspectus Judex, sit subdita Terra, vel usus,  
Rusticus, & servus, peregrinus, Feuda, Viator,  
Si quis poeniteat Miser, omnis causaque mista,  
Si denunciât Ecclesiæ quis, judicat ipsa.

## S E C T. IV.

*The Tribunal of the Inquisition.*

IN order to the more effectual establishing the Monarchy, in this Century, the Tribunal of the Inquisition was introduced into *Rome*. *Innocent III.* as we have seen in the fifteenth Book of this History, had not erected any Tribunal for the Inquisitors; neither did our Emperor *Frederick II.* erect any among us, but left it to the ordinary Magistrates to condemn Hereticks, who with the Prelates of the Churches were appointed to be Judges, whether the Facts alledged amounted to Heresy or not; and to them was the Extirpation of Hereticks committed. But the Death of the Emperor *Frederick* putting the Affairs of *Germany* in Confusion, and *Italy* being under an Interreign, which lasted twenty three Years, *Innocent IV.* was in a manner left Umpire in *Lombardy* and some other Parts of *Italy*; considering therefore the great Progress which the Hereticks had made during the late Troubles, he set about the Extirpation of them; and when he called to mind the Pains which the *Dominican* and *Franciscan* Monks had heretofore taken in that Service, he thought his only Expedient was to make use of them by employing them, not as formerly, in preaching and assembling those who entered into *Crusades*, but by giving them a standing Authority, and appointing a settled Tribunal for that Purpose only.

THERE were but two things stood in the Way of this Project; one was how, without Confusion, to withdraw the Cases of Heresy from the Episcopal Court, where they had always been judged, and to appoint a Tribunal for them only; and the other, how to exclude the secular Magistrate, to whom the Punishment of Hereticks was committed, as well by the ancient Laws of the Empire as by those of the Emperor *Frederick II.* And lastly by particular Statutes, which every City had been obliged to make, to prevent the Ruin of their Government in those troublesome Times. For the first Inconveniency the Pope found an Expedient, by erecting a Tribunal composed of the Inquisitor and the Bishop; in which nevertheless the Inquisitor was not only to be the Principal, but to have the Power, and the Bishop to have little more than the Name. In order therefore to give some Colour of Authority to the secular Magistrates, he allowed them to appoint Officers for the Inquisition, but even those to be of the Inquisitor's own chusing; and when the Inquisitor made a Progress into the Country, one of their Assitants was to be sent along with him, who was also to be nominated by the Inquisitor, to apply a third part of the confiscated Goods to the Publick, and other such like things, which in appearance made the secular Magistrate a Partner with the Inquisitor, but in reality a Servant only. What yet remained was to provide Money for the Expences of keeping and maintaining Prisoners; whereupon it was ordered that the Publick should be at that Charge; and thus it was resolved in the Year 1251, the Pope being then in *Brescia*.

THEREFORE the *Dominican* Friars were pitched upon to be Inquisitors in *Lombardy*, *Romagna*, and *Marca Trivisana*, who, executing their Commission with great Rigour, occasioned some Tumults in *Lombardy*; for the Year following *Innocent* having made Choice of *Pietro da Verona* of the Order of Preaching Friars to be Inquisitor of *Milan*; this Man, in order to extirpate from that City some infected with Heresy, who called themselves *Believers*, was very sedulous in punishing them; *He imprisoned some* (these are *Pansa's* Words) *others he banished, but he delivered up the Obstinate to the secular Magistrate, and caused them to be burnt alive; and having already put many to Death, the Execution of the rest was deferred till after Easter*; these Processes which the Inquisitor had caused to be drawn up, so terrified some of the chief Men of the *Milanesse*, against whom these Processes were levelled, that they combined together, and resolved to be beforehand with the Inquisitor by putting him to Death; whereupon they employed some Assassines, who posted themselves in a lonely Place between *Milan* and *Como*, through which the Inquisitor was

‡ *Pansa* in the Life of *Innocent IV.*

to pass, and who as soon as they saw him, fell upon him with their naked Swords and killed him. This having made a great Noise in *Milan*, the Assassines were severely punished; and *Innocent*, looking upon the Inquisitor as a Martyr, on the first Sunday of *Lent* in the following Year 1253 with great Solemnity canonis'd him, and enroll'd him in the Catalogue of the Saints, under the Name of *Peter Martyr of Verona*. In the same manner did many of that Order signalize themselves; and many likewise of the Friars Minors being sent to the Country about *Toulouse*, a great Number of them too were murdered.

NEVERTHELESS *Innocent* did not think fit to abate any thing of his Rigour; but on the contrary, seven Months after he had prescribed the Laws for this Tribunal in *Brescia*, he directed a Bull to all the Governors, Counsellors and Corporations of the abovesaid three Provinces, prescribing to them thirty one Articles, which they were to observe for the good Success of this new Tribunal, commanding, that those Articles should be registred among the publick Statutes, and inviolably observed. He afterwards gave Authority to the Inquisitors to excommunicate and interdict them, in case they did not obey. Nevertheless the Pope had no Mind for the present to introduce the Inquisition into other Places, either in *Italy*, or elsewhere, saying, that the said three Provinces were more immediately under his Eye, and more beloved by him. But the true Reason was, because they were destitute of Princes, and his Authority was great in them; for every City consisting of a distinct Government, the Pope had his Faction in them, because in the late Wars he had been engaged in the same Cause. But notwithstanding all this the Bull was not readily complied with; insomuch, that *Alexander IV.* his Successor, seven Years after in 1259 was forced to modify and renew it. Nevertheless he ordered the Inquisitors by Censures to oblige the chief Magistrates of the Cities to observe it.

FOR the same Reason *Clement IV.* seven Years after, to wit in 1265, renewed it in the same manner; yet for all that it was not put in execution every where, till four other Popes his Successors were obliged to make use of their utmost Efforts to surmount the Difficulties, which thwarted the Reception of this Tribunal in some Places. These Difficulties proceeded from two Causes; the one from the rash Severity of the Inquisitors, their Extorsions and other Grievances; the other, because the Publick refused to pay the Expences, wherefore they did not insist upon that Point; and to moderate the excessive Rigour of the Inquisitors they gave a little more Power to the Bishop, which occasioned less Difficulty in introducing the Inquisition into these three Provinces of *Lombardy*, *Marca Trivisana* and *Romagna*, and afterwards into *Tuscany*, *Aragon*, and some Cities of *Germany* and *France*. But it was soon prohibited in *France* and *Germany*; and some of the Inquisitors were driven out of these Countries, as well for their Cruelty and Extorsions, as for want of Business. For the same Reasons too they were reduced to a very small Number in *Aragon*, for they had not reached the other Kingdoms of *Spain*.

DURING the Reign of the House of *Suevia*, the Method of proceeding against Hereticks, established by the Emperor *Frederick*, was not altered in our Kingdom. Neither after *Frederick's* Death, on Account of the Enmity and continual Wars carried on by *Innocent* and the succeeding Popes against *Conrad* and *Manfred* his Successors, was there any Novelty introduced. It was the Business of the General Courts instituted by *Frederick* to take notice of such Hereticks, as the Bishop gave Information of; and as they were proceeded against by the Judge, whose Office it was to determine upon the Fact and Punishment, so it was the Prelate's to declare whether the Facts amounted to Heresy or not. It was our own Princes, and not the Popes, that appointed the Prelates for this Office, who, as often as Occasion required, made Progresses through the Provinces with the Royal Judges; as often then as any were found guilty of Heresy, and obstinately persisted in their Error, they were put to Death; but if there were Hopes of Amendment, they were sent to the Monastery of *Monte Cassino*, or to that of *Cava*, where they were kept Prisoners, until they had abjured their Error, and paid the Penalty imposed upon them, as we have shewn in the preceding Books of this History.

BUT when the Kingdom fell into the Hands of the Princes of the Family of *Anjou*, Liege-Men of the Popes, although there was no settled Tribunal of Inquisition, depending upon that of *Rome*, introduced among us; nevertheless from time to time the Popes were wont to appoint by Commission particular Inquisitors, for the most part *Dominicans*, who travelled all over the Provinces, and, by the Favour

and Authority of the secular Magistrate, put their Commission in execution. And altho' these Commissions could not be put in execution without the *Royal Assent*, yet our Princes of that Family, on Account of the Subjection\* they were under to the Popes, not only did not hinder them, but ordered their Judges to favour and assist them; but what is more, they frequently allowed their Expences out of the Royal Treasury. Thus *Charles I. of Anjou*, in the Year 1269, ordered his Ministers to pay to *Fr. Giacomo di Chieti* a *Dominican*, Inquisitor in the Provinces of *Terra di Bari* and *Capitanata*, appointed such by the Pope, an *Augustale* \* Day for maintaining himself, his Companion, a Notary, three other Persons and their Horses <sup>1</sup>; and in the same Year he ordered the Governor of the Province of *Terra di Lavoro* to give all Assistance, Advice and Favour to *Fr. Trojano*, appointed Inquisitor by the Apostolick See, when and whenever he pleased, and to put the Sentences, which he should pronounce against Hereticks, their Goods and Abettors, speedily in Execution <sup>2</sup>. Moreover the Royal Secretaries of *Puglia* were ordered to furnish *Fr. Simone di Benevento*, of the Order of Preaching Friars, with thirty Ounces of Gold, being appointed by the Church of *Rome* Inquisitor of *Basilicata* and *Terra d'Otranto* <sup>3</sup>. The same King in the Year 1271 commanded his Ministers to pay an *Augustale* a Day to *Fr. Matteo di Castellammare*, Inquisitor in the Provinces of *Calabria* for maintaining himself, another Friar his Companion, a Notary and three other Persons <sup>4</sup>; and in the Year 1278 he sent many Letters to the Justices of *Abbruzzo*, the Governors of *Aquila* and to all his Officers, requiring them to give all Assistance to *Fr. Bartolommeo dell' Aquila*, of the Order of Preaching Friars, appointed by the Apostolick See Inquisitor of *Sicily*, and to torture the Guilty, according as the said Inquisitor should direct; and also that they should put in Execution whatever he should command them to do <sup>5</sup>.

*CHARLES II.* his Son in the Year 1305 gave Orders to all his Barons and Officers to aid and assist *Fra. Angelo di Trani*, appointed Inquisitor by the Apostolick See, by putting and keeping in Prison Persons defiled with Heresy, according as the said Inquisitor should think fit; not to molest his Men for carrying Arms to execute the Sentences which he should award against the Persons of Hereticks and their Goods; and put to the Rack those imprisoned, in order to compel them and others to confess the Truth <sup>6</sup>: And in the Year 1307 the Pope gave it in charge to *Fr. Roberto di S. Valentino*, Inquisitor of the Kingdom of *Sicily*, That he should with all Rigour proceed against the Archpriest of *Buclanico*, who had been formerly chastised by *Benedict* his Predecessor, and was relapsed into his former Errors, for maintaining false Doctrine concerning some Articles of the Catholick Faith <sup>7</sup>.

THIS Prince in the Years 1295 and 1307 wrote to his Son *Philip* Prince of *Achaia* and *Taranto*, that Pope *Clement V.* had sent a Brief to *Robert* Duke of *Calabria* his Son, and Vicar-General of the Kingdom, advising him, that the King of *France* had with exceeding Care at one and the same time imprisoned all the Knights Templars that were in *France*, and confiscated their Goods on Account of their Heresy; and therefore the Pope begged of him, with the Advice of his most judicious Counsellors, that with great Caution and Secrecy, he would in the like manner imprison all the Knights-Templars that were in his Dominions; and that they being imprisoned should be kept in safe Custody till he should have Orders from the Apostolick Chamber, and in name of the said Chamber to sequester all their Goods; whereupon King *Charles* ordered his said Son to put the said Brief in execution in *Achaia*, as the Duke of *Calabria* should do in the Kingdom.

KING *Robert* his Successor in the Year 1334 likewise ordered his Officers to give all Assistance to the Inquisitors sent from *Rome*; and Queen *Joan I.* in the Year 1334 did the same; King *Lewis* also in the Year 1352 followed their Example; so did King *Charles III.* in the Year 1381, who gave to *Tommaso Marincola* his Do-

\* The Order (besides in Chioce.) is recorded by Toppi in the end of his Biblioth. Neap. found in the Archives of the Mint in Regist. R. Caroli I. sign. anno 1269. lit. S. fol. 129. a. ter.

<sup>1</sup> Chioce. MS. tom. 8.

<sup>2</sup> Toppi loc. cit. ex Regist. Caroli I.

<sup>3</sup> Chioce loc. cit.

<sup>4</sup> The Letters are recorded by Toppi loc. cit. ex Reg. Car. I. sign. anno 1278. lit. S. fol. 181. a. ter.

<sup>5</sup> Chioce. loc. cit.

<sup>6</sup> The Order is recorded by Toppi loc. cit. ex Regist. Reg. Car. II. sign. anno 1307. lit. C. fol. 217. a. ter.

• meſtick the confiscated Goods of the Biſhop of *Trivento* a Heretick, and a declared Rebel to the Church and the ſaid King, for his adhering to the Antipope <sup>1</sup>.

• THIS Office however was not ſolely conferred upon the *Preaching Friars*, for the *Friars Minors* had their Share, and being appointed *Inquiſitors* by the Pope, they alſo traversed our Provinces. The Number of Hereticks in this Century was hugely increased, of diverſe Sects and Inſtitutions. Some, leaving their Orders, and affecting to live like Solitaries, without Rule or Superiors; and to lead more aſtere Lives, retired to Deſarts, rambled about the Country and polluted many People with their Errors. They called themſelves *Fratricelli*, or little Friars, out of Humility, *Begardi*, or *Beghins*, and *Purifans*; and their Number increased very much in the Mountains of *Abruzzo*, and *Marca d'Ancona*. They had ſprung from the *Friars Minors*, and had almoſt all the ſame Principles and the ſame Conduct; their chief Leaders were two *Friars Minors*, *Pietro di Macerata*, and *Pietro di Foro Sempronio*, who firſt obtained a Permiſſion from Pope *Clement V.* a Lover of Retirement, to lead a hermetical Life, and literally to follow the Rule of *S. Francis*; but *Honorius IV. Nicolas IV.* and *Boniface VIII.* condemned their Inſtitution afterwards; and their Succeſſors *Clement V.* and *John XXII.* ſuppreſſed them altogether <sup>2</sup>. The Charge of extirpating them was generally given to the *Friars Minors*; whence we read, that *Boniface VIII.* ordered *Fr. Marco di Chieti*, of the Order of *Friars Minors*, *Inquiſitor* in the Province of *S. Francis*, to go to the Mountains of *Abruzzo*, and to *Marca d'Ancona*; and if need were, to require Aſſiſtance of the ſecular Magiſtrate, and to proceed againſt them and their Favourers, to diſcover their lurking Holes, and ſend them Priſoners to *Rome*, where they were to be proſecuted with the utmoſt Severity <sup>3</sup>. Therefore they retired to *Sicily*, and began to inveigh againſt the Prelates and the Church of *Rome* by calling her another *Babylon*.

• IN this manner was the *Inquiſition* managed among us, during the Reign of the Princes of *Anjou*; but how much this Kingdom diſtinguiſhed itſelf above all others, by totally abolishing the leaſt Remains of the *Inquiſition*, ſhall be related in its Place in the following Books of this Hiſtory.

• <sup>1</sup> Chioc. loc. cit.

• <sup>2</sup> V. Wadingo tom. 2. Ann. Min. anno 1291.

• <sup>3</sup> The Bull of Boniface VIII. is recorded by Toppi loc. cit. ex Reg. Vatic. num. 170.

## S E C T. V.

### *Monks and Temporalities.*

• HENCEFORTH it will be neceſſary to join the Monks and Temporalities together, becauſe as we have obſerved elſewhere, that a *Religious Order* and *Riches* are ſynonimous Terms: So now the Monks being more ſkilled in the Acquisition of *Riches*, than all the other Eccleſiaſticks; inſomuch, that there is no Proportion between the Acquiſitions made by the Churches in theſe Times, and thoſe made by the Monaſteries, we may therefore ſay, *New Religious Orders, new Riches*; and what makes this Matter the more monſtrous, is, that notwithstanding they were founded upon Mendicity, whence they were called *Mendicants*, yet the Acquiſitions and *Riches* were immense.

• THE Religious Orders that ſprung up in this Century, had as good Succeſs in preſerving and ſupporting the *Roman* Monarchy, as if they had been ſo many Legions; and the Popes were never ſo well ſerved by the others, as by them, who laboured with all their Might to maintain their Authority, and facilitate their Undertakings; ſo that they very wilely loaded them with many Privileges and Prerogatives. Thoſe who diſtinguiſhed themſelves the moſt in this Age were the *Preaching Friars* and the *Friars Minors*. The Author of the firſt, as we have ſeen, was *Dominick Guſman*, who having for a long time preached againſt the *Albigenſes* in the Year 1215, reſolved with nine of his Companions to found an Order of Preaching Friars, on purpoſe to employ their preaching for the Extirpation of Heresy, which at that time increaſed very much in *Italy* and *France*. *Dominick* went to the Pope to ſolicit for a Confirmation of his Order; but the Pope deferred giving it, and dying, *Honorius III.* his Succeſſor in the Year 1218 confirmed it, and conſented

consented to permit the Religious to lay aside the Habit of Canons Regular, which they had hitherto wore, and to take a particular Habit, and observe new Rules. They multiplied in France, and from the Year 1217 had a Monastery in Paris in S. James's Street, whence they were called *Jacobins*. They no sooner appeared than they came to our Kingdom to found Monasteries, and they had a very kind Reception; for the *Patareni* and other Hereticks having begun to pollute Naples and the other Provinces, Gregory IX. sent them to Naples; and in the Year 1231 wrote to *Pietro di Sorrento* Archbishop of that City, to give them a favourable Reception to employ them in preaching, and to declare to the People committed to his charge, that they would receive from their Mouths the Seed of the Word of God; they being Men who had signalized themselves so much in extirpating Heresy, and by a Vow of voluntary Poverty had dedicated themselves wholly to the preaching of the Gospel of Jesus Christ<sup>1</sup>. He likewise charged him to provide them with a convenient Habitation in Naples, that by living therein commodiously, they might with the greater Fervency discharge the Duty imposed upon them. He wrote such another Letter to the People of Naples, to receive them favourably and reverently, that thereby they might happily attain their Ends, and reap the Fruit of their Labours, to wit, the Salvation of Souls<sup>2</sup>; and he likewise recommended to Cardinal *Castiglione* his Apostolick Legate in the Kingdom of Sicily, to enjoin the Archbishop to give them a gracious Welcome; wherefore the Archbishop, having received the Pope's Letters and the Legate's Recommendation, received them honourably, and gave them for a Habitation the Church of the holy Archangel *ad Morfisam*, with a large Monastery adjoining to it, which was then in Possession of the *Benedictin* Monks, who, having other large Monasteries in Naples, yielded that to the *Preaching Friars*, by resigning it into the Hands of the Archbishop, with all the Houses and adjacent Gardens. The Archbishop and Chapter invested *Fra. Tommaso* with them, under whose Direction these Monks had come, and delivered him the Bull, which we read in *Chioccarelli*<sup>3</sup>, dated the thirty first of November 1231. These Monks enlarged their Convent afterwards (and changing the old Name, called it after their Founder S. *Dominick*) with other contiguous Gardens, which they got from *Giovanni Brancaccio*, to which the same Archbishop in the Year 1246 gave his Consent. In the Year 1269, in the Time of the Archbishop *Aiglerio* they enlarged it much more by new Acquisitions<sup>4</sup>; and it was still more increased afterwards in the Reign of *Charles II.* of Anjou, a great Lover of that Order, for which see *Eugenio* his *Napoli Sacra*.

THE Kings of that Family, not content with having one single Convent of Preaching Monks in Naples, the same *Charles II.* in the Year 1274 built another in Honour of *S. Pietro Martyr of Verona*, who, as we have said, was enrolled in the Catalogue of the Saints by *Innocent IV.* in the Year 1235. He endowed it with rich Farms, many Houses and other Revenues. After the Example of the Prince many noble *Neapolitans* bestowed great Riches upon it, such as *Errico Maccedonio*, *Bernardo Caracciolo*, *Giacomo Capano* and others recorded by *Eugenio*.

THIS Prince built likewise a Church and Convent in *Aversa* for the Monks of this Order, by the Name of *S. Lewis*, who was his Uncle, to which he gave most ample Privileges, and endowed it with great Revenues<sup>5</sup>.

THE *Dominican* Sisters who lived under the same Rules, got likewise a very commodious Habitation in Naples. At the Instance of *Mary*, the Wife of *Charles II.* Pope *Boniface VIII.* ordered the Archbishop of *Capua* to give for a Habitation to the *Dominican Nuns* the Monastery of *S. Peter a Castello*, situate within Castle *Nuovo*, with all the Houses and Possessions; and to remove the *Benedictin* Monks, who possessed that Place, to the Monasteries of *S. Severino*, *S. Maria a Capella*, and *S. Sebastian*. But the Monastery of *S. Peter* being afterwards pillaged by the *Catalans*, and the Nuns turned out with great Dishonour; Pope *Martin V.* wrote to the Abbot of *S. Severino*, to receive them into the Monastery of *S. Sebastian*, which had then been given in *Commendam* to the Bishop of *Melito*, where only one single *Benedictin* Monk lived; and that he should give them all its Possessions and Revenues, which was done; whence by the said Union that Monastery retains to this Day the Name of *S. Peter* and *S. Sebastian*<sup>6</sup>.

<sup>1</sup> Epist. Greg. apud Chioc. de Archiep. Neap. fol. 155. Dilectos filios Fratres Ordinis Prædicatorum velut novos vitatores suæ vineæ suscitavit, qui non sua, sed quæ sunt Jesu Christi quærentes, tam contra profigandas hæreses, quam pestes alias mortiferas extirpandas se dedicarunt evangelizationi verbi

Dei in abjectione voluntariæ paupertatis.

<sup>2</sup> Epist. Gregor. apud Chioccar. loc. cit.

<sup>3</sup> Chioc. loc. cit.

<sup>4</sup> Idem, de Archiep. Neap. anno 1269.

<sup>5</sup> Summont. Hist. tom. 2. lib. 3. cap. 2.

<sup>6</sup> V. Eugen. Nap. Sacra di S. Sebastiano.



THE *Preaching Friars*, what by the Favour of the Popes, and by the Affection of the Kings of the Family of *Anjou*, multiplied in this Century not only in *Naples*, but over all the Kingdom. *Innocent IV.* in the Year 1245. dispatched a Bull to the Archbishops of *Naples*, *Salerno* and *Bari*, giving them Power, in the Name of the Apostolick See, strictly to command all the Archbishops, Bishops, Abbots, Priors, and all the Prelates of the Churches of the Kingdoms of *Sicily* to do no Injury to the *Preaching Friars*, and to forbid their Vassals to give them any Molestation; and to take care to maintain them in the free Enjoyment of all the Exemptions and Immunities granted them by the Apostolick See<sup>1</sup>. Thus by the Indulgence of the Popes and the Princes of the Family of *Anjou* did their Number grow much greater, than it had been during the Reigns of *Frederick* and his Successors of the House of *Suevia*; and their Order got great Honour by *Thomas Aquinas*, surnamed the *Angelical Doctor*, descended of the Family of the Counts of *Aquino*, who in the Year 1241, contrary to his Mother's Inclination, entered into the Order of *Preaching Friars*; and in 1255, having taken the Degree of Doctor of Divinity, in 1263 he returned to *Italy*; and after he had there taught the *Scholastick Divinity* in most of the Universities, at last he settled in *Naples* to read Divinity, and refused the Archbishoprick of that City offered him by *Clement IV.*

THE *Friars Minors* had no less Success in this Kingdom. They acknowledge for their Founder *S. Francis of Assisi*, and had their Rise at the same time with the *Valdenses*; but their Fortune was not the same. *Peter Valdo* a rich Merchant of *Lyons* took a Resolution to lead a Life altogether Apostolical; and having distributed all his Riches amongst the Poor, made Profession of voluntary Poverty. Many followed his Example, so that about the Year 1160 there sprung up a Sect, who called themselves the *Poor Men of Lyons*, because of the Poverty which they professed. They also took the Name of *Lyonists* from the City of *Lyons*; as also *Sandalists*, from a certain sort of Pumps or Sandals which they wore, cut open to let their naked Skin appear, in Imitation of the Apostles. But they afterwards pretended too, without any Mission from the Bishop or the Apostolick See, to preach up Reformation, and of themselves to teach their Doctrine, though they were only Lay-Men. The Clergy of *Lyons* opposed them in that; whereupon they began to find Fault with the dissolute Lives of the Ecclesiasticks, and to inveigh against the Errors, which they saw introduced into the Church. They were enjoined to be silent, but still persisting, *Lucius III.* excommunicated them, and condemned them together with the other Hereticks. Excommunications provoked them still the more, and confirmed them in their Obstinacy, infomuch that they threw off the Yoke of Obedience, and fell into many Errors. Their Sect spread itself into many Places, and in the Year 1194, *Alphonfus* King of *Aragon* banished them his Dominions, and *Bernard* Archbishop of *Narbonne* condemned them. Not able therefore to resist such Assaults, they resolved to have recourse to *Rome*, and to ask a Confirmation of their Institution from the Apostolick See.

ON the other hand *Francis*, likewise a Merchant of *Assisi*, leaving his Father *Barnardone* to merchandize, abandoned all worldly Care, and betaking himself to a Life altogether Apostolical, he likewise made Profession of voluntary Poverty; and by his exemplary and innocent Life, having drawn in many to live in Poverty, and employ themselves in Works of Charity, the Number increas'd more by the Example of an innocent and austere Life, than by Preaching and Sermons: Therefore not much regarding, nor inveighing against the dissolute Lives of the Ecclesiasticks, nor taking upon him to go about preaching and teaching his Reformation without a Mission, he was entirely submissive to the Apostolick See; for in the Year 1208, having drawn up a new Rule for his Friars, he presented it to the Pope for his Approbation and Confirmation. Although Pope *Innocent III.* had rejected the Institution of the *Valdenses*, knowing it to be full of Superstition and Errors, yet in the Year 1215 he approved of *Francis's* Rule, and the Order of *Friars Minors*, who, although they still went bare-footed, and made a Vow of voluntary Poverty, yet they were not so superstitious as the *Valdenses*. Therefore they got footing in many Places of *Italy* and *France*, and in the Year 1216 they were received into *Paris*. *Honorius III.* in 1223 confirmed their Institution, and adorned this rising Order with many Prerogatives and Privileges.

<sup>1</sup> The Bull is to be seen in the Archives of S. Dominick, as it is recorded by Chioce. de Archiep. Neap. fol. 159.

ALTHOUGH in our Kingdom, under *Frederick II.* and his Successors of the House of *Suevia*, this Order (because the Popes, in the Disputes they had with these Princes, made use of them as Messengers and Letter-bearers) had often suffered Hardships, Imprisonment and Death; yet they were received by our People at their very Beginning; and it is said, that *S. Francis* himself, their Founder, with his own Hands laid the Foundation of some small Convents in *Bari*, *Montella*, *Agropoli* and elsewhere <sup>1</sup>. *Naples* likewise boasts of having had a Convent founded by *S. Francis*, in the Place where *Castel Nuovo* now stands, which he left under the Care of *Agostino d'Assisi* his Disciple, which was afterwards by *Charles I.* removed to *S. Maria la Nova* <sup>2</sup>. In short, as there is not a City that does not boast of having had *S. Peter* for the Founder of its Church, so there's no Place where any old Convent of this Order is to be seen, that brags not of *S. Francis* having been its Founder. However that may be, it is not to be doubted that this Order was received into *Naples* from its very Institution; forasmuch as *John* Bishop of *Aversa* being in Possession of the Church of *S. Lorenzo* in *Naples*, with some Houses and Gardens belonging to the Cathedral of *Aversa*, in the Year 1234, with the Consent of his Chapter, gave it to *Fra. Niccolo di Terracina* a Minor Friar of *S. Francis*, and Provincial of the Province of *Naples*, in the Name of his Order, upon Condition that they should live there, which Grant was afterwards confirmed by Pope *Gregory IX.* in the Year 1238 <sup>3</sup>.

BUT during the Reign of the Princes of *Anjou* this Order was no less favoured and care'd by the Princes of that Family, than by the Popes. *Charles I.* enlarged the ancient Church of *S. Lorenzo* with the adjoining Palace, where the Nobility and People were wont to assemble; and built there a magnificent Church, which was finished by *Charles II.* his Son, who, in the Year 1302, among other Revenues assigned to it, gave it the third Part of the Duty upon Iron. The Example of the Prince induced others to enrich it. Our famous Lawyer *Bartolomeo di Capua* Great Protonotary of the Kingdom, caus'd to be built at his own Expences the Frontispiece of the great Door, and *Aurelio Pignone* that of the little Door <sup>4</sup>. King *Charles I.* designing to build *Castel Nuovo* in *Naples*, in the Place where that Convent of the Friars Minors lately mentioned stood, removed the Friars from thence; and in the Year 1268 built them a new Church and Convent in the Market-Place called *Alvino*, where formerly stood the ancient Palace and Fortress of the City, which was of old called *S. Maria da Palatio*, and afterwards got the Name of *S. Maria la Nuova*, which it keeps to this Day <sup>5</sup>.

KING *Robert* favoured this Order no less than his Father and Grandfather, and not only care'd the Monks, but also the Nuns of it. As the *Benedictine* Nuns had *Scholastica*, the Sister of *S. Benedict* for their Foundress, so the *Franciscan* Nuns had *Clara of Assisi*, a Disciple of *S. Francis* for theirs. *Clara*, zealously imbibing the Instructions of her Master, became a Nun, and shut herself up in the Monastery of *S. Damian* in *Assisi*, where she formed a Rule for her Order, adapted to Women. At a time when she was very sick, it happened that Pope *Innocent IV.* went from *Perugia* to *Assisi*, when he made her a Visit, and confirmed the Rule of her Order; but she dying soon after, was, on Account of her great Reputation for Innocency of Life, sainted by *Alexander IV.* *Innocent's* Successor <sup>6</sup>. Wherefore, in Memory of her, many Monasteries of Nuns of her Order were erected in *Italy*; but King *Robert*, at the Desire of Queen *Sancia* his Wife, in the Year 1310, built one in *Naples*, the most magnificent and large of any at that time in *Italy*, into which the Queen introduced the Nuns of the Rule of *S. Clara*, from whom they took their Name, and retain it to this Day. It was endowed with vast Revenues and Possessions, and he built close by it a Convent of Monks of the same Order, for celebrating the Divine Offices. The Church was built in so sumptuous a manner, that it vied with the most stately and rich Temples of *Italy*; besides which *Robert* made it his Chapel Royal <sup>7</sup>. This King in the Year 1320 placed in a House near to this Church some Nuns to be his Almoners; but in the Year 1325, a Nun of the third Order of *S. Francis* coming from *Assisi* to *Naples*, animated these Almoners to that Degree, that with one Accord, instead of the House, they built a Church with a Mona-

<sup>1</sup> V. Guadigno's Annali de Minori, anno 1222. Beatil. Ist. di Bari lib. 2. Cap. ec. hist. Neap. l. 3.

<sup>2</sup> V. Eugeni Nap. sacra, di S. Maria della Nova.

<sup>3</sup> Eugen. Nap. sacra, di S. Lorenzo.

<sup>4</sup> Idem. loc. cit.

<sup>5</sup> Idem. Nap. sacra, di S. Maria della Nuovo.

<sup>6</sup> Panfa in vita Inn. IV.

<sup>7</sup> Eugen. Nap. sacra, di S. Chiara.

stery, which was quickly filled with noble young *Neapolitan* Ladies taken with the Humour of being shut up there; and among the rest *Maddalena di Costanzo*, whom King *Robert*, though she had taken on the Habit in the Monastery of *S. Clara*, had sent thither to oversee the Distribution of the Royal Alms. This Monastery remains in a flourishing Condition at this Day, and from the Name of their Saint is called *S. Francesco*<sup>1</sup>. Queen *Sancia* in the Year 1324 erected and endowed another Monastery in *Naples* for the *Repenties*, or Penitent Sisters, who lived under the Rule of *S. Francis*, and were under the Care of the Friars Minors; their Church got the Name of *Magdalena*, which it still keeps, but not the same Rule; because now noble Ladies and Virgins are taken in, and wear the Habit of *S. Augustin*, and are under the Rule of that Saint, though they wear *S. Francis's* Cord<sup>2</sup>.

THE Monasteries of *Friars Minors* and of *Franciscan Nuns* multiplied not only in *Naples*, but likewise in all the Provinces of the Kingdom; and in process of time their Number came to that height, that there is not the least City or Village that has not one of them.

IN this Century there started up another Order of *Mendicants*; called the *Hermits of S. Augustin*. *Innocent IV.* was the first that laid the Design of uniting diverse Orders of Hermits into one; but that Design was afterwards put in execution by his Successor *Alexander IV.* who drew them out of their Hermitages, in order to fix them in Cities, and employ them in Ecclesiastical Functions, and made one Congregation of them under one General, and gave them the Name of the *Hermits of S. Augustin*.

THE *Augustinians* did not multiply near so much with us as the two preceding Orders. In the Reign of the Family of *Anjou Naples* had some of them, such as that of *S. Augustin*, which, according to the best founded Opinion, had its Rise in the time of *Charles I.* and was enlarged and endowed afterwards with greater Revenues by *Charles II.* his Son, and by other Princes of that Family<sup>3</sup>: The other of *S. Giov. a Carbonara* was founded by *Fra. Giovanni d' Alessandria*, and *Dionigi del Borgo*, by the Bounty of *Gualtieri Galeota*, who, in the Years 1339 and 1343, gave all his Houses and Gardens which he possessed in that Place for building that Church and Monastery; it was afterwards much enlarged and repaired by King *Ladislaus*<sup>4</sup>. There were some others in *Naples*, but many of them were erected in the Provinces of the Kingdom.

THE Order of *Carmelites* made no great Progress with us in these Times. It had been instituted about the Year 1121, by some Hermits of Mount *Carmel*, assembled by the Patriarch of *Antioch*, in order to erect them into a Society. Afterwards in the Year 1199 they got a Rule from *Albert* Patriarch of *Jerusalem*, which was confirmed in this Century by *Honorius III.* These Religious in the Year 1238 came to the West, formed a Congregation, and spread themselves there; their Rule was afterwards explained and mitigated by *Innocent IV.* in the Year 1245; and being spread over *Italy* they came to *Naples*, where at the Gate of *Mercato* they built a little Church and Convent. The sorrowful Queen *Margaret* Mother of King *Conrad* coming afterwards to *Naples* with a great many Jewels and a good Sum of Money for redeeming her only Son out of the Hands of King *Charles*, but finding him dead, and buried in the little Chapel of the Cross, caused him to be removed from thence to this Church of the *Carmelites*; and after decent funeral Ceremonies had been performed, for the good of her Son's Soul, she bestowed upon the Church all the Treasure she had brought with her. King *Charles*, to shew his Approbation of the Queen's Piety, in the Year 1260 for enlarging their Church, gave them a Place belonging to his Demefnes hard by it, called *Morricino*; and it was enlarged afterwards to the Bulk we now see. Other Convents of this Order have since been founded in *Naples*, and in other Parts of the Kingdom, but not so many as to be equal in Number with those of the *Preaching* and *Minor Friars*.

BESIDES these four Orders of *Mendicants*, this Century produced many other Religious Societies, which by Degrees were brought into our Kingdom. The Order of *Slaves of the Trinity* founded in the Year 1211 by *John de Mata* of *Provence* a Doctor of *Paris*, and by *Felix* the Hermit of *Valois*, and confirmed three Years after by *Innocent III.* The Order of the *Sylvestrins*, who followed the Rule of *S. Benedict*, was founded in the Year 1221 in *Monte Fano* by *Sylvester Gu-*

<sup>1</sup> Idem. Nap. sacra di S. Francesco.

<sup>2</sup> Idem. Nap. sacra della Maddalena.

<sup>3</sup> Idem. Nap. sacra di S. Augustino.

<sup>4</sup> Idem. Nap. sacra di S. Gio. a Carbonara.

*solino*, who was first a Canon, and afterwards turned Hermit, and drew a great many into his Society. The Order of *S. Mary of Mercy*, founded by *Peter Nolasco* in *Barcelona* in the Year 1223, under the Protection of *James I.* King of *Aragon*, by the Advice of *Raimund de Pennaforte*, and confirmed by *Gregory IX.* in the Year 1225. The Order of *Servites*, which began in *Florence* in the Year 1233, was confirmed by *Alexander IV.* and *Benedict XI.* The Order of the *Holy Cross* or *Cruciferi*, which being almost extinct, was restored by *Innocent IV.* and some Monasteries of it were rebuilt in *Italy*; and in the Year 1334 the Families of *Carmignana* and *Vespola* gave to *Fra. Marino di S. Severino*, in Name of these *Cruciferi*, the Church of *S. Maria della Vergini*, with the adjoining Hospital, without the Gate of *S. Januarius*, in order to their living there, and serving the Sick of that Hospital<sup>1</sup>. The Order of *Celestines* had likewise its Rise in this Century, and was instituted in our Kingdom by *Pietro Morone* of *Isernia*, who lead a most austere and solitary Life on the Skirts of *Majella*, where he framed his Rule; and *Charles I.* of *Anjou* had so great an Esteem for him, that he took all his Monasteries under his Protection; and so remarkable was his Sanctity; that from the Hermitage he jump'd into *S. Peter's* Chair, and took the Name of *Celestin V.* He put his Order under the Rule of *Benedict*, and by a Bull of his own when he was Pope in the Year 1294, he confirmed it, and *Boniface VIII.* in 1297, and *Benedict XI.* in 1304, did the same. The *Celestines* from their very Infancy got footing, not only in *Abruzzo*, but also in *Naples*. *Giovanni Pepino* of *Barletta* Count of *Menervino* (in great Esteem with *Charles II.* for his having gallantly driven the *Saracens* out of *Lucera*) gave them a Church, hard by the Gate formerly called *Dome Orso*, which he built and endowed with rich Farms; and in this Church his Tomb is to be seen at this Day. It was called *S. Peter a Majella*, which being decayed by time, in the Year 1508 was repaired and enlarged by *Colanello Imperato* Great Port-reeve of *Barletta*<sup>2</sup>.

MANY other Orders started up in this Century, the Number of which was become so great, that *Gregory X.* in the General Council of *Lyons* held in the Year 1274 was forced to put a Stop to the founding of any more, and to prohibit all those that had been founded after the fourth General *Lateran* Council, and had not been confirmed by the Apostolick See. And so many Convents of the same Order and in the same City were a building, that several Popes by their Bulls<sup>3</sup> were obliged to appoint proper Distances between them, to prevent their drawing the Auditory from one another, of which they were very jealous.

BUT of all these Orders, the *Mendicants* were the most distinguished; and of these, the *Preaching* and *Minor Friars* were the greatest Favourites of the Popes. They had signalized themselves above all the rest by their Expeditions against the Hereticks of these Times, and had done other important Services to the Church of *Rome*; therefore they were raised above the rest, and many Privileges and Prerogatives heap'd upon them. *Innocent III.* and *Honorius III.* granted them Exemption from their Ordinaries, and would have them to be immediately subject to the Apostolical Sec. Thus both they and the other *Mendicant* Monks, relying upon the Privileges granted them by the Popes, pretended to have Power of Confessing and giving Absolution to the Faithful without a Licence either from the Curate or Bishop; whence arose so many obstinate Controversies between them and the secular Clergy, which cost many Popes a great deal of Labour to reconcile.

BUT if ever these new Orders deserved the Favour of the Popes, nothing surely could intitle them so much to it, as their being the Authors of the new *Scholastick* Divinity, which having made the *Dogmatick* to be laid aside, and the Study of Antiquity and Church History to be quite neglected, kept Men of Parts employed about abstracted and useless Controversies, and Disputes, so full of Obscurities, Contradictions and Subtleties, that there were none but those who were well skilled in such captious Arguments, that could comprehend any thing.

THIS kind of Study, by taking Men off from that of Antiquity and History, pleas'd *Rome*; and so much the more, because by that Means the Power of the Popes was thereby render'd boundless; and besides, it was incumbent upon these Orders to do so for their own Interest; because having obtained most ample Exemptions and great Privileges from *Rome*, in order to reap the Benefit of them, and be able to maintain them against the Bishops and Curates, it was their Business to enlarge

<sup>1</sup> Idem. Nap. sacra di S. Maria delle Vergini.

<sup>2</sup> They are to be seen in the Register of Bulls.

<sup>3</sup> Eugen. Nap. sacra di S. Pietro a Majella.

the Power of the Granter. Whence the *Decretists* on the one Hand, and the *Scholasticks* on the other combin'd together for the better fixing of the *Roman Monarchy*, and to raise the Pope to the supreme Power no less in Temporals, than Spiritu-als.

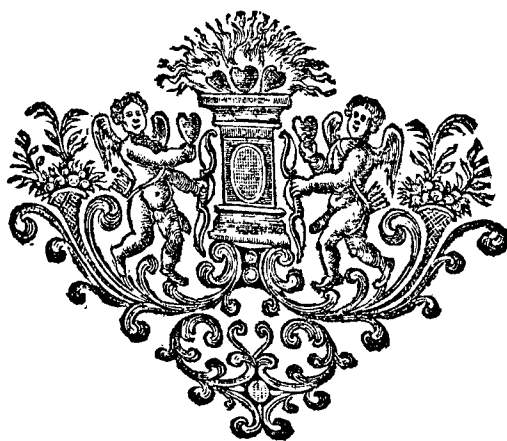
PERHAPS it will seem strange how these Orders, founded upon Mendicity, whence they took the Name of *Mendicants*, and who owe their Being to the Remissions of Discipline and Irregularity, occasioned by too much Riches, could in process of time gain so great Acquisitions, as to make another *Reformation* necessary among themselves, which has been to as little Purpose as the first. But whoever will consider the Nature of Men always in quest of Novelties, and the Conduct of the Court of *Rome*, to which the Increase of their Acquisitions was of great Consequence, because the greatest part of them center'd in *Rome*, will cease to wonder. The old Monks having now lost the Reputation of Sanctity, and their Zeal for Religion being cool'd, the *Mendicant Friars* by their very Profession of Poverty gain'd Credit, and rais'd a stronger Inclination in the Faithful to enrich them; but as they had divested themselves altogether of the Power of acquiring Immoveables, and vowed to live solely upon Oblations and Alms, and though there were many pious Persons ready to give them real Estates and Farms, yet by their Institution it being out of their Power to accept of them, they rejected the Offers. The Court of *Rome* soon found out a Remedy for that; for notwithstanding their Vow, and that by their Institution they could not acquire Immoveables, yet the Apostolick See dispensed with both, and gave them Power to accept of real Estates. By this Device the Monasteries of *Mendicants* in *Italy*, *Spain*, and other Kingdoms in a short time acquired vast real Estates. The *French* alone opposed this Innovation, saying, That as they had come into their Kingdom with that Institution of Poverty, so it was fit they should continue to observe it.

BUT in our Kingdom, and particularly during the Reign of the Princes of *Anjou*, who were Liege-Men of the Popes, their Acquisitions were surprizing, especially in the Time of the Schism, when all the other Clergy were little valued, and the Monks in great repute. They had no sooner tasted the Sweets and Conveniency of Riches, than they exceeded all Bounds, like Men whose Thirst after Money had got the better of their Reason. In order to heap up worldly Pelf, and to make a Tool of the People's Zeal for Religion, they invented many particular Devotions. The *Dominicans* were Authors of that of the *Rosary*; the *Franciscans* of the *Cord*; the *Augustines* of the *Leathern Girdle*, &c. And afterwards in Imitation of them, the other Orders likewise invented their own Badges, some the Scapulary, and some, other particular Devotions; and the Profit they reap'd by them made them run out into Excess; every one preaching up the Efficacy and Excellency of their Badge, and undervaluing those of the other Orders. Women were no less taken with these things than Men, and wore the Badges of their favourite Orders, and erected their own Chapels and Societies, which were always favoured by the Popes with plenary Indulgences, Remission of all Sins, and other Advantages. And these Orders were so jealous upon this Point, that each of them took care that none of the others should make use of their Badge for drawing the People to them, or should endeavour to introduce one like it; which created many Disputes that were still to be decided in *Rome*; as for Example, if a *Franciscan* had employed a Painter to draw the Image of the Virgin *Mary*, and ordered him to add a *Rosary* to it, as denoting a new Institution, in order by that to lessen the Auditory of the *Dominicans*, and to increase that of their Rivals the *Franciscans*. *Fra. Ambrogio Salvio* of *Bagnuolo* of the Order of *Preaching Friars* a famous Orator, and afterwards Bishop of *Nardo*, in great Esteem with the Emperor *Charles V.* and Pope *Pius V.* for his Sermons, and to whom the *Neapolitans* erected a Statue of Marble in the Church of the Holy Ghost, and who was Uncle to Doctor *Alessandro Salvio*, who was likewise remarkable for his Learning, and the famous Treatise which he compos'd of the *Game of Chess*; because, to make one of the Fraternity of the *Rosary*, belonged only to the *Dominicans*; and that none of the other Orders might arrogate that Power, in the Year 1596 had recourse to Pope *Pius V.* and obtained a Bull<sup>1</sup>, by which all other Orders were prohibited to erect Chapels or Fraternities of the *Rosary*; and that Power was lodged in the General of the *Dominican Order* only, or his Deputies, and by special Favour it was also granted to the said *Fra. Ambrogio*.

<sup>1</sup> Bulla Pij V. 86. in Bullario, tom. 2.

UPON Account of those particular Devotions, the more to inflame the Godly, many false Miracles were invented; and besides preaching them up in the Pulpit, there were Books of them composed, insomuch, that as *Bacon of Verulam* observes †, the Ecclesiastical History was thereby so corrupted, that it now requires great Nicety and Labour to distinguish the true from the false Miracles. Such was the Foundation of these new Acquisitions in this thirteenth Century, which were much more enlarged among us during the Reign of the Family of *Anjou*; the Particulars of which shall be related in the following Books of this History.

† Bacon de Augment. Scien.



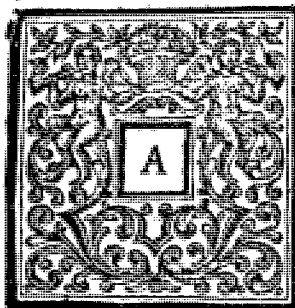


THE  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.

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B O O K XX.

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ABOUT the Time that the *Roman* Empire began to decline, the *French* inhabited that Country towards the North, which extends itself along the Banks of the *Rhine* between *Bavaria* and *Saxony*; and which from that Nation still retains the Name of *Franconia*. When the Empire was decayed, and the *Roman* Power no longer dreaded, invited by the Example of other neighbouring People, they resolved by the Force of Arms to purchase for themselves a more commodious Living, and a larger and more fertile Habitation; and having elected *Pharamond*, one of the Sons of *Marcomire*, to be their King; under his Conduct, about the Year 419 they passed the *Rhine*, in order to conquer the *Gauls*, leaving the old Prince *Marcomire* in Possession of *Franconia*. *Clovis* the Son of *Pharamond* extended the Conquests, and began to govern that part of *Gaul* next the *Rhine*, called *Gallia Belgica*. To him succeeded *Meroveus*, whether he was his Brother or Son is not certain, but he was surely the next in Blood; who by his noble Exploits made himself Master of *Gallia Celtica*, and extended the *French* Empire to the City of *Paris*; and thinking he had acquired as much as would be sufficient to subsist his People, and to form a reasonable and moderate Dominion, he put an end to his Conquests; and resolving to end his Days in Peace, he united the two Nations under one Name, and with moderate Laws, and a peaceable Government founded the *French* Kingdom.

THE lineal Course of Descent continued in this first *Merovingian* Race, to the last King *Chilperick*. *Pepin* afterwards transferred it into the *Caroline* Family; but this

this second Race being extinct, *Hugh Capet* began the third, from him called the *Capetian*: of whom were descended the *Philips* and the *Lewis*'s, by whom *France* was governed for a long time; and the Succession having for many Ages continued in this Race, about this time King *Lewis IX.* came to the Possession of the Crown; who, on account of his innocent Life, and unblemished Character, after his Death, was enrolled in the Catalogue of Saints. The Brother of this King was *Charles* Count of *Provence* and *Anjou*, who, for the Reasons given in the preceding Book, being invited to conquer the Kingdom, with great Success accomplished the Undertaking, and established the Government of *Puglia* and *Sicily* in the Family of *Anjou*.

IN relating the Events, and the Revolutions that happened in the Civil Government during the Reign of that Family, contrary to the Method of other Writers, I shall study greater Brevity than I have done hitherto. Considering the vast Plenty of them already in Records, which are taken notice of in many Volumes of our Authors; and there being many Histories of them written, I hope, since they are now known and published, my passing over some of them in Silence will not be imputed as a Defect in me. Our Writers have been very full concerning the Actions of the Princes of the Family of *Anjou*, and of the succeeding Kings, but have very little, and that much perplexed, concerning those of our Kings their Predecessors. That proceeded from many Causes; chiefly because the *Norman* and *Suevian* Princes did not fix their Residence in *Naples*, or in some other City of these our Provinces; and therefore the publick Archives of their Records have been destroyed. The many Wars and Revolutions that afterwards happened; the burning and plundering of those Cities, which would have been able to preserve them, such as *Capua*, *Benevento*, *Salerno*, and *Melphis*; and lastly, the Rudeness, Ignorance, and Incapacity of Historians, have in a manner deprived us of all Memory of them. Therefore we are much indebted to the Monasteries of the *Benedictins*, and especially to that of *Monte Cassino*, in which the most ancient Records of the *Goths* are preserved; it being of the greatest Antiquity of all the Archives in the Kingdom; and to the other two, those of the *Trinity of the Cave*, and *Monte Vergine*, where all that we have left concerning the *Normans* is kept. We are likewise much beholden to the Monks of these Monasteries for some ancient Chronicles, and ill-compiled Histories. The *Roman* Pontiffs being Enemies to the illustrious House of *Suevia*, made the *Italian* Historians, for the most part *Guelfs*, write very contemptibly of those Princes, and not agreeable to the Truth; and if they had not been supply'd by some foreign, or other Chronicles lately found out, we should have been still in the dark, and the same Prejudices would have prevailed.

THE Case was otherwise in the Reign of the Family of *Anjou*; for *Charles* having begun to adorn *Naples* with magnificent Churches and Edifices; and after the Separation of the Kingdom of *Sicily*, made it the Royal Seat, Head and Metropolis of the Kingdom, the Royal Writs and other Records were carefully preserved, and the Royal Archives in *Naples* put in better Order. *Charles* was the first that instituted the Archives of the Royal Mint in *Naples*, which were formerly under the Direction of the Masters of Accounts, and he put them in a better Form; whence they have continued so long, and subsist to this day, and they are the most ancient we have in that City. In these Archives are preserved four hundred and thirty six Registers, beginning from *Charles I.* in the Year 1267. which was the second of his Reign, down to Queen *Joan II.* wherein there are many Writs in the *French* Language. We find fifty five Registers of *Charles I.* and an hundred and fifty three of *Charles II.* his Son, who reign'd longer; of *Robert* an hundred and seventeen; of *Charles* his Son, who was Lieutenant of the Kingdom, sixty two; of Queen *Joan I.* thirty two; of *Charles III.* who was of the second Race of the Family of *Anjou*, no more than three; of *Ladislaus* ten; and of Queen *Joan II.* his Sister, four. By this we now see, that the Writs preserved in these Archives are of an older Date than the Reign of *Charles* of *Anjou*. And as a Miracle there is still one Register, only of one Year, remaining of the Emperor *Frederick II.* to wit, of the Year 1239. And 'tis probable, that *Charles* caused all the rest to be destroyed, in order to extinguish entirely the Memory of the *Suevian* Kings, to whom he had succeeded, not by hereditary Right, but by that of the Sword, and Invitations of the Popes. Whence it came, that our Writers have been more full in record-

† Toppi de Orig. Tribun. tom. 1. in princip.

\* Andreys Disp. Feud. pag. 159.



ing the Transactions of the Princes of the Family of *Anjou*, than those of the Kings their Predecessors.

BESIDES, the Princes of that Family reign'd in Times wherein Ignorance did not prevail; and Learning and a good Taste of History began to revive in *Italy* and amongst us. *Florence* had *Giovanni* and *Matteo Villani*, who being Cotemporaries of the two *Charles's* and *Robert*, did not fail to transmit their Actions to Posterity.

THESE appeared afterwards Men more famous, such as *Petrarca* and *Boccaccio*, who, being much carested, and highly esteemed by the Princes of the Family of *Anjou*, have recorded many of the Actions of those Kings in their Works: And among us there has not been wanting some who have done the same; such as *Matteo di Giovenazzo*, who wrote from the Death of *Frederick II.* to the Reign of *Charles II.* in which he lived. The Author of the Journals of the Duke of *Montelione*, as they are called, in which the Transactions from Day to Day are set down from the Reign of Queen *Joan I.* to the Death of King *Alphonfus I.* and *Pietro degli Umili* of *Gaeta*, who wrote at large of the Affairs of King *Ladislaus*, and who was the Cotemporary, and chief Officer of that King's Treasury. By the Help of these Works, with those of other grave Authors, and being encouraged by the two great Men *Giacomo Sannazoro* and *Francesco Poderico*, *Angelo di Costanzo* compiled his grave and well digested History of the Kingdom of *Naples*, which not only eclipsed all that had been written before that time, but likewise for its Gravity and Elegancy excels all the Histories written since by an infinite Number of Authors. Therefore we shall follow the History of this notable Writer more than any other; neither shall we be ashamed sometimes to make use of the very same Words, as being both grave and proper.

CHARLES then, after having, by the Means above related, fixed himself in the Kingdoms of *Puglia* and *Sicily*, and by profuse Donations gained the Affections of many Barons of his own Party; for his greater Security he got many French Lords to settle in the Kingdom, to whom he gave many Fiefs; whence new Families sprung up among us, which rendered him formidable over all *Italy*, and made him to be looked upon as one of the greatest Kings in *Europe*; and extending his Arms beyond the Limits of his own Dominions, he had also made the Kingdom of *Tunis* tributary: And still thirsting after more Dominion, he aspired to the Empire of *Constantinople*, and had nothing so much at heart, as the driving *Paleologus* out of it. And perhaps he might have succeeded, had he found the same Inclinations and Goodwill in Pope *Gregory*, as his Predecessor *Clement* had.

AFTER the Death of Pope *Clement*, by the Divisions among the Cardinals, the Apostolick See had been almost three Years vacant; and nothing less was necessary for bringing the Cardinals to chuse a Successor, than the Presence of *Philip* King of *France*, and of *Henry* and *Edward*, the one Brother and the other Nephew to the King of *England*; for these Princes, returning from *Palestine*, having travelled through *Sicily* and *Naples*, went to *Viterbo*, in order to solicit the Cardinals to come to an Election; who at last, moved by their Presence, but not agreeing upon one of their own Number, on the first Day of *September*, 1271. they elected a Person not of their College, which was *Teobaldo di Piacenza*, of the Family of *Visconti*, Archdeacon of *Lodi*, who was at that time Apostolical Legate in the Christian Army, then in *Asia*, fighting against the Infidels: And the Year following he was crowned in *Viterbo*, and named *Gregory X.* who, being sensible of the late Disorders, was the first that made the Law for shutting up the Cardinals in the Conclave after the Death of a Pope, and to keep them there till they should elect a Successor.

AFTER the Election of the new Pope was over, King *Philip* went to *France*, and King *Charles* returned to *Naples*: the latter considering, that *Philip* his second Son, and *Robert* his third, were both dead, and that *Charles* the eldest (whom he had invested with the Principality of *Salerno*, by the Symbol of the Crown or Circle of Gold, with the County of *Lefina*, by the Standard, and with the Title of *Monte S. Angelo*, by the Ring \*) having no Sons, in the beginning of the Year 1272. he married a second Wife, the Daughter (according to *Costanzo*) of *Baldwin* of *Flanders*, the last Emperor of *Constantinople*, and by her expected to obtain some Part of the Empire of the East; though *Sigonius* says, that she was not the

\* Inveges tom. 3. Annal. di Palerm.

Daughter of *Baldwin*, but of the Duke of *Burgundy*. On account of this Marriage there were great Feasts and Tournaments, and the King honoured many Gentlemen with the military Belt, and made many Knights. This Year was very lucky to the King; for about the end of it the Prince of *Salerno* had a Son born, who was named *Charles Martel*, and was afterwards King of *Hungary*; whereupon there was great Feasting and Rejoicings both in *Naples*, and over all the Kingdom.

*CHARLES* hearing, that the new elected Pope, on his Way from *Palestine*, had landed in *Puglia*, he immediately set out to wait upon him at *Manfredonia*, where he received him with all the Respect and Honour imaginable, and would needs accompany him through *Capitanata* and *Abruzzo*, as far as *Campagna di Roma*; flattering himself, that by these Civilities *Gregory* might be induced to assist him in the designed Expedition against *Constantinople*; but the Pope, having been long in *Palestine*, had that War much at heart; he was therefore no sooner crowned, than he declared in the first Consistory to all the College of Cardinals, that he intended to employ all the Forces of the Church in the War of *Palestine* against the Infidels, whereof *Charles* was no sooner apprized, than he was sensible of the Loss he had suffered by the Death of *Clement*.

AT this time *Philip*, the Son of the last *Baldwin*, and King *Charles's* Brother-in-law, having come from *Greece* to solicit *Charles* to undertake the Expedition against *Constantinople*, the King advised him to go to the Pope, and sent with him as his Ambassador the Bishop of *Avignon*, who having jointly made Application to the Pope for such Assistance as he should think fit, in order to unite the *Greek* to the *Latin* Church, they found him very averse to that Undertaking; because at the same time *Paleologus*, who was in Possession of the Empire, had sent Ambassadors to the Pope, offering to reduce the *Greek* Church to the Obedience of the *Roman*: Whereupon *Gregory*, who preferred the general Good of Christians to the particular Interest of the Emperor *Baldwin*, chose rather to be in Friendship with the Person that was in Possession of the Empire, and could assist the Christian Army in recovering the Holy Land, than divert him from that Assistance, by restoring *Baldwin* to his Dominions: So the Pope left *Viterbo*, without giving *Philip* any Hopes of Assistance, and went to *France* to hold a Council in *Lyons*; in order to invite the Kings of *France* and *England*, and other Ultramontan Princes to the Expedition of the Holy Land. *Paleologus*, hearing that *Baldwin* was gone in Person to the Pope, and fearing that his Presence might have more Influence than his own Embassy, left *Constantinople*, and took along with him the Patriarch of that City, and other Prelates, to pay Obedience to the Bishop of *Rome*, who received him with exceeding great Honour and granted him all he desired; whereupon he returned immediately to *Greece* confirmed Emperor by the Apostolick See<sup>1</sup>. The Empire of the West having been vacant many Years, *Gregory* likewise got *Rodolphus Count of Ausburg* to be elected Emperor thereof, to the end that these two Princes might join in the Conquest of the Holy Land.

ALL these things were very displeasing to King *Charles*; and in the Year 1274 *Gregory* having opened the Council in *Lyons*, he invited *Fra. Bonaventura*, surnamed the *Seraphick Doctor*, who was there made a Cardinal, and *Thomas Aquinas* the *Angelick Doctor*; for the Union of the *Greek* with the *Latin* Church being to be there treated on, these two famous Divines were designed to confute the Errors of the *Greeks*. But *Charles* being afraid that *Thomas*, (who had gone from *Naples*, where he taught Divinity in that University, and who knew *Charles's* Cruelty) might more exasperate the Pope in the Council, went to *Fossanova*, a Place not far from *Terracina*, and caused him to be poisoned, where, on the seventh Day of *March* the same Year, at the Age of fifty, he died in the Monastery of the *Cistercian* Monks. *Dante*<sup>2</sup> number this among the other Cruelties of that Prince, saying, *Carlo venne in Italia, &c.*

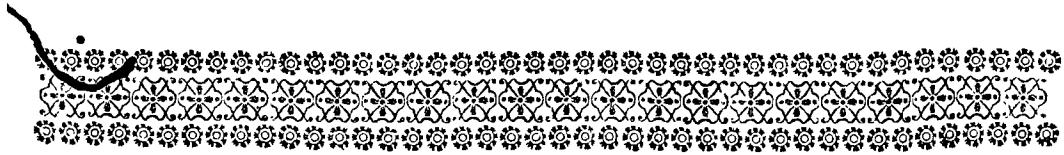
When *Charles* to *Latium* came, his Power to show,  
He *Conradin* sent to the Shades below,  
But, for that Cruelty to make amends,  
*Thomas* he toss'd to Heaven amongst his Friends.

NEVERTHELESS *Charles* finding that the Pope had no mind to favour him in his Expedition, delayed it; and as long as *Gregory* lived, he gave himself no trou-

<sup>1</sup> Costanzo, lib. 2.

<sup>2</sup> Dante, Purgator, cant. 20.

ble about the Affairs either in, or out of *Italy*; but remained in *Naples*, and applied himself to the beautifying of that City, and putting the Affairs of this Kingdom upon a new Footing; and from this time our Provinces began to acknowledge *Naples* as their Head and Metropolis.



## C H A P. I.

*The Occasions whereby Naples became the Metropolis of the Kingdom, and the Royal Seat.*



THE first Foundation of the Magnificence and Grandeur of this City, whereby it happily arrived to the State in which we now see it, was laid by the Emperor *Frederick II.* First the University which that Prince founded there, drew to it all the Scholars not only of this Kingdom, but also of *Sicily*, and other more remote Parts. *Frederick's* not residing in *Palermo*, as the *Norman Kings* his Predecessors had done, but making Progresses through many Cities of our Provinces, and stopping frequently in *Naples* with his Court, and other Officers of the Kingdom, was a great Step towards raising this City to so much Grandeur; nor did the *Capuan Castle*, and that of *Nuovo*, being built in so stately a manner, contribute a little to it.

The other Occasion of this City's being so much exalted, was the long Residence here of *Innocent IV.* and *Alexander* his Successor with their Courts. But those who crowned the Work were the new Kings of the Family of *Anjou*, *Charles I.* and *II.* and the disjoining of *Sicily* by the famous *Sicilian Vespers* had its Part too: The Result of which was two Royal Seats, and two Kingdoms, to wit, The ancient Kingdom of *Sicily*, and the new Kingdom of *Naples.* *Palermo* the ancient Royal Seat became that of the *Aragonians* in *Sicily*, and *Naples* the new Royal Seat was left to the *French* in *Puglia* and *Calabria.*

## S E C T. I.

*Of Edifices.*

**C**HARLES began first to enlarge *Naples* with magnificent and stately Edifices: and not pleased with the *Capuan Castle* built after the *German* manner, he had no sooner defeated *Manfred*, and made his triumphal Entry into this City, than he caused *Castel Nuovo* to be built after the *French* manner, where it now stands, in order to make it capable of receiving Succour by Sea, and of defending the Harbour; and it was look'd upon at that time to be one of the noblest Pieces of Work in *Italy*, enlarged since, and made stronger and more impregnable by his Successors. 'Tis likewise said, that for the greater Security of Vessels, and the better Defence of this Castle, he caused the *Tower of S. Vincent* to be built, which yet stands upon the Old Mole, and takes its Name from the Chapel in it, dedicated to that Saint.

HE likewise adorn'd this City with noble Churches and Monasteries, and, as we have said, caused the Church of the *Franciscans*, which was built where *Castel Nuovo* now stands, to be rebuilt in a more magnificent Form, in the Place where *S. Maria della Nuova* is now situate; and erected there a convenient Monastery capable of containing many *Friars Minors*, whose Number in the following

lowing Years was considerably increased. He took care to demolish the ancient Palace of the *Neapolitan* Republick, where the Nobility and People were wont to assemble, in order to prevent their meeting; and in its Place he built the magnificent Church of *S. Lorenzo*, and added to it a large Convent of *Franciscans*.

HE began to rebuild the ancient Cathedral Church of *Naples*, which was formerly the Church of *S. Restituta*, in a larger and more magnificent Manner; but not living to see it finished, his Son *Charles II.* brought it to the Perfection in which we now see it; although in the Year 1456 it was thrown down by an Earthquake, yet it was rebuilt in the very same manner by *Ferdinand I.* King of *Aragon*, and some of the great Men of the Kingdom; every one of which chose to rebuild his own part, whose Arms are to be seen at this Day upon the Pillars.

THE Example of the Prince moved his Ministers and Domesticks to adorn *Naples* with other Churches; but three *Frenchmen* distinguished themselves above all the rest; and it is thought they were three of King *Charles's* Cooks, who in the Year 1270 having got a Gift of a piece of Ground from their Master, built upon it a large Hospital with a Church dedicated to three holy Bishops *Eligius*, *Martin* and *Dennis*, which in process of time became one of the most remarkable Monuments of Christian Piety.

HE also caused the Streets of this City to be finely paved with square Stones, taken out of the *Via Appia*; and he repaired the Walls of it, and made them stronger than formerly. And in order to encourage Traffick and make Provisions more plentiful, he made the present large Market-Place, which being then without the City was more spacious; so that *Naples* had two Market-places, this new one made by *Charles*, where the unfortunate *Conrad* was beheaded, and the old Market-place which was formerly near the Church of *S. Lorenzo*.

\* De Bottis in cap. 1. Regni: Hic Neap. fecit forum magnum.

## S E C T. II.

### *The University restored.*

THIS Prince following the Footsteps of *Frederick II.* in order to make *Naples* more remarkable and famous, he enlarged the University founded by *Frederick*, and bestowed many other Prerogatives and Privileges upon it. King *Robert* in the Articles which he added to those made by his Grandfather and Father, mentions an ample Privilege granted to this University by *Charles* in the first Year of his Reign 1266; which was drawn up in *Nocera* by *Roberto da Bari* his Protonotary, wherein may be seen how much he had the Grandeur and Reputation of this University at Heart<sup>1</sup>. And that the Doctors and Scholars might enjoy more ample Privileges, he appointed a particular Judge, who was to hear and determine all their Causes both Civil and Criminal; and they were not obliged to appear or plead before any other Judge or Tribunal, unless they had a mind by way of Compromise to appear before the Archbishop of the City or a Doctor of their own University, to have them decide their Causes. Therefore he settled a Salary of twenty Ounces of Gold a Year upon the Judge, if he was a *Neapolitan*; and if he was a Foreigner thirty. And *Summonte* from the Books of the Records of the Year 1269 reports, That *Charles* appointed *Landolfo Caracciolo* Judge that Year, with a yearly Salary of twenty Ounces of Gold. For the right Administration of Justice he appointed three Assistants to this Judge; one of them an *Ultramontan*, and was to be chosen by the *Ultramontan* Scholars; another of them an *Italian*, to be chosen by the *Italian* Scholars; and the third a Native, to be chosen by the Scholars of the Kingdom; these Assistants were to be changed every three Months.

HE likewise gave Power to this Judge (to prevent the Students being imposed upon in the Price of Eatables) with the Advice of the Assistants, Doctors and Masters of the Scholars to put an Assize upon all Vendibles, which should be so moderate and just,

<sup>1</sup> In Capit. Regni, under the Title, Privilegium Colleg. Neap. Stud.

that neither the Seller nor Buyer might suffer any Detriment thereby. That with the Consent of the Students they might likewise appoint Men of Probity to assign Lodgings for the Scholars, and to settle a reasonable Rent for them. And that the Scholars might not be diverted from their Studies, he forbid his Officers to impose Taxes, Collections or personal Services upon them, even although his Court or the City stood in need of them. The Collectors and other Officers were to exact no Duty whatsoever for the Goods and other Things sent to the Scholars for their Maintenance or Necessities, exempting them altogether from their Jurisdiction and Power.

LASTLY, he invited all Nations to send their Youth to study in *Naples*, to whom should be granted free Ingress and Egress at their Pleasure; and that they should be kindly received, and graciously protected under the Royal Safeguard. The Tribunal of the Scholars instituted by *Charles I.* is mentioned in the Royal Records; and in the Registers of *Charles II.* we read of other Judges, such as *Marino del Duca* Judge of the Scholars, *Pietro Piscicello*, called *Ortante*, *Gualtiero Caputo* of *Naples*, Knight, and lastly, *Matteo Dentice*, Knight. And *Summonte* says, that it is to be read in the Writs of these Registers, that the Assize of Fish and other Eatables granted by *Charles I.* and afterwards confirmed by *Charles II.* his Son to the University of *Naples*, was made in the Church of *S. Andrew a Nido* by the Judge, Doctors and Students, according to Custom<sup>2</sup>; of which there are still some Footsteps remaining; for though he conferred the Office of Judge of the Scholars upon the Chaplain Major, who, as Head of the University, has Jurisdiction, but very much limited, and different from that which the Judge had, as reaching only the Scholars who transgress the Laws of the University; yet the Power of settling the Assize he left to the Judge and his Assayers of the Weights and Measures, with Jurisdiction<sup>3</sup> widely differing from the ancient, and confined to the Sellers of Eatables only<sup>2</sup>; nevertheless the Profits arising from the Weights and Measures at this time belong to the primary Professor of the Civil Law of this University; who without any particular Grant enjoys these Emoluments, as annexed and depending upon the primary Chair of the Civil Law.

MOREOVER in order to render this University still more flourishing and numerous, he invited the most famous foreign Doctors of his time by great Salaries, to come and teach the *Belles Lettres*, and good Discipline. At this time the University of *Bologna* flourished, and among the other Professors, *Giacomo Belviso* was famous for the Civil Law, whom *Charles* invited to come to *Naples* to teach it, and settled a yearly Salary of fifty Ounces of Gold upon him. In the Year 1269 he likewise invited *M. Girardo de Cumis* to come and teach the Canon Law, and gave him a Salary of twenty Ounces of Gold yearly. For Divinity he gave an Invitation to *M. Thomas Aquinas* a *Dominican* Monk, whom we now worship as a Saint, and gave him an Ounce of Gold a Month. And for Physick *M. Filippo de Castrocaldi*, with a yearly Salary of twelve Ounces of Gold<sup>3</sup>. This Prince's Footsteps were afterwards followed by *Charles II.* and *Robert* his Successors, as shall be related.

THIS restoring of the University of *Naples* (which, after the Death of *Frederick* by the continual Wars that lasted more than twenty Years, had lost that Splendor in which *Frederick* left it) was one of the chief Causes which made *Naples* so populous, that it rais'd its Head above all the other Cities of the Kingdom.

*CHARLES*'s Resolution not to remove his Royal Seat to *Palermo*, as his Predecessors had done, was likewise another great Cause of the Rise of *Naples*. That Prince looked upon *Palermo* as a distant City, not conveniently situate for having a strict Eye upon the Pope and the *Guelfs* in *Italy*, and at too great a Distance from his Dominions in *Provence* and *France*, with which he kept a close and strict Correspondence; of which the *Sicilians* unjustly complained, in the same manner as the *Romans* unreasonably complained of *Honorius*, who, in order to put a Stop to the Incurfions of the Barbarians who landed frequently on that side to infest *Italy*, removed his Seat from *Rome*, and resided first in *Milan*, and then in *Ravenna*. Therefore *Charles* fix'd his Residence in *Naples*; and though he did not always stay there, being often obliged as well for the good of the Kingdom, as to keep it quiet and peaceable under his Obedience, to make Progresses, sometimes to one City, sometimes to another, as may be seen by the Dates of his Writs, and also of his Statutes, which

<sup>2</sup> Summon. tom. 2. lib. 3. cap. 2. Reg. cap. 269. num. 17.

<sup>3</sup> Idem. tom. 2. lib. 3. cap. 2. Nigris in Comment. ad cap. Idem. tom. 2. lib. 3. cap. 1.

we see are sometimes dated in *Naples*, at other times in *Trani*, *Foggia*, *Jerusa*, *Ve-*  
*nosa*, *Brindisi*, and elsewhere; yet for the most part he took up his Residence in  
*Naples*, with the Prince of *Salerno* his eldest Son, and the Officers of the Crown  
 and Court, and applied himself to aggrandize it, and adorn it with so many  
 or Tribunals, which he did not to any other City of the Kingdom.

DURING his Residence in *Naples*, he added to the Dignity of his Royal Per-  
 son many illustrious Privileges, such as his making the Kingdom of *Tunis* tribu-  
 tary, and his taking upon himself the Title of King of *Jerusalem*; these as they gave  
 new Lustre to the regal Power, so did they also much aggrandize *Naples* his Royal  
 Seat.



## C H A P. II.

*Charles makes the Kingdom of Tunis tributary; and by the  
 Cession of Mary Daughter of the Prince of Antioch becomes  
 King of Jerusalem.*

**A**BOUT the end of the Year 1269, *Lewis* King of *France*, *Charles's*  
 Brother crossed over to *Africa* against the Infidels; but while he was  
 besieging *Tunis* his Army was seized with a Pestilence, and in Danger  
 of being ruined by the *Moors*, and himself and his Sons that were  
 with him made Prisoners<sup>1</sup>. *Charles* being apprized of this, thought  
 himself bound as well by the Ties of Blood, as by the Obligations  
 he lay under to that good King, who had assisted him in the Conquest of two King-  
 doms, to put himself aboard of his Fleet, which he had prepared for the Expedition  
 to *Greece*, and to sail immediately for *Tunis*<sup>2</sup>; where he found the *French* Army so  
 much diminished, that it was almost a Miracle the *Moors* had not attacked and cut  
 them off; and there too was the King in his last Moments breathing out his Soul  
 to God. How welcome then his Arrival was to the King's Sons, may be easily  
 conjectured; for at that very time an infinite Number of *Arabs* came, more with  
 Design to plunder the rich Baggage of the Kings of *France* and *Navarre*, and of  
 many other Princes, who had gone upon that Expedition, than to assist the King  
 of *Tunis*; but seeing the Christian Army so much reinforced, they returned to their  
 own Country: Nevertheless the King of *Tunis* every Moment expected the *Arabs* to  
 raise the Siege, but at last finding himself thus disappointed, he sent Ambassadors to  
 King *Charles* to beg a Peace: When *Charles* fearing that the Plague might destroy  
 his Army, as it had already done that of King *Lewis*; and also perceiving that his  
 Nephew *Philip*, the new King of *France*, was anxious to be gone in order to be  
 crowned, he entered into a Treaty of Peace with the Ambassadors of the King of  
*Tunis*, which in a few Days was concluded on these Conditions: That a great Sum  
 in Gold should be paid to the new King of *France* for the Expences of his Expedition:  
 That all the Christian Prisoners that were in the Kingdom of *Tunis* should be set at Li-  
 berty: That Christians should have free Liberty to trade in *Africa*: That they should  
 have Liberty to erect Churches and Monasteries, and to preach the Gospel of *Jesus Christ*  
 without any Impediment: and That the King of *Tunis* and his Successors should become  
 Tributaries, to King *Charles* and his Successors, and pay a yearly Tribute of twenty thou-  
 sand *Doublons*. A Tribute, which was formerly paid to the Kings of *Sicily*, such  
 as *Roger* and *William*, Norman Kings. *Tutini* transcribes a Charter from the Royal  
 Archives, where the yearly Value of this Tribute is computed; the Tenor of

<sup>1</sup> Villani lib. 7. cap. 37.

<sup>2</sup> Costanzo lib. 1.

which

which is as follows: *Tributum Tunisi debitum Regi Siciliae, anno quolibet est Bisanti-  
norum triginta quatuor millia, tercentum triginta tribus, quorum Bisanti-  
orum quolibet valet tarenos auri duos, & dimidium; & sic reductis ipsis Bisantiis ad tarenum aureum,  
sunt tarenos, triginta tria millia, viginti tribus, quibus tarenis reductis in uncias auri,  
sunt unciae duo millia, octuaginta triginta tribus. Collecta igitur Bisantinorum dictorum  
summa per tribus annis, pro quibus tributum ipsum debetur dicto Regi, ascendit ad Bisan-  
tinorum centum millia. Summa dictorum tarenorum, pro eisdem tribus annis, unciarum  
octo millia trecenta tribus unum*<sup>1</sup>.

<sup>1</sup> Tutini degli Ammir. del Regn. pag. 64.

## S E C T. I.

*Charles by the Cession of Mary Daughter of the Prince of Antioch, becomes  
King of Jerusalem.*

**I**N the beginning of the Year 1275 Pope *Gregory* died, without having put any of his Schemes in execution; and in his Place *Peter* of *Tarantaise* a *Burgundian Preaching Friar* was elected, and called *Innocent V.* *Charles*, upon hearing of the Election of a *French* Pope, with great State resumed his Senatorial Dignity, and having substituted *Giacomo Cantelmo*, who formerly had been his Deputy, he governed *Rome* as he thought fit, and obtained for himself and his Friends whatever he desired; but his Hopes soon vanished, for *Innocent*, after a Pontificate of a few Months, ended his Days. And the Cardinals, jealous of *Charles's* Power, quickly elected an *Italian* Pope, which was *Ottobono del Fiesco* a *Genoese*, and Nephew of *Innocent IV.* and he was called *Adrian V.* During the short time this Pope lived, he shewed a great Inclination to lessen *Charles's* Power, by which *Italy* and *Rome* were oppressed; wherefore he had invited the Emperor *Rodolphus*. But *Adrian* soon dying, and *Peter* a *Spanish* Cardinal being elected, and according to *Platina* called *John XXII.* and as others will have it *XX.* or *XXI.* *Charles's* Power was not in the least diminished; for though *John* was a Man of a holy Life, yet he was unfit to manage so great a Machine; so that *Charles* as Senator of *Rome* governed and directed every thing belonging to the Papacy. Wherefore during this Pontificate, and six Months after *John's* Death, when the Apostolick See was vacant, till the Election of Pope *Nicolas III.* he was looked upon as the greatest and most formidable King of those Times; for besides the two Kingdoms, and his Dominions of *Provence* and *Anjou* which he possessed in *France*, he had the Kingdom of *Tunis* tributary; and *Tutini* adds, that he had likewise made himself Master of the Island of *Corfu*<sup>1</sup>; the *Florentines* were also his Tributaries, and he had all the *Guelf* Cities of *Italy* at his Devotion. And besides he had the Management of the young King of *France* his Nephew; but what made him most formidable, was the great Number of Soldiers which he had training up under the Direction of most experienced Officers. He was likewise powerful in Sea-Forces, which were little inferior to those at Land; for he had several Fleets in our different Ports, under the Command of *Errico di Mari* a *Genoese* his High-Admiral; and was Master of both the upper and lower Seas; so that surely the *Venetians* could not in his time boast of the Dominion of the *Adriatick* Sea, because *Charles* was more powerful at Sea than they; for trusting to his Sea-Forces, he had undertaken to drive the Emperor *Palaologus* out of *Constantinople*, and to perform other Exploits in the East.

WHEREFORE *Mary*, Daughter of the Prince of *Antioch*, with whom *Hugh* her Uncle King of *Cyprus* disputed the Title and Right to the Kingdom of *Jerusalem*, came to *Rome*, and had recourse to the Pope and King *Charles* for their Assistance; but finding that the Pope was not disposed to give her any, she was at last prevailed upon by *Charles* to yield her Right to him; whereupon in Presence of the College of Cardinals she conveyed and renounced her Rights, which she had to the Kingdom of *Jerusalem*, and the Principality of *Antioch* in Favour of *Charles*<sup>2</sup>,

<sup>1</sup> Tutin. degli Ammir. pag. 64.

<sup>2</sup> Chiocc. tom. 1. MS. jurid.

with all the Solemnity requisite to a Matter of so great Importance<sup>1</sup>; so that Pope *John*, who favoured the King, taking *Mary's* Right to be good, this Year 1277 crown'd *Charles* King of *Jerusalem*; and from this time he began to date his Reign of that Kingdom.

IMMEDIATELY upon this Cession *Charles* sent *Ruggiero Sanseverino* to take Possession of all the Lands which *Mary* was in Possession of, and to prepare for the Recovery of the rest; and at the same time he ordered a strong Fleet of Gallies and other Vessels, with a good Body of Land Forces to be got ready, not only for the Expedition against *Constantinople*, but likewise against *Jerusalem*.

THE Rights which *Mary* had to the Kingdom of *Jerusalem* were transmitted to her by *Melissina* her Mother, the fourth Daughter of *Isabel* Sister to *Baldwin IV.* King of *Jerusalem*. *Isabel*, by her first Husband *Conrad* of *Monferate*, as we have related in Book XVI. left four Daughters; *Mary* the eldest was Mother of *Jule* the Emperor *Frederick's* second Wife, who brought him the Rights and Title of *Jerusalem* as her Portion; by vertue of which *Frederick*, *Conrad* his Son, and *Conrad* his Grandson, took upon them the Title of Kings of *Jerusalem*. By the Death of *Conrad*, the last of the House of *Suevia* without Heirs, these Rights being extinct in that Line, *Mary*, as Daughter of *Melissina*, claim'd them as belonging to her.

*ISABEL's* second Daughter was *Alisia*, who was married to *Hugh* King of *Cyprus*, who, by right of his Wife, seeing the Line of the eldest Daughter was extinct in the Person of *Conrad*, took upon him the Title of King of *Jerusalem*; it was alledged for *Mary* of *Antioch*, that the Rights of *Alisia* were also extinct, because *Almericus* King of *Cyprus*, another Husband of *Isabel's*, to whom King *Hugh* his Son had succeeded, and was the Son of his first Wife, and *Alisia's* Husband, had yielded the said Rights to *John* of *Brenna* the Husband of *Mary* the eldest Daughter, according *P. Lusignano* in his Chronicle of the Kings of *Cyprus*.

*ISABEL's* third Daughter was *Sibilia*, who was married to *Livo* King of *Armenia*, and died without Heirs; so that all the Rights were extinct except those of *Melissina* the fourth Daughter, and Mother of *Mary*, who made this Cession to *Charles*.

BUT this Cession was clogged with great Difficulties; for truly it could not be said, that the Rights of the second Daughter *Alisia* were extinct by the Cession made by *Almericus* to *John* of *Brenna*, because that Cession could not prejudice his Successors, who were to succeed by vertue of other Rights, to wit, those of *Alisia*, to whom, as Daughter of *Isabel*, and not of *Almericus*, they belonged; neither did *Almericus* yield any other but those Rights, which at that time belonged to him as *Isabel's* Husband, not future Rights, which could only belong to *Alisia* and her Descendents; for which Reason *P. Lusignano* wisely observes, that this Cession made by *Mary* to *Charles*, was of a Right which she had not, but belonged to her Aunt *Alisia* the Wife of King *Hugh*. And indeed, when the Emperor *Frederick II.* was excommunicated, and had returned to *Puglia* from *Palestine*, the Queen Dowager of *Cyprus* went thither, in order to get the Knights Hospitalers and Templars to put her in Possession of the Kingdom of *Jerusalem*, because *Frederick* was returned to *Puglia*, and had been excommunicated; in which the Hospitalers and Templars would do nothing, but said, that they would wait a Year to see, if *Conrad* the Son of *Frederick* and *Violante* his Wife, who was the eldest Sister of the Queen of *Cyprus's* Mother, would come to *Palestine*, which *Conrad*, according to *Bossio*, was the nearest Heir to the Crown of *Jerusalem*<sup>2</sup>. Hence it was, that *Charles*, afterwards finding the Insufficiency of *Mary's* Title, thought fit to compromise Matters with *Henry II.* King of *Cyprus*, who, according to the said *P. Lusignano*, was his Competitor. And though *Henry* renewed the Dispute afterwards with *Charles II.* by vertue of the Rights of his Grandmother; nevertheless, both *Charles*, and all the other Kings of the Family of *Anjou* his Successors, continued still to take the Title of Kings of *Jerusalem*, as may be seen in their Charters and Grants. And King *Robert* with his Wife Queen *Sancia*, in whose time the Christians, who had the Charge of the holy Sepulchre, were more infested than ever, agreed with the Sultan, by promising him a large Tribute, that the Christians should not in the least be molested; and at the same time they provided them with all Necessaries for the

<sup>1</sup> Raynald. Annal. ad ann. 1277.

<sup>2</sup> Bossio Istor. di Malta, lib. 16. pag. 561.



Support of that holy Place<sup>1</sup>. Moreover Queen *Sancia*, at her own Charges, caused a Convent of Friars Minors of the Order of *S. Francis* to be built on Mount *Sion* for which she obtained a Bull from Pope *Clement VI.* recorded by *Wadingo*; which Author likewise says, that Queen *Joan I.* got leave also from the Sultan to build another Convent for the said Friars in the Valley of *Jehosaphat*, and furnished the Expences, both of the Building and Maintenance of the said Friars<sup>2</sup>. Wherefore some say, the Kings of *Naples* claim the Patronage of the holy Sepulchre, and of these Convents of Friars Minors of *S. Francis*, founded and so liberally endowed by their Predecessors.

BUT others considering, that the Fountain from whence the Kings of *Naples* derive the Title of King of *Jerusalem* is somewhat muddy, if it arise from this Cession of *Mary's*; in order to ward off more strongly the Pretensions of the Kings of *England*, of the Marquisses of *Monferate* (from whom the present Dukes of *Savoy* derive their Right) and of the Republick of *Venice*, which, as having succeeded to the Kings of *Cyprus*, pretends to that Title, have asserted, that the Title of King of *Jerusalem* justly belongs to the Kings of the House of *Austria* by right of *Mary*, the eldest Daughter of *Isabel* Sister of *Baldwin IV.* King of *Jerusalem*, which was not extinguished in the Person of *Conrad*; because all the *Ultramontan* and *Italian* Writers agree, that when this unfortunate Prince was beheaded, he, with the Glove and Ring, invested *Peter* King of *Aragon* with all his Kingdoms and Rights, to whom they justly belonged, as Heir of the House of *Suevia*, by right of *Constantia* Daughter of King *Mansfred*; and King *Frederick* of *Aragon* succeeded to *Peter*, and to him the Kings of *Spain* of the House of *Austria*, who had all a better claim to the Title of King of *Jerusalem*, than any of the other Competitors.

<sup>1</sup> V. Rainald. 1342.

<sup>2</sup> V. Fr. Luca Wadingo Annal. min. to. 3. fol. 486. V. Lucerna Hierosymitana. V. D. Maurizio d'Alfedo nella Gerusal. Schiava, pag. 77.



### C H A P. III.

*A new French Nobility, and new Orders of Knighthood introduced into Naples by King Charles I.*



**D**URING the Reign of the *Normans*,] as we have seen in the preceding Books of this History, many *French* Lords came to our Provinces, who had received military Honours, and had gained great Experience in War under those Princes, who came to us from *Normandy*, a Country of *France*; and as a Reward of their many and gallant Exploits, had Fiefs bestowed upon them, and were advanced to the chief Offices of the Crown: It was by them that a new Method of Succession to Fiefs was introduced among us, called *Jus Francorum*; which gave Rise to many other Usages and Customs. But these Barons did not fix in *Naples*, many of them settling in *Sicily*, and particularly in *Palermo*, then the Royal Seat. Others of them resided on their Estates with which they were invested; some honoured with Offices followed the Princes, or remained where their Posts required their Presence. But those *French* Captains and Warriors, who followed King *Charles* in the Expedition to these Kingdoms, residing for the most part in *Naples*, after the Conquest, fixed themselves altogether in that City; where by the Bounty of the King they received the Reward of their Labours: For *Charles*, after he had made his magnificent Entry into *Naples*, and had been received with Acclamations, together with

his Queen *Beatrice* and his *French* Lords, spent many Days in feasting and rewarding all those that had served him; and after making a strict Enquiry after the Barons who had been of *Manfred's* Party, and confiscating their Estates, he began to divide them amongst these Lords, beginning with *Guido Monfort*, who had been Captain General of all his Armies; and besides making *William Belmont* his High-Admiral he invested him with the County of *Caserta*, and gave many Cities and Villages to others. *William Etendard*, *William de Clinet*, *Ralph Colant*, *Martin de Dordan*, *Boniface de Galibert*, *Simon de Belvidere*, *Peter de Hugoth*, *John Galliard de Pies*, *Jordan d' Ile*, *Peter de Beaumont*, *Robert Enfant*, *Beltran de Balze*, *James Canteline*, *William de Tournay*, *Reinald d' Aquinas* were rewarded; with many others, as may be seen in *Costanzo* and *Summonte* <sup>1</sup>, and more at large in *Pier Vincenti* in his *Teatro de Protonotari del Regno*, where he makes mention of *Roberto di Bari*, thro' whose Hands, as Protonotary of the Kingdom, all those Donations passed. And having likewise rewarded the *Romans* and other *Italians*, who had followed him, he took particular Care of those *French* Gentlemen whom he had brought from *Provence* and *France*, bestowing on them Cities, Towns, Castles, Dignities and eminent Offices in the Kingdom; the most renowned of which were those of the Families of *Grandville*, *Artois*, *Appie*, *Etendard*, *Cantelme*, *Merlote de Lamagne*; also the Families of *Bourson*, *Marfiac*, *Ponsic* call'd *Acclocciamuri*, *Clairmont*, *Cabane* and others. *Naples* therefore, both in Regard of her antient Nobility, and the many new *French* Lords that settled there, and possessed so many Fiefs, Prerogatives and Offices, became the most renowned City of the Kingdom; whence afterwards it justly acquir'd the Title of *Noble*, or *Gentile*.

<sup>1</sup> Costanzo, lib. 1. Summonte tom. 2. pag. 240.

## S E C T. I.

### *Knights made by Charles in Naples.*

**B**UT what rendered this City more illustrious than the rest, was *Charles's* honouring a Multitude of the Citizens with the Order of Knighthood; besides many others of the Kingdom; whereupon military Exercise became so familiar in it, that those who were exercised under his Discipline and that of his Captains were not at all inferior to the Veteran Soldiers which he had brought with him from *France* and *Provence*.

THE Order of Knighthood was in such Esteem among the *Romans*, that it made one of the Estates, whereof the Commonwealth was composed; *Martia Roma triplex*, *Equitatu*, *Plebe*, *Senatu*, says *Ausonius*. To wit, the Senate, Knights and Commons. The Senate for Counsel; the Knights for War; the Common People for providing and furnishing Necessaries for the Service of the Commonwealth.

THE Order of Knighthood had formerly been a Seminary for Senators; because, as *Livy* observes, the Senators were elected out of this Order; but after the Commons were made capable of the highest Offices, the Senators were chosen out of those who had been Magistrates. It was an antient Custom among the *Romans* to bestow the military Girdle upon those who were possessed of opulent Fortunes; whence those who had much Money might aspire to become Members of this Order, as well as that of Senators. Afterwards in the time of the Emperors it was with great Solemnity given only to Persons of Merit, but most frequently to those, who had neither Office nor publick Charge, being for the most part private Gentlemen who followed the Emperor's Court; and because they were of several Kinds, the Emperor *Justinian*, in one of his Constitutions, which we read in his Code <sup>1</sup>, settled their Precedency; and after those who held any Office or Charge, he ranked in the second Place those of his Courtiers to whom he had given the Military Girdle; in the third Place, those to whom the Girdle had not at all been given; but to those only residing at Court, the Emperor gave barely Letters of Dignity; and in the fifth and last Place, those to whom he had only sent such Letters in their

<sup>1</sup> L. 1. C. ut dignit. ord. serv.

Absence. Therefore they took their Precedency according to that Order; whence it followed, that those who had no Office, nor publick Employment, and got this Girdle, were ever after intitled to wear a Sword, and consequently to enjoy the Privileges of military Men: Nevertheless it was more honourable to receive it from the Hands of the Emperor, than to have it sent; and the Girdle was preferable to the Letters of Dignity.

AFTER the Fall of the *Roman Empire*, and after new Kingdoms and Dominions were erected in *Europe* upon its Ruins, the Kings of *France*, for any thing we know to the contrary, were the first that thought fit to restore so commendable an Institution: They, in the same manner, when they found Gentlemen of Merit, and had no Office or publick Employment to bestow upon them, made them *Knights*, that is to say, declared them honorary military Men, in order to make them capable of enjoying military Privileges, although they were not enrolled in the Army. And the most part of the antient *French Writers* call a Knight in *Latin Miles*, and not *Eques*: So that when they had a Mind to make a riding Knight, they particularly declared him to be a Horseman in complete Armour, because in *France* the Horse-Service is much more esteem'd than the Foot. And in Token of their being made *Gendarmes*, they got the military Girdle on the most remarkable Days, and with the most magnificent and pompous Ceremonies imaginable; which was afterwards imitated by our *Norman Kings*, such as *Roger I.* and his Successors, and likewise by those of the House of *Suevia*, but especially by *Charles of Anjou*, and the other *French Kings* his Successors.

THE Days appointed for such Ceremonies were for the most part those of their Coronations; their publick Entries into Cities; great Festivals, and particularly that of the *Virgin Mary*; or upon Occasion of some publick Rejoicing<sup>1</sup>. It was likewise an antient Custom to make Knights, either before a Battel, or when an Attack was to be made upon some Town, in order to encourage Gentlemen to behave themselves gallantly; or after a Battel, or the taking of a Town, for rewarding those who had behaved themselves with Bravery and Courage<sup>2</sup>. Knights were likewise made at the Marriages of Kings, or of their Children, or on the Birthday of a Prince, for honouring the Tournaments that were then made.

OUR Kings first of all were wont by an Edict to publish over the whole Kingdom the Day appointed for the Ceremony, that whoever had a mind to have the Girdle might come prepared with all the Requisites, which, according to our Constitutions, were necessary: For *Roger I.* King of *Sicily* had made a Constitution<sup>3</sup>, whereby he ordained, that no Person could pretend to the Military Girdle without the King's Licence, and who could not prove that they were descended from Knights; which was confirmed by *Frederick II.* in the following Constitution<sup>4</sup>, which ought not to be ascribed to *Roger*, as is commonly done, but to *Frederick*, who, by *Avi Nostri*, means *Roger*; and it is likewise mentioned by *Riccardo da S. Germano* in his Chronicle, where he says it was published by *Frederick* in a general Parliament, held in *S. Germano* in the Month of *February* 1232.

THE Kings of the Family of *Anjou* added other Requisites, requiring not only, *Quod nullus possit accipere militare cingulum, nisi ex parte patris saltem sit Miles*, as we read in the Register of *Charles II.* of the Year 1294, recorded by *Tutini*<sup>5</sup>, but that he and his Forefathers had been assented, and had paid the Subsidies with the Nobility and Knights. But from a Gloss of *Bartolommeo di Capua* upon the above-mentioned Constitution of *Roger*, it appears, that in the Reign of King *Robert*, when he wrote, the Proof of being descended from a Knight was not required here, though in *France* it was observed; these are his Words: *Non potest quis militare qui non est de genere militum ex parte Patris. Hoc in Regno Siciliae non servatur, sed bene audiui servari in Regno Franciae.* And we even read that the Girdle has been given to many of the Commonalty, who could not prove that their Forefathers had been Knights; and many such were knighted both in the City of *Naples* and other Parts of the Kingdom by *Charles I.* and *II.* his Son, and by *Robert*, as may be seen in *Tutini*<sup>7</sup>, whom he therefore calls *militēs ex gratia*, because they had that Honour without the abovementioned Conditions.

<sup>1</sup> Loyseau de Sign.

<sup>2</sup> Tutin. dell' Orig. de feggi, cap. 14. pag. 143.

<sup>3</sup> Loyseau des Ord.

<sup>4</sup> Constitut. Reg. lib. 1. tit. de nova militia.

<sup>5</sup> Constit. Constitutione praesenti.

<sup>6</sup> Tutin. loc. cit. pag. 143. ex Registr. Caroli III. 1294. M. fol. 344.

<sup>7</sup> Idem. loc. cit. pag. 157.

IT was likewise requisite that the Candidate should be of Age. The *Romans* according to *A. Gellius*<sup>1</sup>, conferred the Honour of Knighthood from seventeen Years of Age and upwards; and, the Abbot *Telefino*<sup>2</sup>, in the Deeds of King *Roger*, in describing the Gracefulness and Ages of the Sons of that King, says, that both of them were capable of pretending to the Girdle, being already of Age: *Habebat autem Rex Rogerius & alios duos liberos adolescentiores, forma speciosissimos, morumque honestate præclarissimos; nec non ad suscipiendum Militiæ cingulum jam utrosque adultos.*

THEREFORE those who had a mind to be dubb'd Knights, demanded, that Information might be taken of their Qualifications, and the King intrusted the Governor of *Naples*, if they were *Neapolitans*, or the Justices of the Provinces, if they were Provincials, to form the Process; and Information being taken, and it appearing that they were qualified, they were dubb'd on the Day appointed; and before they received the Girdle they were called in the *French Language Valets*, which in ours signifies *Pages*. On the Day of the Solemnity they appeared all dressed in fine rich Habits, and in the Cathedral Church of the City; where the Solemnity was to be performed, there was a large Stage raised and handsomely deck'd, upon which an Altar was erected, at the Sides whereof were placed the King's and the Bishops Desks, and close by it another Seat over-laid with Silver, and cover'd with Silk. Upon the Altar, according to *John of Salisbury*<sup>3</sup>, were laid the Swords wherewith the new Knights were to be girt.

THE King and Queen, with all the Court, Knights and other Nobility being come into the Church, those who were to be dubb'd were introduced and placed in the silver'd Seat. Then they were examined by some old Knights if they were found in their Bodies, and able to undergo the Fatigue of War; and after that was over, they were conducted to the Bishop, who sitting in his Desk, held the Book of the Gospels open, before whom kneeling, he call'd them by their Names, and said to them<sup>4</sup>: *Since you have a mind to receive the Military Girdle and be Knights, you must swear upon these holy Gospels, that upon no Account whatsoever you shall rise up in Arms against the King's Majesty here present or his Successors; and if hereafter you should be disloyal to your King (which God forbid) who is going to make you Knights, you ought first to return him the Girdle with which you are immediately to be honoured, and then you may make War against him, and none will reproach you with Treachery; otherwise you will be reputed infamous, and worthy of Death. You must likewise be faithful to the Catholick Church, respectful to the Clergy, Defenders of your native Country, and of the Honour of Virgins, Widows and Orphans, and other Persons in Distress*<sup>5</sup>.

THEY answered, that through God's Grace, they should be true and loyal to their King, and would perform what they had promised, and laying their Hands upon the Book of the Gospels, they swore to it. Then being conducted to the King by two old Knights, and there kneeling again, the King took his own Sword, and therewith touching each of them slightly on the Head, said, *God make thee a good Knight*. Others, such as *Mennius*<sup>6</sup> say, that the King lightly struck them with the Sword on the Shoulders, and not on the Head. Then the *Valets* remaining still before the King, there came seven of the Queen's Maids dress'd in white, carrying the Girdles in their Hands, which they first offered to the King, and afterwards girt on the Loins of the Knights: This done the Swords were taken off from the Altar, according to *Peter of Blois*<sup>7</sup>, and by the Maids fixed to the Sides of the new Knights. After that came some Knights who put on their Spurs, and then their Military Cloaks made of green woolen Cloth, furr'd with Minever Skins. Then the Queen from her Seat offering them her Hand, they rose up, and went and placed themselves in their Seats; whereupon all the Knights and Noblemen there present congratulated them upon their new Dignity, and the Solemnity concluded with a Collation of Sweetmeats.

FROM that time forward they were no more called *Valets*, but *Sirs* or *Knights*, and enjoyed the same Privileges with military Men, and those likewise of private Gentlemen, that is to say, to be exempted from Taxes; to wear their Swords in

<sup>1</sup> A. Gell. lib. 10. cap. 18.

<sup>2</sup> Abbat. Telef. lib. 3. fol. 134.

<sup>3</sup> Joan. Sariberiens. in Policratico.

<sup>4</sup> Futin. loc. cit.

<sup>5</sup> Petr. Blefens. Epist. 94.

<sup>6</sup> Franc. Menn. Origin. Militar. fol. 14. Stricto gladio leviter humeris percussis, &c.

<sup>7</sup> Petr. Blefens. epist. 94. Hodie Tyrones enses suos recipiunt de Altari, &c.

the King's Closet; to have the Privilege of Hunting; to be free from the Penalties of the *Plebeians*; and not to be obliged to fight Duels with the Ignoble. Therefore on their Tombs their Images were carv'd, cloth'd with Coats of Armour, with the Girdle, the Sword and Spurs on their Heels, under which were two Dogs as Symbols of Fidelity, which was the Device of the Knights; and an infinite Number of such Marbles are to be seen in the Churches of *Naples*, none but Knights being allowed to have their Images engraven after that manner; for the Doctors had theirs engraven in long Gowns, with a Cowl or Hood upon their Heads, as may be seen in the great Church of *S. Dominick* in *Naples* on the Tomb of *Niccolo Spinello da Giovenazzo*, and likewise in other Churches: The Images of inferior sort of People, such as Merchants and Mechanicks, were engraven with a Garment down to the Calf of the Leg, with large Sleeves, and a piece of Cloth wrapped about their Heads; whereof there are many remaining in the Churches of *Naples*<sup>1</sup>. It was incumbent therefore upon those, who had a mind to take Arms against a Prince by whom they were dubb'd Knights, to return the Girdle, otherwise they would have been deemed treacherous and infamous; to which purpose we have an Instance in *Eugenio* and *Tutini*<sup>2</sup> of the Princes of *Bisignano* and *Melfi*, of the Duke of *Attri* and the Count of *Maddaloni*, who were honoured by *Lewis XII.* King of *France* with the Collar of *S. Michael*, when he took Possession of this Kingdom; but it afterwards coming into the Hands of *Ferdinand* the Catholick, they sent back the Collars to *Lewis*.

THESE Solemnities being held in great Fame and Repute, were performed in such a pompous and expensive manner, that we read both in the common Law of *France*, and in the Laws of our Kingdom, that the Barons had Power to impose Taxes upon their Vassals, and to levy Subsidies for defraying the Charges they were to be at, when either they themselves or their eldest Sons were to be made Knights, in the same manner, as when they were to marry their eldest Daughters<sup>3</sup>. We have a Constitution of King *William's* under the Title *De Adjutoris exigendis* <sup>4</sup> *pro faciendo filio milite*. *Frederick II.* extended it afterwards to a Brother, as we read in the Constitution *Comitibus* under the Title, *De Adjutoris pro militia fratris*. And among the Letters of *Pietro delle Vigne*<sup>5</sup>, we read one of that Emperor's directed to a Justice, ordering him to cause the usual Subsidy to be levied upon the Vassals of a certain Baron, whose Son was to be honoured with Knighthood: *Item Justitiarius præfati Baronis juxta Constitutionem Regni Nostri subventionem fieri faciat congruentem*.

SO likewise in the Reigns of *Charles* of *Anjou* and his Son we read many such Orders in the Archives; and in the Register of the Year 1268<sup>6</sup>, we see one sent in Favour of *Filippo Brancaccio*: *Scriptum est Justitiario Terræ Laboris, &c. Quod Philippo Brancaccio, qui nuper se fecit militari cingulo decorari, subventionem per hoc congruam a Vaxallis suis faciat exhiberi*. And in the Register of the Year 1294<sup>7</sup> there is another in favour of *Leonardo S. Framondo*: *Quod Vaxalli Leonardi de Sancto Framondo, præsent eidem congruam subventionem juxta Regni consuetudinem, pro militari cingulo accipiendo*. *Adinolfo d' Aquino* obtained the like Order for *Cristoforo* his Brother, when he was made Knight by *Charles* the King's eldest Son, then in *France*: *Adenulphus de Aquino petit subventionem a Vaxallis pro Christophoro ejus fratre militari cingulo decorato a Carolo Primogenito in partibus Franciæ*<sup>8</sup>. From the Solemnity and Magnificence which were us'd in creating Knights, it became customary not only for mere Gentlemen, but also Princes, Brothers, and even the Sons of Kings to take upon them the Order of Knighthood; when therefore the Sons or Brothers of the King were to be created Knights, he could demand a Subsidy from all the Vassals of his Kingdom; and we are told by *Andrea d'Isernia*, that among the Stipulations of Pope *Honorius* it is declared, that the King could impose a Tax upon the Kingdom, whenever he had a mind to make either his Son or Brothers Knights, provided it did not exceed twelve thousand Ounces<sup>9</sup>.

<sup>1</sup> V. Tutin. de Orig. de Seggi, cap. 14. pag. 149.

<sup>2</sup> Eugen. Nap. fac. dell' Ordine di S. Michele, Tutin. loc. cit. pag. 158.

<sup>3</sup> Andr. d'Isernia, Constat. quamplurimum de Adjutoris exigend. lib. 3.

<sup>4</sup> Constat. Reg. lib. 3.

<sup>5</sup> Lib. 5. epist. 5. fol. 560.

<sup>6</sup> Reg. Caroli I. 1268. O. fol. 60.

<sup>7</sup> Reg. anno 1294. M. fol. 147.

<sup>8</sup> Reg. anno 1278, & 79. lit. H. fol. 72.

<sup>9</sup> Andr. d'Isernia in Constat. Quamplurimum de adjutor. exig. lib. 4. Unde si pro faciendo fratre milite velit Rex subventionem, imponet eam secundum quantitatem ab Honorio declaratam & expressam, viz. duodecim millia unciarum in toto Regno Siciliæ.

BY Reason of so many splendid and pompous Ceremonies, as were performed in dubbing of Knights, not only private Gentlemen, and those who had neither Office nor publick Employment, but also Lords and Princes, and even the Sons of Kings were ambitious of the Honour of Knighthood; looking upon it, both as a Mark of great Distinction, and a powerful Motive to excite the Valour and Generosity of those who were desirous of receiving the Sword from the Hands of a Prince; which indeed was frequently practis'd both in *France* and by our Kings.

IN the Annals of *France* we see, that *Charles* the Great girt the Sword about his Son *Lewis* the Good, when he was upon the Point of going to the War. And the same *Lewis* did so by *Charles* the Bald his Son. The holy King *Lewis* dubb'd his eldest Son *Philip* III. Knight, and *Philip* did the same to three of his Sons. And History takes Notice, that in performing these Functions, the King had his Crown upon his Head, kept a full Court, and an open Table that Day for every Body.

OUR *Norman* Kings, and those of the Family of *Anjou*, who did not in the least depart from the Usages of the Kings of *France*, were wont to practise the same. So we read of *Adelasia* Countess of *Calabria* and *Sicily*, who, before her Son *Roger* was Count, who was afterwards first King of *Sicily*, would have him to be dubbed Knight; whence it is, that this Prince in his Writs takes first the Title of Knight, and then of Count, as may be seen in many Charters recorded by *Pirro*<sup>1</sup>, in one of which we read thus: *Ego Adelais Comitissa, & Rogerius filius meus Dei gratia jam Miles, jam Comes Siciliae, & Calabriae, &c.* The same *Roger*, according to the Abbot *Tolesino*<sup>2</sup>, when he was King, *Duos liberos suos ad militiam promovit, Rogerium Ducem, & Tancredum Barenssem Principem, ad quorum videlicet laudem & honorem quadraginta Equites cum eisdem ipsis Militari cingulo decoravit*: And *Paolo Panfa*, in the Life of *Innocent* IV.<sup>3</sup>, likewise relates, that the Emperor *Frederick* II. in the Year 1245 having gone to *Cremona*, created his Son *Frederick* Prince of *Antioch* Knight, and with his own Hand girt the Sword about him. This was afterwards imitated by the Kings of the Family of *Anjou*, and amongst the rest by *Charles* VI. who, before he gave his Sons any other Titles, first made them Knights; thus in the Year 1289, before he created his eldest Son *Charles* Martel King of *Hungary*, he first dubbed him Knight. He did the like by *Philip* Prince of *Taranto* his fourth Son, whom he adorn'd with the military Girdle before he created him Prince of *Taranto*. And he did the same by *Robert* his third Son, who afterwards succeeded him in the Kingdom; for in the Year 1296 being in *Foggia*, he wrote to his Son *Philip* to proclaim by the usual Edicts, That on the second Day of *February*, the Feast of the Purification, he designed to dub his Son *Robert* Knight; and that all those Gentlemen that had a mind to be Knights should repair to *Foggia*, where together with *Robert* they should receive the military Girdle.

THE said *Robert* likewise resolving to make his only Son *Charles* Duke of *Calabria* Knight on the Feast of the Purification in the Year 1316 he published it over all the Kingdom, and wrote to the Justices of the Provinces, as may be seen in the Writ recorded by *Tutini*<sup>4</sup>, together with the other Instances above related.

FROM this Custom, which the Kings had, of making their Sons Knights, who were to succeed them in their Dominions, arose the Question, whether, that being neglected, those who succeeded in the Kingdom as Kings, were likewise Knights, though they had not received the Order. And from what they practis'd, it seems as if they had not been reputed such, since when they were Kings they would be dubbed Knights. Thus we observe in the Book of *Pietro delle Vegne's* Letters<sup>5</sup>, where we find a Letter, which King *Conrad* the Son of *Frederick* II. wrote to the Inhabitants of *Palermo*, in which he tells them, that he had a mind to be dubb'd Knight: *Licet, says he, ex generositate Sanguinis qua nos natura dotavit, & ex dignitatis officio qua duorum Regnorum nos in Solio gratia Divina praefecit, nobis militaris honoris auspicia non deessent; quia tamen militiae cingulum, quod reverenda sancivit antiquitas, nondum serenitas nostra susceperat, prima die praesentis mensis Augusti cum solemnitate tyrocini latus nostrum eligimus decorandum, &c.*

WE likewise read in *Sigebert*, that *Malcolm* King of *Scotland* would have himself to be knighted by *Henry* I. King of *France*. And *Otho Frisingensis* says, that

<sup>1</sup> Roc. Pirro Notit. Sicil. Eccl. not. 1. fol. 105.

<sup>2</sup> Abb. Teles. lib. 4. fol. 138.

<sup>3</sup> Panfa fol. 32.

<sup>4</sup> Tutin. loc. cit. pag. 150, 151, 152, 153.

<sup>5</sup> Lib. 3. epist. 20. fol. 410.

*William Rufus* King of *England* caused himself to be knighted by Archbishop *Lanfranc*; for the Custom still continued in those Times, that not only Princes, but even Bishops and Prelates dubb'd Knights; which was afterwards forbid in the *Westminster Synod* celebrated in the Year 1102<sup>1</sup>. Thus likewise did *Henry II.* cause himself to be knighted by the Marshal *de Bise*<sup>2</sup>; and *Edward IV.* King of *England* received the Honour of Knighthood from the Earl of *Devonshire*. *Henry VII.* received the Girdle from the Count of *Evadolia*, and *Edward VI.* from the Duke of *Somerset*. *Giovanni Villani*<sup>3</sup> also relates, that *Lewis* of *Taranto*, the second Husband of *Queen Joan I.* received the military Girdle from the Hands of a *German* Captain; and we read in the Annals of *France*, that after the Battel of *Marignano* King *Francis I.* was knighted by Captain *Bajart*, who girt his Sword about him<sup>4</sup>; and *Lewis XI.* procured himself to be knighted by *Philip* Duke of *Burgundy*<sup>5</sup>.

BUT although History abounds in these and many other Instances, where we see, that when Princes had not been knighted in their Youth, whenever they became Kings they would needs have that Honour; nevertheless, as *Loyseau* wisely observes<sup>6</sup>, they did not want it, and were Knights without it; but they would be dubb'd for doing Honour to the Order of Knighthood, and giving it the greater Lustre. For a King, as the Fountain of all Honour, and as the Sun from whence all Light is derived, contains in himself all Dignities, and all the highest Prerogatives and Pre-eminencies.

THIS Order which was so illustrious in *France*, and being established in *Naples*, and our Provinces, by the Kings of the Family of *Anjou*, who made so great a Number of Knights, gave such Reputation to military Exercise, that there was not a Gentleman but aspired at that Honour, whence our Kingdom was furnished with brave and gallant Soldiers.

HOWEVER *Charles I.* of *Anjou* was not the first that introduced this Order into *Naples* and the Kingdom; it began in the time of *Roger I.* King of *Sicily*; but it was he who raised it, and especially in *Naples*, to a much higher pitch, and rendered it more numerous and flourishing.

ROGER I. King of *Sicily* was the first who introduced this Order into *Naples*, and it was at that time, when it is said, that having made his triumphant and victorious Entry into that City in the Year 1140, he created a hundred and fifty Knights<sup>7</sup>. And when he gave the Girdle to Duke *Roger*, and *Tancred* Prince of *Bari* his Sons, he dubb'd forty more<sup>8</sup>. Whose Example was afterwards followed by *Tancred*, who in the Year 1189 being crowned King of these Kingdoms in *Palermo*, together with his Son *Roger*, at that Solemnity he created many Knights of both the Kingdoms.

KING *Manfred*, according to *Matteo Spinello*<sup>9</sup>, was no sooner crowned in *Palermo*, than he made a Progress into *Calabria*, and dubb'd many Knights in the Cities of that Province; and afterwards coming to *Naples*, he made a solemn Entry and created thirty Knights, amongst which were *Anselmo* and *Riccardo Caraccioli Roffe*. And in the Year 1253 having gone to *Civita de Chieti*, on *Christmas-day* he gave the military Girdle to many Gentlemen of the Cities of *Abruzzo*.

BUT none of our Princes were so prodigal in bestowing this Order in *Naples* and the Kingdom, as *Charles I.* of *Anjou*. There happened no publick Solemnity, on which *Charles* with sumptuous Feasts did not create Knights. In the Year 1272, on *Whit-Sunday* he dubb'd a great many noble *Neapolitans*, amongst which were *Bartolommeo dell' Isola*, *Landolfo Protonobilissimo*, *Marino Tortello*, *Liguoro Olopesce*, *Filippo Falconaro*, *Bartolommeo d' Angelo*, &c. The Registers are full of Noblemen of the Kingdom created Knights by *Charles*, such as that of the Year 1269, wherein are set down a prodigious Number, and among the rest *Pietro di Ruggiero da Salerno*, *Bernardo di Malamorte*, *Raimondo de Braccia*, &c. Neither did this King confine himself to the Nobility only, but likewise bestowed this Honour upon the inferior sort of People both of the City of *Naples* and of the Kingdom, who had distinguished themselves by their Valour, or any other Endowment, of which there are many Instances in the abovementioned Register of the Year 1269<sup>10</sup>; insomuch,

<sup>1</sup> Tutin. loc. cit. pag. 149.

<sup>2</sup> Franc. Menn. fol. 8.

<sup>3</sup> Gio. Villani Hist. lib. 1. cap. 10.

<sup>4</sup> Camil. Portio nella Cong. de Baroni fol. 76.

<sup>5</sup> Loyseau des Ord.

<sup>6</sup> Idem. loc. cit.

<sup>7</sup> Fazel. Post. decad. lib. 7. V. Camil. Pellegr. hist. long. in Castigat. ad Falcon. Benev. in fine.

<sup>8</sup> Abb. Telefen. lib. 4. fol. 138.

<sup>9</sup> Annal. MS. de M. Spin.

<sup>10</sup> V. Tutin. loc. cit. pag. 157.

that this Prince adorned *Naples* and the Kingdom with so many Knights, that military Discipline, and the Exercise of Arms became much superior to that of Learning; and as now in our time the Support of Families depends upon the Application of Youth to Learning and the liberal Sciences, especially the Law; so at that time by the Value which *Charles* put upon the Order of Knighthood, there was not a Family that did not train up their Sons in the Exercise of War and Arms.

AFTER *Charles's* Example, all the other Kings of that Family his Successors did the same, such as *Charles II.* his Son, who in the Year 1290, at the Coronation of *Charles Martel* King of *Hungary*, made more than three hundred Knights<sup>1</sup>, and in the Years 1291, 1292, 1296, and 1300, a great many more<sup>2</sup>. So *Robert* his Grandchild gave the Girdle to many of the Inhabitants of the City of *Naples*, and of the Kingdom likewise; and in the Year 1309 to some of *Aversa*; in the Year 1310 to many of *Salerno*, *Capua* and *Isernia*; and about the Year 1312 being in *Aquila*, he created many of the Inhabitants of that City Knights. And the Kings of the second Race of *Anjou* did the same, such as *Charles III.* *Lewis III.* *Ladislaus* and others; all following the Footsteps of *Charles I.* Whence the Number of Knights became so great in the Kingdom, that by Reason of the Multitude, and the little Merit of some that were admitted, the Order of Knighthood began to be despised and undervalued.

THIS did not happen among us only, but likewise in *France*, and other Kingdoms, purely on account of the vast Multitude of Knights that were made; for it was so very easy to be made a Knight, that upon any publick Festival, as many as presented themselves before the King, so many were dubb'd Knights. And we read in the Annals of *France*, that *Charles V.* at the Siege of *Berges* made fifty Knights in one Day<sup>3</sup>. And it is also said, that the Emperor *Charles V.* at his Coronation in *Bologna* by Pope *Clement VII.* knighted all those who were assembled before *S. John's* Church, without any other Ceremony, than by touching them slightly with his Sword upon the Shoulders.

<sup>1</sup> Costanzo lib. 3.

<sup>2</sup> Tutin. pag. 156.

<sup>3</sup> V. Loysseau des Ordres.

## S E C T. II.

### *Particular Orders of Knighthood.*

FROM the easy access to the Honour of Knighthood, and from the Contempt which that occasioned, proceeded the Rise of particular Orders of Knighthood; from so great a Multitude, the chief and most remarkable Knights reduced themselves to a small select Band or Society; wherefore they invented certain new Orders of Knighthood, into which they admitted those only of the greatest Merit, either for Bravery or Descent, and refused those who had no other Quality or Title but of mere Knights.

AND to render those new Orders the more august and venerable they bound themselves to certain religious Ceremonies, and erected themselves into the Form of a Fraternity; and besides, that they might be the more remarkably distinguished from the simple Knights, they wore a Collar of Gold, or other Badge, which the King gives, and puts about them in conferring the Order, in place of the Collar of the antient Knights. And these were distinct and different Orders from those of *S. John* of *Jerusalem*, the *Teutonicks*, *Templars*, *Sword-bearers*, of *Jesus Christ*, of the *Commendatories* of *S. Anthony*, *S. Lazarus*, and others recorded by *Polydore Virgil*, because these were Ecclesiastical Regular Orders; and therefore were called *Knights Companions*, and were likewise tied up by certain Vows, such as Chastity and Obedience, and by certain Rules of a Mixture between a monastick and secular Life.

THE first Order that was of any Duration in *France* (for that of the *Gennets* instituted by *Charles Martel* ought not to be number'd, because it soon disappeared) was that of the *Virgin Mary* instituted by King *John* in the Year 1351; and because they wore a *Star* upon their Hoods, and afterwards, when the use of Hoods was abolished, upon their Clokes, they were called Knights of the *Star*. Many

*Neapolitan*



*Neapolitan* Knights were of this Fraternity, and according to *Eugenio*<sup>1</sup>, *Giacomo Bozzato*, and some of the Families of *Zurla* and *Aprana* were likewise of it, as may be seen upon their Tombs.

- THE second was the Order of *S. Michael*, instituted in honour of the Guardian Angel of *France* by King *Lewis XI.* who, in order to suppress the first Order, and to raise his own, gave the Badge of the Star to the Officers of the Horse-watch of *Paris*, and his *Archers*, or *Marshals-Men*. Our Knights were likewise honoured by the Kings of *France* with this Order, such as *Trojano Coracciolo* Prince of *Melfi*, *Bernardino Sanseverino* Prince of *Bisignano*, *Andrea Matteo Acquaviva* Duke of *Atri*, and *Gio. Antonio Carafa di Madaloni*, who afterwards (as we have already mentioned) when *Ferdinand* the Catholick got Possession of the Kingdom, returned the Collar to the King of *France*.

LASTLY, *Henry III.* a great Inventer and Lover of new Ceremonies, besides having instituted the Military Order of the *Virgin of Mount Carmel*, to which Pope *Paul V.* granted many Prerogatives<sup>2</sup>, he instituted the Order of the *Holy Ghost*, in Remembrance of his having been born and made King on *Whit-Sunday*. And these Knights, besides the Badge of their Order which they wear upon their Clokes, carry another fixed to a blew Ribbon.

AFTER the Example of the Kings of *France*, for the same Reasons, other Princes have instituted new Orders of Knighthood, and our Kings of the Family of *Anjou* were the most forward in imitating them. A Lady, whom *Edward III.* King of *England* loved, having dropt one of her Garters, he took it up, and very courteously delivered it to the Lady, which occasioned a Report at Court, that the King had private Dealings with her; whereupon the King, in Vindication of the Lady, and to do Honour to the Accident, instituted the Order of the Garter; with this *French* Inscription upon the Garter, *Honi soit qui mal y pense*<sup>3</sup>. The Kings of *Castile* instituted such another, called the Order of the *Sash* or *Girdle*; the Dukes of *Burgundy* that of the *Golden Fleece*; the Dukes of *Savoy* that of the *Annunciation*; the Dukes of *Tuscany* that of *S. Stephen*; the Dukes of *Orleans* that of the *Porcupine*; and the Kings of *Spain* and *Portugal* those of *Alcantara*, *S. James*, *Calatrava*, *S. Benediēt de Avis*, and others.

BUT our Kings of the Family of *Anjou*, in Imitation of those of *France*, instituted many Orders. *Lewis* of *Taranto* King of *Naples*, the second Husband of Queen *Joan I.* on *Whit-Sunday* in the Year 1352, appointed a Festival in Memory of his Coronation, on which he instituted the Order and Society of *Nodo* (*Knot*) consisting of sixty of the most gallant Lords and Knights of that Age, under a certain Oath of perpetual Fidelity; and both the Kings and they wore a military Vest us'd in those Days with a Tassel made of Silk, Gold and Silver, which the King tied in a Knot to the Breast, according to *Costanzo*<sup>4</sup>, or to the Arm, according to *Eugenio*<sup>5</sup>, of the Knight, who entered into that Society. The Prince of *Taranto* King *Lewis's* elder Brother was of this Order, though *Villani* writes, that when the King sent him the military Vest richly adorned with Pearls and Jewels, with the Knot of Gold and Silver, he who was the elder Brother and had the Title of Emperor, offended at that, smiling said to those that presented the Vest, that he was tied to the King with the Knot of brotherly Affection, and therefore did not want one more strait. King *Lewis* sent this Order to *Barnabo* Lord Viscount of *Milan*, who very readily accepted of it. He gave it to *Luigi Sanseverino*, *Guglielmo del Balzo* Count of *Noja*, *Francesco Loffredo*, *Roberto Seripando*, &c. And their Institution was, that when a Knight had given any notable Proof of his Valour, he wore the Knot untied; and at the second Proof he tied it again, as it happened to *Giovannello Bozzuto*, who behaving himself gallantly in a Battel, gained the Honour of having the Knot untied, and went afterwards to *Jerusalem* to have it tied again; whence it is that we see on his Tomb, in the Cathedral Church of *Naples*, two Knots at the Sides of his Helmet; and on *Costanzo's* Tomb in the Church of *S. Peter* the Martyr, we see one Knot tied, and the other untied. *Costanzo* believes, that this Order of Knighthood was the first that was instituted in *Italy*; others were afterwards instituted by our succeeding Kings.

*CHARLES III.* in Emulation of *Lewis*, in the Year 1381 instituted a new Order, which he called *Compagnia della Nave*, or the Order of the *Ship*, alluding to the Ship of the *Argonauts*, that those whom he admitted into this

<sup>1</sup> Eugen. Nap. Sacr.

<sup>2</sup> Bulla Pauli V. edita anno 1608. tom. 3. Bullar.

<sup>3</sup> Polyd. Virg. Ammirato's Parallels pag. 201.

<sup>4</sup> Costanzo, Hist. lib. 6.

<sup>5</sup> Eugen. loc. cit. del ording del Nodo.

Order might endeavour to vie with the *Argonauts*<sup>1</sup>. This King made himself Head of this Society, and chose for its Protector *S. Nicholas* Bishop of *Mira*, to whom he dedicated the Church near the Mole, and ordered, that the Knights of this Order should celebrate his Feast every Year. They wore upon their Soldiers-Coat, and their other military Ornaments a Ship painted in the midst of Waves, different in Colour from the King's, by some Interlacings of Silver<sup>2</sup>; and this Order consisted of the most esteemed and valiant Knights in those Days; and among the rest were *Giannotto Protojodice* of *Salerno*, created Count of *Accerra* and High-Constable of the Kingdom by King *Charles*<sup>3</sup>, *Gurrello Caracciolo* called *Carafa* Marshal of the Kingdom (whose Tombs with their Badges may be seen in the Church of *S. Dominic* in *Naples*) *Errico Sanseverino* Count of *Melito*, *Romanello Orfino* Count of *Lecce*, *Angelo Pignatello*, *Gianluigi Gianvilla*, *Giovanni di Luxemburgo* Count of *Conversano*, *Tommaso Boccapanola*, *Giovanni Caracciolo*, and others.

AFTER the Death of King *Charles* III. Queen *Margaret* his Wife with *Ladislaus* his Son in the Year 1388 fled to *Gaeta*, and left *Naples* at the Devotion of King *Lewis* of *Anjou*; and the Queen's Gallies frequently infesting the Coast of *Naples*, some Noblemen of the Tribunal of *Portanuova*, with other *Neapolitans* fitted out their Ships in order to oppose the Queen's Gallies; and that they might go on the more boldly and cordially, they instituted the Society of *Argata* (*Scarf*); and for a Badge they wore on their left Arm a Scarf embroidered with Gold in a Field-azure, like unto those Scarfs of Reeds, which the Ladies make use of in their womanly Exercises<sup>4</sup>. Of this Order were many of the Knights of the different Tribunals and Families, such as those of *Costanzo*, *Caracciolo del Leone*, *Dura* and others<sup>5</sup>.

THERE was afterwards instituted in *Naples* the Order of *Leonza* (*Lioness*) and the Badge was a *Lioness argent*, the Paws and Feet tied with a Tassel; and the Knights of this Order were almost all of the Tribunal of *Portanuova*, to wit, of the Families of *Anna*, *Felipane*, *Gattola*, *Saffona*, *Liguria* and *Bonifacia*; and there were some of the other Tribunals likewise<sup>6</sup>.

JOHN Duke of *Anjou*, the Son of *Renatus* King of *Naples*, having afterwards come with his Father's Army to attack the Kingdom, in order to gain over to him the *Neapolitan* Knights, and among the rest *Roberto Sanseverino*, after the manner of *France* instituted a new Order, which he called the Order of the *Moon*, and the Badge was a horned Moon, which all the Knights wore of Silver tied to their Arm. There were many of this Order, and among the rest *Roberto* Son of *Giovanni* Count of *Sanseverino*<sup>7</sup>.

LASTLY, *Ferdinand* I. King of *Naples*, having escaped the Snares and Conspiracy of *Marino Marzano* Duke of *Sessa*, and Husband of one of his Sisters, and put him in Prison, was advised by some to put him to Death; but the King would not consent, looking upon it as an Act of Cruelty to imbrue his Hands in the Blood of his Brother-in-Law, though a Traitor. Afterwards having a mind to manifest this his generous Clemency, he chose for his Devise an *Ermin*, which prides itself so much in the Purity of its Whiteness, that rather than to have it stain'd, it chuseth to die. Therefore the King wore a Collar set with Gold and precious Stones, with an *Ermin* hanging at it, with this Motto; *Malo mori, quam fœdari*<sup>8</sup>. Of this Order among others *Hercules* of *Este* Duke of *Ferrara* was one, to whom King *Ferdinand* sent the Collar by *Gio. Antonio Carafa* a *Neapolitan* Knight<sup>9</sup>.

DURING the Reign of the Family of *Anjou*, on account of these Orders of Knighthood, the military Profession was truly in very great Esteem, whence the Nobility of *Naples* pursuing those generous Customs, spread their Fame over all the Parts of the habitable World; for many *Neapolitan* Knights impatient of Ease, and spurred on by the Love of Glory, joined together in diverse Bands, under different Badges; and the Knights-errant, while the Kingdom was in Peace, to give Proof of their Courage, went to sundry parts of the World, where they understood there was War; and they had some Ties of brotherly Love amongst them faithfully and respectfully observed; and *Costanzo* says<sup>10</sup>, that notwithstanding the so great Emulation for Honour, there is not the least mention made, that Envy or Malice ever raised the least Dispute or Discord among them.

<sup>1</sup> Costanzo lib. 8.

<sup>2</sup> Eugen. loc. cit. della Nave.

<sup>3</sup> Tutin. de Contestab. pag. 115.

<sup>4</sup> Costanzo lib. 9.

<sup>5</sup> Eugen. loc. cit. dell' Argata.

<sup>6</sup> Idem. loc. cit. della Leonza.

<sup>7</sup> Idem. loc. cit. dell' Ordine della Luna.

<sup>8</sup> Eugen. loc. cit. dell' Armellino.

<sup>9</sup> Pigna lib. 8. histor. Estens.

<sup>10</sup> Costanzo lib. 9.

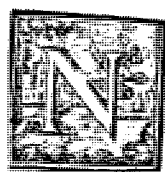
BUT in process of Time both the City of *Naples* and the Kingdom losing the Honour of being the Royal Seat, hence by the Absence of our Kings, the Order of Knighthood is not only quite extinct, but all these new Orders are likewise entirely vanished, and the Title of *Miles* is continued to the King's Officers of the Long-Robe only, such as the Presidents of the Chancery and Council, the Matter of Accounts, and all Counsellors and Presidents of Courts, who at their Creation are honoured with that Title by the King<sup>1</sup>. And as the first were adorned with the Sword, so are these with the Gown; to which not only the Nobility of *Naples* are admitted, but also the inferior People both of that and the other Cities of the Kingdom, provided they be Doctors; whence it comes, that as in the time of *Charles of Anjou*, and of the other Kings of that Family his Successors, every body was intent upon the Art of War, so now all turn their Thoughts to the Employment of the Gown; and their Number not only equals, but very much exceeds that of the Knights, who flourished in the time of the Kings of the illustrious Family of *Anjou*.

<sup>1</sup> Ovid. ad Pisonem 6. Togatæ militiæ exercere munera.



## CHAP. IV.

*The Seggi (Tribunals) of Naples repaired and beautified by Charles.*



**N**APLES a Greek City (as is above related in the first Book of this History) had from its Foundation its Porches, or Theatres, likewise called *Tocchi*, which are now called *Piazze* or *Seggi*, as all the other Greek Cities of these our Provinces had; for they were not peculiar to this City alone, as some have believed. They were nothing else but particular Places of the City, for the most part near the Gates<sup>1</sup>, where some noble Families of that Ward or Quarter met to make merry and converse together, and by that Means took Occasion to discourse about the publick Affairs and other Concerns of the City, and likewise about their own private Business; and since few or none came to meet there but substantial Men, who lived upon the Rents of their rich Farms, and followed no Trade, or Employment, but the Military, or some other Office in the Republick; therefore by these *Seggi* a Division or Distinction was introduced amongst the Citizens, by which the Nobility came to be separated from the *Plebeians*, who being employed, either in the Study of Learning, or in Traffick, or as Mechanicks; or Day-Labourers, or in Agriculture, or other Handy-crafts, could not have Leisure to meet in the *Piazze* to treat with the Nobility concerning the publick Affairs, or other necessary Business of the City.

THERE was no Greek City, but what had these Places of meeting, or *Fraternities*, which they called *Phratriæ*, in which the Citizens commonly met for transacting their Affairs. The same was practised at *Cuma*, likewise a Greek City, and had these Theatres or *Phratriæ*. Whence *Pius II.* in his Commentaries<sup>2</sup>, is of Opinion, that the People of *Cuma* having been the first Founders of *Naples*, in Imitation of their own City, had instituted these Theatres in *Naples*, where the Nobility, in walking and diverting themselves, were wont to converse about publick Affairs: *Cumanos quoque Theatra, deambulationes, conventusque frequenter posuisse.*

<sup>1</sup> Camil. Pelegr. discorso del nome Porta.

<sup>2</sup> Pius II. in Com. in Europa.

AND it is not to be doubted, as we have observed elsewhere, but that they are most ancient in *Naples*, witness *Strabo*, who, in giving account of the *Greek Rites* and *Customs*, which in his time were still kept up in this City, among the rest says, that like all the other *Greek Cities*, *Naples* had its *Porches*, and that the *Neapolitans* in his time called them by the *Greek Name Phratræ*.<sup>1</sup> And *Varro*<sup>2</sup> likewise mentions them, when he says, *Phratræ, est Græcum Vocabulum partis hominum, ut Neapolim etiam nunc*; where *Turnebius* observes, that *Naples* being a *Greek City*, like *Athens*, had those particular Places of meeting called *Phratræ*<sup>2</sup>.

WHAT the Number of these *Seggi* was formerly in *Naples* has been very carefully searched into by *Camillo Tutini*<sup>3</sup> from the ancient *Wards* and *Streets*, and many other *Monuments*; and it being the *Custom* of the *Greeks* to divide their *Cities* into four *Parts*, as *William Postel*<sup>4</sup> testifies of *Athens*, it is reasonable to believe, that *Naples* was likewise divided into four principal *Parts*, which seems to be confirmed by the Word *Quartiere*, which is retained to this Day. Each of these four *Wards* or *Quarters* comprehended many other lesser *Wards*, which are as so many *Members*, of which the *Body* of the *City* is composed. It is easy to find out, that those four principal *Wards*, according to the ancient *Situation* of this *City*, were the *Capuana*, *Forcella*, *Montagna* and *Nido*.

THE *Ward Capuana*, so called, because the *Road* from it led to *Capua*; besides the great *Piazza*, comprehended many other lesser *Streets*, or *Lanes*, which (as all those of the other three *Wards*) generally took their *Names*, either from the *Families* that lived in them, or from the *Temples*, or other publick *Edifices* built there. Thus in this *Ward* we read of the *Lanes* of the *Sun*, and of the *Rays* of the *Sun*, which had their *Names* from the famous *Temple* of *Apollo*, which stood there. The *Streets* of *Dragonario*, *Corte Torre*, *S. Lorenzo ad fontes*, *Zite*, *Corte Pappa cavallo*, *Ferrato*, *Sancti Apostoli*, *Filimarini*, *Barelli*, *Gurgite*, *Rua de Fasanelli*, *Caracciolo*, *Boccapanolo*, *Zurli*, *Carboni*, *Manoccio*, and *Rua de Piscicelli*.

BESIDES the great *Seggio* called *Capuana*, there were in this *Ward* five lesser, which took their *Names*, either from the *Families* that lived there, or from the *Temples*, or the common *Name* of the *Place* where they were built. Thus in this *Ward* we read of the *Seggi* of *S. Stephen*, of the *Holy Apostles*, of *S. Martin*; whence it comes, that this last being afterwards united to the great *Seggio Capuana*, in order to preserve the *Memory* of it, we see that *Saint* painted on *Horseback* on the *Wall* of the *Seggio*, the *Seggio* of *Melazzi*, and that of *Monocci*.

THE *Ward* of *Forcella*, by the ancient *Writers* is called *Regio Herculensis*, as *S. Gregory* calls it in his *Letters*<sup>5</sup>, because the *Temple* of *Hercules* was founded there; and sometimes its called *Regio Thermenfis*, from the ancient *Baths* that were there<sup>6</sup>. How it came afterwards to be called *Forcella*, the *Opinions* are very different. Some will have it to be from a *Gibbet* (*Forca*) that stood without a *Gate* near this *Ward*; others because *Pythagoras* had his *School* here, who had for his *Devise* the forked *Letter Ypsilon*. But others with more *Judgment* say, that that *Gibbet*, which we still see engraven upon an ancient *Marble* over the *Gate* of the *Church* of *S. Maria a Piazza*, where of old the *Seggio* stood, was the particular *Devise* of the *Seggio*, and which gave the *Name* to the *Ward*.

THIS *Ward* comprehends many other lesser *Wards*, or *Lanes*, such as the *Ercolense*, *Cupidine*, *Lampadio*, *Placido*, *Granci*, *Pizzofalcone*, *Regionario*, *Verde*, *S. Epulo*, *Publico Bajano*, *Fistola*, *Cerario*, *Termense*, *Capo d'Agno*, *Corte Bagno nuovo*, *Corte Greca*, *Sennarino*, *degli Agini*, *degli Ormini*, *di S. Giorgio Cattolico maggiore*, *Cimbri*, *Pistaso*.

IN this second *Ward*, besides the great *Seggio* of *Forcella*, which stood before the *Porch* of the *Church* now called *S. Maria a Piazza*, there were two other, viz. those of *Cimbri* and *Pistaso*.

THE third *Ward* was called *Montagna*, or the high *Piazza*, because it was in the highest part of the *City*. It was likewise called the *District* of the *Theatre*, and of the *Courts* of *Justice*, because these were within its *Bounds*; and also *Regio Palatina* from the ancient *Palace* which was there, where publick *Affairs* were discussed.

<sup>1</sup> Var. lib. 4. de lingua lat.

<sup>2</sup> Turneb. Quod cum Neapolim Oppidum Græcum esset, ut Athenas, suas Phratrias habebat.

<sup>3</sup> Camil. Tutin. dell' Origine, e fondaz. de Seggi

cap. 4. & 6.

<sup>4</sup> Gul. Postel. de Magistr. Athen. cap. 2.

<sup>5</sup> S. Greg. epist. 59. fol. 116.

<sup>6</sup> Janus Gruter. fol. 430.

THE lesser *Piazze*, or Lanes of this Ward were those of *Luce*, *Bell'aere*, *Circolo*, *Piazza Augustale*, *Piazza Segno*, *Sopramuro*, *Marmorata*, *de Giudei*, *Casurio*, *Formello*, *Dodici Pozzi*, *Carmignano*, *Ferraro*, *Friggido*, *Burgaro*, *de Tori*, *de Maj*, *Verticilli*, *Cafatino*, *de Marogani*, *de Masconi*.

IN this Ward therefore, besides the great *Seggio* of *Montagna*, called likewise of *S. Angelo*, because it was near the Parish Church of that Saint, there were other eight lesser *Seggi*: The first of *Talamo*; second of *Mamoli*; third of *Capo di Piazza*; fourth of the *Ferrari*; fifth of the *Saliti*; sixth of the *Cannuti*; seventh of the *Calandi*; eighth of the *Carmignani*.

THE fourth Ward is that which we now call *Nido*, and by the Ancients was called *Vestoriana*, and *Calpurniana*. It was also called *Alexandrina*, because it was frequented by the Merchants of *Alexandria*, who, according to *Giordano*, when they came to traffick in *Naples* lodged in this Ward; or, according to *Tutini*, because there was a Church here dedicated to *S. Athanasius* Patriarch of *Alexandrina*. Therefore we find that the Figure of the River *Nile* had been placed here, which gave the Name to the Ward, and which it still retains, though by length of Time the Name be corrupted, and now called *Nido*.

THIS Ward has within its District many Streets and Lanes, such as *S. Biase*, *Scorfufo*, *Fontanola*, *Capo di Monterone*, *Danicle*, *Cortegloria*, *Pretorio*, *Casanova*, *Camillo*, *Montorio*, *Scalese*, *Misso*, *degli Acerri*, *Offieri*, *Vulcani*, *Salvonato*, *Augustale*, *Arco Bredato*, *Ficarolo*, *della Giofa*, *Celano*, *Quatropozzi*, *a due Amanti*, *del Sole*, *della Luna*, *settimo Cielo*, *Capo di Trio*, *Don Orfo*, *Urfitato* and *Corte Pagana*.

THIS Ward, besides the great *Seggio* of *Nido*, had other four lesser, viz. of *Arco*; of *S. Gennarello ad Diaconiam*; of *Casanova* near the Monastery of *Monte Vergine*, not as *Costanzo*<sup>2</sup> would have it, that this *Seggio* was the same with that of *Portanova*; and that it had changed the Word *Casa* into *Porta*; and that of *Fontanola* in the Lane now called *Mezzo Canone*.

THESE four Wards, with the other lesser *Piazze* of which they are composed, and, as we have seen, as many principal *Seggi*, and there were nineteen lesser, which being added to the four, make twenty three. All these were inclosed within the Walls of the ancient *Naples*; but the Compass of this City being enlarged by several *Greek* Emperors, under whose Dominion it long continued, by that Means many Villages and other Places, which were without the Walls, were enclosed; whence arose two other Wards, which were those of *Porto*, and *Portanova*, and consequently two other great *Seggi*, besides the lesser, were added to the former.

THE Ward of *Porto*, which was formerly a Village without the City, was so called, because it stood near the Sea, where the antient Port or Harbour of the City was. It comprehended many lesser Districts, such as *Morocino piccolo*, *Severino*, *Monterone*, *Bagno di Platone*, *Aquario*, *Fusario*, *Scotelluccio*, *delle Calcare*, *della Lopa*, *Media*, or *Melia*, *Rua de Caputi*, *Serico*, *Volpola*, *Griffo*, *Appenino di S. Barbara*, *Albina*, *Petrucchiolo*, *Cervico*.

BESIDES the great *Seggio* of *Porto*, it had two lesser, viz. that of *Aquario*, so called from the abundance of Water which was in that District; and that of *Griffi*, which took its Name from the Family of *Griffa* that lived there.

THE Ward of *Portanova* was formerly called the Sea-Gate, from an ancient Gate of the City which opened towards the Sea; but the City being enlarged, there was a new Gate made in the Walls, from whence it took this Name. It included these lesser Districts; *Patrociano*, *Appenino de Moccia*, *de Costanzi*, *de Grassi*, *S. Salvatore*, *Acciapaccia*, *Giorgito*, *Alburio*, *Barbacane*, *Sinocia*, *Porta de Monaci*, *Ferula*, *delle Palme*.

BESIDES its great *Seggio*, there were two lesser, viz. of *Acciapacci* and *Costanzi*.

IN the time then of *Charles I.* of *Anjou*, there were twenty nine *Seggi* in this City, six great and twenty three less, as we have said.

THUS disposed did *Charles* find all these *Seggi*, when he made himself Master of *Naples* and of the Kingdom; so that what some Writers have dream'd that *Charles I.* of *Anjou* instituted the *Seggi* in *Naples*, is altogether repugnant to Truth, as *Tutini*<sup>2</sup>, from the Authority of the publick and antient Monuments, has at large demonstrated. Neither is it true, that this King from twenty nine reduced them to five, their present Number; for by the Writs recorded by the same *Tutini*, we

<sup>1</sup> Costanzo, hist. lib. 2.

<sup>2</sup> Tutin. dell' Orig. de Seggi, cap. 7.

clearly perceive, that even in the Reigns of *Charles II.* his Son, and of *Robert* his Grandson they were not as yet united. Neither ought *Charles* to be reputed the Author of the Distinction between the Nobility and the People, as if he had been the first that separated the Nobles of this City from the Populace; it being most evident, that, in all the Times both of the *Romans*, and of the *Goths*, *Greeks*, *Longobards*, *Normans* and *Suevians*, the Nobles of *Naples* were always a distinct Body from the People, as may be seen in the preceding Books of this History, by the many Inscriptions on Marbles recorded by *Gruterus*<sup>1</sup>, by the Letters of *Cassiodore*<sup>2</sup>, by those of *S. Gregory the Great*<sup>3</sup>, *Innocent III.* and other *Roman Pontiffs*<sup>4</sup>.

NEITHER did *Charles* separate the Populace from the Nobility in the *Seggi*, as if they had been promiscuously composed of both; for as *Tutini* sufficiently proves, these *Seggi* were composed of the Nobles only, or of the chief Men of the City, although they were not so very nice then as now-a-days, not to admit any of the Commons amongst them, which was frequently done then, either when they lived nobly, or were related to any noble Family, or for any other conspicuous Quality were thought deserving.

*CHARLES* only made them more remarkable and famous, by giving them more shining Marks of Distinction from the People, and rendering the *Seggi* of *Naples* more eminent and illustrious, than all those of the other Cities of the Kingdom; whence the *Neapolitan* Nobility became more renowned and conspicuous than the Nobility of the other Cities of the Kingdom, which was owing to several Causes:

FIRST, to *Charles's* having honoured all these Noblemen with the military Girdle, and made them Knights. 2. To his having made this City by his Residence Head and Metropolis of the Kingdom, whither all the Barons, the greatest Lords and Feudatories of the Kingdom went to reside, and who were not only easily admitted, but even entreated to come to the *Seggi*, which made the Nobility more numerous and conspicuous. 3. To the Residence of the great Officers of the Crown and Army, who likewise added Lustre to these Assemblies, because unwilling to be numbered among the People, they enroll'd themselves among the Nobility. 4. To the so many *French* and *Provensals*, whom *Charles* brought with him from *France* and *Provence*, who being rewarded by him with Fiefs and publick Employments, fixed themselves in *Naples*, and were enroll'd amongst the Nobility; and thus on account so many *French* Families being incorporated amongst them, their Assemblies became the more august; in all which *Charles* had his End, because there was nothing passed in these Assemblies but what was agreeable to him.

AND lastly, To the many Prerogatives which *Charles* bestowed upon the Nobility of *Naples* with respect to the Collection of Taxes; for he would not allow them to contribute in common with the People, but separately; so that the Nobles collected among themselves, and the Commons did so likewise. And in order to engage the Affections of the *Neapolitan* Nobility the more, in the first Year of his Reign he confirmed the Privilege granted to them by *Manfred*, of dividing amongst themselves the sixtieth part of the Duty upon Merchandize that came to *Naples*, as well by Sea as by Land<sup>5</sup>, which was putting a very great Mark of Distinction between the Nobility and People.

BUT all these fine Prerogatives did not so much contribute to raise the Dignity of these *Seggi* above those of the other *Seggi* of the Kingdom, and make them so considerable as they are at this Day, as the severe Regulations that followed afterwards in admitting new Families, and the reducing of all these *Seggi* into five only.

FORMERLY, even in the Reigns of *Charles*, and of the other Kings of that Family his Successors, there was not so great Strictness observed in incorporating; the Populace and Strangers were indifferently admitted. Which Custom was of a very ancient standing; for *Naples*, as a *Greek* City, following the Example of the *Thebans*, who, as *Aristotle* says<sup>7</sup>, at last admitted amongst the Nobility those of the People that had acquired great Riches; and those likewise, who for a long time had lived in a genteel manner, and left off merchandizing, and such other Employments, receiving both Natives and Foreigners, and for some time observing

<sup>1</sup> Grut. inscript. Orb. fol. 366, & 374.

<sup>2</sup> Cassiod. var. lib. 6. epist. 24.

<sup>3</sup> S. Greg. lib. 2. epist. 6. & lib. 8. epist. 40.

<sup>4</sup> V. Tutin. loc. cit. cap. 8.

<sup>5</sup> Idem. loc. cit. cap. 7.

<sup>6</sup> Idem. cap. 12. pag. 113.

<sup>7</sup> Aristotel. lib. 6. Politic cap 7

the Decorum of Nobility, in Horfes and Arms. Thus in the time of *Charles I.* of which we are now treating, *Fusco Favilla* having lived nobly, and kept Horfes and Arms, begged of the King to allow him to contribute with the Nobility, to which the King consented, saying, *Eo quod vivit cum armis, & equis, contribuat cum militibus* <sup>1</sup>. We read the same of *Marino di Madio*, *Ademaro di Nocera*, and of *Niccolo Canuto* a Neapolitan Citizen <sup>2</sup>. And *Charles II.* his Son allowed *M. Dono* of *Florence* while he lived in *Naples* to be of what *Seggi* he pleased, and to contribute *Cum militibus illius Plateæ, in qua habitaverit, usque ad Regium beneplacitum, ex gratia speciali* <sup>3</sup>. And we read many Instances in the Royal Registers of the King's admitting Families into the *Seggi* in the same manner; for the paying of Taxes with the Nobility was what distinguished the Nobles from the *Plebeians*.

BUT these Taxes being taken off, this manner of admitting into the *Seggi* ceas'd, and the Power of incorporating devolved to the Nobility; who, not being very nice, admitted indifferently all those, who for any considerable time had lived in *Naples* in a handsome manner, whether Citizens or Strangers, and had contracted Affinity with the Nobility: Thus the Family *Saffone*, by living in a handsome manner in *Naples* in the Ward of *Portanova*, and matching with the Nobility of the Place, was incorporated into the *Seggio* of *Portanova*. And we read in the Register of the Parliaments in the Year 1480 of the Admission of *Julio Scorciato*, who was a Stranger in *Naples*, then come from *Castolluccia*; and because he was a Doctor and Counsellor to King *Ferdinand*, and had his House in the Ward of *Montagna*, he was admitted into that *Seggio*. And this was the usual Method of Admission then, as we read in the Process of *Ettore d'Anagni* with the *Seggio* of *Nida*, *That those who were well born, rich, learned, and who lived genteely, were invited to give their Votes in the Seggio of the Ward where their Habitations were* <sup>4</sup>.

WHENCE it came, that in Cases of Redintegration, the having had Houses in the Ward was looked upon as an actual Possession of Nobility in that *Seggio*; and thus were many Families restored, such as the *Pandona*, and the *Mariconda* to the *Capuana*; the *Majorana* to the *Montagna*; the *Mastrogiudice* to that of *Nido*, and many others.

AFTERWARDS by Degrees the incorporating came to be restrained; for the Nobles made some Regulations amongst themselves, whereby other Qualifications were requisite, without which none were admitted: Thus the Nobles of the Ward *Capuana* in the Year 1500, by a publick Act made a Resolution, that whoever had a mind to be admitted into their *Seggio*, must prove himself nobly descended for four Generations, without any Blemish: That he was lawfully begotten, and the Son of such a Father: That for a long time he had had Dealings with the Nobility, and likewise had matched with them: That he was not polluted with any Vice, that might derogate from the Nobility. Those of *Nido* also made many other Conditions both in the said Year 1500, and in the Years 1507 and 1524. In the Year 1420, those of *Montagna* likewise made theirs, and in the Year 1500 added others; all which may be seen in *Tutini*. And the Nobles of *Porto* and *Portanova* made their own Articles, but the ancient Books of these two *Seggi* being lost, it is not known what they were.

BY these Regulations the Nobility of the *Seggi* were the more valued, not only for the Strictness practis'd in Admissions, but because the most important Affairs were to be canvass'd by the Nobles; and lastly, because the Viceroys in managing the King's Affairs, frequently wanted their Assistance; whence, though formerly these Aggregations were little minded, yet afterwards they became so valuable, that there was not a Family, nor Gentleman, nor King's Minister, who did not with all their Interest sollicite to be incorporated; insomuch that the *Seggi*, being plagued with so many Petitions, divested themselves of the Power of admitting, and resigned it into the Hands of the King; whereupon *Philip II.* ordained, that without his Knowledge and Licence none should pretend to be incorporated in, or restored to the *Seggi* of *Naples*; and whoever had a mind to be admitted, he was first to obtain his Majesty's Licence, and then all the Nobles of that *Seggio* being assembled, and the Petition presented, if they were all unanimous for him, he was admitted, but if only one of the Nobles dissented, he was rejected; which proved

<sup>1</sup> Tutin. cap. 12. pag. 112. Registr. ann. 1269. | 38. 1269. D. fol. 35.  
lit. S. fol. 14. | <sup>2</sup> Reg. ann. 1294. M. fol. 179.  
<sup>2</sup> Reg. 1269. lit. C. fol. 6. ater. Reg. 1269. S. fol. | <sup>4</sup> Tutin. cap. 12. pag. 114.

a very difficult Matter, and expos'd a Person to a very doubtful Undertaking. Wherefore many chose rather to claim by way of Justice to be restored, by alleging, that some of their Forefathers had been admitted into these *Seggi*, than to expose themselves to be rejected by the Nobles; so that at present the King has appointed five Counsellors and a Fiscal for deciding these Cases, after the Parties have obtained the King's Licence for putting in their Claim of Restoration. After the Example of *Naples*, the lesser Cities of the Provinces, some of which have close *Seggi*, likewise obtained from the King, that without his Licence none might claim to be restored or incorporated.

THE other Occasion, whereby these *Seggi* became the more valuable, was the reducing them from twenty nine to five only, viz. the *Capuana*, *Nido*, *Montagna*, *Porto* and *Portanova*. When this Restriction was made, Opinions are various, for there are no Writs, whereby the precise time can be ascertained; but since this Union was not made all at once, it is probable that it was brought to Perfection in the latter end of King *Robert's* Reign. And the Method of uniting all those lesser *Seggi* with those five, was so natural and proper, that it would have been surprising if they had done otherwise; for almost all those *Seggi* were composed of six or eight Families, which perhaps was all the Number in those lesser Districts; and depending upon the great *Seggio*, in process of time it often happened, that the greatest part of the Families being extinct, the few that remained joined the principal *Seggio*, and the lesser became extinct, and the Nobles of the principal *Seggio* sold the Ground where the Theatre or Porch stood<sup>1</sup>: Thus about the Year 1235 in the Reign of King *Robert*, we see that the *Seggio* of *Melazi* was sold by the *Seggio Capuana* as belonging to it, because the Families whereof it was composed were extinct. Also in the Year 1331, by order of King *Robert's* Queen, the *Seggio* of the *Griffi* was demolished. And the *Seggio* of *Somma Piazza*, otherwise called the *Seggio* of the *Rocchi*, the Families whereof it was composed having failed, and it being a Receptacle of Thieves, Queen *Joan II.* gave it to *Antonello Centonze di Tiano*. The Nobles of *Montagna* likewise sold the *Seggio* of the *Cimbri*, as their Property to *D. Fabio Rosso*: And in this manner by Degrees they were all reduced to the greater *Seggi*.

BUT how, and at what time one principal *Seggio* was united to another, such as that of *Forcella* to that of *Montagna*, must now be related. Some are of Opinion, that in the time of King *Charles I.* many of the Families of the *Seggio* of *Forcella* being extinct, that Union was made afterwards in the Reign of *Charles II.* his Son. But as *Summonte* first<sup>2</sup>, and afterwards *Tutini*<sup>3</sup> have observed, that's a Mistake; for among the Collectors of the Year 1300, in the Reign of *Charles II.* we read that *Niccolo Saduccio* was Collector of *Forcella*; and in the Articles of King *Robert*, we find that *Giacomo Chianula*, with the other Nobles deputed by the other *Seggi* bought the *Seggio* of *Forcella*<sup>4</sup>.

THEREFORE *Tutini* is in the right in believing, that this Union was made in the latter end of King *Robert's* Reign, on occasion of the Discord arising between the Nobles of the two *Seggi* of *Capuana* and *Nido*, and the Nobles of the other *Seggi*; concerning which *Robert* having appointed some Settlement, recorded by *Summonte*<sup>1</sup>, and likewise by *Tutini*, and wherein there being mention made of six Deputies only, comprehending that of the People, it appears, that at that time the *Seggio* of *Forcella* was united to that of *Montagna*: Which is yet more confirmed by a Writ of Queen *Joan I.* recorded by *Tutini*, wherein she, in the beginning of her Reign, having appointed an Enquiry to be made of all the Feudatories of the Kingdom, those of the *Seggi* of *Naples* are set down one by one, and therein no mention is made but of five *Seggi* only.

IN which Union it is to be observed, that because the *Seggio* of *Forcella* was one principal *Seggio*, which was united to another of the same kind, therefore the *Seggio* of *Montagna* chose two Deputies, one for itself, and another representing that of *Forcella*; which is not to be found in the Union of the lesser *Seggi* to the greater, because the first depending on the last, one Deputy served for all. And in order purely to preserve their Memory, the Election of the Officers continues, which each of these five *Seggi* creates; and including their own five Nobles, they make the

<sup>1</sup> Tutin. dell' Orig. de Seggi cap. 13

<sup>2</sup> Summont. tom. 2. pag. 208.

<sup>3</sup> Tutin. loc. cit.

<sup>4</sup> Cap. de Raptoribus.

<sup>5</sup> Summonte tom. 2. pag. 401.



Number of twenty nine, to represent the antient *Seggi* <sup>1</sup>. These have Power to summon the Nobles for treating about the publick Affairs, they propose the Points to be deliberated upon, receive the Votes, and have great Authority in the Assembly, and are yearly created by the Nobles, and have the Title of Deputies.

ALL these *Seggi* being thus reduced and incorporated, the remaining five at different times began to enlarge their Theatres with magnificent Edifices, and to raise their Porches to that Stateliness we now see; and afterwards from time to time the City, being augmented with new Buildings, and arrived to that prodigious Bulk which is now admired, the Wards grew in Proportion, and became more spacious. All the five are equal, and have no Superiority over one another; although those of *Capuana* and *Nido*, by the Splendor of their Nobility, who possess great Estates and Riches, pretend to excel the rest.

THE Nobles of those five *Seggi* have many Prerogatives; they not only chuse the Deputies, who with that of the People govern the City, and meet together in their Tribunal to treat about the publick Affairs, but likewise exercise many Jurisdictions, and among others that of declaring *Plebeians* to be noble *Neapolitans*, and of naturalizing Citizens. They have also the Power of creating the *Syndic*, who in general Parliaments, and in other publick Functions, in Presence of the Viceroy, represents not only the City, but the whole Kingdom. The Nobles of the *Seggi* of *Capuana* and *Nido*, when they meet to treat about publick Affairs, confer with one another, and can meet together in any one of the two *Seggi*, and give their Votes, but cannot bear any Office but in their own *Seggio*. They have also a Law among themselves concerning the contracting of Marriage, called the new Method of *Capuana* and *Nida*. And the Nobles of *Montagna* of old had likewise a new Method of giving Portions to the Gentlewomen of their *Seggio*. And in ancient Times there was likewise in *Naples* another Method of Marriage Settlement peculiar to the Countesses and Baronesses of the Kingdom.

THE City of *Naples* is made up of two States only, that of the Nobility, and that of the People; for the Ecclesiastical State, which in *France* makes one by itself, with us is not a separate State, but like that of the Magistrates, is diffused among the Nobility and People; therefore in the Government thereof none but the Nobility and People are admitted. Whence it is, that the Government of the City belongs no less to the People than to the Nobility, as it always did, as *Tutini* <sup>2</sup> very fully proves; therefore besides the abovementioned five *Seggi* there is another of the People, which like those of the Nobles, chuses its own Deputy, makes its own Officers, has its own lesser Districts, which they call *Ostine*, and together with the Nobles partakes of the Government of the City, and of all other Honours and Prerogatives <sup>3</sup>.

BUT on the other hand, there being many noble and illustrious Families residing in *Naples*, who are neither of the Nobility nor People; therefore those are looked upon as a distinct Body from the Citizens, and for the most part have their Origin from other Cities, both within and without the Kingdom. Such Nobility have neither Seat nor Place, because if they had they would partake of the Charges, and of the Honours with the other Noblemen of the five *Seggi*.

THEREFORE in the time of the Viceroyalty of *D. Pedro de Toledo*, many Families which had not been admitted into the *Seggi*, nor were a part of the People, resolved to petition *Charles V.* that since they were descended of illustrious Families, were honoured with Fiefs, for many Years were Lords of Vassals, and had matched with the Nobility of the *Seggi*, he would be pleas'd to admit them into the *Seggi*, or to allow them to erect a new *Seggio*, and to enjoy the Honours and Charges which the Nobles of their City enjoyed. But the Emperor being then engaged in the War of *Sienna*, had not Leisure to give them a decisive Answer; and in the mean time many of those Families being afterwards admitted into the *Seggi*, there was no other erected. But afterwards in the Year 1558 the Families that had not been admitted, and many *Spanish* Families renewed the Request to King *Philip II.* but he remitting the Affair to be decided by the Courts of Justice, they were cast. Lastly, in the Year 1637 many illustrious Families, such as the *Aquini*, *Eboli*, *Filangieri*, *Gambacorti*, *Agerbi* of *Aragon*, *Coucobletti*, *Orsini*, *Marchesi*, *Franchi*, *Leiva*, *Mendozza*, and others, brought upon the Carpet again the

<sup>1</sup> Tutin. cap. 13. pag. 131.

<sup>2</sup> Idem, dell' Orig. de *Seggi* cap. 16. & seq.

<sup>3</sup> Idem. cap. 9.

Project for erecting a new *Seggio*, for which they had recourse to King Philip IV. but after a tedious Attendance, according to the usual Slowness of the Spanish Court, out of all Patience, they never mentioned it any more, but were afterwards admitted into the ancient *Seggio*.

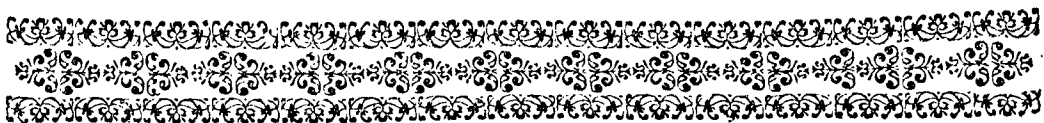
## S E C T. I.

*General Parliaments begun to be held in Naples.*

IN the preceding Books of this History it may be observed, that the Kings of Sicily, when they had Occasion either to establish new Laws, or for other Affairs of the State to call General Courts, they did not appoint them to be held in *Naples*, but in divers Cities of the Kingdom; sometimes in *Melfi*, sometimes in *Ariano*, at other times in *Bari*, *S. Germano*, *Capua*, *Barletta*, and other Places. But after that *Charles I.* of *Anjou* who resided for the most part in *Naples*, invited almost all the Barons, Lords, and the great Officers of the Kingdom to take up their Abodes there: This City was looked upon to be the fittest and most proper for holding the general Parliaments, because most of the Barons lived there, and the Syndics of the other Cities and Towns of the Kingdom, came and joined the two States of the Nobility and People; for with us, as in all other Dominions of Christendom, excepting *France*, the Ecclesiastical makes not a separate State, but as the *Romans* did with respect to their Priests, whom they mixed among the three States, we rank them in the States of the Nobility and People; whence it is, that among us the Clergy has no distinct Place in Parliament; and if sometimes the Prelates are invited, they come there as Barons, as the Abbot of *Monte Cassino*, the Archbishop of *Reggio*, and many others, boast of their being the first Barons of the Kingdom. From this time forward, *Naples* having become the Head and Metropolis of the Kingdom, all the Parliaments that were afterwards called were held there, *Tanquam in solemniori, & habiliiori loco*, as *Charles II.* himself calls it<sup>1</sup>. And Queen *Joan I.* *Charles III.* *Lewis II.* *Alphonfus I.* and the other Kings their Successors continued to hold their Parliaments in this City<sup>2</sup>; so that King *Alphonfus* having summoned a Parliament to be held in *Benevento*, the *Neapolitans* were highly offended, and ordered Matters so that it met in *Naples*.

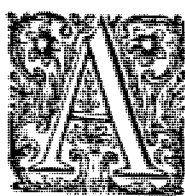
<sup>1</sup> Summonte tom. 2. pag. 208.

<sup>2</sup> V. Costo, Annot. in Collenuccio.



## C H A P. V.

*The Kingdom of Sicily disjoined from that of Puglia, by the famous Sicilian Vespers.*



AMONG all the Reasons already enumerated for the Rise and Grandeur of *Naples*, the chief was the Disjunction of these two Kingdoms; the Consequence of which was two Royal Courts, the ancient one of *Sicily*, and the new one of *Naples*. *Palermo* was continued to be the Place of Residence in *Sicily* by the Kings of *Aragon*, and *Naples* by the *French* in *Puglia* and *Calabria*. And it is worthy of Observation, that not only the Prosperity which had hitherto attended *Charles*, but like-

wife the Advantage which that Prince began to sink under, upon Pope *Nicholas III.*'s Election to the Papacy, contributed to the aggrandizing of *Naples*.

POPE *John* being dead, and the See vacant for six Months, during which time King *Charles* left no Stone unturnd in order to procure the Election of a *French* Pope, the College of Cardinals in the Month of *November* 1277, elected *Giovanni* Cardinal of *Gaeta* of the Family of *Ursini*, who took the Name of *Nicholas III.* This Pope, who not only in a private Life, but while a Cardinal, was looked upon to be both a Man of good Morals, and of a Christian Life, had no sooner mounted *S. Peter's* Chair, than he shewed an immoderate Desire of raising his own Relations; so that in conferring the Prelature and Orders, and in bestowing both the spiritual and temporal Livings within the Dominion of the Church of *Rome*, he minded none but his own Kindred, or those whom they recommended<sup>1</sup>; and moved by this Passion he sent to demand of King *Charles* one of the Daughters of the Prince of *Salerno*, for one of his Nephews. But that King who was used to have Popes for his Vassals and Inferiors, was offended at the Proposal, and answered, that it was not fit to put Royal Blood upon a Level with a Title, which, like that of the Pope's, ends with Life. This Answer so irritated the Pope, that without any more ado he declared himself *Charles's* Enemy, and in a few Days revoked the Privilege, granted and confirmed to him by the other Popes, of being Lieutenant of the Empire, saying, that since in *Germany* *Rhodolphus* had been elected Emperor, it was his Business to elect a Lieutenant, and that the Pope had no manner of Power to elect him, but when the Empire was vacant. Then he came to *Rome*, and finding that by the Favour of his own Relations he was able to do more than the other Popes had done, he stripped him of the Office of Senator; and he made a Law, that neither a King or the Son of a King should ever be capable to exercise that Office.

*CHARLES* did not value the Pope's Indignation a Rush, which, as we shall see, was one of the four Occasions of the Loss of *Sicily*; but being wholly intent upon the War against *Michael Palæologus* Emperor of *Constantinople*, had already made vast Preparations for it in the Kingdom, the Island of *Sicily* and in *Provence*; and had now fitted out for the Expedition a great Number of Gallies, and other Vessels for transporting Horses, and other Necessaries for a prodigious Army; and had intimated to all the Counts and Feudatories subject to him to make themselves ready to follow him; and besides, had written to all his Officers to pick out the ablest Soldiers and Horses, and at the first Order to come with them to *Brindisi*<sup>2</sup>.

THE Rumour of such a vast Preparation much disheartened and terrified *Palæologus*, who knew well how great *Charles's* Power was; nevertheless he made what Preparation he could for warding off the impending Danger; but the Art and Valour of one single Man proved equal to the Assistance he could have promised himself from the greatest Army.

THIS was *Giovanni di Procida* a noble *Salernitan*, Lord of *Procida*, and of many Villages; he was a great Friend to the House of *Suevia*, and highly esteemed by *Frederick II.* on account of his many Virtues, accompanied with great Skill in Physick, which in those Days was not at all derogatory to Honour; for, as may be observed in the preceding Books of this History, that Science was professed by the most illustrious Nobility of that City; neither did the Prelates of the Church think it below them to practise it, such as *Romualdo Guarna* Archbishop of *Salerno*, and *Bernardino Caracciolo* Archbishop of *Naples*, who in the Inscription upon his Tomb recorded by *Summonte*<sup>3</sup>, did not disdain, among his other Encomiums, to have this put: *Utriusque Juris Doctoris, ac Medicinæ Scientiæ periti.* And *Tutini*<sup>4</sup> reports, that he had seen in the Royal Archives a Writ, wherein *Gualtieri Caracciolo* asks Leave of King *Charles II.* to go to *Sicily* to get himself cured of a Distemper by *Giovanni di Procida*, then much advanced in Years. As he had been much esteemed by *Frederick*, he was no less by King *Manfred*, whose Party he was too headstrong in following; so that upon *Charles's* coming, his Estate being confiscated, and not thinking himself safe in *Italy*, by reason of the vast Number of King *Charles's* Adherents, he went to *Aragon* to wait upon *Constantia* the only remaining Branch of the House of *Suevia*, and Wife of King *Peter*, to whom, as the Symbol of the Investiture of these Kingdoms, the Glove had been carried, which, as we have related,

<sup>1</sup> Costanzo hist. lib. 2.

<sup>2</sup> Idem lib. 2.

<sup>3</sup> Summonte, tom. 2. pag. 282. reported likewise

by Chioccar. de Archiep. Neap. anno 1262

<sup>4</sup> Tutini degli Ammiragli pag. 66.

*Conrad* threw upon the Market-Place, when King *Charles* caused him to be beheaded. He was most graciously received both by her and the King her Husband, who in Conversation having found him to be a Man of great Valour and Prudence, made him a Baron of the Kingdom of *Valentia*, and Lord of *Luxen*, *Benizzano*, and *Palma*. *Giovanni* seeing the Munificence of that Prince, turned all his Thoughts upon finding out Means for restoring him and his Queen to the Kingdoms of *Puglia* and *Sicily*; and he began to spend all the Revenues of his Barony in keeping Spies in both Kingdoms, where he had a great many Friends and Followers, and he wrote to those in whom he had the greatest Confidence.

BUT he soon found, that to attempt this in the Kingdom of *Puglia* was a thing impracticable and desperate; for by the Presence of King *Charles*, who had taken up his Residence in *Naples*, and made Progresses to the other Cities of the Provinces; by the Rewards he had given to his faithful Friends; and by the Vigour that had been used against the Rebels, no Memory had been left of *Manfred's* Faction. Therefore he bent all his Thoughts upon the Island of *Sicily*, where he found Matters better disposed; for King *Charles* being at a Distance, had entrusted the Government of it to his *French* Ministers, who, by treating the *Sicilians* in the most harsh manner, were detested by all the Islanders. Therefore *Giovanni* went to *Sicily* in Disguise, and beginning to treat of the Conspiracy with some of the most powerful Men, who had been the worst used by the *French*, they concluded amongst themselves to rise in Arms all at one time against the *French*, and to proclaim *Peter* of *Aragon* their King. But the Forces of the Island seeming not sufficient, and those of *Peter* but inconsiderable, it was therefore thought necessary to procure greater Assistance. *Giovanni* calling to mind the Hatred which the Pope and *Charles* bore one another, and that *Palaologus* being much afraid of *Charles's* Preparations for War, would be glad to enter into any Measures for diverting the Expedition to *Constantinople*, went immediately to *Rome* in the Habit of a Monk to feel the Pope's Pulse, whom he found extremely ready on his part to favour the Undertaking. From *Rome* he went in the same Disguise to *Constantinople*, and with most convincing Arguments demonstrated to *Palaologus*, That the most certain and secure way for his Safety, was to lend King *Peter* Money to forward the Expedition against *Sicily*, by which Means *Charles* would be engaged in a War at Home, and would not think of making one Abroad, of which the Emperor being persuaded, he very willingly offered to be at the Charges, provided King *Peter* would boldly take the Expedition upon him; and he sent with *Giovanni* one of his most trusty Secretaries with a good Sum of Money, which he was to carry to the King of *Aragon*, ordering him likewise to have an Interview with the Pope, to give him an Account of his Inclinations, and of his readiness to send Assistance. The Secretary and *Giovanni* arrived in *Malta*, a small Island not far distant from *Sicily*, where they staid for some Days, till the Heads of the Conspirators had Advice from *Giovanni* to come and welcome the Emperor's Secretary, and to assure him of the good Effects that would result from the Emperor's standing firm to his Resolution till the War should be at an End. Then the Conspirators departed and returned to *Sicily* to encourage those that were in the Secret. In the mean time *Giovanni* with the Secretary went to *Rome*, and having had an Audience of the Pope, they disclosed to him the whole Matter: The Pope, who was afraid of *Charles's* Power, and willing to be revenged of the Injuries done him, in Imitation of his Predecessors, who, with the Assistance of the *French*, had driven the *Suevi* out of *Sicily*, resolved, with the Help of the Forces of *Aragon*, to drive out the Princes of the Family of *Anjou*; so that he not only entered into the Alliance, but upon hearing that *Palaologus* had sent Money, likewise promised to contribute on his part, and wrote to King *Peter*, encouraging him with all Speed to be in readiness to assist the *Sicilians*, as soon as they had put their Conspiracy in execution, and taken Possession of the Kingdom, of which he would immediately give him the Investiture, and assist him in maintaining it. This was the Reason that made the King of *Aragon*, after he was Master of the Island, write to King *Charles*, that it had been surrendered to him by the Authority of the Holy Church, his Holiness the Pope, and the Venerable Cardinals. With these Letters and Promises, in the Year 1280 *Giovanni* went to *Aragon*, and having communicated to the King the Design of putting him in Possession of *Sicily*; *Peter* at first was afraid to engage himself in a War, out of which he doubted to be able to extricate himself with Honour: But *Giovanni* removed all Difficulties. I. By assuring him that the Emperor of *Constantinople*, who by his Secretary had sent him the Money, would for the

time to come contribute towards all the Expences of the War. II. by delivering him the Pope's Letters, who assured him of the same; and that he would give him the Investiture of the Island. III. That the *Sicilians*, out of the implacable Hatred they bore the *French*, would with the utmost Readiness facilitate the Undertaking; and lastly he gave him to understand, that there was no need for his acting, till the Conspiracy in *Sicily* had taken effect. By these weighty Reasons, that King was prevailed upon to consent; and he was the more induced to it, because Queen *Constantia* his Wife not only solicited him to revenge the Injuries done to King *Mansfred* her Father, and to *Conrad* her Brother, but likewise to recover the Kingdoms which belonged to her, all the Male Line of the House of *Suevia* being extinct: Therefore having convened his most trusty Counsellors, the Method of proceeding was debated; and it was agreed upon, That the King should fit out a considerable Fleet, under Pretence of making War against the *Saracens* in *Africa*; and that it should hover upon the Coast of *Africa*, and be ready to make Sail for *Sicily*, if the Conspiracy should succeed: That if it should miscarry, the War against the *Saracens* might be continued, without discovering that the King had any hand in it. And there are some who write<sup>1</sup>, that King *Charles*, understanding that a much greater Fleet was ready to sail, than he imagined King *Peter* was able to fit out, sent to ask for what it was designed: and being answered, That it was for an Expedition against the *Saracens* of *Africa*; King *Charles*, either that he might have the Merit of assisting in a War against the Infidels, of whom he was always a bitter Persecutor, or in order to gratify that King, who was his near Kinsman, sent him twenty thousand Ducats for carrying on that Expedition.

WHILE Matters were in this Situation, and *Procida* was returned to *Italy*, Pope *Nicholas* dies; and by *Charles's* Intrigues, or rather by the Constraint the Cardinals were under, in the Month of *February* 1282, a *French* Pope, *Charles's* Creature, and most intimate Friend, was elected, whom some call *Martin IV.* others *Martin II.* because they call the two Predecessors, not *Martini*, but *Marini*. Therefore *Giovanni di Procida*, fearing lest the Emperor's Courage might be cooled, returned immediately to *Constantinople*, in order to encourage him; and passing through *Sicily*, together with the Secretary, both in Disguise, he had an Interview with some of the chief Men of the Conspiracy, to whom he gave hopes, by telling them what had been done; and that they ought not in the least to be disheartened because of the Death of Pope *Nicholas*: And he got them to declare to the Secretary, that the *Sicilians* would rather die, than live in the Slavery they were under; that he might report their Resolution to the Emperor, who would thereby be encouraged. Then they pursued their Voyage, and arrived safely at *Constantinople*. And it has been taken notice of by all Writers as a Miracle, that this Conspiracy, carried on by so many different Nations, and in different Parts of the World, for the space of two Years, was by the Art and Dexterity of *Procida* so managed, that tho' King *Charles* had Friends every where, yet he never had the least Suspicion of it.

ON the other hand King *Peter*, though the Death of Pope *Nicholas*, a principal and considerable Party in the Alliance, discomposed him a little; yet he would not drop the Undertaking, but sent an Ambassador to the new Pope, to congratulate him upon his Election, and to beg the Favour of him, that he would be pleased to canonize *Fr. Raimond de Pegnasorte*; but really to sound the Pope, by insinuating artfully, that he would rather chuse to prosecute the Right which Queen *Constantia* had to the Kingdoms of *Puglia* and *Sicily*, by way of Process before the College of Cardinals, than to decide it by War. But the Pope having thanked the Ambassador for his Visit, and waving to answer him concerning the Canonization said to him, Tell King *Peter*, that he would do much better to pay the Church of Rome the great Arrears of yearly Tribute, which King *Peter* his Grandfather promised for himself and Successors to pay, as her true Vassals and Feudatories; and that he is not to expect any Favour from the Apostolical See, till he has first paid the Debt<sup>2</sup>.

WHILE these things were transacting, *Giovanni di Procida*, under different Disguises, having returned from *Constantinople* to *Sicily*, went up and down through the principal Cities, soliciting the Conspirators, and always by secret Messengers, advised King *Peter* of what passed; and being apprized that *Peter's* Fleet was

ready to fail, he carried on the Rebellion with so much Conduct and Diligence, that in the Month of *March* the third Day of *Easter* 1282, upon the Sound of the Bell for *Vespers*, in all the Towns of *Sicily*, where the *French* were, the People took up Arms, and killed them all with such an immoderate Desire of Revenge, that they spared not the very Women of the Island who had been married to *Frenchmen*, nor even those of them that were big with Child, nor their Infants; and nothing was heard but the Names of King *Peter* of *Aragon* and Queen *Constantia*: and this is what was, and is still called *The Sicilian Vespers*. This cruel Slaughter, in which about eight thousand Persons perished, was all over in less than two Hours; and if some few during that time had found means to hide themselves, that did not save them; for being searched after, and pursued with an immoderate Thirst of Vengeance, they were at last killed.

AN Account of this cruel Slaughter, and of so sudden a Change and Revolution was sent in a Letter by the Archbishop of *Monreale* to the Pope, at the time that *Charles* was with him in *Montefiascone*. The King was surprized and much dejected, at having in so short a time lost a Kingdom, and a great Part of his veteran Soldiers; and after he had recommended his Affairs to the Pope, he immediately returned to *Naples*; and the Fleet, designed against the *Greek* Emperor, being already in Order, he made sail with it towards *Sicily*, and laid close Siege to *Messina*.

ON the other hand Pope *Martin*, anxious to have the Island recovered, sent the Cardinal of *S. Sabina* to be Apostolical Legate in *Sicily*, with Letters to the Prelates and the Cities of the Island, exhorting them to return to *Charles's* Obedience; and ordering the Legate, that if these Letters had not Effect, to proceed not only to Excommunication and Interdiction, but to use all other Methods for favouring the King's Affairs.

THE Cardinal arrived at *Palermo*, at the same time that *Charles* came to *Messina*; but as the Legate's Excommunications and Interdictions made no Impression upon the obstinate *Sicilians*; so the Siege of *Messina* was carried on with so much Vigour, that at last the Inhabitants were willing to surrender upon Condition only of having their Lives saved; but King *Charles* was so transported with Rage, that he would not grant them that Condition. They sent Deputies to the Pope, begging of him to intercede for them with the enraged Prince; but they were denied Audience; so that reduced to the utmost Despair, they resolved to defend themselves to their last Breath.

*GIOVANNI di Procià*, who was in *Palermo*, impatient of King *Peter's* Delay, who had already with his Fleet gone over to *Africa*, and was besieging a City, which the *Sicilian* Historians call *Andacalle*, seeing the Straits the *Messinians* were reduced to, embarked in a Galliot with other three, who went with him under the Title of Syndicks for the whole Island to find out King *Peter*; and having informed him of the great Necessity of a speedy Relief, he was immediately persuaded to quit the Coast of *Africa*, and with his Fleet steered his Course towards *Palermo*.

THEN it was that *Peter*, no longer able to conceal his Design upon *Sicily*, was resolved to lay before those Princes of *Europe*, who were his Relations, the Justice he had on his Side; so that before he left *Africa*, in the Year 1282, he wrote a Letter to *Edward* King of *England*, which we read in the *Acta Paenica* of that Kingdom published in the Reign of Queen *Anne*<sup>1</sup>; in which he tells him, that being employed in the War against the *Saracens*, the *Sicilians* had sent Deputies, begging of him to come and take Possession of *Sicily*, which he was resolved to do, because that Kingdom belonged to *Constantia* his Wife. Then he set sail for *Sicily*, and on the last Day of *August* he landed at *Trapani*, whither all the Barons and Gentlemen of the Neighbourhood came to meet him: From thence he went to *Palermo*, where, with great Pomp and Magnificence, he was crowned King by the Bishop of *Cefalu*; the Archbishop of *Palermo*, whose Office it was, being at that time with Pope *Martin*.

UPON the Arrival of King *Peter*, the Citizens of *Messina* took Courage, and vigorously defended their City; and not only those who were able to bear Arms, but the Women likewise and the old Men repaired in the Night-time, what was in the Day beat down by the Machines of War.

<sup>1</sup> Fœdera, Conventiones, Literæ, &c. tom. 1. pag. 205.

IN the mean time King *Peter*, by the Advice of *Procida*, ordered the famous *Roger of Loria*, Admiral of his Fleet, to go and attack that of the *French*, and to guard the *Phare*, in order to prevent any Provision coming to the *French* Camp from *Calabria*; and he himself, to animate the People, and keep up the Spirits of those of *Messina*, left *Palermo*, and came to *Randazzo*, a Town nearer *Messina*. From thence he sent three *Catalan* Knights his Ambassadors to King *Charles*, with a Letter, by which he acquainted him, that he was come to *Sicily*, which had been surrendered to him by the Authority of the Church, the Pope and Cardinals, and commanded him, upon Sight of this Letter, immediately to depart the Island, otherwise he would force him to do it. *Charles* having read this Letter publicly in Presence of all his Barons, they all expressed an incredible Disdain; and as much as the King was above the Barons in Power and Pride, so much the more Haughtiness did he discover; neither could he bear, that King *Peter* of *Aragon*, who was looked upon to be one of the poorest Kings in *Christendom*, should have dared to write to him with so much Arrogance, who took himself to be the greatest King in the World. They consulted what Answer to give; but Count *Guido* of *Monforte* was of opinion, that no Answer ought to be given, but immediately to go find him out, and chastise him for his Insolence: but the Count of *Bretagne*, who was then with the King, advised him to return an Answer in a much more haughty Style, which was done by a short Letter, wherein he called him saucy, and a Traytor to God and the Holy *Roman* Church. These two Letters are not only recorded by *Villani* and *Costanzo*, but are likewise to be seen in the foresaid *Acta Publica* of *England*, in the *Italian* Language, in which they were written<sup>1</sup>.

THE two Kings being thus exasperated, they were very free in bestowing injurious Names upon each other. In the mean time *Peter* had conveyed Relief into *Messina*, and *Roger de Loria* had gone with the Fleet to the *Phare* to fight the *French*, and to stop Provisions. *Errico Mari*, *Charles's* Admiral, came to acquaint him that he could not pretend to face the *Catalan* Fleet, which was well provided with Men fit for a Sea-Engagement. *Charles*, who on all Occasions had shewed himself bold and intrepid, was now disheartened; and having called a Council, after a strict Examination it was concluded, that in order to prevent the Army's being starved by the King of *Aragon's* Fleet, they ought to raise the Siege, retire to *Calabria*, and delay the Undertaking till another time. Although Indignation and Pride pushed *Charles* not to depart so shamefully; yet he raised the Siege, full of Rage and Discontent, passed over to *Calabria*, with a Resolution to renew the War in the Spring with all his Forces; but his Men were scarcely landed at *Reggio*, when *Roger de Loria* attacked his Fleet, and almost in his Sight took thirty of his Gallies, and burnt above sixty other Transport-Ships; which so struck him to the Heart, that he was heard pray to God in *French*, That since he had raised him to such a high Station, and now was pleased to humble him, he would vouchsafe to do it by more gentle Steps. After he had quartered his Army among the Towns next to *Sicily*, he came to *Naples*, and in a few Days after went to *Rome*, to complain of his Enemy to the Pope, and left the Prince of *Salerno* Lieutenant of the Kingdom, to whom he gave prudent Counsellors, to assist him in the Government thereof.

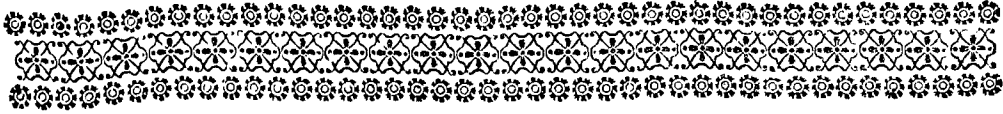
BUT while *Charles* was losing time in complaining to the Pope, on the tenth of *October* King *Peter* made his Entry into *Messina*, and was received with universal Acclamations, and acknowledged and proclaimed King over all the Island. And having taken up his Residence there, he put all things in Order, and settled the Kingdom again; and all continued quiet and peaceable at his Devotion. But tho' the Cardinal of *Parma*, the Apostolic Legate, resolved to disturb him with Interdictions and Censures; he, after the Example of the Kings of *Sicily* his Predecessors, little regarding the Interdiction, forced the Priests to celebrate the divine Offices; and those Prelates of the Pope's Faction, who refused to celebrate in their Churches, were allowed to depart, and go to *Rome*<sup>2</sup>. And soon after, having sent for Queen *Constantia* his Consort, his two Sons *D. James* and *D. Frederick*, and one of his Daughters, named *D. Violante*, to come to *Palermo*; he conjured the *Sicilians* to be faithful to *Constantia*, whose lost Kingdom he had recovered. Then being obliged to go to *Aragon*, and from thence to *France*, to meet King *Charles* at *Bourdeaux*, and there, as had been appointed, to fight a Duel with him; he

<sup>1</sup> Federa, Convent. &c. tom. 1. pag. 225.

<sup>2</sup> Costanzo lib. 2.

obliged all the *Sicilians* to swear to *Don James* his Son, as his lawful Successor and Heir: which was most readily done with great Feastings and Rejoicings.

THUS were these two Kingdoms disjoined; whence there came to be two Royal Seats, *Palermo* in *Sicily* for the *Aragonians*, and *Naples* in *Puglia* and *Calabria* for the *French*.



## C H A P. VI.

*The Officers of the Crown divided. The Tribunal of the High Court established at Naples; and of the Lieutenant's Court.*



HO' in the Times of the *Norman* and *Suevian* Princes there was but one Royal Seat, and the Officers of the Crown were the same both in *Sicily* and *Puglia*: yet henceforward each Kingdom had its own; neither did those of the one interfere with those of the other. King *Peter* made his own for the Kingdom of *Sicily*, and King *Charles* retained the old, whose Jurisdiction was confined to the Kingdom of *Puglia* only. Thus the King of *Aragon* having appointed *Alaimo di Lentino*, who had been one of the Heads of the Conspiracy, to be chief Justice of that Island, two *High Courts* were erected, one in *Sicily*, of which *Alaimo* was President, another in *Naples*, whereof *Luigi d' Monti* was Chief Justice; whence it is, that *Sicily* still retains a *High Court*, without having a Court of Lieutenantcy; for in that Island there was no such Court, as was in *Naples*, where it was instituted by *Charles I.* when he left the Prince of *Salerno* Lieutenant of the Kingdom, as shall be related. Thus at the same time that King *Peter* made *Giovanni di Procida* High Chancellor of *Sicily*, there was another in *Naples*. *Roger de Loria* was King *Peter's* High Admiral, and *Errico di Mari* King *Charles's*; and so of all the other Offices.

THEREFORE to this day *Naples* has its own Officers distinct from those of *Sicily*, although the two Kingdoms were reunited afterwards under *Alphonfus I.* What *Sicily* gained by this Division was, that the Popes being always Enemies to the House of *Aragon*, and ever desirous of restoring that Island to the Family of *Anjou*, the *Aragonian* Kings never required Investiture of the Popes; so that in time *Sicily* became independent of them; and Investiture was given only for the Kingdom of *Naples*.

BUT there is no truth in what *Monstervs*<sup>1</sup>, *Freccia*<sup>2</sup>, and *Summonte*<sup>3</sup> have written, that because the City of *Naples* by so many Steps had been raised to be the Head and Metropolis of the Kingdom of *Puglia*, that therefore from this time this Kingdom was called *The Kingdom of Naples*; and that *Charles I.* of *Anjou* would have the Title of *King of Naples*; for not only *Charles I.* but *Charles II.* his Son, and *Robert* his Grandson, and all the other Kings his Successors, notwithstanding the Bull of *Clement IV.* who gave the Name of *Sicilia citra & ultra Pharum* to these Kingdoms, would not in their Writs alter one Jot of the ancient Titles; but would still be called *Rex Siciliae, Ducatus Apuliae, & Principatus Capuae*. And had it been for no other Reason, as the Kings of *Aragon* were in Possession of *Sicily*, but that they might not be thought to have given up their Claim to that Island, they, as well as those Kings, retained the Title of *Kings of Sicily*. And this Kingdom being afterwards called *The Kingdom of Naples*, and no more *Puglia*, did not commence at this time, but long after, when it was again divided from *Sicily*, in the Reign of

<sup>1</sup> Monsterv. Geogr. fol. 276.

<sup>2</sup> Freccia de Subfeud. lib. 3. cap. ult. post num. 37.

<sup>3</sup> Summonte tom. 2. pag 211.



*Ferdinand I. of Aragon*, the Son of *Alphonfus* and his Successors; for those Kings, being possessed of *Naples* only, and having no Pretensions to *Sicily*, took only the Title of Kings of *Naples*, or of *Sicily citra Pharum*. And in the Reign of the Family of *Anjou*, the Writers of those Times gave this Kingdom no other Name but that of *Puglia*; as is plain from *Giovanni Boccaccio*, besides several others who wrote in the Reigns of King *Robert* and Queen *Joan I.* and never call this Kingdom *Naples*, but always *Puglia*.

## S E C T. I.

*Of the Tribunal of the High Court established in Naples.*

THE Establishment of this Tribunal in *Naples* is not purely owing to *Charles* the First's Residence in that City, but chiefly to the Division of this Kingdom from that of *Sicily*; which obliged both him and his Successors to keep it there: Not that this Tribunal owes its Institution to *Charles*, or to *Frederick II.* as some have believed; but, as is observed in the eleventh Book of this History, when we had occasion to discourse of the Lord Chief Justice, it was introduced by the *Normans*. *Frederick* by many Constitutions raised it, and very much enlarged its Jurisdiction, by making it the supreme Tribunal; and in imitation of him, the Kings of the Family of *Anjou* afterwards did the same. Formerly, besides the Lord Chief Justice, it was composed of four Judges; but *Frederick* added the Advocate and Procurator Fiscal, the Master of Accounts, many Notaries, and other inferior Officers. In this Tribunal were pleaded, not only civil and criminal Causes, but likewise Feodal, of Baronies, Counties, and Quadripartite Fiefs: the Examination of Deeds, and all the Causes of the other inferior Tribunals, and Justices of the Provinces, and even Causes from the King's Delegates were brought before it by Way of Appeal. All Counts, Barons, and all Persons in the Kingdom were under its Jurisdiction. It could likewise take Cognizance of High Treason, and of all the most weighty and important Causes of the State.

THE Kings of the Family of *Anjou* by their Regulations established a more methodical and fixed Form of Proceeding in this Tribunal; and among the rest *Charles II.* in the Year 1306. while *Ermengano di Sabrano* Count of *Ariano* was Lord chief Justice, sent him many other Regulations, whereby he gave him more particular Instructions in the manner of executing his Office; shewing him what a high Station he was in, and over how many Causes he could extend his Jurisdiction<sup>1</sup>.

BECAUSE the Lord Chief Justice was the Head of this Tribunal, it was likewise called *M. Curia Magistri Justitiarum*, who formerly had Power of appointing his own Deputy, who presided in his Absence; which Power was afterwards taken from the Chief Justice, and given to the Viceroys, which they still enjoy.

*NAPLES* became likewise more conspicuous than the other Cities of the Kingdom, by the Establishment of this Tribunal; which, by Way of Appeal, drawing all the Causes of the Kingdom to it, where the most important Affairs of the Counts and Barons were transacted, made it of course more frequented and populous. Tho' by the Residence of the Kings of the Family of *Anjou* so august a Tribunal was established, yet that more ancient one of the *Capitano* was not suppressed. The *Capitano* of *Naples* had his Court composed of its own particular Judges, in which Justice was administered to the *Neapolitan* Citizens and Burghers<sup>2</sup>. He likewise extended his Jurisdiction over the City of *Pozzuolo*; whence in the Registers<sup>3</sup> of these *French* Kings, we read of some that were *Capitani* of *Naples* and *Pozzuolo*; such as *Aymericus de Deluco Miles Capitaneus Neapolis, & Puteolis*. And in the Reign of King *Robert* we also find *Roberto di Cornai*, *Capitano* of *Naples* and *Pozzuolo*: He was immediately appointed by the King; and therefore the President of the High Court could not hinder him from exercising

<sup>1</sup> We read of these Regulations in Register an. 1306. lit. A. fol. 95. and they are mentioned by Tutini de' Mag. Giustiz. pag. 10.

<sup>2</sup> Tutini de' M. Giustiz. pag. 2.

<sup>3</sup> Registr. ann. 1302. cap. 4. lit. A. fol. 3.

his Jurisdiction in those Places. So we read in the Reign of *Charles II.* that *Francesco d'Ortona Capitano* obtained of the King, that the President of the High Court should not hinder him from exercising his Jurisdiction in the City of *Pozzuolo*.

IN the time of *Charles I.* of *Anjou*, as we have related elsewhere, the famous *Marino di Caramanico* was a Judge of the *Capitano's* Court in *Naples*; and we have frequent mention of it in the Registers of these *French* Kings. We read in the Register of that King for the Year 1298, a Writ directed, *Capitano, & universis hominibus Civitatis Neap. &c.*<sup>1</sup> And in the Registers of King *Charles II.* for the Years 1302 and 1303, we read, that the House of the *Fellapani* in the Ward of *Portanova*, which was then in the middle of the City, was chosen to hold this Court; from which the Church of *S. John a Corte* took its Name, as *Summonte* writes<sup>2</sup>; tho' *Tutini*<sup>3</sup> believes it to have taken its Name from the Tribunal of the High Court, which he says was erected in that District. In the time of King *Charles III.* we have likewise a Record of this Court in a Writ of that King's, mentioned by *Tutini*<sup>4</sup>, directed, *Magistro Justitiario Regni Siciliae, & Judicibus M. Curiae Consiliariis; nec non Capitano Civitatis Neap. &c.* There is also mention made of it in the last Years of the Reign of the Kings of the Family of *Anjou*; for Queen *Joan II.* speaks of it in her Customs of the High Court of the Lieutenancy<sup>5</sup>. But it being never mentioned afterwards, *Tutini* believes<sup>6</sup>, that this Court was suppressed by the Kings of *Aragon*; so that now the Tribunal of the High Court takes Cognizance of its Causes: and in the latter Times of the Family of *Anjou* it was much diminished; for it only took Cognizance of criminal Causes left, and could not determine the Validity of Deeds, as may be seen in the Usages of Queen *Joan II.*<sup>7</sup> whereby we are convinced of *Prospero Caravita's* Error<sup>8</sup>, who believed, that as the Lord Chief Justice presided in the High Court, so this *Capitano* presided in the Court of Lieutenancy, before these two Courts were united; for the Court of the *Capitano* of *Naples* was quite distinct from that of the Lieutenancy, of which we are now going to treat.

<sup>1</sup> Registr. ann. 1298 & 99. lit. C. fol. 207. mentioned also by *Summonte*, tom. 2. pag. 329.

<sup>2</sup> *Summonte* loc. cit.

<sup>3</sup> *Tutini* de' M. Giustiz. pag. 7.

<sup>4</sup> *Idem*, Orig. de' Seggi pag. 208.

<sup>5</sup> Rit. 55 & 302.

<sup>6</sup> *Tutini* de' M. Giustiz. pag. 3.

<sup>7</sup> Rit. 55 & 302.

<sup>8</sup> *Carav.* Rit. 55 & 302.

## S E C T. II.

### *Of the Lieutenant's Court.*

THE Lieutenant's Court, commonly called the *Vicaria*, must be distinguished not only from that of the *Capitano* of *Naples*, but likewise from the High Court, as well with respect to the Origin, as the Persons whereof they are composed, and their Pre-eminencies. The Tribunal of the High Court is more ancient, as owing its Institution to the *Normans*. The Lieutenant's Court had its Rise from *Charles I.* of *Anjou*; but its Form and Perfection is owing to *Charles II.* his Son. Yet *Frezza* and *Mazzella* believed, that this Tribunal was instituted by King *Robert Charles II's* Son.

THE Rise of this new Tribunal ought to be attributed to the Anxieties and continual Troubles with which *Charles I.* was afflicted, when he found that Fortune had first frown'd, and then quite forsaken him; for no sooner was he attended with ill Success, than he saw his Subjects rebelling; and in a trice *Sicily* lost, and himself on that account involved in a new War with *Peter* King of *Aragon*, his bitter Enemy and Competitor. *Charles*, struck with so great a Blow, left nothing unattempted in order to recover *Sicily*: He marched all his Forces against the *Sicilians*, but in vain: He laid close Siege to *Messina*; but being forced to abandon it, he went to *Rome*, where he made heavy Complaints against King *Peter*, calling him treacherous and faithless; and there he upbraided his Ambassador, and challenged that King to fight a single Combat. The Challenge was accepted by *Peter*; and *Bourdeaux*, then in the Possession of the King of *England*, was pitched upon to be the Place where the Duel was to be fought.

*CHARLES* therefore being obliged to make so long a Journey, and uncertain of his surviving so dangerous an Action, in order to prevent the Kingdom of *Puglia* from following the Example of *Sicily*, resolved to make the Prince of *Salerno* his eldest Son and Successor Lieutenant of the Kingdom, with absolute and independent Authority during his Absence. He likewise appointed the gravest Ministers, and the greatest Lords for assisting him as Counsellors, in deliberating upon the weighty Affairs of State. And the Prince managed that great Authority with so much Prudence, that he restored the Kingdom to a better Form of Government; making many Regulations, full of consummate Prudence and Beneficence towards the People, of which in their Places.

FROM this new Dignity of *Lieutenant*, and from the Officers appointed to be the Prince's Counsellors, arose this new Court, called the *Lieutenant's Court*<sup>1</sup>; which was much greater and more magnificent than the High Court, that was represented by the Lord Chief Justice, who was one of the Officers of the Crown; but this Court was represented by the Person of the King's eldest Son, as Lieutenant of the Kingdom, which certainly made it to be of greater Dignity and Pre-eminency. Whence at present the Tribunal of the High Court derives the Prerogative of putting Criminals to the Torment when accus'd, because of its being united to the Lieutenant's Court; for otherwise the High Court alone could not do it<sup>2</sup>.

BUT in the time of *Charles I.* the Lieutenant's Court was only in *Embryo*, and the first Draughts were but drawn; as almost all *Charles's* other Works were, which were brought to Perfection by his Successor.

*Charles II.* gave it a more noble Form, and a better Establishment, upon an Occasion which we shall relate. This Prince having promised in the Articles of Peace made for obtaining his Liberty, to return again to Prison, in case that *Charles of Valois* did not renounce the Investiture of the Kingdom of *Aragon*; and seeing the Renunciation delayed, he resolved to go to *France* in order to press the King of *France* and his Brother to perform it, with a firm Resolution to return to Prison, if he should not be able to obtain it. Being obliged therefore to undertake that Journey, in the Year 1294 he made *Charles Martel* his eldest Son Lieutenant of the Kingdom, as we read in the Book of the Archives for the Year 1294<sup>3</sup>. And having delayed his Journey to *France*, he went to *Rome* to be present at the Election of the new Pope; from whence in the Month of *April* the Year following 1295; he sent more exact Instructions concerning the Government of this Court, and appointed Counsellors for his Son, and all other Officers of which it was to be composed, whence we likewise gather the Prerogatives of this Tribunal; for there were some of the supreme Officers of the Crown appointed to be Counsellors to the Lieutenant. And the first that were chosen were *Philippo Minutolo* Archbishop of *Naples*, the same whom *Boccaccio*<sup>4</sup> mentions in his Novels, *Giovanni Monforte* Count of *Squilacci* Chamberlain, *Raimondo del Balzo* Son of the Count of *Avellino*, *Gottifredo di Miliagro* Steward, *Guglielmo Stendardo* Marshal, *Rainaldo de Avellis* Admiral, *Guido di Alemagna* and *Guglielmo de Pontiacio* Knights, *Tommaso Stellato di Salerno* Professor of the Civil Law, *Andrea Acconciajoco di Ravello* Professor of the Civil Law, and Vice-protonotary of the Kingdom, and *Fr. Matteo di Roggiero di Salerno*, and *M. Alberico* Clerks and the King's Domesticks. He likewise prescribed to them the Method of dispatching the Affairs belonging to their Offices, by setting down each of their Duties, as may be seen in his *Diploma* drawn up in *Rome* by the Hands of *Bartolommeo di Capua*, and recorded not only by *Chioccarelli*<sup>5</sup>, but also by *Tutini*<sup>6</sup>.

THE same Method was observed by the other Kings of the Family of *Anjou* his Successors; and *Charles II.* as soon as *Charles Martel* went to *Hungary* to take Possession of that Kingdom, chose *Robert* his other Son to be Lieutenant of the Kingdom<sup>7</sup>. *Robert* having mounted the Throne, made his only Son *Charles* Duke of *Calabria* his Lieutenant, of whom as Lieutenant we have many Regula-

<sup>1</sup> Summonte tom. 2. pag. 211, & 328.

<sup>2</sup> V. Grammat. decis. 34. n. 9. Carav. Rit. 1. n. 35. Hieronym. Cala de præmin. M. C. V. cap. 1. n. 7, 8.

<sup>3</sup> Archiv. ann. 1294. fol. 10. Summonte tom. 2. pag. 330.

<sup>4</sup> Boccacc. giorn. 2. nov. 5.

<sup>5</sup> Chioc. de Archiep. Neap. ann. 1288.

<sup>6</sup> Tutin. de M. Giustizieri pag. 4.

<sup>7</sup> Freccia de Subfeud. lib. 1. cap. 10. de Offic. Logot. num. 40. Summonte tom. 2. fol. 329. Tutin. de M. Giustiz. fol. 2.

tions, and a Constitution among the Usages of the High Court<sup>1</sup>. And, in the latter end of their Reign we likewise read, that Queen *Isabel* was made Regent of the Kingdom by King *Renatus* her Husband, which Queen in the Year 1436 directed a Letter to *Raimondo Orfino* Count of *Sarno* Lord Chief Justice of the Kingdom, and to the President of the High Court of the Lieutenancy, which we read among the Usages of that Queen<sup>2</sup>.

IT was likewise the Custom, that the Lieutenants, in case of Absence, or other Impediment, were wont to chuse a Deputy to attend the Administration and Government of this Court; and to shew how much this Tribunal was raised in the Reign of the Family of *Anjou*, the King's Sons did not think it below them to be Deputies of it. So we read that *Raimondo Berlingiero* King *Charles* II's fifth Son was elected Deputy<sup>3</sup>; and in the Year 1294 the said King made *Pietro Bodino* of *Anjou* Deputy; and in the Year 1306 *Niccolo Gianvilla*. King *Robert* likewise created several Deputies, such as in the Year 1326. *Francesco Stampa di Potenza*; and in the Year 1338 *Giovanni Spinello da Giovenazzo*. Queen *Joan* I. likewise in 1369 made *Gomesio de Albernotiis*; and therefore he was called *Regens Curiam Vicariæ, & Capitaneus Generalis Regni Siciliae*<sup>4</sup>.

HENCE this new Tribunal of the Lieutenancy very much eclipsed that of the High Court; for with Regard to the Personages of which it was composed, it raised itself above all the rest, and was, as the Collateral Council of the Prince is to us at present. And as in the time of the *Normans* and *Suevi* we find that the High Court was the supreme Tribunal, so in the Reign of the Family of *Anjou* the Lieutenant's Court had the Ascendent. In the Reign of the House of *Aragon* the new Tribunal of the *Sacred Council of S. Clare* obscured them both; and in the Reign of the Family of *Austria* the *Collateral Council* became the most eminent of all, as we shall see in the Course of this History.

THESE Tribunals of the High Court and of the Lieutenancy were for a long time divided; for at the same time we read of Lords Chief Justices who presided in the High Court, and of Lieutenants, or their Deputies, who presided in their own Court. In the time of *Charles* II. we find *Ermengano di Sabrano* Chief Justice of the High Court, and *Niccolo di Gianvilla* Deputy of the Lieutenant's Court; and in all the Writs during the Reign of the Family of *Anjou* we observe those Writs of the Deputies of the Lieutenant's Court to run one way, and the Writs of the Chief Justices of the High Court another. We read those who presided in the first, thus; *Regens Curiam Vicarii*, and those who presided in the last, thus; *In quo hospitio M. Curia Magistri Jusititarii Regni, regebatur, & regitur*. In short the High Court was called, *Curia Magistri Jusititarii*, and that of the Lieutenant, *Curia Vicarii, seu Vicarie*.

WHEN it was that these Tribunals were united, and reduced to one, and therefore called the *High Court of the Lieutenancy*, Opinions are various. *Tutini*<sup>5</sup> believed, that this Union was made by *Charles* I. but he is very widely mistaken; for he is so far from being the Author of this Union, that we can scarcely acknowledge him for the Founder of the Lieutenant's Court, he having only given us the first Draughts of it. And we cannot say that *Charles* II. united them, because he brought the Lieutenant's Court to Perfection, and made it more eminent than the High Court, on account of the Personages of which he would have it composed; and in the Writs of the other Kings of that Family, frequently when these Tribunals are mentioned, the one is called *Curia Magistri Jusititarii*, and the other *Curia Vicarii*. For which Reason some have believed, that this Union was not made during the Reign of the *Anjou* Family; and *Prospero Caravita*<sup>6</sup> thinks, that even in the Reign of Queen *Joan* II. these Tribunals were still divided. Others say, that this Union was made in the latter end of the Reign of *Alphonsus* I. of *Aragon*, who having instituted the new Tribunal of *S. Clare*, joined these Tribunals into one, and called it the Lieutenant's High Court, which *Toppi*<sup>7</sup> affirms: But it is more probable, that this Union was not made hastily. The Ground and Occasion of these two Tribunals being by Degrees united, must be carried back to the Reign of *Charles* II. about the Year 1306. And there were greater Occasions given for this Union after the Lieutenancy of the Duke of *Calabria* King *Robert*'s Son, but much greater in the Reign of Queen *Joan* II. so that in the latter end of the Reign of *Alphonsus* I. King of *Aragon* the Union was completed, and of two Tribunals one only was formed.

<sup>1</sup> Rit. de Supplendis defectib. detestantes, &c.

<sup>2</sup> Rit. seq. Isabella &c.

<sup>3</sup> Tutin. loc. cit. fol. 3. Summonte loc. cit.

<sup>4</sup> Tutin. loc. cit.

<sup>5</sup> Idem.

Carav. Rit. r. num. 35.

<sup>7</sup> Toppi tom. 1. de Orig. Tribunal.

Charles II. himself was the original Cause of this Union; for, as we have said, he having in the Year 1306 drawn up some Articles<sup>1</sup> concerning the Administration of the Office of Lord Chief Justice, which he directed to *Ermengano de Sobrano* Lord Chief Justice of the Kingdom of Sicily; among other things therein contained, he ordain'd, that the Lord Chief Justice should take Cognizance of all Causes of Violence, Injuries, Crimes, and of all that belonged to the Lieutenant's Court, *Sicut Robertus primogenitus noster Dux Calabriae, nosterque Vicarius Generalis posset adiri.* The Power of taking Cognizance, and the Prerogatives being thus perplexed, it was an easy Matter in time to bring about this Union, and to join these two Courts in one. But after the Lieutenancy of the Duke of Calabria, King Robert's Son, the Division was looked upon to be more useles; for after him we read of no other Lieutenants, excepting, that in the last Period of their Reign Queen Isabel was made Regent of the Kingdom by her Husband *Renatus*; so that the Division was unnecessary, seeing the Affairs of these two Tribunals could be dispatched with greater Ease when joined in one. Then Queen *Joan II.* by her Usages resolving to reform these two Courts, thought fit to unite them into one; whence it came, that the Lord Chief Justice, who was Head of the High Court in the time of the Normans, when these two Tribunals were united, became likewise Head of it. Whence it is, that all Writs and Orders that are sent from the High Court of the Lieutenancy, as well concerning the whole Kingdom as the City of Naples, are published in the Name of the Lord Chief Justice.

FROM hence it proceeded, that the Superintendency of these two Courts having been given to the Lord Chief Justice alone<sup>2</sup>, as he could appoint a Deputy for his own High Court, so he had likewise Power of appointing one for the Lieutenant's Court; and these two Dignities and Offices were lodged in the Person so appointed by him; of which Deputies, *Niccolo Toppi* has collected a long Catalogue down to his own time.

WHENCE it likewise came, that Queen *Joan II.* having a mind to reform and restore the Usages and Customs of these Courts; and finding, that in her own time they reciprocally communicated all their Authority and Prerogatives to one another, with one single Constitution she took care to provide for the good Government and Administration of them.

AND it is to be observed, that whereas the Usages which this Queen appointed were designed for the better Government and Administration of this Tribunal, made up of two Courts, therefore she sometimes calls it her Court, or the High Court of the Lieutenancy in the singular Number, and sometimes Courts in the plural. Thus she says in the Preface; *In nostris Magnæ, & Vicarii Curiiis.* And in the first Usage; *In prædictis nostris Magnæ, & Vicariæ Curiiis, & qualibet ipsarum.* And elsewhere; *Judices ipsarum Curiarum*<sup>3</sup>; and it is also remarkable, that in the Privileges granted by this Queen in the Year 1420 to the Neapolitans, and inserted amongst those Usages<sup>4</sup>, it being her Pleasure that they should take place in all the Courts of Naples, she speaks thus: *Tam scilicet Magna Curia Domini Magistri Justitiarum Regni Siciliae, seu ejus locum tenentis; ac Regentis Curiam Vicariæ; quam Capitaneorum, vel aliorum habentium merum, & mixtum Imperium, &c.* thereby denoting, that this Tribunal was made up of two Courts, that of the Lord Chief Justice, and the other of the Lieutenancy. And Queen Isabel being made Regent by King *Renatus* her Husband, in the Year 1436, as we have said, directed a Letter (which is likewise inserted amongst those Usages<sup>5</sup>) to the Officers of this Tribunal, and said, *Raymundo de Ursinis, &c. Magistro Justitiarum Regni Siciliae, & ejus locum tenenti: Nec non Regenti Magnam Curiam Nostræ Vicariæ.*

WHENCE we may be convinced of the Mistake of those, and among the rest of Deputy *Petra*<sup>6</sup>, who finding among the Usages appointed by Queen *Joan II.* for the High Court of the Lieutenancy, that this Tribunal was sometimes named in the singular, sometimes in the plural Number, believed, that when that Queen appointed those Usages to be drawn up, these were two distinct Courts, but before they were quite finished, they were united; so that in the first Usages they are named in the plural, and in the last in the singular Number. Which would be doing great Injustice to those Lawyers, who bestowed so much Care and Labour in

<sup>1</sup> They are recorded by Tutini de M. Giust. fol. 10.

<sup>2</sup> Tutin. de M. Giust. pag. 2.

<sup>3</sup> Rit. 52, 63, 64.

<sup>4</sup> Rit. 14, 34, 39, 46, 50<sup>o</sup>

<sup>5</sup> Sub tit. Confirmatio, &c. fol. 442.

<sup>6</sup> Sub titulo de Supplendis defectibus &c. fol. 440.

collecting the said Usages, which Collection they published altogether in one Volume; and it would have been a great Oversight in them, if in the beginning they had separated these Courts, and joined them in the end. Besides, that not only Queen *Joan II.* in the Privilege granted to the *Neapolitans* about the end of her Reign, and placed at the end of these Usages, but likewise Queen *Isabel*, who lived after Queen *Joan*, separated these Courts at the very time that Deputy *Petra* will have them to be united; for she directs her Letter both to the Lord Chief Justice and his Deputy, and to the Deputy of the Lieutenancy. These Courts in themselves were distinct, but at this time were united, making one Tribunal of two Courts.

AFTERWARDS in the Reign of *Alphonfus I.* there was not the least Token of Division remaining, either in speaking or writing, and the Union was fully completed, so that the plural Number was no more made use of, and it was reputed but one single Tribunal; and since it was made up of two Courts, it was therefore called, *The Tribunal of the High-Court of the Lieutenancy.*

‡ Petra Rit. 1. num. 23.



## C H A P. VII.

*Charles Prince of Salerno governs the Kingdom, as Lieutenant, during his Father's Stay in Rome, and while he went to Bourdeaux to fight Peter of Aragon.*



ALTHOUGH the King of *Aragon* was persuaded, that his addressing himself to the Pope would avail him nothing, because the Pontiff was already determined with all his Might to assist *Charles* in recovering *Sicily*; nevertheless that *Charles* might not alone apply himself to the Pope; and in order, by some Treaty of Peace, to divert the War, he sent his Ambassadors to *Rome* to endeavour to justify himself before *Martin* and the College of Cardinals, by desiring them to consider, that he having resolved to recover that Kingdom which had devolved to his Wife and her Children, it was not in his Power by open Force to take it from *Charles*, who was the most potent King of Christendom; and therefore finding that the *Sicilians* being reduced to the utmost Despair by the cruel Usage of the *French*, had been forced to commit that Slaughter, he was willing to lay hold of that Opportunity, both to save the Lives of the *Sicilians*, and recover the Kingdom that justly belonged to his Wife; and that it became the Pope's Holiness, and the honourable Cardinals to lay aside all Passion, and to judge uprightly; that should they determine in his Favour, he would pay the Tribute to the Church of *Rome*, and be as good a Feudatory to her, as ever *Charles* had been; and if after having examined his Claim, they should decide against him, he would put the Island into the Hands of the Church.

BUT both the Pope and *Charles* quickly perceived *Peter's* Drift; whereupon the Ambassadors were dismissed, without any other Answer, than that the Pope knew very well, that these were Words of course in order to divert the War, and that he was fully resolved to give *Charles* all the Favour and Assistance in his Power, and they might assure themselves that the next Campaign *Charles* would attack the Island with all his Forces both by Sea and Land.

WHEREUPON King *Peter*, after having settled some Affairs in *Sicily*, by the Advice of *Roger de Loria* and *Giovanni di Procida*, went to *Aragon* to get ready a new Reinforcement to be sent to *Sicily*. The People of *Aragon*, who at first had grumbled at this Expedition, as undertaken without their Advice and Consent, whereby the Laws and Privileges of that Kingdom were infringed; yet now seeing that it had succeeded, and a Kingdom gained, in which many of them got Estates and Lordships afterwards, they began to think of assisting the King to the utmost of their Power, and in Council they persuaded him by all Means possible to endeavour to pacify the Pope, whereby the King was induced to send to him a second time *Gismond de Luna* as his Ambassador, who was to go to *Rome*, and there beg of the Cardinals one by one, that they would be pleased to soften the Pope. But behold, what *Peter* had with so much Earnestness in vain endeavoured to obtain before, now fortunately happened to him; for while his Ambassador was in *Rome*, and passing in the Streets, he was met by King *Charles I.* who, as soon as he saw him, being very impatient and subject to Passion, said to him, That King *Peter* had acted like a Villain and a Traitor, who, though he was his Cousin, had possessed himself of his Kingdom, of which *Maxfred* never was lawful King, but an Usurper and Tyrant, and that he would maintain it in Battel Hand to Hand, or with a certain Number of Soldiers. *Gismond*, who was a prudent Man, answered, That he was come upon another Errand, and not to dispute whether the King his Master had done well or ill, though it was certain that he had done exceedingly well; but that he would write to him, and he doubted not but that he should have an Answer suitable to the Rank, Blood and Courage of such a King; he immediately therefore wrote what had passed to his King. King *Peter* soon returned him Answer, that he accepted the Challenge, and offered to the Pope, that in order to prevent the shedding of Christian Blood, he was not only satisfied to decide that Quarrel by single Combat, but with it also the Dominion of *Sicily*.

SOME have written that *Charles*, out of the Confidence he had in his own Person, and in many Knights of his Army, was rejoiced at *Peter's* Offer, and that with the Pope's Consent they began to treat of the Method that was to be observed in fighting; and that the two Kings agreed each of them to chuse twelve Knights for regulating the Time, the Place, and the Conditions of the Combat. These having met drew up some Articles, which were ratified by the two Kings. In these Articles it was agreed, that they should fight at *Bourdeaux* a City in *Gascony*, at that time subject to the King of *England*: The Day of Battel was appointed, which was to be on the first of *June* 1283, when each of the Kings were to appear in that City, accompanied with a hundred Knights.

THESE Articles are to be found in the *Acta publica* of *England*, which Queen *Anne* caused to be printed<sup>2</sup>; and as these Articles were never published before this Edition, some of our best Historians have committed several Blunders, to the great Prejudice of the King of *Aragon's* Reputation; for they believed, that the King of *England* had a Hand in framing the said Articles, and that being equally related to both the Kings, he had ordered the Field of Battel to be secured, and that therefore King *Peter* had nothing to alledge for his Excuse in not appearing publickly, as he did privately; for by these Articles, and by some of the King of *England's* own Letters we are convinced, that he was so far from having had a Hand in the Articles, or securing the Field of Battel, that he had rather used his utmost Endeavours for preventing the Duel. The Articles were solely drawn up by the Knights elected by both Kings; and some have likewise written that the Pope did not give his Consent. The Articles, as we read them in these *Acta publica*, are as follow:

1. THAT the Combat shall be at *Bourdeaux*, in the Place that the King of *England* shall judge most proper, which Place shall be surrounded with a Barrier.
2. That the two Kings shall present themselves before the King of *England* in order to fight on the first of *June* 1288.
3. That if the King of *England* cannot be at *Bourdeaux* in Person, the two Kings shall be obliged to present themselves before the Person, whom the said King shall have deputed to receive them in his Place.
4. That if the King of *England* should not be there in Person, nor send one in his Place, the two Kings shall be obliged to present themselves before his Governor of *Bourdeaux*.
5. It is likewise agreed, that the said Combat shall not be in the sight of any Person whatsoever belonging to the King of *England*, unless the said King be actually

<sup>2</sup> *Fœdera, Conventiones &c.* tom. 1. pag. 226.

present in Person, except that the two Kings, with mutual Consent, agree between themselves to fight in that manner, that is, to say, in Absence of King *Edward*. 6. That if the King of *England* should not be in Person upon the Place, nor at the Time appointed, the two Kings are obliged to wait his coming for the Space of thirty Days. 7. In order by all Means possible to get the King of *England* to be present, the two Kings promise and swear faithfully, and without Fraud, to do their utmost to procure the said King's Presence at the Place, and on the Day appointed and to order Matters so that their Letters be delivered to him. After some other Articles concerning the Truce and Security, which the two Kings mutually gave one another, it was agreed. 8. That if either of the two Kings shall fail to be at the Place and on the Day appointed, let him be reputed as vanquished, perjured, false, faithless, and a Traitor, that can never any more take upon him the Title of King, nor the Honours due to that Dignity; let him for ever be deprived of the Title of King and Royal Honours, and be incapable of all Office and Dignity, as overcome, perjured, false, faithless, traitorous, and eternally infamous.

THESE Articles being agreed upon, both the Kings made haste to put the Affairs of their Kingdoms in order, that by their Absence on so long a Journey, or by their Deaths in so dangerous an Action, they might not suffer any Detriment. King *Peter* recommended to the *Sicilians* to be faithful to Queen *Constantia*: He gave the Title of Viceroy of that Island to *Guglielmo Calzerano*: He made *Giovanni di Procida* High-Chancellor: He gave the Office of Lord Chief Justice to *Alaimo di Lentino*, and bestowed bountifully great Favours and Privileges upon many others; and he made them all take an Oath to Don *James* as lawful Successor, Heir, and future King, which they all did with great Solemnity and Good-will.

ON the other hand King *Charles* left the Prince of *Salerno* Lieutenant of the Kingdom, and appointed able Counsellors to assist him in the Government; and, as we have said, established a new Council, which was called the Lieutenant's Court; and making more haste than his Rival, as soon as he had got the Pope's Blessing, he set out with his People, and on the Day appointed appeared with his hundred Knights on the Field of Battel near *Bourdeaux*, where he continued riding up and down till Sun-set, and in the mean time caused his Herald to call frequently upon King *Peter*; but he not appearing, some say, that *Charles* went to the King of *England's* Marshal, who commanded in *Bourdeaux*, and required him to bear Witnesses to what had passed; and hearing that the King of *Aragon* was still at a great Distance, he departed that very Day.

ON the other hand after King *Peter* had pitched upon his hundred Knights, he ordered them to set out immediately for *Gascony*, and he sent *Gilbert Gruignias* before to learn if the King of *England* was arrived at *Bourdeaux*, or if his Lieutenant was there, and had secured the Field of Battel, and he himself with three gallant Knights followed at some Distance; but finding that no Person had secured the Field, it is said, that he disguised himself, and privately entered *Bourdeaux* under the Name of one of the Lords of his Court; and after *Charles* had been gone, he went that same Evening and presented himself before the Marshal of *Guienne*, took him to witness that he had appeared, and in Testimony whereof he left his Arms with him; and that then in all haste he returned to his own Dominions, being afraid of the Snares which it was whispered *Charles* had laid for him.

THIS Conduct has given Ground to the *French* Historians of accusing him of Cowardice, and of not having the Courage to face his Enemy. But the Mistake proceeds from the constant Opinion as well of the *French* and *Italian* Historians, as of the *Spanish*, that *Edward* had secured the Field of Battel; and being deceived by *Charles's* having presented himself with his hundred Knights at *Bourdeaux*, they have not been able to comprehend, why that Prince would have come with his Attendants ready to fight, and have staid at *Bourdeaux* from the Sun-rising to the Sun-setting of the Day appointed, if he had not believed that the Field was secured, and that he was to fight.

BUT we read in the abovementioned *Acta Publica* of *England*, Vol. I. Page 239. a Letter from King *Edward* to *Charles*, by which he gives him to understand, that he would not come to secure the Field for the two Kings, if it should gain him the two Kingdoms of *Aragon* and *Sicily*; nor suffer the Duel to be fought in any part of his Dominions, nor in any other if it was in his Power to hinder it. In another Letter which he wrote to the Prince of *Salerno* (Page 240.) he tells him, that it was far from being true, that he had granted his Father what he demanded concern-



ing that Combat, on the contrary he had refused him downright (*tout outre*) which is the Term he makes use of, these Letters being written in *French*.

THEREFORE there's no room to believe, that *Edward* gave his Consent to this Combat, either by his Presence, or by sending any Person to represent him, or by giving a safe Conduct to the two Kings, or in fine by preparing a Place for them; and yet the Historians take it for granted, when they say, that *Charles* came to *Bourdeaux*, that he went to the Field, and that he remained there from the Sun-rising to the Sun-setting, without seeing his Enemy appear.

THE Truth of the Matter is, that on the Day appointed *Charles* actually came to *Bourdeaux*; that he staid there till towards the Evening, and that hearing that the King of *Aragon* was still at some Distance, he returned the same Day. But he was scarcely gone, when *Peter*, who was in the City disguised under the Name of one of the Lords of his Court, went and presented himself to the Marshal of *Guienne*; took him Witness that he had appeared, and in Testimony thereof he left his Arms with him, and then in all haste returned to his own Dominions. If we consider the Tenor of the Articles agreed upon between the two Kings, this Conduct will not bear the Name of Cowardice; for the appearing of these two Princes before the Marshal of *Guienne*, was only to fulfill the fourth Article, and not to fight; because by the fifth they were not to fight, unless the King of *England* was present; and by *Edward's* Letter abovementioned, nothing was farther from his Thoughts, than to be present at that Combat. That the King of *Aragon* was afraid is not to be doubted, but the Fear he had was not that of fighting his Enemy; for by the Articles he was not obliged, except in the Presence of the King of *England*, who was to secure the Field. Of whom then was he afraid? The *French* Historians, who upon other Occasions have been very ready to undervalue this Prince, as an Enemy to the House of *France*, have not cared to explain the Cause of his Fear; but the *Sicilians* and *Neapolitans* have done it; and tell us, that King *Peter* had been informed that *Charles* had not only brought his hundred Knights with him to *Bourdeaux*, but that he likewise had, some say, three thousand, other five thousand Horse within a Day's march of that City; and some add, that his Nephew the King of *France* was at the Head of them; which *Mezeray* cannot altogether deny, but says, that *Peter* retired, pretending to be afraid of being attacked unawares by the King of *France*; for if the King of *France* had not had Troops near *Bourdeaux*, how could *Peter*, when he was in the Dominions of the King of *England*, pretend to be afraid of being surprized by the King of *France*?

IN order then to justify the King of *Aragon* two things must be examined: First, whether he performed the Agreement; and none who has read the abovementioned Articles will doubt of it: Secondly, Whether he had just Grounds to suspect *Charles* and the King of *France*. As for the first of these Princes, the *Neapolitan* and *Sicilian* Historians say, that he had bragged publickly of his having resolved to have the King of *Aragon* assassinated, which was a sufficient Ground of Fear to him, who was in a Country far distant from his own Dominions, and in the Neighbourhood of those of the King of *France*, and without a safe Conduct from the King of *England*, or any other Security, but the Word of an Enemy, upon whose Faith he could not rely, because he had threatened to have him assassinated. As for the King of *France*, the *Italian* Writers assert that he had a Body of three thousand, some say five thousand Horse within a Day's march of *Bourdeaux*. *Mezeray* and the other *French* Historians, who could not be ignorant of what the *Italians* advance, do not deny it, but think fit not to mention it; so that it is as likely to be true as false. Lastly, Even granting that King *Peter* had been seized with an ill-grounded fear of some Surprize from the King of *France*, he did not on account of his Conduct deserve those Reproaches and Scoffs from the *French*.

ON the other hand some *Spanish* Historians have shewed themselves too great Braggadocios, and among the rest *Caribay*, who certainly was ignorant of the Agreement made between the two Kings; for he takes upon him to say, that the King of *Aragon* appeared at *Bourdeaux*, and returned again, because he did not find King *Charles* there; these are his Words: *After the King Don Peter had made himself Master of the Kingdom of Sicily, he remained there five Years; and when he had settled the Affairs of his new Kingdom, he returned to Spain, where having found a Challenge from King Charles, he went in Disguise through the Province of Guipulcoa to Bourdeaux, which being at that time in the Dominions of the King of England, was*

pitched upon for the Field of Battel; and because King Charles did not appear there, the King Don Peter returned to Aragon and Catalonia.

AMONGST the Variety of Opinions, that of our most grave Writer *Costanzo*<sup>1</sup> ought not to be passed over in Silence, which is likewise supported by an ancient Annotation in Manuscript, which he says he had found; to wit, that King *Peter*, who always laid great Stress upon Troops, never had a mind to hazard the Kingdom upon that Issue; and that after the Day appointed was over, discoursing upon that Subject, he declared, That he had clogged that Combat with so many Conditions and Articles, on purpose to make *Charles* lose a Campaign, and to gain time to strengthen himself, and give his Kingdoms leisure to recover themselves; and that he laughed at *Charles* for believing that he would have ventured the Kingdom of *Sicily*, which was his own, unless *Charles* on the other hand had been engaged to lose the Kingdom of *Puglia* in case he had been worsted.

IN fine the Combat being thus over, Pope *Martin* found that *Charles* had been baffled, and that King *Peter* had avoided the War; whereupon full of Rancour he excommunicated him with all his Ministers and Adherents. He likewise excommunicated and anew interdicted the *Sicilians*, and declared them with all their publick and private Abettors to be Enemies to the holy Church; he deprived *Peter* of, and deposed him from the Kingdoms of *Aragon* and *Valencia*, and excommunicated all those who should obey him, or call him King; and he bestowed these Kingdoms upon *Charles* of *Valois*, second Son of *Philip* III. King of *France*<sup>2</sup>; he sent the Cardinal of *S. Cecilia* Apostolick Legate to *France* with the Investiture of these two Kingdoms, and to treat with the King about sending a powerful Army into *Aragon* in order to drive *Peter* out of those Kingdoms. The Legate was received in *France* with great Honour, and he immediately set about preaching up the *Crusade*, and to grant Indulgences to all that would take up Arms against King *Peter*; and the King of *France* was not slow in drawing together a great Army, with which he went upon that Expedition. And *Charles* being returned from *Gascony* to *Provence*, proud of his having rid over the Field of Battel, but laughed at for having lost time, set out from *Marseilles* with sixty Gallies and many Ships for *Naples*, with Design together with the Gallies of the Kingdom to sail for *Sicily* before Autumn.

ON the other hand *Peter* King of *Aragon* was daily sending Reinforcements of Men and Ships to *Roger de Loria* his Admiral; and little minding the Curses and Depositions of the Pope, out of Derision he called himself, *Peter of Aragon, the Father of two Kings, and Lord of the Sea.*

<sup>1</sup> Cost. lib. 2.

<sup>2</sup> Bulla Martini IV. and we likewise find this Ex-communication and Deposition in the Acta publica Angliæ pag. 252. Vol. 1.



## C H A P. VIII.

*The Prince of Salerno taken Prisoner; and the Death of King Charles his Father.*

WHILE these things were transacting in *France*, *Roger de Loria* having had Intelligence that *William Carnute* a *Provensale* with twenty two Gallies had gone to reinforce and store with Provisions the Castle of *Malta*, which held out for King *Charles*, sailed with eighteen Gallies from the Port of *Messina* in order to find him out and just as he had landed the Men and Provisions, and was riding in the Harbour of *Malta*, *Roger* arrived, and sent a small Frigate with a Trumpetter to order the *French* Captain to surrender, or rather to prepare for an Engagement

The *Provençale*, who was a brave Man, and had certain Information that the Enemy's Fleet was inferior in Number to his, sailed out of the Harbour and attacked *Roger*; but at last, after a great deal of Slaughter, he was defeated and killed, and of all his Gallies only twelve escaped by flight to *Naples*; the other ten were taken, and carried to *Messina* by *Roger* to the great Joy of all the Island. The *Malteze* surrendered themselves, and *Roger* gave the Command of the Island to *Manfred Lancia* one of his Officers <sup>1</sup>.

BUT *Roger* not content with this Victory, having already conceived in his Mind the other great Things he afterwards did, in all haste assembled all the Gallies of the Island, and steer'd his Course towards *Naples*, in order to find out an Opportunity of doing another gallant Action; which very luckily happened, for having sailed along the Coast of *Calabria* with forty five Gallies, he came to *Castellamare di Stabia*, and after he had there refreshed his Fleet, in the Month of *June* 1283 he stood in for *Naples*, and in order of Battel drew nigh the Walls, and began to throw Darts and other Instruments of War into the City; whereupon all the Inhabitants took themselves to their Arms, believing that *Roger* had a Mind to attack the City; but as *Roger's* Intention was only to entice and provoke the Gallies that were in the Harbour to an Engagement, after the *Sicilians* had upbraided and provoked the *Neapolitans* that were upon the Walls, and in the Gallies within the Harbour, he coasted along by *Refina* and *Torre del Greco* as far as *Chiaja* and *Posilipo*, burning and destroying those fine Villas and pleasant Places.

THE Prince of *Salerno*, who had been left by his Father Lieutenant of the Kingdom, not able to bear so great an Indignity, ordered *James Bruson* a *Frenchman*, who was then Captain General of the Gallies, immediately to get them in readiness to put to Sea in order to fight *Roger*, and told him that he himself would accompany him. *Gerardo di Parma* the Apostolical Legate, who was then at *Naples*, exclaimed against the Prince's going, and the exposing of the Fleet to an Engagement; but the Prince, highly resenting the Insult, by all Means would embark; and not only the *French* Veteran Soldiers, and all the other hired Troops embarked with him, but there was not a Nobleman, or any Citizen of Distinction able to bear Arms that did not cheerfully go with him. *Roger* indeed no sooner saw the *Neapolitan* Fleet advanced some Miles from the Harbour, than he set sail with his Gallies, seeming to fly, but with Intention to draw the Enemy so far out, as they should not be able to avoid an Engagement. The Prince taking it to be a real Flight was overjoyed, and all the Soldiers of the Gallies, especially those who had but little Experience in War, huzza'd, as if they had been sure of Victory; but when *Roger* found that they were a great many Miles from the Land, he ordered his Gallies to bring to; and, after he had visited them one by one, made them tack and stand towards the Enemy who were advancing, and with full sail went to meet them. The Battel began with great Fury on both sides; but after they had been for a long time so closely engaged, that they could scarcely know one Galley from another, at last the Gentlemen of the Prince's Gallies having fought with all their Might, overcome with Heat and Fatigue, began to give Way; but the Admiral's Galley, in which the Prince was, stood it out to the last; for though she was so hemmed in that she could not disengage herself and leave the Battel, as many others did, and fled towards *Naples*, yet she made a gallant Resistance, being manned with the Flower of the Nobility and Gentry, who chose rather to die than yield and see their Prince taken Prisoner. But *Roger*, in order to put an end to the Battel, sent his Carpenters and some Sailors in Boats, with Augurs and other Instruments, who quickly bored the Prince's Galley in many Places, insomuch, that such a great Quantity of Water entered, that she was ready to sink; which the Prince and the rest perceiving, surrendered to *Roger*, who had importuned them so to do; and he offered his Hand to the Prince, entreating him in all haste to come aboard of his Galley. With the Prince were made Prisoners *Burson* the Admiral, *William Stendard*, and many other *Italian* and *French* Lords, and ten Gallies were taken <sup>2</sup>.

THIS Defeat put the *Neapolitans* into a terrible Consternation, for they saw *Roger* return and post himself before the Walls of the City, and encourage the People to revolt. And the Mob had already begun to make Disturbance, and to cry out, *Down with King Charles, and up with Roger de Loria*. And *Cosanzo* writes, that if the Nobility, and the Citizens of greatest Credit had not interposed,

<sup>1</sup> V. Maurolico.

<sup>2</sup> Idem.

and taken upon them to guard the Gates of the City, some great Mischief would have ensu'd. The Populace then being restrained, and the City quieted, Roger retired to the Island of *Caprea*; and he got the Prince to give Orders for setting at Liberty *Beatrice* King *Manfred's* youngest Daughter, who had been Prisoner fifteen Years in *Casello del Nuovo*, where her Mother and Brothers had likewise died Prisoners, and then he returned to *Sicily*; and in a triumphant manner, to the great Joy of all the *Sicilians*, he presented Queen *Constantia* with her Sister now at Liberty, and the Prince a Captive, who, with all other Prisoners of Quality, was put in the Castle of *Mattagrifone* in *Messina*.

THE *Sicilians* had a mind by way of Reprisal, to serve the Prince the same Way, as *Charles* had served King *Conrad*; for which end the Syndicks of all the Cities of the Island being conven'd, they condemned him to be beheaded, and sent Word to Queen *Constantia*, that she ought to be revenged in that manner. But that great and magnanimous Queen, abhorring such Cruelty, gave them to understand, that in a Matter of so great Importance as the Death of the Prince, she would not take upon her to decide any manner of way, without the Advice of King *Peter* her Husband, who was then in *Aragon*; whereupon, in order to convey him out of their sight, and to preserve his Life, she sent him Prisoner to *Aragon*, where he was for many Years kept close Prisoner. As this noble, magnanimous and generous Action has been transmitted to Posterity with Admiration and Praise, so King *Charles's* Cruelty has thereby been rendered the more detestable, because Compassion and Clemency had more Sway in the weak and tender Breast of a Woman, than in the savage Soul of that King, branded with Infamy throughout all Ages, and by all Writers.

NEVERTHELESS, about two Days after the Battel, King *Charles*, on his way from *Marseilles*, arrived at *Gaeta*, where with infinite Grief he received the News of the Defeat, of his Son's being Prisoner, and of the Tumult that had happened in *Naples*. He wrote immediately to the Pope, begging his Assistance and a Supply of Money in so great a Distress; then full of Rage and Resentment at the *Neapolitans* he hastened to that City, and seizing a hundred and fifty of the most guilty, he caused them to be hanged; but at the Intercession of the Noblemen and chief Citizens who had guarded the City, he pardoned the rest. This was about the beginning of *July*, when resolving to make a fresh Attempt upon *Sicily*, he sent seventy five Gallies to pass the *Phare*, and sail round to *Brindisi* to join the other Gallies that had been fitted out in the *Adriatick* Sea; and he himself went over Land to *Calabria* to besiege *Reggio*, which was then in the Possession of the King of *Aragon*; but not succeeding in that Enterprize he returned to *Puglia*, and was wholly intent upon fitting out a vast Number of Ships for transporting his Army to *Sicily*.

BUT in the mean time King *Peter* had come from *Aragon* to *Messina* in order to defend the Island; and knowing that the Pope was grievously offended with him, yet on account of the Defeat, and the Imprisonment of the Prince, dissembling his Hatred, had sent two Cardinals to *Sicily* to treat about the Prince's Liberty and Peace, he was resolved with the same Cunning to flatter him; for after having with the greatest Honour imaginable received the Cardinals, he gave them so great Hopes of an honourable Peace for King *Charles*, that they sent him Word not to move; and by this Means, after *Charles* had lost another Campaign, he very dexterously and prudently broke off the Treaty; whereupon the Cardinals being thus deceived and amused, after they had a second time cursed and excommunicated King *Peter* and the *Sicilians*, they departed and returned to the Pope.

CHARLES seeing himself thus bubbled, resolved in the middle of *December* to have an Army ready for recovering his Son's Liberty and the lost Kingdom; but as he was on his Way from *Naples* to *Brindisi* to see his Fleet refitted, he was taken ill at *Foggia*, where being oppressed with Melancholy, occasioned by the many Misfortunes that had befallen him, he died in the Month of *January* 1284. *Theodore* of *Nismes*, who flourished in the Reigns of *Charles* III. and King *Ladislaus*, speaking of the Death of this Prince, says, That he was so much op-

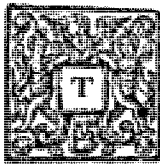
<sup>1</sup> Tutini degli Ammir. pag. 81.  
<sup>2</sup> Theod. de Nemaqs. de privileg. & jur. Imp. | dem factus est, ut dicitur, quod mortem sibi con-  
 pag. 282. adeo mente oppressus & pusillanimis tan- | stituit, noctis sub silentio seipsum laqueo strangulans.

pressed with Melancholy, that one Night overcome with Despair he strangled himself with a Halter. His Body was carried to *Naples*, and with Royal Pomp buried in the great Church, where his Tomb is still to be seen.



## C H A P. IX.

*Of the new Laws introduced by Charles I. and the other Kings of the Family of Anjou his Successors, which we call the Regulations or Statutes of the Kingdom.*



HIS Prince, besides many other Monuments whereby he rendered this Kingdom illustrious, and the City of *Naples* much more so, left us new Laws; which, after the manner of *France*, were not called Constitutions, but *Statutes*, or the *Regulations* of the Kingdom. In the famous University instituted by *Frederick II.* in *Naples*, and afterwards by *Charles I.* adorned with greater Privileges; the Pandects, and the other Books of *Justinian* drew in our Professors to study them; insomuch, that not only the Doctors, who were then called Masters, taught them there, but even the Advocates quoted them publickly in the Courts of Justice for the Decision of Causes. And when these Laws did not clash with the *Longobard* Laws, or the Constitutions of the *Norman* Kings, and of those published afterwards by *Frederick*, or with the approved Usages of the Kingdom, they had gained so much Force and Authority with the Judges, that according to their Purport Causes were decided; not that they had the Sanction of any written Law, but by Degrees and Custom they began to acquire the Force and Authority of Laws; first by the Strength of Reason, afterwards by the Connivance of our Princes, who would have them to be publickly read in their Universities, and explained with Commentaries by the Lawyers; and of course they likewise recommended them to be observed in the Courts of Justice; and lastly, by the Constitutions of *Frederick II.* who not only frequently made use of their Authority, but in many of his Constitutions<sup>1</sup> he expressly commanded them to be observed, provided they did not clash with the *Longobard* Laws, and the Constitutions and Usages of the Kingdom. And in process of Time their Force and Authority became so great, that they got the better of the *Longobard* Laws, which were in a manner laid aside. *Marino di Caramanico*, who flourished in these Times, and wrote on this Subject, says thus<sup>2</sup>: *Licet vero Regnum deserit subesse Imperio, tamen jura Romana in Regno per annos plurimos, conniventia Regum, qui fuerunt pro tempore, servata diutius consensu tacito remanserunt &c. Imo expressim servantur, & corroborantur in compilatione Constitutionum istarum, ubi neque Constitutiones hæ, seu approbatæ Regni Consuetudines non obsistunt.*

HOWEVER, the Authority of the *Roman* Laws did not prevail so far in these Times, as to turn the *Longobard* Laws quite out of the Courts of Justice; they were still in force in the Reigns of *Charles I.* and his Successors of the Family of *Anjou*, although by Degrees they grew out of Use. And *Caramanico* himself, who was one of the greatest Lawyers of these Times, and as we have said, in the Reign of this Prince in the Year 1269 was a Judge of the *Capitano's* Court of *Naples*<sup>3</sup>, attests, that these Laws were still observed in his Time: *Ad quod concordant Longo-*

<sup>1</sup> Constit. puritatem, de Sacramento a Bajulis, & Camerar præstando. Constitut. cum circa, de Off. Vicar. Const. Ut univerlis, de servando honor. Comit. & Baron.

<sup>2</sup> Marin. de Caramanic. in proæm. Constit. Regni. Registr. anno 1269. in Regio Archiv. Afflict. in proæm. Constit. in principio, Fab. jordan. in addit. ad proæm. Glossatoris.

*barde Leges, quæ in Regno similiter obtinent.* *Biafe di Morcone*, who flourished in the Time of King *Robert*, among his Works upon the Law, has left us one, wherein he treats of the Difference between the *Roman* and *Longobard* Laws<sup>1</sup>, compiled in Imitation of *Andrea da Barletta*, in order to wean the unwary Advocates of his own time from their too great Affection for the *Roman*, and their Neglect of the *Longobard* Laws, which occasioned Loss to their Clients, and Shame and Reproach to themselves, when by the Ignorance of the *Longobard* Laws they lost their Causes in the Courts of Justice. We have likewise a Writ<sup>2</sup> recorded by *Tutini*<sup>3</sup>, taken out of the Royal Archives of the Mint, drawn up in *S. Germano* in the beginning of King *Charles's* Reign; wherein, according to the *Longobard* Laws quoted in that Writ, the Monastery of *Monte Cassino* and its Abbot, yields to the King the Pretension which they had to take Cognizance of criminal Causes with respect to their own Vassals. And it was not only in *Terra di Lavoro*, and the neighbouring Provinces of *Abruzzo* and the County of *Molise* that these Laws were observed, but likewise in those of *Puglia*, since the Usages of *Bari*, which are derived from the *Longobard* Laws, were collected in the time of *Charles I.* by these two Lawyers, viz. *Andrea di Bari* and *Sparro* both Judges; the latter was in so great Esteem with *Charles*, that from Justice of that Province he raised him to be Great Protonotary of the Kingdom. Hence it is that in *Principato*, *Salerno*, and in other Provinces of the Kingdom we find the same; and the Reason why there is no Vestiges of them in the Provinces of *Calabria* is, because those Provinces having been long possessed by the *Greeks*, and but a short time by the *Longobards*, they could not take such deep Root, so as to be of long Duration.

AS King *Charles* made no Alteration during his Reign with respect to the Authority of the *Roman* and *Longobard* Laws, so he would have those Constitutions published by the Emperor *Frederick*, before he was deprived of the Empire and the Kingdom of *Sicily* by the Council of *Lyons*, inviolably observed. But in the Year 1271 he revok'd and annul'd all the Donations, Locations, Concessions, Deeds, and Privileges granted by *Frederick* after his Deposition; and likewise those granted by *Conrad*, *Manfred*, and their Officers, which had not been confirmed by him, looking upon these Princes as Usurpers and Tyrants, who had been deprived of the Kingdom by the Apostolick See, which had invested him with it<sup>4</sup>. Just so as the Emperor *Justinian* did, who did not annul the Deeds of all the *Gothic* Kings, particularly those of *Theodorick*, *Athalarick*, and *Theodate*, but he repealed those of *Tejas*, *Totila* and *Vitiges*, who having made War against him, and with all their Interest opposed him in the Conquest he intended to make of *Italy*, were reputed by him as Tyrants and Usurpers.

*CHARLES* therefore, after he had defeated and killed *Manfred*, and made himself Master of the Kingdoms of *Puglia* and *Sicily*, resolv'd with new Laws to restore the State of these Kingdoms, by removing the Disorders which the preceding War and Revolutions had occasioned. His Laws, like *Frederick's* Constitutions, were made for both Kingdoms, whence they were called *Capitula Regni Siciliae*; and he likewise made some particular Laws for the Island of *Sicily* alone, which are recorded by *Inveges*<sup>5</sup>. But the *Sicilians*, after the famous *Sicilian Vespers*, having thrown off the *French* Yoke, acknowledged no other Laws but what they received from the Kings of *Aragon*; so that those made by *Charles*, and the other Kings of the Family of *Anjou* were binding only in the Kingdom of *Puglia*, called *Sicily* on this side of the *Phare*: For *Charles* Prince of *Salerno* his Son, expressly declares, that the Laws established by him during his Lieutenancy were made for the Kingdom of *Sicily* on this side of the *Phare*, and not for that Island.

THESE Statutes were collected, and afterwards printed in such a confused and disorderly manner, that we think the Pains we are going to take, in distinguishing them according to the Times and Occasions in which they were published, will be well bestowed; because it is necessary for us to know, whence proceeded so great a Difference, as is observ'd between the Maxims of the *Norman* and *Suevian* Kings in their Constitutions, and those of the Princes of the Family of *Anjou* in their Statutes. For *Charles* by holding this Kingdom of the Apostolick See as a real Fief, and having declared himself to be its Liege-man, had those hard and

<sup>1</sup> Ciarlante del Sannio lib. 4. cap. 26.

<sup>2</sup> In the Archives of the Mint, Cassa H. mazzo 47.

<sup>3</sup> Tutin. de Contestabili, pag. 85.

<sup>4</sup> Chioccar. tom. 1. M. S. della Regal. Giurisd.

<sup>5</sup> Inveges Ann. di Paler. tom. 3.

severe Conditions above mentioned laid upon him in the Investiture. Therefore the *Roman* Pontiffs were all very vigilant, in making of new Laws, not only not to derogate from their pretended Immunity and Liberty, but that every thing should be done agreeable to their Maxims and Instructions; and even when they found a fit Opportunity, they made bold to establish Laws themselves, as we shall observe: we shall therefore see new Laws contrary to *Frederick's* Constitutions; and from thence it proceeded, that the Writers who flourished in the times of these Kings, trained up in these Maxims, stuffed their Commentaries with Doctrines most prejudicial to the *Regalia* and Prerogatives of Kings; and in many respects struck at the Rights of the Empire of our Princes. It ought not to seem strange to find these Kings, who were *French*, suffer so many Indignities; for *France*, as we have seen in the preceding Book, in those times was no less oppressed than *Italy*; and the Ecclesiastical Jurisdiction had made wonderful Progress in that Kingdom: nor was it before the Edict of the Year 1539, that the Incroachments of the Clergy were retrenched, and reduced within the Bounds of Reason.

## S E C T. I.

*The Statutes of King Charles I.*

ALL Writers agree, that *Charles's* Reign lasted only eighteen Years and a few Days; but some of our Professors<sup>a</sup> by a manifest Error, have dated it from the Year 1265. for 'tis very evident from the best Authors, that this Prince was crowned King in *Rome* by Pope *Clement* on the sixth Day of *January* 1266. the Feast of Epiphany; and that on the twenty eighth of *February* the same Year he put *Manfred* to death, and took Possession of the Kingdom. Others have mistaken the Year of this Prince's Death; for they write, that he died on the seventh of *January* 1285, which is false; for he died in *Foggia* in *January* 1284. Whence proceed so many Errors in the common Edition of these *Statutes*, by not knowing how to fix the Years of this Prince's Reign; as we shall hereafter observe.

WE likewise find many Errors in computing the Years of his Reign as King of *Jerusalem*. Some have believed, that he got the Title of *King of Jerusalem*, at the same time that he was crowned King of *Sicily* in *Rome*. Others, who knew this Mistake, tho' they confess that *Charles* acquired that Title long after, by the Cession of *Mary*, yet they are not agreed about the Year, which was certainly 1277; as we have before observed.

THOSE who collected these *Statutes* in the manner we now read them, have neither observed the Order of Time nor of Matter, but have huddled them into a confused Heap. *Antonio de Nigris*<sup>b</sup>, who wrote Comments upon them, was sensible of the Confusion, but did not know how to mend it, and went on with his Comments as he found them. Therefore, being resolved to follow the Order of Time, we shall begin with that Statute which *Charles* made for reforming the University of *Naples*. It was drawn up in the Year 1266. the first of his Reign, by the famous *Roberto da Bari*, Protonotary of the Kingdom of *Sicily* in *Nocera*, whither *Charles* had gone with his Wife *Beatrice*, who died, and was buried there. King *Robert* his Grandchild inserted it amongst his own *Statutes*, under the Title of, *Privilegium Collegii Neapolitani Studii*; where we read it dated thus: *Dat. in Castro Nuceria Christianorum* (there being another *Nucera*, called *de' Pagani*) *per manus Domini Roberti de Baro, Regni Protonotarii, anno 1266*. We have already treated at large of this Statute, in speaking of the restoring of the University of *Naples* by *Charles*.

IN the second and third we read of none, but in the fourth Year of his Reign, to wit, 1269, we find some *Statutes* made, under these Titles: *De furtis, De assecurandis hominibus illorum, qui turbationis tempore Conradini a fide regia defecerunt. De pena, & vindicta proditorum, &c.* All these were made in *Trani*; and the same Year some were renew'd in *Foggia*, after the Defeat of *Conrad*; by which those

<sup>a</sup> De Bottis Addit. ad Capit. 1. Regn. in princip.<sup>b</sup> De Nigris in Comment. in fine.

who had sided with that Prince were promised Indemnity, upon asking Pardon, and returning to their Allegiance, excepting the *Germans, Spaniards, Catalans* and *Pisans*, who were immediately to depart the Kingdom. Other Provision was also made this Year for repairing the Disorders that had happened during this trouble; some time; and severe Penalties were imposed upon those who should conceal the Rebels.

IN the sixth Year, to wit, 1271, while the King was in *Aversa*, there was another Statute published against those who should dare to contract Matrimony with the Children of Rebels without a Licence from his Court, under this Title, *Quod nullus contrahat matrimonium, &c.* and it is dated in *Aversa, A. D. 1271*, and by an Error we read *Regni nostri ann. 7.* in place of *anno sexto.*

IN the seventh Year, to wit, 1272, many more were published; some in *Naples*, some in *Aversa*, and others in *Venosa*. Those established in *Naples* in the Month of *March*, as also in *Aversa*, this same Year, are to be found under these Titles: *De Violentiis, De pœna violentorum, &c.* By these Statutes the Disturbers both of the publick and private Peace were proceeded against with the utmost Severity; and those, who during the late Troubles had been accustomed to live by Rapine and Violence, and had the Boldness still to disturb the State, now in Peace, were crushed. That dated in *Aversa* under the Title, *De pœna violentorum*, in the common Edition bears this Date: *Datum Aversæ, A. D. 1262, anno octavo*: where we find two Errors; the first, instead of *A. D. 1272*, goes back ten Years; whereas at that time King *Charles* had not so much as thought upon the Expedition to the Kingdom. The second Error is in setting down the eighth, in place of the seventh Year of his Reign. The other Statute dated in *Naples* bears the right Date, to wit, *A. D. 1272, Regni nostri anno septimo.* We read another Statute of *Charles's*, dated at *Venosa* in the Month of *June* of the same Year, under the Title, *De occupantibus res Demanii.* In this the King's Royalties are taken care of, whereof *Charles* was very jealous and watchful. It bears the right Date, viz. *Datum Venusis A. D. 1272. Regni nostri anno septimo.*

IN the eighth Year of his Reign, viz. 1273, we read another of his Statutes, under the Title, *De testimonio publicorum disrobatorum, &c.* wherein a Rule is laid down for the Proof of that Crime; and it is established, that the Testimony of three Malefactors shall be as valid as that of two honest Men. It is dated thus: *Dat. Cav. A. D. 1273, &c. Regni nostri anno 9.* 'Tis no wonder to see *de Bottis*, who begins *Charles's* Reign in 1265, fall into this Mistake; but it ought to be, *Regni nostri anno octavo.*

IN the ninth Year, to wit, 1274, ought to be placed the first Statute established in *Naples*, which we find in this first Volume, dated in the Month of *February*, 1274, under the first Title, *Statutum editum super Portubus.* *De Bottis*, still in the same Mistake, adds to the Date, *Regnorum nostrorum anno decimo*, in place of *anno nono*. In this great care is taken about exporting Salt and Provisions out of the Kingdom; and some Instructions are given to the Collectors of the Customs concerning the same. The other Statute that follows is to the same purpose, under this Title *Aliud Statutum super extractione victualium*, made in *Brindisi*; and 'tis very probable, that it was made the same Year.

IN the three following Years we find no Statutes of this Prince; but in the thirteenth Year of his Reign in the Kingdom of *Sicily*, and the second of *Jerusalem*, to wit, 1278; he made many Statutes in *Naples*, which we read under the Title, *Quod officiales jurare debent*, with the three following, which bear this Date: *Dat. Neap. A. 1278, die 26 Januarii.* The rest that follow to the Title, *De pœna rei ablatae*, were also this Year made in *Naples*, and dated thus: *Dat. Neap. 2 Decembris.* In these are many Provisions made concerning Justices and other Officers; amongst which there's one prohibiting under severe Penalties the giving them any Gifts, notwithstanding any Custom whatsoever. In this Year ought to be placed that Statute of this King, which we read at the end of the Statutes of King *Charles II.* under the Title, *Ad obviandum fraudibus.* It was made by King *Charles* while he was making a Progress to *S. Eramo* near *Capua*, and bears this Date: *anno D. 1278, Mense Aprilis sept. ejusdem 6 Indictionis. Regnorum nostrorum, Hierusalem anno secundo, Sicilia vero decimo tertio.*

IN the fifteenth Year, viz. 1280, we read two Statutes made at *Lago Pensile*, the first under the Title, *De non mittendo ignem in restuchis camporum*, dated the twenty seventh of *July* this Year; the second on the ninth of *August*, and in the  
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vulgar Edition bears this most uncorrect Date: *Data apud Lacum Penfilem. Anno D. 1222. die 9 Augusti, 7 Indictionis: Regnorum nostrorum, Hierusalem anno tertio, Sicilia vero decimo quinto*: it ought to be, *A. D. 1280, & Hierusalem anno quarto.*

IN the sixteenth, viz. 1281, we read another Statute published against Coiners of false Money, under the Title, *De pena infligenda falsariis monetarum.* This was made in *Brindisi*, of this Date: *Dat. Brundusii A. D. 1281. mense Januarii &c. Regnorum nostrorum, Hierusalem an. 4. Siciliae vero 17.* which ought to be, *Hieruf. an. 5. Siciliae vero an. 16.*

IN the seventeenth Year of *Charles's* Reign, to wit, 1282, very many Statutes were made by this Prince in *Naples*, which were his last. They begin from this Rubrick: *Constitutiones aliae factae per praedictum D. Carolum Regem Siciliae super bono statu*: to which he makes a long Preface, wherein he enlarges much upon the Care and Diligence his Officers ought to take in discharging their Duty; and assigns to each of them the Parts they were to act, and prescribes Bounds to them, which they were not to exceed, and enjoins them to perform their Duty without Avarice or Ambition. These Statutes, placed under different Titles, amount to the Number of fifty eight. Princes seldom think of governing their Subjects with Justice, but when they are warn'd of it by some Misfortune, whereby they are reduced to Extremity, and want their Assistance. The Revolution of *Sicily* moved *Charles* to give these new Laws to his Subjects, in which many commendable and prudent Provisions are made for the right Administration of Justice, and preventing Fraud and unjust Exactions in Officers, and for the Good of the Commonwealth; for which end he ordered them to be published in every District, City, Town and Village of the Kingdom. They were with consummate Wisdom and Prudence established in *Naples*, and bear this very just Date: *Actum Neapoli A. D. 1282. mense Junii 10. ejusdem 10. indict. Regnorum nostrorum, Hierusalem anno 6. Siciliae vero 17.*

THESE were the last Statutes of *Charles*, who this Year, to his great Mortification saw *Sicily* revolt, and himself exposed to many Disasters; being therefore diverted by Matters of greater Importance, his Thoughts were afterwards otherwise employed, than about making Laws. Great and weighty Affairs obliged him first to go to *Rome*, afterwards to *France*, and then to *Bordeaux*; and leaving the Government of this Kingdom to the Prince of *Salerno* his Son, he made him his Lieutenant with full and absolute Power and Authority. This Prince during his Lieutenantcy made many wise and provident Laws for the good Government of the Kingdom, of which it stood more in need at this time than ever.

## S E C T. II.

*The Statutes enacted by the Prince of Salerno during his Lieutenantcy, while his Father King Charles was absent.*

SINCE, by the famous *Sicilian Vespers*, *Sicily* had revolted from King *Charles*, the Prince of *Salerno* perceived, but too late, that one of the chief Causes of it was the severe Government of the *French* in that Island; and understanding that King *Peter*, on the contrary, had freed the *Sicilians* from the Taxes and Exactions introduced in his Father's time, and that he had provided that Kingdom with good and wholesome Laws; in order therefore to gain the Love and Affection of the People of the remaining Kingdom, and to remove the bad Opinion they had conceived of his Father, he was resolv'd to furnish them with salutary and useful Laws: which makes good the Maxim, that Princes recollect themselves, when they are induced by Adversity to have recourse to their Subjects, and when they are doubtful of their Loyalty: Considering also the Obligations he lay under to Pope *Martin*, who was a great Favourer of King *Charles*, and wholly intent upon recovering the lost Kingdom; by these new Statutes he purposed to please both the Subjects and the Pope, by enacting Laws favourable to the Church and Ecclesiastical Persons, and to the Barons and People. Therefore this Year 1283, having called a Parliament, consisting of the Prelates, Counts, Barons, and many other Subjects, to

meet in the Plain of *S. Martino*, a Town situated in the hither *Calabria*<sup>1</sup>, (not in *Abruzzo*, as *Moles* believed<sup>2</sup>, where he was with his Army after his Father's Departure) with whose Advice he enacted forty six Statutes, which bear this Title: *Constitutiones illustris D. Caroli II. Principis Salernitani*. To which he prefixed a long Preface, wherein he launches out upon the Care and Concern that both he and his Father had always had for the good Government of his People, and for relieving them from the Oppression of his Ministers; but that being diverted by weighty and serious Affairs, they had not been able to put their Designs in execution; but now, that this favourable Opportunity had offer'd, he, as the Executor of his Father's Will, was ready to reward them for their Loyalty; of which the *Sicilians*, by their Rebellion, had rendered themselves incapable and unworthy to be Partakers.

THEN follow twenty Statutes concerning the Privileges and Immunity of Churches and Ecclesiastical Persons, under this Rubrick: *De privilegiis & immunitatibus Ecclesiarum, & ecclesiasticarum Personarum*. First, in strong and precise Terms he enjoins the Payment of Tithes, which are due to the Churches and Ecclesiastical Persons. II. That according to the Agreement made between the Apostolical See and his Father, (meaning the Articles agreed upon, when Pope *Clement* gave him the Investiture) the Clergy shall not be obliged to appear before a secular Magistrate, excepting in Matters relating to Fiefs. III. That the Churches over all the Kingdom shall enjoy the Privileges granted them by the common Laws; that is to say, that Criminals who take Sanctuary in them, shall not be taken out, except in Cases allow'd by Law. IV. That the Houses of Prelates, Religious, and other Ecclesiastical Persons shall not be possessed by Officers on account of Hospitality; that criminal Sentences shall not be put in execution in them, even tho' the Owners should consent. V. That the Officers, Counts, Barons, or any other Laick whatsoever, shall not intermeddle themselves in the Elections of Prelates, the Collation of Ecclesiastical Benefices, or in whatever belongs to Spiritual Matters, unless it be by vertue of some Privilege, or the Right of Patronage. VI. That the Clergy, who live a religious Life, shall not be obliged to contribute with the rest towards Taxes, or any other Exactions whatever, either with respect to their Ecclesiastical, or Patrimonial Goods. VII. That all Persons may freely give, or leave to the Churches by Testament, their Lands or other Goods, provided they do not hold them of the King; and if the Tenure happen to be such, that it may not hinder the Alienation, they shall be understood to be conveyed to the Churches with the same Incumbrance. VIII. That the Vassals of the Churches, who are bound to perform personal Service to them, shall not, without the Licence of their Prelates, be forced to accept of Offices, or rather of personal Employments, either by the Court of Lieutenancy, the Counts, Barons, or any other Person whatever. IX. That all Rights and Privileges granted to the Churches, and Ecclesiastical Persons by the Catholick and ancient Kings of *Sicily*, and which they now possess, shall be preserved safe and untouch'd; as for those, of which they are not in Possession, Justice shall immediately be done them by competent Judges. X. That the Prelates shall give Information to his (the Lieutenant's) Court of all those who shall obstinately and contumaciously continue under Excommunication above a Year, that condign Punishment may be inflicted upon them by his Court. XI. That the Officers and Commissaries of his Court shall not presume against Justice to disturb the Possessions and Goods of the Churches, and much less to rob them of the said Goods. XII. That the Officers, or other Lay Persons, shall by no means intermeddle in the Cognizance of Ecclesiastical Crimes; nor hinder the Prelates and their Officers from taking Cognizance, and punishing them according to Law. XIII. That the Prelates, and other Ecclesiastical Persons, shall be at liberty to transport by Sea from one Place to another within the Kingdom, Grain, Pulse, and other Provisions, being the Product of their own Farms, without paying the Duty of Export. As for Goods bought, they shall be obliged to pay the Dues of the Custom-house, and not the Duties of Export; provided however they come from lawful and established Ports in small Barks, and likewise go to unload in licensed Ports. XIV. That the Justices, or other Officers, shall not summon the Vassals of the Church to appear before them, except in criminal Cases, or for exporting Arms, or the Breach of other penal Laws, and for other Crimes whereof

<sup>1</sup> Afflict. in Constit. Honorem, col. 1. in 3. lib. Summont. tom. 2. pag. 306. De Nigris in Comment. add. Capit. num. 6.

<sup>2</sup> *Moles* Decif. 1. Reg. Cam.

the Cognizance belongs to the Royal Court, and its Officers. XV. That the Prelates and Ecclesiastical Persons, or their Officers, by lawful Means may force their Debtors to pay their Debts. XVI. That if the Vassals of the Church, who are tied to personal Services, shall fly from the Places where they ought to remain, the Prelates and Ecclesiastical Persons may force them to return to the Places from whence they fled, and oblige them to remain there. XVII. That the Jews, who are Vassals of the Church, shall not be entrusted with any Office, neither are they to suffer any Vexation or Oppression. XVIII. That as to Injuries and Offences done to the Religious, Clergy, and other Ecclesiastical Persons, even tho' they should not be Accusers, his Court shall proceed *ex inquisitione, & officio*, to the end that the guilty Persons may receive condign Punishment. XIX. That in order to make Marriage free, he abolishes and annuls *Frederick's* Constitution *honorem nostri diadematis*, and makes it lawful for Barons, Counts, and others possessed of Fiefs, and in general for all Persons, themselves and Sons freely to contract Marriage, and to give their Daughters, Aunts, Sisters and Neices in Marriage, without the Consent of his Court; provided nevertheless, they give not Fiefs for Portions, and contract not Marriage with suspected and disloyal Persons. XX. That the Prelates of the Churches, who, as such, hold Fiefs, as also the Counts, and all other Barons, in the Cases established by the Constitutions of the Kingdom, may exact the due and moderate Subsidies from their Vassals, without any other particular Writ; this Edict being published for that end.

PRINCE *Charles* having thus pleased the Pope, and the Ecclesiasticks of the Kingdom, his Business now was to gain the Affections of the Barons; therefore he granted them many Privileges, which we read under this Rubrick: *De privilegiis, & immunitatibus Comitum, Baronum, & aliorum Feuda tenentium*. First he ordered, That they should not be obliged to attend at his Court above three Months at their own Charges; but if his Service required their Attendance after that time, they shall receive their Salaries and ordinary Pensions. II. He likewise, out of Favour to them, repealed the Assent required by *Frederick's* above mentioned Constitution *honorem*, &c. that thereby they might freely marry. III. That without a particular Writ of Licence, they might exact the due and moderate Subsidies from their Vassals. IV. That when they have a Suit at Law, whether criminal or civil, depending before the Royal Court, whether Plaintiffs or Defendants, Accusers or Accused, they shall be judg'd, absolv'd or condemned by their Peers; and their Causes shall be quickly determin'd. V. He strictly commands the Steward, and other Officers of the Court, not to employ Barons in any Service about Court, which is not suitable to their Rank and Dignity.

IT only remained now, to ingratiate himself with the Citizens, Burghers, and in general with all the other Subjects of the Kingdom, that all might be reliev'd from the late Oppressions, and partake of his Clemency and Bounty; therefore in order to gain the Affections of all, he granted them many Privileges, and by means of many useful Regulations he put the Affairs of the Kingdom upon a better footing, by redressing many Grievances and other Hardships. These Statutes are under this Rubrick: *De Privilegiis, & immunitatibus Civium, Burgensum, & aliorum hominum, a Faro citra*.

THE first and principal was thought by all to be the relieving the People from the heavy Taxes wherewith they were loaded. Therefore by a particular Edict, which was to be inviolably observed, he ordered and appointed, that in the Collections, Taxes, general or special Subsidies, under whatever Name, the same Methods and Customs should be observed, as in the time of King *William II.* were practis'd, and are more fully contained in the Agreement made between the Apostolick See and the King his Father, at the time of his being placed upon the Throne; and since the same Methods and Customs do not now appear, few or none being alive that can declare what they were; the Prince ordain'd, that what Pope *Martin* should declare, determine and direct, should be observed: and in order speedily to obtain his Determination, he promised immediately to send Ambassadors to the Pope, so that they might be with him some time in the Month of *May* following; in which time the People of any Province whatever had liberty to send two Ambassadors of the best, richest, and most trusty of the whole Province, to assist and request the said Determination: and when obtain'd, he promised for his Father's Part, his own, and his Heirs, inviolably to observe it. Moreover, from this time he remitted all Arrears of Taxes whatever, which any Provinces or Cities owed,  
and

and they were not to be in the least molested before the said Determination. In fine, he promised not to demand any thing, except in the Cases comprehended in the Constitutions; nor even to ask any thing by Way of Loan.

THIS Determination was not made in Pope *Martin's* time, but in that of Pope *Honorius* his Successor, as shall be mentioned; and when it appeared, it took Effect; for in *Napodano's* time, which was next to this, it was not in the least observed; insomuch that this Writer exclaims, that six Taxes were exacted every Month, and the King's Officers squeeze'd the Subjects, *usque ad Sacculum & peram, & regularum evulsionem*<sup>1</sup>.

SECONDLY, he order'd new Money to be coined with a good Impression, for which he did not burden the People with new Taxes; but that it should be given to the Merchants and Dealers in Exchange, who would willingly take it; and that it should not be altered, but that its Value should be perpetual and fixed. III. He lessened the Punishment usually inflicted for clandestine Murder. IV. He ordained, that the Statute made for the Barons concerning the Freedom of Marriage should be general, and indifferently comprehend all Persons. V. That calumnious Accusations should no more be received by the Officers of his Court. VI. That no Person, who is in Possession of any Farm belonging to the King, shall be deprived of it, before he be heard, and the Case decided by Law. VII. That the People shall not be obliged to serve the Court in any thing not suiting their Quality and Condition. VIII. That nothing shall be pay'd for the signing of Sentences pronounced either by the High Court, or any other Tribunal. IX. That the generality of the People shall not be obliged to make up the Loss by Robbery committed by particular Persons. X. That the Generality of the People shall not be bound on their own Expences to carry Money to the Exchequer, but it shall be at the King's Charges. XI. That they shall not be burdened with furnishing Provisions for the Officers when they make their Circuits. XII. A Rule is laid down, and the Fees for the King's Writs and other Acts and Dispatches fixed. XIII. That the Officers of the King's Court shall not buy Horses or Mules in the Province where they shall happen to be, but shall provide themselves elsewhere. XIV. That the Daughters of Rebels, who have not followed, nor do follow the wicked Example of their Fathers, may be married without a Licence from Court, if they do not possess Fiefs. XV. That nothing shall be pay'd for the Seal of the Chief Justice, or other Officer. XVI. That the Keepers of Prisons shall exact no Fees from Prisoners, but what were settled by King *Charles* his Father. XVII. That the Office of Master Jurat, and that of the Bailiwick, shall not be exposed to Sale. XVIII. That the Wives of those, who for their Crimes have been banished the Kingdom, shall no ways be troubled with respect to their Portions. XIX. That none shall be bound to repair the King's Ships at a certain Price. XX. That from the Cities in general appointed for repairing the Castles, no more Money shall be required than shall be sufficient, neither shall they be obliged to make any new Buildings. XXI. That in order to prevent the King's faithful Subjects from being oppressed by the Foresters, diligent Search shall be made for finding out the ancient Bounds of the Forests, and they shall be confined to certain Limits, as well as their Keepers. Lastly, That the Justices of the Provinces shall not entrust the Inspection of Fairs to their Domesticks; but the Master Jurats of the Places where they are held, shall have the Charge of them.

THESE Statutes being thus established, Prince *Charles* ordered, that together with his Father's new Constitutions published in *Naples* the preceding Year 1282, they should be inviolably observed, and which he also confirmed after he was King; and that they might effectually from this time forth be put in execution, he sent them to the Prelates, Barons, and to the Corporations of the most remarkable Cities, in order to have them every where published. He expressed himself in the end thus: *Ut autem ea quæ communi utilitate sancita sunt, communiter sciantur ab hominibus, & generaliter observentur, de eisdem constitutionibus singulis Prælati, Baronibus, ac locorum universitatibus sub sigillo pendente Vicariæ copiam fieri volumus, & mandamus. Data in Campis in planitie S. Martini A. D. 1283. die penult. Martii undecimæ indictionis.*

POPE *Honorius* IV. in the Year 1285. picking out such of these Statutes only, as had been made in favour of the Churches and Ecclesiastical Persons, and their

<sup>1</sup> Napodan. in Comment. add. capit

Immunities, and having altered some things by his particular Bull, while *Charles II.* was Prisoner in *Spain*, likewise confirmed them, and ordered them to be inviolably observed. The original Bull is preserved in the Archives of the Trinity of *Cava*<sup>1</sup>; and King *Ferdinand* in the Year 1460 caused them to be inserted in *Pragmatica 2. de Clericis, seu Diaconis Sylvaticis*, which we read in the first Tome of our printed publick Acts. These are likewise commonly call'd, *The Statutes of Pope Honorius*, but it is a gross Mistake; for they are not the Statutes of *Honorius*, which he made the same Year, while King *Charles* was Prisoner, and the Cardinal of *Parma* was Legate in the Kingdom; but are quite different, as we shall shew, when in the following Book we shall have occasion to discourse upon those Statutes of that Pope.

<sup>1</sup> Reg. Moles decif. 1.

### S E C T. III.

#### • The Statutes of King Charles II.

THESE were the last Laws, which the Prince of *Salerno* made as Lieutenant of the Kingdom, for his Imprisonment interrupted the Course of his Government; and his Father being dead, and he still Prisoner in *Spain*, nothing else was done the following Years, only that by the Means of the King of *England*, a Treaty was carried on for setting him at Liberty; at last upon the Conditions which we shall relate in the following Book he obtained his Liberty, and returned to *Italy*, where he was honourably received by *Nicholas IV.* who had succeeded *Honorius*; and on *Whit-Sunday* the twenty ninth of *May* 1289, was crowned King of *Sicily* and *Puglia*. Then he left the Pope's Court and returned to *Naples*, where being received with great Pomp and Rejoicing, he immediately set about to repair the past Disorders.

ALTHOUGH it be not consistent with the order of Time to treat in this Place of the Statutes of this King, or of those of the other Princes of the Family of *Anjou* his Successors; yet that we may not have occasion to return again to discourse of the Statutes of the Kingdom, which at present make one of the principal Parts of the Laws of our Country; I shall therefore join them here altogether, that we may have an entire and complete History, both of the Laws and of the Authors, who have illustrated them with various Notes and Comments.

DURING the five Years that *Charles* was Prisoner, the Kingdom having been exposed to many Changes and Disorders, he was no sooner restored to it than he resolv'd with new Laws to re-establish it. In the Preface prefixed to those Laws he tells us, That it was after they had been thoroughly considered and examined by the Prelates, Counts, Barons, and the wise Men of the Kingdom that he had established them. They begin from the Title, *De Inquisitionibus*; and the many Laws under the subsequent Titles are entirely designed for regulating criminal Processes, and how they were to be founded; what Proofs were requisite; of what use Torture, and the Confessions of Criminals were; the Punishment of those who carried prohibited Arms, and of Murderers is fixed; in short, all that concerns Crimes, the Manner of proving them, and their Punishment are regulated.

AFTER he had dispatched criminal Matters, he goes on to civil. To pledge ploughing Oxen was prohibited<sup>1</sup>. He made a commendable Law concerning the finding of Treasure, different from that of King *William*; for by this the Finders are not to be troubled, if it was found in their own Ground; if it was in Lands belonging to the Publick, or the King, he gets Half; if in another Man's the King has nothing, but the one half goes to the Finder, and the other to the Master of the Ground; at the same time it was declared, that Mines of Gold, Silver, and other Metals, or Salt-Pits were not meant by Treasure<sup>2</sup>. He enjoins the Payment of Tithes<sup>3</sup>. He established a pecuniary Mulct upon those who continued

<sup>1</sup> Cap. de bobus arator.

<sup>2</sup> Cap. de Thesauris.

<sup>3</sup> Cap. de Solv. decim.

above a Year under Excommunication <sup>1</sup>. He preserved the Method of appointing Guardians, either when a Feudatory left a Will, or died intestate <sup>2</sup>. He took care of Women's Portions, and made useful Provision against some foul Practices <sup>3</sup>. He likewise confirmed by new Laws all the Statutes, which during his Lieutenancy he had made in the Plain of S. Martin, thus: *Capitula eadem Constitutione presentia in perpetuum valitura, de nostra mera scientia, confirmamus, Et defectum omnem, si quis eis tunc infuit, qui Regni potestate Vicaria, non Dominica fungebamur, Regis dignitatis auctoritate supplemus* <sup>4</sup>. And that his People might be sensible how much he had Justice at Heart, and the restoring of the Provinces to a better State, he ordained <sup>5</sup>, That the Chief Justice, and the Judges of the High Court should go the Circuits six Weeks every Year through such Provinces as he should appoint, viz. over all *Abruzzo, Terra di Lavoro, Principato, Capitanata, Basilicata, Terra di Bari, and Terra d'Otranto*. And that during their Stay in these Provinces they were to curb the Irregularities of the Justices thereof and their Officers; and if they found that they ought to be turned out, they were to give him an exact Account, that he might act accordingly.

IN order to ingratiate himself with the Counts and Barons, he enlarged the Degrees of Succession to their Fiefs <sup>6</sup>. And to remove the Disputes and Quarrels that happened about the Bounds of the Lands of Barons, Churches, and private Men, he ordain'd two Books to be formed out of the Registers of his Archives concerning Marches, one of which to be kept in his Exchequer, and the other to be fixed with an Iron Chain in the principal Church of the City <sup>7</sup>. He put a Stop to many Abuses in collecting the Taxes; lastly, his whole Study was to see that his Subjects were not oppressed by unjust Exactions.

ALL these Statutes were made in *Naples* the same Year that he returned from being Prisoner in *Spain*, and therefore bear this Date; *Data Neap. A. D. 1289*.

BESIDES these, we read many other Laws of this Prince's scattered up and down amongst those of King *Robert* his Successor, and which were made in the subsequent Years, such as that which we read under the Title, *Quod in pœnis pecuniariis, &c.* another under the Title, *Quod sit licitum accusatori, &c.* a third under the Title, *Exceptione excommunicationis, &c.* and some others; and lastly, that which was published the last Year but one of his Reign, and we find it amongst King *Robert's* Statutes, under the Title, *Literæ Domini Regis*; and it bears this Date, *Dat. Neap. per D. Bartholomæum de Capua A. D. 1307. die 12. Decembris 11. Indict. Regnorum nostrorum anno 22.*

THIS Prince did not employ *Andrea d'Ifernia* to draw up these Laws, as *Giovanni Antonio Nigris* believ'd <sup>8</sup>; but they were penn'd by the famous Lawyer *Bartolommeo di Capua*, Protonotary of the Kingdom, whom he and his Successor *Robert* raised to the first Dignities and Honours of the Kingdom.

<sup>1</sup> Cap. de morantib. in excomm.  
<sup>2</sup> Cap. de Statuendo Balio.  
<sup>3</sup> Cap. de dotib. mulier. & seq.  
<sup>4</sup> Confirmatio capitulorum editorum in planitie S. Martini.  
<sup>5</sup> Cap. Quod Magister Justitiarius certis tempori-

bus, &c.

<sup>6</sup> Cap. de prorogat. success. duratura.

<sup>7</sup> Cap. de tollenda dissentione inter fideles nostros. Summon. tom. 2. pag. 360.

<sup>8</sup> Nigris Comment. ad cap. 138. num. 6.

## S E C T. IV.

### The Statutes of King Robert:

THIS Prince, who for his Wisdom was reckoned another *Solomon*, left us also many prudent and useful Laws; he made none while he was his Father's Lieutenant, but only after he was crowned King. His Son *Charles* Duke of *Calabria*, whom he appointed his Lieutenant, emulating his Father's Wisdom and Justice, made some also in his Father's Life-time. *Fabio Montelione da Gerace* <sup>1</sup> writes, that King *Robert* during his whole Reign made only fifty of those Statutes; which Number we exactly see in the Vulgar Edition; but there are many more in

<sup>1</sup> Fab. Montel. in Comment. super quatuor literis arbit. par. 2.

the original Manuscript, which, as *de Bottis* writes <sup>1</sup>, was in his time in the Hands of *Barattuccio* the Advocate *Fiscal*; and *Goffredo di Gaeta* <sup>2</sup> in his Treatise on the Customs of the Royal Chamber of Accounts likewise mentions some others.

*ROBERT* began his Reign in the Year 1309, and his first Laws were likewise penn'd by *Bartolommeo di Capua* Protonotary of the Kingdom, in which Post he was not only confirmed by *Robert*, but raised to greater Honours, for having been of so great use to him in the famous Dispute, which this Prince had in *Avignon* with his Nephew about the Succession to the Kingdom.

*Bartolommeo* was made Protonotary of the Kingdom in the Year 1284, which was the first of King *Charles II.*'s Reign, and possessed that high Post till the Year 1328, when he died. We find his Death to have happened this Year by the Inscription on his Tomb, which at first was placed in his own Chapel in the great Church of *Naples*, where he was buried; and though that Stone has been removed to some other Place since *Summonte* wrote <sup>3</sup>, yet we read the Inscription (besides in *Summonte*, in *Cesare Eugenio* <sup>4</sup>, and *Toppi* <sup>5</sup>) in *Pietro Stefano* <sup>6</sup>, who wrote before the Stone was removed, where amongst other things we read these Words:

*Annis sub mille trecentis Bis Et Octo,  
Quem capiat Deus, obiit bene Bartholomeus.*

BUT we must observe, that *Pietro Stefano* translates these Words of the Inscription: *Annis sub mille trecentis bis & octo* thus: *In the Year one thousand three hundred and sixteen*; so that *Summonte*, *Pier Vincenti* <sup>7</sup> and *Toppi* were induced likewise to write, that *Bartolommeo di Capua* died in the Year 1316, which is repugnant to many of King *Robert's* Statutes, penned by *Bartolommeo* after that Year, such as in the Years 1318, 1324, and 1326. Whence some <sup>8</sup> interpret those Words, *bis & octo*, twenty eight, and not *sixteen*, because in that Case it ought to have been *bis octo*, not *bis & octo*; for according to the foolish way of writing in those Times, by adding three hundred to a thousand, and to that two, and then other eight, made exactly one thousand three hundred and twenty eight.

THE first Statutes of King *Robert* are those penned by *Bartolommeo di Capua*, and they begin from the third Year of his Reign, thus: *Cap. Robertus, &c. Ad quietem publicam*, under the Title, *Ut Comites, & Barones, &c.* made in the third Year of his Reign; the vulgar Edition is dated wrong, for instead of *A. D. 1311.* it ought to be 1326. *Cap. Robertus, &c. Privilegia, &c. pro bono statu*, under the Title, *De exceptione excommunicationis*. *Cap. Importuna petentis*, under the Title, *De non creandis Judicibus in perpetuum*. *Cap. Robertus, &c. Ne per exemptionis*, under the Title, *Quod testes excommunicati debent absolvi ad cautelam*; which we now call, *cum reintentia*. *Cap. eodem studio*, under the Title, *Quod in causis criminalibus, &c.* *Cap. Robertus, &c. Quia nulla legis*, under the Title, *Quod Justitarius possit cognoscere de civilibus causis Ecclesie, &c.* *Cap. Robertus, &c. Nolumus*, under the Title, *Quod Barones, vel feuda tenentes, &c.* *Cap. Robertus, &c. Licet contra*, under the Title, *Quod receptatores pari pena punire debent, qua & Malefactores*. *Cap. Statuimus*, under the Title, *Quod liceat specialibus personis, &c.* *Cap. Robertus, &c. Frequenter ex abundantia*, under the Title, *Confirmatio Constitutionum per Genitorem Regis Roberti editarum*. *Cap. Juris censura*, under the Title, *Capitulum de arbitrio concessio Officialibus*, which, as *de Bottis* very well observes, was penn'd by *Bartolommeo di Capua* in the Year 1313. *Cap. Robertus, &c. Si cum Sceleratis*, under the Rubrick, *Litera arbitralis*, and is dated in 1313. the fifth Year of King *Robert's* Reign. The famous *Cap. Ad Regale fastigium*, under the Title, *Quod Justitarius possit cognoscere de gravaminibus illatis per Prelatos, vel alias Ecclesiasticas personas*, drawn up by *Bartolommeo di Capua* in the Year 1314, the sixth of King *Robert's* Reign, as *de Bottis* very justly observes. *Cap. Robertus, &c. inter belli discrimina*, under the Rubrick, *Capitulum contra exceptionem hosticam, &c.* which, in the vulgar Edition, is most in-

<sup>1</sup> Bottis in addit. ad tit. de oblationib.

<sup>2</sup> Goff. de Gaeta rub. 5. de jur. Dohanæ, rit. 8. num. 207.

<sup>3</sup> Summonte tom. 2. lib. 3.

<sup>4</sup> Eugen. Nap. fac. del Duomo di Nap.

<sup>5</sup> Toppi Bibl. Nap. in Barth. di Capua.

<sup>6</sup> Stefan. Descriz. de Luoghi faeri di Nap.

<sup>7</sup> Vincenti Teatro de Proton. del Regno, from which Toppi in Bibl. took it.

<sup>8</sup> Andreys disp. feud. cap. 1. §. 5. num. 28. pag. 34. Ut quem obiisse constat anno 1328. ex ejus sepulchro in nostrâ Æde Archiepiscopali. Fulvib Carac. allegaz. per la Citta di Napoli.

correctly dated, viz. in the Year 1416, when not only *Bartolommeo*, but *Robert*, and even his Grandchild and Successor *Joan* were dead, so that it ought to be corrected, and read 1316. *Cap. Robertus, &c. Pridem per diversas*, which follows under the same Rubrick. *Cap. Robertus, &c. Ad confirmationem Magistri Justitiarum*, under the Title, *Quod accusatore desistente, Curia ex officio procedere potest*. *Cap. Robertus, &c. Exercere volentes*, under the Title, *De componendo*. *Cap. Provisa juris sanctio*, under the Title, *Quod latrones, disrobatores stratarum, & piratae omni tempore torqueri possint*. *Cap. Robertus, &c. Quorundam expositio*, which we find amongst the Statutes of King *Charles II.* under the Rubrick, *Litera super justitia retardata*. *Cap. Robertus, &c. Ordinata justitia*, under the Title, *Quod Bajuli Judices exercean officia, &c.* which was made while *Bartolommeo di Capua* was alive, since we have his Notes upon it. *Cap. Robertus, &c. Salubrem statum*, or, *Frequenter ex abundantia*, under the Rubrick, *Hoc Capitulum est ad confirmationem Capitulorum factorum per Regem Carolum*; and *Cap. Robertus, &c. Alienationis Actus*, under the Rubrick, *Non est Capitulum, sed litera declarans juris ambiguitatem, &c.* likewise penned by *Bartolommeo di Capua*, *A. D. 1326. die 5. Decemb. 10. indict. Regnor. nostr. A. 18.*

THESE are the Statutes established by King *Robert* from the third Year of his Reign to the Year 1326 inclusive, which was the eighteenth of his Reign, and were penn'd by *Bartolommeo di Capua* his Great Protonotary.\* We likewise read some other Statutes of this Prince, but since they related to his own Royal Patrimony, they were not penn'd by the Protonotaries, but by the Masters of Accounts, whose Province it was; for, as *Pier Vincenti*, in his Treatise of the Protonotaries of the Kingdom<sup>1</sup>, very well observes, the same was afterwards practis'd in the Reign of the Kings of the House of *Aragon*. These are, *Cap. Robertus, &c. Novis Morbis*, under the Title, *De compilatione, & compositione rationum Officialium*, drawn up in *Naples* in 1317, the ninth Year of King *Robert's* Reign, by the Masters of Accounts, as may be seen by the Date: *Data Neap. per Magistros Rationales magnæ Curie nostræ, A. D. 1317. die 20. Septembris, 1. indict. Regnorum nostrorum anno nono*. *Cap. Robertus, &c. Fiscalium functionum*, under the Title, *De appetio, & modo faciendis in terris, & locis Regni*; which likewise bear this Date: *Datum Neap. Per eosdem Magistros Rationales Magnæ Curie, &c. A. D. 1333. die 7. Augusti, 1. indict. Regnorum nostrorum anno vigesimo quinto*. And the famous *Cap. Apud Fogiam*, under the Title, *Quid fiet mortuo Barone*.

ALL the other Statutes made by King *Robert* are penn'd by *Giovanni Grillo* of *Salerno* Vice-protonotary of the Kingdom, in which we find some Errors in the Dates of the vulgar Edition. *Bartolommeo di Capua* dying in the Year 1328, although King *Robert*, in his Father's Life-time, had raised his Son *Giacomo di Capua* to the Honour of Protonotary, with a Salary of a hundred and eight Ounces of Gold yearly, so that without any Precedent there were two Great Protonotaries; yet *Giacomo* having died before his Father, who afterwards died loaded with Honour and Years, that great Office for a long time continued vacant, till in the Year 1343 it was filled up by *Ruggiero Sanseverino*<sup>2</sup>. In the mean time the Office was exercised by Vice-protonotaries; so that after *Bartolommeo's* Death, *Niccolo Frezza*, *Andrea Comino*, and *Giovanni Grillo* succeeded one another in that Office; all the following Statutes of King *Robert* are penn'd by *Grillo*. The two first of which we read under the Title, *De non procedendo ex officio, nisi in certis casibus, & ad tempus*; and bear this Date, *Data Neap. per Joan. Grillum de Salerno Juris civilis Professorem, Vicegerentem Prothonotarii Regni Siciliae A. D. 1328.* (but it ought to be read) *die 10. Feb. 12. Indict. Regn. nostrorum anno 20.* The other is under the Title, *De indebitatoribus Victualium, & Usuris*, which bears the same Date with that which was made on the twenty fourth of *July* the same Year. The fourth is, *Cap. Ut inter subjeetos*, under the Title, *De prohibita portatione armorum*; penn'd by the Vice-protonotary *Grillo* the Year following, which was the twenty first of *Robert's* Reign; so the Date in the vulgar Edition ought to be corrected, and instead of *A. D. 1200*, it ought to be 1329.

Then follow three Edicts published by *Robert* the Year following, viz. 1330; the two first in the Month of *May*, and the third in *June*. The first is under the Rubrick, *De non componendo super receptatione bannitorum cum Universitate, personisque singularibus*. The second has this Title, *Tenor secundi Edicti, de damnis emendandis per Universitatem*; and the third under the Rubrick, *Tenor tertii Edicti, de familia Officialium quali-*

\* P. Vinc. in principio.

<sup>2</sup> P. Vinc. de Proton. in B. de Capua, fol. 75.



ter esse debeat. These Edicts bear the true Date 1330, the twenty second Year of King Robert's Reign. Two other Statutes were made the same Year, the first of which we read under the Title, *De non componendo super crimine capitali*; and the second under this Title, *Quod possit Regi Curia in Terris non Jurisdictionis*.

• THE following Year 1331 King Robert made that famous Statute drawn up by Grillo, whereby he prohibited the Exportation of the Silver Carolins out of the Kingdom, which we read under the Rubrick, *De prohibita extractione Carolenorum argenti de Regno*; and the Date ought to be corrected, and in the room of *A. D. 1303* it should be 1331, which was the twenty third Year of King Robert's Reign.

IN the following Year 1332 was published by Robert; and penn'd by the same Hand, that other famous Edict, in order to put a Stop to the frequent and scandalous Disorders which were practis'd in Naples by some lewd Persons, who, under pretence of Marriage, assembled in the publick Places of the City, dragged Virgins out of their Houses, and ravished them; by which Edict, under the most severe Punishment, he prohibited such enormous Crimes, of which *Summonte* makes mention in his History, as also of the Surnames of the Nobility of the Seggi of Capuana, Nido, Portanova, Mercato, Porto, Somma Piazza, Salito, Arco and S. Arcangelo. We read this Edict under the Rubrick, *Statutum contra Neapolitanos maleficos rapientes Virgines sub colore matrimonii*; and the Date ought to be corrected, and in the room of *Regnorum nostrorum A. 14.* it should be *A. 24.*

IN the Year 1334 two other Statutes were made; the first in August, under the Title, *De non componendo in delectis corporaliter puniendis*; and the second in October, as an Explanation of the first under the Rubrick, *De declaratione Constitutionis prohibentis compositionem in criminalibus*; both which in the vulgar Edition bear very true Dates, exactly denoting the twenty sixth Year of King Robert's Reign.

IN the following Year 1335 five famous and remarkable Edicts were published by King Robert, and penn'd by Grillo. The first in January under the Title, *De revocatione occupatorum Demanii Regii ad ipsum Demanium*; the Date ought to be corrected and read, *Data Neap. per J. Grillum A. D. 1335. die 16. Januarii 3. Indict. Regnorum nostr. anno 27.* and not 26. as we read it in the vulgar Edition. The second in the same Month and Year, under the Title, *De pecunia Fiscali non tenenda per Officiales post amotionem ab officio*; where the Date ought likewise to be corrected, and read, *Regnorum nostrorum A. 27.* We find the third under the Rubrick, *De non recipiendis Vasallis Demanii in Terris Baronum*; the fourth under the Title, *Quod Clerici conjugati solvant collectas Regias*; and the fifth under the Title, *Quod non extrahantur lignamina extra Regnum.*

THEN follow those famous Statutes, whereby a Remedy is provided against the Encroachments of the Ecclesiasticks. Those Statutes which we commonly call *Remedia*, or *Conservatoria*, are four in Number. The first was made by King Robert in the Life-time of the famous Lawyer *Bartolommeo di Capua*, and drawn up by him as Protonotary of the Kingdom, and begins, *Ad Regale fastigium*, and of which we have already taken Notice. The other three published afterwards follow. The second begins; *Charitatis affectus*, directed by Robert to the Justices of *Apruzzo*, *ultra flumen Piscariae*, and we read it under the Rubrick, *Conservatorium pro Laico contra Clericum*: The third begins, *Finis præcepti charitas*, directed to the Justices of *Val di Crati*, and *Terra Giordana*, under the Rubrick, *Conservatorium pro clerico contra clericum*: And the fourth, which was directed to the Deputy of the Lieutenant's Court, and his Judges, begins, *Omnis prædatio*, under the Title, *De spoliatis pro Laico contra Clericum*. We shall have Occasion to treat at large of these Statutes in the following Books, when we come to discourse of the Reign, the Justice and Wisdom of King Robert; as also of the *Quatuor literæ arbitrales*, of which this Prince was likewise Author, and which, amongst these Statutes, we have only barely mentioned.

LASTLY, We have that other famous Statute of King Robert's, whereby he takes particular Care of reforming the University of Naples; it begins, *Grande fuit*, and we read it under this Title, *De reformatione Studii Neapolitani, & interdicendo particulares scholas in utroque jure ubilibet infra Regnum*. That other Statute which begins, *Pondus æquum*, and which is commonly attributed to Queen Joan, Robert's Grandchild, is to be found under this Rubrick, *Litera Reginae Joannæ*; and *de Bottis* takes it to be likewise King Robert's, and says, He found it in the Register begin-

ning thus: *Robertus, &c. Justitiariis Principatus ultra Serras Montorii presentibus, & futuris, &c.*

WE must not forget another Edict of *Robert's*, whereby the Clergy are prohibited to carry Arms; and if after they have been thrice admonished they still continue to do it, the Arms are to be taken from them. We have it not amongst these Statutes, but it is to be found amongst our Pragmaticks<sup>1</sup>; and though the contrary be now practised, yet it is partly by disuse, and partly because in process of time the Bishops were allowed to have their Families arm'd; of which afterwards.

THESE are King *Robert's* fifty Statutes, which are printed with the Body of the Laws of the Kingdom, and have all Force and Authority with us, both in the Tribunals of the Cities and Kingdom; and all of them that have not been repeal'd by posterior Laws, or fallen into Disuse, are to be inviolably observed.

NOW follow the Statutes of the Duke of *Calabria* King *Robert's* Son, which he made while he governed the Kingdom as his Father's Lieutenant.

<sup>1</sup> Pragm. 6. de Cler. seu Diac. Sylvaticis.

## S E C T. V.

### *The Statutes of Charles Duke of Calabria Lieutenant of the Kingdom.*

KING *Robert* being obliged sometimes to go to *Provence*, sometimes to *Florence*, and often upon Expeditions to *Sicily*, perceiving in his Son *Charles* many shining Virtues, especially Religion, Justice, and Wisdom, he almost from his Infancy entrusted him with the Government of the Kingdom, by making him his Lieutenant; and the Duke acquitted himself so well and so prudently in his Office, that his Father was highly satisfied with him. He rendered the Tribunal of the Lieutenantcy more splendid and conspicuous, by making *Filippo Sanguinetto* Chief Justice of it with a Salary of a hundred and fifty Ounces of Gold yearly, and ninety Ounces yearly for the Pay of ten Horsemen, and sixteen Foot Soldiers for a Guard and greater Ornament to that Tribunal<sup>1</sup>. He was wont every Year to make a Progress over the Kingdom in order to discover if the Barons and the King's Ministers oppressed the People. And by Means of several Edicts, which we have inserted amongst the Statutes of King *Robert* his Father, he made prudent Regulations concerning the good Government of the Kingdom, and the right Administration of Justice, of which he was a most strict Observer.

THE first of his Statutes is against the Barons and others who harboured *Banditti*, and other profligate Men, who disturbed the Peace of the Kingdom, whereby he makes it Death, and the Forfeiture of their Estates: This was directed to the Justice of *Terra d'Otranto*, and penn'd by *Bartolommeo di Capua*, and upon which we have some of his Notes; it is dated, *apud Hospitale Montis Virginis*, a Sanctuary in *Terra di Lavoro*, made very famous then by the Bounty and Piety of the Family of *Anjou*, who often took up their Residence there.

THE second, likewise penn'd by the said *Bartolommeo*, is the remarkable *Cap. Ex presumptuosæ*, which we read under the Rubrick, *Quod Feudatorio decedente absque legitima prole, possessio Feudi usque ad anni circulum in modum sequestri stet penes Fiscum*. The Author of this Statute was *Charles II.* his Grandfather, but because it had never been published, *Charles* the Grandchild by this Edict ordered it to be proclaimed, and strictly observed.

OTHER three of his Constitutions follow, likewise drawn up by *Bartolommeo di Capua*, concerning the Time, and the Manner of examining the Accounts of the Officers, which we read under the Rubrick, *Quod tempus Syndicationis non labatur, donec acta sunt compilata, & assignata*.

THEN follow other four; the first begins, *Legem veterem Digestorum*; the second, *Voluntas libera*; the third, *In forma Sigilli*; and the fourth, *Accusatorum temeritas*; all penn'd by *Bartolommeo di Capua*, and bear this Date; *Dat. Neap. per*

<sup>1</sup> Tutini de G. Giuff.

*Bar. de Capua, &c. A. D. 1324. die 8. Febr. 7. Indiēt. Regnorum Domini patris nostri anno 15.*

WE have another Statute of the Duke's among those of Queen Joan, made for the Bishop of Chieti, concerning a Law Suit which the Bishop had with Roberto Mirello, which begins; *Carolus illustris, &c. Ne personarum Casu, &c.* This was likewise penn'd by Bartolommeo di Capua in the Month of September 1322.

AMONGST the Usages of the High Court of the Lieutenancy we find another Statute of the Duke's, which begins, *Detestantes*, under the Rubrick, *De supplendis defectibus causarum*, directed to Giovanni de Aja, Deputy of the High Court, and bears this Date, *Dat. Neap. A. D. 1320. die 28. Decembris 3. Indiēt. Regnorum dicti Domini Patris nostri, anno 11.*

WE likewise read amongst his Statutes one drawn up by the Masters of Accounts; it relates to the Royal Prerogatives, and was made against those who counterfeited the *Gigliati* \*, and the *Carlini*, and therefore the Name of the Protonotary, or Vice-Protonotary, is not mentioned in the Date, but only, *Data per Magistros Rationales*. It begins, *Carolus illustris, &c. Jam sepe*, and is under the Title, *De demolientibus, & falsantibus Liliatos, Carlenos, & incidentibus*.

\* A Coin with Flower - de - Lucas on it.

THESE are the Statutes left us by this wise and just Prince, who dying in the Year 1328, and King Robert having no other Sons on whom he could bestow the Title of Duke of Calabria and the Lieutenancy of the Kingdom, he resumed the Government himself, and, as we have observed, established many other Statutes penn'd by Grillo the Vice-protonotary; but in the Year 1343 dying without Sons, he left the Kingdom to Joan I. his Grandchild, the Daughter of Duke Charles, the Source of many Disorders and Confusions in the Kingdom; insomuch, that both she and her Successors living in continual Troubles, and in the midst of Armies, they had not time to think of Laws. For which Reason we have but few Laws of Queen Joan's, which she made for reviving Statutes that had fallen into Disuse, as she says herself: *Condita sunt Capitula infra scripta modica, & quasi nulla statuentia nova. Sed solum rememorantia, & reformantia Jura antiqua, & Capitula quæ per abusum malorum Officialium minime fuerunt observata modernis temporibus* †. And we have no other Laws of the Kings of the Family of Anjou her Successors, excepting that famous Statute of King Ladislaus, whereby he prohibits Notaries that were Vassals to draw up the Writs of their Barons; and another of Queen Isabel's as Regent of the Kingdom for her Husband King Renato, which we read amongst the Usages of the High Court of the Lieutenancy.

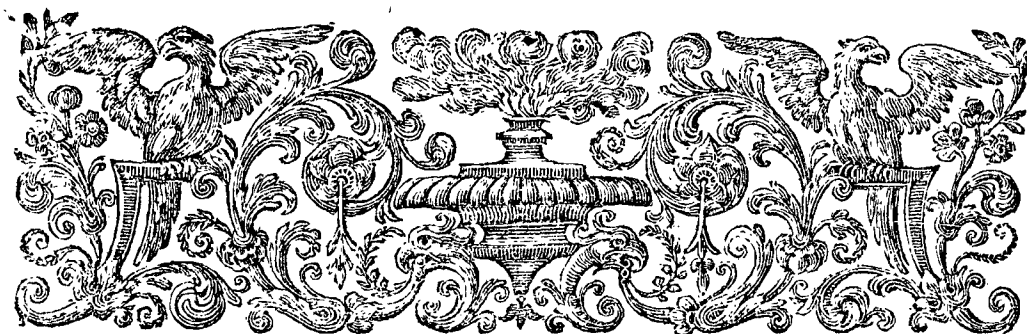
THESE are the Laws whereof the Volume of the Statutes of the Kingdom is now composed; and these are the Authors of them, viz. Charles I. Charles II. Robert, Charles his Son, and Queen Joan; one by Ladislaus, and another by Isabel.

FROM the time they were published, some have explained them with Notes, and others with full Comments. The first was Bartolommeo di Capua, who made some short Notes. Giovanni Grillo of Salerno also a famous Lawyer of those Times, who after the Death of Bartolommeo was Vice-Protonotary of the Kingdom. The celebrated Andrea d'Isernia made some Notes too. In the Reign of Queen Joan I. Sebastiano Napodano, and Niccolo da Napoli, Sergio Donnoroso, who was Master of Accounts of the High Court, and Vice-protonotary †, and Luca di Penna likewise made some Notes. And afterwards Niccolo Superanzio, Pietro Piccolo of Monforte, Giov. Crispino Bishop of Chieti, Fabio Giordano, Gio. Angelo Pisanello, Marc' Antonio Polverino, and Giacopo Anello de Bottis did the same. Lastly, not to mention some, who made very small Notes of little Moment, Gio. Antonio de Nigris of Compagna, a City in the hither Principato, not a mean Lawyer, in the latter end of the Reign of Charles V. in the Year 1546, to the Notes of Bartolommeo di Capua, of Sebastiano, of Niccolo di Napoli, and of Luca di Penna, added his own most ample Commentaries.

† Cap. Reg. Joannæ. pro statu Regni, &c.

‡ Pier Vincenti, de Prot. 1352. pag. 96.



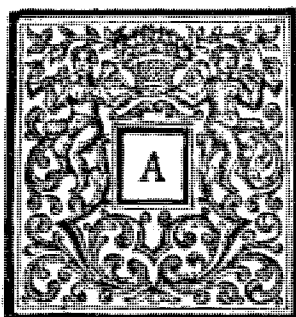


THE  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.

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B O O K XXI.

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AS the Death of *Charles I.* which happened in *Foggia* in the beginning of the Year 1284 was serviceable to *Peter King of Aragon*, not only because it fixed him in the Kingdom of *Sicily*, but likewise removed the Danger he was in of losing his paternal Kingdoms, which were invaded by *Philip King of France*, so it was a severe and lamentable Stroke to our Kingdom of *Puglia*, and to Prince *Charles* his Son; for the Kingdom was not only exposed to the Invasion of *Roger de Loria*, who having taken *Cotrone*, and *Catanzaro*, and some other Places of that Province, threatened the neighbouring Provinces, but was likewise without a King, and without Government, the Prince of *Salerno* who was to succeed, being still kept Prisoner in *Spain*. And there being none left to take care of the Kingdom, but the unfortunate Princess *Mary*, the Prince's Wife, and *Charles Martel* his Son, who was then but thirteen Years of Age, Pope *Martin*, in order to take Advantage of the Opportunity, immediately sent back *Girardo* Cardinal of *Parma* Apostolick Legate to govern the Kingdom jointly with the Princess. But *Philip King of France*, who was grievously afflicted for the Death of his Uncle, lest the Influence of the Legate with a Woman and a Child, might be of Prejudice to the Sovereignty of the Prince, quickly dispatched *Robert* Count of *Artois* his Son<sup>1</sup>, to take care of the Royal Fa-

mily, and assume the Government of the Kingdom. Nevertheless the Legate, by his own Cunning, and the Necessity the *French* then had of the Pope's Favour, was not only not excluded, but of his own Authority that every Year called a Parliament in *Melphis*<sup>1</sup>, consisting of many Prelates and Barons, and made some Statutes for the good Government of the Kingdom, which were to be communicated to Pope *Martin*, and being confirmed by him, they were to be published, and observed in the Kingdom as his Laws, of which afterwards.

IN the mean time King *Peter*, on *Charles's* Death, seeing himself secure of the Kingdom of *Sicily*, in all haste set out for *Aragon* with his *Sicilian* Forces to oppose the victorious King of *France*, who had already taken *Perpignan*, *Girona*, and many other Cities of that Kingdom, which he was resolved to conquer for *Charles* of *Valois* his second Son, who had got the Title and Investiture of it from the Church of *Rome*; and though *Peter's* Army was far inferior to that of his Enemy, yet out of his great natural Courage, improved by the Smiles of Fortune hitherto, he would needs come to an Engagement; but his Army was put to the Rout, himself wounded, and with great Difficulty he made his escape to *Villafranca*, where a few Days after, on the sixth of *October* 1285 he died. A King, most worthy of all Praise and eternal Memory; for with a handful of Troops, with Art and Industry, he alone defended two Kingdoms, far distant from one another, against two most powerful Kings, and a Pope his bitter Enemy; and was always ready with his Person, wherever the Necessity of Affairs required his Presence. He left four Sons, *Alphonfus*, *James*, *Frederick*, and *Peter*, and two Daughters, *Isabel* and *Violante*. To *Alphonfus* he left the Kingdom of *Aragon*, and to *James* that of *Sicily*, with this Proviso, that if *Alphonfus* should happen to die without Sons, *James* was to succeed to both Kingdoms.

BY the Death of King *Peter*, the Kingdom of *Aragon* would have certainly fallen into the Hands of the *French*, had it not been on the one Hand for a grievous Pestilence that seized the King of *France's* Army; and on the other for the wonderful Valour of *Roger de Loria*, who went and burnt the *French* Fleet in the very Harbour of *Roses*, which obliged King *Philip* to retire to *Perpignan* for want of Provisions, with which he had been before furnished by his Fleet; and falling sick in *Perpignan*, on the eighth of *October* the same Year he departed this Life, and was succeeded by *Philip the Fair* his Son.

THIS Year was likewise mournful on account of the Death of Pope *Martin*, who died in *Perugia* the twenty fifth of *March* 1285<sup>2</sup>, and *Honorius IV.* a *Roman*, of the noble Family of the *Savelli*, was immediately elected in his Place.

POPE *Honorius*, though an *Italian*, followed the Example of his Predecessors, by favouring the Family of *Anjou*, and at the same time, by the means of his Legate *Girardo*, providing for the Necessities of the desolate Kingdom; and the Count of *Artois*, who had heard of King *Peter's* Death, and that by his Will he had divided the Kingdoms, conceiving Hopes of recovering *Sicily* from King *James*, his whole Thoughts were employed upon that Undertaking; therefore *Honorius*, making Advantage of the Opportunity, was likewise resolved to intermeddle with the Civil Government of the Kingdom, and to provide it with new Laws conformable to the Wishes of the Barons, and in general of all the Subjects of the Kingdom; but especially to re-establish the Privileges and Immunities of the Churches, and Ecclesiastical Persons thereof. Notwithstanding, by a particular Bull drawn up the seventeenth of *September* 1285, he confirmed those Statutes made by the Prince of *Salerno* in the Plain of *S. Martin*, when he was Lieutenant of the Kingdom, but those only that regarded the Immunity and Privileges of the Ecclesiasticks; which Bull, taken from the Original which is preserved in the Archives of the Trinity of *Cava*, was likewise inserted in our Pragmaticks by *Ferdinand I.* of *Aragon*, and is quite different, as we have said, from that, of which we are now going to discourse.

<sup>1</sup> Moles decif. 6. Sect. 1. Jo. Franc. Marcian. disp. 3.

<sup>2</sup> Cianon. says the 27<sup>th</sup>.



## CHAP. I.

*Of the Statutes of Pope Honorius IV. and of what Use and Authority they were in the Kingdom.*

**W**HOEVER will but consider to what a lamentable Condition the Misfortunes of *Charles I.* and the Imprisonment of the Prince his Son reduced this Kingdom, he will cease to wonder how Pope *Honorius* was able to work up his Authority in it to such a pitch, as not only at his Pleasure to impose Laws upon our Barons, and the other Subjects, but even upon the Kings themselves, treating them as his Subjects, and mere Vassals. Our Princes stood so much in need of the Favour of the Popes in those calamitous Times, that Prince *Charles*, when he was Lieutenant of the Kingdom, was forced to put it under the Protection of Pope *Martin*, then alive, to whom he gave full Power to regulate the Government thereof, and left it to him to impose Taxes, to order the Method of collecting them, to reduce them to what they were in the time of good King *William*, and to redress the Grievances of the Subjects. The Cardinal of *Parma* discharged his Part very well, but he had not brought the Work to Perfection in *Martin's* time, as he did in that of *Honorius*, who not only took upon him to lay down Rules for the levying of Money, but made Regulations concerning Matters of greater Importance, such as the Succession to Fiefs, and other Points purely belonging to the supreme Authority of the Prince.

HOWEVER, we must look farther back for the Origin of these Encroachments, viz. the severe and hard Conditions with which Pope *Clement IV.* clogged the Investiture he gave of the Kingdom to *Charles I.* While that Prince was in his Prosperity, he did not much regard them; and as for Taxes and other Subsidies he continued them in the same manner, as they had been in the time of King *Manfred*; but as to the Rights of his Exchequer he shewed himself a more strenuous Assertor of them, than any of his Predecessors. But the Misfortune of the Loss of *Sicily* happening afterwards, the Prince of *Salerno* his Son, in order to gain the Hearts of the Subjects, by those Statutes made in the Plain of *S. Martin*, ordained the Taxes to be the same as they were in the time of good King *William*; but there being none alive then who could declare what was practised at that time, it was, as we have said, left to Pope *Martin* to fix them, according as the Syndicks of the Cities and Towns should inform him of the State of their Corporations.

POPE *Martin* by Reason of the Death of King *Charles*, and the Imprisonment of the Prince of *Salerno*, immediately sent back the Cardinal of *Parma* his Legate to *Naples*; who had no sooner arrived than he resolved to do what in him lay for the Benefit of the Ecclesiasticks; whereupon, he ordered the Prelates of the Kingdom to meet in *Melphis*, and on the twenty eighth of *March* 1334 the fourth Year of *Martin's* Pontificate, he made some Statutes in favour of the Ecclesiastical Jurisdiction and Immunity, which he got to be enlarged as much as was possible for him. And those Statutes were neither confirmed by *Honorius*, nor *Martin*, because they were made by Cardinal *Gerardo* at the very time that *Martin* died; so

‡ Reg. Moles decif. 1. §. 1. num. 12.

that when *Matteo d'Affitto*<sup>1</sup> quotes them, he calls them the *Statutes of Gerardo*, as we see in the Constitution *presente*, where he quotes one *Ex Capitulis Gerardi*, which begins, *Cupientes Ecclesiarum & Locorum, &c.*<sup>2</sup> It is probable that those Statutes of *Gerardo* were in Manuscript in *Matteo's* time, since we have no Account of their having ever been printed, and that afterwards all Memory of them was lost, as useless; and the Statutes of *Honorius*, wherein were contained more numerous and exact Regulations, eclips'd them entirely.

BUT the Count of *Artois* arriving afterwards in *Naples*, having been sent by the King of *France* as Guardian, to take care of the Royal Family, and govern his Cousin's Kingdom, the Legate managed Matters so, as not to be quite excluded from the Government; but by his own Artifice, and much more by the Necessity there was then of the Pope, he was joined in the Government with the Prince's *Mary* and the Count. But the latter being wholly taken up with military Preparations for a War he then intended for the recovering of *Sicily*, could not apply himself to the civil and political Government; so that Pope *Martin* being dead, and *Honorius* elected in his room, this new Pope, by the Directions of *Gerardo* the Legate, set about to establish new Statutes, which are the genuine *Statutes of Pope Honorius*.

HERE we must take notice of the sundry Errors into which our Doctors have fallen concerning the History of those Statutes, of which Deputy *Moles* himself was not free<sup>3</sup>, though he wrote more correctly than all the rest; for he believed that the Count of *Artois* had been appointed Guardian of the Kingdom by *Honorius*, to govern jointly with the Cardinal of *Parma*, and that therefore those Statutes had been directed by *Honorius* as well to the one as to the other. Much greater were the Errors of Deputy *Gio. Francesco Marciano*<sup>4</sup>, who says, that the Prince of *Salerno*, when he was Lieutenant, desired Pope *Martin* to send him an Apostolick Legate, in order to reform the State of the Kingdom, and to put it upon the same footing it was in the time of King *William*, and that therefore he sent him the Cardinal of *Parma*; whereas that Reformation ought to have been made where the Pope resided, whither the Prince had ordered the Syndicks of the Cities to be sent. This Cardinal was first sent to *Sicily* on account of the Revolt, and afterwards he went to *Naples*. But it was after the Prince's Imprisonment, and *Charles's* return from *France*, that the Cardinal was sent by the Pope; and he was recalled by *Martin* upon the Death of King *Charles*, in order to take upon him the Government of the Kingdom; and then hearing the Complaints of the Subjects about the Exactions and Taxes, and the Desire of the Barons to have the Degrees of Succession to Fiefs enlarged, concerning all which he drew up several Directions and Informations, and sent them to the Pope to have them redress'd; he likewise sent the Statutes, which the Prince of *Salerno* had made in the Plain of *S. Martin*. But the Pope's Death prevented his doing any thing in that Matter; whereupon *Honorius* was elected in his room, who being then at *Tivoli* on the seventeenth of *September* 1285, by a particular Bull confirmed those Statutes made by *Charles* in the Plain of *S. Martin*, in favour of the Ecclesiastical Immunity; which, as we have said, are inserted amongst our Pragmaticks, and the same Day he made those new Statutes, which he sent to the Cardinal of *Parma* his Legate, and they are the true *Statutes of Pope Honorius*; because those confirmed by his Bull, which we read amongst our Pragmaticks, are not his, but *Charles* Prince of *Salerno's*.

MANY were the Statutes which Pope *Honorius* made on this Occasion, partly concerning the manner of collecting the Taxes, partly in favour of the Barons, and partly for the general Good of the Kingdom; as for the Immunity and Benefit of the Ecclesiastical State, he had made sufficient Provision for these by his confirming the Prince of *Salerno's* Statutes.

IN relation to the levying of Taxes and Subsidies, he ordain'd, that in four Cases only it should be lawful for the King to impose them upon his Subjects, which was exceeding the Power given him by the Prince of *Salerno*, who only left it to

<sup>1</sup> Idem loc. cit. num. 13, & 14. Hæc ergo Capitula non ab Honorio, sed a Martino ejus prædecessore fuerunt facta, & de eis meminit Affitt. in Constit. Regni incip. præsentis, in ejus rubrica, & in continuatione ipsius, dum allegat unum ex dictis Capitulis Gerardi, quod incipit Cupiens, &c.

<sup>2</sup> Affitt. ad Const. Reg. tit. de administr. Eccles. post mortem Prælat. in rubr.

<sup>3</sup> Reg. Moles. loc. cit. num. 16.

<sup>4</sup> Jo. Franc. disp. 3. num. 1.



him to reform, but not to establish Cafes wherein it should be lawful to impose them. The Cafes were these. 1. For the Defence of the Kingdom, in case it should happen to be invaded, or if a Rebellion, or a lasting, not a tham civil War should fall out. 2. For ransoming the King's Person from the Hands of his Enemies, in which two Cafes he ordained the Sum of fifty thousand Ounces of Gold. 3. When it shall happen that the King has a mind to knight himself, his Brother, or any of his Sons, in which case he ordered that the Sum should not exceed twelve thousand Ounces. 4. For marrying his Daughter, or Sister, or any of his Kindred in a direct Line, he appointed the Sum of fifteen thousand Ounces. And in all these Cafes but once in a Year, and no more was to be imposed, excepting in Cafes of Necessity, or other Circumstances, which were to be made known to him.

HE made likewise many other Statutes concerning the Alteration of the Coin, Murder, Theft, and the King's not alienating the Demesnes of the Kingdom. He likewise stript him of the Power he had over Feudatories, who held simple Fiefs: That Marriage ought to be free, abolishing the King's Consent, which the Barons were formerly obliged to have when they married. He likewise made other Provisions concerning Reliefs, Free-gifts, and other Subsidies given by the Barons to the King: He enlarged the feudal Succession in favour of the Barons, that the *Jus Francorum* should take place, as well in the Succession of Brothers, as of Sons. He made Regulations concerning the Election of Officers, and diverse other Points, which may be seen in his Bull, and also in Bishop *Liparulo*<sup>1</sup>, and *Gio. Francesco Marciano*<sup>2</sup>.

DEPUTY *Moles*<sup>3</sup> declares, that these Statutes were long preserved in the Royal Archives, and quoted as Laws by our Professors. Deputy *Marciano*<sup>4</sup> in like manner attests, that an authentick Duplicate of them is preserved in the Archives of the Trinity of *Cava*, together with the original Bull of Pope *Honorius* made in Confirmation of the Prince of *Salerno's* Statutes established in the Plain of *S. Martin*; and *Moles*<sup>5</sup> says, That he had a Copy from these Archives of the said Bull extracted from that Original<sup>6</sup>. And *Gio. Francesco Marciano* says, That Deputy *Moles*, and Counsellor *Orazio Marchese* sent *Marcello Marciano* his Father then an Advocate to that Monastery to take Copies of the said Bull and Statutes, which he did; and that these two famous Lawyers made large Comments upon the said Statutes in order to be printed. But the Book being sent to the House of Counsellor *Gizzarello*, who had been pitched upon to revise it, a Fire happening one Night in the Library of the said Counsellor, it was burnt with all his other Books. And what had cost the Labour and Toil of so many Days was thus destroyed in one Night.

WE have had the good Fortune to be possessed of an antient Vault, which belonged to *Marcello Marciano*, wherein was this Copy in Manuscript, which he had extracted from the Archives of *Cava*, and which we have compared with the Original preserved there; we have therefore thought fit to print it here, being conformable to that, which *Rainaldo*<sup>7</sup> printed in his Annals, which he says he extracted from the Archives of the Vatican.

<sup>1</sup> Lipar. ad Andr. in cap. 1. de nat. Succes. feud. sub. num. 1. ante addit. vers. capitulum, lit. B.

<sup>2</sup> Marcian. disp. 3. num. 5.

<sup>3</sup> Moles decif. 1. Sect. 1. num. 19.

<sup>4</sup> Marc. loc. cit. num. 3.

<sup>5</sup> Moles loc. cit. num. 34.

<sup>6</sup> V. Ros. in præl. feud. num. 48.

<sup>7</sup> Raynald. Annal. Eccles. anno 1285.



## Capitula Papæ Honorij.



**H**ONORIUS Episcopus servus servorum Dei ad perpetuam rei memoriam. Justitia & pax complexæ sunt se, ita societate indissolubili sociatæ tuentur, sic se comitatu individuo comitantur, ut una sine altera plenè non possit haberi, & qui lædit alterutram, pariter offendat utramque. Hinc complexus earum graviter impeditur injuriis, per eas etenim læsa justitia, pax turbatur, ipsaque turbata, facile in guerrarum discrimina labitur. Quibus invalescentibus justitia inefficax redditur, dum & debitum sortiri nequit effectum; sicque ipsa sublata, nimirum pax, tollitur opus ejus, & ipsius fructus subducitur seminandus in pace, ac proinde complexis deficientibus necessariò deficit & complexus, in horum vero defectu licentia laxata dissidiis multiplicantur bella, pericula subeant, animarum & corporum crimina frequentantur. Nec rerum vastitas præteritur. Hæc in Præsidentium injuriosis processibus, & inductarum in subditos oppressionum excessibus patent apertius, & evidentius ostenduntur. In quorum multiplicatione sauciantur corda læsorum; & quanto minùs datur opportunitas licitè propulsandi, quæ illicitè inferuntur, tanto rancor altiùs radicatur interiùs, & periculosius prorumpit exteriùs opportunitate concessa. Fiunt enim plerumque hostes ex subditis, transeunt auxilia securitatis in metum, munitiones in formidinem convertuntur, nutant Regnantium solia, redundant Regna periculis intestinis, quatiuntur insidiis, extrinsecis insultibus impetuntur audaciùs, & regnantes in eis, qui operantes justitiam exaltationis gloriam merentur, humiliati propter injustitias frequenter in opprobrium dejectionis incurrunt. In præmissis & si Scripturæ nos instruant, efficaciùs tamen notis docemur exemplis. Quantis enim tempore, quo Friderici olim Romanorum Imperatoris propter illatas Regnicolis afflictiones illicitas, & oppressiones indebitas in Regno Siciliae non absque immensitate gravaminum inductas ab ipso, Regnum ipsum tempestatibus fluctuarit; quot, & quantis rebellionibus concussum extiterit, quot invasionibus attentatum, quantum per ipsum, & posteros suos depauperatum opibus, quot incolarum exiliis, & stragibus diminutum, nullum ferè angulum Orbis latet; quam præcipiti Fridericus idem, & genus ipsius ruina corruerunt, probat notorius casus ejus, & manifestum eorundem exterminium posterorum. Verùm adeò Friderici ejusdem in dictis continuata, & aucta posteris, ac in alios exemplari derivatione transfusa processit iniquitas, quod per eum inventa gravamina usque ad hæc tempora duravisse, nec non & augmentata dicuntur aliqua eorundem, & adjecta nihilominus alia non minora; propter quod nonnullorum supponit opinio, quod claræ memoriæ C. Regem Siciliae, quem prosecutionis dictorum gravaminum eorundem Friderici, & posterorum perniciose exempla fecerunt saltem permissione participem, dum opinaretur forsitan licita, quæ ab aliis audiverat tam longis temporibus usurpata; reddiderunt etiam prædictorum consequentium ad illa discriminum non prorsùs expertem, prout Sicularum rebellio multis onusta periculis, aliorumque ipsam foventium persecutio manifestant

non solum in ejusdem Regis, ac hæredum suorum grave adeò excitatæ discrimine, quod ipsis hæredibus, nisi per nos celerius occurratur, præactorum subductione gravaminum instans perditionis totius dicti Regni periculum comminantur; sed & in grande nostrorum, & Ecclesiæ Romanæ dispendium prorogata; cum sit per eas in Sicilia Insula, & in nonnullis aliis ejusdem Regni partibus ipsarum incolis, nec nobis, nec Ecclesiæ ipsi parentibus, sed adhærentibus potius inimicis, nostra, & ipsius Ecclesiæ civilis interversa possessio, & in cæterarum aliquibus turbata frequentius, & turbetur. Ex quo datur patenter intelligi quantum in iis nostrum, & Ecclesiæ præfatæ interesse versetur, quantumque ad nostrum spectet officium, & hæredum ipsorum præcipuè necessitas exigat, non tantum præmissis obortis in eodem Regno, quod est ipsius Ecclesiæ speciale, tanquam ad jus, & proprietatem ejus pertinens, dictisque Regi, & hæredibus in feudum ab ipsa concessum obviare periculis. Sed etiam ne similia oriantur in posterum, diligentem curam, & curiosam diligentiam adhibere, præacta gravamina eorundem periculorum, ut veritati concurrat expressio, manifestas occasiones, & causas congruæ provisionis beneficio abrogando. Cum proprietatis Domino prædium, in quo est jus alii constitutum pro eo, quod sua interest tueri fines ipsius, custodire liceat, eo etiam qui jus debetur invito, custodiæ autem nomen id habeat, quod qui tenetur ad eam, non solum id debeat, ut si casu viderit in re custodienda fieri quid adversum prohibeat facientem, verum etiam ut curet dare operam, ne id fiat. Multiplex itaque nos ratio interpellat, & exigit, illud in hujusmodi gravaminibus, super quibus fama publica, & variæ inquisitiones per venerabilem fratrem nostrum Gerardum Sabinensem Episcopum Apostolicæ Sedis Legatum factæ de speciali mandato sedis ipsius, & indagationes alias habitæ nos informant, nostræ provisionis edicto remedium adhiberi, per quod injustis submotis oneribus circa ea in Regno præfato solidi stabilita justitia, Regium Solium firmet, pacis tranquillia producat, sitque inibi publicè tranquillitatis silentium cultus ejus, & ipsa vinculum societatis humanæ. Sic superiorem populo sibi subjecto domesticet, cique ipsius populi corda consolidet, qui superior insidiarum sollicitudine absolutus securitatis jucunditate lætetur, populus pressuris indebitis liberatus sedeat, & in requie opulenta quiescat, & in unanimitate ipsorum, ac mutuo sinceritatis affectu ejusdem Regni statu roborato pacifico, non sit, profligatis hostibus, qui foris exterreat, aut qui pacatis incolarum ejusdem animis intus turbet; instantiæ quoque præmissæ interpellationis non modicum adjicit, quòd memorati Regis dum viveret, & dilecti filii nobilis viri C. sui primogeniti ex eo manifestè percipimus ad id, quo vota concurrere, quòd idem Rex super directione, ordinatione, reformatione, seu quacunque alia dispositione collectarum, exactio-num, matrimoniorum, aut aliorum quorumlibet, quæ gravamina dicerentur, vel dici possent, tam circa Ecclesias, Monasteria, & alias Ecclesiasticas personas, quam circa Communitates, & Universitates Civitatum, Castrorum, & aliorum locorum, & etiam circa singulares personas totius Regni prædicti, aut cujuslibet partis ejus, felicitis recordationis Martini Papæ Quarti prædecessoris nostri directioni, reformationi, dispositioni & ordinationi se plenè, ac liberè, altè, ac bassè submitit, dans, & concedens eidem super iis plenam & liberam potestatem, ac promittens quicquid per eundem prædecessorem ipso Rege, dictove primogenito tunc ejus Vicario in Regno eodem, & aliis suis Officialibus requisitis, vel irrequisitis etiam actum foret, se, ac hæredes suos ad hoc specialiter obligando inviolabiliter observare suis super hoc patentibus literis prædecessori concessis eidem, præmissa quoque in mortis articulo per alias suas similiter patentes literas plenius repetens, & confirmans eidem, prædecessori per eas humiliter supplicavit; ut omnia onera

fidelium

fidelium Regni sui, & quæ gravamina dici possent, remove, tollere, & cassare, dictumque Regnum prosperè reformare, omniaque statuere, quæ ad bonum statum hæredum suorum, & fidelium eorundem expedire videret sua provisione curaret, non obstante, si Regem ipsum tunc infirmitate graviter laborantem naturalis debiti solutione contingeret præveniri, sicut præmissæ ipsius Regis literæ, quæ per nos, aut aliquos ex fratribus nostris diligenter inspectæ in Archivio ejusdem servantur Ecclesiæ, manifestius attestantur. Et tam idem Rex, quam dictus primogenitus super tollendis ali- quibus eorundem gravaminum constitutiones varias edidisse dicuntur, & illæ plenioris executione observationis indigeant, non plenè (ut intelleximus) hætenus observatæ. Volentes igitur, & illis robur Apostolicæ confirmationis adjicere (ut inferiùs exprimetur) & prædictum nostrum Executi, ac commodè provisionis adjectione propositum, infra scripta omnia, prout substituta eorum series indicat, de fratrum nostrorum consilio, & assensu, ac potestatis plenitudine providendo, a gravamine illo deliberavimus incohandum; qui majorem scandali materiam, & generalius ministrabat. .

**IDEOQUE** ut omnino cessit in Regno eodem onerosa exactio collectarum, præsentis edictali provisione, ac Constitutione valitura perpetuò prohibemus, per Reges, qui pro tempore fuerint, seu pro eis Dominantes in Regno prædicto, vel Ministros ipsorum collectas fieri, nisi tantum in quatuor casibus infra scriptis.

**PRIMUS** est, pro defensione terræ, si contingat invadi Regnum invasione notabili, sive gravi, non procurata, non simulata, non momentanea, seu transitura facilè, sed manente, aut si contingat in eodem Regno notabilis rebellio, sive gravis, similiter non simulata, non procurata, non momentanea, sive facilè transitura, sed manens.

**SECUNDUS** est, pro Regis persona redimenda de suis redditibus, & collecta, si eam ab inimicis captivari contingat.

**TERTIUS** est, pro militia sua, seu fratris sui consanguinei, & uterini, vel saltem consanguinei, sive alicujus ex liberis suis, cum se hujusmodi fratrem suum, vel aliquem ex iisdem liberis militari cingulo decorabit.

**QUARTUS** est, pro maritanda sorore simili conjunctione sibi conjuncta, vel aliqua ex filiabus, aut nepotibus suis, seu qualibet alia de genere suo ab eo per rectam lineam descendente, quam, & quando eam ipse dotabit. In prædictis enim casibus (prout qualitas tunc imminentis casus exigerit) licebit Regi collectam imponere, ac exigere a subjectis, dum tamen pro defensione, invasione, seu rebellionem prædictis, aut ipsius Domini redemptione, quinquaginta millium, pro militia duodecim millium, pro maritaggio verò quindecim millium unciarum auri summam collectæ universalis totius Regni ejusdem, tam ultra Farum, quam citra quantitas non excedat. Nec concurrentibus etiam aliquibus ex prædictis casibus, collecta in uno, & eodem anno, nisi una tantummodo imponatur.

**SICUT** autem collectæ quantitatum prædictas summas in suis casibus limitatas excedere, ut præmittitur, prohibemus, sic nec permittimus indistinctè ad ipsas extendi, sed tunc tamen, cum casus instantis qualitas id exposcit, & ut in prædictis etiam casibus possit Rex, qui pro tempore fuerit eo vitare commodiùs gravamina subditorum, quo uberiores fuerint redditus, & obventiones ipsius, cum à demaniorum donatione volumus abstinere, id sibi consultiùs suadentes.

**SIMILI** quoque prohibitione subjecimus mutationem monetæ frequentem, apertiùs providentes, quod cuilibet Regi Siciliae liceat semel tantum in vita sua novam facere cudi monetam, legalem tamen, & tenetæ, secundum consilium Peritorum in talibus competentis, sicut in Regnis illis observatur, in quibus est usus legalium monetarum, quodque usualis moneta sit

fit valoris exigui, & talis quod in eodem valore fit apta manere toto tempore vitæ Regis, cujus mandato cudetur, nec pro ea, vel aliqua magna macta; quam idem Rex semel tantum in vita sua fecerit expendenda, fiat collecta, vel distributio, sed campforibus, & aliis mercatoribus volentibus eam spontè recipere tribuatur; & hoc ita præcipimus perpetuis temporibus observari.

IN homicidiis clandestinis providendo præcipimus, nihil ultra pœnam inferiùs annotatam ab Universitatibus exigendum, videlicet, ut pro Christiano, quem clandestinè occisum inveniri contingeret, ultra centum augustales. Pro Judæo vero, vel Saraceno, ultra quinquaginta nil penitus exigatur. Augmento, qui circa eandem pœnam idem Rex dicitur induxisse omnino sublato: præsertim cum memorati Rex, & primogenitus dicantur idem per suas constitutiones noviter statuisse, quas quoad hoc decernimus inviolabiliter observandas, & hæc intelligi tantum pro homicidiis verè clandestinis, in quibus ignoratur maleficus, nec aliquis accusator apparet. Adjicientes, quod non nisi tantum in locis magnis, & populosis exigi possit quantitas supradicta, in aliis verò infra quantitatem eandem pro quantitate locorum exactio temperetur.

EIDEM provisioni adjiciendo præcipimus, Universitates ad emendationem furtorum, quæ per singulares personas contingit fieri nullatenus compellendas.

NEC ad mutandum Regi, aut Curia suæ, aut Officialibus, vel Ministris ipsorum, aut recipiendum aliquatenus Regiæ massariæ custodiam, sive onus, seu possessionum regalium procuracionem, aut gabellæ, vel navium, seu quorumcumque Vassellorum fabricandorum curam, quicumque cogendum invitum: Usurpationibus, quæ contrarium inducebant penitus abrogatis, maximè cum dicti Rex, & primogenitus ad relevanda, non tamen plenè gravamina in præmissis inducta, Constitutiones varias promulgasse dicantur.

CONCEDIMUS autem, ut si casus emergat, in quo sit necessarium, naves, vel alia Vassella pro utilitate publica fabricari, liceat tunc Regnanti, committere curam fabricationis hujusmodi expensis Regis faciendæ personis idoneis, videlicet hujus rei peritiam habentibus, & quos Officium tale decet, & ipsis satisfiat pro susceptione curæ prædictæ de competenti mercede, & idem servari præcipimus in faciendo biscotto.

AD Captivorum custodiam, Universitates, vel singulares earum personæ nullatenus compellantur, præsertim cum hoc ipsum dicatur ejusdem Regis Constitutione provisum, quod præcipimus inviolabiliter observari.

GRAVAMEN, quod in pecunia destinanda Regi, vel Regali Camera, seu ad loca quæcunque alia Universitatis alicujus expensis per aliquas personas ejusdem Universitatis periculo eligendas inferri dicti Regni Universitatibus dicebatur, provisione simili prohibemus ipsis Universitatibus, vel singularibus personis earum de cætero irrogari, maximè cum dicatur idem quoad Universitates dicti Primogeniti prohibitoria Constitutione provisum, quam in hac parte decernimus inviolabiliter observandum.

ILLUD, quod in eodem Regno dicitur usurpatum, videlicet, quod Incolæ ipsius Regni ad reparanda Castra, & construenda in eis, expensis propriis nova ædificia cogebantur, emendatione congrua corrigentes providendo præcipimus, ut nil ultra expensas necessarias ad reparationem illorum antiquorum Castrorum, quæ consueverunt hætenus incolarum sumptibus reparari, & ædificiorum, quæ in hujusmodi Castris fuerant ab antiquo, ab eisdem Incolis peti possit, & Constitutio, quam circa hoc idem Primogenitus edidisse dicitur, in hujusmodi antiquis Castris & Ædificiis solummodo intelligenda servetur. Antiqua vero Castra intelligi decernimus in hoc casu, quorum constructio annorum quinquaginta jam tempus excessit.

CIRCA personas accusatas, quæ in eodem Regno injustè capi dicebantur, si etiam idoneos fidejussores offerent, licet dictus Rex aliquid statuisse dicatur ad gravamen hujusmodi temperandum : Nos tamen, ut nulla super hoc querela superstit, providendo præcipimus jura civilia observanda, & eadem observari jubemus.

CIRCA destitutionem possessorum Comitum, Baronum, & quorumlibet aliorum, qui per Regalem Curiam, & Officiales ipsius, ac alios alienigenas feuda tenentes in Regno suis possessionibus, si quando Curia, Officiales, vel alienigenæ prædicti jus habere prætendebant, in illis spoliari, sive destitui dicebantur, & de possessoribus effici petitores, nullo juris ordine observato, nec non & cum aliquis dicitur invenisse thesaurum, & etiam cum quis apud eandem Curiam pro alio fidejussit, ita quod nec aliquis suæ destituatur possessionis commodo, vel spoliatur, aut destituatur eadem, nec quoad illum, qui difertur, aut convincitur de inventione thesauri, nec quoad fidejussores Curiaæ datos, aliter quam eadem jura statuunt procedatur.

REGIBUS futuris præ tempore in Regno prædicto, & memoratis incolis, qui de inordinata passuum ejusdem Regni custodia querebantur se immoderatè gravari, similiter de passu providentes eidem custodiae moderamen competens adhibemus, videlicet, quod tempore impacato, seu imminente turbatione, aut verisimili turbationis suspitione, & contra ipsum Regem, aut dictum Regnum, seu in Regno eodem Rex facere possit, passus eisdem ad evitandum pericula custodiri. Tempore vero pacifico Incolis Regni habitantibus in eodem, ac aliis non suspectis liber sit ex eo exitus, & ingressus in illud, ita tamen, quod equi ad arma nullo tempore sine Regis licentia extrahantur exinde ad vendendum.

VICTUALIA vero quælibet de suis possessionibus, vel massariis, seu oves, boves, & alia animalia humano competentia usui de gregiis propriis, armentis, vel redditibus habita extra Regnum, dum tamen non ad inimicos eorundem Regis, aut Regni, unusquisque liberè mittat, etiam ad vendendam, nisi sterilitas, aut præactæ turbationis instantia, seu verisimilis suspicio suadeat, circa missionem hujusmodi per Regem ejus temporis aliud ordinandum. Si vero prædicta victualia, vel animalia ex negotiationis commercio habeantur, etiam fertilitatis tempore absque Regnantis licentia extra Regnum mittere, vel ex ipso extrahere non liceat sic habenti. In omnibus præmissis missionis, seu extractionis casibus, jure, quodcumque Regi competit, per omnia semper salvo. Infra Regnum verò etiam per mare liceat cuilibet.

ECCLESIASTICÆ, sæcularivæ personæ frumentum, & alia blada, nec non & legumina de propriis terris, massariis, atque redditibus habita, sine jure exituræ, fundici, seu Dohanæ in loco, in quo victualia recipiantur, vel deponantur præstando, de uno loco deferre, seu facere deferri ad alium, a Rege, seu ipsius Officialibus licentia non petita. Emptitia verò jure exituræ, ac fundici non soluto, sed alio si quod Regi debetur, dummodò emptitorum delatio de portu licita, ad similem portum, & cum barca parvis centum solummodò salmarum, vel infra capacium tantum fiat, & deferentes, seu deferri facientes præmissa emptitia, dent particulari Portulano loci, in quo fiet oneratio eorundem, fidejussoriam cautionem, quod literas testimoniales de ipsorum victualium, & leguminum extractione à simili Portulano loci, in quo exoneratio ipsa fiet habeant infra certum terminum pro locorum distantia præfigendum, & hæc omnia perpetuò præcipimus observari.

ABUSUM contra naufragos, ut fertur, inductum in eo, quod bona, quæ naufragium evadebant, capiebantur per Curiam, nec ipsis naufragis redderentur,

bantur, ejusdem provisionis oraculo penitus abolemus, præcipientes bona hujusmodi illis restitui, ad quos spectant.

**Q**UERELAM gravem hominum Regni ejusdem super eo nobis exhibitam, per Curiales stipendiarii regii, & alii regalem Curiam sequentes in civitatibus & locis, ad quæ cum dicta Curia, vel sine ipsos declinare contigit domos civitatis, seu locorum eorundem pro suo arbitrio Dominis intrabant invitis, & interdum ejectis eisque in altibus animalibus, & aliis bonis eorum, & quandoque horum occasione in personis ipsorum graves injurias inferebant, sopire competentis provisionis remedio cupientes, prohibemus, ne aliquis curialis stipendiarius, vel alius sequens Curiam memoratam, domum, vel hospitium aliquod capere, sive intrare propria autoritate præsumat, sed per duos, aut tres, aut plures, prout civitatis, aut loci magnitudo poposce- rit per eandem Curiam, & totidem, a locorum incolis electos, autoritate tamen regia deputandos, hospitia memoratis curialibus, stipendiariis, & aliis assignentur. Idem autem curiales, stipendiarii, & alii nulla bona suorum hospitem capiant, nec in illis, aut in personis eorum ipsis aliquam injuriam inferant, nec ipsorum aliquis pro eo, quod sibi hospitium fuerit aliquando taliter assignatum, si eum aliis ad eundem locum cum Curia, vel sine Curia venire contingat, sibi jus hospitandi vendicet in eodem, aut ipsum intrare audeat, nisi fuerit sibi simili modo iterum assignatum. Hujusmodi autem hospitia taliter assignata, præfati Rex, & illi de domo, & familia sua gratis semper obsineant; reliqui vero, sive stipendiarii, sive quicumque alii per unum mensem solum, si tanto tempore in eodem loco contingat Curiam residere, si verò ultra resederit, vel ipsos stipendiarios, aut alios ad aliqua loca sine Curia venire contigerit, satisfaciant Dominis hospitiis, seu ipsorum actoribus de salario competenti per deputatos, ut præmittitur, moderando.

**S**IMILITER prohibemus, ne in locis, in quibus vina, & victualia pos- sunt venalia reperiri, quisque ea per regalem Curiam, aut Curiales, seu per quoscunque ministros ipsorum, vel quoscunque alios invitus vendere compellatur, nec aliqua bona nolentibus vendere, auferantur, nec eorum ve- getes consignentur, & si de facto fuerint consignatæ, signa eis imposita liceat Dominis autoritate propria remove, præsertim cum præfatus Rex hoc ip- sum de remotione hujusmodi statuisse dicatur; si vero in loco, ad quem Cu- riam, Curiales, & alios prædictos declinare contingit, talia venalia non ha- bentur, abundantes in illis per aliquem, vel aliquos ad hoc a regali Curia, & totidem à locorum incolis electos, autoritate tamen regia deputandos omnia hujusmodi, quæ habent ultra necessaria suis, & familiarum suarum usibus, non solum Curia, sed Curialibus, & aliis eam sequentibus cogantur vendere pretio competenti per deputatos, ut præmittitur, moderando.

**I**N matrimoniis, in quibus volentibus ea contrahere varia impedimenta contrahendi adimentia libertatem per regiam, & suos ingeri dicebantur, Apo- stolicæ provisionis beneficium deliberavimus adhibendum; ideò provisione ir- refragabili prohibentes regnicolis regni habitatoribus, matrimonium inter se contrahere volentibus per Regem, vel suos Officiales, aut alios quoslibet in- hibitionis, seu cujuslibet alterius obicem impedimenti præstari, declaramus, & declarando præcipimus, libera esse matrimonia inter eos, ita quod bona mobilia, vel immobilia, feudalia, vel non feudalia, liberè sibi mutuo dare possunt in dotem, nec iidem regnicolæ regni ut præmittitur, habitatores ejus- dem super matrimonio inter se contrahendo, aut in dotem dando bona quæ- libet, licentiam petere teneantur, nec pro eo quod matrimonium esset cum bonis quibuslibet, aut dote quantacunque contractum fuerit a rege licentia non petita contrahentibus, aut alterutri eorundem, vel parentibus, consan- guineis, sive amicis ipsorum in personis, aut rebus impedimentum, dispen- dium.

dium, aut gravamen aliquod irrogetur, nulla in præmissis constitutione, vel consuetudine contraria de cætero valitura.

PROVIDENDO præcipimus, ut si quando in regno prædicto contra certam personam fuerit inquisitio facienda, nisi ea præsentem, vel se per contumaciam absentante, non fiat, si vero præsens fuerit, exhibeantur sibi capitula, super quibus fuerit inquirendum, ut sit ei defensionis copia, & facultas; simili provisione præcipimus, ut pro generalibus inquisitionibus, nihil, vel sub compositionis colore, vel aliàs ab universitatibus exigatur; sed si procedendum fuerit, justè procedatur ex eis, præsertim cum dictus Rex C. hoc idem statuisset dicatur.

HUJUSMODI præcepto adjicimus; ut quoties inter fiscum, & privatam causam moveri contingit, non solum in examinando jura partium, sed ad diffinitivam sententiam justè ferendam, sive pro privato, sive pro Fisco, necnon ad ipsius executionem nulla in hoc difficultate ingerenda per fiscum efficaciter procedatur, itaque nec in prædicto examine, nec in prolatione, vel executione sententiæ injustam moram, vel aliam injuriam patiat per fisci potentiam justitia privatorum.

PROVIDENDO districtius, inhibemus forestas per Regem, aut Magnates suæ Curia, vel Officiales, seu quoscunque Ministros in Terris fieri privatorum, vel aliquarum forestarum occasione per Regiam Curiam, Magistros, vel Custodes forestarum ipsarum aliquem in cultura terrarum suarum, seu etiam perceptione fructuum impediri, sive ipsis propter hoc damnum aliquod, vel injuriam irrogari; factas vero de novo forestas hujusmodi omnino præcipimus amoveri.

OMNES Ecclesiasticæ, secularesve personæ regni Sicilia liberè suis salinis utantur, & præsentis provisionis oraculo prohibemus, ne illis per Regem, Officiales, aut quoscunque Ministros ipsius usus, aut exercitium interdicatorum, necve quisque prohibeatur sal de salinis ipsis proveniens emere ab eisdem.

ABUSIONES Castellanorum, per quos homines dicti regni ad portandum eis paleas, ligna, & res alias etiam sine pretio cogebantur inviti, & iidem Castellani de rebus, quæ circa, seu per castra eadem portabantur pedagia exigebant, præsentis provisionis beneficio prohibemus.

EJUSDEM provisionis edicto præcipimus, ut pro literis regiis, & sigillo nihil ultra ipsius regni antiquam consuetudinem exigatur, videlicet, ut pro literis justitiæ nihil omnino, pro literis vero gratiæ, in qua non est feudi, vel terræ concessio, nihil ultra quatuor tarenos auri ab impetrante solvatur, nulla in præmissis distinctione habita inter clausas literas, & apertas.

PRO literis autem super concessione feudi, vel terræ confertis, necnon & pro privilegiis aliis pro concessione seu privilegii qualitate, aut benevolentia concedentis Curia satisfiat; dum tamen summam decem unciarum pro quolibet concessio feudo integra satisfactio non excedat, sed nec prætextu sigilli regii justitiæ, sive gratiæ literis in aliquo casuum prædictorum impressi, vel appensi forsitan impetrans ultra quam præmittitur,olvere compellatur.

ANIMALIA deputata molendinis, quæ centimuli vulgariter nuncupantur, per regalem Curiam, vel Officiales, aut ministros ipsius, eamve sequentes, stipendiarios, vel quoscunque alios nullo modo ad aliquod eorum ministerium Dominis capiantur invitis, nec alia etiam, sed pro competenti pretio, de quo conventum fuerit inter partes, à volentibus conducantur, & hæc ita de cætero præcipimus observari, maximè cum ipse Rex statuisset dicatur, quod Justitiarum, & Subofficiales eorum, ac Stipendiarii, & Subofficiales non capiant animalia deputata ad centimulos, sed cum est necesse, inveniuntur alia habilia ad vecturam, & loerium conveniens tribuatur, & si



contrafecerint, restitutis animalibus cum toto damno eorum Dominis, pœnæ nomine, & pro qualibet vice, & quolibet animali solvant Curiaë unciam auri; præmissam quoque Constitutionem dicti Regis, similiter observari præcipimus.

DE creatione Officialium præsertim extraneorum, qui propter ignorantiam status regni, & favorem, qui eis a regali Curia præstatur subjectos, impunè gravabant; consultè suggerimus, quod Rex creare studeat Officiales idoneos, qui subjectos injustè non gravent.

SUPER eo, quod regnicolæ querebantur, videlicet, quod eis gravatis pro revelationis obtinendo remedio ad regem aditus non patebat, suademus per regem taliter provideri, quod querelæ subditorum ad eum valeant liberè pervenire.

PROHIBEMUS, ne quisque pro animali sylvestri extra defensam, vel limites defensæ invento sine aliqua inventientis impulsione, arte, vel fraude, aliquatenus puniatur, etiamsi illud capiat, vel occidat.

NULLUS Comes, Baro, vel alius in Regno prædicto de cætero compellatur ad terridas, vel alia quæcunque vassella propriis sumptibus facienda. Per hoc autem juri regio in lignaminibus, vel marinariis, vel alio servitio vassellorum, quæ à quibusdam universitatibus, & locis aliis, sive personis singularibus dicti regni deberi dicuntur, nolumus in aliquo derogari.

SI contingerit Baronem aliquem mori, filio, vel filia superstitibus, ætatis, quæ debeat cura balii gubernari, providendo præcipimus, quod Rex alicui de consanguineis ejus balium concedat ipsius, & quod ad hoc inter consanguineos proximior, si fuerit idoneus, præferatur.

SI aliquem feudum à Rege tenentem in capite, vel etiam subfeudatarium nullo hærede legitimo per lineam descendantem, sed fratre, aut ejus liberis superstitibus, mori contingat, si decedentis feudum ab aliquo ex parentibus sibi, & fratri communibus pervenerat ad defunctum, idem frater, aut ex liberis suis usque ad trinepotem, ille qui tempore mortis supererit defuncto proximior in feudo succedat, habiturus illud cum onere servitii consueti.

AD Successionem feudi omnibus personis feudatario, aut subfeudatario defuncto simili gradu conjunctis eodem ordine admittendis.

IN successione verò præmissa inter feudatarios, & subfeudatarios viventes in Regno jure Francorum sexus, & primogenituræ prærogativa servetur, ut inter duos eodem gradu feudatorio conjunctos fœminam masculus, & juniorem major natu præcedat, sive sint masculi, sive fœminæ concurrentes, nisi forsan duabus concurrentibus esset primogenita maritata, & junior remanserit in capillo, tunc enim junior, quæ in capillo remanserit primogenitæ maritatæ in successione hujusmodi præferatur. Sed si nulla remanente in capillo, duæ, vel plures fuerint maritatæ, majori natu jus primogenituræ servetur, ut aliàs in dicta successione procedatur.

SI verò feudum, de quo agitur, non ab aliquo parentum processerat, sed inceperat à defuncto, tunc solus defuncti frater in eo succedat, nisi lex concessionis in præmissis aliud induxisset, & hæc ita de cætero præcipimus observari, qualibet contraria consuetudine, vel constitutione cessante.

NULLUS Subfeudatarius pro feudo, quod ab aliquo feudatario Regis tenet, compellatur ipsi Regi servire, sed si aliquod aliud feudum ab ipso Rege tenet in capite, pro eo sibi serviat, ut teneretur.

SI contingat, subfeudatarium crimen committere, propter quod publicanda fecerint bona ejus, aut ipsum sine legitimis hæredibus fati munus implere, si feudum ejus fuerit quaternatum, nihilominus immediatus Do-

minus illud cum onere servitii consueti personæ concedat idoneæ Regi post modum præsentandæ, ut ejus super hoc habeatur assensus. Si vero quaternatum non fuerit, sic ad eundem immediatum Dominum revertatur, & ipsum hujusmodi personæ pro sua voluntate concedat, nec eam Regi præsentare, aut ejus super hoc requirere teneatur assensum; iis ita deinceps ex nostro præcepto servandis, constitutione, vel consuetudine contraria non obstante.

VASSALI Baronum per Curiam, vel Officiales ipsius ad aliqua privata officia non cogantur, & si ea voluntarii subeant ratione debiti ex hujusmodi officii receptione, vel gestione contracti, vel delicti forsan in ea commissi Baronibus eorum Dominis in bonis Vassalorum ipsorum, vel aliis præjudicium nullum fiat.

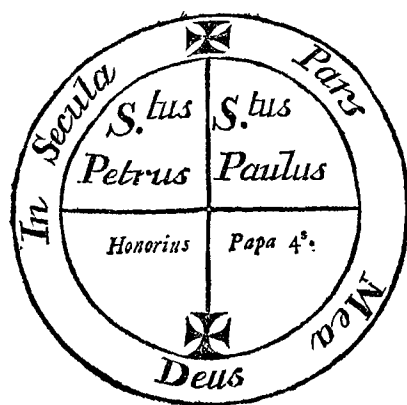
IN Terris Ecclesiarum, Comitum, & Baronum regni prædicti Magistros juratos poni de cætero prohibemus, & positos exindè præcipimus amoveri.

AD novas communantias Vassali Baronum, vel aliorum ire non compellantur inviti, sed nec voluntarii admittantur, si sint ascriptitiæ, similisvè fortunæ, vel ratione personæ, non rerum tantum personalibus servitiis obligati. Si verò ratione rerum tantummodò servitiis hujusmodi teneantur, & ad easdem communantias transire voluerint, res ipsas Dominis suis sine contradictione dimittant.

BARONES, vel alii extrà Regnum, nec servire personaliter, nec addohaementa præstare cogantur. In casibus quoque, in quibus inter Regnum servire, vel addohaementa præstare tenentur, servitia exhibeant, & addohaementa præstent antiquitus consueta, videlicet, ut vel tribus mensibus personaliter serviant cum numero militum debitorum, vel pro singulis militibus, ad quos tenentur pro quolibet trium mensium prædictorum tres uncias, & dimidiam auri solvant, & hæc ita de cætero inconcussè de nostro præcepto observentur.

CÆTERUM, ut contra pericula, quæ sicut prædictum est, propter gravamina illata subditis excitata creduntur, nè (quod absit) recidant in tanto periculosius residuum, quanto residenti solet esse deterius, qui cadenti eo magis sit regnantibus in Regno prædicto securitas, quo minùs erit libera eadem gravamina irrogandi facultas, provisioni præmissæ subjungimus ad perpetuum sui roboris fulgimentum, quod si ventum fuerit in aliquo contra eam, licitum sit Universitatibus, & gravato cuilibet liberè ad Apostolicam Sedem habere pro sua querela exponenda, & obtinenda illati gravaminis emendatione reversum. Adjicientes inter illa, in quibus contra provisionem eandem fieri contingerit congrua distinctione delictum, videlicet, ut si ea fuerint, quæ per ipsam prohibitorie, vel præceptorie sunt provisæ, & principaliter factum regnantis respiciunt, nec solet absque ipsius autoritate præsumi, ut est collectarum impositio, monetæ mutatio, matrimoniorum prohibitio, vel impedimentum aliud eorundem, nisi Rex ejus temporis illa infra decem dies revocaverit per seipsum, eo ipso Capella sua ecclesiastico sit supposita interdicto, duraturo solum, quousque gravamen fuerit revocatum. In reliquis verò prohibitoriis, & præceptoris, & specialiter, si universitas, singularisvè persona gravata, volens propterea recurrere ad sedem eandem, per Officiales Regios, seu quoscunque Ministros, vel quoslibet alios fuerit impedita, vel ipsos aut alios pro eis exindè damnum passum, nisi satisfactione læsis præstita, impedimentum infra mensem postquam ipse Rex scriberit, revocetur, ex tunc sit Capella eadem similiter interdicta. In quolibet autem casuum prædictorum, si regnans interdictum hujusmodi per duos menses sustinuerit animo contumaci, ab indè loca omnia,

nia, ad quæ ipsum, uxorem, & filios suos declinare contingeret, donec ibi præsentibus fuerint, simili interdictione subiaceant, & si deinde per sex menses interdicta hujusmodi sustinerit animo indurato, exinde sit excommunicationis sententia innodatis, quàm si per alios menses sex contumacia obstinata sustineat, ex tunc Subditi ad mandatum Sedis ejusdem ipsis propterea faciendum in nullo sibi obediant, quamdiu in hujusmodi obstinatione persistet. Ad majorem quoque provisionis hujusmodi firmitatem eidem specialiter adjicimus, quod quilibet Rex Siciliae, quando juramentum fidelitatis, & homagii præstabit summo Pontifici, solemniter eidem, & Ecclesiae Romanæ pro se, ac suis hæredibus in Regno sibi successuris eodem, præmittere teneantur, qui provisionem præsentem in omnibus, & per omnia, quantum in eis erit, observabunt inviolabiliter, & facient ab aliis observari, nec contra eam, vel aliquam partem ipsius per se, vel per alium quoquomodo aliquid attentabunt, & super hoc tam ipse, quam quilibet eorundem successorum dent ipsi Pontifici, & Ecclesiae suas patentes literas sui pendentes sigilli munimine roboratas, licet autem præmissæ provisionis verba gravamina certa respiciant, de quibus ad nos querela pervenit, Reges tamen, qui continuanda temporum, & successuum perpetuitate regnabunt in Regno prædicto, non propterea existiment gravandi alios subditos arbitrium sibi fore concessum; sed sciunt potius se debere ipsos in bono statu tenere ab omnibus illicitis exactionibus, & indebitis eorum oneribus per se, ac alios abstinendo. Sanè si quod in eadem provisione, vel aliquo ejus articulo dubium non tam sollicitatur, quam rationabilem dubitationem continens oriri contingat, interpretationem dubii hujusmodi nobis, quanquam etiam de jure competat, reservamus expressè. Decernimus ergo, ut nulli omnino hominum liceat hanc paginam nostram provisionis, constitutionis, inhibitionis, præcepti, declarationis, abolitionis, & abrogationis infringere, vel ei ausu temerario contraire, si quis autem hoc attentare præsumpserit, indignationem omnipotentis Dei, & Beatorum Petri, & Pauli Apostolorum ejus se invenerit incursum.



*Ego Honorius Cath.  
Eccles. Episcopus*



- ✠ Ego Ordonius Tusculanus Episcopus Subscripsi.
- ✠ Ego Fr. Benevenga Albanensis Episcopus Subscripsi.
- ✠ Ego Fr. Latinus Ostiensis, & Velletrensis Episcopus Subscripsi.
- ✠ Ego Fr. Hieronymus Prenestrinensis Episcopus Subscripsi.

✠ Ego

- ✠ Ego Bernardus Portuensis, & S. Ruffinæ Episcopus Subscripsi.
- ✠ Ego Ancherus tit. S. Praxedis Præbyter Cardinalis Subscripsi.
- ✠ Ego Hugo tit. S. Laurentii in Lucina Præbyter Cardinalis Subscripsi.
- ✠ Ego Gervafius tit. S. Martini Præbyter Cardinalis Subscripsi.
- ✠ Ego Gaufridus tit. S. Sufannæ Præbyter Cardinalis Subscripsi.
- ✠ Ego Gomes tit. SS. Marcellini, & Petri Præbyter Cardinalis Subscripsi.
- ✠ Ego Gottifredus S. Gregorii ad Velum aureum Diaconus Cardinalis Subscripsi.
- ✠ Ego Jordanus S. Eustachii Diaconus Cardinalis Subscripsi.
- ✠ Ego Jacobus S. Mariæ in Via lata Diaconus Cardinalis Subscripsi.
- ✠ Ego Benedictus S. Nicolai in Carcere Tulliano Diaconus Cardinalis Subscripsi.

Datum Tibure per Manum Magistri Petri de Mediolano S. R. E. Vicecancellarii, quintodecimo Kalendas Octobris, Indictione 14. Incarnationis Dominicæ Anno millesimo ducentesimo octuagesimo quinto, Pontificatus vero D. Honorii Papæ IV. Anno 1.

Præfens copia Capitulorum Papæ Honorii sumpta est à transumpto existente in Archivio Monasterii Sanctissimæ Trinitatis Cavæ, me procurante, cum ad Monasterium prædictum ad hoc accessissem ordine Regentis Annibalis Moles, & Consilarii Horatii Marchesii. Et in eodem Archivio similiter adest transumptum Confirmationis factæ ab eodem Pontifice eodem die Capitulorum editorum per Carolum II. tunc Vicarium Caroli I. in hoc Regno, quorum copia similiter habeo ad pennam; sed hæc Capitula Caroli II. cum Confirmatione Pontificis sunt impressa cum Pragmaticis in tit. *De Clericis Pragm.* 2. sine die; & eadem originalia Capitula Caroli II. pariter impressa sunt cum aliis Capitulis Regni in tit. *De Privileg. & Immunit. Eccl.*

Marcellus Marcianus.

'TIS a great question among our Writers, whether this Bull was ever receiv'd in the Kingdom, and had any Force, or Authority of Law. Some indeed have been induced to believe that it had, because our Professors, such as *Andrea d' Isernia*, *Angelo*, *Baldo*, *Luca di Penna*, *Paris de Puteo*, *Aretino*, *Soccino*, *Afflitto*, *Capoce*, *Loffredo*, *Camerario*, and many others, frequently quote the Statutes therein contained in their Works. But none strains more to curry Favour with the Popes than *Rainaldo*\*, by asserting in his Ecclesiastical Annals, that it had full Force and Authority, and was observed in the Kingdom. And 'tis certain, that during the Imprisonment of Prince *Charles*, both the Cardinal of *Parma*, and the Count of *Artois*, caused it to be observed in the Kingdom; for we read, that Pope *Honorius* sent it to the Cardinal with a particular Brief, and charged him to see it put in execution; and in the same Author we read two Letters written by the Count of *Artois*, one of which is dated in *Foggia*, and directed to the Justice of *Basilicata*; and the other dispatched from *Barletta* on the twenty second of *October* 1288, and directed to the Prefects of *Puglia*, by which he orders them to see the Pope's Statutes *super statu, & regimine regni*, duly executed; so that afterwards, in order to avoid the Displeasure of the Popes, in such Letters as were sent to the Officers, it was introduced as a Set-Form, to add, That they were to observe, and cause to be observed the Constitutions and Statutes of the Kingdom, and likewise those established by the Apostolick See.

BUT after Prince *Charles* was set at liberty, and crowned King by *Nicholas IV.* who succeeded *Honorius*, upon his Return to *Naples* in the Year 1289, finding how prejudicial *Honorius's* Bull was to his Rights and Royal Prerogatives, tho' he was unwilling to disoblige the Pope, who was so much his Benefactor, by expressly repealing the Bull, yet he would not allow it to be of any Force in the Kingdom. And *Pietro Piccolo*† of *Monteforte*, an ancient and famous Doctor of his Age, writes, That *Charles II.* out of the respect he was obliged at that time to pay to that Pope, begg'd of him, that he would be pleased to suspend it, and that Pope *Nicholas* did actually suspend it. And tho' *Rainaldo* restrains the Suspension to the Penalties therein threaten'd only, as not including the rest; yet, by what followed, we see that it was not put in execution at all; for not only with regard to the Penalties, but in many other Points, it was neither observed nor received. In fine, *Charles II.* after he returned to *Naples*, resolving to reform the State of the Kingdom, made many new Laws, and confirmed those Statutes only which he had established in the Plain of *S. Martin*‡: But as for those of Pope *Honorius*, as being most prejudicial to the supreme regalia of the Crown, he did not so much as mention them; on the contrary, in his Reign, they by no means answer'd the Ends for which that Pope had established them. For notwithstanding the Prohibition to alienate the King's Demesnes, he still disposed of them as he thought fit; and even *Andrea d' Isernia* could not but confess, that it was not in Pope *Honorius's* Power to restrict our Kings in that Matter. This very *Andrea*, who was the Compiler of the Usages of the Royal Chamber of Accounts, witnesseth, that tho' *Honorius* in his Bull § had ordained, that every Man might freely make use of his own Salt-Pits, and sell the Salt thereof to others; yet the Statute of *Frederick II.* relating thereto was observed, and not that of *Honorius*. Moreover, as to the levying of Subsidies in those four Cases allow'd by *Honorius*, nothing was observed; and all our Authors declare, that as well before, as after the Reign of King *Alphonfus I.* it was always in the Power of our Kings to impose them in all Cases, when they found the Necessity of the State required it.

NEITHER was the feudal Succession altered, but the Statutes of the Kingdom concerning the same, and the Privileges granted afterwards to the Barons by our Princes were observed; and those of *Honorius* were not received, except in some Cases, where Equity and Justice took place, and where they were thought to be reasonable. Whence the same *Andrea d' Isernia* says: *Quod illa non servantur, nisi quatenus sunt rationabilia*; so that he calls these Statutes *Hortatoria*, because with us they had not the Authority of Laws; but some of them were observed rather by the Strength of Equity and Reason, than of Law.

\* Rainald. ad ann. 1285. à num. 53. ad num. 62.  
 † Pet. de Montefor. in addit. ad Constit. Reg. lib. 3. tit. 25. Constit. post mortem. V. Marcian. loc. cit. num. 17 & 18. V. Andreys disp. feud. cap. 1. §. 3. num. 10.  
 ‡ Cap. Confirmatio Cap. edit. in plan. S. Martini.  
 § Cap. omnes Ecclesiasticæ.

SEBASTIANO NAPODANO believed, that these Statutes lost all their Force in the time of King *Robert*, of which opinion *Rainaldo* seems to be, when he says, That the Non-observance of these Statutes afterwards brought those Miseries and Calamities, which *Summonte* laments; but from what we have before observed, 'tis plain, that long before King *Robert's* time, in the Reign of *Charles II.* they were not observed.

WHENCE also it came, that the Compilers of the Statutes of the Kingdom excluded them from that Collection, and inserted those only made by Prince *Charles* in the Plain of *S. Martin*, together with the other Statutes of all the Kings of the Family of *Anjou*. And when *James* King of *Sicily* established his Statutes in that Kingdom; being willing that the *Sicilians* should partake of what had been granted to the Inhabitants of our Kingdom, he made use of some of these Statutes of *Honorius*; and that they might have the Force of Law in that Island, he caused them to be inserted amongst his own Statutes, such as *Cap. si aliquem*, *cap. 2. de collectis*, *De frequenti mutatione monetarum*, *cap. 10. De matrim. liberæ contr. cap. 32.* and the like: whence *Cunia*, who made Comments on these Statutes, speaking of *cap. si aliquem*, said, that it was not observed in the Kingdom of *Naples*, but was by that King's Order in *Sicily*. And whence Deputy *Tappia*, in his Collection of the Laws of our Kingdom, very prudently excluded these Statutes, as having no Force of Law in it.

FOR the same Reason we likewise see, that in the time of the Kings of the House of *Aragon*, when the supreme Tribunal of the High Court was erected, and that they were quoted by the Advocates, Deputy *Moles* testifies, that no Cause was ever decided by vertue of these Statutes; wherefore we cannot but wonder that Deputy *Ponte*, who is unjustly reputed one of the most strenuous Asserters of the royal Jurisdiction, in his Treatise, *De potestate Proregis*, did not blush to say, that it was rather by *Disuse*, than the Want of the Authority of Laws, that these Statutes were not observed: and besides he adds, that Pope *Honorius*, as absolute Lord of the Kingdom, with the Consent of *Charles II.* who was Lord Possessor of it, had power of establishing Laws in it.

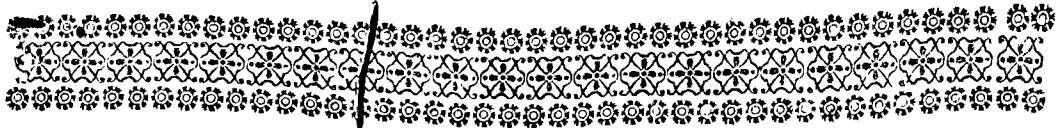
AT last *Rainaldo* ends his Discourse with an Advice to Princes, wherein he insinuates, that whenever the Popes set about to reform their States, they ought to subject themselves to their Laws, and gives them as a Precaution this Instance, that as the Non-observance of these Statutes, in his Opinion, had brought so many Calamities and Miseries upon our Kingdom, so they ought to be obsequious and submissive to the Laws of the Popes, if they did not desire to see their Governments unhinged, and their Kingdoms desolate and involved in Ruin. Nevertheless, we shall likewise conclude this Discourse with an Advice of the same Nature to Princes, to beware of entrusting the Care and Government of their States to any others, than their faithful Ministers; for if, either out of Respect, or Necessity, they allow the Popes to intermeddle ever so little, yet by their exquisite Cunning, what was at first only Advice and Friendship they convert into Authority and Dominion; and manage Matters so, that in place of Fathers they become Lords; and Princes, instead of Sons, become Servants: and therefore they ought to take example from what happened to our Kingdom in the time of the *Normans*, and much more in the Reign of the Family of *Anjou*, when the Popes pretended to exercise much greater and more absolute Sway than our Princes themselves ever dar'd to take upon them; and not only over the Barons, and other Subjects, but they had even the Confidence to extend it with a high and imperious Hand over the very Kings themselves.

<sup>2</sup> Summont. Histor. tom. 2. lib. 3.

<sup>3</sup> De Ponte de potest. Proreg. tit. de offens. re-

galibus super dotib. à num. 6. cum seqq.

<sup>3</sup> Rainald. anno 1265. num. 61.



## CHAP. II.

*Treaties made in England, and Oleron in Bearn, for setting Prince Charles at Liberty; his Coronation, and a Truce made with James King of Sicily.*



**W**HILST a hot War was carried on in *Sicily* and *Calabria*, between the Count of *Artois*, and King *James*, who had been crown'd King in *Palermo*; the Prince of *Salerno* considering that the War might be spun out, and being impatient of returning to his paternal Kingdom, desired the Princess his Wife to dispatch Ambassadors to Pope *Honorius*, and *Edward* King of *England*, to beg of them that they would be pleased to treat with King *Alphonsus* about his Liberty. *Edward* very affectionately and readily began to treat of it; first by the Means of Ambassadors, and afterwards in Person, having gone to *Oleron* in *Bearn* to meet with *Alphonsus*, whither the Pope likewise sent an Apostolick Legate. In the *Acta publica* of *England*, in our time, printed by order of *Queen Anne*, we read many Transactions and Letters relating to *Edward's* Negotiations for this Prince's Liberty; the chief of which are those Articles agreed upon at *Oleron* between *Edward* and the King of *Aragon*. The Articles and Conditions, stipulated after long Debates, were these:

THAT before the Prince should go out of the Borders of *Aragon*, three of his Sons were to be delivered up as Hostages, *viz.* *Lewis* the second Son, who was afterwards Bishop of *Thoulouse*, and since canoniz'd; *Robert* Duke of *Calabria* the third, who was afterwards King; and *John* the eighth Son, who was afterwards Prince of the *Morea*, with sixty *Provensale* Knights at the choice of the King of *Aragon*.

THAT he should pay thirty thousand Marks of Silver.

THAT he should get the King of *France* to make a Truce for three Years; and that *Charles* of *Valois* that King's Brother, who had been invested by Pope *Martin IV.* with the Kingdoms of *Aragon* and *Valentia*, should yield to King *Alphonsus* all his Rights, and restore all those Places, which *Philip* his Father had taken in the Counties of *Roussillon* and *Ceritania*, and were still in his Possession.

THAT in case the Prince should fail in performing all the above Articles, he should be obliged within the Space of a Year to return to Prison.

THAT he should quit the Kingdom of *Sicily* to King *James*, and give him his Daughter *Blanch* for a Wife.

*Giovanni Villani*, and many other *Italian* Authors make not the least mention of these Articles of Peace agreed upon in *Oleron*; but besides *Costanzo*, the *Acta publica* of *England* clear this Passage of History.

WHILE these Things were transacting at *Oleron*, in the Month of *April* 1287 Pope *Honorius* died, and a Year after a *Dominican* Friar was elected in his Place, who took the Name of *Nicholas IV.* Although this Pope was a Native of *Ascoli* in *Marca*, yet no *French* Pope exceeded him in Love and Affection for Prince *Charles* and his Family; for understanding that the Articles agreed upon were to advantageous to King *Alphonsus* and King *James*, and that *Alphonsus* had a mind to sell the Prince's Liberty too dear, he disapproved of the whole Treaty, and published a Bull which we read in the said *Acta publica* of *England*\*, wherein he con-

\* Rymer's *Fœdera*, pag 342.

‡ Ibid. fol. 358.

demns these Articles; and he sent the Archbishops of *Ravenna* and *Monreale* with a Brief to *Aragon*, by vertue of which, as Apostolick Legates, they required King *Alphonfus*, under the Pain of Censure, to set the Prince at Liberty, and to forbear giving Assistance to King *James* the Usurper of *Sicily*, and a Rebel to the Holy Church<sup>1</sup>.

THE King of *England*, who had a great Affection for the Prince his Cousin, and longed extremely to have him set at Liberty, seeing that the Pope did not approve of what had been done, interested himself very much, and went again to meet the King of *Aragon*, with whom he took great Pains to obtain more reasonable Conditions. *Alphonfus*, unwilling to reject the Intercession of the King of *England*, who had come into his Dominions to have an Interview with him; and in order to comply in some measure with the Pope, confirmed the first Articles, and excluded the last, making no mention of King *James*, nor the Kingdom of *Sicily*.

THEREFORE he was content to accept of the abovesaid Hostages, the thirty thousand Marks of Silver, and the Promise that the Prince should procure a Peace with the King of *France*, and the Cession of *Charles* of *Valois*; and in case the Treaty was not put in execution, the Prince was to return to his Prison: The King of *England* became Guarantee for the Performance; and upon these Conditions the Prince obtained his Freedom.

CHARLES being thus set at Liberty, both out of the Love he bore his Sons, who had been left Hostages, and as he was naturally a most faithful Prince, immediately went to the King of *France's* Court; where, though he was received with all the Tokens of Affection and Esteem, yet afterwards when he came to treat about performing the Conditions of the Peace, he found vast Difficulties; for the King referred every thing to his Brother's Approbation, who having no Dominions, was not willing to divest himself of the Expectation of two Kingdoms, and of the Possession of those Places, that his Father had conquered in the War of *Perpignan*; so that finding all his Labour lost he set out for *Provence*, where he had great Respect paid him; and then went to *Italy*, where he was kindly received by the *Guelf* Cities, and especially by the *Florentines*, and at last he came to *Rieti*<sup>2</sup>, where he found Pope *Nicholas*, who, with the Approbation of the whole College, on the twenty ninth of *May* 1289 in the great Church of that City, crown'd and anointed him King of both *Sicilies*; in Memory of which Solemnity, on the twenty second of *June* the same Year, King *Charles* gave to the said Church, out of the Royal Revenues of the City of *Salmona*, twenty Ounces of Gold yearly for ever<sup>3</sup>.

THEN he set out for *Naples*, and in all Places of the Kingdom as he pass'd, was received with incredible Joy and Acclamations, on account of his Clemency and Generosity when he was Lieutenant of the Kingdom. And after he had been some time in that City, he began that Year by new Laws to reform the State of the Kingdom, which during his Imprisonment, by a Mixture of new Government had undergone several Alterations; then it was that he made those Statutes, of which we have treated in the preceding Book.

KING *James* seeing his Brother the King of *Aragon* involved in so many Wars, had sent to desire him to mind his own Interest, by concluding a Peace the best Way he could, without mentioning *Sicily*, which he hoped to be able to maintain with his own Forces; but when he saw afterwards that the new Pope was so much attach'd to King *Charles's* Interest, and that the Investiture given him comprehended both the *Sicilies*, he repented that he had not been included in the Peace; whereupon he resolv'd, in order to prevent a War in *Sicily*, to begin it in *Calabria*, where both Parties fought with equal Bravery and Courage; but King *James* finding that this Expedition was not attended with great Success, he set sail with his Fleet towards the Coast of *Gaeta*, and besieged that City, which being quickly relieved by King *Charles*, he was more closely besieged than *Gaeta*; but as Fortune would have it, Ambassadors from the Kings of *England* and *Aragon* arrived at that very time in *Charles's* Camp to treat about a Peace; and though *Charles's* Council strenuously oppos'd it, yet such was the Diligence of the Ambassador of *Aragon*, and so strong were the Arguments of the *English* Ambassador, that King *Charles*, contrary to the Opinion of all his Friends, agreed to a Truce for two Years, notwithstand-

<sup>1</sup> Costanzo lib. 3.

<sup>2</sup> Idem lib. 3. says in *Peruggia*, and *Summonte* in *Rome*.

<sup>3</sup> Chioccar. tom. 1. MS. Giurisd.

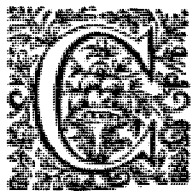


ing that the Count of *Artois* had told him plainly, that that Truce would for ever put it out of his Power to recover the Kingdom of *Sicily*. King *Charles* alledged to him and his other Counsellors for Excuse, that he could not do otherwise, considering the Obligations he lay under to the King of *England*, who in so friendly a manner had procured him his Liberty, and had been at the Trouble to go to *Spain* on purpose; and besides, that he could not pretend to perform his Promise, in getting the King of *France* to make Peace with the King of *Aragon*, and *Charles* of *Valois* to give up his Claim to the Kingdoms of *Aragon* and *Valentia*, of which he had got Investiture from the Pope. The Truce being thus concluded, the Count of *Artois*, and the other *French* Lords, who had been five Years taking care of the Kingdom, and King *Charles's* Children, went away in Disgust, judging it impracticable to perform any glorious Action. On the other hand King *James*, glad that the Danger was over, set sail for *Sicily*. And *Charles*, after having for the Space of ten Years exempted the *Gaetans* from all Taxes, on account of their gallant Behaviour during the Siege of their City, returned to *Naples*.



### C H A P. III.

*Charles Martel crown'd King of Hungary. Peace concluded between King Charles and the King of Aragon; and Frederick crown'd King of Sicily.*



**C**HARLES, upon his return to *Naples*, found there Ambassadors from the Kingdom of *Hungary*, who had come to desire him to send and take Possession of that Kingdom, which by lawful Succession belonged to Queen *Mary* his Wife, King *Ladislaus* her Brother dying without Issue. King *Charles* received the Ambassadors with all Marks of Honour, and answered them, That he would immediately send thither his eldest Son *Charles Martel*, to whom his Mother Queen *Mary* would yield her Rights to that Kingdom; with which they being very well satisfied, *Charles* sent to beg of the Pope, that he would be pleased to send a Prelate to *Naples* as his Legate to crown his Son. *Charles* did this for no other End, but only that by such a Solemnity he might have occasion to cheer up *Naples*, and the Kingdom with a sumptuous Feast, after so much Toil; not that he believed the Coronation to be necessary for maintaining the Rights he had, or acquiring new ones; for he knew very well, that according to the Custom of that Kingdom he must be crown'd again in *Vicegrad* with the ancient Crown of that Kingdom, which is kept there, in order to his being acknowledged as lawful King of that People<sup>1</sup>. Pope *Nicholas* following the Example of his Predecessors, who never minded whether they had a Right to do a thing or not, if they were desired, they always undertook it, out of an Opinion which still prevails, that they had Power to do every thing, immediately sent a Legate to *Naples*, who, in the Presence of many Archbishops and Bishops, crown'd him King of *Hungary*. This Coronation was celebrated in *Naples* on the eighth of *September* 1292, whereat were likewise present the Ambassadors of *France*, and of all the Princes of *Italy*, amongst whom the *Florentines* made the greatest Figure. The Feasts, Tournaments, and other Shews were most magnificent, but what made the brightest Appearance of all was the King's Beneficence and Generosity; he first

<sup>1</sup> Costanzo lib, 3.

knights his Son *Charles Martel* before he was crown'd, and then gave the military Girdle to above three hundred *Neapolitans* and other Gentlemen of the Provinces of the Kingdom. He exempted the City of *Naples* from all Taxes, and likewise committed a part of them to all those Places that had suffered any Damage by the *Sicilian* Army. Then he began to appoint a Household for the King his Son, by placing wise Counsellors, and trusty Servants about his Person, with a great Number of other Domesticks and noble Pages.

BUT while they were thus feasting in *Naples*, some Barons of the Kingdom of *Hungary* had proclaimed for their King one *Andrew*, a remote Relation of the late King's, and had got a great part of that Kingdom to submit to him. For which Reason King *Charles* put off the sending his Son to *Hungary*, and kept him in *Naples* for some Years after, and made him his Lieutenant when he returned again to *France*; and in the mean time, in order to support his Right, and enable him to drive the Usurper out of that Kingdom, he sent *Giacomo Galeota* Archbishop of *Bari* his Ambassador to the Emperor *Rodolphus I.* of the House of *Austria*, to treat about a Marriage between one of his Daughters and *Charles Martel* King of *Hungary*; which being happily concluded, the new King with a great Number of Barons and Knights set out for *Germany* to celebrate the Marriage, and then went to *Hungary*; and though he carried a good Army with him, yet he got not Possession of the whole Kingdom, because while his Rival *Andrew* lived, he still kept Possession of a part of it; he was received by his own Party with Royal Pomp, and great Demonstrations of Joy; and those *Neapolitans* who had accompanied him, magnified to *Charles* the Opulency of that Kingdom.

BUT *Charles's* Felicity in seeing his Son possessed of so great a Kingdom, was disturbed by continual Messages sent by *Edward* King of *England*, soliciting him to fulfill the Conditions of the Peace made with the King of *Aragon*, who at the same time was making his Complaints to *Edward*, that having set the Prince of *Salerno* at Liberty upon his promising to get the King of *France* to desist from undertaking any thing against his Kingdoms, yet he was now more hard put to it than ever by that King. And in the *Acta publica* of *England* lately printed<sup>1</sup>, we read two Letters written by King *Alphonsus* to King *Edward*, wherein he complains of King *Charles's* Prevarications upon that Head.

*CHARLES*, as a very just King, and a Man of great Probity, seeing himself thus pressed, not only by the King of *England*, but by *Alphonsus* himself, resolved to go to *France* in Person, and there to use his utmost Endeavours to get the King and his Brother to lay aside their Designs upon *Aragon*, as he had promised in the Articles of Peace, with a firm Resolution to return to his Prison, if case he did not succeed. And, as we have said, having left his Son *Charles Martel* Lieutenant of the Kingdom, he set out, and among others took with him the famous *Bartolommeo di Capua* Great Protonotary of the Kingdom; and upon his Arrival found, that the Kings of *France* and *Majorca* were making great Preparation to invade the Kingdom of *Aragon*, the one by the way of *Navarre*, and the other by *Rouffignion*; and having waited many Days to no purpose, he had in a manner given over all Hopes, not only of persuading them to lay aside the Expedition, but even of delaying it, because those Kings having already been at great Charges, were unwilling to be disappointed. And in the said *Acta publica* of *England* we find a Certificate of King *Charles's* being arrived at a certain Place, in order to surrender himself Prisoner<sup>2</sup>.

WHILE *Charles* was in this Perplexity of Mind, Cardinal *Colonna* and the Cardinal of *S. Sabina* Apostolical Legates very opportunely came to *France*, who with the Authority of the Pope's Name, which was then much respected by the King, and the *French* Nation, obliged the King of *France* to wait the Result of the Peace, which they were about to treat on. And having retired to *Montpellier*, they conven'd the Ambassadors of *England* and *Aragon*, those of King *Charles*, the King of *Majorca*, *James* King of *Sicily*, and likewise those of the King of *France*, and began to treat about a Peace. But the more warmly it was discuss'd, the more difficult it seem'd to bring it to a Conclusion; for on the one hand the *Sicilian* Ambassadors declared that their Master was resolved not to part with *Sicily*; on the other hand the *French* Ambassadors said, that their King would not lose the Charges he had been at, nor would *Charles* of *Valois* give up his Claim, since King *James*

<sup>1</sup> Rymer's *Fœdera*, pag. 450, & 456.

<sup>2</sup> Idem. tom. 1. pag. 435.

was determined to keep Possession of that Island acquired so unjustly, and with the Slaughter of so many *Frenchmen*. The Pope likewise had ordered his Legates by no means to conclude a Peace, if the Kingdom of *Sicily* was not restored to King *Charles*, alledging, That if the violent Possessors of the Lands of that Island should go unpunished, it would be of great Prejudice to the Apostolical See. Matters being thus embroiled, *Bartolomeo di Capua*, who was one of King *Charles's* Ambassadors, an able Doctor, and a Man of great Judgment and Skill in managing Affairs, demonstrated to the Cardinal Legates, that there was only one way left for concluding a Peace, which was to exclude King *James* from it, and to persuade *Charles of Valois*, in lieu of the Hopes he had of conquering the Kingdoms of *Aragon* and *Valentia*, to marry *Clementia* King *Charles's* Daughter, with whom he should have the Dukedom of *Anjou* as her Portion. The Cardinals began to treat about the Matter with the Ambassadors of *Aragon*, whom they found very much inclined to exclude King *James*, because it was necessary for the King of *Aragon* to have the Peace concluded, who by no means was able to resist so many powerful Enemies; for besides the War which the Kings of *France* and *Majorca* threatened, he was attacked on the other side by *Sancho* King of *Castile*; and which was worse, his own Subjects were risen up in Arms, as they said, because they were interdicted from the Holy Offices, but much more on account of the Charges they were at in maintaining the War; and they insisted, that provided the War with *France* was at end, and the Pope pacified, King *Charles's* Sons ought not to be detained to please King *James*, but ought to be immediately set at Liberty, in order to pave the Way for Peace. There was nothing else remaining to be done, but to satisfy *Charles of Valois*; so that the Legates, and all the Ambassadors left *Montpellier*, and went to wait upon the King of *France*, and after much Debate the Peace was concluded on these Conditions:

THAT *Charles of Valois* should marry the eldest Daughter of King *Charles*, and have the Dukedom of *Anjou* for her Portion, and that he should renounce the Investiture of the Kingdoms of *Aragon* and *Valentia*.

THAT the King of *Aragon* should set at Liberty King *Charles's* three Sons, with the other Hostages, and pay to the Church of *Rome* the Tribute for the Kingdom of *Aragon*, which had been discontinued many Years.

THAT he not only should not assist King *James*, but should order all his Subjects, that were either in *Calabria* or in *Sicily* in the Service of that King, to quit it, and depart.

THAT on the other hand the Pope should receive the King of *Aragon* into the Bosom of holy Church as a dutiful Son, and take off the Interdiction from his Subjects.

THE Peace being thus concluded, the Articles thereof were immediately put in execution; for King *Charles* had no sooner got back his Sons, and the other Hostages, than he returned by Sea to *Italy*, and was honourably received in *Genoa*, where he made an Alliance with that Republick, which promised to assist him with sixty Gallies for the recovering of *Sicily*; and *Charles of Valois* sent to *Naples* for *Clementia*, who was conducted to *France* and married.

BUT *Alphonfus* dying soon after without leaving Children, the so much desired Peace was again interrupted; for *James* King of *Sicily* as lawful Heir being called to the Throne of those Kingdoms, without any Delay, took shipping for *Spain*, left his Brother *Don Frederick* Lieutenant of the Island, and took Possession of his Kingdoms. The Pope, the Kings of *France* and *England* at the earnest Desire of King *Charles* sent Ambassadors to represent to King *James*, that since he had succeeded to his Brother's Kingdoms, he ought to fulfill the Conditions of Peace lately concluded, and restore the Kingdom of *Sicily*, or not to assist the *Sicilians*; but to order all his Subjects serving in that Island to return to *Spain*, because otherwise the Peace would be looked upon as violated, and the Renunciation of *Charles of Valois* as void; and the Pope would again interdict his Kingdoms. King *James* answered, That he had succeeded to those Kingdoms, as the Son of King *Peter*, and not as the Brother of *Alphonfus*; and that therefore he was not bound to fulfill those Conditions, to which his Brother had consented, to the great Prejudice of the Crown of *Aragon*. Thus all Parties concluded the Peace to be broken, and a new and obstinate War was again begun in *Calabria* between King *Charles* and King *James*.

NEVERTHELESS the King of *France* and the Pope importun'd King *James* to part with the Kingdom of *Sicily*; and his Subjects of *Aragon* and *Valentia* begged of him to do it; but the Death of Pope *Nicholas*, which happened this Year 1292, was the Reason why he did it not, but waited to see what Time might bring about. And the Cardinals having disagreed among themselves, they left the See vacant for the Space of two Years and some Months; the King of *France* did not move, but lived in Peace almost two Years. But in the beginning of the Year 1294 the Cardinals came to a Resolution to elect a poor Hermit, named *Fr. Pietro di Morrone*, who lived in a little Hermitage two Miles from *Salmona*, upon the Skirts of the Mountain of *Majella*; and indeed it was thought, that both on account of the Sanctity of his Life, and his want of Experience, he would not accept of the Papacy. King *Charles* hearing of the Election, went immediately to wait upon him, and persuade him to accept of it; and he prevailed so far with him, as to induce him to send for the College of Cardinals to come to *Aquila*; and it was an easy Matter to persuade him, not that he was covetous of reigning, but merely because of his Humility, and great Simplicity. The Cardinals came to *Aquila*, just as the King, with *Charles Martel* his Son and the new Pope, had arrived; and on the ninth of *August*, with great Solemnity, and in presence of a prodigious Number of Spectators, being crown'd, he took the Name of *Celestine V.* King *Charles* thank'd and commended all those who had made so good a Choice, and very generously and magnificently furnished them with all manner of Provisions, and bore all their other Expences. All the World was astonish'd at the Novelty of the thing, seeing a Person, from so mean and abject a Condition, rais'd to the Pinnacle of human Dignity.

THIS Pope discovered himself to be more charmed with a contemplative Life, than his new Dignity; for he very soon began to declare his Desire of returning to his Hermitage; at which King *Charles* was exceedingly troubled, because he thought himself very happy in having one of his Subjects elected, and who was a Man of holy Life, from whom he expected to obtain whatever he desired; and finding that the Cardinals were willing that *Celestine* should return to his Hermitage, he persuaded him to come to *Naples*, in order to cajole and sooth him. *Celestine* came to *Naples*, but the Charms of that City, and the Caresses and Persuasions of King *Charles*, were not powerful enough to make him change his Resolution; so that in a few Days in the middle of *December* in the great Hall of *Castel Nuovo* he resigned the Papacy into the Hands of the Cardinals, and returned to his Hermitage. We read in the Royal Archives \* a Charter of Donation made by King *Charles* to a Brother and two Nephews of *Celestine's* of twenty Ounces of Gold yearly for ever, payable out of the Bailiwick of *Foggia*, which was afterwards made payable out of that of *Salmona*.

AT this time Cardinal *Benedetto Gaetano* was a Man pretty much esteemed, both for the Nobility of his Family and Learning, as also for his Skill in managing secular Affairs; who seeing that King *Charles* by his Magnificence and Generosity had gained the Hearts of all the Cardinals, went to wait upon him to beg his Assistance for his Promotion to the Papacy, and in a manner demonstrated to him with strong Arguments, that there was not a Cardinal of the whole College that would be so ready to assist him, both in the recovering of the Kingdom of *Sicily*, and in every thing else; and the King being persuaded that it was true; for besides his other Qualities he was a mortal Enemy of the *Ghibellines*, he promised to do it; as indeed he did, for he went to all the Cardinals one by one, and got their Consent; so that on the Eve of *Christmas* he was unanimously elected, and called *Boniface VIII.*

*BONIFACE*, who was of a quite different Temper from that of his Predecessor, trusting to the Relation he had to many *Roman* Princes, went immediately to *Rome* in order to be crown'd, very well satisfied with *Charles*; for besides his having made him Pope, he spar'd no Charges to do him Honour; and therefore as soon as the Coronation was over, he began to shew his Gratitude for so many Obligations, by sending an Apostolick Legate to King *James*, to order him immediately to give up the Kingdom of *Sicily*; and also to threaten, that by a Sentence he should be deposed from the Kingdoms of *Aragon* and *Valentia*, in case he continued under the Interdiction, and refused to obey.

\* Registr. anno 1298, 1299. B. fol. 161. recorded by Ciarlant. fol. 368.

ON the other hand King *Charles* sent *Bartolommeo di Capua* to *France*, to sollicite *Charles* of *Valois* to begin the War by vertue of his Investiture of the Kingdoms of *Aragon* and *Valentia*, because the Cession which he had made upon the Peace with *Alphonfus*, in favour of *James*, ought not to be valid, because *James* did not comply with the other Conditions. *Bartolommeo*, upon his Arrival in *France*, found not so great Difficulty to persuade *Charles* to begin the War, as to persuade the King his Brother to be at the Expences of it; nevertheless, the Apostolical Legate coming from *Valentia* to *France*, and declaring, That though King *James* had given fair Promises that he would obey the Pope's Order, yet he seemed to demurr, because he found his Subjects uneasy under the papal Interdiction, encouraged the King to comply with *Bartolommeo's* Request, proclaim War against King *James*, and put his Army in readiness to attack him.

THEN King *James* began to be of another Mind, and to know, that he was not in a Condition to carry on so many Wars at once; and in order to gain the Affection of the Barons of his Kingdoms, he called a general Parliament, in which he declared, That it was against his Inclination, that either himself or they should be under Interdiction, and that he desired to obey the Pope; but that on the other hand the strict Union between him and King *Charles* was to be feared; and that therefore he was of Opinion, that four Ambassadors ought to be sent to beg of his Holiness in the Name of himself and of his Kingdoms, that he would be pleased to set a Treaty on Foot, which, upon just and honourable Terms, he would accept of; and in the same Parliament Ambassadors were nominated, with full Power to assist at the Treaty of Peace. As soon as these Ambassadors had arrived in *Rome*, and declared to the Consistory the good Intentions of King *James*, the Pope answered them very graciously, and promised, that he would divest himself of all Passion, and would enter upon a Treaty that should be equally honourable for both Parties.

KING *Charles*, whom the Pope had advised of this Treaty by a Brief, ordered *Bartolommeo di Capua*, who was returning from *France*, to stop in *Rome*, and to assist as Ambassador at the Treaty of Peace, which was managed by the Pope with so great Dexterity, that the most ticklish Article, *viz.* the Restitution of the Kingdom of *Sicily*, was easily agreed to by the Ambassadors of *Aragon*; and it is thought the Reason was, because King *James* was not in a Condition to enter upon a War with *France*, for his People being all bent upon Peace, would not contribute towards the Expences of it; so that on the fifth of *June* 1295 the Peace was concluded on these Conditions. That King *James* should deliver up the Island of *Sicily* to King *Charles*, as entire as *Charles I.* had possessed it before the Revolution. That he should restore all the Places, Forts and Castles possessed by his Officers in *Calabria*, *Basilicata* and *Principato*; and on the other hand King *Charles* should give him to Wife his second Daughter *Blanch* with a hundred thousand Marks of Silver in Portion; and that those who had served either of the Parties should have a full Indemnity both as to their Goods and Persons; and that the Pope should absolve and receive into Favour both King *James*, and all his Subjects and Adherents, by removing the Ecclesiastical Interdiction, and absolving them from his Censures. The King of *France's* Ambassadors entered into the Peace for their King, whereby he was obliged to get the King of *Castile* likewise to come into it.

THIS Peace was a great Surprize to all the World, because it seemed impossible that King *James*, who for so many Years had maintained the Kingdom of *Sicily* with its own Forces only, now that he was possessed of two other Kingdoms, and many other Dominions in *Spain*, would be so mean as to make such a Peace; but Men of Judgment thought, that he had acted very prudently, because the Accession of these Kingdoms had made it impossible for him to defend them all, and they had proved more chargeable than profitable, having been obliged to fight in *Spain* with the Kings of *Castile* and *France*, and in *Sicily* with King *Charles*; so that he would have been obliged to maintain three Armies, and be in three Places at the same time, which was equally impossible, besides the Pope's Enmity, who made War no less upon him than the rest: It is further said, that he was induced to it by the Pope's promising to invest him with the Kingdom of *Sardinia*, and to get King *Charles* to assist him in the Conquest of that Island, as also of the Island of *Corsica*.

UPON the News of this Peace, which was soon carried to *Sicily*, *Don Frederick*, who was his Brother's Lieutenant, and a Man of great Spirit, began to aspire at the Dominion of that Kingdom, and dissembling his Design, he first sent Am-

ambassadors to the Pope to signify to him, that as for himself, he had always been ready and willing to live under the Protection and Obedience of the Church, and to beg of him to receive him as such; the Pope having heard the Message, graciously received the Ambassadors, and answered, That they might tell *Don Frederick*, that he took their Embassy very kindly, and that he was very desirous to see him, and to do him what Service lay in his Power. *D. Frederick* went immediately to *Rome*, and took with him *Roger de Loria*, and *Giovanni di Procida*. After the Pope had received him very honourably, seeing his Disposition and the Comeliness of his Person, and the Wit he discovered in his Conversation, he in a manner despaired of gaining upon him, because he seemed to be well carved out for Government, and knew how to maintain the Kingdom; yet he did not fail to lay the Peace before him, and to exhort him to conform himself to the Will of his Brother King *James*; and he entreated him, that upon his return to *Sicily*, he would make no Difficulty in giving up that Island, because in return he would take a special care of him, whom he knew to be most worthy of the greatest Empire; promising to use his utmost Endeavours, that *Philip* the Son of *Baldwin* Emperor of *Constantinople* should give him his only Daughter for Wife, with a promise of the Succession to some Provinces which he possessed in *Greece*, and of the Rights of recovering the Empire of *Constantinople*; and he likewise promised that he would get King *Charles* to assist him, and that all the Forces of the Church should be at his Service. *D. Frederick* for the present thought fit to accept of the Offers, and promised to do what in him lay for the giving up of the Island, and departed.

BUT *D. Frederick* had no sooner acquainted the *Sicilians* with the Certainty of the Peace, than all in Despair and Discontent, as expecting nothing from the Hands of the *French*, their mortal Enemies, but Ruin and Destruction, met to consult what Course they had best to take; and with that Boldness, which commonly proceeds from Despair, they determined rather to undergo the utmost Danger, than subject themselves to such dismal Circumstances; whereupon they elected four Ambassadors to go to King *James*, and request him to give up all the Castles and Forts of the Kingdom to be guarded by the Natives thereof; and that since the King was resolved to restore the Island to King *Charles*, he would be pleased to return them their Homage, by freeing them from their Oath of Fidelity and Subjection; and to tell him plainly, that upon such an Exigent they were not bound to obey him.

THESE Ambassadors arrived at the same time with King *James's* Bride; and after the King had heard their Message, he answered them, That for the Sake of Peace, and the Security of his paternal Kingdoms, he had been forced to restore the Island to King *Charles* his Father-in-Law, therefore he commanded them to give it up without Opposition.

THIS Answer struck the Ambassadors to the very Heart, who having replied to the King, that he had no Power to sell them, they returned him his Homage, and protested, that from that time forth their Kingdom was free, and the Inhabitants were released from their Oaths, and that they would have another King, who out of Gratitude and Affection would protect them, and with that they departed, and in all haste returned to *Sicily*.

IN the mean time *Giovanni di Procida*, and *Manfredi di Chiaramonte*, waiting their return, had retired into some strong Holds, and taking it for granted that *D. Frederick* would gladly lay hold of so fair an Opportunity, they persuaded him not to let it slip, but immediately to call a general meeting in *Palermo*. *D. Frederick* forgot all the Pope's Promises, judging, that in order to maintain *Sicily* he was only obliged to be upon his guard at Home, but to gain *Constantinople* he must go well armed, and wrestle with many Difficulties, and be at Charges in foreign Dominions; so that he ordered an Assembly to be called, and invited to it not only the Barons, but the Syndicks of all the Cities and Towns, to whom the Ambassadors reported King *James's* Answer, and caused to be read a Copy of the Articles of Peace which they had brought with them. Terrible was the Outcry they all made, and then *Roger de Loria* and *Vinciguerra di Palizzi* gave it as their Opinion, that *D. Frederick* ought to be proclaimed King of *Sicily*, and were the first that offered to swear Allegiance to him; the Multitude did not wait till the other Barons had followed in order, but with a loud Voice cried out, *God bless D. Frederick King of Sicily*; and on the twenty fifth of *April* 1296 he was solemnly crown'd, and both very prudently and boldly ordered Men and Money to be raised; and he

not only prepared for the Defence of *Sicily*, but likewise for the Continuance of the War in *Calabria*.

IN the mean time King *Charles* being gone to wait on the Pope at *Anagni*, he entreated him to send an Apostolical Legate along with King *James's* Ambassadors, to order the *Sicilians* to deliver up the Island, which accordingly he did; but they were no sooner arrived at *Messina*, than they were given to understand that that City, and all the Island belonged to King *Frederick of Aragon*; and that they were to proceed no farther, because they might perhaps meet with what would not please them. The Ambassadors and Legate being surprized, returned first to *Naples* to wait upon the King, and then to *Anagni* on the Pope, and gave them both an Account of what had passed. *Charles*, who was a most upright Prince, expected no such thing; but the Pope, from the very time that he had seen *Frederick*, and considered his Proceedings, had always suspected him: They therefore resolved to send a Legate and Ambassadors to King *James*, to get him to employ all his Power for the effectual restoring of that Island.

WHILE the Legate and Ambassadors were on their way to *Spain*, King *Charles*, with the Advice of the Pope, and the most prudent of his Barons, in order to prevent King *Frederick's* gathering more Strength, and not to depend altogether upon King *James*, resolved to make War upon him; whereupon the War was carried on with equal Vigour and Courage for a long time in *Calabria*, where *Charles*, with alternate Fortune, strove in vain to recover those Places, which *Frederick* possessed in that Province; on the contrary *Frederick* was so bold, as to invade the Province of *Otranto*; he took and pillaged *Lecce*, fortified the City of *Otranto*, and went and encamped under the Walls of *Brindisi*. All the Loss that *Frederick* suffered by this War was, that out of Disgust *Roger de Loria* left him, and went over to King *Charles*.

THE Pope hearing of King *Frederick's* prosperous Success, and that *Charles*, with all the Forces he then had, was scarcely able to defend the Kingdom of *Puglia*, and that the recovering of *Sicily* was like to go on heavily, if more Forces were not sent him; partly in order to maintain the Authority of the Apostolical See, which he was resolved to raise as high as he could, and partly out of the Affection he had for King *Charles*, he laid aside the Care of all other Things, and was wholly bent upon having that Island restored to him; and to engage King *James* to act with Vigour, he sent him the Investiture of the Kingdom of *Sardinia*, and made him Standard-Bearer of Holy Church, and Captain General of all the Christians that were fighting against the Infidels, and sent to beg of him to use his utmost endeavour to fulfil his Promise. King *James*, besides his Engagements by the Articles of Peace, finding himself under Obligations to the Pope, ordered great Preparations to be made in his Kingdoms for fitting out a Fleet, and came to *Rome* to excuse himself to the Pope, and to swear before him, that he had no Hand in his Brother's Contumacy and Fault, and that he would demonstrate it to all the World with Sword in Hand; and for the present he sent *Peter Comaglies* a Monk of the Order of Preaching Friars to *Sicily* to discourse with his Brother, and to persuade him to obey the Pope. Friar *Peter* not being able to obtain the Restitution of *Sicily*, advised King *Frederick* at least to part with those Places he was possess'd of in *Calabria*, to which he had not the least Title, either just, or pretended; for although he had a Mind to keep Possession of *Sicily*, because the *Sicilians* had elected him, or because of the last Will of King *Alphonfus* his eldest Brother; yet as for the Kingdom of *Puglia*, though King *Peter* had the same Title to it as he had to that of *Sicily*, they both being King *Mansfred's* Inheritance, nevertheless, by the Cession made by King *James* at the Peace, all Right was devolved to King *Charles*, even though the Investitures and Confirmations of so many Popes were to be reckoned of no Force. All that Friar *Peter* got by this Message was, that before he left *Sicily* King *Frederick* sent to recall *Roger de Loria*, and promised to withdraw all the Garrisons from the Cities of *Puglia*. The Friar returned and gave the Pope and King *James* an account of what he had done, with which neither of them being satisfied, *James* sent the Bishop of *Valentia* to entreat King *Frederick*, that he would be pleased to come and confer with him either in the Island of *Procida*, or *Ischia*, where they might set Matters to rights. King *Frederick* answered, That he could not move without the Advice of his Barons; and having asked some of them what was fit to be done,

*Roger de Loria* advised him to comply with his Brother, and go meet him; but the King, by the Insinuation of *Roger's* Enemies, became diffident of him, which he understanding, he spoke with so great Rage, that the King commanded him not to stir out of the Palace; but at his earnest Entreaty the King let him go, so he immediately departed; and there were Means found afterwards to get him to enter into King *Charles's* Service.

MEAN while new Ambassadors came from King *James* to *Sicily*, with Orders, that if the Bishop of *Valentia* had not prevailed with King *Frederick* to come and speak with him, they were to conduct Queen *Constantia*, and the Infante *Donna Violante* to *Rome*, where King *James* expected them. *Frederick*, unwilling to disoblige his Brother in that, said to his Mother, That it depended upon herself either to go, or stay in *Sicily*, and that if she went, she might likewise take his Sister along with her. That prudent Queen, who loved both her Sons, chose to go, though she knew that she was to see King *Charles*, the Son of him who had put her Brother to Death, and killed Queen *Sibilla* her Mother, and her only Brother in Prison, because she was in hopes to assuage King *James's* Wrath against *Frederick*; and thus she and her Daughter took Shipping and sailed for *Rome*. It was truly a singular Instance of the Vicissitude of human Affairs to see that Queen, accompanied by *Giovanni di Procida*, and *Roger de Loria*, who had waited at Sea with his Gallies till she embarked, pass in sight of King *Charles*, to whom they had done so many remarkable Mischiefs. King *James* received his Mother and Sister with the utmost Respect, and told them, That by the Pope's Means he had promised to give his Sister in Marriage to *Robert* Duke of *Calabria*, who was expected the Day following. His Mother was satisfied, hoping, that the more they were tied by Affinity, it would be the more easy in time to conclude a Peace amongst them. Two Days after, King *Charles* with the Duke of *Calabria* and three other of his Sons arrived with so great Pomp, that it was a new and strange Sight in *Rome*; for besides a vast Number of Counts, and the King's Officers and Counsellors, it was a beautiful thing to see each of the Sons attended by an infinite Number of Gentlemen in excellent Order, and Pages and Armour-Bearers cloathed with most rich Devices; and the Pope, who was likewise of a princely Spirit, for his part would have the Marriage Ceremony performed in his Presence, and ordered his Nephews most nobly to regale both the Kings, and their Sons; but when the Feasting was over, he brought upon the Carpet the Expedition which they were to make against King *Frederick* for the recovering of *Sicily*; and the first and most important Points agreed upon were, that *Roger de Loria* should enter into King *Charles's* Service with the Title of Admiral of both Kingdoms; that King *James* should return to *Catalonia*, and King *Charles* to *Naples* for giving Orders to rig out their Fleets; but before *Charles* left *Rome*, to shew his Gratitude to the Pope, he gave in Marriage *Giovanna dell' Aquila*, Heiress of the County of *Fondi*, and of six Towns in *Compagna di Roma*, to *Giordano Gaetano* the Pope's Nephew by his Brother; and at the very same time died in *Rome* *Giovanni di Procida*, a Man famous over all the World both for his Courage and Conduct.

BUT to return to King *Charles*, he had no sooner arrived in *Naples*, than he granted most ample Privileges and great Honours to *Roger de Loria*, and not only restored him all his ancient Lands in *Calabria*, *Basilicata*, and *Principato*, but gave him many others; and also ordered all the Governors of Provinces, and other Officers to take their Orders from him concerning the fitting out of the Fleet.

ON the other hand King *Frederick*, who was appriz'd of what had pass'd, and was preparing against him, likewise made Preparation to ward off the impending Storm. He caused *Roger de Loria* to be summoned, and condemned him as a Rebel, and immediately deprived him of the Lands he had in *Sicily*. King *James*, after he had recalled all the *Aragonese* and *Catalans* that were in *Sicily* and *Calabria*, had fitted out a good Fleet, with Intention to join that of King *Charles*, not only to force his Brother to quit *Sicily*, but likewise to conquer the Kingdom of *Sardinia*, whereof he had received Investiture from Pope *Boniface*. He set sail from *Barcelona*, and arrived at *Civitavecchia*; and from thence he went to *Rome*, where he found the Pope, who received him with all Marks of Esteem and Gladness.

NO Pope had ever had so high and extravagant Notions of the Papacy as *Boniface VIII*. He was persuaded, that he was no less absolute Monarch of the Universe in Temporals, than in Spirituals. For the greater Proof of it, in the Year 1300 having published a Jubilee, which he ordered to be renewed every hundred



Years, whereby having drawn a vast Concourse of People to *Rome*, in order to make the more shining Figure, he appeared at all the Ceremonies with the Triple Crown, and clothed with an Imperial Mantle, taking for his Device, *Ecce duo gladii hic*; whereby he believed he had Power to give and take Kingdoms at his Pleasure. He invested the King of *Aragon* with the Kingdom of *Sardinia*: He had promised King *Frederick* the Empire of *Constantinople*; and *Roger de Loria* by his Valour having acquired *Gerba* and *Karkim*, two Islands on the Coast of *Africa* belonging to the Kingdom of *Tunis*, and not to *Sicily*, *Boniface*, upon *Roger's* promising to pay him fifty Ounces of Gold, *Sicilian* Weight, yearly as a Quit-rent, gave him the Investiture of them for him and his Heirs, and ordered *Fr. Bonifacio Calamandrano* Great Master of the Knights of *Jerusalem* to receive the wonted Oath of Fidelity and Homage. We read the Investiture given to *Roger* of these Islands on the eleventh of *August* 1295, the first Year of his Pontificate, in *Tutini*<sup>1</sup>, who copied it from the Archives of the Vatican. So now upon King *James's* Arrival in *Rome*, with great Solemnity he made him Standard-Bearer, and Captain-General over all the World against the Infidels, and delivered him the Standard.

KING *James* left *Rome*, accompanied by Cardinal *Marmaldo* Apostolick Legate, and in a short time arrived in *Naples*, where he found *Robert* Duke of *Calabria* his Brother-in-Law with thirty six Gallies, and a greater Number of Ships of War and Transports; and this Fleet being joined with that of *Catalonia* made up eighty large Gallies, and more than ninety other Ships; besides lesser Vessels, such as Tenders and small Barks. With this great Fleet on the twenty fourth of *August* 1298, the King, the Duke, *Roger de Loria*, and the Apostolick Legate set sail from *Naples*, and in different Places landed and invaded *Sicily*. At first the Expedition seemed to be successful, for *Patti*, *Melazzo*, *Nucara*, *Monteforte*, and *Castello di S. Pietro*, with many other Places of that Valley surrendered.

ON the other hand King *Frederick*, with *Corrado Doria* a *Genoese*, whom he had made Captain-General of his Sea-Forces, in all haste set about to fortify the Places of greatest Consequence, and to prevent the Enemy from getting Provisions; whereupon King *James*, seeing Affairs go but slowly on, and that the Season was already far advanced, did not think fit to venture so great a Fleet on that Coast exposed to the North-wind, but pass'd the *Phare*, and sailed for *Syracusa*, where there was a spacious Harbour; but arriving there about the end of *October*, he found that *Giovanni di Chiaramonte* was in the City with a Garrison, who seemed not at all inclined to surrender; so that he began to lay waste the Country, and sent part of his Army to take Possession of the Towns in the Neighbourhood of *Val di Noto*: And some Priests who were in *Syracusa*, in order to make Court to the Apostolick Legate who was in the Camp, having laid a Plot to deliver up to *Roger de Loria* a Tower of the City, they managed it so foolishly that it was discovered, and *Giovanni di Chiaramonte* brought the Traitors to condign Punishment.

IN the mean time this Siege going on heavily, King *Frederick* assembled all the *Sicilian* Cavalry, and with frequent Incurfions infested all those Places that had surrendered to King *James*, and sent Provisions to his Camp. The Citizens of *Patti* seeing that *Syracusa* held gallantly out, and that King *James's* Army sunk daily in its Reputation, declared for King *Frederick*, and laid Siege to the Castle of that City, whither the Garrison left by King *James* had retired. During the Siege of this Castle there happened several Skirmishes, in which King *James's* People being always worsted, it put him in the utmost Consternation; insomuch, that seeing the Winter at Hand, and his Army for the most part sick through the Fatigue of the Siege, and lest the Enemy should be so bold as to come and encamp over-against him, he raised the Siege of *Syracusa*, and set sail for *Naples* with much more Confusion than Honour; but with a Design to return as soon as possible, and to carry on a more vigorous War; when being overtaken by a most violent Storm near the Island of *Lipari*, which dispersed the greatest part of his Fleet, with great Difficulty he arrived at *Naples* with the rest. He had no sooner landed than he was seized with a great Infirmity both of Body and Mind, contracted no less through the Fatigues of War and the Storm at Sea, than the Grief occasioned by so unfortunate an Expedition, and his having been so long in Danger of his Life; at last being enlivened by Queen *Blanch's* bringing him a Son, who was afterwards his Successor in these Kingdoms, about the end of this Summer 1299, he

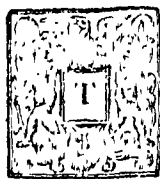
<sup>1</sup> Tutini degl' Amm. fol. 70. Reg. in Vatic. lib. 1. Bonifacii epist. 115.

took Shipping with her for *Spain*, and in a few Days arrived safely in the Harbour of *Rosés*: He spent all that Winter in making necessary Preparations for renewing the War with more Vigour in the beginning of the new Year, and to be able invade the Island sooner than had been done the preceding Campaign. And indeed this Prince shewed himself to be a Man of a generous Spirit, being most eager in employing his utmost Force in order to perform what he had promised to the Pope, and King *Charles* his Father-in-Law. On the other hand King *Charles* tho' naturally a peaceable Man, and not of a warlike Disposition, yet pushed on by his Sons, bold and martial Youths, he with the like Application fitted out that part of the Fleet which came to his Share; and on the last Day of *April* 1300, King *James* arriving with his Fleet at *Naples*, on the twenty fourth of the following Month set sail for *Sicily*; and at the same time was followed by *Robert Duke of Calabria*, and *Philip Prince of Taranto*, King *Charles's* Sons; when by the unanimous Consent both of the Princes and of King *James*, *Roger de Loria* was made Admiral of both the Fleets.



## C H A P. IV.

*The War renewed in Sicily. The Death of Charles Martel King of Hungary; and Peace concluded with King Frederick.*



THE last Year of this thirteenth Century was not less remarkable for the many Battels which happened in *Sicily*, than for the undaunted Courage of King *Frederick*, and the many glorious Actions of so many gallant Princes, and excellent Commanders, and especially of the famous *Roger de Loria*; which being so minutely and lively described by the celebrated *Costanzo*<sup>1</sup>, that observing our usual Method, we shall content ourselves with only touching upon them lightly here, and refer those, who want to be more particularly informed, to that most grave Historian.

KING *Frederick* was no sooner delivered from this first Attack, than he reduced to his Obedience those Places of the Island that had surrendered to the Enemy; and being apprised of the vast Preparations that were making against him, caused immediately to be fitted out in all parts of the Kingdom as many Gallies as was possible, with a Design to go out and meet his Enemies, and with unparallel'd Bravery to venture all in one Engagement.

WE ought not to pass over in Silence a judicious Remark of the foresaid Writer<sup>2</sup>, That it was truly very surprizing (considering the Difficulty he saw in his own time, and which is still greater in ours, to fit out Fleets) how those poor Kings were able at that time in so short a Space to put to Sea so great a Number of Gallies, as were employed during the War of *Sicily*; some say, that King *Frederick* had fifty eight in good order; nay it seems to be even incredible, that in so short a breathing time as he had between the two Wars, he should be in a Condition to equip such a Number.

FREDERICK then hearing that the Enemy's Fleet was to be at Sea in a few Days, sailed out of *Messina* in order to fight it, trusting to the Courage and Resolution of the *Sicilians*, who no sooner had discovered it, than with a Huzza they were immediately for engaging. The King restrained them till the dawning of the next Day, when he in the Admiral Galley posting himself in the Center of the Fleet, they advanced with terrible Shouts towards the Enemy. *Roger de Loria*, see-

<sup>1</sup> Costanzo, lib. 4.

<sup>2</sup> Idem, loc. cit.

ing that the Rashness of the *Sicilians* had given *Frederick* hopes of Victory, posted in the Center of his Fleet the Admiral Galleys of *Aragon* and *Naples*, in which were the Duke of *Calabria*, and the Prince of *Taranto*, and advancing towards the Enemy, began the Battel. They fought a long time with equal Courage and Boldness, but not with equal Skill; for *Roger* making as if he fled, drew the Enemies Galleys into a Place where he could easily hem them in; so that he broke the Fleet, and they were all either taken or sunk; and only *Frederick*, with twelve Galleys that follow'd him, made his Escape by Flight to *Messina*.

BY this notable Defeat, so much to *Roger's* Glory, the *Sicilians* were reduced to so lamentable a State, that every body then believ'd, that in a few Days *Sicily* must fall into the Hands of King *Charles*; but human Judgment is frequently liable to be deceived; for King *James*, thinking that he had so much depress'd and weaken'd the Power of the King his Brother, that King *Charles's* Army, under the Conduct of *Roger de Loria*, had nothing more to do, but in a few Days to take Possession of the Island, would proceed no further; being of opinion, that he had satisfied the World, the Pope, and King *Charles*, by having in two Wars been at so great Charges; in the first of which he had expos'd his own Person, and been seiz'd with Infirmities, and in this Battel had been wounded. After his Wound had been dressed, the Duke of *Calabria*, the Prince of *Taranto*, and *Roger* coming to visit him, he spoke to them thus: That it having pleased God to make good his Promises by so notable a Victory, and there being nothing more wanting but the taking Possession of *Sicily*, it was now time for him to return to his own Kingdoms in *Spain*, in order so to dispose his Affairs, that his Subjects, who had been impoverish'd in supporting these Wars, might recover themselves, by having an end put to their Burdens; therefore he left them to enjoy the Fruit of the Victory. The Duke, who was a Youth of twenty three Years of Age, greedy of Glory, taking all the King said to be in good earnest, both commended and thanked him in the Name of the King his Father, and wish'd him a prosperous Voyage: and the King was no sooner gone, than he was overjoy'd, believing that the Honour of bringing the Expedition to its desired Issue would redound to him: But *Roger* was much more glad, thinking, that as he had had the Glory of the Victory, so he should likewise reap the Honour of its Consequences. Some have said, that King *James* withdrew rather out of brotherly Affection, than because he judg'd King *Frederick's* Affairs to be desperate.

NEVERTHELESS, *Frederick* with his twelve Galleys arriving at *Messina*, was encourag'd and intreated by those Citizens not to abandon them; and upon Advice that King *James* had separated, and was sail'd for *Spain*, being still more animated, he endeavour'd to assemble all the Foot and Horse he could; and with his whole Army posted himself at *Castro Giovanni*, a Place very strong by Nature, and from whence he could soon relieve any Place in Danger. On the other hand the Duke of *Calabria* took *Chiaromonte*, and after a stout Resistance *Catania* at last surrender'd. The News of the Surrender of this City was not only spread abroad, but that two thirds of the Island had declar'd for the Church and King *Charles*: whereupon Pope *Boniface*, who believ'd it, flattering himself, that without the shedding of Christian Blood he would be able to reduce the whole Island to the King's Obedience, immediately sent thither the Cardinal of *S. Sabina* as Apostolick Legate, in his Name to promise, that if the *Sicilians* would surrender, they should be kindly treated; and to threaten, that if they did not, they should be anathematiz'd and interdicted. But *Roger de Loria*, knowing the invincible Obstinacy of the *Sicilians*, which would yield to nothing but the Force of Arms, gave the Duke to understand, that in order to put an end to the War, other Assistance, than what the Legate had brought, was necessary; and that the Enemy was to be subdued by Force, and not by the tingling of a Mass-Bell, and Excommunications. Therefore new Supplies were demanded from *Naples*, and other twelve Galleys, with many Ships of Burden, were sent them by King *Charles*; and the Prince of *Taranto*, with six hundred Horse and a thousand Foot, came to an Engagement at *Falconara*, where he was taken Prisoner, and his Men were routed. After the taking of this Prince, *Frederick* carried on the War with more Vigour; and having discover'd a Conspiracy against his own Person, he immediately suppressed it, and punished the Guilty. The Duke of *Calabria* went and laid Siege to *Messina*;

but it being reinforced by *Frederick*, and the Duke seeing his Army afflicted with Famine and Sickness, he rais'd the Siege. Then it was that by means of *Violante* Dutcheſs of *Calabria*, *Frederick's* Siſter, a Truce was ſet on foot, which was concluded for ſix Months; and during that time the Duke went to *Naples* to ſee his Father, and left the Dutcheſs *Violante* with a Son, of which ſhe had been delivered in *Calabria*, in order to make his Partizans believe, that he had not abandoned the Undertaking, but was to return with greater Force.

DURING this Truce a new Incident fell out, which by the means of Pope *Boniface* turn'd to King *Charles's* Advantage, it was this: *Charles* of *Valois's* firſt Wife, who was King *Charles's* Daughter, being dead, he had married a Daughter of *Philip*, the Son of the laſt *Baldwin* Emperor of *Conſtantinople*, and Heir of many Provinces in *Greece*, and of the Title and Right to the Empire, which had been poſſeſſed by *Paleologus*; and with the Aſſiſtance of the King of *France's* Brother, and the Pope, he had undertaken an Expedition upon *Conſtantinople*. And upon his March thither arriving at *Florence*, which was then in great Confuſion by reaſon of their wonted Factions, he was requeſted by the Citizens to reconcile their Differences; but inſtead of that he ſow'd more Diſſention than had been before, and went for *Rome*, where Pope *Boniface* perſuaded him, that his Deſign upon *Conſtantinople* would be the more eaſily compaſſed, if he aſſiſted King *Charles* in the Recovery of *Sicily*; for then *Charles*, by reaſon of the ſmall Diſtance between *Puglia* and *Greece*, would be in a Condition to afford him more ready Aſſiſtance and Relief than the King of *France*. *Charles* of *Valois* took his Advice, and marched immediately for *Naples* with his Men, where he joined his Gallies and Ships to thoſe that were fitting out there; upon which they embark'd a ſtrong Army, and with a prosperous Voyage, he and the Duke arriv'd in *Sicily* juſt as the Truce was expir'd. No doubt but, upon ſeeing ſo great a Number of Enemies in that Iſland, every body believ'd *Frederick's* Affairs to be deſperate; but that Prince, with his ſingular Preſence of Mind and Prudence, in which he excel'd all the Kings in his time, divided the few Troops he had into the Places of greateſt Conſequence, and thus waited till time ſhould diminiſh the Forces of his Enemies. And at laſt, *Charles* of *Valois* having ſpent many Days without reaping any conſiderable Advantage, King *Frederick* conceiv'd great hopes of being victorious without fighting.

THIS Year 1301, while theſe things paſſed in *Sicily*, the untimely Death of *Charles Martel* King of *Hungary* happened in *Naples*. This Prince the Year before, upon account of the new Jubilee publiſhed by Pope *Boniface*, had come to *Rome* to viſit *St. Peter's* Church, and afterwards to *Naples*, to pay his Reſpects to his Father; and perhaps, his Father being old, to ſecure his Succeſſion to the Kingdom of *Naples*; leſt, while he was at a diſtance, his Brothers ſhould poſſeſs themſelves of it: but it was his Fate to die firſt, not without Suſpicion, according to *Carafa*, that his Brother *Robert*, out of Ambition to reign after his Father, had caus'd him to be poiſoned. He died at the Age of thirty Years, univerſally lamented by the whole Kingdom, upon account of his Generoſity and Meekneſs; and many noble *Neapolitans*, and others of this Kingdom, who liv'd ſplendidly at his Court, were depriv'd of that Support. He left by *Clementia* his Wife, the Daughter of the Emperor *Rodolphus*, a Son named *Carobertus*, who ſucceeded him in the Kingdom of *Hungary*. He was buried in the Cathedral Church of *Naples*, near the Tomb of *Charles I.* his Grandfather, where his Monument is to be ſeen with his Arms, and thoſe of the Houſe of *Austria*, which are his Wife's; whence, in the Reign of *Philip III.* Count *Olivares*, the Viceroy, was induc'd to put in a more eminent place above the Gate of that Church, and in a more magnificent Form, thoſe two Monuments, together with that of the Queen his Wife.

BUT to return to the Affairs of *Sicily*: King *Frederick* perſiſting in his Reſolution, never appear'd in the Field, but was wholly intent upon guarding the fortified Places; becauſe he ſaw, that ſo great an Army, as that of the Enemy, muſt ſoon dwindle away, either for want of Pay, or Proviſions. Nevertheless, with his uſual good Conduct, and the Aſſiſtance of the *Sicilian* Cavalry, who ſtood him in good ſtead, he never fail'd to be preſent wherever there was an Opportunity of attacking the Enemy's Convoys that were carrying Proviſions. It was not long before the Neceſſaries of Life became very ſcarce in the Camp, and the Soldiers fell ſick in great numbers; whereupon *Charles* of *Valois* began to think of making Peace, becauſe if his Army ſhould be too much diminiſhed, he would not be in a Condition to purſue his Deſign upon *Conſtantinople*. Some ſay, that it was by the

the Interposition of the Dutchess *Violante*, that a Peace was propos'd. Therefore Persons of Note were chosen on both Sides, with full Powers to negotiate it. King *Frederick*, and the *Sicilians*, upon account of the great Poverty of the Kingdom, were very desirous of it. Thus on the nineteenth of *August* 1302, a Peace was concluded to the Satisfaction of all Parties, and especially of *Frederick*, as being very honourable for him. But the Dutchess *Violante*, to the great Grief of her Husband and Brother, died before the signing of the Articles of Peace, which were as follow :

THAT King *Frederick*, during his Life, should be King of *Sicily*; and afterwards it should return to King *Charles*, and his Heirs.

THAT he should not call himself King of *Sicily*, but of *Trinacria*.

THAT, in the space of fifteen Days, all the Places possessed by King *Charles* in *Sicily*, should be restor'd to *Frederick*; and on the other hand, in the same space of time, all the Cities, Towns, and Forts of which he was possessed in *Calabria*, should be deliver'd up.

• THAT both Parties should set all Prisoners at liberty without Ransom.

THAT King *Frederick* should marry *Leonora*, King *Charles's* third Daughter.

THAT King *Charles* should get the Pope to ratify the Peace, and also to give King *Frederick* the Investiture of *Sardinia*, or of *Cyprus*, where hereafter the Children born of this Marriage should fix themselves. And upon King *Frederick's* getting Possession of either one or other of those Kingdoms, he should go thither to reign; and immediately resign the Kingdom of *Sicily* to King *Charles*, who upon that Event was to pay him a hundred thousand Ounces of Gold as a Portion with his Daughter.

THUS ended the War of *Sicily*. The Prince of *Taranto*, and the other Barons that were Prisoners, were set at liberty; and King *Frederick* went to the Camp to pay a Visit to *Charles* of *Valois* and the Duke of *Calabria*, and with great Affection they embraced each other, and jointly sent to King *Charles* to get the Peace ratified, and the Bride sent to *Sicily*. King *Charles*, who was naturally of a peaceable Disposition, being well advanced in Years, and very weary of the War, agreed to the Articles of Peace; and after he had ratified them, he sent his Daughter with *John* Prince of the *Morea*, his eighth Son: and such Feasts were made in *Sicily*, as the Circumstances of the Times would allow, where joyful Hearts serv'd for Pomp and Magnificence: and *Charles* of *Valois*, with the Duke and Prince, and the other Barons, return'd to *Naples*.

THIS Peace was look'd upon throughout all *Europe* to be very advantageous and honourable for King *Frederick*, and his Valour was extolled to the very Skies; because, with the few Troops of a small Kingdom, he alone had been able to withstand and defend himself against so many powerful Enemies; and tho' the Article, whereby he was to be King during Life, seem'd to be honourable for King *Charles*; yet Men of Judgment consider'd, that after his Death, Possession must be got rather by the Force of Arms, than by vertue of that Article. On the other hand it was looked upon to be very dishonourable for *Charles* of *Valois*; and *Giovanni Villani* writes, that he was bantered over all *Italy*, for having gone to *Florence* to make Peace, where he fomented new Quarrels; and that he had gone to *Sicily* to make War, and left it by a dishonourable Peace.

*CHARLES* of *Valois* being returned to *Naples*, spent many Days in refitting his Fleet, and giving time likewise for preparing that of King *Charles*, who as a Friend was resolv'd to assist him, and to send along with him to *Greece* the Princes of *Taranto* and *Morea* his Sons. But it far'd with this as it usually does with all great Enterprizes; a cruel War breaking out between Pope *Boniface* and the King of *France*, against whom the Pope stirr'd up the King of *England* to make War; *Charles* of *Valois* was not only depriv'd of the Assistance of the Pope and the King of *France*, but also was obliged to return home to the Relief of that Kingdom; and he never had an Opportunity afterwards to go upon that Expedition: But in process of time having two Daughters by his Wife, who was Grandchild to the Emperor *Baldwin*, he married the one to the Prince of *Taranto*, who by her Right took the Title of Emperor of *Constantinople*; and many Years after the other was married to *Charles* Duke of *Calabria*, the Son of *Robert*.

‡ Costanzo lib. 4.

ROGER DE LORIA, who thought that he had not been so much taken notice of in this Peace, as his great Services deserved, tho' King *Charles* had given him large Possessions in the Kingdom, in place of those which he had lost in *Sicily*, return'd to *Catalonia* loaded with Glory, where he afterwards died, with the Reputation of as great and successful a Sea-Commander as any of those celebrated by the Greek or Latin Historians.

BUT to return to the Peace; some others say, that the Apostolical Legate being present at the making of it, obliged King *Frederick* to promise a certain Acknowledgment to the Apostolick See; but whether that be true or false, it never took effect; for Pope *Boniface*, soon after his Imprisonment, died of Grief in *Rome* on the twelfth of *October* 1303; and *Benedict XI.* born in *Frivigi*, of the Order of Preaching Friars, was elected in his room; and on the eighth of *June* 1304 died, not without Suspicion of having been poison'd, and left the College in great Discord; for it was divided into three Factions, the Head of one was *Francesco Gaetano*, *Boniface's* Nephew, whom his Uncle had made very powerful, both in Riches and Adherents; the Head of another was *Napoliene Orsino*; and of the third Cardinal *di Prata*; so that the See was vacant for thirteen Months; and at last on the fifth Day of *July* 1305, the Archbishop of *Bourdeaux*, a Frenchman, was elected, who was then in *France*, and was call'd *Clement V.*

IT was this Pope, who, either by the Persuasion of the King of *France*, or out of Love to his native Country, instead of coming to be crown'd in *Rome*, translated the Apostolical See to *Avignon*, and sent for the Cardinals to come to that City; where, to the great Detriment of *Italy*, it continued for more than seventy Years, till *Gregory XI.* restor'd it to *Rome*: and in complaisance to that King, he was crown'd at *Lyons*, where *Charles* of *Valois*, and many other Ultramontan Princes were present. The Pope soon after sent three Cardinal Legates to *Rome* with Senatorial Power, in order to govern that City, and the Ecclesiastical State.

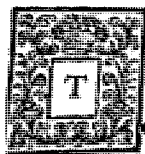
FROM this Year 1305 to 1309, in which he died, King *Charles* passed his time in great Tranquillity in the Kingdom of *Naples*, and applied himself to the beautifying the City of *Naples*, and to other Works of Peace, as shall be related. And it seem'd as if Fortune had a mind by another Way to retrieve the Reputation he had lost by the Peace made with King *Frederick*; for the *Florentines*, upon account of their intestine Broils, came and begg'd him to send the Duke of *Calabria* to *Florence*, to whom of themselves they offer'd the Government of their City; with which he comply'd, and the *Florentines* receiv'd him as their Lord. The Duke shortly after went to visit the Pope in *Avignon*; and after he had transacted some Affairs with him in favour of the *Guelfs*, he made a Progress over *Provence*, where those People made him very rich Presents; and at the same time he married a second Wife, who was Daughter to the King of *Majorca* of the House of *Aragon*, and Cousin German to the Dutchess *Violante* his first Wife: and with the Consent of *Charles* his Father, he gave his fourth Sister *Mary* in Marriage to the King of *Majorca's* eldest Son. While these Marriages were on foot in *France*, others were concluded in *Naples*; for *Beatrice*, King *Charles's* youngest Daughter was married to *Azzo* Marquis of *Ferrara*, and the Daughter of *Charles* of *Valois* to the Prince of *Taranto*; with which Lady the Title and Rights to the Empire of *Constantinople* were made over to the Prince of *Taranto*; for *Valois* having laid aside all thoughts of being able to pursue that Enterprize, he gave it up to the Prince, a warlike Man, who, with the Assistance his Father was able to give him, was capable of making some Conquest in that Country. *Tutini* \* says, that these Rights came not to the Prince by *Charles* of *Valois's* Daughter his second Wife, but by the third, who was *Katharin*, the Daughter of *Baldwin* Count of *Flanders*, and Emperor of *Constantinople*; and he quotes a Charter of Investiture made by the Prince and *Katharin*, wherein they take the Title of *Imperatores Constantinopolitani*; and by which Charter they create *Martinus Zacharias* Lord of the Island of *Scio* King of *Romania*, and *Asia Minor*, and Lord of all the Counties, Baronies, and adjacent Islands, and grant him all royal and lordly Prerogatives: that he should drink out of a golden Cup, wear a Crown, Scepter, and red Buskins, with other royal Ensigns, as shall hereafter be related.

\* Tutini degli Ammir. pag. 103.



CHAP. V.

*The City of Naples enlarged by Charles II. and render'd more magnificent by stately Edifices; the Splendor of his Royal Palace, and other famous and remarkable Works of Piety performed by him not only in this, but in other Cities of the Kingdom.*



HIS Prince being more inclined to Peace than War, and he, as his Father had done before him, having fixed his Royal Seat in *Naples*, and consequently made it more populous, he resolv'd to enlarge it; and having caused many Gardens, which were about it, to be demolished, he order'd Buildings to be erected upon the same Ground; and enlarging the Circuit of the Walls of the City, he made the Gates to be remov'd farther off; so that those Places, that were formerly without the Walls, were now enclosed within them, whereby the City was much enlarged: And to invite more Inhabitants, he freed the City from all Duties payable to his Exchequer. At the Request of the Citizens he order'd the Tax, call'd *del buon denaro*, to be applied for repairing the Streets, and for other publick Uses, as may be seen in the Statutes of the Kingdom of the Year 1306<sup>1</sup>. For the Encouragement of Commerce, and the Security of Ships, he caus'd the Mole to be built, which now is call'd the little Mole, because of the greater built by the Kings of the House of *Austria*<sup>2</sup>. Some have likewise written, that he caus'd the Castle of *S. Eramo* to be built, which takes its Name from the little Church, which formerly stood upon that Hill dedicated to that Saint; tho' *Colenuccio* and others will have it, that it was built by his Son *Robert*. The two supreme Tribunals of the High Court, and of the Vicariate being established in this City, for the Convenience of the Judges and Parties, he caus'd a costly Palace to be erected near *Castel Nuovo*, in which these and all other Courts of Justice were to be held<sup>3</sup>; which Palace being afterwards converted into a Church in Honour of our Saviour's Crown by Queen *Joan I.* these Tribunals were remov'd to the Piazza of *Nido*, and held in the Hospital of *Venice*, as *Tutini*<sup>4</sup> gathers from a Writ drawn up in the Year 1431, wherein we read these Words: *In quo Hospitio M. C. Magistri Jusitarii Regni regebatur, & regitur ad presens.* From thence they remov'd to the Street of *S. George the Greater* to a Palace adjoining to the Steeple of that Church, which to this day retains the Name of *The Old Vicariate*; till in the time of *D. Peter of Toledo* in the Year 1540, they were all remov'd to *Castel Capuano*, where 'tis the most surprizing Sight not only of *Italy*, but of all *Europe*, to behold such an infinite Number of Parties, Judges, and Advocates.

IN order to render this City yet more magnificent than his Father had done, he enlarg'd the Privileges of the University, and to add to its Lustre, he invited to it the most famous Professors of *Italy*, and gave them large Salaries. He brought from *Bologna* the famous Lawyer *Dino de Muscellis*, and gave him a yearly Salary of a hundred Ounces of Gold<sup>5</sup>. He likewise invited from *Bologna* *Giacomo di Belviso*, and gave him the same Salary which his Father had appointed, which was fifty

<sup>1</sup> Summont. tom. 2. pag. 360.

<sup>2</sup> Idem tom. 2. pag. 355.

<sup>3</sup> Costanzo lib. 4.

<sup>4</sup> Tutin. de' M. Giust. pag. 7.

<sup>5</sup> Reg. anno 1296. lit. G. fol. 295. Vocavit Dominum Dinum de Muscellis, ut Bononia ad Neapolitanum studium lecturus cum annuo Salario unciarum centum auri. Summ. tom. 2. pag. 362.

Ounces

Ounces of Gold yearly. In the Year 1302 by a large Salary he induced to come and teach the Canon Law *M. Benevenuto di Milo* a Canon of *Benevento*, and another famous Canonist of those Times, who was *Biaso di Morcone's* Master <sup>1</sup>. In the Year 1308 he also invited *Filippo d'Isernia*, a renowned Lawyer to read the Civil Law. And it being a Custom in those Days, which is still kept up in *Spain*, that the Professors from the Chair stept to the Gown and the Mitre, the Canonist *Mila* was afterwards made Bishop of *Caserta*; and *Filippo d'Isernia* was called to the King's Council, and in the Reign of King *Robert* was made Attorney General. He likewise gave a Call to *Filippo di Castroceli* to be Professor of Physick, and augmented the Salary from twelve, which his Father had made it, to thirty six Ounces of Gold yearly. *Accorsino da Cremona*, famous for his Knowledge in the Liberal Sciences, and other learned Professors were invited to teach Logick <sup>2</sup>. And in order to keep up that Lustre, which *Frederick II.* had given the Univerfity, he renewed the Prohibition made by that Prince, whereby Professors were forbid under the Penalty of fifty Ounces of Gold to teach in private, or in any other Place, except publickly in that Univerfity; and in the Royal Registers of this Prince's Reign we find many such Prohibitions <sup>3</sup>. For it having been represented, that some Persons took upon them to teach the Canon Law in *Solmona*, at the Instance of the *Neapolitan* Professors he dispatched a rigorous Order forbidding it, as a thing that belonged to the Univerfity of *Naples* only <sup>4</sup>.

HE not only adorned this City, but the Kingdom also, with stately Churches, and large Monasteries, some of which he rebuilt, and enlarged others. Besides his having brought to Perfection, and enlarged the Cathedral Church of *Naples*, and the Church of *S. Lorenzo*, to which he added a very large Convent of Friars Conventuals of the Order of *S. Francis*, Works begun by his Father, but not finished; he rebuilt from the Foundation the Church and Convent of *S. Peter the Martyr* belonging to the *Dominicans*. He also rebuilt another Church which he called *Magdalena*, though it retains the Name of *S. Dominick* from the Monks of that Order, and its being dedicated to that Saint. The Church of *S. Augustin* <sup>5</sup>, and that of *S. Martin* upon Mount *S. Eramo* were likewise of his founding; though the most exact Writers make *Charles Duke of Calabria* his Grandchild the Founder of this last <sup>6</sup>.

HE built the Church and Convent of the *Dominican* Friars in *Aversa*, and dedicated it to *S. Lewis* King of *France* his Uncle, and endowed them with rich Revenues. But the most flagrant Monuments both of the Piety and Magnificence of this Prince are those three famous Churches of the Kingdom, *viz.* that of *S. Nicholas* in *Bari*, the other of *S. Mary* in *Lucera*, and the third formerly founded by the Emperor *Frederick II.* in *Altamura*; in which it is to be observed, that the *Roman* Pontiffs were so prodigal, not only in granting to our Kings of the Family of *Anjou*, but likewise on their Account, to these Churches so many Privileges and Prerogatives, as if they had vied with one another: And as the Kings were profuse in bestowing temporal Riches upon these Churches, so the Popes were equally lavish in granting spiritual Pre-eminencies and Favours.

<sup>1</sup> Ciarlant. pag. 371. Istor. del Sannio.

<sup>2</sup> Reg. anno 1300. fol. 252. & anno 1301. fol. 273, & 330.

<sup>3</sup> Reg. anno 1301. fol. 8. anno 1308.

<sup>4</sup> Ciarlant. pag. 373.

<sup>5</sup> Summ. pag. 348. tom. 2.

<sup>6</sup> V. Eugen. Nap. Sac. fol. 585.



## S E C T. I.

## Of the Church of S. Nicholas of Bari.

THE Royal Church of *S. Nicholas of Bari*, as has been related in the preceding Books of this History, was founded in the Year 1087, when some Merchants of that City transported from *Myra* a City of *Lycia* to their native Country the sacred Relicks of that Saint. Pope *Urban II.* about the end of *September* 1089, accompanied with a great Number of Cardinals and Bishops, who had been present with him in the Council assembled in *Melphis*, solemnly consecrated the great Altar of the low Church, where the holy Relicks are deposited, which he himself clearly witnesseth in his Bull drawn up in *Bari* the ninth of *October* 1089, the second Year of his Pontificate, recorded by *Baronius* and *Ughellus*.

THIS Church, from its first Foundation, was built in the ancient Palace of the *Catapani*, where they kept their Residence while they governed *Puglia* in the Name of the Emperors of the East: *Puglia* being afterwards taken from the *Greeks* by the *Normans*, it came under the Dominion of *Robert Guiscard*, the first Duke of *Puglia*, and afterwards of *Roger* his Son, this Church, from its Foundation, was free and exempted from the Jurisdiction of the Ordinary; which the Exemption granted to it by *Alessandro* Count of *Cupertano* and *Catanzaro* by order of *Roger* King of *Sicily* sufficiently witnesseth, and which is recorded by the same *Ughellus*; as also the Bull of *Paschal II.* directed to *Eustachio II.* Abbot, who succeeded the first so much renowned *Elias*, obtained by the Intercession of *Boemond* Prince of *Antioch*, and Lord of *Bari*, *Roger's* Brother in the Year 1106<sup>1</sup>, and the Bulls of *Boniface VIII.* in 1296<sup>2</sup>, of *Clement V.* *Paul III.* *Pius V.* and other Popes<sup>3</sup>.

KING *Charles II.* being made Prisoner, and his Fleet destroyed, was, as we have said in the preceding Book, in great Danger of being beheaded; but having escaped Death, and being set at Liberty, mindful of so signal Benefits, which he believed he had received by the Intercession of this Saint, to whom he was a great Votary, he resolved to augment the Worship and Devotion which he paid him, by enriching his Church with most ample Revenues, in making many Donations to it, and reserving to himself the Power only of distributing them, as a Canon of this Church, where he sat in the Choir with the other Canons. By the Means of the Prior *Guglielmo Longo* of *Bergamo*, who was made Cardinal Deacon of *S. Nicholas in carcere*, in the Year 1294 this Prince obtained of *Boniface VIII.* ample Privileges, Exemptions, and Immunities in favour of this Church, for the Service of which he appointed a hundred Clergymen, including the Canons and other Dignitaries, besides the Prior, and declared it his Chapel Royal.

HE obtained of the same *Boniface VIII.* in the Year 1296 a Bull, whereby he was empowered to annex to this Royal Cathedral, such of the Churches and Chapels in his own Gift as he thought fit, which, as well as those to which they were annexed *pleno jure*, should belong to him; and the Abbey and Monastery of all Saints were annexed to it<sup>4</sup>.

IN the Year 1298 he assigned, as a perpetual Endowment of this Church, three hundred Ounces of Gold yearly, to be paid out of the Taxes and Customs of the City of *Bari*, to which Sum, three Years after, he added another hundred Ounces, eighty of which were given to the Prior, twenty to the Treasurer, and the remaining three hundred were divided amongst the Priests and Ministers of the Church; but because his Officers were often backward in payment, he gave to the Church in exchange for this Sum three Villages, which had devolved to him, *viz.* *Rutigliano*, *S. Nicandro* and *Grumo*, with which he invested the Treasurer for the time being, and his future Successors.

<sup>1</sup> Bulla *Paschalis II.* apud *Ughel.* where there is an Error, for instead of *XIV.* it ought to be read *IV.* belonged to him *pleno jure.*  
<sup>2</sup> *V. Chiocc. tom. 7. MS. giurisd. de Eccl. S. Nic. de Baro.*  
<sup>3</sup> In which Bulls we read *nullo modo, not nullo medio, whence therefore Charles II. in the Writ of Endowment of the Year 1304 said, That this Church*  
<sup>4</sup> Bulla apud *Beatil. histor. S. Nicol. lib. 2. cap. 17.*

IN the Month of *October* of the same Year 1298, by vertue of the Power given him by *Boniface* he annexed the Archpriestship of *Altamura* with all its Churches, Chapels, Rights and Appurtenances to the Office of *Treasurer*, which he confirmed by another Grant dated the second of *December* 1301, whereby he likewise annexed the Churches of the *Trinity of Lecce*, and of *S. Paul of Alessano* to the Office of *Chanter*, and the Church of *S. Mary of Casarano* to that of *Subchanter*.

ON the eighteenth of *January* 1301 he appointed fourteen Officers to serve in this sacred Temple, whereof eight were to attend and guard the Doors of the Choir on festival Days with a Royal Silver Mace in their Hands, whence they took the Name of *Mace-Bearers*, and six for more inferior Offices, such as repairing the *Fabrick*, mending the Benches and Seats, and such like Things, called therefore *Masters of the Fabrick*, whom he exempted from Taxes, and the secular Courts in civil Cases, by putting them under the Jurisdiction of the *Treasurer*, with Power to appeal from the Decrees of his Court to that of the *Chaplain Major*; which Exemptions and Immunities were confirmed by King *Robert* in the Year 1340, and by King *Ladisslaus* in 1403; and the other Kings his Successors after his Example enriched this Church with a Multitude of Grants and Prerogatives.

HAVING thus endowed this Royal Church, there was a new Form of Service introduced like that used in the Royal Chapel of *Paris*, and in reciting the Divine Offices, he would likewise have his Ministers to make use of the ancient *Parisian Breviary*, which *Philip III.* by his Letters dated the last Day of *December* 1603 ordered to be left off; and that for the time to come they should make use of the *Roman Breviary*, commonly called *Pius V's*.

BY a particular Writ dated the twentieth of *June* 1304 he appointed, that in this Church, besides the *Prior*, there should be three Dignitaries, viz. the *Treasurer*, whom he made the first and most honourable of the three, the *Chanter* and *Subchanter*, and a hundred beneficed Priests, forty two Canons, twenty eight middling Clergy, and thirty inferior, as they are called in the Writ, with many particular Regulations concerning the *Prior* and *Treasurer*.

AFTER King *Charles II.* had appointed the Dignitaries, the Number of Canons, and other inferior Clergy of this Church, assigned the Revenues, and ordered all that he thought was proper for the good Government and Regulation thereof; he reserved to himself and his Successors in the Kingdom the Dignity of *Treasurer*, with the *Prebend* annexed thereto; so that whenever he should happen to be in *Bari*, he was to sit in the Choir as *Treasurer*, in the Seat built over against that of the *Prior*; upon which the Royal Arms are carved, and in Letters of Gold is written, *Sedes Regalis*, with the Image of this most pious Prince in the Habit of *Treasurer*, with the Inscription below it; a lasting Monument of his having reserved to himself and Successors the first canonical Dignity, and that of *Treasurer* <sup>1</sup>.

KING *Charles* had learnt this from the *French*, and especially those of his own Family of *Anjou*; and accordingly in reciting the Offices, and in other things relating to the Worship of this Church, he would have them to be performed in the same manner as in the Church of *France*. We read in *Eginard* <sup>2</sup> that *Charles* the Great took great Delight in singing with the rest in the Choir; and in the *Chronicle of England* we read the same of *Fulk III.* surnamed the *Good Count of Anjou*, who in the Year 960 was admitted a Canon of *S. Martin's* Church, and was frequently present at the canonical Hours in his canonical Habit <sup>3</sup>. *Inglerus* Consul or Count of *Anjou* (for he promiscuously made use of both Titles) likewise after he had obtained to be *Prebendary* of the Church of *S. Martin* in *Tours*, he was declared *Treasurer*, that Office being then vacant, *Defender* of the Church, and *Guardian* of her Possessions; and while he lived he possessed the *Treasurer's* Seat, in which

<sup>1</sup> The Words of the Inscription are these; Sereaisimus Rex Carolus II. hanc Basilicam munificentia Regali dotavit sola sibi & Successoribus suis prima Canonica dignitate servata. A Letter of the said Charles dated the third of November 1304, recorded by Beatil. Istoria di Bari, lib. 3. fol. 443. where we read, In signum devotionis retinemus nobis, & hæredibus nostris, quod cum personaliter erimus nos, vel nostri hæredes in Baro, quotidianas distributiones accipiemus sicut unus de Canonicis ipsius nostræ Ecclesiæ recipit, & recipere debeat.

<sup>2</sup> Egin. apud Duchesne tom. 2. pag. 103, & 104. Legendi atque psallendi disciplinam diligentissimè emendavit; erat enim utriusque admodum eruditus; quanquam ipse, nec publicè legeret, nec nisi summis, & in commune cantaret.

<sup>3</sup> Script. antiq. Eccl. Anglic. tom. 1. pag. 455. Biblioth. Clun. notæ, pag. 21. Spicileg. tom. 10. pag. 403, & 437. Canonicus adscriptus fuit in Ecclesiæ S. Martini, infestis Sancti ejusdem in Choro inter psallentes Clericos cum veste Clericali, & sub disciplina eorum adstabat.

Dignity the Kings of *France* succeeded the Counts and Dukes of *Anjou*, and possessed that Lay Canonship <sup>1</sup>.

In the preceding Books of this History it may be observed, that many *French* Customs have been introduced among us by our Kings, beginning from the Time of the *Normans*; and a great many were brought us by the Kings of the Family of *Anjou*; so that it is not to be wondered at, that some of them, quite different from those of all the rest of *Italy*, still continue among us. In *France*, as *Coppin* witnesseth <sup>2</sup>, the Treasurer of the Royal Chapel of *Paris*, besides his exercising Jurisdiction over the Canons thereof, has the keeping of the sacred Vessels, the Ornaments, and also all the Writs, Privileges, and Concessions relating to the Fiefs, and other Possessions given to that Church. The Treasurer of the Church of *Bari* has likewise the Charge and Keeping of all that; and as this City was long under the Government of the *Greeks*, many *Greek* Customs still prevail; for we see that the Offices of Chamberlain, and Master of the Records of this Church are lodged in the Treasurer; and as in the East there were two *Chartophylaces*, or Masters of the Records, one of which had the Charge of the Charters and Records of the Church, and had the Direction of the Archives; and the other had the Care of the Revenues of the Church, and kept account of the Expences <sup>3</sup>; so in *Bari* the Treasurer of this Church has the Charge and Direction of all that. And as in some Places it was the Treasurer's Duty not only to keep the Records and Ornaments of the Church, but likewise the Royal Diadem <sup>4</sup>; so some taking that Fable to be true, that our Kings were wont to be crowned in *Bari* with the Iron Crown, have written that the Treasurer of this Church, among the Ornaments of it, likewise kept that Crown <sup>5</sup>.

TO this Prince therefore our Kings, owe the many Prerogatives and Pre-eminencies acquired not only by Foundations and Endowments, but likewise by the Grants of Popes, of which they are at present in Possession, whereby they are looked upon as Heads and Governors of this Church, which is in the Royal Gift, they confer the Priory, and other Dignities of it, and appoint a Judge of Appeals, who is the Chaplain-Major, who revises the Processes of the Prior and Treasurer, and is altogether independent upon the Archbishop of *Bari*.

ACCORDING to the ancient Discipline of the Church, all Cathedrals, built within the Diocesis of a Bishop, were subject to him <sup>6</sup>. But from *Charles* the Great's time the Popes by their Grants and Exemptions began to alter the ancient Polity; and in order to induce Princes to enrich the Churches with temporal Estates, and to make them the more devoted and submissive to the Apostolick See, they granted them, and the Churches they founded, ample Privileges and Prerogatives, mutually communicating to one another what was in their Power. But in that the Princes came always off losers; for after they had enriched and founded the Churches, there frequently happened great Contests with the Ordinaries, and the Dispute was not about the Goods already given to the Church, but about the Privileges given to the Princes; the Popes, who assumed to themselves the Power of interpreting, moderating, and often of revoking those Privileges, always sided with the Ordinaries; and when that did not succeed, they drew the Controversy to *Rome*, and took Cognizance of it themselves; of which we need no better Proof, than the obstinate Dispute which happened upon that account between the Prior of this Church, and the Archbishop of *Bari*, which, notwithstanding the so many Privileges and Exemptions during the Course of no less than two hundred Years, has never been quite determined <sup>7</sup>. In like manner the Dispute on the same Account was no less between the Archpriest of *Altamura*, and the Bishop of *Gravina*; and the same happened to other Churches in the Royal Gift. This ought to be a warning not only to Princes, but to private Persons, to leave to the Church and her Ministers what belongs to them, and not to intermeddle with such Affairs, nor trouble them-

<sup>1</sup> Biblioth. Clun. not. pag. 48. Cum omni consilio dederunt Ingellerio Comiti præbendam B. Martini, ipsi, & hæredibus ejus in perpetuum possidendam. Quia vero Ecclesia ejusdem Sancti carebat Thesaurario, & Aedituo, Consulem Ingelgerium intronizaverunt, & Thesaurarium constituerunt, & Defensorem Ecclesiæ fecerunt, & Tutorem omnium possessionum ejus ubicunque essent delegaverunt. Qui sedem Thesaurarii, & Domos cum redditibus quamdiu ad-

vixit, obtinuit. Duchesne tom. 4. pag. 640.

<sup>2</sup> Renat. Chop. de S. polit. lib. 3. tit. 6.

<sup>3</sup> Cyron in parat. lib. 5. Decret de offic. Custod.

<sup>4</sup> Innoc. III. lib. 1. epist. 489.

<sup>5</sup> V. Beatil. Istor. di S. Nic. di Bari lib. 11. cap. 111.

<sup>6</sup> Concil. d'Orleans cap. 9. Nicol. I. can. si quis Episcopos. caus. 16. qu. 2.

<sup>7</sup> V. Chiocc. tom. 7. M<sup>o</sup>. Giurisd.

themselves about regulating Chapters, and Religious Societies, as if they had not Business enough of their own to employ themselves about; for Experience hath taught us, that though at first such things were undertaken by the Impulses of Devotion, yet they afterwards end in vain-glory, there being nothing in them spiritual, but worldly and carnal. And on the other hand, after they have enriched Churches and Chapels, the Priests and Monks will have the Management of the Revenues, demand an account of them, and will have such of their Tools and Underlings to take care of them, as they can lead by the Nose to do whatever their Ambition and Avarice prompt them to. Which is owing to that pernicious Custom, for an Age backwards hitherto too much practised in this City and Kingdom, of having so many Fraternities of Laicks and Tradesmen, who, instead of minding their Business, and doing Justice to their Neighbours, are altogether taken up with what they call Devotion in their Chapels and Fraternities, with Processions, bearing of Standards, Crosses, Censers and Torches, and obtaining Devices from Rome for their Habits, which many procure of a purple Colour, in order to appear the more gaudy at Solemnities; and they are so puffed up with the Title of Prior, Dean, or Coadjutor, that they believe they have fulfilled the Duty of good Christians. And the most surprising thing is, that after they have chanted their Prayers in their Congregations, heard the Father preach, and walked through the City with Crosses and Standards on *Sunday*; yet on *Monday* Morning when they open their Shops, they endeavour to cheat the first Customer, by imposing upon him in the Price of their Goods, or Handy-work.

WHENCE the Priests and Monks, looking upon them not to be altogether Laicks, if there happen to be any Dispute about Precedency, the keeping of the Vessels and Ornaments, the Administration, Accounts, or other such things, will have the Cognizance of these Causes, and bring them before the Ecclesiastical Courts, for which they have particular Congregations erected; whence they are still kept wrangling not only before the Ecclesiastical Tribunals, but also before the Delegate of the Royal Jurisdiction, and when they ought to be minding their Employments, they spend their time in attending those Trifles. Much good may such Exercises do them; for as if their was a Scarcity of Priests and Monks, they will be meddling with Functions no ways belonging to them, not considering, that after they have consumed both their Time and Substance, they are not bettered either with Respect to their Souls or Morals, but live in continual Distraction and everlasting Contention, which breeds Hatred and Animosity amongst them, and often ends in Disorder and Confusion.

## SECT. II.

### *Of the Church of S. Mary of Lucera.*

AFTER King *Charles* had defeated *Manfred*, and routed the *Saracens*, who were in his Pay, the miserable Remains of these retired into *Lucera* in *Puglia*, and fortified themselves in that Castle; and although *Manfred* had entirely lost the Kingdom, yet when they surrendered, King *Charles* by Paction, allowed them to live there with their Families; but *Charles* his Son, a pious Prince, and most zealous for the Catholick Faith, knowing, that by the living of those Infidels in that City, the Divine Worship was vilified, the Cathedral Church almost ruined, and Religion reduced to a very bad State, resolved to drive them out altogether, and invite new Christian Inhabitants, both which he performed; and to the end that the City might be quickly peopled, he assigned much Land to the Christian Inhabitants, which he shared out according to their Qualities and Conditions; and that the City thus purged might be reputed quite new, he would have it to be no more called by the ancient Name of *Lucera*, but of *Santa Maria*, after its own Cathedral Church. Because this Church was situated in a Place little frequented, and without the Walls of the City, and was like to tumble down; and had so small a Revenue, that the Bishop had not wherewithall to subsist, as the Pastoral Dignity required, and by Reason of the small Income it was likewise in want of Ministers: *Charles II.* built  
a new

a new one much more magnificent within the City, and in the Year 1303 he ordered the Governor of the old Castle to give certain broken Metal, which was there for making a Bell <sup>1</sup>. He endowed it with large and rich Revenues, and at the same time he allotted to it a hundred Ounces of Gold yearly out of his Royal Revenues he received from that City, for the Maintenance of the Canons, which he increased to the Number of twenty, and bound them to Residence, to be present at the Divine Offices, as well in the Night as in the Day time, and to divide equally amongst them the Revenue, which he had assigned; so that each of them was to have five Ounces of Gold of yearly Incoome. He reserved to himself and Successors the Collation of the half of the Canonships, and the other half was to be in the Bishop's Gift; so that the first Vacancy was to be in the King's Gift, and the next in the Bishop's alternately. Moreover he instituted in the same Church the Dignities of Deacon, Archdeacon, Treasurer and Chanter, and allotted for them thirty Ounces of Gold yearly, which Dignities were to be in the Royal Gift <sup>2</sup>.

POPE *Benedict XI* commended the King's Piety and Munificence; and by his Bull dated the twenty eighth of *November* the same Year 1303, approved and confirmed the Institution, granting to the King, his Heirs and Successors the Power of presenting to the Bishop the Persons, whom they had a mind to raise to the Deaconry, Archdeaconry, and Chantery, to whom the Bishop was to give Institution and Confirmation. He likewise granted them Power in the Pope's stead to confer the half of the Canonships abovementioned when they became vacant, with Power likewise to dispose of the other Dignities. Moreover, if it should happen that the King should please to create other Canonships, he might freely do it, upon Condition that when they became vacant half of them was to be filled up by the Bishop and his Successors. And lastly, out of special Favour, though by the Agreement made with *Charles* his Father, the Assent that was formerly necessary in the Election of Bishops was taken away: He granted, that when a Bishop of this City was to be elected, the Chapter ought first to ask the Assent of the King and his Successors, before they demanded Confirmation of the Bishop elect, without which Assent he could not be confirmed; as we read in the Bull transcribed by *Chioccarelli*, which *Tommasino* has also recorded <sup>3</sup>. This we see likewise practised in the Reign of King *Alphonfus I.* which is plain from two Letters of that King, one written to the Bishop of *Naples* in the Year 1450, and the other to the Pope, recorded by *Chioccarelli* <sup>4</sup>.

THIS Prince not thinking that he had done enough for this Church, the following Year 1304 he resolved to enrich it more, by giving to *Stefano* Bishop of this See, and his Successors the Lands of *Apricena*, *Palazzuolo*, and *Guardiola* lying in the Province of *Capitanata*, and he gave them in Fief-noble, being satisfied with the Oath of Fidelity only, without any other personal or real Service, excepting that the Bishop and his Successors were bound to give the King every Year a Silver Basin, with twenty five Pounds of Wax, *viz.* the first Year at the Feast of *Christmas*, and the second at *Whit-Sunday*; which Basin was usually returned to the Bishop, who was obliged to convert it into Vessels for the Divine Service of the said Church. Moreover he ordained, That in this Church there should be a Dean, Archdean, Treasurer, Chanter, and besides the Canons, eight Clerks; that the Dean should have fifteen Ounces of Gold yearly, the Archdean as much, the Treasurer twelve Ounces, the Chanter the same, and each of the eight Clerks four Ounces; and the Treasurer should have likewise four Ounces for the Lights. He ordered, That these Sums should be raised out of the Bailiwick and other Royal Duties and Revenues, which the King's Court possessed in the said City; and that the Dignities of Dean, Archdean, Treasurer and Chanter, as they became vacant, should be filled up by the King and his Successors; but that the one half of the Canonships should be in the King's Gift, and the other half in the Bishop's alternately as above; that the other Clergy should be appointed by the Bishop; that the Dean should give the King and his Successors for himself and Chapter twelve Pounds of Wax; and that the Persons enjoying these Dignities and Parsonages together with the Canons should

<sup>1</sup> Chioc. MS. giurisd. tom. 2. de Capitulo Civit. Lucer.

<sup>2</sup> Idem loc. cit. in princ.

<sup>3</sup> Thomas. Vet. & Nova Eccl. disc. pag. 2. lib. 2. c. 37. num. 4. transcribes the Words of the Bull, which are these: Quoties electionem Episcopi S. Mariæ Luceriæ, per quam Capitulum contingerit

vacationis ingruente tempore celebrari, teneantur ipsi Capitulum, priusquam ejusdem electionis confirmatio postuletur, tuum, & eundem successorum tuorum, assensum requirere, ne possit eadem electio nisi prius hujusmodi requisitus assensus fuerit, confirmari.

<sup>4</sup> Chioc. loc. cit. in fin. •

elect the Bishop, and present the Elected to the King, and ask his Assent: Which Grant was confirmed by *Charles* himself the Year following, and in 1333 by *Robert* his Son <sup>1</sup>.

AS *Charles* II. had appointed in the Church of *Bari*, that in celebrating the Divine Offices, the *French* Rites should be observed, so he likewise would have the same to be practised in this Church of *S. Mary of Lucera*; whereupon on the twenty fifth of *November* 1307 he wrote to the Bishop and Chapter of that City; and told them, that being desirous of forwarding both the temporal and spiritual Concerns of this his Church founded by him; therefore he would have it to be governed according to the approved Rites of the Cathedral Churches of the Kingdom of *France*; for which end he prescribed and appointed some Rites which were observed in *France* concerning the Celebration of the Divine Offices, and other Ceremonies of the Church <sup>2</sup>.

OUR Kings still retain these Prerogatives over the Church of *Lucera*, excepting that since the time of *Alphonfus* (notwithstanding the Bull of *Benedict* XI.) the Assent required in the Election of the Bishop came to be controverted, which by dexterous Management, and sundry Contrivances is now quite lost; as on the other hand the Lands given by this Prince are taken from the Bishop; so that the Tribute of the Silver Bafon and Wax is no more paid.

<sup>1</sup> Chiocc. loc. cit.

<sup>2</sup> Idem, loc. cit.

### S E C T. III.

#### *Of the Church of Altamura.*

ALTHOUGH the Church of *Altamura* was founded by the Emperor *Frederick* II. and by his Grant dated in *Melphis* in the Year 1232, afterwards confirmed by a Bull of *Innocent* IV's dated in *Lyons* in 1248 was exempted from the Jurisdiction of all Ordinaries whatever. Nevertheless *Charles* II. took it under his Protection, when *Sparano da Bari* Protonotary of the Kingdom, under Pretence, that King *Charles* his Father had given him *Altamura*, endeavoured likewise to usurp the Property of this Church, which was of Royal Patronage; and he wrote very pressing to his Son *Charles Martel* King of *Hungary*, to order the Protonotary not to meddle with any thing belonging to this Church, as being his Chapel Royal, and to bid him take care not to provoke him; and he commanded his Son, without shewing any Regard to the said *Sparano*, to put his Orders in execution <sup>1</sup>. He took it yet more under his Protection, when the Bishop of *Gravina* endeavoured to subject it to his Jurisdiction. In the Year 1299 he commissioned the Bishop of *Bitonto*, and *Lupo* Judge of the same City to go to *Altamura*, and to examine the Bishop's Pretensions; and after having thoroughly canvass'd the Matter, it was compounded thus: That the said Church was a Royal Chapel: That the Collation belonged to the King: That both the Chapels and Clergy thereof should be exempted: That the *Jurisdiction spiritualis contentiosa* should belong to the Archpriest: and That what concerned the Episcopal Order should belong to the Bishop's Jurisdiction, to whom the King gave likewise seven Ounces of Gold yearly for ever <sup>2</sup>.

THIS Church being declared a Royal Chapel, and exempted from the Jurisdiction of the Ordinary, King *Charles's* Successors took care to adorn it with other Prerogatives; in the Year 1485, at the Request of *Pietro del Balzo* then Prince of *Altamura*, *Innocent* VIII. by his Bull, from a Parochial raised it to be a Collegiate Church, with all the Badges and Dignities thereto belonging: Power was likewise given to create new Dignities in it, viz. an Archdean, Chanter, and Treasurer, with twenty four Canons, in the Gift of the Archpriest. To him was granted the Episcopal Rights and Privileges, such as to wear the Rochet, the Mitre, the Ring, and all the other Pontifical Badges; to give the solemn Blessing, with Power like-

<sup>1</sup> Chioc. tom. 7. MS. giurisd.

<sup>2</sup> Idem loc. cit.

wife of conferring the lesser Orders on those under his Jurisdiction and Authority, to punish all his Priests, and absolve his Parishioners in all Episcopal Cases. And seeing the Popes likewise assumed to themselves the Power of erecting Towns and Villages into Cities when they created Bishops in them, *Innocent* putting its Archpriest almost upon a Level with a Bishop, declared *Altamura* a City, and ordered, that for the time to come it should be so named, as we read in his Bull recorded by *Chioccarelli* <sup>1</sup>.

THE Church of *Altamura* and its Archpriest being raised to such Dignity, therefore our Princes boast of that singular and great Prerogative of creating the Archpriest without any other Provision from the Pope; for upon his obtaining the Royal Letters, he exerciseth Jurisdiction in his Diocess over all the Priests and Clergy of this Church, and its Vassals, and enjoys all the Episcopal Rights, and all the other Prerogatives abovementioned; and although our Kings have the Presentation of many Cathedral Churches, by naming both the Archbishops and Bishops; yet their bare Presentation and Nomination makes them not such, but the Pope's Provision is likewise necessary, which ordains and confirms them in their Sees, which is not required in the Case of the Archpriest of *Altamura*: Whence it is, that our Kings have never suffered this Collegiate Church to be made a Cathedral, nor its Archpriest to be made a Bishop.

BUT notwithstanding that the Grant of *Frederick II.* confirmed by *Innocent IV.* the Provision of *Charles II.* and the Bull of *Innocent VIII.* had so much favoured this Church, yet they were not sufficient to prevent the Disputes, which the Bishop of *Gravina*, favoured by *Rome*, brought again upon the Carpet about the Year 1605, for he pretended to visit the Archpriest and his Church, and had obtained Provisions for it from *Rome*; but being stopped from making use of them, he publicly excommunicated both the Chapter and Magistracy of *Altamura*, and affixed Schedules of Interdiction against the whole City, which contained no less than eighteen thousand Souls; and these Disputes were so strenuously maintained by the Bishop, favoured by *Rome*, that Persons of the greatest Credit, and the most able of the King's Ministers were employed in settling them, which, after they had lasted twenty two Years, were at last compounded; and it was declared and agreed, that in the Visitation the Bishop, as Delegate of the Apostolick See, could only examine and admonish, but not chastise or punish; and that the Clergy of *Altamura* should not be allowed to have a Judge of Appeals *in partibus* from the Decrees and Sentences of the Archpriest, but as the Custom had been, they were to appeal to the Court of the Chaplain Major. The Counsellor *Gio. Baltista Migliore* had a great Hand in this Affair, having been sent for that purpose to *Rome* by Cardinal *Zappata* then Viceroy; by whose Vigilance, after the City had been interdicted, and the Chapter and Magistracy thereof excommunicated for the Space of eighteen Years, an end was put to that Affair, which was looked upon to be of the greatest Importance. The Process of this Controversy, and the many Consultations and Allegations concerning it, together with the Brief of Pope *Gregory XV.* confirming the Agreement, are recorded by *Chioccarelli* in the sixth Tome of his *M. S. Giurisdizionali*.

OUR Princes have the Collation of many other Churches and Chapels; and in the Year 1300 *Charles II.* ordered a distinct and complete Inventory to be made of them; by whose Example the Kings his Successors, and particularly King *Philip II.* in order to preserve the Remembrance of them, did the same. Their having erected from the Foundation many Churches in the Kingdom, and endowed others with very ample Revenues made them deserve such a Prerogative; and as the Right, which the most serene Kings of *Spain* enjoy of presenting the Bishops to the Cathedral Churches, is grounded, according to Bishop *Covarruvias* <sup>2</sup>, only upon their having founded and endowed them; so our Kings, as may be observed in the preceding Books of this History, and in those that follow, likewise founded and endowed with great Revenues a vast Number of Churches; whence, either by the Concessions of Popes, or by Custom and immemorial Prescription <sup>3</sup>, they obtained the Collation of those Churches, without having recourse either to the Bishop, or

<sup>1</sup> Chioc. loc. cit.

<sup>2</sup> Covar. in reg. possessor. par. 2. §. 10. num. 5. Guerrero tract. de reformat. Eccl. cap. 14.

<sup>3</sup> V. Jo. Andr. in cap. 2. de præbend. in 6. Abbat. in cap. quanto in primo notab. de consuet. & in cap. cum Apost. in fin. de iis, quæ sunt a Prælato.

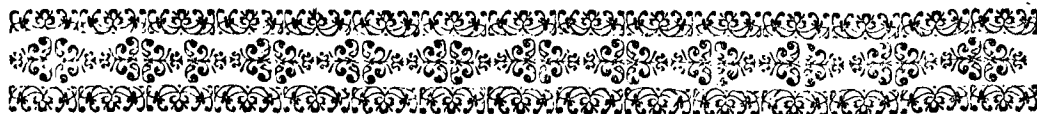
even to the Pope<sup>1</sup>. Which ought not to seem strange, particularly with respect to Kings, who are not reckoned purely Laicks; since for many Ages that spiritual Ceremony has been practised among Christian Princes, that when they are crowned by the Bishop, he likewise anoints them with the sacred Oil; and by this holy Unction their Persons become sacred, and capable of these and the like Dignities and Prerogatives<sup>2</sup>.

WHENCE it comes, that besides the Right of Presentation, by vertue of the Royal Patronage, which our Kings have to many Churches in the Kingdom, even to some Cathedral Churches, of which we shall discourse in a more proper Place, they have the Collation of many Royal Churches and Chapels founded and endowed by them, such as in *Naples* the Church of *S. Niccolo del Portà*, of *S. Chiara*, *S. Agnello*, *S. Angelo a Segno*, *S. Silvestro*, *SS. Cosma and Damiani*, *S. Severino*, and many others. And in all the Provinces of the Kingdom, such as in *Lecce* the Chapel of the Trinity, the Chapel of *S. Angelo* in the Castle of that City, and others; in *Abruzzo* the Abbey of *Santa Maria della Vittoria*; in the Diocesis of *Sarno*, the Abbey of *S. Maria di Real Valle*; in *Salerno* the Chapel of *S. Pietro in Corte*, of *S. Catarina*, and others; in *Bari* the Abbey of *S. Lionardo*; in *Barletta* the Church of *S. Silvestro*; in the Diocesis of *Sora* the Church of *S. Restituta di Morea*; in *Montefusco* the Church of *S. Giovanni*; in the Diocesis of *Nardo* the Church of *S. Niccolo di Porgolito*; in *Catanzaro* the Chapels of *S. Maria* and *S. Gio. Battista*, and many more, which may be seen in *Mazzella*<sup>3</sup>, and in the Inventories made by order of King *Charles II.* and King *Philip II.* recorded by *Chioccarelli* in the sixth Volume of his *M. S. Giurisdizionali*.

<sup>1</sup> V. Marin. de Caramanico in proem. Constat. reg. col. 4. num. 50, & 60. Andr. de Ifernina in proem. Constat. Regn. num. 40. Affist. ad Constat. Regn. in preclud. qu. 28. num. 2.

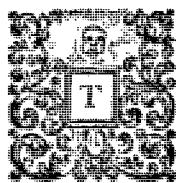
<sup>2</sup> Aleff. Patrit. in Marte Gallico lib. 1. cap. 8. Ut persona uncta sit sacrator, sit venerabilior Christianis, &c.

<sup>3</sup> Mazzella descriz. del Reg. di Nap. fol. 289.



## CHAP. VI.

*Of the Royal Family; its Splendor and Magnificence; and of the Officers of the King's Household.*



THE Royal Family of *Naples* never appeared in so great Splendor and Magnificence, as in the Reign of this Prince, either with respect to the Lustre of the numerous Royal Family, and the Grandeur of the Barons, or to the Number and splendid Appearance of the Officers of the Court; which not only contributed to raise the City of *Naples*, but the whole Kingdom, and made it famous above all the other Dominions of *Europe*.

THIS Prince saw his eldest Son *Charles Martel* King of *Hungary*, and he dying, his Son *Carobert*, his own Grandchild, settled King of that Kingdom, having defeated his Adversaries. He saw all his other Sons raised to the height of Grandeur; for *Lewis* his second Son, though in his Youth he was made a Friar Minor in the Convent of *S. Lorenzo* in *Naples*, he was afterwards made Bishop of *Thoulouse*, and on account of his holy Life was at last put in the Catalogue of the Saints Confessors by Pope *Gregory XXII.* *Robert* his third Son, who succeeded him in the Kingdom, was Duke of *Calabria*, Lieutenant of the Kingdom, and had the chief Command of his Armies. From this time it was thought that the Title of *Duke of Calabria*



Calabria was more suitable to the next in Succession to the Crown, than that of Prince of Salerno; for Charles II. having many Sons, some of which he had adorned with the Title of Prince, such as Philip, who had been made Prince of Taranto, Tristan Prince of Salerno, and John Prince of Achaia; he judged it therefore more proper and graceful to give the Title of Duke of Calabria to the Heir of the Kingdom; an ancient Title taken by the first Normans, and which was not confined to a single City, but comprehended two large Provinces. From henceforth this Title was given to the eldest Sons of our Kings; and as in France the eldest Son has the Title of Dauphin, in Spain that of Prince of Asturia, so in the Royal Family of Naples the eldest Son was called Duke of Calabria; for this Reason it was that Robert gave this Title to his eldest Son Charles; and thus it was practised by all the Kings of the House of Aragon; and afterwards when this Kingdom was united to the Crown of Spain, the eldest Sons of the Kings of Spain were not only called Princes of Asturia, but Dukes of Calabria.

PHILIP the fourth Son was Prince of Taranto and Achaia, Lord of Romania, High-Admiral of the Kingdom, and by Right of his Wife had the Title of Emperor of Constantinople; and though he did not possess that Empire, yet he made a King, and a Lord in Romania, and Asia Minor. Tutini<sup>1</sup> found in the Archives of the Great Dominicans in Naples the original Letters Patent, which he has inserted in his Book of the Admirals of the Kingdom, wherein Philip, and Katharine his Wife, who take the Title of Emperors of Constantinople, create, and make Martinus Zacharias of Castro Lord of Chio, King and Lord of Romania, and of Asia Minor called Anatolia, granting him Investiture for himself, his Heirs and Successors, with all the Counties, Baronies and Cities thereof, with the adjacent Islands, viz. Phœnotia, Marmora, Tornero, Mitileno, Chio, Siamo, Mitanea, Lango, and other Islands; besides, they gave him all Royal and Lordly Prerogatives, viz. to drink out of a golden Cup, to wear a Crown, Scepter, and red Buskins both within and without the Palace of Constantinople; these are the Words of the Patent: *Infra vero Palatium ipsum, caligas Despotales, & alia insignia Regalia, & Despotalia deferre, ac portare possit, & valeat, secundum Regalem, & Despotalem usum, & consuetudinem Constantinopolitani Imperii*; for according to the Oeconomy of the Imperial Household of Constantinople related by Leunclavius<sup>2</sup>, the first Officer of the Palace was the Δεσπότης, or Lord. Philip would have the Kingdom to hold of him in Fief, and therefore he caused Homage to be paid, and the Oath of Fealty to be taken by Friar Jureforte a Constantinopolitan of the Order of Preaching Friars, King Martinus's Proxy and Ambassador for that purpose. The Patent was drawn up in Naples by Roberto Ponciaco Civilian, Counsellor and Domestick of the Emperor, and it bears this Date: *Datum Neapoli per manus D. Roberti de Ponciaco J. C. Professoris, dilecti Consiliarii, & familiaris nostri. A. D. 1305. die 24. Maii 8. Indict.* Philip died in Naples in the Year 1332, and was buried there in the Church of the Dominicans of the Order of Preaching Friars, where his Tomb is to be seen at this Day.

Raimond Berlingier his fifth Son, for his great Justice and Prudence was made Deputy of the Vicariate, and he was Count of Andria, and Master of the Order of Monte S. Angelo, who died afterwards with the Character of a good Man. John his sixth Son died in holy Orders while he was a Youth. Tristan his seventh Son, so called, because he was born in a sorrowful time when his Father was Prisoner in Spain, was Prince of Salerno. John his eighth Son was Prince of Achaia, and Duke of Durazzo in Greece; Durazzo a City situate in Peloponesus now called the Morea, of which we have an exact Description in Thucydides; it was a Metropolis City, and its Metropolitan was subject to the Patriarch of Constantinople, and according to Leunclavius<sup>3</sup>, he had many Suffragan Bishops under him; John was afterwards Count of Gravina as Successor to his younger Brother. Peter the youngest Son was Count of Gravina, and was nothing inferior to the rest both in Virtue and military Valour.

THE female Progeny of this Prince was no less illustrious than numerous, being married to some of the most conspicuous Princes of Europe. Clementia was married to Charles Count of Valois, the King of France's Brother. Blanch to James King of Aragon; Leonora to Frederick King of Sicily; Mary to James King of Majorca; Beatrice the youngest to Azzo d'Este Marquis of Ferrara, and then to Beltramo del

<sup>1</sup> Tutin. degli Ammir. pag. 103. Archiv. cas. fig. \* n. 4.

<sup>2</sup> Leunclav. tom. 1. lib. 2. Jur. Græco. Rom.

<sup>3</sup> Idem Jur. Græc. Rom. tom. 2. lib. 3.

*Balszo* Count of *Montescaggiofo* and *Andria*, and lastly to *Robert* Dauphin of *Vienne*. His Royal Household was also graced with many great and illustrious Barons; such as the *Orsini* Counts of *Nola*; the *Gaetani* Counts of *Fondi* and *Caserta*; the *Batzi* Counts of *Avellino* and *Andria*; the *Chiaromonti* Counts of *Chiaromonte*; the Counts of *Lecce*, of *Chieti*, and many other renown'd Barons.

BY such a Number of illustrious Sons, King *Charles* had not only the Pleasure that attends the Father of virtuous and excellent Children, but he likewise gain'd the Hearts of the People of *Naples*. The Lustre which they reflected upon the King's Family, and the Magnificence of so many Courts, not only adorn'd the City, but brought great Advantage to the Citizens; for by their living in so sumptuous a manner both the Tradesmen reap'd great Profit; and those of higher Degree, who were employ'd in their Courts, were afterwards rais'd to higher and more considerable Offices in the King's Household, which at this time were so numerous, and so various, that they deserve to be particularly mention'd in this Place.

## S E C T. I.

*Of the Officers of the King's Household.*

THERE is no occasion to confound the Officers of the King's Household with those of the Crown; of which we have spoken in the eleventh Book of this History. These last were not liable to be changed upon a Revolution, or on the Death of a King, as the others were; their Office not being limited to any Place or Province, but was in general extended over the whole Kingdom; and properly they were Servants of the State, not of the King's Person: On the contrary, the first were Servants of the Household, because they attended daily upon the King's Person; and therefore these of whom we are treating, are really the King's Officers, because they immediately serve and wait upon his Royal Person.

WE must likewise distinguish them from those, who are also the King's Officers, upon whom the King confers publick Offices, such as Judges and other Magistrates; for they are not Officers of the King's Household, nor are they his Domesticks; whence it is, that in the Civil Law the Domesticks of the Emperor were called *Palatini*.

FORMERLY all the Officers of the King's Household were subordinate to the Officers of the Crown, and each of them, according to his Office, was subordinate to him, who was in the same Rank of Dignity. Therefore the Officers of the Crown had Substitutes under them, who officiated in the King's Household, and commanded the lesser Officers, as in the ancient Empire under every great Officer there was another called *Primicerius Officii*, who had the Title of *Speſtabilis*, at the same time the great Officers had that of *Illustres*.

SO likewise in *France*, which was imitated in *Sicily*, those of the first Rank were called Officers of the Crown, and the others Great Officers only, or Superintendants of the King's Household. But in the Empire of old, and in the Kingdom of *France*, both the Officers of the Crown, and those of the Household were called *Comites*, that is to say, Companions of the Prince, or rather his Courtiers; the Prince's Court in *Latin* being called *Comitatus*<sup>2</sup>. But seeing there were likewise Counts both in the Provinces and Cities, so call'd, because they were chosen out of the principal Courtiers: in order to distinguish them from those employ'd in the chief Offices of the Court, the first were call'd *Comites Palatini*. Whence, the better to express their Quality, to the Title of *Comes*, the Name of their Office was added, such as *Comes Palatii*, *Comes Stabuli*, *Comes Sacrarum Largitionum*; whence in *France* these Officers were call'd *Count of the Palace*, *Count of the Stable*, to denote the Courtiers, who had the Charge of the Palace, and of the King's Stables, or his Equerry; so that *Comes* signified the Head of an Office: And lastly, *Comes Palatii* by the Civil Law, and *Cassiodorus* is call'd *Magister Palatii*. Whence

<sup>1</sup> Tit. de Palatinis, & tit. de Castrenf. Palatin. | <sup>2</sup> L. 43. de testam. milit. l. 13. §. ignominiosa, de pecul. | re militari, l. de his, qui per met. &c.

in *France* he was call'd Master of the King's Household; and with us the Officers of the Crown were formerly call'd *Masters*, such as Master Justice, Master Steward, and afterwards Great Justice, Great Steward, Great Admiral, &c. And the Title of *Master* was only given to the inferior Officers; such as Master Porter, Master Painter, &c.

FORMERLY the great Officers of the King's Household were under some of the Officers of the Crown; but many since have been exempted from obeying any but the King: yet with us many have acknowledged the Great Steward for their Head, who is the same with the Great Master of the King's Household in *France*, as we shall see in enumerating these Officers.

THE Great Steward, as we have observed in the eleventh Book of this History, was great Master of the King's Household, and at the same time was number'd among the Officers of the Crown; because tho' his Office regarded the Government of the King's Household, as that of the Great Constable the Direction of War; that of the Lord Chief Justice the overseeing of Justice; and that of the Great Chamberlain the Inspection of the Finances; nevertheless, his Authority was not confined to any Place or Province, but extended over the whole Kingdom; neither was it alterable upon any Change of a King: and therefore he was said to serve the State and the Publick, and not the King's Person only.

UNDER the ancient Empire he was call'd *Magister Officiorum*, and therefore had under him in the King's Household many great, as well as inferior Officers. At last the great were exempted from obeying any other but the King; whence came other Officers, who cannot be said to be of the Crown, but still great Officers; of which hereafter.

CAMILLO TUTINI \* made a Catalogue of the Names of these Officers of the royal Household of *Naples*, and promised a Treatise upon it, but it has never been published: He collected the Names from the Statutes of the Kingdom, and the Archives of the Mint, which contains the Deeds and publick Acts of the Kings of the Family of *Anjou*, during whose Reigns, and particularly in that of King *Charles II.* there was a prodigious Number of such Officers about the Royal Family of *Naples*. And as this Prince did every thing in Imitation of *France*, so after the Example of that Kingdom, he introduced many of these Officers: And he not only imitated *France* in his Household, but likewise, as we have seen, in the Churches he founded and endow'd.

TUTINI has not been so exact in that Catalogue, as might have been expected from him; for in it he does not distinguish the Officers of the Crown, and those subordinate to them, from the Officers of the King's Household, and those under them. Having found the Officers of the Royal Household of *Naples* to be exactly the same with those of the Household of *France*, we shall follow the same Order, that those who have treated of the Offices of that most august House, have observ'd.

\* Tutini in princ. degli Uffic. del Regno.

## SECT II.

### *Of the Great Officers.*

THE Officers of the King's Household were divided into Greater and Lesser Officers. The Greater, who were under the Great Steward, were, The chief *Master of the Household*, or Palace, whom *Tutini* calls Master of the King's Lodgings, and others, Steward of the Royal Lodgings: The chief *Master of the Pantry*, with which Office we find in the Registers \* of King *Robert*, that that King honour'd *Giacomo Ulcano*: The chief *Cup-Bearer*; and the chief *Carver*, or the King's Sewer.

UNDER the Great Chamberlain were, The first Gentleman of the Bed-Chamber, whom *Tutini* calls the *Major-domo* of the King's Household: The Master

\* Registr. anno 1325. fol. 229. recorded by Summont. Istor. tom. 2. pag. 440.

of the Wardrobe: The Master of the Ceremonies: The Master-Porter: The Introducer of Ambassadors, and the Gentleman of the Bed-Chamber in ordinary. In France these Officers obey none but the King, from whose Hands they take the Oath, and they pay respect to the Great Chamberlain out of Complaisance only.

SOME, according to *Loyseau*<sup>1</sup>, likewise put the *First Physician* of the King's Household, and his Library-Keeper under the Great Chamberlain; others don't allow them the Rank of Great Officers, only because they are, as the *French* say, of the *Long Robe*: but these last are widely mistaken; for the Physicians of the Emperor's Palace under the ancient Empire were as much Officers of the Court as any of the rest, or the Counts Palatins. In *Constantinople*, after they had taught for twenty Years in that University with a publick Salary, they were admitted into the Palace, and were enrolled into the first Class of Courtiers; not as Professors, but because they were Physicians of the Emperor's Palace; and they were also reckon'd to be *intra Palatium Militare*, as the Emperors *Honorius* and *Theodosius* describe them<sup>2</sup>. Therefore they were called Physicians of the Sacred and Imperial Palace, and not of the Emperor. When the Prince chose one of them to take care of his own Person, that one was advanced in Dignity, and was call'd the Prince's first Physician, Judge and Chief of all the other Physicians; and this was not introduced by any of the Emperors, but by our *Theodorick* the *Ostrogoth* King of *Italy*, as we read in *Cassiodorus*<sup>3</sup>, who represents that Prince speaking thus: *Huic peritæ deesse Judicem, nonne humanarum rerum probatur oblivio? Et cum lascivæ voluptates recipiunt Tribunalum, hoc non meretur habere primum! Habeant itaque Præsulem, quibus nostram committimus sospitatem. Sciant se huic reddere rationem, qui curandam suscipiunt humanam salutem.*

THE very same Custom was practis'd in *Persia*, where the first Physician of that King was both Head and Judge of all the other Physicians, and without whose Approbation none could practice Physick in that Kingdom; and by the *Persians* he was call'd *Hakim Pafci*<sup>4</sup>; as by the Testimony of *Alpinus*, in the City of *Cairo*, the chief Physician, who has the same Power, is likewise call'd *Hakim Pafci*. *Hakim* in the *Arabick* Language signifies *Wise*, or *Doctor*; whence the *Spaniards* in a degree of Excellency call a Physician *Doctor*, as the *French* call a Midwife, whom they reckon among the Number of Physicians, *Sage-femme*.

WITH us the chief Physician was call'd *Protomedico*; and in the Reigns of the Kings of the Families of *Anjou* and *Aragon* we find frequent mention of him under that Name; and in the famous Act of Indemnity of Queen *Joan I.* recorded by *Summonte*<sup>5</sup> we find, that *Carlo Sccondito* was then first Physician; and in the Reign of the Family of *Aragon*, *Pannuccio Scannapeco*, *Sylvestro Galeota*, and others were successively first Physicians: of whom *Toppi* in his *Bibliotheca* has made a Catalogue. *Theodorick* granted him great Authority and Prerogatives; that all those who practis'd Physick were to give an Account to him of their Skill in their Employment; that in case of Disagreement amongst the Physicians about the Cure of the Sick, he was to determine it; and they were to stand to his Decision: And lastly, that he was to be the Prince's Physician<sup>6</sup>.

WE had also a *Proto-chirurgus*, but that Office was suppress'd, and annexed to that of first Physician, who is made by the King, or his Lieutenant, and ought to be a native of the Kingdom; and not only the Surgeons, but the Midwives are under his Cognizance, as also the Apothecaries, whom he appoints and licenses, and whose Shops he visits; and he has the same Authority that *Frederick II.* by two Constitutions gave to his Officers and Physicians, to take care that the Syrups, Electuaries, and other Medicines, be rightly prepar'd, and to regulate the Prices of them<sup>7</sup>; and therefore he is Head of the College of Apothecaries, call'd *The College of Eight*. He has a Tribunal, and with his Assessor takes Cognizance of Complaints against the Midwives, Apothecaries, &c. and against those who

<sup>1</sup> Loys de Offic.

<sup>2</sup> Cod. Theod. l. 1. de Comitib. & Archiatriis sacri Palatii, ibi: Archiatros intra Palatium militantes. l. 16. C. Th. de Medicis, & Professorib. ibi: Universi, qui in sacro Palatio inter Archiatros militarunt, & Comitivam primi ordinis, vel secundi adepti sunt: & l. 18. eod. tit.

<sup>3</sup> Cassiod. 6. var. 19. in formula Comitib. Archia-

trorum. V. Gothofr. in l. 1. C. Th. de Comitibus & Archiatriis.

<sup>4</sup> Gabriel Chinon in Notitia Orientis.

<sup>5</sup> Summonte tom. 2. pag. 459.

<sup>6</sup> Cassiod. loc. cit. Goth. in C. Th. l. 1. de Comitibus & Archiatriis.

<sup>7</sup> Constitut. de Medicis. Constit. de Fidelium numero super electuariis, & Syrupis statuendis.

practise Physick without a Licence; and he is subject to the Tribunal of the Royal Chamber of Accounts, yet he appeals from that to the Tribunal of *S. Clara* <sup>1</sup>.

THE Great Master of the Horse (an Office likewise in the Empire of the East known by the Name of *Scuterius*) had under him the first Gentleman of the Querry.

THE Great Huntsman, whom the *Greeks* reckon'd likewise an Officer of the Palace of *Constantinople*, and was call'd *Primus Venator*, whom we now call *Montiere Maggiore*, had under him the Great Falconer; the Master of the Waters and Forests, of whom there is frequent mention made in the Statutes of the Kingdom <sup>2</sup>; and the four under Huntsmen.

WE cannot expect to find such Officers in the ancient Empire; for the *Romans*, as they delighted in Agriculture and pastoral Affairs, so they despis'd hunting; whence *Salust* <sup>3</sup> reckon'd Hunting among the servile Exercises; and *Tiberius* branded with Infamy a Captain of a Legion, because he had sent some of his Soldiers a hunting <sup>4</sup>. Our *Scipione Ammirato* <sup>5</sup> has examin'd into the Reasons of this, among which these are of some Weight: In order to take the Pleasure of Hunting, the *Romans* would have been oblig'd to go a whole Day's Journey from *Rome*, because that City for many Miles was surrounded with Villages, Gardens, and other Places of Pleasure; and because they had so many Games, and publick Shews, such as Gladiators, and many other military Exercises, at home, they had no occasion to have recourse to Hunting. On the contrary, the foreign Princes, whom they call'd Barbarians; such as the Kings of *Macedon*, *Persia*, *Parthia*, and many others, valued themselves upon being exquisite Hunters; but above all the *German* and Northern Princes, who in the Decay of the Empire conquer'd *Europe*, took great Delight in it; whence it came, that our Princes despis'd Agriculture and pastoral Exercises, and were so much taken with that of Hunting. These People, as the *Abbot de Fleury* <sup>6</sup> has wisely observ'd, lived in Countries cover'd with Woods, where there was neither Corn, nor Wine, nor good Fruit; so that they were forced to live upon the Game they could catch, as the Savages of the cold Countries of *Armenia* continue to do. After they had pass'd the *Rhine*, and been settled in a better Climate, they were willing to reap the Benefit of Agriculture, Arts, and Commerce, but they could not apply themselves to them. They left these Professions to the *Romans*, whom they had subdued, and follow'd their own Customs; and as they neglect'd Agriculture, so they extoll'd Hunting, which was in no Esteem among the Ancients. They made it a great Art, and brought it to the utmost Perfection; insomuch that the Nobility employ'd most of their time in Hunting.

IT was likewise look'd upon to be a fit Exercise for those who profess'd Arms, because it inured Men to rise early, to suffer Cold and Heat, to Fasting, Travelling, and Coursing, and to endure all the Hardships incident to War; and therefore they would bear them the better in the Army. The Princes themselves were persuas'd, that Hunting was a most beneficial Exercise to them, as well for accustoming their Bodies to Hardship and Fatigue, as for learning the Situation of Mountains, Defiles, Passes, and Plains, the Course of Rivers, and where marshy Grounds lay; which was a double Advantage to a Prince, because thereby he not only knew the Situation of his own Country, which made him know the better how to defend it; but he likewise might have a Notion of the Situation of other Countries, all bearing some Resemblance one to another; which Knowledge could not fail to turn to Account in many respects, especially in leading Armies, in chusing proper Grounds for Camps, and taking Advantage of an Enemy.

HOW much our Princes, whether *Goths*, *Longobards*, *Normans* or *Suevi*, applied themselves to Hunting, may be observ'd in the preceding Books of the History; and especially the Emperor *Frederick II.* and *Manfred* his Son, who wrote particular Books upon Hunting. The Kings of the Family of *Anjou* follow'd their Example; for having fix'd their Royal Seat in *Naples*, and that City in these times not being surrounded with so many Villages and Gardens, nor its Plains so well cultivated, as at present, but the Province of *Terra di Lavoro* being full of large

<sup>1</sup> V. Taffon. de Antefato, ver. 3. obf. 3. Tribun. XIX.  
<sup>2</sup> Capit. Regni, sub Rubr. de Magistris, & Forestariis, & Subofficialibus eorum. De Forestis antiquis & novis.

<sup>3</sup> Salust. in Proem. Catilin.

<sup>4</sup> Suet. in Tiber. cap. 19.

<sup>5</sup> Ammir. sopra Corn. Tacit. lib. 2. disc. 1.

<sup>6</sup> Fleury des Coutum. des Israelites par. 2. cap. 2.

Forests and Woods, their ordinary Exercise was Hunting; whence many Officers of the Royal Household were appointed for attending the King at that Sport, who had their Head, call'd the *Great Forester*, who had under him many Master-Foresters, and these had many Huntsmen subordinate to them<sup>1</sup>.

THE Authority and Jurisdiction of this Officer, with us call'd *Montiere Maggiore*, in the Reign of the Family of *Anjou*, were not so extensive as they were made afterwards in the Reign of the *Spanish Kings*; for in those times the Jurisdiction of the Great Master of the Forests was extended over the King's patrimonial Forests only. But Hunting being afterwards established as the Prince's Royalty, his Authority became boundless; insomuch that he granted Licences to Sportsmen to carry Arms, and to hunt over all the Kingdom, (although the Barons by their Investiture were invested with their Forests, and a Right to hunt) and he has his own Judge, and particular Tribunal<sup>2</sup>.

<sup>1</sup> Caplt. Regni: De Magistris Foresteriis, & Subofficialibus eorum. obf. 3. Trib. XXVII.

<sup>2</sup> Tasson. de Antef. verf. 3

### S E C T. III.

#### *Of the Inferior Officers.*

THE Inferior or lesser Officers were so call'd, not that they were little in themselves, but in comparison of the Greater Officers abovemention'd. In the ancient Empire they were call'd *Militiæ*, or Posts and Offices upon the same footing, because there were many of each sort, whereas the Great Officers are in a manner all singular in their kind. We find these *Militiæ* frequently mention'd in *Justinian's Code* and *Novellæ*<sup>1</sup>; and *Cujac*<sup>2</sup>, and *Vinnius* have treated of them most accurately, and have rejected the Opinion of *Lælius Taurellus* concerning the *Militiæ ex casu*.

THEY were of two sorts, the one given to Gentlemen, and the other to Plebeians.

THOSE given to Gentlemen are the Places of Gentlemen of the Bed-Chamber; the Gentlemen of the Game; and as for the Pages (by *Tutini* call'd Valets) they receiv'd no Salary, but got the King's Livery only. The Gentlemen of the Bed-Chamber, who in the ancient Empire were call'd *Decuriones Cubiculariorum*, commanded the other inferior Officers, and there was a great number of them. The Gentlemen of the Game were those who attended the King at Sport, and were different from the Royal Huntsmen, who were Plebeians, and had the Charge and Direction of the Sport. The Gentlemen of the Falconry, who had the Charge of that Sport, were different from the Falconers of the Royal Household, who had the appointing of the Sport. As we have said, we need not look for these Officers in the ancient Empire, because the Emperors were not so much in Love with Hunting, as our Kings were.

THE Royal Chamberlains, who undressed the King, and put him in Bed, and were of his Privy Chamber; the Archers of the King's Guards; the Grooms who attended the King's Person; the Grooms of the Stable, by the Civil Law call'd *Stratores*, and in *France Marechaux*, Farriers, a *German Word*, which signifies an Officer belonging to the Horse, whom *Tutini* calls the King's Master Farrier; whence we call those *Mariscalchi*, who cure and shoe Horses, who are different from the *Marescialli degli alloggiamenti*, Quarter-Masters.

THE Quarter-Masters, who in time of War had the Charge of lodging the Soldiers, follow'd the Great Constable; and the Officers who succeeded to their Office were call'd Grooms, and also Grooms of the Stable, to distinguish them from the Grooms who attended the King's Person.

THERE were likewise *Masters of the King's Pensioners*, whose Business it was to keep an account of those in his Majesty's Pay, and of whom there are yet some

<sup>1</sup> L. p. ult. C. de Collationibus. l. si quis 11. C. de pign. l. cuncta ubi 30. §. 2. C. de inoff. testam. Nov. 53. dm. 5

<sup>2</sup> Cujac. ad Nov. 53. Vinn. Traçt. de Collationibus, cap. 13. num. 16. & 19.

Footsteps remaining; for in the Church of *S. Nicholas* in *Piozzo bianco* we read an Inscription, which shews the Founder of that Church to have been *Errico Barati*, a Domestick of King *Charles I. ac Stipendiariorum Regiorum Magistrum*<sup>1</sup>: Whose Office, and that of Quarter-Master of the Army, in the Reigns of the *Aragon* and *Spanish* Kings were transferred to the Royal Secretary of Accounts, of whom we shall treat in the Reigns of those Princes.

THERE was also the *Master of the King's Studs*, whom we now call *Cavallerizzo Maggiore*, the first Gentleman of the Querry; which Officer, during the *Spanish* Government, as shall be related, raised his Jurisdiction to a great Pitch, and had his own Auditor, and particular Tribunal.

THE Dependents upon the King's Secretaries were very numerous. Those who in the Empire were in the *Militia* of the Tribunes of the Notaries, and as *Cassiodorus* witnesseth, were likewise called *Candidati*<sup>2</sup>, in the Kingdom of *Sicily* acknowledged the Great Protonotary for their Head; who was one of the seven Officers of the Crown, as we have said in the eleventh Book of this History. He was the Head of the Notaries, and in the ancient Empire called *Primicerius Notariorum*; he was of the Proconsular Dignity, and after he had exercised his Office two Years he became *illustrius*. In the ancient Empire there were likewise three Sorts or Degrees of Notaries, which are clearly distinguished in the *Theodosian Code*<sup>3</sup>. The first had the Title of *Tribuni Pretoriani, & Notarii*, and were of the Dignity of *Comites*. The second were only called *Tribuni, & Notarii*, and they were of the same Dignity with the *Vicarii*; and the third were called *Notarii familiares, or domestici*, and were of the same Rank and Dignity with the Presidents of Provinces. We need not confound these with those we now call Notaries, who were quite different, and were called *Tabelliones, or Tabularii*, as we observed in the forefaid Book.

IN *France*, according to the Writers of that Kingdom, there are likewise three Sorts of King's Notaries, also Secretaries after the Example of *Vopiscus*, who calls the Notaries of the ancient Empire, *Notarios Secretorum*, and by the Civil Law are intitled *A Secretis*<sup>4</sup>. Therefore they are differently called, Secretaries of State; Secretaries of the King, and Secretaries of the King's Household. The Secretaries of the Cabinet are intrusted with the Dispatches, *Cubicularii qui emittebant Symbola, sive Commonitoria*, as they are named in *Justinian's Novelle*<sup>5</sup>. In *France* the Secretaries of the King, of the Household, and of the Crown for dispatching all the Letters Patents of the Chancellary were sixty in Number. And seeing all Grants and Privileges pass through their Hands, it was but reasonable in them to obtain from the King so many in their own Favour.

IN the Reign of the Family of *Anjou* there were likewise many of these Secretaries and Notaries of the King in the Royal Household of *Naples*. There were the Notaries of the King's Household, and at this time *Niccolo d'Alife* was *Charles II.*'s Notary, and was a famous Lawyer of that Age: There were the Masters and Inspectors of the Subscriptions of the Letters of the Royal Exchequer. The Notaries of the Royal Treasury; the Scaler of the King's Letters; the Writer of the King's Patents; and other inferior Officers in the Secretary Office.

AMONG these Officers we ought likewise to reckon the Master of the Royal Armoury; the Master Groom of the Stables; the Master of Arrests; the Overseer of the Officers of the Royal Hospital; the Master of the Wardrobe; the Master of the Royal Chamber of Accounts (amongst which, in this King's time, were *Andrea d'Isernia*, and the said *Niccolo d'Alife*) and other such like Officers, of whom there is frequent mention made in the Statutes of *Charles I. and II.*<sup>6</sup>.

IN the last Place follow the lesser Offices left to the *Ignoble*, which are those for dressing the Victuals of the King, the Princes, and their Domesticks, which in *France* are called the Seven Offices; not from the Employments, but from the Kitchens where they are exercised, and they are called Offices of the Households of the King and Princes. In the two Kitchens, the Heads are called Grooms of the Kitchen, and their Assistants Master Cooks.

<sup>1</sup> Eugen. Nap. Sacr. fol. 73.

<sup>2</sup> Cassiod. lib. 4. ep. 3.

<sup>3</sup> L. 2, 3. Cod. Th. de Primic. Notar.

<sup>4</sup> L. 9. C. pui milit. pos.

<sup>5</sup> Nov. 8. 24, 26, 27.

<sup>6</sup> Capit. Regni sub rubr. de Offic. Magistrorum Massariorum, cum tribus seq.

SO likewise with us, those that dressed the Victuals of our Kings and Princes were called Overseers of the Royal Kitchen, and the King's Master Cooks; whence it is said that those three *Frenchmen*, *John Dottum*, *William Burgund*, and *John Lyons*, who founded the Church and Hospital of *S. Eligio*, were three Cooks to King *Charles I.*

THERE were also the Overseers of the King's Pantry, Scullery, Fruiterie, and Butchery; these had many Assistants under them; the Groom of the Bason, and many other such under Officers.

IN this Class ought to be placed the Royal Standard-Bearers; the Porters of the King's Bed-chamber; the King's Huntsmen; the King's Falconers, that is to say, those who have the Management and Direction of the Sport and Flight; the King's Bird-keeper; the forty Soldiers of the Royal Hospital, and other such inferior Officers.

*Camillo Tutini* in the Catalogue of these inferior Officers reckons some, who belong not in the least to the Royal Household, or the Great Officers of the Palace, but depend solely upon the Officers of the Crown; such as the Marshals of the Kingdom, the Constables of Provinces, and the Castellans, who were subordinate to the Great Constable. The Master of the Royal-Port, and the Port-reeves, or Vice-Admirals, who are under the Great Admiral. The Royal Treasurer, and the Secretaries of Provinces, who are subordinate to the Great Chamberlain; and the Justices of Provinces, and of the Students, who acknowledge for their Head and Superior the Lord Chief Justice.

WITH so many and so honourable Posts was the Royal Household of *Naples* adorned in the Reign of *Charles II.* who with an impartial Hand distributed these Offices for the most part amongst the *Neapolitans* and Natives, as we read in the Royal Archives; for he had as great a Value for the Subjects of this Kingdom, as for those of his other paternal and maternal Dominions; and if sometimes we find that he likewise gave the Subjects of those Dominions Posts in this Kingdom, we also find, that he provided for our Natives and *Neapolitans* in the same manner in *Provence*, *Forcalquier*, and *Piedmont*, as we read in the said Archives; and the Arms of the *Neapolitans* who have governed in those Places are still to be seen there. And although in every thing he imitated the Kingdom of *France*, and was much inclined to gratify those of his own Nation, yet in Affairs of State he did not regard Nations, but followed the Advice of the most knowing and prudent Men.

BUT as soon as *Naples* lost the Honour of being the Royal Place of Residence, all these Officers in a manner vanished, and but very few remained; for in the Reign of *Ferdinand the Catholick*, and much more in that of the House of *Austria*, a new Polity being introduced, from which sprung new Offices; and as those above-mentioned were introduced by the *French Kings* in Imitation of those of *France*; so the *Spanish Kings* were pleased to introduce new Officers in Imitation of those of *Spain*; of which in their Reigns we shall give a particular and distinct Account.

<sup>a</sup> Costanzo, lib. 3.

## S E C T. IV.

*Of the Master of the King's Chapel, whom we now call Chaplain-Major.*

THE Master of the King's Chapel must not be numbered amongst the Officers of the King's Household; for though he may be reckoned among them, as having the Inspection of the King's Oratory, which is within the Palace, yet as he had the Direction of Ecclesiastick and Sacerdotal Affairs, he was distinct from those, who had the Direction of the Affairs of the Government, and of the King's Household. In order to establish the Royal Household of *France* upon a more splendid and magnificent Footing, it was thought prudent to introduce into it all the three States of the Kingdom, and that not only that of the Nobility, and the third State should share in it, but likewise the Ecclesiastical, which in that Kingdom is a separate State, which is quite different from what is practised with us, where the Ecclesiasticks



clerkships are mixed with the two States of the Nobility and People. From the Nobility they took, as we have seen, the Gentlemen of the Bed-Chamber, of the Hunting, of the Falconry, and others, with which they filled up the Places of the King's Household. From the third State they took the Registers, Secretaries, Clerks, and all those to whom the inferior Offices were left. So likewise of the Ecclesiastical State they took the Great Almoner, the Master of the Chapel, or Oratory, and the King's Confessor in Ordinary; and in the time of the Kings of the first Race, the Authority of the King's Chaplain, also called *Archicapellanus*, was so great in the Royal Household, that he and the Mayor of the Palace divided the Government of the Kingdom between them; this Office being suppressed during the second Race, and the King's Household under another Form of Government, the Authority of the Archchaplain was very much diminished, and the Great Almoner stepped over his Head, and had under him both the Master of the Oratory, and the King's Confessor<sup>1</sup>.

IN the Kingdom of *Sicily*, the *Normans* having fixed their Royal Seat in *Palermo*, the King's Chaplain, like that ancient one of *France*, had extended his Jurisdiction over all that Kingdom, not excepting the Almoner, nor the King's Confessor. Amongst the Letters of *Peter de Blois*, we read one directed *Ad Capellanum Regis Siciliae*<sup>2</sup>, wherein he puts him in mind, that by his Office he ought to admonish the King not to give the Bishoprick of *Agrigento* to an unworthy Person.

SINCE Christian Princes thought fit to have their own Oratories within their Palaces, of course there started up the chief Priest of the Court Clergy; and wherever they fixed their Royal Seat, there he was to reside; whence it is, that with us we find no Record of a Royal Chaplain, till the Kings of the Family of *Anjou* fixed their Residence in *Naples*, and began to have a Royal Chapel. Formerly the *Norman* and *Suevian* Kings had their Royal Seats fixed in *Palermo* in *Sicily*; whence it is, that the Royal Chaplainship of *Sicily* is more ancient than that of *Naples*.

BEFORE the Kings of the Family of *Anjou* fixed their Royal Seat in *Naples*, there was no such Office among us as the Master of the King's Chapel; and from that time to the Reign of *Ladislavus* he was called *Magister Regiae Cappellæ*, or *Magister Sacrate Cappellæ*, and often *Protocappellanus*<sup>3</sup>, as being the Head of all the King's inferior Chaplains, as with the *Greeks* the chief Priest of the Court Clergy was called *Protopapa* of the Palace; of whom we find frequent mention in *Codinus*, *Zonara*, *Cedrenus*, and in the *Notitia Imperii*; to him was committed the principal Care of performing Functions and Solemnities in the Chapel of the Imperial Palace, where he had the Inspection of the spiritual Offices; of whom *Tommasino* has likewise treated in his Book upon Benefices<sup>4</sup>. In like manner the Master of the Royal Chapel of *Naples* had the chief Care of the King's Oratory, and had the Inspection of all the Clergy of the Royal Palace; and in the time of *Charles II.* we read that *Pietro* was his Royal Chaplain, who was present at the Absolution from the Oath, which Pope *Boniface VIII.* gave to *Leonora Charles II.*'s third Daughter, for dissolving the Marriage she had contracted with *Philip* Lord of *Tusficco*, and Admiral in the Reign of *Charles I.*<sup>5</sup>; and in the time of King *Robert* we read, that *Landulfo di Regina*, a Doctor and Canon of *Naples*<sup>6</sup> was his Chaplain. And from this Reign, not from that of *Alphonfus I.* as, contrary to *Freccia's* Opinion, we observed in the eleventh Book of this History, the High Chancellor was excluded from exercising Jurisdiction over the Clergy of the Royal Palace; and all was lodged in the Person of the Chaplain Major, as chief Priest of the Court Clergy.

HIS Authority grew much greater in the Reign of *Charles II.* for it had been an ancient Custom, that Princes should have their Royal Chapels, not only in the Metropolis where they resided, but in any other City where they used to remain for some time, and likewise could declare any Church for which they had a particular Respect to be a Royal Chapel, and accordingly endowed it as such, as remains upon Record since the time of Count *Roger*; who, among other Things, which he gave to *S. Bruno*, in the Year 1094 gave the Church of *Santa Maria di Arfasia*, his Chapel, which he held in *Calabria*, exempted from the Jurisdiction of the Ordinary;

<sup>1</sup> Loyseau des Ordres.

<sup>2</sup> Epist. P. Blesensis, epist. 10.

<sup>3</sup> V. Chiocc. tom. 2. MS. Giurisd.

<sup>4</sup> Tommasin. de Benefic. part. 1. lib. 2. cap. 5.

num. 11.

<sup>5</sup> Summont. lib. 3. tom. 2. pag. 350.

<sup>6</sup> Registr. anno 1334. fol. 47. Summon. tom. 2. pag. 410.

the Charter of which Donation is recorded by *Taffoni*<sup>1</sup>, where we likewise find that *Falcone* was his Chaplain; from that time the Royal Chapels multiplying in our Kingdom, of course the Authority of the Royal Chaplain increased. The Church of *S. Nicholas* of *Bari* was declared a Royal Chapel, and therefore as the Prior and the Chapter were exempted from the Ordinary, so they were subordinate to the King's Chaplain Major. The Church of *Altamura* was likewise declared a Royal Chapel, and therefore the Archpriest and his Clergy, as Royal Chaplains, pretended to be independent of the Bishop of *Gravina*, and to acknowledge none for Superior but the King's Chaplain Major<sup>2</sup>. A great many other Churches to which the King collated, being declared Chapels Royal, of which we have discoursed in the preceding Chapter, likewise pretended Exemption from their Ordinaries, not owning any other for their Superior, but the Chaplain Major.

AFTERWARDS those Chapels that were built within the King's Castles were also reckoned Royal; therefore as their Number multiplied in the Kingdom, the Royal Chapels likewise multiplied. There was yet another Cause of the Increase of their Number; for our Princes having obtained of the Popes many Privileges and Exemptions to them, such as not to be bound to Residence, though they held Benefices with Cure of Souls; not to be subjected to the Payment of Tithes, which the Popes imposed upon the Ecclesiasticks, and other such like things<sup>3</sup>, every one endeavoured to get themselves declared King's Chaplains; for a Custom had crept in, that many who did not actually serve in the King's Chapels, and were at a Distance, used to obtain Letters from the King, whereby they were declared Royal Chaplains, which when they had obtained were of great Service to them; because whenever Tithes were imposed upon the Ecclesiasticks, the Chaplains had recourse to the King for being exempted, and accordingly they got Protections, many of which we read in the second Volume of *Chioccarelli's M. S. Giurisdizionali*; and among the rest one granted at the Desire of the Archbishop of *Otranto*, who represented to the King, that he being one of the ancient Chaplains of the Royal Chapel, and that when he had been in *Naples* he had always officiated in it, he ought not to be liable to the Payment of Tithes. So that the Popes being sensible of this bad Practice made several Bulls, ordaining, That those only were to enjoy the Privileges and Exemptions granted to the Royal Chaplains, who actually served in the Chapel Royal, but those Bulls being too stinting, especially those of *Leo X.* and *Clement VIII.* they were not received without being discuss'd and explained. From henceforth the Authority of the Chaplain Major over all the Castles of the Kingdom, and over the Churches declared Chapels Royal increasing, it gave Rise to the many Disputes between him and the Archbishop of *Naples*, the Bishop of *Cotrone*, and many others, of which the second Volume of *Chioccarelli's M. S. Giurisdizionali* is full.

IN the time of the Kings of the House of *Austria* his Authority was augmented, by his getting the Charge and Inspection of the Royal University, and a part of that Jurisdiction over the Scholars, which formerly their own Judge had; and the Collateral Council frequently referred to him the Causes brought before them by Ecclesiasticks for Injuries or Violence done them by Laicks; and Jurisdiction was likewise given him over the Musicians of the Royal Chapel<sup>4</sup>, of which we shall occasion to discourse more at large, when we come to the Reigns of those Princes.

<sup>1</sup> Taffon. de Antef. verf. 4. obf. 5. num. 40. privil. anno 1094. Quod Monasterium Araphiæ Capella mea erat exempta ab Episcopali jurisdictione per Sacrosanctam Romanam Ecclesiam.

<sup>2</sup> Chiocc. tom. 7. MS. giurisd.

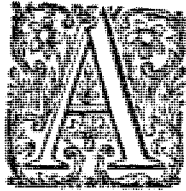
<sup>3</sup> Idem, tom. 2. MS. giurisd.

<sup>4</sup> V. Reg. Constantium in l. unica. num. 21. C. de Palat. & Domib. Dominic. lib. 11. Taffon. de Antef. verf. 3. obf. 3. Trib. 9. num. 271 & 284.



## C H A P. VII.

Of the Usages of the City of Naples, and of Bari, and of some other Cities of the Kingdom.



AMONGST those Advantages hitherto enumerated, whereby it pleased King *Charles II.* so much to favour and raise the City of *Naples*, that of the Collection of its Usages ought not to be look'd upon as the least. Before these were digested into order, and put in writing, the Citizens were involved in continual Pleas and Discord by Reason of their Uncertainty; every one alledged for themselves the Usages, and to prove their Allegation produced their Testimonies; and according to those Proofs the Plea was decided. It happened in such Cases, that by relying on the Proof of those Testimonies, in another Judicature the contrary was proved, by which Means a different Decision was the Consequence; whence it was, that they were always uncertain and doubtful, and involved in perpetual Pleas and Controversies. In order to remove so great Confusion, *Charles II.* resolved to apply a Remedy.

HE had a very recent Example of this, set him by his Father King *Charles* in the City of *Bari*, and another in the same City long before by the famous *Roger I.* King of *Sicily*. That City having been long under the Dominion of the *Longobards* was governed by their Laws; and particular Usages had been established there, for the most part agreeable to those Laws. The People of *Bari*, that they might not fall into the same Confusion, under which they saw *Naples* at that time labouring, caused those Usages to be put in writing; and their City having been taken by *Roger*, they presented them to him, who (as we read in the Preface) *Et laudavit, Et servavit illas; imo potius suo malo favore firmavit, Et eis perlectis, demum robur sua constitutionis indulxit*<sup>1</sup>. But in the time of *Charles I.* they had the good Fortune to have two of their own Citizens famous Lawyers, who very succinctly and elegantly, considering the Age, collected them into a small Volume, and in a tolerable Stile transmitted them to Posterity; and it is that Volume, which is now so common; which deserved a more learned Commentator, than *Vincenzo Massilla*, who being ignorant of the *Longobard* Laws, from which they are taken, in a very insipid Stile, and full of Puerilities, in the Year 1550 wrote Comments upon them.

THE two Lawyers that collected them into the Form we now see them, were *Andrea di Bari* a Judge, and the famous *Sparro*, or *Sparano*, likewise a Judge of *Bari*. This last was one of the greatest Lawyers that flourished in the time of *Charles I.* and was by that Prince much honoured and esteemed; for besides his having made him first Justice of *Terra di Bari*, and then Master of Accounts of the High Court, after the Death of *Roberto di Bari*, he was made Great Protonotary of the Kingdom. He was likewise made President of the Tribunals in the Counties of *Provence* and *Forcalquier*; and had the Title of *Vir Nobilis*, in those times given to Men of Quality, and Persons of the first Nobility; and lastly he knighted him, and enriched him with many Fiefs.

<sup>1</sup> In procem. Consuet. Bari.

*Andrea di Bari*, in that Book which he wrote, followed, as much as was fitting, the Order and Method of *Justinian's Code*, and in some measure imitated the Pandects. Therefore, after a pretty tolerable Proem, in Imitation of *Justinian*, he began with the Title *De Sacrosanctis Ecclesiis*, where he treats of things concerning the Cathedral Church of *Bari*, and that of *S. Nicholas*. In Imitation of *Tribonianus* in the Pandects, he ends his Work with the Title *De Regulis Juris*, wherein he likewise follows the Example of the Compilers of the Decretals.

*S PARANO*, with no less Elegancy, to *Andrea's* Book adds another of his own, and follows a different Method. Knowing, that these Usages were for the most part taken from the *Longobard* Laws, he thought it more fit to follow the same Order, which the Collectors of those Laws had observed; and therefore as they had begun their first Book of the *Longobard* Laws with criminal Affairs, so he begins his with the same. It is likewise said of this Lawyer, that he composed other Works; but these two only have reached us, viz. this Collection, and a little Book intitled: *Rosarium Virtutum, & Vitiatorum*; which, with the Appendix of the Abbot *Paolo Fusco da Ravello*, in the Year 1571 was printed in *Venice*.

*CHARLES II.* then having raised *Naples* to such a pitch of Grandeur, would not allow *Bari* to excel it in this. Therefore finding that its Usages had not been put in writing, which was the Occasion of the abovementioned Confusion, he first gave it in charge to the Archbishop of this City, and directed him to call for twelve Men of known Probity, and well skilled in the Usages of their City, and with them to begin the Work. *Filippo Minutolo* was then Archbishop of *Naples*, who, on account of his Wisdom and Learning, had been appointed chief Counsellor to *Charles*, when his Father had left him his Lieutenant in *Naples*; so that he was equal to the Work, and from whom a happy Issue was to be expected<sup>1</sup>. At the same time he ordered the University of *Naples* to chuse such Men as were not only of undoubted Probity, but most knowing in the Usages of their native Country, who were to search into the Usages of the City, and those especially that were most genuine, ancient, agreeable, and most approved of in the Judicatories; and after having carefully examined them with the Testimony of Men of Probity and Integrity, they were to put them in writing into one Volume; which being revised and examined by the Archbishop, and those twelve Persons appointed for that end, it was to be presented to him, that these only might be confirmed and approved by his Constitution, and all others rejected; so that they were to have no Force in any Judicature, or otherwise.

THE Archbishop and those Delegates put their Orders in execution, and in name of all the Citizens presented the Book to the King, that he might confirm it. At that time the Ecclesiasticks had not as yet pretended, as they strongly insisted upon afterwards, to be free and exempt from these Usages. Then *Charles* caused the Book to be revised by *Bartolommeo di Capua*, at that time Protonotary of the Kingdom, who having taken out some things, and added others, put it into a better Form, and in the Stile we now read it. Which being done, these Usages were approved by the King, and except such as were contained in this Volume, it was declared unlawful to quote any other, either in the Courts of Judicature, or out of them; this was done in the Year 1306, the Archbishop *Minutolo* being then dead.

IF the Usages of *Naples* were to be compared with those of *Bari*, we should certainly find, that the two Judges *Andrea* and *Sparano* penn'd those which the People of *Bari* presented to King *Charles I.* in a more elegant Stile, than *Bartolommeo* wrote those presented by the *Neapolitans* to *Charles II.* The Stile of the first was not so insipid and perplex'd as that of the last, which may be observed by any that will be at the Pains to read both; but *Charles* in his Preface excuses *Bartolommeo*, by saying, that he thought fit not to alter the Stile and Terms peculiar to the Country, that they might be the better understood by the Citizens: *In stilo dictaminis eorundem Civium: ut magis propriè illarum usualia verba remaneant*<sup>2</sup>.

THERE appears another Difference between those two Collections; for as *Bari* was long under the Dominion of the *Longobards*, so the Usages of that City for the most part are derived from the Laws of that Nation. On the contrary *Naples* was never subject to the *Longobards*, but was originally a *Greek* City; and during all the

<sup>1</sup> Chiocc. de Archiep. Neap. anno 1288.

<sup>2</sup> Procem. confuct. Neap.

time that the other Provinces of the Kingdom were under the Dominion of the *Lombards*, it was under that of the *Greeks* and the last Emperors of the East; so that the Usages of *Naples* are derived from the *Grecian* Laws.

KING *Charles* having said that these Usages were most ancient, some therefore have believed that they were the Remains of those ancient Laws whereby *Naples* was governed in the time of its *Archontes* and *Demarchi*, as we said in the first Book. Others, with greater Probability, and without having recourse to Times so remote, have believed, that they were derived from the *Novellæ* of the last *Greek* Emperors; which Opinion is supported by the many Rites and Customs of the later *Greeks*, which are still observed, and by the many Words of that Nation still in use.

THE Order and Method observed by *Bartolommeo di Capua* were likewise quite different from those, which *Andrea* and *Sparano* followed. These, at least as far as was possible, imitated *Justinian*, and the Collectors of the *Lombard* Laws, as we have said; *Bartolommeo* of his own Head took a new Method. In the first Place he treated of the Order of Succession *ab intestato*, and then of that *ex testamento*; of the Power, which by vertue of these Usages the Sons of a Family have of making Wills, and of what Goods; of the Power which married Women have when they are no longer under the Tutition of their Fathers, to bequeath their Portions; how much of them they can so, or otherwise dispose of; of the Maintenance which Fathers and Mothers ought to give their Children. Then he goes on to treat of Dowries, and of the fourth part of the Husband's Goods due to the Wife; of Contracts between Husband and Wife; of Instruments, which in those Times were wont to be drawn up by the *Curiali*\*, and of \* *Certain Officers belonging to the Pope.* *Dotalis*, and the Wife's fourth Part.

BEFORE he proceeded to the other Contracts, he intermixt eight Titles; in the first he treated of Cases, in which one Person of his own Authority could pledge the Goods of another; in the second *de ratione congrui*; in the third he examines of what Credit the Word of a *Colonus partiaris* may be; in the fourth he discusseth the Testimony of Clowns, and what Credit it deserves; in the fifth he treats of Servitude; and in the three following, of Things thereto belonging. Then he returns to Contracts, and discourses of Leases, Pledges, Buying and Selling, and Earnest Money; but those Titles are intermixt with others, such as *De Communi dividendo*, & *Glande Leggenda*.

AT last he concludes with these Titles, *De ripa, vel efrica*, and *De restitutione in integrum*. Such was the Order that *Bartolommeo di Capua* observed in his Collection of the *Neapolitan* Usages, which was finished and confirmed by the King on the twentieth of *March* 1306, as we see by the Date: *Data Neapoli per Manus ejusdem Bartolommei de Capua Militis Logothetæ, & Prothonotarii Regni Siciliae. Anno Domini 1306. die 20. Martii 4. Indict. Regnorum nostrorum anno 22.*

THESE Usages were by King *Charles* ordered to be placed in his Royal Archives, that the *Neapolitans*, by having them thus set down in writing, and confirmed by his Authority, might no longer be involved in so many Disputes, and might know whither to have recourse for a Decision †.

OUR Doctors began afterwards to write Comments upon them, and forty four Years had not passed, after they had been collected by *Bartolommeo*, when *Napodano Sebastiano di Napoli* appeared, who was the first that employed his Talents upon them in the Reign of Queen *Joan I.* Great Grandchild to King *Charles*, in the Year 1350. He flourished in that Queen's time, and was reputed one of our ablest Professors; he was a noble *Neapolitan* of the *Sebastian* Family, which boasted as much of its being descended of *S. Sebastian*, who was Lieutenant General to the Emperor *Dioclesian*; or if they were mistaken in that, of that other *Sebastian*, who was Prætor in the Time of the Emperor *Zeno*; or when they could do no better, of the Lords of *Sebaste*, a City of *Samarita* ‡; as *Matteo d'Affitto* did of the Descent of his Family from *S. Eustathius*, and *Sannazaro* of his from *S. Nazarius*. While the Bishop of *Florence* was Chancellor, *Lorenzo Podérico* Professor in the University, and *Sergio Donoroso* Vice-Protonotary of the Kingdom, *Napodano* underwent a publick Examination in the College of *Naples*; and having applied himself to the Study of the Law, he became the first Lawyer of that Age. The first thing he did was

\* In procem. consuet. Sect. pro certiori,

† Addit. in comment. ad Consuet. in fine.

to write Comments upon the Constitutions, and Statutes of the Kingdom; afterwards by that fatal Pestilence, which happened in *Italy* in the Year 1348, with great Beauty and Eloquence described by *Boccaccio*, having lost all his Children, in order to alleviate his Grief, he retired to a *Villa* near *Naples*, and in that Solitude applied himself to write a Comment upon these Usages, and finished his Work on the fifth of *April* 1351, as he says in the End of it. *Scipio Januarius*<sup>1</sup>, who made some Additions to this Comment of *Napodano*, declares that he had heard from his Fore-fathers, who said that they had it from theirs, that the *Villa*, to which *Napodano* retired to write this Comment, was the very same, that in his time was possessed by *D. Luisa Rossa* Widow of Doctor *D. Paolo Marchese*, and is situate in the Entry of the Street that leads to *S. Martino*.

THE Comment, which this Lawyer wrote upon the Usages, acquired so great Authority with our Doctors, that it has at present no less Force and Authority than the Text itself; and by our Professors is as much explained and commented on, or with some Notes illustrated. Eleven Years after he had finished this Work, on the twentieth of *August* 1362 he departed this Life, and was buried in the Church of the Great *Dominicans* in *Naples*, where his Tomb is to be seen<sup>2</sup>.

AFTER *Napodano*, these Usages were illustrated either with Notes or Additions, or with sundry Decisions of the High Court of the Royal Chamber of Accounts, or of the High Court of the Vicariate, by other famous Lawyers, who flourished in the following Ages. The first were *Antonio Alessandro* President of the Royal Chamber of Accounts and Viceprotonotary of the Kingdom; *Stefano di Gaeta*; the famous *Matteo d'Affitto*; the Counsellor *Antonio Capece*, and *Marino Freccia*; the Counsellor and President of the Royal Chamber *Diomede Mariconda*; *Antonio di Vivaya*, and in the Year 1518, *Scipio Januarius*; who having compared the Copy which he had with *Napodano's* Original, caused it to be printed in *Naples* with the Additions, which the preceding Year he had made to the Comment on it; and this is the oldest Edition of these Usages.

THERE were other Editions published afterwards with new Glosses and Additions, such as those made by the Counsellor *Vincenzo de Franchis*, *Camillo Salerno*, *Antonio Barattucci*, *Bartolommeo Marziale*, and *Cesare Vitelli*, by *Coluccio Coppola*, *Gaspere di Leo*, and *Gio. Angelo Pisanello*; by the Counsellor *Felice Scalaleone*, *Giacomo Anello de Bottis*, and *Felice de Rubeis*; by the President of the Royal Chamber *Scipione Buccino*; by the Deputy *Francesco Revertero*; by *Tommaso Nauclero*; by *Provenzale*; by *Caputo*, and lastly by *Carlo di Rosa*, who collected into one Volume the greatest part of all their Notes and Additions.

BESIDES these, we likewise had in the last Age other Writers, who, either by way of Dispute, or Decision, or Reasoning, or in Treatises, have written very fully upon these our Usages, amongst whom the famous *Molfeso* is in the greatest Esteem, and has written several Volumes upon them; so that at present, to our Professors, the Law, with respect to these Usages, is become one of the most necessary parts of the Practice of the Courts, which like other Professions, has its own Subtleties and Intricacies, all owing to the exorbitant Number of Writers; and therefore requires the greatest Learning and Skill to manage it well.

THE other Cities of the Kingdom followed the Example of *Bari* and *Naples*; the Usages of *Aversa* were also put in writing, which, with the Comment of *Nunzio Pelliccia*, are now very common. *Flavio Ventriglia* a *Capuan* Gentleman wrote a Comment upon those of *Capua*. *Gaeta* has likewise its own particular Usages and Statutes. *Amalfi*, and its Duchy had their own particular Usages, which were collected by *Giovanni Agostaricci*, who died in *Amalfi* in the Year 1282, where, in the old Cloyster of *S. Andrew*, his Tomb and Inscription are to be seen<sup>3</sup>. *Catanzaro* has likewise its own Usages explained by *Giovan Francesco Paparo* born in the said City. And so of the other Cities of the Kingdom, of which it is to no purpose here to make a longer and more troublesome Catalogue.

KING *Charles II.* having raised the City and Kingdom of *Naples* to so great Grandeur, at last in the sixty first Year of his Age, being seized with a burning Fever, in the twenty fifth Year of his Reign, on the fifth of *May* 1309, died in the Palace called *Casanova* without the *Capuan* Gate, which he had built two hundred Paces distant from *Naples*, where he used to live in the Summer time, for

<sup>1</sup> Scipio Januar. in princip. Consuet.

<sup>2</sup> In lapide Sepulchr. in Eccl. S. Dominici. Scipio

Januar. in proem num. 1.

<sup>3</sup> Toppi Biblioth. Nap. lit. G. pag. 117.

the Benefit of the Waters of *Sebeto*, which enter the City there, and go through it, which Place being now become a very large Village, still retains the same Name, though there be not the least Remains of the ancient Palace.

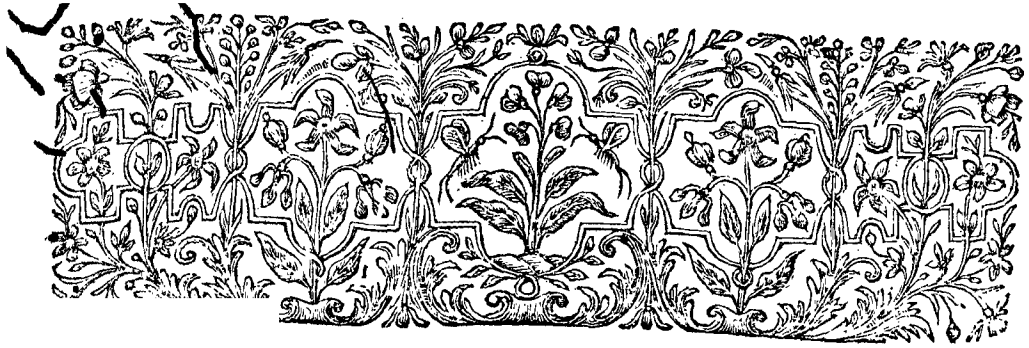
*OSTANZO* writes, that there was no Record that the Death of any Prince had been so much lamented as that of this King, both for his Liberality, his Clemency, and the other Virtues wherewith he was adorned. For his Liberality he was compared to *Alexander the Great*; and as he was very little skilled in military Affairs, so he was eminent in those of Peace and civil Government. His Body was buried with Royal Pomp in the *Dominican Church*, and soon after was transported to *Provence*, and placed in the Monastery of the Nuns of the Order of Preachers of *S. Mary of Nazareth*, built by him in *Arles*; but his Heart, by order of his Son *Robert*, was preserved in an Ivory Urn, and deposited in that same Church in *Naples*, where it is to this Day very religiously and respectfully kept by those Monks in Memory of his having enriched that Convent.

Collenuc. Comp. Istor. lib. 5.









THE  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.

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B O O K XXII.

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U P O N the Death of King *Charles II.* immediately arose that famous Debate between the Uncle and Nephew about the Succession of the Kingdom; for on the one side the young King of *Hungary* sent Ambassadors to Pope *Clement* to demand the Investiture, not as Nephew, as *Tiraquello* \* mistakes it, but as the Son of *Charles Martel* the eldest Son of King *Charles II.* On the other side *Robert Duke of Calabria*, who was then with the Pope in *Avignon*, said, That the Investiture was his Right as Son, and nearest of Kin to the deceased King. The Point was strongly debated before the College of Cardinals; in which the Pleadings of *Bartolommeo di Capua* were of very great Service to the Duke of *Calabria*; for *Bartolommeo* was a most excellent Lawyer, and a Man, who for many Years had held the first Place in King *Charles's* Council, and by long Experience was most skilled in Affairs of State. He exerted himself with much Boldness in the Duke's Defence, and amongst the Works of *Luca di Penna*, and *Matteo d' Afflitto* † we read the Arguments which he offered in

\* *Tiraq. qu. 40. num. 167. tract. de primogen. 119. num. 3.*  
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† *Afflit. in tit. de Succes. Feud. & decif.*

this Cause. *Niccolo Ruffulo* an able Doctor of those Times likewise wrote in *Robert's* Favour, whose Arguments are printed with the Works of *Luca di Pynna*. And *Gio. Vincenzo Ciarlanti* <sup>2</sup> obliged *Robert* also to take with him to *Avignon* *Andrea d'Isferna* another famous Lawyer, that he, together with *Bartolommeo* might defend his Cause. But we have no Record of any that defended *Carobert's* Cause; and if we may credit what *Baldo Perugino* wrote concerning this Debate, his Case was not argued so much to the purpose before the Pope as so difficult and intricate a Dispute required.

BUT what above all things made Pope *Clement V's* Decision in *Robert's* Favour just and prudent in the Opinion of the World, and of Writers, was, that *Bartolommeo di Capua* did not manage this Cause purely as a Lawyer; but he demonstrated to the Pope and Cardinals, that besides the Right which the Duke of *Calabria* had by Law, it was necessary for the common Good of *Italy* and of *Christendom*, to give the Kingdom to *Robert*, a prudent Prince, and most expert both in Peace and War, and who was reputed another *Solomon* of his Age, and not to the young King, who was altogether ignorant of the Affairs of *Italy*, born and brought up in *Hungary*, where the Manners of the People were quite different from those of the *Italians*, and who would be obliged to govern the Kingdom by the Means of his Ministers and *Hungarian* Barons, the result of which would be a civil War; and it was both impossible and inconvenient, that the Duke of *Calabria*, the Prince of *Saragosa*, and the Prince of *Achaia* the young King's Uncles should be ruled by *Hungarian* Barons <sup>3</sup>; whereupon, after mature Deliberation, it was decided in favour of *Robert*; and on the first of *August* in the Year 1309 in the publick Consistory he was declared King of *Sicily*, and Heir of the other Dominions of King *Charles* his Father; and on the twenty sixth of the said Month, *Robert* from the Hands of the Pope took the Oath of Fealty and Homage, and receiv'd the Investiture from him <sup>4</sup>, not only of this Kingdom of *Puglia*, but likewise of that of *Sicily* <sup>5</sup>; for the Popes, looking upon the Kings of *Aragon* who possessed *Sicily* without having fought Investiture of them, as Usurpers, in order to keep up their Right, invested the Kings of the Family of *Anjou* with both the Kingdoms, according to the ancient Use and Form. This Investiture is not only inserted by *Chioccarelli* in the first Tome of the *M. S. Giurisdizionali*, but we likewise find it amongst the Writs of the Royal Archives <sup>6</sup>, wherein, amongst the usual Conditions and Agreements, *Robert* obliges himself to pay yearly to the Holy See, on the Feast of *S. Peter*, eight thousand Ounces of Gold as a Quit-Rent, in Acknowledgment of the Fief; repeating also what had been establish'd in the former Investitures, that the City of *Benevento* should continue to be excluded, and as no part of the Kingdom for ever to belong *Dominio utili, & directo Ecclesie Romanæ*. So on the eighth of *September* *Robert* was crowned King in *Avignon* with all the usual Ceremonies, great Pomp and Solemnity <sup>7</sup>; and the Pope in Token of his Affection for *Robert*, by an authentick Bull subscribed by all the College, made him a Present of a great Sum of Money, which was thought to exceed three hundred thousand Ounces of Gold, which King *Charles* his Father, and his Grandfather owed the Church of *Rome* for the Charges which Pope *Boniface VIII.* and his Predecessors had been at in the War of *Sicily* <sup>8</sup>.

ALL these things having been transacted in *Avignon* in the Pontificate of *Clement V.* it is very strange how our Professors came to believe, that Pope *Boniface VIII.* pronounced this Sentence in favour of *Robert*, when that Pope many Years before had been made Prisoner in *Anagni* by the *Colonna*, and died of Grief in *Rome*. In which the Blunder of *Tiraquello* and of some others <sup>9</sup> is not pardonable, who, contrary to what we read in all grave Historians <sup>10</sup>, have written, that it was *Boniface* who pronounced Sentence in favour of *Robert*; perhaps they have been led into this Mistake by *Baldo's* Commentaries <sup>11</sup>, which are very erroneous in the vulgar Edition.

<sup>1</sup> Hist. de Sannio lib. 4. cap. 23.

<sup>2</sup> Baldo in l. liberti, libertæque, C. de oper. lib. num. 25.

<sup>3</sup> Costanzo lib. 5.

<sup>4</sup> Chiocc. in MS. giurisd.

<sup>5</sup> Scip. Ammirat. ne' Ritratti, pag. 292.

<sup>6</sup> Archiv. lib. 1. lit. H. anno 1309. Indict. 7. fol. 1. Summont. lib. 3. pag. 370. tom. 2.

<sup>7</sup> Baluz. Vitæ Papæ. Aven. tom. 1. cap. 15, 34, 70, & 104.

<sup>8</sup> Scip. Ammir. ne' Ritratti pag. 292.

<sup>9</sup> Ursino de Success. feud. p. 1. q. 5. art. 1. n. 19, 22.

<sup>10</sup> Baluz. loc. cit. Sabell. 1. 7. Ennead. Costan.

1. 5.

<sup>11</sup> Baldus in l. cum in antiq. C. de jur. delib.

THIS Sentence was highly commended by *Bartolus*<sup>1</sup>, and what is more by *Cino da Pistoja*<sup>2</sup>, that most severe Rebuker of the Popes and Court of *Rome*; and tho' *Baldo*<sup>3</sup> once disapprov'd of it, by saying, That the Pope *fuit magis partialis, quam talis qualis esse debuerat*; yet elsewhere<sup>4</sup> examining the Matter, and finding it full of Difficulty, and not so easy to be decided, insomuch that he was forced to say, *Solvat Apollo*; and adds, That the Apostolick See having thus determined, *esset ridiculum, & quasi hæreticum disputare, quia injuriam facit judicio Reverendissimæ Synodus*, which Words our *Matteo d' Affitto* likewise made use of.

THIS Sentence, according to *Bzovius*<sup>5</sup>, was afterwards confirm'd by *Benedict XII.* who by his Legates having received the Oath of Fealty and Homage from *Robert*, confirmed him in the Kingdom, and investted him with it, upon the same Conditions contained in the Investiture of King *Charles I.* his Grandfather<sup>6</sup>. There are not wanting very grave Lawyers, who have supported it both with Reason and Examples, such as *Cujacius*<sup>7</sup>, *Hotomannus*<sup>8</sup>, *Moriscus*, *Mariana*<sup>9</sup>, *Arniseus*<sup>10</sup>, and many more. Whence it was, that *Robert*, in order to shew, that as being elder, and nearer of kin than *Carobert*, he ought to enjoy the Primogeniture preferable to him, intituled himself, *Robertus Primogenitus, &c.* as *Gio. Antonio de Nigris*<sup>11</sup> very much to the purpose observes in his Commentaries.

*ROBERT* therefore lying under so many Obligations to Pope *Clement* left *Provence*, and returned to *Italy*; and there to shew his Gratitude to the Pope, he made a Progress through all the Cities, where he encouraged the *Guelfs*, and declared, That he would be an Enemy to all those that should offer to disturb the Ecclesiastical State, or its Friends.

AT last he arrived at *Naples*, where he was receiv'd with universal Joy, and royal Pomp; for not only each Province of the Kingdom, but all the Cities and Towns sent their Syndicks to compliment him, and pay Obedience to him; and he to shew himself worthy of the Pope's Decision, and of the Good-will of the People, made a Progress over all the Kingdom, and examining into the Conduct of the Barons and Officers towards the Subjects, he commended those that had behaved well; and on the contrary reprimanded the unjust and tyrannical, ordering them to observe the Laws and Statutes of the Kingdom, which his Grandfather and Father had establish'd. Then he returned to *Naples*, and created *Charles* his only Son Duke of *Calabria*, and honoured many great Barons with the Title of Count; and in Imitation of his Forefathers he began to embellish and render the City more magnificent, not having as yet any War upon his Hands. This Year 1310 he began to build the Monastery of *S. Clara*, and to make it fit for entertaining a great Number of Nuns of that Order, with a separate Convent for a good many Friars Conventuals; and he was pleased to declare that magnificent Church his Chapel Royal<sup>12</sup>. He built it so stately and sumptuous, that it vied with any modern Edifice in *Italy*; and it is said, that from the first Day of his Reign he assigned three thousand Ducats a Month to be employed while he lived, first in building the Church, and the Convents, and then in buying Lands, the Rents of which were to be applied for the Subsistence of the Nuns and Friars. And there are some who have written<sup>13</sup>, that it was as a Propitiation for his having had a Hand in the Death of his Brother *Charles Martel*, in order to make Way for his Succession in the Kingdom, that *Robert* was so profuse in these pious Works, as if that Edifice had been sufficient to blot out so great a Wickedness, if he was really guilty of it; and as if the building of Churches and Monasteries, and enriching them with large Revenues and Possessions were sufficient Atonements for clearing Men from their Crimes. *Scipione Ammirato*<sup>14</sup> says, That it had been handed down by Tradition in *Naples*, that *Robert* having put the last Hand to the Fabrick of this Church, ask'd his Son the Duke of *Calabria* what he thought of it; to whom the Duke, not out of Disrespect, but having no mind to flatter his Father, answered him freely, that in his

<sup>1</sup> Bartol. in Auth. post fratres, C. de legit. hæred.

<sup>2</sup> Cin. in l. Si viva matre, C. de bon. matr.

<sup>3</sup> Baldus in l. liberti libertæq. C. de oper. lib.

n. 25.

<sup>4</sup> Idem in l. cum in antiquiorib. C. de jur. delib.

<sup>5</sup> Bzovius anno 1355. Ann. Eccl.

<sup>6</sup> Chiocc. tom. 1. MS. reg. jurisd.

<sup>7</sup> Cujac. de Feud. lib. 2. tit. 11.

<sup>8</sup> Hotom. qu. illust. qu. 3.

<sup>9</sup> Mariana lib. 13. Hist. Hisp. cap. 9. in fin. & lib. 14. cap. 8.

<sup>10</sup> Arnif. tom. 1. cap. 2. Sect. 10.

<sup>11</sup> Nigris in Comment. ad Capit. Rober. incip. Privilegia cap. 1.

<sup>12</sup> Costan. lib. 5. Eugen. Nap. Sacr. di S. Chiara.

<sup>13</sup> Giannetas. Hist. Neap. lib. 22.

<sup>14</sup> Ammirat. Ritrat. pag. 302.

Opinion it resembled a Stable. And he said so, because the Church having no Wings, the little Chapels, which in an irregular Manner are placed about it, not reaching to the Roof, looked like Mangers. But the King, as it is natural for Men to take it ill to hear their Works discommended, or moved by a Spirit of Prophecy, said to him, *God grant, my Son, that you be not the first that will eat in this Stable*; and it is very certain, that Duke Charles was the first of the Royal Family that was buried in *S. Clara*.



## C H A P. I.

*The Emperor Henry VII. in Confederacy with the King of Sicily, makes War upon King Robert, and reviving the ancient Rights of the Empire, by his own Sentence deprives him of the Kingdom; but Henry dying, the Undertaking dropt, and the War was renewed in Sicily.*

**K**ING Robert spent the first three Years of his Reign in the Arts of Peace; and at the same time favoured the *Guelf* Faction thro' all *Italy* to the utmost of his Power; but the Death of the Emperor *Albert of Austria*, which had happened some Years before, interrupted those Exercises of Peace; for *Henry VII.* King of the *Romans*, the first Emperor of the illustrious House of *Luxemburgh*, being chosen in his Place, and crowned in *Aix la Chapelle*, all the *Ghibellins* of *Italy* sent to invite him to come and be crowned in *Rome*; and seeing his own Dominions in *Germany* were but inconsiderable, and that the Riches of *Italy* would be necessary for supporting the Imperial Dignity, a Diet was called, to which all the Princes of *Germany* came; and wherein it was concluded, that the *German* Nation should maintain an Army for convoying *Henry* to *Italy* in order to be crowned in *Rome*. Upon the News of which, *Clement* afraid, that by his Residence in *Avignon*, *Henry* would possess himself of all the Ecclesiastical State, and fix the Imperial Seat in *Rome*, created King *Robert* Count of *Romagna*, and Vicar-General of all the State of the Church, in order to oppose him. Therefore *Robert*, upon hearing that *Henry* was resolved to come into *Italy*, in the Year 1312 sent *D. Luni di Roana* with a hundred Horse to assist the *Florentines*, and likewise sent *John* Prince of *Achaia* his Brother with six hundred *Catalan* and *Neapolitan* Horse to oppose the Emperor's Coronation<sup>1</sup>.

ON the other hand *Frederick* King of *Sicily*, who had been highly displeas'd that the Kingdom had fallen to *Robert's* Share, and not to the King of *Hungary's*, from whom at that Distance he would have had little to fear, and who had resolv'd upon all Occasions to pull down *Robert's* Power, had promised himself a fair Opportunity upon the Emperor's coming, though at first he did not discover himself. But being offended with *Robert*, for having put in close Prison (where he died) one of his Ministers, whom he had sent to *Naples* to visit *Ferdinand* the Son of the King of *Majorca*, made Prisoner in *Greece* by the Prince of *Taranto*; *Frederick* could no longer conceal his Intentions, and upon the Emperor's Arrival in *Italy*, he sent *Manfred de Clairmont* to compliment him, and enter into a League with him against King *Robert*. The Emperor finding his Account in this Embassy, concluded the Alliance,

<sup>1</sup> Anmirat. Ritratti, pag. 292. Baluz. Vitæ Papat. Aven. tom. 1. pag. 18, 21, 44, 45, & 48.

and declar'd *Frederick* Admiral of the Empire, and sent to beg of him, that with his Fleet he would infest the maritime Places of the Kingdom, and that he himself would quickly attack it by Land.

THE *Genoese*, now finding that the Emperor was become more powerful by this Alliance, receiv'd him as their Lord; infomuch that he began to be formidable to all *Italy*; and upon his Arrival at *Rome* on the first Day of *August* 1312, he was with great Solemnity crown'd in the Church of *S. John Lateran*<sup>1</sup>; then he went to *Pisa*, and caus'd *Robert* to be summoned, as a Vassal of the Empire, to make his Appearance before him.

THE Emperors of the West, as we have seen in the preceding Books of this History, pretended to have Sovereignty over these Kingdoms, and their Investitures, as we have before observed, are more ancient than those of the Popes; whence *S. Bernard*, taking occasion to flatter the Emperor *Lothaire*, said, that *omnis, qui in Sicilia Regem se facit, contradicit Casari*: for which cause, whenever the Emperors gather Strength in *Italy*, they never fail to keep up their Pretension. *Henry* cites *Robert*, and he not appearing, declares him contumacious, and on the twenty-fifth of *April* 1313, he pronounces Sentence against him<sup>2</sup>, whereby he banishes him the Kingdom, deprives him of it, and of all his Dominions, and as a Rebel to the Empire condemns him to be beheaded. We read this Sentence in the first Tome of the *M. S. Giurisdizionali* collected by *Chioccarelli*; and it is likewise recorded by *Albericus* in his Commentaries<sup>3</sup>.

AT the same time King *Frederick* with a powerful Fleet infested *Calabria*, and *Robert* would certainly have been in a very bad Situation, if Death had not very opportunely come to his Relief; for while *Henry* was returning to *Tuscany*, from whence he was resolv'd with a strong Army to march against *Robert*, he was taken ill on the Way; and being arriv'd at *Buonconvento*, a Castle in the County of *Sienna*, on the twenty fourth of *August* 1313, he departed this Life. There are not wanting Writers who say, that his Death was occasion'd by the *Florentines*, who having bribed a *Dominican* Friar call'd *Pietro di Caselrinaldo*, 'tis said, that when he desir'd the *Viaticum*, the Friar gave him a poison'd Host. Others deny it, and say that his Illness was occasion'd by a pestilential Air, and that he died of a Fever<sup>4</sup>. Be that as it will, *Henry's* Death put the Generals of his Army, and King *Frederick* into so great Consternation, that every one shifted for himself, and *Frederick* in great Perplexity return'd to *Sicily*; but King *Robert* being furiously enraged at him, for having broken the Peace, and upon the Emperor's Arrival declaring himself to be in his Interest; he drew together a Fleet of an hundred and twenty *Provensale*, *Neapolitan*, and *Genoese* Gallies, and embark'd himself with *John* and *Philip* his Brothers, in order to invade that Island. They were very successful in their first Attempt; for having taken *Castello a Mare* by Storm, and laid Siege to *Trapani*, they were in great hopes of becoming Masters of it; but they were outwitted by the Citizens, who in concert with *Frederick* promising to surrender, kept *Robert* so long in Suspence, that being in want of Provisions, his Army daily dwindling away, and King *Frederick* shunning to come to an Engagement, either by Sea or Land, he was forced to make a Truce with the *Sicilians* for three Years; and on the first Day of the Year 1315, with great Loss return'd to *Naples*.

NEVERTHELESS, upon King *Henry's* Death, Pope *Clement V's* Party having recover'd Strength, he published a Bull, whereby he repeal'd and annull'd the Emperor's Sentence against *Robert*. Which Bull we now read amongst the Decretals of the Popes; the Collectors of the Canon Law having inserted it among the *Clementines*<sup>5</sup>; and it is likewise to be found in the first Volume of *Chioccarelli's M. S. Giurisdizionali*.

KING *Robert*, being obliged sometimes to go to *Provence*, sometimes upon Expeditions against *Sicily*, and after to *Florence*, *Genoa*, and other Places, according to the Custom of his Predecessors, had appointed *Charles* Duke of *Calabria* his Son, to be Lieutenant of the Kingdom, by whom, as we have said, we have many Statutes made during his Lieutenancy in his Father's Absence. But *Robert*, having no other Sons, resolv'd to marry him, and concluded a Match between him and *Katharine*

<sup>1</sup> Baluz. loc. cit. pag. 48 & 93.

<sup>2</sup> Idem, pag. 51.

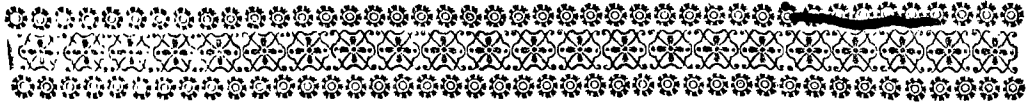
<sup>3</sup> Alberic. in l. quisquis, num. 11. C. ad L. Jul. Majest.

<sup>4</sup> Baluz. pag. 21. 53. 94. & 614.

<sup>5</sup> Clement. Pastoralis, de Sent. & Re judic.

the Daughter of the Archduke of *Austria*; and he sent into *Germany* the Count *Camerlingo*, and the Archbishop of *Capua* his Ambassadors, with a great Retinue of Nobility, to conduct the Bride to *Naples*; but soon after her Arrival she died without Issue: so that *Charles* for his second Wife married *Mary* the Daughter of the Count of *Valois*, by whom he had three Daughters; of which hereafter.

MEAN while the Truce with the *Sicilians* being expired, King *Robert* resolv'd to pursue his Design upon *Sicily*; and having fitted out a great Number of Vessels, he so distressed that Island, and King *Frederick's* Army, that it was the general Opinion, if King *Robert* had continued the War with the same Vigour, he certainly would have recover'd that Kingdom; but *Clement V.* dying in the Month of *April* 1314, and *John XXII.* being elected in his Place, the *Sicilians* immediately sent some of the chief Men of the Island Ambassadors to congratulate him upon his Election, and to beg of him to endeavour to make a Peace, or a Truce, between the two Kings. For which end the new Pope sent a Legate to King *Robert*, who prevail'd with him to renew the Truce for other five Years.



## C H A P. II.

*The Emperor Lewis of Bavaria comes to Rome, and makes War upon King Robert. The Duke of Calabria dies, whereupon a Marriage is agreed upon between Joan, Robert's Daughter, and Andrew the second Son of the King of Hungary.*

**B**UT new Troubles interrupted King *Robert's* Progress, and disturb'd his Quiet; for upon the Death of the Emperor *Henry*, the Electors being met in *Francfort* in the Year 1314, were divided in the Election of a Successor; one Party electing *Lewis of Bavaria*, the other *Frederick* the Son of *Albert Archduke of Austria*. Pope *John XXII.* refused to confirm either of the two elected, and declar'd the Empire vacant. The two Pretenders made War upon each other in *Germany*, and their Partisans did the same in *Italy*. At last in the Year 1323, *Frederick* was defeated, and taken Prisoner with his Brother *Henry* by *Lewis of Bavaria*. The third Brother *Leopold* had recourse to the Pope, who pronounced Sentence against *Lewis of Bavaria*. This Prince appeal'd to a General Council, and a future Pope lawfully elected; on the other hand the Pope continued to act his Part, and excommunicated *Lewis*, and declar'd him a Heretick. *Italy* of course was disturbed by the *Guelf* Faction, Partizans of the Pope, and by the *Ghibellins* Adherents of the Emperor; but of the *Guelfs* our King *Robert*, and his Son *Charles Duke of Calabria*, signalized themselves the most. The Pope invited *Robert*, and rais'd Troops to make War upon *Lewis's* Faction. The *Ghibellins* seeing that the *Guelfs* were daily growing more powerful by the Conjunction of so potent a King, solicited *Lewis* to come to *Italy*. Accordingly he came, and being arrived at *Trent*, *Cane della Scala* Lord of *Verona*, *Passerino* Lord of *Mantua*, *Azzo*, and *Marco Visconte*, *Guido Tariat* Bishop and Lord of *Arezzo*, the Ambassadors of *Castruccio Castracani*, and those of the *Pisans*, and all the Heads of the *Ghibellin* Faction, as well of *Lombardy* as of *Romagna* and *Tuscany*, went to meet him. A Parliament was held, wherein *Lewis* promised and swore to come to *Rome*, and to support the *Ghibellin* Name and Faction: And on the other hand the Princes and Ambassadors, who were present in the

\* Baluz. Vitæ Papat. Aven. tom. 2. pag. 478.

Parliament, promised to give him an hundred and fifty thousand Florins of Gold, upon his Arrival in *Milan*.

IN this Parliament *Lewis* likewise caus'd a Proceſs to be published againſt Pope *John XXII.* in which by the Sentence of thoſe Biſhops and Prelates that he had with him, the Pope was declar'd a Heretick, and guilty of Errors againſt ſixteen Articles eſtabliſhed in Councils, which were maintained by the Catholick Church, and then he came to *Milan*<sup>1</sup>; and being invited by the *Romans*, he ſet out for *Rome*. King *Robert* weighing the Conſequence of *Lewis's* coming to *Rome*, and that the Pope's Aſſiſtance would be but weak and too late, he did his utmoſt to prevent it. For which end he ſent the Prince of the *Morea* his Brother with a ſtrong Body of Cavalry to *Rome*, to keep *Lewis* out; he likewiſe ſent a new Army into *Sicily*, the Truce being expir'd, in order to hold King *Frederick* in play, that he might not be able to ſend any Aſſiſtance to the Emperor: But all theſe Efforts were not ſufficient to hinder *Lewis* from coming to be crown'd King in *Rome*; ſo that the King was forc'd to recall the Duke of *Calabria*, who had the Government of *Florence*, and to ſend him to guard the Frontiers of the Kingdom. On the twenty eighth of *September* 1327, the Duke, his Wiſe, and all the Barons he had with him, left *Florence*, and by the Way of *Sienna*, *Perugia* and *Rieti*, arriv'd in *Aquila* the ſame Day that *Lewis* with great Solemnity was crown'd in *Rome*; which happen'd on the ſixteenth Day of *January* 1328.

BUT *Lewis*, by lingering in *Rome*, ſaved King *Robert*; it being then ſaid, that he would not have been able to ſtand his Ground againſt the *German*, who had with him fifty thouſand good Horſe, if, without tarrying in *Rome*, after he had been crown'd, he had march'd directly to the Conqueſt of the Kingdom. But nothing would ſerve him but he muſt make a new Pope; by whom he muſt be crown'd a ſecond time, and new Laws, and give other Orders; ſo that when he intended to purſue the Conqueſt of the Kingdom, the Opportunity was ſlipt: inſomuch that the King's Troops had again taken *Oſtia* and *Alagna*, and having fortified the Paſſes, at laſt forc'd the *Bavarian* to leave *Rome*, and return to *Tuſcany*<sup>2</sup>.

THE Deſigns of *Lewis* and the *Ghibellins* proving unſucceſſful, King *Robert* was not only freed from the Cares of War, but was grown very powerful, and with the Aſſiſtance of the Pope, become formidable to all his Enemies; ſo that having ſettled the Affairs of *Tuſcany*, he was in a fair Way to have put an end to the Conqueſt of *Sicily*; but as in the height of Proſperity we are often made ſenſible of the Inſtability of human Affairs, it happened, that the Duke of *Calabria* being taken ill in *Naples*, on the firſt Day of *November*, the Vigil of *S. Martin*, in the Year 1328, he died, to the unſpeakable Grief of his Father, and all the Kingdom, and was buried in the Church of *S. Clara*. 'Tis ſaid, that when this Prince was carried to his Grave, the unfortunate Father ſeeing himſelf bereft of his only ſon, ſaid, *The Crown was fallen from his Head*: As it really fell out through the Ruin and Troubles which afterwards came upon the Kingdom; for tho' while the Duke was in *Florence*, *Mary* of *Valois* his Wiſe brought him a Son, whom he named *Charles Martel*, yet he liv'd only eight Days; neither did he leave any Sons by *Mary*, but only two Daughters, and another with which ſhe was big. The eldeſt was named *Joan*, who was afterwards Queen of *Naples*. The ſecond was *Mary*, who died ſoon after, and was buried in the Church of *S. Clara*. The Dutcheſs Dowager ſhortly after was brought to bed of another Daughter, who was alſo named *Mary*, and, as ſhall be related, was afterwards Dutcheſs of *Durazzo*.

ALTHOUGH *Charles* Duke of *Calabria* could not be ſaid to be a warlike Prince, yet he was adorn'd with all the other Virtues proper for a King. He was moſt religious, juſt, merciful and liberal, a Lover of good Men, and an Enemy to the Wicked; and he was ſuch, that in a manner from his very Youth his Father entruſted the Government of the Kingdom to him. He made him his Lieutenant, which Office he executed ſo diſcreetly and prudently, that the King his Father was very well ſatiſfied with him. The Tribunal of the Lieutenantcy in his time was in a moſt flouriſhing State. He made *Filippo Sanguinetto* Judge of it, with a Salary of an hundred and fifty Ounces of Gold yearly, and allow'd ninety Ounces for ten Horſemen, and ſixteen Foot for a Guard and Ornament to that Tribunal. He was wont to make a Progreſs yearly over the Kingdom, in order to examine and redreſs any Hardſhips put upon the People by the Barons and King's Miniſters. By

<sup>1</sup> Coſtanzo, lib. 5.

<sup>2</sup> Annair Ritrat. pag. 298.

means of many Statutes established by him, while he was Lieutenant of the Kingdom, he made sundry Provisions and Regulations concerning good Government and the right Administration of Justice, of which he was so zealous a Lover, that in order to represent his Virtue, we see engraven upon his Tomb under his Feet a Vessel full of Water, out of which a Wolf and a Lamb are drinking peaceably together.

AFTER the Solemnity of the Duke's Funeral was over, the King spared no pains to have the Infant that was to succeed him in the Kingdom well educated and at the same time, like a Prince of a great and generous Spirit, he did not neglect the Government of the Kingdom, nor to provide for the War of *Sicily*.

BUT some time after, finding himself grown old, he was anxious to settle the Succession of the Kingdom; and although the Royal Family was then very numerous, such as *Robert, Lewis and Philip*, the Sons of the Prince of *Taranto*; *Charles Lewis and Robert*, the Sons of the Prince of the *Morea*, and others, amongst whom he might have chosen one fit to succeed him in the Kingdom, by giving him his Grandchild in Marriage; nevertheless being mov'd, as 'tis thought, and as *Baldus* writes either by a Remorse of Conscience, because the Kingdom by Right ought to have been his Nephew's the King of *Hungary*, the Son of *Charles Martel* his elder Brother; or by some other secret Motive that obliged him to do it, he resolv'd to restore the Kingdom to that Branch from which it had been taken; and therefore he determin'd to pitch upon one of the Sons of the said King *Henry of Hungary*\*: tho' the unhappy Consequences that attended this Match plainly demonstrated, how much human Judgment is liable to be deceiv'd.

FOR this end he sent a solemn Embassy to *Carobert* King of *Hungary*, who with much Joy receiv'd the Message; and having pitched upon *Andrew* his second Son, he dismissed the Ambassadors with rich Presents, and bid them acquaint King *Robert*, that in a few Days he and the Bridegroom would set out for *Naples* which he did without Delay; for having left *Hungary*, with his little Son, and a great Train of his Barons, by the Way of *Friuli*, on the last Day of *July* 1333 he arrived at *Vesti* a City of *Puglia*, situate at the Foot of *Monte Gargano*, where he was honourably received by *John* Prince of the *Morea*, sent thither by the King with many Barons and Knights of the Kingdom. On the twenty sixth of *September* the same Year, the Ceremony of betrothing was perform'd between *Andrew* and *Joan* both of the same Age of seven Years; and about the end of *October*, the King of *Hungary*, joyful at having left a Son so well provided for, and secur'd of the Succession of so opulent a Kingdom, return'd to *Hungary*, leaving some of his *Hungarians* to attend his Son, already intituled, *Duke of Calabria*; and among the rest he left with great Authority a Religious named *Friar Robert*, who was to be the young Duke's Preceptor.

\* *Baldus* in L. si viva matre, C. de bonis mater. V. Ammirat. Ritratti pag. 299.

† *Froissard*, in the second Book of his History, is guilty of many Mistakes with relation to this Marriage.





C H A P. III.

*The War renew'd in Sicily, but interrupted by the Death of King Robert.*



**K**ING Robert having thus settled the Succession, all his Thoughts were now bent upon the recovering of *Sicily*, which all the Successors of King *Charles I.* had in vain attempted; for which purpose he sent a new Army into that Island, where, tho' they did much mischief, yet they could not reduce one fortified Place. But upon the Death of King *Frederick*, in the Year 1337, who was succeeded by *Peter* his eldest Son, *Robert* sent immediately to *Avignon*, to intreat Pope *Benedict XII.* who on the twentieth of *December* 1334, had succeeded *John XXII.* that he would be pleased to send an Apostolick Legate to *Sicily*, to require King *Peter* to surrender that Kingdom, and to observe the Articles of Peace made in the time of *Charles of Valois*; and this he did, not from any hopes he had of obtaining the Island by that means, but with a Design, that the Pope, being slighted by King *Peter*, might be a Sharer in the Charges of the War. Neither did he fail to send his Compliments to Queen *Eleonora* his Sister, and to endeavour to prevail with her to persuade her Son to give up that Kingdom, promising her, that he would assist him in the Conquest of the Kingdom of *Sardinia* with much greater Forces than what had been stipulated by the Treaty of Peace; but the prudent Queen answer'd him, That she had not so great Interest with her Son as was sufficient for that; but beg'd of her Brother, that he would rather look upon him as his Servant and Son; and especially since he himself had no Heirs Male, nor could leave the Kingdom of *Naples*, or any other of his Dominions, to any Person nearer in Blood to him than King *Peter* was. As this Message had little effect, so the Apostolick Legate succeeded no better; but finding that he could do nothing else, he excommunicated the King and the Island; which the King little regarding, caused himself to be crown'd immediately.

*ROBERT* therefore made all necessary Preparations for War, and on the fifth Day of *May* 1338, he sent a Fleet of sixty Sail of Gallies and Barks with twelve hundred Horle to harass *Sicily*, and soon after another greater, and better provided; but except the taking of *Tremole* by Siege, they performed nothing of any Consequence. The King not yet weary of this Undertaking, two Years after sent thither *Giuffredi di Marzano* Count of *Squillaci*, his High Admiral, which Expedition was better managed than any of the former, for the Count took *Lipari*, and defeated the *Messinese*. The taking of *Lipari* facilitated the Conquest of *Melazzo* by *Ruggiero Sanseverino*, who the Year following was sent to *Sicily* with a new Fleet; and this was the last Attempt that King *Robert* made upon that Island. But what in a Tract of many Years, and by many and obstinate Wars could not be effected, if Death had not prevented, would have been accomplished by the means of a small Incident: For King *Peter*, who had succeeded his Father, reign'd only a few Years, and at his Death, having left no other Son but *Lewis*, an Infant under the Tutelage of his Uncle; the *Palizzi*, very powerful Barons in *Messina*, with many of their kindred, and *Federico of Antioch*, with the Citizens of *Lentino*, *Ventimiglia* and *Abati*, to whom the *Catalans* were become more hateful than the *French* had been to their Predecessors, made themselves Masters of *Messina*, and from themselves, and from that City, sent to swear Homage to King *Robert*: But the Messenger found that the King had got the extreme Unction, and soon after died. An evident Instance of Fortune's sporting with Men; forasmuch as King *Charles I.*

*Charles II.* and King *Robert*, for the space of sixty Years successively, having harassed the Kingdom of *Sicily* with powerful Armies, and almost every Year attacked it with numerous Fleets, without being able to recover it, Fortune, as it were in Derision, had reserv'd the Offer of it to *Robert*, when he was at the Point of Death; whereas, if such an Opportunity had offer'd two Years before, without all doubt the Island had been recover'd; because a very few Troops would have been able to crush the Infant King, and wholly exterminate the *Catalans* from that Kingdom.

THIS wife King died, no less oppressed with Years, than with Vexation and Trouble, which in the latter end of his Days overwhelmed him with Grief. He saw, that in the six Years that *Andrew Duke of Calabria* had been in the Kingdom, and brought up in his Court, the Nursery and Seat of all Virtue, he had not in the least left off the barbarous *Hungarian* Customs; nor had such as he had seen daily made the least Impression upon him, but continued to converse with those *Hungarians* his Father had left with him, and with others, which from time to time came to visit him; insomuch that the King repented of his Choice, and pitied exceedingly his Grandchild *Joan*, a most excellent young Princess, (and who at that Age, which was not above twelve Years, not only exceeded in Prudence those of the same Age, but many Ladies of riper Years) who was to live with a stupid and worthless Man. The Dissentions which, like a prudent Prince, he foresaw would arise in the Kingdom after his Death, likewise griev'd him very much; for he knew that the Government would fall into the Hands of the *Hungarians*, who, by governing insolently, and not treating the Princes of the Blood as he had done, would oblige them to take up Arms, whereby every thing would go to Wrack and Confusion. Therefore, thinking to remedy this, he call'd a Parliament of all the Barons and Royal Cities, and made them swear to *Joan* alone as Queen, with design, that after his Death she should establish a Council altogether dependent upon herself, and that the Husband should have the Title of the Queen's Consort only.

TO this another Trouble was added, for at the very time when he saw, that his Life was drawing to a Period, and that there was no hopes of his Successor's being able to curb the Insolent, civil Dissentions arose in all the great Cities of the Kingdom, attended with great Blood-shed, which the Justices (the Title then given to the Governors of Provinces, whom we now call Presidents) were neither able to prevent, nor crush. Whence the Number of Outlaws was so great over all the Kingdom, that they became insupportable, and the King was forced to make a sort of a War upon them, by sending Troops in order to suppress them, which they found impracticable; because the Guilty not only dispersed themselves in different Places, but many Barons favoured, and receiv'd them into their Castles. Oppressed with these Vexations and Anxieties, on the sixteenth of *January* 1343, this great King died, after he had reign'd thirty three Years, eight Months and sixteen Days; and was buried behind the great Altar of the Church of *S. Clara*, under that stately Tomb which is to be seen at this day.

ROBERT died with the Character of the most prudent and gallant King of his Time, adorned with Wisdom, Justice, Liberality, Modesty, Courage, and all other Virtues both military and civil. As for his Justice, the Kingdom had never been so well and so prudently govern'd, as under him; which the many prudent Laws he left, the well-regulated Tribunals and Magistrates, and the Care he took in the Choice of able and uncorrupted Ministers clearly demonstrated. He studied to maintain Peace and Quiet among the People; he curb'd the Insolent, and exterminated the *Banditti*, and the Wicked that disturbed them: he suppressed the Violence of Ecclesiasticks, who often oppressed their Vassals: and to this Prince we owe those Remedies which are now a Buckler and Defence against their Incroachments and Severities, which we call *The Royal Preservatives*, of which we shall here discourse more fully.

## C H A P. IV.

*Of the Royal Preservatives.*

IN the Reigns of *Charles I.* and *II.* on the Occasions mentioned elsewhere, the Privileges and Immunities of the Clergy being grown to an excessive height; and (excepting in feodal Cases) being exempted from the Jurisdiction of the civil Magistrate, both in civil and criminal Cases, their Licentiousness and Freedom rose to such a pitch, that thinking their Excesses and Oppressions not liable to be redressed by the Lay Judges, the Prelates, the Priests, and even the Monks frequently insulted the Laicks, and sometimes the inferior Clergy. They invaded their Possessions, tyranniz'd over their Persons, oppress'd them with Injuries, Rapine, and other Hardships. King *Robert* himself tells us, That in his Hall of Audience no other Complaints, Groans, or Clamours were heard, but of those Violences and Oppressions<sup>1</sup>. The prudent King, as a Remedy for this, prescribed a Rule to his Justices whereby to suppress so great Insolence, and to redress the Grievances. In that famous Statute, which begins, *Ad Regale Fastigium*, penn'd by the celebrated *Bartolommeo di Capua*, this King enacted, That the Justices were not to proceed upon these Excesses according to due course of Law, nor to seek *Cognitionalia ordinare certamina*, but only *facta de injuriis, rapinis, & damnis illatis infirmatione summaria per facti notorium, vel rei evidentiam, famam publicam, aut designationem aliam attestantem commissam injuriam*, to correct, and speedily redress them.

HE likewise prescribed to them, that for proving those Disturbances they had no more to do, but to issue out a general Proclamation; wherein, without specifying the Disturbers, they were to invite in general, *Quicumque sua interesse putaverit, visurus accedat producendorum in causa testium juramenta, & oppositurus, quæ circa rei substantiam voluerit allegare.*

WHOEVER will but read the many Reasons contained in this Statute, which *Robert* gives for justifying it, and to evince the Moderation of it, as not exceeding his Royal Power, cannot but be wonderfully surprized to see a King that had no other Intention but to preserve Peace and Tranquillity in his Kingdom, and for that end to banish Rapine and Violence out of it, that he might not in the least encroach upon the Ecclesiastical Liberties, speak with so much Reserve and Moderation, and with so many Clauses full of the utmost Respect and Reverence; as if it had not been lawful in Princes for the Quiet of their Dominions to make the strongest and most effectual Laws for extirpating those Evils and Disorders with which they were oppress'd. In the first Place he declares, That though his Power in every thing be not extended to the Persons of the Prelates and Clergy; yet as he was obliged to protect and defend all his Subjects from being oppress'd, he did this in Maintenance and Support of his supreme Authority. Moreover he consented, that his Judges should not proceed against the Persons of the Prelates and Clergy, and in their Causes according to due course of Law, and by formal Processes; he therefore ordain'd, that the Proceedings should be summary, and the Cognizance extrajudicial,

<sup>1</sup> Cap. Robertus, &c. Ad Regale Fastigium. Sanè in Auditorio nostro inculcatione frequenti lata plurium querela perstrepuerit, & clamor validus tumultuosa quadam vociferatione perduxit, quod Prælati Regni nostri Sicilia, Hospitalarii, Monachi, aliique Clerici, &c.

with great Moderation, and respectful Reservation. He likewise declares and protests, That he was solely moved so to do out of Love to Charity and Compassion. Therefore he quotes the Example of King *David*, who reliev'd the oppress'd *Israelites*; of those who for a Refuge run to the Statues of Princes; that by the Law of Nature we were obliged to ward off the Injuries from our Kinsmen, or Neighbours; lastly, he cites the Example of *Moses*, who seeing a *Hebrew* ill used and oppress'd by an *Egyptian*, killed him upon the Spot.

BUT his Moderation will still appear greater, when we consider, that he established all this not by a Law, or solemn Edict, but by *Royal Writs*, so that he would not have this Regulation to be regarded as a Constitution, by vertue whereof his Magistrates could proceed of themselves, as they regularly did in all other Cases, as Executors of the Laws, without having occasion for any other special Power from the Prince; but he directed, That the Justices, in such Cases, should have recourse to the Prince, and from him receive special Writs, whereby that Power might be communicated to them, thereby meaning, that in such Cases they were not to proceed by vertue of their ordinary Authority, but by that thus conveyed to them by the Prince, who, by the oeconomic Power of governing his Dominions, has a Right upon extraordinary Occasions to proceed by uncommon and extraordinary Methods. Whence the same *Barzolommeo di Capua*<sup>1</sup>, who penn'd the Statute, observes, that this was not a Statute, that is to say a Constitution, or Edict, *Sed forma literæ Regiæ, quæ debet dirigi Officiali à Rege in pendenti, alias Officialis ipse non potest procedere secundum formam hujus Capituli: Et ita se habet consuetudo Magnæ Curie Vicariæ, & omnium Civitatum Regni*; so that as *de Bottis*<sup>2</sup> very much to the Purpose, observes, no Officer could proceed, *nisi ex Regia commissione*.

AND from this arose the Practice handed down to our present Time, that without the King's special Commission no Tribunal can proceed, *servata forma hujus Capituli*. In the Reign of the *Aragon* Family, and in the beginning of that of *Austria*, when, as we shall see, the Tribunal of the sacred Council of *S. Clara* was at its height, and in its greatest Splendor, and superior to all the rest, it proceeded without any other Royal Commission; but the Reason was, because that Tribunal in every thing represented the King's Person, and all was done in his Name; whence it came, as the same *de Bottis* testifies, that those Causes were frequently remitted to the High-Court of the Vicariate, to which Authority was given to proceed against Ecclesiasticks, *Servata forma Capitulum Regni*. Whence we find in the Archives of the said Tribunal many Processes drawn up according to the Statutes of the Kingdom. But afterwards in the time of the *Austrian* Kings the Tribunal of the Collateral Council being raised above all the rest, and having engrossed to itself all the supreme Pre-eminences, and oeconomic Power, and leaving the other Tribunals independent, with respect to Matters of Justice, that Custom was introduced, which is still observed, that from this Tribunal, as representing the King's Person, the Royal Writs are issued, by which the Sacred Court is ordered to proceed, *Servata forma Capitulum Regni*, and formerly they were likewise directed to the Chaplain-Major. But the Mystery is easily unfolded why these Writs cannot still be directed to the Deputy of the High Court of the Vicariate, or to the Presidents of the Provinces, who were anciently called Justices, and to other of the King's Officers. We have many such Writs directed by the same King *Robert* to the Deputy of the Vicariate, and its Judges, such as that which we read under the Title, *de Spoliatis pro Laico contra Clericum*, and it begins, *Omnis prædatio*; and the other which we read in *Chioccarelli*; to the Justices of *Abbruzzo*, *Ultra & Citra flumen Piscariæ*; to the Justices of *Val di Crati*, and *Terra Giordana*; to the Justices of *Terra di Lavoro*; and to those of *Contado di Molise*. *Charles* Duke of *Calabria* his Son, *Charles* III. of *Durazzo*, *Alphonfus* I. and the other succeeding Kings did the same, as we shall see hereafter. But in our times, and in those of our Grandfathers, the Boldness and Indiscretion of the Prelates being greater than ever, in order not to expose those inferior Officers to their Censures, and to avoid Quarrels with them on that account, it was thought more expedient to direct those Writs to the supreme Tribunal of the Sacred Court, which proceeds regularly therein.

BUT King *Robert's* great Moderation and Respect were not sufficient to prevent the Prelates and Canonists from declaiming against this Regulation. From the time of *Luca di Penna*<sup>3</sup>, who wrote in the Reign of Queen *Joan* I. *Hoc Statutum*,

<sup>1</sup> In notis ad dictum Cap. in princ. cap. ad Regale Fastigium.

<sup>2</sup> Bottis ad d. Capit.

<sup>3</sup> Luc. de Penna in not. ad

As he says, *multi Prælati & Canonici nitebantur infringere, dicentes Principem Secularem nihil posse contra Clericos, & eorum causas directè, vel indirectè statuere, sed ipsi circa hoc iniquè loquuntur*; so that he was forced to write in order to confute their Errors. And in latter Times, the Licentiousness of the Ecclesiastical Writers being grown to a greater height, these Remedies were still impugn'd, and looked upon by them, as an Infringement upon the Ecclesiastical Immunity. In the thirteenth Tome of *Chioccarelli's M. S. Giurisdizionali* we have an Account of the many Controversies that have been between the King's Ministers and the Ecclesiasticks about these Regulations: We likewise read several Allegations from Law made in their Defence, and to shew the Justice of them; on the other hand we have an Account how much the Ecclesiasticks laboured to have the Observation and Execution of them abolish'd and laid aside; but notwithstanding all their Efforts, for several Ages they have continued firm and stable, and have been in force and practis'd under all our Kings since the Reign of King *Robert*, and are at present in full Force and Vigour.

BESIDES the Statute *ad Regale fastigium*, we have three other of King *Robert's*, directed, according as the Cases happened, to his Officers, which we find printed amongst the Statutes of the Kingdom, and which were made by him in the latter end of his Reign. The first is under the Rubrick, *Conservatorium pro Laico contra Clericum*, which begins, *Charitatis affectus*, directed to the Justices of the *Further Abruzzo*, at the Instance of *Ruggiero* Count of *Celano* on account of some Hardships put upon him by the Abbot and Monks of the Convent of *S. Maria della Vittoria*. The second, which begins, *Finis præcepti charitas*, and is under the Title, *Conservatorium pro Clerico contra Clericum*, was directed to the Justice of *Val di Crati*, and *Terra Giordana*, and was made at the Instance of *Giovanni Tavolaccio di Castrovillarj* a Canon of *Cosenza*, on account of Injustice done him by *Guglielmo* and *Oliviero* Priests of *Rossano*, and their Associates. The third was directed by *Robert* to the Deputy of the High Court of the Vicariate, and its Judges, and is under the Title, *De Spoliatis pro Laico contra Clericum*, and begins, *Omnis prædatio*; it was made at the Instance of *Perotto Scarlese* of *Naples*, who having been violently dispossessed of some Lands, which he held of the City of *Capua* by the Vicar of the Archbishop of that City, he had recourse to King *Robert* for Reparation. Besides these which are printed with the Statutes of the Kingdom, *Chioccarelli* collected from the Royal Archives some other such Royal Preservative Writs drawn up by the Order of the same King *Robert*, of *Charles* Duke of *Calabria* his Son, and of many other Kings his Successors for the same Purpose, and directed to their Officers.

*CHARLES* Duke of *Calabria*, while he was Lieutenant of the Kingdom, in the Year 1322, directed the like Writs to the *Capitano* of *Naples*, obtain'd at the Instance of *Francesco Cannavacciolo* of *Naples*, on account of his being disturbed in the Possession of a House belonging to him, situate within the City of *Naples*, by the Abbot *Guglielmo Caracciolo*, and some other Clergymen. In the Year 1324 the same *Charles* ordered the Justices of *Calabria*, according to the Tenor of his Father's Statute, to take Cognizance of the Robbery of a Vineyard and certain Oxen from *Giovanni* a Canon of the Great Church of *S. Mark*, by *Guglielmo Malopere*, Vicar of the Archbishop of *Cosenza*. In the Year 1328, King *Robert* wrote to the Justices of *Terra di Lavoro*, *Contado di Molise*, and the *Hither* and *Further Abruzzo*, that *Francesco* Abbot of the Monastery of *S. Maria* of *Cinquemiglia* having represented to him, that the Bishop of *Valve* pretending that the said Abbey belonged to his Church, had designed to rob him of it, and ordered them to maintain him in the peaceable Possession of the said Monastery, *Donec justa causa possessionis duraverit*. The same *Robert* in the Year 1337 sent the like Writs to the Deputy and Judges of the Vicariate, ordering them to proceed *juxta tenorem novi nostri Capituli* upon the Complaint made to him by *Tommaso Monfella di Salerno* Master of Accounts of the High Court, that he being possessed of the Castle of *S. George* situate in *Calabria*, the Bishop of *Melito*, together with some Laicks disturbed him in it, and violently possessed the Territories thereof.

KING *Charles* III. of the Family of *Anjou*, in the Year 1383 wrote to the Lord Chief Justice of the Kingdom, or his Lieutenant, and to the Judges of the High Court to redress the Grievances and Violence done by the Archbishop of *Naples*, or his Vicar, by the means of a Priest his Secretary in their Name, to *Simone Guazza* of *Gigliano*, in seizing by his own Authority some moveable Goods, while an Ap-

peal was lodged against a Sentence given in favour of the said Secretary, for a Debt which he pretended to pursue in the Name of the said Archbishop.

KING *Alphonfus I.* of *Aragon* in the Year 1440 directed the like Writs to the Bishop of *Valenza* President of his Council and Vice-Prothonotary of the Kingdom, and to his Counsellors, that according to the Tenor of these Regulations they would redress the Outrage done to *Febo Sanseverino* Bishop of *Cassano* by *Guglielmo Spinello*; who, notwithstanding that *Sanseverino* was advanced to that Bishoprick by Pope *Boniface IX.* and confirmed by Pope *Martin V.* and for many Years had peaceably possessed it, asserting that he was Bishop, by Force and Fraud had robbed him of, and intruded into the said Bishoprick. The same King in the Year 1478 wrote to his Viceroy, and his other Officers in *Calabria*, that *Guglielmo di Cambini* Priest of *Mangano*, an Appurtenance of the City of *Cosenza*, had represented to him, that he with other Priests for above twenty Years having possessed some Benefices, had been robbed of them by certain other Priests; therefore he ordered them, that if they found the said Robbery to be evident, they were to redress it, and maintain him in Possession both of the Benefices and Fruits.

KING *Ferdinand I.* in the Year 1481 wrote to the Bishop of *Martorano* not in the least to molest *Palamede di Leandro* Bishop of *Catanzaro*, nor to hinder him from gathering in the Fruits and Revenues of his Bishoprick; but if he had any Revenues or Rights within the Diocess of his Bishoprick, he should allow him to receive them according to Justice; and in the Year 1485 he wrote to the Castellan of *Catanzaro*, to protect him in the peaceable Possession of his Bishoprick, and in the Enjoyment of all its Revenues and Fruits. This King the said Year wrote to *Carlo Carafa* Lord of the Village of *Monte Sarchio*, telling him, That *Fra. Jacopo* of the Order of *S. John of Jerusalem*, Commendatory of the *Commendam* of the said Village, had represented to him, that being possessed of the said *Commendam* given him by his Order, he had been turned out of it by *Fra. Ipolito d'Amelia*, by vertue of certain Letters surreptitiously obtained from the Court of *Rome*; therefore he ordered him, that if the said Robbery was clear, he should restore him to the Possession of his *Commendam*.

THE Great Captain *D. Gonsalvo de Cordua* in 1503 wrote to one of the King's Officers, that the Abbot *Guglielmo Germano di Maratea*, by vertue of Apostolick Bulls being in Possession of the Abbey of *S. John* in the Diocess of *Cassano*, he had been robbed of it by *Giovanni Caseo*; therefore he ordered him, according to the Tenor of the Statutes of the Kingdom, to restore the said Abbot to the Possession of the Abbey, and to maintain him in it, *donec justa causa possessionis duraverit*. The same Great Captain in the Year 1506 ordered the Governor of *Calabria*, That if it was true, that the Abbot of *S. John* of *Floria* in *Calabria* had been actually robbed of some Churches and Barns annexed to his Abbey by the Priest *Martino di Torponibus*, to restore him to his former Possession, and to preserve him in it, *Donec, &c.*

THE Viceroy *D. John* of *Aragon* Count of *Ribagorsa* in 1507 wrote to the Governor of *Calabria*, and to the other Officers of that Province, that *Fra. Lodovico Nicotera* Vicar General of the said Province of the Order of *Observantins* of *S. Francis* had represented to him, that many Prelates of that Province grievously oppressed the Friars *Observantins* of his Order; therefore he ordered the said Officers, that upon Application made by the said Vicar, they should proceed with the usual Remedies, and effectually prevent the said Prelates from using Violence against the said *Observantins*; but if they had any Claim they were to lay it before the Judges competent. This Count at the same time wrote to the *Capitano* of *Cariati*, telling him, That his Council having lately issued out an Edict agreeable to the Statutes of the Kingdom in favour of *Tommaso Affagio Palæologo*, who had complained that he had been disturbed in the Possession of the Village of *Belvidere*, and the Territories of *Malapezza* by the Bishop of *Cariati*; that when he was going to affix the said Edict upon the Doors of the Great Church of *Cariati*, and having the Beadle ready with the Edict in his Hand, in Presence of the Judge, Notary and Witnesses; the Bishop's Vicar, with the greatest part of the Clergy rushing out of the Church, snatched the Edict out of the Beadle's Hand, tore it, and at the same time abused both him and the Notary, to the great Reproach of his Council; therefore he commanded the said *Capitano* to order the said Vicar, and those Priests that were present to come to *Naples* within fifteen Days and present themselves before the Viceroy, and not to depart without his express Licence.

IN the Year 1574 *Decio Caracciolo* Abbot of the Royal Chapel and Abbey of *S. Peter* in *Salerno* having petitioned the Viceroy to be protected and maintained in the Possession of exercising some spiritual and temporal Jurisdictions which he had in that Abbey, in which he was disturbed by the Archbishop of *Salerno*, who pretended to rob him of them; the Matter was referred to the King's Chaplain-Major to be decided by him according to the Tenor of these Regulations, and the usual Summons being sent to the Archbishop, he appear'd, and the Matter being examin'd, the Abbot was maintain'd in the Possession of the Jurisdictions of his Church.

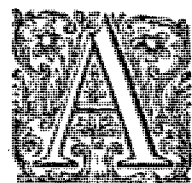
IN the Year 1593 *Giovanni, Alfonso, Ferrante*, and others of the Family of *Buonuomo* in the City of *Pozzuolo*, having represented to the Viceroy, that they having a Chapel, with a Tomb in the Great Church, the Bishop of *Pozzuolo* in the Night time had caused the said Tomb to be thrown down, and removed; they demanded, that as the Tomb had been removed, it ought to be again rebuilt in the same Place, and they restored to their former Possession. The Viceroy referred the Matter to the Chaplain-Major, who, according to the Tenor of these Regulations, issued out the usual Edict; and though the Bishop upon this Summons had had recourse to *Rome*, and had got the College of Cardinals to dispatch a Letter to the Nuncio at *Naples*, so order the Chaplain-Major under the Pain of Excommunication to revoke the Edict, and not to suffer the like Practice, as prejudicial to the Ecclesiastical Jurisdiction; nevertheless the Chaplain-Major and the Collateral Council having seriously deliberated upon the Matter, they advised the Viceroy to have no regard to the Pretensions of *Rome*, these Regulations having been observed in the Kingdom time out of Mind, and founded upon Justice, in order to prevent Robbery and Violence.

FOR the course of almost another Age down to our Time, the Custom has been constantly kept up, and the Archives of the sacred Council are full of Processès founded upon the Observance of these Regulations; insomuch, that at present they are never disputed, nor do they admit of the least Doubt or Difficulty.



## C H A P. V.

### *Of the four Arbitrary Letters.*



AMONGST the Statutes of King *Robert*, the four Arbitrary Letters are no less famous than the Royal Preservatives: This wise Prince was likewise Author of them, who sometimes using Severity, sometimes Clemency, according as the Quiet and Tranquillity of the Kingdom required, directed them to the Justices of the Provinces. We likewise find another directed to *Giovanni di Haya* Chief Justice of the Court of the Vicariate, which in some Copies goes under the Title, *Litera arbitralis*; in others under this, *De Præminentia M. C. Vicariæ*, and begins, *Si cum Sceleratis*. This last contains the great Prerogatives, which were granted to the Lord Chief Justice and his Tribunal only, and not to the Justices of the Provinces; such as to proceed against Highwaymen, Homicides, Thieves, notorious Robbers, and others, on account of their heinous Crimes, without Accusation, or Warrant; and by a Process for Information only to proceed to torture the Criminals (a Prerogative which solely belongs to the Tribunal of the Vicariate) and as the four Arbitrary Letters were directed to the Justices of the Provinces, but not this, it was not reckoned among them, but went under the Title, *De Præminentia*  
M. C.

*M. C. Vicarie.* *Girolamo Cala*<sup>1</sup> in the Treatise he wrote upon this Subject believe that such a Prerogative was not given to that Tribunal by King *Robert*, but that it had been given to it before by King *Charles II.* his Father by the Statute *in Accusatis*; and that by the Statute, *si cum Sceleratis*, King *Robert* rather took it away, than granted it, seeing this Letter was directed to *Giovanni di Haya*, to whom alone such Authority was granted on account of his Justice, and other shining Virtues, and of the Hatred he bore against wicked Men; yet he says, that this Prerogative was restored to that Tribunal by King *Robert's* Statute, *juris censura*, and by that other *provisio juris Sanctio*. But there is no occasion to differ from the Opinions of our other Writer, that such Authority and Power was given by *Robert* to *Giovanni di Haya*, not on account of his eminent Virtues, but as Chief Justice of the Court of the Vicariate, by whom it was communicated to his Tribunal. This Author was much more mistaken, when he wrote, that *Robert* restored this Prerogative by the Statutes *juris censura*, and *provisio juris sanctio*, as if these Letters had been directed to the Chief Justice of that Tribunal. The Statute *juris censura*, as we shall see hereafter, was directed to the *Capitano* of *Naples*, an Officer, as we have said, at that time quite different and distinct from the Chief Justice of the Vicariate; and the other in general directed to all the Justices of the Provinces, and not to the Chief Justice of the Vicariate alone.

THEY were call'd *Arbitrary Letters*, not only because King *Robert* granted them revocable at his Pleasure; but because it was left in the Power of the Officers to proceed in criminal Cases at all times, either with, or without Torture, either upon Accusation, or for Inquisition, either mercifully to moderate the Punishment established by the Laws, or vigorously to put it in execution. Therefore the first of these Letters bears this Title: *De Arbitrio concesso Officialibus*. The second, *De commutatione poenarum*. The third, *Quod Latrones, Disturbatores Stratarum, & Piratae omni tempore torqueri possunt*; and the fourth, *De non procedendo ex officio, nisi in certis casibus, & ad tempus*. That which was directed to *Giovanni di Haya* was likewise call'd an *Arbitrary Letter*, because in the End it contains these Words: *In his enim tibi plenam potestatem meri & mixti imperii, ac arbitrium competens duximus concedendum*. It is probable that it was penn'd by *Bartolommeo di Capua*, since it is dated in 1313, the fifth Year of King *Robert's* Reign.

*Fabeo Montelione da Girace* in that ridiculous Comment, which in the Year 1555 he made upon these four *Arbitrary Letters*, dedicated by him to *Carlo Spinelli I.* Duke of *Seminara*, is of Opinion, that the first *Arbitrary Letter* was that, which among the Statutes of the Kingdom we read under the Title, *De non procedendo ex officio, &c.* which begins, *Ne tuorum*; but if the Order of Time be to be considered, we shall find it the last. This was penned by *Giovanni Grillo* Vice-Prothonotary of the Kingdom, after the Death of *Bartolommeo di Capua*, in the Year 1329, the twenty first of King *Robert's* Reign, as the Date bears, which ought to be corrected, and instead of *Regnorum nostrorum anno 20.* it ought to be *anno 21.* In this Power and Authority is given to the Presidents and *Capitani* to proceed in some Crimes *ex Officio*, without Complaint or Accusation, that is to say in all such, as by the Laws deserve Death, or the Loss of a Member; in those whereby Injuries are done to Ecclesiastical Persons, Pupils and Widows; and lastly, in clandestine Murders, when no Accuser appears.

THAT which we read under the Title, *De Arbitrio concesso Officialibus* is certainly more ancient, which begins, *Juris censura*. This was penn'd by *Bartolommeo di Capua* in the Year 1313, the fifth of King *Robert's* Reign, as is clear from the Date given us by *Jacopo Anello de Bottis* in his Additions to this Statute. To whom it was directed is left doubtful by the vulgar Edition, in which we read, *Magistris Rationalibus, &c.* and by *de Bottis*, who says, that in other Editions it is directed *Justiciario Basilicate*. But from the Body of the Letter we may easily perceive, that it was directed to the *Capitano* of *Naples*; since on account of the frequent Crimes which were committed in the Cities of *Naples* and *Pozzuolo* and their Districts, by notorious Robbers, Highway-Men, Incendiaries, Ravishers of Women, and other wicked Persons, he had full Power and Authority to proceed against these with all Severity and Rigour; laying aside all Method, and the Rules prescribed by the Statutes of the Kingdom, but regarding only the pure and naked Truth, with the Advice of his Judge to extirpate these Reprobates and Villains out

<sup>1</sup> Cala de Præemin, M. C. V. cap. 2.



of these Places, that therein Tranquillity might be restored, *Nocendi facultas abeat, & pacis optata amoenitas suavibus reviviscat.* At this time the *Capitano* of Naples had likewise the Government of *Pozzuolo* and its District, as *Camillo Tutini*, in his *Teatro de Gran Giustizieri del Regno* has plainly demonstrated, and as we have related elsewhere.

THE third Arbitrary Letter which we read under the Title, *Quod Latrones, Disrobatores, &c.* and which begins, *Provisajuris Sanctio*, without all doubt is likewise *Robert's*, and penned by *Bartolommeo de Capua*, seeing we have some Notes upon it written by that Lawyer. By this, Power is given to the Justices of the Kingdom, at all times, even upon the Feast of *Easter*, without observing any Rule, and without Accusers, to proceed to torture notorious Highwaymen, Housebreakers and Pirates, and others guilty of enormous Crimes.

WE read the fourth under the Title, *De componendo, & commutatione poenarum*, and it begins, *Exercere volentes benignè.* *Robert* in this moderates the great Rigour hitherto practised, by empowering his Officers to compound, and commute into pecuniary Mulcts the Penalties established by the Laws against the carrying of Arms for clandestine Murder; to change the Punishment, which the Officers themselves may have imposed, or for the future shall impose by their Proclamations either upon Corporations or particular Persons; the Penalties in prohibitory Cases, *de parendo juri*, and in other arbitrary Cases, and in Fines. In all these Cases, after having had due regard to Poverty and Inability, or to any other reasonable Cause, he allows, *in certa quantitate pecunie componere pro Curia nostrae parte.*

KING *Robert*, on account of this arbitrary Letter, was by his Detracters accused of Avarice, which had eclipsed his other Virtues; and *Scipione Ammirato* says the same; and that he was looked upon to be the Cause of the many Discords and Divisions, which arose amongst the Citizens in many Cities of the Kingdom, because of the Compositions which he drew from his Subjects in Money, preferably to Blood; and that he was wont to alledge for his Excuse, that it was necessary for him to do so in order to have wherewithall to maintain the great Fleets, which almost every Year he was obliged to fit out for the Recovery of the Kingdom of *Sicily*. But whoever will consider, that *Robert* restricted these Compositions to certain slight Crimes with so much Reserve and Moderation, and with all regard to the Conditions of the Persons, and to many other Circumstances, will certainly not condemn him as a sordid and covetous Man.

THESE are the arbitrary Letters so famous with us, upon which in the Reign of Queen *Joan I.* the Vice-Protonotary *Sergio Donnoroso* wrote a Comment, which he mentions in his Notes on the Statutes of the Kingdom<sup>1</sup>, as does also *Pier Vincenti* in his *Teatro de Protonotari del Regno*<sup>2</sup>; which Letters, together with the *merum & mixtum imperium* were afterwards granted to the Barons in the Investitures of their Fiefs; but they did not get them from *Robert*, for in his time they were directed to the Justices, not to the Barons, who then had no Jurisdiction in criminal Matters, nor *merum & mixtum imperium*, as the Justices of the Provinces had. Till the Reign of *Alphonsus I.* of *Aragon*, or, as some have believed, of *Joan II.* the Barons had only Jurisdiction in civil Matters. Before *Alphonsus's* time the Feudatories who possessed Lands with Vassals could exercise no other Jurisdiction, but the very lowest, which reached only to the settling of Differences and Quarrels amongst their Tenants; for which end they appointed some annual Officers called Chamberlains, who had no other Jurisdiction, but the taking Cognizance of, and deciding some trifling Causes.

THE Justices of the Provinces, and the Tribunal of the High Court were those Magistrates, who exercis'd eminent and full Jurisdiction over all Castles and Places of the Kingdom<sup>3</sup>. In the same manner as was practis'd in the time of the *Romans*, who in their Cities and Towns had inferior Magistrates, whom they elected out of their own Corporations call'd *Defensores*, who exercis'd a low Jurisdiction, which consisted in taking Cognizance of frivolous civil Causes.

IN place of those *Defensores*, as *Andrea d'Isernia* very well observes<sup>4</sup>, in our Kingdom the Bailiffs succeeded, who took Cognizance of civil Causes, of Petty

<sup>1</sup> Tit. de tormentis, fol. 27.

<sup>2</sup> P. Vinc. anno 1352. pag. 90.

<sup>3</sup> Constitut. Ea quæ ad speciale decus. Franc. de Amic. de his qui feud. dar. poss. in c. sumus modo,

fol. 43. num. 2. Rosa in prælod. feud. lect. 111. num. 10.

<sup>4</sup> Andr. in Constit. locor. Bajuli.

Larceny, Weights and Measures, and other Causes of small Moment<sup>1</sup>. But Matters of Consequence, and especially those relating to *merum imperium*, and the Jurisdiction in criminal Cases, according to the Roman Laws, belonged to the Presidents of the Provinces, in whose Place afterwards in our Kingdom the Justices of Provinces were appointed<sup>2</sup>. And therefore it is no Wonder, that the Concessions of Lands with Vassals implied only that low Jurisdiction, as inherent to, and inseparable from them, and not the *merum imperium*, and Jurisdiction in criminal Cases, which could not be said to be inherent to them, and which formerly were not exercised by their own Magistrates, but by the Presidents; and afterwards not by the Bailiffs of the Places, but by the Justices of the Provinces.

*Marino Freccia*<sup>3</sup> therefore testifies, that having read the special Grant of *Charles I.* when he gave the City of *Salerno* to his only Son, with the Title of Principality, with other Lands and Cities, such as *Ravello*, *Amalfi*, *Sorrento*, *Nocera* and *Sarno*, he gave him civil Jurisdiction only in these Places: And it was taken notice of as a rare thing, that in the City of *Salerno* he likewise gave him criminal Jurisdiction; however it was confin'd to the Circuit of the Walls, and reached no farther; but that was *propter titulum sue dignitatis*, as that Writer says, seeing at that time the Barons had no criminal Jurisdiction. The Opinions of our Authors about what King it was that first granted it are different. *Matteo d'Afflito*<sup>4</sup>, *Grammatico*<sup>5</sup>, *Caravita*<sup>6</sup>, the President *de Franchis*<sup>7</sup>; and others maintain, that King *Alphonfus I.* was the first, and this last Writer says, that it was not practis'd but by the *Aragon* Kings. Others, such as *Francesco d'Amico*<sup>8</sup>, Deputy *Capecelatro*<sup>9</sup>, and *Capobianco*<sup>10</sup>, carry it a little further back, *viz.* to the Reign of Queen *Joan II.* but if we may give Credit to that most grave Historian *Angelo di Costanzo*<sup>11</sup>, we must allow our King *Robert* to have been the first. This Author speaking of the Generosity of that Prince, says, That by the innumerable Privileges granted to Barons and private Gentlemen, both of the City of *Naples* and of other Cities of the Kingdom, it may be seen how generous he had been to them, *In giving them Titles, Castles and Towns, with criminal Jurisdiction, which before that time had very rarely been given to Counts*; and this Historian himself likewise says, That King *Ladislaus* granted criminal Jurisdiction over *Tevrola* to *Antonello di Costanzo*, where he and his Predecessors for eighty Years had had no other but civil Jurisdiction<sup>12</sup>.

HOWEVER that may be, whether *Robert*, or any of his Successors did practise such unusual Generosity to some of their Favourites, it is certain, that *Alphonfus I.* and the other *Aragon* Kings his Successors did so; and criminal Jurisdiction was more frequently given in Concessions made to Barons; and in the Investitures they also had granted them the Power and Authority contain'd in these four Arbitrary Letters, and at present it is the Stile, and in a manner the set Form of all Investitures given, to insert also a Clause containing that Power.

WHENCE it came, that as formerly these Letters were revocable at the Prince's Pleasure, and under certain Restrictions, so as to what concerns the Persons of Barons, by the Concessions contained in their Investitures, they are irrevocable; and their Authority and Power are thereby greater, than what the King's Officers have, to whom (such as the Deputy of the High Court of the Vicariate, and his Judges, the Governors of Provinces, *Capitani* of Cities, and other Officers of the Kingdom) the Emperor *Charles V.* by his Pragmaticks<sup>13</sup> prescribed a Rule in compounding of Crimes, and in commuting corporal Punishment into pecuniary Mulcts, and prohibited the doing of it without his, or the Viceroy's Consent, and without the Pardon of the Party offended, or in Crimes that ought to be punished with Death, or the Loss of a Member. And seeing that these Letters had been granted to the Barons, that their Power might be confined to due Bounds and Justice, the

<sup>1</sup> Constitut. locor. Bajuli, & ad officium Bajuli.

<sup>2</sup> Constit. Justitiarum nomen, & normam. Constit. Justitiarum per Provincias. Constitut. Præsides, & Constit. Capitaneorum.

<sup>3</sup> Freccia de Subfeud. lib. 2. auth. 2. num. 21.

<sup>4</sup> Affl. in Constitut. contingit 3. notab. & in Constit. eaque ad speciale decus 4. notab.

<sup>5</sup> Grammat. voto 28.

<sup>6</sup> Caravita ritu 49.

<sup>7</sup> Franchis decif. 519. num. 4. & decif. 370.

num. 8.

<sup>8</sup> Franc. de Amic. ad tit. de his, qui feud. dar. pos. fol. 43. num. 2.

<sup>9</sup> Capecelatr. conf. 41. num. 10.

<sup>10</sup> Capibl. de Baron. prag. 8. par. 1. num. 63 & 84.

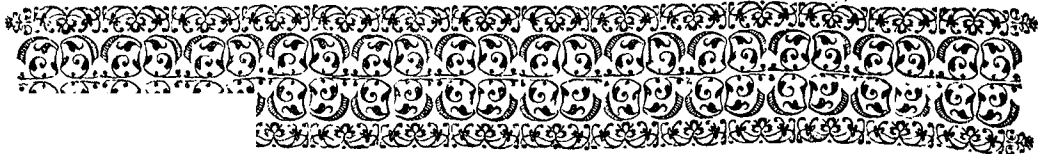
<sup>11</sup> Costan. lib. 6.

<sup>12</sup> Idem Hist. lib. 12. in fin.

<sup>13</sup> Pragm. In sperata delictorum venia. Pragm. Et quis, &c.

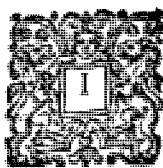
The Emperor *Charles V.* afterwards by another special Pragmatick \* established for the Barons and their Officers, order'd them not to make an ill use of their Authority, which they had of commuting Punishments, but to make use of it with all Discretion, and in a reasonable manner, threatning in case of Abuse to deprive them of their Privileges.

\* Pragm. mandamus etiam.



## CHAP. VI.

### *the Usages of the Royal Chamber.*



IN the Reign of King *Robert* were likewise collected the Usages of the Royal Chamber. This Tribunal not only in the time of the Emperor *Frederick II.* was govern'd by the Masters of Accounts, but likewise in the Reign of these Kings of the Family of *Anjou.* These Officers had great Authority, and therefore we see Persons of the greatest Distinction employed in these Offices; and by Queen *Joan I.* their Prerogatives and Privileges were much enlarged. Their chief Business was to inspect the Royal Rights and Revenues, to oblige the under Officers, such as the Collectors of the Revenues, Treasurers and others, to give an account of their Administration, to take in the Accounts of their Collections, and to receive the Money in order to send it to the Royal Chamber. These Revenues for the most part rose from Tributes, Taxes, Customs, Royalties, and other Duties belonging to the Exchequer, as well old, as new. During the Reign of the *Normans* these Collections were confin'd to a small Number, and were very moderate, particularly in the time of King *William the Good*; but after the Emperor *Frederick I.* restored the *Regalia*, which were almost worn out of Use in *Italy*, and that other Princes, after his Example, had a mind to restore them in their Dominions, their Number encreas'd, and they became more heavy: So when this Kingdom went from the *Normans* to the *Suevi*, *Frederick II.* impos'd new Collections; an Example, which was afterwards followed by the Kings his Successors, as very conducive to the enriching their Exchequer, whereby they could maintain greater Armies, and more numerous Fleets. Although the Kings of the Family of *Anjou* in their Statutes often promis'd to moderate them, and reduce them to what they were in the time of King *William the Good*; yet, by Reason of the long and obstinate Wars which they had upon their Hands, and particularly that of *Sicily*, they performed nothing; on the contrary, they from time to time increas'd them. By which means Duties paid into the Exchequer were distinguished by the old and new.

AS for the old, viz. those which were before *Frederick II.*'s time, in the Reigns of *William* and his *Norman* Successors, we find that *Andrea d'Isernia* made two Catalogues of them †; one of which we read in the Notes, which he made upon the Constitutions of the Kingdom under the Title, *de decimis*; and the other amongst the Usages of the Royal Chamber, also under the same Title\*. They differ only in a few things, and in the Order; the Number which he insert'd amongst the Constitutions is as follows.

† Andr. in Constit. quanto cæteris, de decimis.

\* Rit. 1. de decimis, &c.

*Jura Vetera sunt hæc, videlicet.*

<i>Dohana.</i>	<i>Portus, &amp; Piscaria.</i>
<i>Angoragium.</i>	<i>Jus Affidaturæ.</i>
<i>Scalaticum.</i>	<i>Herbagium. Pascua.</i>
<i>Glandium, &amp; Similium.</i>	<i>Beccaria.</i>
<i>Jus Tumuli.</i>	<i>Passagium Vetus.</i>

*Jus Casei, & olei non est ubique per Regnum.*

The Number, which he put amongst the Usages of the Royal Chamber, is as follows.

*Jura Vetera sunt hæc*

<i>Jus Dohanæ.</i>	<i>Jus Portus, &amp; Piscariæ Vetus.</i>
<i>Jus Anchoragii.</i>	<i>Jus Bucceriæ Vetus.</i>
<i>Jus Scolatici, or</i>	<i>Jus Affidaturæ herbagii, pascuorum,</i>
<i>Jus Colli.</i>	<i>glandium, &amp; similium.</i>
<i>Jus Tumuli.</i>	

*Jus Casei, & olei, non est ubique per Regnum.*  
*Jus Passagii vetus.*

OF the new in the foresaid Places we have two Catalogues by the same Author. These were introduced by *Frederick II.* by the *Guelf* Writers, who wrote during the Reign of the Kings of the Family of *Anjou*, reputed a Tyrant, and who oppress'd his Subjects with innumerable Taxes; of all the rest *Andrea d'Isfernia* has used him the worst, and represented him as a cruel Prince, for which he sends him to the tormenting Fire of Hell. In his Notes upon the Constitutions<sup>1</sup> he says, That the Church would not take the Tithes of these Taxes, because they were unjust, and impos'd by *Frederick* in Opposition to God and Justice: *De illis non vult Ecclesia Decimas, tanquam de malis oblatiis, quæ imposta fuerunt per illum contra Deum, & justitiam; per quod videtur ille Federicus quiescere in pice, & non in pace.* And in the first Usage, under the Title, *de jure Tinctoriæ, & Celandræ*, speaking of these Taxes as new and odious, and that they ought rather to be suppress'd, than explain'd, he writes; *Imposita fuerunt hæc ab eo, qui depositus fuit, a Regno, & Imperio; pœna sua propterea in inferno crescit semper, sicut pœna Arii, ut Augustinus dicit.* But these were idle Complaints, and Words at random. He blam'd and hated *Frederick* for having introduced them; they were exclaimed against as impious and unjust; but for all that the Kings of the Family of *Anjou*, this same *Robert*, and *Charles* his Father, under whom he wrote, did not lay them aside; on the contrary *Robert*, for having too rigidly exacted and increased them, was accus'd of Avarice.

THE same *Andrea*<sup>2</sup>, inveighing against them, says, That the Church would not so much as take the Tithes of them; and tells us, that *Filippo Minutolo* Archbishop of *Naples*, displeas'd with the Agreement made with *Charles II.* that Tithes should be paid for the two third Parts, leaving one, which was thought to be new and unlawful Taxes; thinking that he had been impos'd upon, entered an Action at Law; but after a long Dispute, it appeared, that by not taking the Tithes of the new Taxes, which amounted to a much greater Sum than those of the old, he was at a great Loss, and that therefore he must have Reparation; and troubling himself no more about the unlawful Exaction, he resolv'd not to insist upon it for the future; but begged of the King, that as a Favour he would be pleas'd to let him have the Tithes of the other third Part, and to allow him to gather in the two Thirds

<sup>1</sup> Andr. Constit. quanto de cæteris, de decimis.

<sup>2</sup> Rit. 2. R. Cam. de decimis.

is formerly; and in order to remove all Scruple, the King consented, that for the Time to come he should have the two Parts entire; but the other third, of which he made him a Present, should be laid out upon the Edifice of the Cathedral Church of *Naples*, which being completed, the Payment should be continued with the Burden of praying for the Souls of his Father and Mother, and of erecting some Altars in that Church; and *Isernia* says, that it was done and paid in his time<sup>1</sup>.

THESE new Duties, according to the Number, which *Isernia* has inserted in the Constitutions of the Kingdom are

*Nova sunt hæc, videlicet.*

*Jus Fundici Ferri.*  
*Azarii. Picis.*  
*Salis.*  
*Jus Stateræ, seu Celandræ.*  
*Ponderaturæ.*  
*Jus mensuraturæ.*  
*Riæ de novo.*  
*Jus Setæ. Jus Cambii.*

*Saponis. Molendini.*  
*Bechariæ novæ.*  
*Imbarcaturæ. Jus Sepi.*  
*Jus Portus, & Piscariæ novum.*  
*Jus Exituræ.*  
*Jus Decini. Tentoriæ.*  
*Jus Marhium.*  
*Jus Balistarum. Jus Gallæ.*

*Jus Lignaminum non est ubique.*  
*Jus Gabellæ auripellis non est ubique per Regnum.*  
*Jus Resinæ, seu Resicæ majoris, & minoris non est ubique, sed Neapoli.*

The other Catalogue of them, which he inserted among the Usages follows.

*Jura Nova sunt hæc.*

*Jus Fundici.*  
*Jus Ferri.*  
*Jus Azzarii.*  
*Jus Picis.*  
*Jus Salis.*  
*Jus Stateræ, seu Ponderaturæ.*  
*Jus Mensuraturæ.*  
*Jus Exituræ.*  
*Jus Setæ.*  
*Jus Tinctoriæ, & Celandræ.*  
*Jus Cambii.*  
*Jus Bucceriæ novum.*

*Jus Imbarcaturæ.*  
*Jus Sepi.*  
*Jus Portus, & Piscariæ novum.*  
*Jus Decini.*  
*Jus Balistarum.*  
*Jus Resicæ majoris, & minoris.*  
*Jus Marium, Saponis, Molendini,*  
*& Gallæ, non sunt ubique, sed in*  
*Apulea.*  
*Jus Lignaminum, non est ubique.*  
*Jus Gabellæ auripellis.*

OF all these Duties paid into the Exchequer; of their Collections; of the Persons, who were oblig'd to pay them; of the Method of taking in the Accounts of them from the Collectors of the Customs, Toll-gatherers, and other inferior Officers; of their Mal-administration; of the publick Sales, advertis'd by Placards; of the pretended Discounts; and of all Controversies and Disputes that arose concerning the same between the Parties and the Exchequer; this Tribunal of the Chamber of Accounts was the Judge-competent. Besides the Deputy of the Great Chamberlain its Head, it was governed by the Masters of Accounts; so call'd, *a rationibus quibus præsumt*<sup>2</sup>. This Tribunal therefore was call'd *Auditorium rationum*; afterwards it was call'd, *Audientia Summaria*; and lastly, *Camera Summaria*<sup>3</sup>. Of course there often happen'd many Doubts concerning all these Matters, and the Masters of Accounts decided them; and from their Decisions, which were always uniform and stable, proceeded fundry Usages and Methods of judging, and in process of

<sup>1</sup> V. Chioccar. de Archiep. Neap. ann. 1288. pag. 168.

<sup>2</sup> Auctor. Anonym. in notis Rit. R. C. rub. 36.

<sup>3</sup> L. fin. C. si propter penitentiones.

time various Rules to be made use of in the like Cases. Before *Andrea d'Isernia* these Usages and Rules could not be found, but in the Books of the Tribunal, where they were set down; and as it was a difficult Matter for every one to have a Copy of them, or an Opportunity leisurely to consider them, they were not universally known, and made publick. It is true, some Regulations concerning them were inserted in our Constitutions, as in that under the Title, *De officio Magistrorum Fundicariorum*, and in some others; but the same *Andrea* in the Notes upon that Constitution says, That *Frederick's* other Statutes relating to them were in the Custom-House, and were not inserted in that Volume of the Constitutions: *Sicut dicunt alia Statuta Imperialia, quæ sunt in Dobanis, nec sunt redacta in hoc volumine*. It was this grave Lawyer then, that extracted them from the Registers of the Custom-house, and from the Acts of that Tribunal collected and reduc'd them into that Form, in which they now are. It was not to be expected, that any other could have perform'd this Work with so much Care and Exactness, as he did. He had been made Master of Accounts by King *Charles II.* and continued such during all King *Robert's* Reign, which was thirty four Years more, till he was by Queen *Joan I.* made Lieutenant of this Tribunal; so that none was more capable to give us the Usages of it, or to collect them with so much Exactness and Learning, as he was.

THAT he was the Compiler of them is not to be doubted; by comparing the two Catalogues of the Exchequer Duties it may be seen that he was the Author of both. And it is also manifest by comparing what the same *Andrea* wrote in the Commentaries upon Fiefs, under the Title, *Quæ sint Regalia, in §. Vectigalia, in add. num. 14.* and in the Notes upon the abovemention'd Constitution, *De officio Magistrorum Fundicariorum*; and by what we read in these Usages under the Title, *de jure fundici*<sup>1</sup>, where the same Words are repeated *ad literam*. The same *Andrea* in the last Usage *de jure Dobanæ* in the End quotes himself, and refers to what he had written *in cap. unico, §. Sacramentum, de consuet. rect. feud.* His cotemporary Authors, or those who flourished not long after him, also witness it. *Luca di Penna* was his Cotemporary, because he was coetaneous with *Bartolo*, and he attests, that *Andrea* was the Compiler of these Usages<sup>2</sup>. *Goffredo di Gaeta*, who in the Year 1460, as he says in the second Usage, *De decimis*, compos'd Commentaries, or Readings upon these Usages, in many Places takes it for an undoubted Truth, that *Andrea* was the Author of them<sup>3</sup>. *Liparulo*<sup>4</sup> in *Andrea's* Life, and the anonymous Author<sup>5</sup> of the Notes upon the said Usages say the same. And lastly, we read it in Text Letters in the Volume of these Usages, which is preserved in the Archives of the Royal Chamber, and has in the Frontispiece this Title: *Ritus Domini Andreae de Isernia super universis juribus Dobanarum, & aliarum Regni Siciliae Gabellam*.

THESE Usages were call'd by *Andrea*, *jura Imperialia*; not that the Emperor *Frederick* had caus'd them to be compiled in the manner we now find them, but because some Duties, which we read among them, were newly introduced by him, and therefore call'd, *jura Nova*, or *Imperialia*, to distinguish them from the ancient, call'd *jura Vetera*, which had been before his Time in the Reign of the Normans. Although *Andrea d'Isernia* was at the Pains to collect this Work for his own private Study, and not by publick Authority, as the Usages of the High Court of the Vicariate were afterwards order'd to be collected by Queen *Joan II.* who by her Constitution gave them Force and Authority; yet these have always been, and still continue to be observed, and put in execution, and with us have the same Force, as our written Laws, as proceeding from an uninterrupted Custom, and the ancient Usage of this Tribunal<sup>6</sup>. It is true, that in the course of little less than four Centuries, since they were collected many things have been altered, and others new introduced, so that besides the Usages, we have many Decrees of this Tribunal collected by Deputy *de Marinis*; nevertheless, such of them as have not been altered by a new Law, or by a contrary Practice disus'd, have all Force and Authority.

*ANDREA* in this Work comprehended all the Duties both ancient and new; and the better to distinguish them, divided them into many Rubricks, and under

<sup>1</sup> Rit. 18.

<sup>2</sup> Luca de Penna in l. si tempora, C. de fid. instrum. & host. fisc. lib. 10.

<sup>3</sup> Goffred. de Gaeta de jure Dobanæ, num. 179 & 181. & in rubr. de non positis, aut subtract. in quater. &c. num. 2.

<sup>4</sup> Lipar. in vita Andr. vers. Invenimus etiam Andream compilasse, &c.

<sup>5</sup> Auth. in annot. ad rubr. 1.

<sup>6</sup> Rovit. decif. 28. num. 4. Galeot. resp. Fiscal. 15. num. 15. Philippis diff. Fiscal. 1. num. 147.

Each of which he placed more or less Usages, according as the Copiousness or Brevity of the Subject required. He also, by way of Appendix, treated of many things relating to the Officers, who have the Administration and Collection of these Duties, in separate Rubricks, as may be seen in the Rubricks 1, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37 and 38. It must be observ'd, that amongst these Usages we find some Decrees made by the Masters of Accounts since *Andrea's* Collection, and afterwards put in the Places adapted to the Subject; such as the Decree which we read under the eleventh Rubrick *de Traeta*, made in *September* in the Year 1382, and the like. Besides the Rubrick 38. which is the last, *de Jure Falangæ, seu Falangagii*, was added after *Isernia's* Collection, because that new Duty or Tax, which is a Branch of the Revenues of the Custom-house, was imposed in the Year 1385 by King *Charles III.* that Prince laid that Tax upon all the Coast of the *Tyrrebanian Sea* from *Gaeta* to *Reggio* †. *Alphonfus I.* afterwards in the Year 1452 extended it over all the Kingdom from the River *Tronto* to *Reggio* and along the Coast of the *Adriatick Sea*, between which two Seas the Kingdom is situate.

THE first who, something more than a Century afterwards, wrote Notes upon these Usages was *Goffredo di Gaeta*, the Son of *Charles*, who flourished under King *Ladislaus* and Queen *Joan II.* in quality of Attorney General. *Goffredo* his Son emulating the Father's Virtues, and following the same Footsteps, in the Reign of Queen *Joan II.* was a long time Master of Accounts. *Alphonfus I.* having afterwards added to the Chamber of Accounts four Presidents of the Long Robe, and two private Men, that King made him President of that Tribunal, in which Office he continued in the Reign of *Ferdinand I.* till the Day of his Death, which happened in the Year 1463; and it is probable he began this Work in the Reign of *Alphonfus*, and finished it under *Ferdinand*; for in the second Usage, *de decimis*, he says, That with respect to the time in which he wrote, *viz.* in the Year 1460, the Taxes impos'd by *Frederick* could no longer be said to be new, but ancient, it being then two hundred and sixteen Years since the Day of his being depos'd, which he places in the Year 1244. His Commentaries are learned, grave and adapted to the Subject he treats upon, without making Digressions to trifling Disputes foreign to the Purpose, which was then the common Fault of other Commentators. Therefore by the Professors of the succeeding Times they were exceedingly valued, and the Author was look'd upon to have been one of the greatest Lawyers of his time. He died in *Naples* in the Year 1463, according to the Inscription upon his Tomb, which is to be seen in the Church of *S. Peter the Martyr* in the Chapel of his Family, where he lies buried with *Charles* his Father.

ABOUT a Century afterwards we find, that those Notes, which we read upon these Usages, were written by an uncertain and anonymous Author; seeing he quotes Decrees and Sentences of the Chamber of Accounts pass'd in the Year 1554, such as in the first Usage, *de jure Ponderaturæ*, and in the Year 1565, as in the Usage 14. *de Jure Fundici*; and elsewhere he cites many other Writings and Decisions of that Tribunal made in these Years. He often quotes *Goffredo di Gaeta*, *Matteo d'Assitto*, and frequently Authors of the sixteenth Century also. These Notes are pertinent, learned and most useful, full of Remarks upon the Decrees and Sentences of that Tribunal, its Writs, Deliberations, Royal Writs, Registers, and upon all other Things, that might conduce to the right understanding of the Terms and Meaning of these Usages, and of the Alterations, and Additions, which had happened to his own time, and upon the Imposition of other new Duties and Taxes, their Rise, Progress and Abuse; so that it is a pity his Name should be buried in Oblivion.

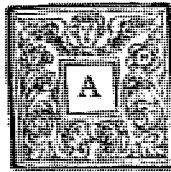
WE have since that time had in our own Days another Comment, or as the Author calls it, *new Additions*, upon these Usages made by *Cesare Niccolo Pisani* a *Neapolitan* Lawyer, who in the Year 1699, together with the Commentaries of *Gaeta* and the Notes of the anonymous Author, caus'd them to be printed in *Naples*. They are not worthy to be compared, or put with the Works of these two famous Lawyers, being stuffed with idle trifling Things, and a Heap of absurd Enquiries foreign to the Subject; loose, insipid, and without Order, or Method, huddled together for no other end but to swell the Volume.

† Annot. in rubr. ult. de jure Falangæ.



## C H A P. VII.

*Of Men famous for Learning, who flourished in the Reigns of King Robert, and of Queen Joan his Granchild.*



**A**MONG the other Virtues wherewith King *Robert* was adorn'd, he was a great Lover of all the eminent learned Men of his Time, a great Scholar himself, and a Protector of Learning.

IT may justly be said of this Prince that he encouraged the Muses, and applied himself to them at the same time. Read but the many Panegyricks of *Giovanni Villani*<sup>1</sup>, *Petrarca*<sup>2</sup>, and *Boccaccio*<sup>3</sup> his Contemporaries, who have so much extolled him on that Account. We read a Treatise of the moral Virtues compos'd by this King in different *Tuscan Rhimes*. Count *Federico Ubaldini* caus'd this Treatise to be printed in *Rome* in the Year 1642, together with some of *Petrarca's* Verses taken from his Original, the *Tesoretto* of *Ser Brunetto Latini*, and four Songs of *Bindo Bonichi da Siena*, which bears this Title, *A Treatise of the moral Virtues by Robert King of Jerusalem*. According to *Ubaldini* he strain'd his Wit even in his old Age, by applying himself to Poetry, and by this Work imitated the wisest Kings of the Earth, such as *Solomon* (for which end he would take no other Title in his Book, but that of *King of Jerusalem*) the Emperor *M. Aurelius Antoninus*, who wrote twelve moral Books of his own Life (if they be not fabulous, as *Castelvetro* took them to be) *Basilus Macedo*, *Leo Isauricus*, *Emanuel Comnenus*, and other *Greek Emperors*, who compos'd such like Books; and to go back to his own Predecessors Kings of *Sicily*, such as the Emperor *Frederick II. King Manfred*, *Entius*, and others, who, being all intent upon Love Matters, made Songs upon that Subject only. Besides the abovementioned Poems, he also wrote some Letters in *Latin Prose*, two of which are translated into *Italian* by *Villani* in his History, one of them sent in the Year 1333 to the People of *Florence*, and the other to *Walter Duke of Athens* in the Year 1341, when he took upon him the Government of *Florence*.

IN his Reign Learning was so much encouraged, that Professors of all kinds, though of mean Birth, were by him rais'd to the chief Honours, and with the greatest Gentleness he entertain'd and carest'd them; he went on Foot to hear the publick Lectures, which were read in *Naples*, and honoured the Scholars.

AND to pass over an infinite Number of Instances, when *Petrarca* came from *France* to take the Laurel Crown in *Rome*, he sent *Gio. Barrile* as his Ambassador in his Name to be present at the Ceremony in the Capitol, and to make his Excuse to *Petrarca*, that nothing but old Age would have prevented him from being present in Person with his own Hand to have put the Crown upon his Head; and he was very earnest to have *Petrarca's Africa* dedicated to him. He was a great Patron of Divines and Philosophers<sup>4</sup>, insomuch that in his Reign these Faculties began to flourish in *Naples*.

THE Scholastick Divinity in his time reduc'd to an Art, and made a Slave to *Aristotle's* Philosophy, according to the Method laid down by the *Averroists*, got footing, and grew very considerable by the famous Factions of the *Thomists* and the *Scotists* supported by two Orders, at that time very considerable, the *Preaching Tri-*

<sup>1</sup> Villani lib. 11. hist. & lib. 12.

<sup>2</sup> Petrarca rer. memoꝝ. lib. 2 & 3.

<sup>3</sup> Boccac. in Genealog. Deor. lib. 14. cap. 9 &

22. & lib. 15. c. 13.

<sup>4</sup> Petrarca. Rer. memorand. lib. 2. Sacrar. Scripturar. peritissimus: Philosophiæ, charissimus alumnus. ars,



and the *Friars Minors*. The first followed the Doctrine of *Albertus Magnus*, afterwards of *S. Thomas*, call'd the *Angelical Doctor* his Disciple, who afterwards became Head of the Sect of the Scholasticks, from him call'd *Thomists*. The first followed *Alexander Hales* of their own Order, and afterwards the famous *John Duns*, call'd the *Doctor Subtilis*, and *Scotus*, because he was a *Scotsman*; though some will have it that he was an *Englishman*, others an *Irishman*, who became Head of that Sect, and from him his Followers were call'd *Scotists*; whence proceeded the Division of these two Schools. Nevertheless some have made a third Faction, who following a new Method, were call'd *Nominals*, and one of the principal Heads of this Sect was *William of Ockham* in the County of *Surrey* in *England*; who, though he was of the Order of *Friars Minors*, differed from the rest, and made himself Head of this Sect, for which Reason he got the Title of *Doctor Singularis*. Their Schools were spread over all *Europe*, and in *Robert's* time their numbers being numerous in *Naples*, Divinity thus metamorphos'd, was publickly read with the greatest Applause taught, and the Professors were favoured by this Prince; for he made it his Business to get many of the best of them provided with Relatours and Bishopricks in the Kingdom, and always respected them above the lay Barons<sup>1</sup>.

ON account of the great Number of *Greeks*, and the continual Commerce with the East, the Monks of the Convents founded under the Rule of *S. Basil* and *S. Benedict* in the two *Calabrias* and *Terra d'Otranto* did not embrace this Divinity but very late, they followed the *Greeks* and their Doctrine; and *Barlaamo* a *Basilian* Monk of *Calabria*, born in *Seminara*, a very learned and subtle Man, distinguished himself above all the rest, who having gone to *Constantinople*, was much carested by the Emperor *Andronicus*, and employed by him in the most weighty Affairs of State, and also to reconcile and reunite the *Greek Church* with the *Latin*. He was sent to *Naples* by *Andronicus* to demand Assistance of our King *Robert*; but as he did not expect to succeed, without the Union of the two Churches, he also got a Commission for that Purpose. The Union was long treated of, but all Projects were rejected, and his Labour was lost.

HE had great and obstinate Disputes with *Palamas* his Antagonist; but after various Turns, at last seeing *Palamas's* Doctrine approv'd of in a Council held in *Constantinople*, and his own condemn'd, he left the East and return'd to the West, and sided with the *Latin Church*; whereupon he was made Bishop of *Geraci* in *Calabria*<sup>2</sup>. He left us many of his Works, which he wrote against *Palamas*, and the *Quietest Monks* whom he persecuted, and accused as Renewers of the Errors of the *Euchytes*, and upon other Subjects.

HE wrote a Book *De Primatu Papæ*, *De Algebra*, and other famous Works, of which *Allacci* and *Nicodemo* made copious Catalogues<sup>3</sup>. He instructed many of his Countrymen in Discipline, and the *Greek* and *Latin* Languages, and he taught *Giovanni Boccaccio*, *Paolo Perugino*, a Lawyer and Library-Keeper to our King *Robert*, *Leonzio* of *Theffalonica*, and many others<sup>4</sup>.

AT this very time flourished in *Otranto* a Monastery of *Basilian* Monks about a thousand and fifty Paces distant from that City. It was dedicated to *S. Nicholas*, and its Monks profess'd not only Divinity, but Philosophy, and they were well skill'd in the *Greek Learning*, and some of them also in the *Latin*. They instructed the Youth in the *Greek Discipline* and Language. Scholars flocked to them from all parts of the Kingdom, whom they very generously furnished with Masters, Lodging and Provisions gratis; insomuch, that the *Greek Learning*, which by the decay of the Empire of the East was upon the declining Hand, was by them kept up, and restored in our Kingdom. *Antonio Galaeto*<sup>5</sup> says, That in the time of his great Grandfathers, which coincides with the Reigns of King *Robert* and Queen *Isabella*, when *Constantinople* was not as yet in the Hands of the *Turks*, the renowned Philosopher *Niccolo d'Otranto*, named *Niceta*, was Abbot of this Monastery, who stored a famous Library, and spared no Charges in sending over all *Greece* to collect Books of all kinds to be placed in his Monastery, and among the rest many of Philosophy and Logick. On account of his Wisdom and Integrity he was employed

<sup>1</sup> Costanzo lib. 6.

<sup>2</sup> Allacci de Eccl. Occid. &c. lib. 2. cap. 17.

<sup>3</sup> V. Allacci loc. cit. V. Nicod. in Addit. de Biblioth. Toppi.

<sup>4</sup> Boccac. Genealog. lib. 15. cap. 6. Nicod. loc. cit.

<sup>5</sup> Galat. de situ Japigyæ.<sup>2</sup>

by the Emperors of the East and the Roman Pontiffs in several Embassies, who in the Disputes between them, either on account of Religion or State, made use of him to reconcile them; and he was often sent from *Constantinople* to *Rome* by the Emperors, and from *Rome* to *Constantinople* by the Popes. In process of time, by the Negligence of our *Latins*, and their Contempt of the *Greek Learning*, some of these Books were carried to *Rome* to Cardinal *Bassarione*, and from thence to *Venice*; and the rest were all lost and destroy'd by the remarkable Pillage of *Otranto* by the *Turks* in the Year 1480.

*ROBERT*, besides his favouring the *Divines*, did not neglect the *Philosophers* and *Physicians*<sup>1</sup>. He procur'd the best Professors of that Age to teach these Sciences in the University of *Naples*; and that these, as well as other faculties might be taught in *Naples* only, he renew'd the Edicts of the Emperor *Frederick II.* and prohibited Schools in all other Cities of the Kingdom<sup>2</sup>; he made the Privileges granted to the University by King *Charles II.* his Father to be better observ'd, which he inserted in that Statute of his, which begins, *Universis*; which we find among his Statutes, under the Title, *Privilegium Coll. Neap. Studii*. Seeing in his time *Aristotle's* Philosophy, according to the Method prescribed by the *Averroists*, was universally taught in the Schools, and it only in Vogue, all the other ancient Philosophers, for the Reasons before given, were neglected: and Physick being taken from the Books of *Galen* only, *Robert* therefore, in Imitation of *Frederick II.* order'd *Niccolo Ruberto* a famous Physician and Philosopher of those Times, to translate *Aristotle's* Books of Philosophy, and *Galen's* of Physick; as we have it from the Royal Registers, and related by *Summonte*<sup>3</sup>.

*ROBERT* likewise took great pleasure in having his Court and Chancery fill'd with learned Men, and made it his chief Study to employ the most eminent of the Age: which, as *Costanzo* very well observes, may be known by the Style and Phrases of his Statutes and Grants, which are more polite, and set off with many elegant Clauses, according to the Times, in which Eloquence and Elegancy in writing were not arriv'd at that Sublimity, which we have seen since in our Grandfathers and our own Times. And although, as the same Author subjoins, of all Learning he took the least Delight in Poetry, yet he was very desirous to have the famous *Petrarca* with him, and, as we have observed, to have him dedicate his Poem of *Africa* to him<sup>4</sup>. Upon that account, above all others of his Courtiers, he lov'd *Giovan Barreile*, to whom he gave the Government of *Provence* and *Languedoc*, and *Guglielmo Marmaldo*, both learned Men and Friends of *Petrarca*<sup>5</sup>; and *Petrarca* and *Boccaccio*<sup>6</sup> write, that he repented in his old Age of his having had so little regard for the Poets, and look'd upon it as his Misfortune to have been so late in discovering their Beauties and Wit, which in his old Age put him upon writing of the moral Virtues in Verse.

BUT those, who above all others flourish'd most in *Robert's* Reign, and in the peaceable Years of Queen *Joan I.* his Grandchild, were our Lawyers, who were rais'd to the first Honours of the Kingdom, and were in great Esteem and Reputation. Above all the other Lawyers *Bartolommeo di Capua*, and *Niccolo d' Alife* made the brightest Figure in *Robert's* Court. 'Tis needless to repeat here what has been said of *Bartolommeo* in the Reigns of *Charles II.* and *Robert*: this last rais'd him to be Great Protonotary of the Kingdom, and his Privy Counsellor, and all Matters were managed by his Advice and Pen: he not only advanced him to the chief Honours of the Kingdom, but gave him many Lands, and Castles which he erected in the County of *Altavilla*. *Bartolo*<sup>7</sup> a famous Lawyer in those Times bestows the greatest Encomiums upon him, and says, that for his Virtues he deserv'd to have been made Great Count by *Robert*. *Luca di Penna*, *Baldo*<sup>8</sup>, *Guido Pancirolo*<sup>9</sup>, and others, have celebrated the Learning of this great Man. And *Angelo d' Costanzo*<sup>10</sup>, to the time that he wrote his most excellent History, observes, that the many Rewards given by *Charles* and *Robert* to this renowned Lawyer might be justly said to be a great Indication of the Worth and Virtue of this Man; since notwithstanding so many Revolutions that had happened in the Kingdom to tha

<sup>1</sup> Petrarc. loc. cit. Philosophiæ charissimus Alumnus: Orator egregius: incredibili Physicæ noticia.

<sup>2</sup> Cap. Robertus, &c. Grande fuit.

<sup>3</sup> Summon. tom. 2. lib. 3. pag. 411.

<sup>4</sup> Boccac. in Gen. Deor. lib. 15. cap. 13.

<sup>5</sup> Petrar. Rer. memor. lib. 2.

<sup>6</sup> Boccac. in Genealog. Deor. lib. 14.

<sup>7</sup> Bart. in Auth. Presbyteros, C. de Episc. & Clericis.

<sup>8</sup> Bald. L. properandum in fin. C. de Judiciis.

<sup>9</sup> Pancirol. de Clar. LL. interpr. lib. 2. cap. 48.

<sup>10</sup> Costanzo lib. 6.

time, they had never been lost, but continued in his Posterity, who, by their warlike Exploits, had augmented them with the Titles of the Principalities of *Molfetta* and *Conca*, and of the Dukedom of *Termole*; and in our Days his Offspring, besides these, being enriched with greater Estates, is a clear Proof, no less of the Justice and Virtue, than of the Worth of this great Lawyer.

*NICCOLO ALUNNO* of the City of *Alife* was also one of the famous Lawyers, who flourished in the Reigns of *Robert* and Queen *Joan* I. his Grandchild. *Pier Vincenti*, in his Treatise of the Protonotaries of the Kingdom, makes him to be of the same Family with *Giovanni d' Alife*, who in 1262, under King *Manfred*, was Great Protonotary of the Kingdom. In the Reign of King *Robert* he was Secretary and Notary of the Chancery, and was afterwards made Master of Accounts by Queen *Joan* I. not by King *Robert*, as *Cossanzo* has it. Upon the Death of the Bishop of *Cavillon* he was made Lord High Chancellor of the Kingdom, which Office he exercised till his Death, which fell out on the last Day of *December* 1367. He was buried in *Naples* in the Church of the Ascension without the Gate of *Chiaja*, which he had built for the Celestine Monks, where his Tomb is to be seen with a long Inscription upon it, recorded also by *Eugenio* in his *Neapolis Sacra*<sup>1</sup>. He had a Grant of some Lands from the King in the Province of *Bari*, which he left to his Sons, one of which in the Year 1384 was made a Cardinal by Pope *Urban* VI<sup>2</sup>. This Lawyer wrote nothing upon the Law, as *Bartolommeo di Capua*, *Andrea d' Isernia*, *Niccolo di Napoli*, *Luca di Penna*, and others his Cotemporaries did.

THE famous *Andrea d' Isernia* flourished also in the Reigns of King *Robert* and Queen *Joan* I. On account of his profound Skill in the Law, and particularly in feudal Matters, in the Reign of King *Charles* II. he was made Attorney-General, and afterwards Judge of the High Court, and then by the same *Charles* made Master of Accounts, an Office at that time of great Authority: he likewise got many Lands and other Rewards from that King. *Robert* his Son continued him in the same Post of Master of Accounts, in which he officiated for many Years, till after *Robert's* Death, when Queen *Joan* made him her Counsellor, and Lieutenant of the Royal Chamber, a Tribunal in which he had serv'd many Years in the Quality of Master of Accounts.

SOME, following the Errors of *Ciarlante*<sup>3</sup>, believe, contrary to what ancient Writers have handed down to us, that he had been made Attorney-General by *Charles* I. and add, that Queen *Mary* his Wife from Attorney-General made him her Counsellor and Master of Accounts: altho' it be evident from all Authors, that he died at the Age of seventy three, yet they will have it, that he died a natural Death in 1316, in the Reign of King *Robert*, and not in 1357, in the Reign of Queen *Joan* a violent Death; attributing this last kind of Death not to this *Andrea*, but to another *Andrea* his Grandchild the Son of *Roberto* his Son, who, as they say, was likewise made Lieutenant of the Royal Chamber by Queen *Joan*, as his Grandfather had been by King *Robert*.

THIS Opinion, besides its having with clear Arguments been confuted by the incomparable *Francesco di Andrea* in his learned feudal Dispute<sup>4</sup>, is repugnant to all History, and by many Reasons prov'd to be fabulous. First, what is said of his Wife and Sons, and of the great Employments which they got from Queen *Joan*, is all fabulous, as has been demonstrated by the Bishop *Liparulo*, who very carefully, and with great Exactness, wrote the Life of this Lawyer. II. If they will make *Andrea* Attorney-General in the Reign of *Charles* I. they must say, that he was an older Doctor than *Bartolommeo di Capua*, which is false: *Bartolommeo* was not only Cotemporary with *Bartolo*, but a more ancient Author than he: *Bartolo*, who in his Works makes honourable mention of that Lawyer, died in *Perugia*, as *Baluzio* proves<sup>5</sup>, in 1357, at forty six Years of Age<sup>6</sup>, twenty nine Years after *Bartolommeo's* Death, who, as we have observed, died in 1328. On the contrary *Andrea* was Cotemporary with *Baldo*, and had Disputes with him upon feudal Matters, wherein *Baldo* was confuted: they were not in Friendship, and *Baldo* could not forbear abusing him, by calling him fickle and inconstant, and that sometimes he inclined

<sup>1</sup> Cæsar Eugen. Neap. Sacra, pag. 657.

<sup>2</sup> P. Vincenti de' Protonot. Ciarlan. del Sannio lib. 4. cap. 29.

<sup>3</sup> Ciarl. del Sannio lib. 4. cap. 24.

<sup>4</sup> Andrey's Disp. Feud. An. fratres, &c

<sup>5</sup> Baluz. in Notis ad Vitas Papat. Aven. tom. 1. pag. 971.

<sup>6</sup> Boxornius in Monum. Vir. illustr. pag. 102. Panciroli de Cl. inter lib. 2. cap. 67

one way, and sometimes another <sup>1</sup>. And 'tis well known to every body, that *Baldo* was *Bartolo's* Disciple, and liv'd many Years after him; and if we will believe *Hofman*, he died in 1400; but others will have it <sup>2</sup>, that he died in 1450, decay'd with Age, after having read the Civil Law in *Bologna* and *Pavia* fifty six Years. Whence we see how widely the Counsellor *de Bottis* is mistaken, who writes, that he had read in an ancient Book of Commentaries of *Andrea d' Ifernial* some short Notes written with *Bartolommeo di Capua's* own hand; for besides it's being a very hard matter for *de Bottis* two hundred and fifty Years after, when he wrote, to be able to testify, that those Notes had been written with that Lawyer's hand, it seems altogether improbable, that so great a Man as he was in the Reign of King *Robert*, and who had the Management of every thing, would have condescended to write Notes upon the Commentaries of *Andrea*, a Doctor then of small Repute with him: to this may be added, that the same *de Bottis* says, that he had seen the like Observation written with *Ifernial's* own Hand, whereby he supposes, that *Ifernial's* Book had been printed, which if it had, it could not be in *Bartolommeo's* time, when the Art of Printing was not known in *Italy*. III. His fixing *Andrea's* Death in the Year 1316, and consequently before that of *Bartolommeo*, in order to carry it back to the Reign of *Charles I.* is repugnant to many ancient Records, and to the very Works of that Lawyer. We have some Notes of his upon the Statutes of King *Robert*, penn'd by *Giovanni Grillo* Vice-Protonotary of the Kingdom. After *Bartolommeo's* Death *Grillo* exercis'd that Office; for while he liv'd, being Protonotary, the Statutes were penn'd by him, and not by *Grillo*. We likewise find, that this same *Andrea* in the Preface to the Notes, which he made upon the Constitutions of the Kingdom <sup>3</sup>, speaking of *Innocent III.* Author of the Decretal *Cum Interest*, wrote, that that Pope had then been dead above a hundred Years, and quoted the Chronicles, which he said could be brought to prove the Truth of it: therefore having carefully examin'd the Chronicles, he certainly found, that *Innocent* died in *Perugia* the sixth Day of *July* in the Year 1216; so that if at the time when *Andrea* wrote, there had above an hundred Years past from *Innocent's* Pontificate, 'tis evident that he wrote those Notes upon our Constitutions after the Year 1316. Moreover, in the very same Notes, and the same Preface, he frequently quotes *Thomas Aquinas* with the Title of Saint; on the contrary, in the Commentaries on Fiefs written before, he quotes that Author with the Title of Friar only, as *Liparulo* in many Places hath observ'd: *Thomas* was canoniz'd a Saint by Pope *John XXII.* in the Year 1323; 'tis plain then, that he wrote upon our Constitutions after the Year 1323.

*ANDREA* then, tho' born in the latter end of the Reign of King *Charles I.* about the Year 1280, four Years before that King's Death, began to shine, and give Proof of his Talents in the Reign of *Charles II.* who, for his profound Knowledge and Learning made him Attorney-General, and Judge of the High Court, and then Master of Accounts. In the latter end of that Reign he wrote Commentaries upon the Fiefs; and the Notes upon the Constitutions of the Kingdom were written in the Reign of King *Robert*, about the Year 1232, as the Writer of his Life has demonstrated <sup>4</sup>.

*BALDO* his Rival, finding some Variation and Inconstancy of Opinion held by him in the Commentaries upon the Fiefs, which he afterwards alter'd in those upon the Constitutions, not able to deny his profound Learning, accused him of that Fault: and not only *Liparulo*, but the incomparable *Francesco d' Andrea* found out the Mystery. King *Robert*, charm'd with *Bartolommeo di Capua*, and seeing with no other Eyes but his, nor governing his Kingdom by any other Advice, was intent upon raising him above all others: *Andrea* was not so much taken notice of, nor rewarded according to his Merit. At King *Robert's* Accession he was Master of Accounts, which Office had been confer'd, upon him by King *Charles* his Father, and in which he continu'd during *Robert's* Reign; on the contrary all Honours were bestow'd on *Bartolommeo*, which so incens'd *Andrea* to see his Rival so much exalted, and himself depressed, that not able to be otherwise reveng'd on the King, he began by his Writings to lessen his Royalties; and as in the Commentaries upon the Fiefs, which he wrote in the Reign of *Charles II.* he shew'd himself a great Royalist, so afterwards in the Notes upon the Constitutions, which he wrote in the Reign of *Robert*, he discover'd himself to be quite the Reverse. Very many In-

<sup>1</sup> Ludar. in Vita Andree.  
<sup>2</sup> Artl ur Duck lib 1. cap. 5. §. 15.

<sup>3</sup> Andrea in proem. Constit. 20. col. in fin.

<sup>4</sup> Liparul. in Vita Andree.

stances of his being thus exasperated may be read in *Liparulo*<sup>1</sup>. and in *Francesco d' Andrea*<sup>2</sup>. And these Authors have observ'd, that in the Commentaries upon the Fiefs, whenever he had Occasion to mention King *Charles I.* and *II.* (which he often had) he never mentions them without Encomiums: On the contrary, in the Notes, which he wrote upon the Constitutions in *Robert's* Reign, although he had an hundred Opportunities, and sometimes necessarily to quote him, he never could be induced to mention him; insomuch that *Matteo d' Afflitto*<sup>3</sup>, speaking of *Andrea*, greatly surpriz'd was once forc'd to say: *Et satis miror, quod non alleget Capitulum Regis Roberti, cum ipse fuerit eo tempore, & usque ad tempus Reginae Joannae I.* And being obliged once out of cruel Necessity to mention that King, who in his time was reputed another *Solomon*, he speaks of him no otherwise, than if he had been a common Man, without any Elogy, tho' he wrote in his Reign, thus: *Et fuit determinatum in Consilio, quando Rex Robertus erat Vicarius patris sui*<sup>4</sup>.

BUT upon *Robert's* Death, and the Accession of *Joan* his Grandchild, having no other Competitor, it was easy for him, on account of his Learning, to get into her Favour, by whom he was made Lieutenant of the Royal Chamber of Accounts, and her Counsellor, which Office he bore till 1353, the Year of his Death. When modern Writers bring us but slight Proofs, and weak Arguments about his Death, we ought not to depart from what the ancient have left us concerning it. Two very grave Authors, who wrote about a hundred Years after it happen'd, have given us such an Account of that untimely Death, as they might have had from their Grandfathers; these are *Paris de Puteo*<sup>5</sup>, who flourished in the Reign of *Alphonfus I.* of *Aragon*, and was Preceptor to *Ferdinand* his Son and Successor, and *Matteo d' Afflitto*<sup>6</sup>, who wrote his Commentaries upon the Fiefs in the Reign of the same *Ferdinand*, which they had from our Registers; they say, that *Andrea* having judg'd in a Cause of a German named *Conrad de Gottis*, against whom Sentence was pronounced, by which he lost a Barony which he possessed; *Conrad*, furiously enraged on account of his Loss, in the Night-time, accompanied with some of his own Countrymen, as *Andrea* was returning from *Castel Nuovo* to his House, near *Porto Petruccia*, attack'd him, and said, that as he by his Sentence had depriv'd him of his Estate, so he with his Arms would deprive him of his Life; and with furious Strokes his Assassins murder'd him. *Matteo d' Afflitto* speaks of this unhappy Event thus: *Fuit autem interfectus praefatus Doctor insignis in Civitate Neapolis Die 11 Octobris 12 Ind. 1353, &c.* and elsewhere: *Et ego vidi Privilegium Reginae Joannae I. vindicantis mortem Andreae de Ifernæ ejus Consilarii occisi tarda hora noctis, dum veniret a Castro Novo, prope Portam Petrucciam<sup>7</sup> per quosdam Teutonicos, acriter condemnatos de crimine laesæ Majestatis.* The Queen inflicted condign Punishment upon the Assassins; their Goods were confiscated, their Houses demolished, and themselves condemned to die in the same manner as if they had been guilty of High Treason, according to *Andrea's* own Doctrine, who, as if he had foreseen his own unhappy Fate, had taught, that he who kill'd a Counsellor of the Prince, was guilty of the Crime of High Treason, and ought to be punished with the like Punishment.

THIS renown'd Lawyer left us his incomparable *Commentaries upon Fiefs*, which he wrote in the latter end of King *Charles* the second's Reign: a Work in which he exceeded himself, and from Posterity gain'd him these Elogiums and Surnames *Princeps*, & *Auriga omnium Feudistarum*, *Evangelista Feudorum*, and the like, recorded by the Writer of his Life. Upon which Work our Professors have employ'd all their Talents; and it gain'd so great Authority, that it had no less Force than the feudal Laws themselves. *Bartolommeo Camerario*<sup>8</sup> employ'd the greatest Part of his Life in reading and correcting it; and he himself declares, that by his too much studying it, he lost an Eye. He was look'd upon, not only in his own Country, but in foreign Nations, to be the greatest Feodalist in all *Europe* in those Times: he confounded *Baldo*, and obliged him in his old Age to study the feudal Law<sup>9</sup>, and was by our Countrymen, as well as Foreigners, intitled Prince of the Feodalists.

<sup>1</sup> Lipar. in vita Andreae.

<sup>2</sup> Andrey's in disp. feud. cap. 1. Sect. 6. num. 33 34.

<sup>3</sup> Afflit. in Constit. hostici, Cap. si Comes, aut Baro, num. 26.

<sup>4</sup> Andr. in Constitut. Sancimus, de offic. Magistr. Justitiar. verb. miserabilium, in princ.

<sup>5</sup> Paris de Puteo de Sindicatu, tit. de excessib.

Consiliar. in fin.

<sup>6</sup> Affl. Com. in feud. Quæ sint Regalia §. & bona, num. 43.

<sup>7</sup> Costanzo, lib. 6.

<sup>8</sup> Camer. conf. 371. post cannetium.

<sup>9</sup> Card. de Lucca de emphyt. disc.

HE likewise wrote in the Reign of King *Robert* about 1323, and the following Years, the Notes upon the Constitutions, and Statutes of the Kingdom: he collected the Usages of the Royal Chamber, and wrote other Treatises of Law, recorded by *Toppi* <sup>1</sup>. 'Tis likewise said, that he wrote some Treatises upon Divinity and the common Law; whence by succeeding Writers he got the Titles of *Excelsus Juris Doctor*, *Theologus maximus*, and *utriusque Juris Monarcha*.

HOWEVER 'tis true, that by the Fault of the Times in which he wrote, rather than by his own, his Style was barbarous and confused, and without Method; which gave occasion to *Alvarotto* <sup>2</sup> to say, that he was more commendable for his abundance of Matter, than for his Method; and to our *Loffredo* <sup>3</sup> to complain, that he had treated of many things very obscurely and without Order, which he might have explain'd more distinctly and clearly.

*LUCA DI PENNA*, another famous Lawyer, also flourished in the latter end of King *Robert's* Reign, and much longer in that of Queen *Joan I.* He was Contemporary with *Bartolo*, as he himself in his Works testifies <sup>4</sup>: this Doctor was in great Esteem with that Queen, and bore a great Sway in Law Matters. He wrote most copious Commentaries upon the three last Books of the Code 10, 11, and 12 <sup>5</sup>; but the Subject which he undertook to trim up in those Times of little Learning, and in which there was but small Knowledge of the *Roman* Affairs, Customs, and History, things all necessary for that Work, lead him into a Multitude of Errors: yet it ought to be look'd upon as an Undertaking worthy of a great Genius, and of great Boldness. The Method and Style were a little more elaborate than what that Age generally afforded; and according to the Opinion of *Francesco d' Andrea* <sup>6</sup>, in his Method of Teaching and Perspicuity, he far excel'd *Andrea d' Ifernina*. As the *Germans* endeavoured to rob us of *Pietro delle Vigne*, so the *French* pretended that *Luca di Penna* was of their Country, and born in *Thoulouse*; but 'tis as clear as the Light of the Sun, that he was ours, and born in *Penna* a City of *Abruzzo*, as *Niccolo Toppi* in his *Apologia* has clearly demonstrated. Neither have the gravest *French* Authors disputed it, not even their famous *Papinian Carolus Molinæus* <sup>7</sup>, who, in his *Glossa Parisiensis*, and elsewhere, calls him *Parthenopeus*, that is to say, of the Kingdom of *Naples*.

TO *Andrea d' Ifernina* and *Luca di Penna*, we must add the famous *Niccolo di Napoli*, of whom we have some Notes upon the Constitutions and Statutes of the Kingdom. This *Niccolo Spinello*, call'd *di Napoli*, but born in *Giovenazzo*, was a great Favourite of Queen *Joan I.* He was Count of *Gioja*, and High Chancellor of the Kingdom, and employ'd by the Queen in her most weighty Affairs of State; and when *Pope Urban VI.* was elected, he was sent to *Rome* to congratulate him upon his Advancement to *S. Peter's* Chair, and to pay him Homage <sup>8</sup>. These three Lawyers were reputed by *Camerario* to be of so great Authority and Learning <sup>9</sup>, that he did not stick to say: *Nos Andream de Ifernina, Nicolaum de Neapoli, & Lucam de Penna, in nostri Regni Juribus interpretandis, non aliter venerari, quam veluti humanam Trinitatem.*

THERE was likewise the Vice-Protonotary *Sergio Donneroso*, Master of Accounts, of whom we have some Notes upon the Statutes of the Kingdom: 'tis said, that he also wrote a Comment upon the four Arbitrary Letters, of which he makes mention in the said Notes: he was Vice-Protonotary in the Year 1352, when *Neapolione Ursino* was Great Protonotary of the Kingdom. The Family of *Donnoroso* was very ancient in *Naples*, and gave Name to one of the Gates of the City, anciently called *Porta Donneroso*, which was close by the Church of *S. Peter a Majella*, and was afterwards upon the last Enlargement of the City removed near the Church of *S. Maria Constantinopoli* <sup>10</sup>.

TO these we may add the Judge *Blasio da Morcone* of the Family of *Paccona*: in the Reign of King *Charles II.* he was Disciple of *Benevento di Mila da Morcone*, who, as we have said, was Professor of the University, and taught the Civil Law.

<sup>1</sup> Toppi in Biblioth. de Jure Prothomiseos, seu de Jure congrui. super Auth. habita, nē filius pro patre. Et in prim. Codicis.

<sup>2</sup> Alvar. in prælud. feud.

<sup>3</sup> Loffred. in tit. si contentio sit inter Dom. & agn. Sect. si quis per 30. in fin. fol. 31.

<sup>4</sup> Luc. de Penna in L. unic. C. de his, qui se deficiunt, lib. 10.

<sup>5</sup> Toppi de orig. Trib. pag. 1. lib. 3. cap. 11.

<sup>6</sup> Andreys disp. feud. cap. 1. §. 8. numb. 41. pag.

45.

<sup>7</sup> Molin. glos. Paris. tit. de feud. in princ.

<sup>8</sup> Costanzo lib. 6.

<sup>9</sup> Camerar. tit. an agnat. num. 152.

<sup>10</sup> Pier Vincenti de Proton. anno 1352. pag. 90.

He made wonderful Progress in that Study; infomuch, that King *Robert*, who succeeded *Charles II.* made him his Counsellor, and Domestick-Chaplain. He was also in great Esteem with *Charles Duke of Calabria*, who, when he was Lieutenant of the Kingdom, gave him Power to plead, and appointed him Advocate in the Provinces of *Terra di Lavoro*, the County of *Molise*, *Abruzzo*, and *Capitanata*, and in the Year 1323 wrote him very favourable Letters full of Encomiums and Commendations<sup>1</sup>. He left us many of his Works, amongst which the most remarkable was the Treatise of the Difference between the *Roman* and *Longobard* Laws, and the large Commentaries upon these Laws. *Marino Freccia*<sup>2</sup> tells us, That he had that Volume in MS. in his Custody, to which he often referred by quoting it. This Work makes us certain, that in those Times the *Longobard* Laws were not quite in disuse in our Kingdom. Although the Pandects, and the other Books of *Justinian* were publickly taught in the Academies of *Italy*, and in that of *Naples*, and had begun to have Force and Vigour, yet their Authority was not so great, as to turn the *Longobard* Laws quite out of Doors, as happen'd in the Reign of the Kings of the House of *Aragon*; even in which, as in that of the *Spanish* Kings, there were some Remains, whence *Prospero Rendella* took occasion to write that little Book, *In reliquijs juris Longobardorum*. He also wrote some other Treatises, such-as the *Cautelæ*, and the *Notes* upon the Constitutions and Statutes of the Kingdom<sup>3</sup>. The Writers of the succeeding Times make honourable mention of these his Works. *Francesco Vivio*<sup>4</sup> calls him a Man of great Authority in the Kingdom, and especially on account of his Treatise of the Difference between the *Roman* and *Longobard* Laws. The Author of the Gloss upon the Pragmatic *Dubitatio, de termino citandi auctorem in causa reali*, praises him much, and all those, who have studied his Works, load him with Commendations. He was Cotemporary, and in great Friendship with *Luca di Penna*, as he himself testifies, when writing upon the Constitution, *Majestati nostræ, de Adulteriis*, and finding something that was doubtful, he went to ask *Luca di Penna's* Opinion of it, who, as he says, *A me interrogatus sic de verbo ad verbum, respondit, &c.* He spent some part of his Life in very low Circumstances in *Cerreto*, and was always grateful to his Master *Benvenuto di Milo* Bishop of *Caserta*; confessing in the Title, *De Ædificiis dirutis reficiendis*, that from nothing he had brought him to the Condition he was then in.

*Giacomo di Milo* his Countryman flourished in the same Rank of Counsellor to King *Robert*, which that King made him on account of his Learning and Wisdom, whereof the Patent may be seen in the Registers of the Years 1337 and 1338, *Lit. B. fol. 28.* so that *Morcone*, a Town in the County of *Molise*, became remarkable in those Times for three famous Citizens, a most learned Bishop, and two renowned Counsellors and Lawyers. About the same time flourished *Filippo d'Isernia* a notable Lawyer, and chief Professor of the civil Law in the University of *Naples*, at the same time that he was Counsellor, and Domestick to King *Robert*, with whom he was in so great Esteem, that he not only made him his Counsellor, but in the Year 1320 chose him to be Advocate for the Poor, and then his Attorney General<sup>5</sup>. There also flourished *Bartolommeo di Napoli*, Cotemporary with *Dino*<sup>6</sup>, *Bartolommeo Caracciolo*, who, in the Opinion of *Agnello Ruggiero di Salerno*<sup>7</sup>, was Author of the Chronicle published under the Name of *Giovanni Villano*; and some others recorded by *Toppi*, who not having left us any of their Works, their Memories are but obscure with us.

AS for *Napodano Sebastiano*, who flourished in the Reign of Queen *Joan I.* we spoke enough of him in the preceding Book; he died in the Year 1362, and we may say, that with him the Science of the Law was buried. The troublesome Times, and Revolutions that followed, and which continued for a whole Century, to the peaceable and quiet Reign of *Alphonfus I. of Aragon*, put a Stop both to the Study of the Law, and to all other Learning. From *Napodano* to *Paris de Puteo*, *Goffredo di Gaeta*, and *Matteo d'Afflitto*, in whose Times it began to revive, we have no Writer that has left us any Record of it. Which shews us the Vicissitude of the Jurispru-

<sup>1</sup> Ciarlan. lib. 4. cap. 26.

<sup>2</sup> Freccia de Subfeud.

<sup>3</sup> Corrad. Gesnero in Bibliotheca. *The Author of the Index of the Law Books.* V. Toppi in Biblioth. pag. 400.

<sup>4</sup> Viv. decis. 163.

<sup>5</sup> Toppi in Biblioth. pag. 400.

<sup>6</sup> Gesner in Biblioth. fol. 105. Toppi in Biblioth. fol. 40.

<sup>7</sup> Agnel. Rug. Orat. Literar. Theatrum.

dence in those Provinces, and how much it depends upon the Favour of learned Princes, and the Love of Peace.

IN the time of King *Robert*, and in the beginning of the Reign of Queen *Joan* his Grandchild, there flourish'd many eminent and famous Lawyers in the Universities and Courts of *Italy*, neither were those of the University of *Naples*, and the Court of our Kings interior.

IN this fourteenth Century there began in *Italy* as it were a new Period of the Civil Law, and the Age of Commentators commenc'd; for after *Accursio* none made Glosses, but the Lawyers began now to illustrate it with full Commentaries. Those who distinguished themselves in the other Cities of *Italy* were *Bartolo di Sassferato*, *Baldo Perugino* his Disciple, *Angelo* Brother to *Baldo*, and then *Alessandro Tartagna*, *Bartolommeo Saliceto*, *Paolo di Castro*, *Giasone Maino*, *Cino*, *Oltrado*, *Pietro di Bellapertica*, *Raffael*, *Fuigose*, *Raffael Cumano*, *Ipolito Riminaldo* and many others, who to the Body of the Civil Law added new Commentaries. We were nothing short of them in famous Lawyers, who flourish'd at the same time, such as *Bartolommeo di Capua*, *Andrea d'Isernia*, *Luca di Penna*, *Niccolo di Napoli*, and the others abovementioned. And truly, as Foreigners likewise confess<sup>†</sup>, it was much to the Praise of *Italy*, that it distinguished itself in that above all other Nations. And although by the Ignorance of History, of Languages, and Learning, there be many things in their Commentaries to be found Fault with, yet that Fault ought not to be imputed to them, but to the unhappy Age in which they wrote. But they made sufficient Amends by the Perspicuity and Sharpness of their Wit, and by their long and indefatigable Labours, so that where History and the Languages, or the Knowledge of the Ancients were not absolutely necessary, they compassed their Ends by the mere dint of Reason, and their penetrating Wit. The farther Explication was reserved for the following Century, when, as shall be related, by the Ruin of the City of *Constantinople*, Learning began to revive and flourish with us; the Glory of which is owing to our *Italy*, and with respect to the Jurisprudence, to *Andrea Alciato di Milano*, who was the first that restored it to its Purity and Brightness.

BUT as in the Reign of King *Robert*, when the Kingdom was in the greatest Tranquillity, the Barons and Gentlemen covetous of Honour and Titles had Opportunities to shew their Courage in the Wars, which were carried on Abroad, sometimes in *Sicily*, and in other parts of *Italy*; sometimes in *Greece* and *Palesine*, and by their noble Behaviour in presence of the King, or his Generals, to deserve to be rais'd higher, and enriched with honourable Rewards; so that the Rise of their Families was owing to the Wars, and which they were enabled to keep up in Splendor for many Ages afterwards; so Men of Learning and good Behaviour by serving their Princes, were rais'd to divers and eminent Posts, and employ'd in the most weighty Affairs, whose Successors, to this very Day, are in Possession of the first Ranks and Titles; which shews us, that the handling the Pen, as well as the Sword, uses to make both Men and Families honourable and illustrious; and that these only are the two Fountains, from whence the Nobility and Grandeur of Families spring. But when by the Death of the wise King *Robert*, without leaving male Issue, the Line of those powerful and gallant Kings became extinct, and, amidst the Dissentions of a numerous Royal Family, the Kingdom fell to the Share of a Woman; and those Arms, which hitherto had been employed in making War upon others, and maintaining the Kingdom in Peace and Quiet, were made use of to ruin and destroy it: The Result was not only a change of Ministers, violent Deaths of Princes, the Destruction and Calamity of the People, but in the midst of Commotions and intestine Broils, Virtue and Learning also declin'd; neither did they revive with us, till after many Revolutions, which shall be the Subject of the following Books; at last the Kingdom came to be restored to its former Tranquillity under the Dominion of *Alphonfus I. of Aragon*, a wise and magnanimous King.

† Arthur Duck de Auth. &c. lib. 1. cap. 5. §. 15. Struv. de Hist. Jur. Justia. restaur. cap. 5. §. 14





## C H A P. VIII.

*The Ecclesiastical Polity of the fourteenth Century during the Residence of the Popes in Avignon, to the Schism of the Popes of Rome and Avignon.*



AS it is the usual Fate of the Affairs of this World, that whenever they are arrived at the highest Pitch, that very Exaltation is the beginning of their Fall; so it exactly happened to the *Roman Pontificate* in this fourteenth Century; the Polity of which we are now about to treat of. *Boniface VIII.* following the Footsteps of his Predecessors, believed that he had raised the Pontificate to so great a height, that being crowned with the triple Crown, and clothed with the Imperial Mantle, he would have himself to be looked upon as Monarch, not only in Spirituals, but in Temporals; and that the greatest Kings and Princes of the Earth were subject to him even in Temporals, for besides his taking the two Swords for his Device, he declared it openly in that his extravagant Bull, *Unam Sanctam*. Therefore he set up for deciding the Controversies of Princes, and among others those of *Edward King of England*, and *Guido Count of Flanders* with *Philip the Fair King of France*. He undertook entirely to ruin the *Ghibellin* and *Colonna* Factions in *Italy*, and to let all Princes know his Power over them, in forbidding them by his Bull to exact any thing upon the Goods of Ecclesiasticks. These bold Resolutions highly offended *Philip King of France*, who being appris'd that the Prohibition, though general, concerned the Kingdom of *France*, he oppos'd it with all Vigour, and caused a Manifesto to be drawn up against the Bull; and on the other hand *Boniface* pursuing the Destruction of the *Ghibellin* and *Colonna* Factions, these were forced to fly to *France*, where they were kindly received by the King; whereupon the Disputes became more imbitter'd, which at last broke out not only into Affronts and Reproaches, but into Acts of Hostility; for *Monsieur de Nogaret* the King's Ambassador in *Italy*, assisted by *Sciarra Colonna*, entered *Anagni*, where the Pope was, and made him Prisoner; and though he was set at Liberty by the Inhabitants and fled to *Rome*, yet it grieved him so much, that he died soon after; and *Dante*, who was a *Ghibellin*, writes<sup>1</sup>, that his Soul was impatiently expected in Hell by Pope *Nicholas III.* in order to place him among the *Simoniack Popes*.

THESE Quarrels, which in the beginning of this Century arose between King *Philip* and Pope *Boniface*, and more especially the Disputes, which grew so hot afterwards between *Lewis* of *Bavaria* and *John XXII.* and *Benedict XII.* were the Causes, whence the *Roman Pontificate* sunk not a little both in its Credit and Authority; for besides the Loss it sustain'd by removing the Apostolick See to *Avignon*, and the Schism that followed thereupon, of which hereafter: These Disputes between the Popes and Princes about temporal Authority occasioned a nice Enquiry into that Matter; whereas formerly it was not much minded, and Learning by Degrees beginning to revive among the Laity, there appeared Men of Wit, who, according to the Factions, began to dispute it, and the *Ghibellins* wrote particular Treatises upon it, whereby they endeavoured to discover the Usurpations, and to demonstrate, that the spiritual Power had nothing to do with the temporal, which belonged altogether to Princes.

<sup>1</sup> Dante, infer. canto 19.

*Dante Alighieri* a *Florentine* ought to be reckoned among the first, who, in his three Books *De Monarchia*, written in the time of *Lewis of Bavaria*, maintains it strenuously. About the same time *William of Ockham* of the Order of Friars Minors, who, though he was born in a Village, from which he takes his Name, in the County of *Surrey* in *England*, in the beginning of this Century being a Professor in the University of *Paris*, was of the same Opinion with *Dante*, and wrote a Treatise, *De Potestate Ecclesiastica & Seculari*, in order to defend *Philip the Fair* against *Boniface*; and he was afterwards one of the greatest Adversaries of Pope *John XXII.* who condemn'd him to Silence under the Pain of Excommunication. He afterwards declared openly for *Lewis of Bavaria*, and the Antipope *Pietro di Corbaria*, who took the Name of *Nicholas V.* and wrote against *John XXII.* who excommunicated him in the Year 1330. Then he left *France*, and went to the Court of *Lewis of Bavaria*, which was then at *Munich*, where he died in the Year 1347. *John of Paris* Doctor of Divinity of the Order of Preaching Friars, surnam'd *Magister Parisiensis*, about the Year 1322 also wrote a Treatise, *De Potestate Regia & Papali.* *Arnoldus de Villanova* a *Catalan*, *Marfilio di Padova*, and *Giovanni Jande* also impugn'd the Authority of the Popes over the Temporalities of Princes; but these knew not how to keep within Bounds, but ran upon Extremes; for *Arnold* advanced many Propositions against the Authority of the Church, against the Sacraments, the Clergy, and the Religious; and *Marfilio* and *Giovanni* by favouring Princes too much, attributed to them a Jurisdiction, which solely belongs to the Church. *Radulfo Colonna*, *Leopold de Babenberg*, *Ralph de Prelles*, and *Philip de Mezieres* famous Lawyers, in their Treatises also maintained the Rights of Princes; but in *France*, the most vigorous Defender of the Rights of King *Philip of Valois* against the Encroachments of the Ecclesiasticks, was *Peter de Cunieres* his Attorney-General in the Parliament of *Paris*. In the Year 1429, he had hot Disputes with *Nicholas Bertrand* Bishop of *Autun*, afterwards Cardinal, and with the other Prelates of *France*, about the Rights of Spiritual and Temporal Jurisdiction. The Clergy of *France* calumniated him, and artfully spread a Report, that under pretence of retrenching their Jurisdiction, he had a Desire to rob them of their Goods, although *Cunieres* in his Pleadings mentioned no such thing; so that King *Philip* afraid of raising new Troubles, and jealous of the Authority which the Clergy then had in *France*, did not think fit to recede from his Encroachments altogether, as was afterwards done by the Edict of 1539.

BESIDES the *French* and *Germans*, the *Spaniards* began afterwards to rouse themselves out of their long Sleep; for not only *Arnoldus de Villanova* the *Catalan*, but also *Alvarus Pelagius* of *Galicia* in *Spain*, of the Order of Friars Minors, and afterwards Bishop of *Silva* in *Portugal*, wrote a Treatise, *De Planctu Ecclesie*, an excellent Work upon the Reformation of the Discipline of the Church. About the end of this Century, and after the middle of the following, before and after the Council of *Constance*, Cardinal *Francesco Zabarella* Archbishop of *Florence*, *Theodore de Nisines*, *Niccolo di Cusa*, and afterwards *Aeneas Sylvius*, wrote upon the same Subject. And after their Example many others wrote large Treatises upon it; of all which Works *Simon Schardius*<sup>1</sup> made a Collection, and afterwards *Melchior Goldastus* in his Volumes of the *Monarchy of the Empire* made one much larger.

BY these Disputes they began in *France* and *Germany* to oppose the Ecclesiasticks in the exercise of temporal Jurisdiction, and in taking Cognizance of those, which they had drawn to the Episcopal Court, of which we made mention in the XIX. Book of this History. They were opposed in meddling with many civil Causes under pretence of Excommunication, of Sin, and of Oaths; it was also attempted to attack the Immunity of the Clergy, and of the Goods of the Church; and although the Ecclesiasticks boldly defended their Rights, yet some Abuses were redressed, and by Degrees they lost a part of their temporal Jurisdiction; and in *Germany*, from the time of *Lewis of Bavaria*, the Pontifical Law, especially that contained in the *Decretals*, began to lose its Authority and Force<sup>2</sup>.

BUT it happened not so in our Kingdom under the Kings of the Family of *Anjou*; they had no Dispute with the *Roman* Pontiffs; on the contrary, they were more at their Beck than ever; and *Robert*, much more than his Predecessors, on account of the many Favours he had received from *Clement V.* *John XXII.* and *Benedict XII.* the Popes of *Avignon*, who preferred him to his Nephew in the Suc-

<sup>1</sup> Simon Schard. Synagoga Tractatum, de Imperiali Jurisdictione.

<sup>2</sup> V. Struvium Hist. Jur. Canon. cap. 7. Sect. 136.

cession to the Kingdom; and they always assisted him against *Henry VII.* and *Lewis of Bavaria*, in the *Sicilian Expedition*, and against all his Enemies. Therefore this Prince followed not the Example of *France*, but maintained the Ecclesiastical Jurisdiction and Immunity entire; and he carried his Complaisance so far, that as we have told in the XIX. Book of this History <sup>1</sup>, he would needs include in the Immunity even the Concubines of the Clergy, leaving them to be punished by the Prelates of the Church <sup>2</sup>. Whence it came, that in establishing the *Preservatives* against the Oppressions of the Clergy, he made use of so many Reserves, Cautions, and Considerations, in order to preserve their Immunity untouched; and whence it also came, that the Translation of the Apostolick See to *Avignon* made no Alteration in the Polity of our Churches; and that our Natives did not join in the Complaints of all the rest of *Italy* on account of this Translation, but chose rather to humour the *French*, than grieve with the *Italians*; of which we shall be obliged to discourse at large.

<sup>1</sup> Book XIX. chap. V.

<sup>2</sup> V. Chioccar. MS. Giurisd. tom. 10.

## S E C T. I.

*The Translation of the Apostolick See to Avignon.*

THE Pontificate of *Benedict*, who succeeded *Boniface*, lasted only nine Months; he died in *Perugia* on the eighth of *July* in the Year 1304. and the Cardinals having assembled in Conclave there for electing a Successor, they quarrelled among themselves, and divided into two Factions, whereby the See was kept vacant for the Space of eleven Months. *Matteo Orsini*, and *Francesco Gaetano Boniface's* Nephew were at the Head of one Faction; *Nepoleone Orsini dal Monte*, and *Nicholas de Prat*, who, before he was made Cardinal, was of the Order of Preaching Friars, were at the Head of the other Faction. The Dispute between the *French* and *Italian* Factions running so high, that they could not agree upon a Person, at last it was resolved, that the *Italians* should propose three *ultramontan* Archbishops, and that the *French* Faction should chuse which of the three they liked best. The *Italians*, among the three proposed, named *Bertrand Got* Archbishop of *Bourdeaux*; whereupon the Cardinal *de Prat* speedily acquainted *Philip the Fair* King of *France*, who sent for *Bertrand*, and told him, That it was in his Power to make him Pope, and that he would do it, if he consented to some Conditions: *Bertrand* most ambitious of that high Dignity, agreed to whatever the King was pleas'd to ask; whereupon the King wrote back to the Cardinal *de Prat*, to take care to get *Bertrand* elected, which was accordingly done upon the fifth of *June* 1305, and he was called *Clement V.* It is said, that among the Conditions agreed upon, he was to annul whatever *Boniface* had done against him and his Kingdom, and to raze it out of the Records; that he should restore to the Cardinalship *Jacopo* and *Pietro Colonna*, who had been degraded by *Boniface*; that he should extirpate the Order of the *Templars*, and that he should cause himself to be crowned in *France*. He actually revoked the Bull, *Unam Sanctam*, and *Boniface's* other Bulls; he restored the *Colonna's* to their Dignity; he declared void all the Sentences pronounced by that Pope; he absolved all those that had been excommunicated by him, excepting *Nogaret* and *Sciarra Colonna*; and he ordered the Cardinals to come to *Lyons* in *France*, because he was resolved to be crown'd there. The *Italian* Cardinals were very much offended at this; and *S. Antonino* <sup>1</sup> Archbishop of *Florence*, who had it from *Giovanni Villani's* History, says, That Cardinal *Matteo Orsini*, who was the eldest, could not forbear reproaching the Cardinal *de Prat*, by telling him: *Affectus es voluntatem tuam in ducendo Curiam ultra montes, sed tardè revertetur Curia in Italiam.*

*CLEMENT*, notwithstanding the Averseness of the greatest part of the Cardinals, was resolv'd to be obeyed; whereupon he went to *Lyons*, and on the eleventh of *November* was crown'd there, keeping the Promises he had made to the King of

<sup>1</sup> S. Antonin. par. 3. tit. 21. cap. 1.

France; and taking his Authority upon him, he created many Cardinals, partly *Gascoons*, and partly *French*, all of them the King's Favourites. He resided sometimes in *Lyons*, sometimes in *Bourdeaux*, and sometimes in *Avignon*, where in the Year 1309 he settled, and remained till the Council of *Vienna*, which was held in the Year 1311; and during his Pontificate he passed his time in different Cities of *France*, but never thought of going to *Italy*. He died in *Carpentras* in April 1314, and at the same time the Cardinals entered the Conclave, where they continued till the twenty second of July, without being able to agree in the Election of a Successor; for the *Italian* Cardinals were for having a Pope of their Nation, who would go to reside in *Rome*; the *Gascoons* were resolved to have a *Frenchman*, who would take up his Residence in *France*; and the Dispute rose to that height, that the People, led on by the Nephews of the decess'd Pope, went arm'd to the Conclave, demanding to have the *Italian* Cardinals delivered up to them, and a *French* Pope elected; which being denied them, they set Fire to the Conclave, whereupon the Cardinals having made their Escape, some fled one Way, and some another; and they continued dispersed for two Years<sup>1</sup>. *Philip the Fair* endeavoured by all means possible to get them to meet, but to no purpose. *Philip* dying, was succeeded by *Lewis Hutin*, who sent his Brother to *Lyons*, who conven'd the Cardinals, and caused them to be shut up in the Convent of the Preaching Friars of that City, and told them, That they should never come out, and should be treated very harshly, if they did not immediately elect a Pope: The Cardinals, after they had been shut up for the Space of forty Days, at last in the Year 1316, elected *James d'Eauſe*, a Native of *Cabors*, formerly Bishop of *Frejus*, and afterwards of *Avignon*, and was then Cardinal Bishop of *Porto*. This Pope after his Election took the Name of *John XXII.* and having caused himself to be crowned in *Lyons* on the fifth of *September* the same Year, went immediately to *Avignon*, where he fixed his Residence, not wandering from one City of *France* to another as *Clement* had done; whence his Successors kept their Court in *Avignon*; for *John* having held the Pontificate eighteen Years, he fixed the See the more firmly in that City, where he died in the Month of *December* 1334; and the Cardinals in the same Month elected, and crowned in the Church of *Avignon* Cardinal *James Fournier* Bishop of *Pamiers*, named *Benedict XII.* who shewed a great Inclination to reside in *Italy*; but having sounded the *Bolognese*, to see if they would receive him into that City, and finding them averse to it, he fixed his Residence in *Avignon*, as his Predecessor had done, where he remained till 1342, the Year of his Death. *Clement VI.* *Innocent VI.* and *Urban V.* his Successors did the same, till *Gregory XI.* who endeavouring to remove his Seat to *Rome* in spite of the *French*, gave Rise to that scandalous Schism, that after his Death broke out between the Popes of *Rome* and those of *Avignon*, which for a long time afflicted the Church, of which we shall have occasion to discourse in the following Books.

CONCERNING this Translation of the Apostolick See to *Avignon*, there is a great Dispute between our *Italian* Writers and the *French*. The *Italian* call it the *Babylonish Captivity*, because, while it lasted, the Church was under the Slavery of the *French*, particularly of *Philip the Fair*; they call it a betraying of the House of God; the Scandal of the Christian People, and the Ruin of Christianity<sup>2</sup>. That the Popes who governed the Church in those Times were rather Monsters of Impiety and Wickedness, than Vicars of Christ; that they minded nothing but to heap up Money, in order to feed their Ambition and Pride, basely submitting themselves to the Kings of *France*. Therefore in their Works they represent the Popes of *Avignon* as *Simoniacks*, Luxurious, Cruel, Avaricious and Rapacious, and *Avignon* as another *Babylon*. *Dante* in his Comedy writes horrible things of *Clement V.*<sup>3</sup>. *Giovanni Villani*<sup>4</sup>, and *S. Antonino* Archbishop of *Florence*<sup>5</sup>, wrote a most bitter Satyr upon him; that he was Avaricious, Cruel, a *Simoniack*, Luxurious, and that he kept as his Concubine *Brunisnde* Countess of *Perigord*, a most beautiful Lady, Daughter of the Count of *Foix*, and Mother of Cardinal *Talairande*. Our Lawyer *Alberico di Rosate* writes, That the Extirpation of the Knights-Templars, and the Cruelty with which he treated them, were contrary to Justice, and done to please the King of *France*, which, he says, he had from one who had a Commission

<sup>1</sup> Baluz. Vitæ PP. Aven. tom. 1. pag. 112.

<sup>2</sup> Blondus Flavius. Anton. Campus lib. 3. Hist. Cremon. Odor. Raynald. anno 1314.

<sup>3</sup> Dante, Infern. cant. 19.

<sup>4</sup> Villani, lib. 9. cap. 58.

<sup>5</sup> S. Antonin. tit. 21. cap. 7. Sect. 2.

to examine the Cause, and who took the Deposition of the Witnesses, his Words are these: *Destructus fuit ille Ordo tempore Clementis Papæ V. ad provocationem Regis Franciæ. Et sicut audivi ab uno, qui fuit Examinator causæ, & testium, destructus fuit contra justitiam. Et mihi dixit, quod ipse Clemens protulit hoc: Et si non per viam justitiæ potest destrui, destruat tamen per viam expedientiæ, ne scandalizetur charus filius noster Rex Franciæ.* Whence many Writers look upon the Condemnation of the Templars as unjust, and that they were falsely accused of many Crimes, and their Confessions extorted by exquisite Torture, and the fear of Death; that *Philip the Fair* had been their Enemy for a long time, accusing them of having excited and fomented a Rebellion against him; that he had hated the Great Master in particular; and that he and Pope *Clement* had resolv'd to divide the Booty between them, although they gave it out, that they intended to employ their Riches in the Expedition to the Holy Land.

WHAT they relate of *John XXII.* his Successor is much worse. *Giovanni Villani*<sup>1</sup> makes him the Son of a Vintner, and that being brought up under *Pietro de Ferrariis* Chancellor to King *Charles II.* and bred a Scholar, he owed his Fortune to him; that as soon as he was made Pope, none was more eager upon squeezing Money out of every thing than he, nor so ready at inventing Ways and Means to heap up Riches. He bestowed many Bishopricks in *France*, and when a fat Benefice fell vacant, he was wont to give it to him who had one of a smaller Income, which he gave to another; and sometimes he would go so far as to make Provision for six, always translating from the Smaller to the Greater, and providing him, who had the least, of a new Benefice; so that all were satisfied, and all paid. He likewise invented the *Annats*, an Imposition upon Benefices unheard of before him; he corrupted the Discipline of the Church by so many *Dispensations*, that he most scandalously heaped up immense Treasure; and although he spent and gave away as lavishly as his Predecessors, yet at his Death he left many Millions<sup>2</sup>. And *Villani* says, That after this Pope's Death, one of his Brothers, who was a Cardinal, was appointed to take an account of his Money, which he found to be eighteen Millions in coin'd Money, and seven Millions in Plate and Ingots, which he weighed. *Lewis of Bavaria* pursued him judicially, got him to be depos'd, and also declared a Heretick. His Constitutions call'd *Juannine* were deem'd to be both simoniacal and heretical. He is thought to be the Author of the *Regulæ Cancellariæ*, wherein many cunning Regulations are made for gathering of Money: In short, that he above all others had corrupted the Discipline of the Church, looking upon Kingdoms, Cities, Castles, Riches, and Possessions to be the Patrimony of Christ; and the Goods of the Church not to be the Contempt of the World, a zealous Faith, and the Doctrine of the Gospels, but Oblations, Tithes, Taxes, Collections, Purple, Gold and Silver.

THEY also write of his Successor *Benedict XII.* that he was a most covetous, obstinate, cruel, diffident and niggardly Pope; that he delighted in Buffoonery, and lewd Conversations; that he was luxurious, and kept many Whores, and that falling in Love with *Petrarca's* Sister, he pursued his Point so eagerly, that he got her in his Clutches, and debauched her<sup>3</sup>; that he was a great Wine-bibber, insomuch, that the common Proverb at drinking Bouts, when People had a mind to be merry, was, *Bibamus Papaliter*<sup>4</sup>. For which Reason, when he died in *Avignon* in the Year 1342, some body fixed these Verses upon his Tomb.

*Isse fuit Nero, Laicis mors, Vipera Clero,  
Devius a vero, cuppa repleta mero*<sup>5</sup>.

THESE opprobrious Actions were no less laid to the Charge of *Clement VI.* than of *Benedict*, and that he as well as his Predecessor defiled himself with Whores. But he made himself much more the common Talk of the World by his Bull, which in the third Year of his Pontificate he published in *Avignon*; wherein, considering the Shortness of human Life, he restricted the time of the Jubilee to fifty Years; for in order to encourage all sorts of Persons to come to *Rome* from all Parts of the World, even without asking Leave of their Superiors, he assured them, that in case

<sup>1</sup> Villani lib. 9. cap. 79.

<sup>2</sup> V. Struv. Histor. Jur. Can. cap. 7. Sect. 28.

<sup>3</sup> V. Baluz. in Notis PP. Aven. tom. 1. p. 825.

<sup>4</sup> Vita 8. Bened. XII. apud Baluz. tom. 1. pag. 240.

<sup>5</sup> Vita 7. Bened. XII. apud Baluz. loc. cit.

they should happen to die by the Way, they had fully gained the Indulgences, and the Remission of their Sins, and that their Souls should be immediately conveyed to Heaven, and therefore he commanded the Angels of God, that without the least Delay they should introduce them among the blessed in Paradise; these are the Words of the Bull: *Et nihilominus prorsus mandamus Angelis Paradisi, quatenus animam illius a Purgatorio penitus absolutam in Paradisi gloriam introducant* <sup>1</sup>.

THEREFORE they did not stick to say, that the Popes of *Avignon* and their wicked Lives were the Causes of the Rise of so many Heresies and Errors in this Century; and that they had given a Handle to *Joannes Oliva* a Friar Minor to write a Commentary upon the *Apocalypse*, and to adapt those Visions to his own Age, and to the dissolute Lives of the Clergy; and to open a Door to his Followers to represent the Church of *Avignon* as another *Babylon*, and therefore to promise themselves a new Church more perfect under the Auspices of *S. Francis*, as one who had established the true Evangelical Rule observ'd by Christ and his Apostles; and breaking out afterwards into other Blasphemies, they declared the Pope to be Antichrist, the Church of *Avignon* the Synagogue of *Satan*; and that therefore they ought no longer to pay Obedience to *John XXII.* nor to acknowledge him any longer as Pope.

ON the other hand the *French* Writers, too partial to their native Country, and their Countrymen, cannot hear without Indignation, what our *Italian* Authors have written concerning this Translation, and their *Avignon* Popes. In our latter Times the most active Man in their Defence is *Stephanus Baluzius* <sup>2</sup>, who shews us how much the *Italians* are in the wrong in comparing this Translation to the *Babylonish* Captivity; that they ought rather to have blam'd the *Romans*, who having filled *Rome* with Confusion, by Tumult and Faction, forced *Clement V.* to translate his See to *France*, which has always been a safe Refuge of the *Roman* Pontiffs; that the *Italians* had no other Reason to complain of this, but only because they were deprived of the Prerogatives and Profit, which the Court of *Rome* brought them; that if there was any room for Complaint, *France* had greater Reason to be sorry for this Translation to *Avignon*, which thereby receiv'd great Detriment, because the debauched *Italians* that came thither, corrupted the Manners of the *French*; whereas formerly they led an innocent and frugal Life; but the See was no sooner translated to *France*, than they learn'd from the *Italians* Luxury, Cunning, Simony, Deceit, and their wicked Customs; infomuch, that *Nicholas Clemange* <sup>3</sup> was wont to say, that with this Translation Depravation of Manners was first brought to *France*.

THE *French* also maintain, that the Residence of the Popes in *Avignon* did not in the least lessen the Authority of the Holy See, but that it was preserv'd there in the highest Degree and entire; and that it was not in Bondage, but was protected and revered by their Kings. That the Lives and Manners of the Popes of *Rome*, who governed the Apostolick See there before the Translation, and after it was re-established in *Rome*, being compared with those of the Popes of *Avignon*, were found to be much worse, and more scandalous. That we ought not to give entire Credit to *Giovanni Villani*, and the other *Italian* Writers who followed him, as being prepossess'd with Passion; neither ought the Extirpation of the Templars to be attributed to the Design that *Clement V.* and *Philip the Fair* had of seizing their Goods, but to their enormous Crimes, and execrable Heresies, proved by the reiterated Confessions of the Guilty. And *Baluzius*, in his Notes on the Lives of the *Avignon* Popes, employs all his Art in clearing *Clement* from what *Villani* lays to his Charge; he also defends *John XXII.* and frees *Benedict XII.* from the Rape of *Petrarca's* Sisters. He endeavours to make it appear that *Clement VI.'s* Bull about the Jubilee was apocryphal, and in short he takes upon him strenuously to defend all those Popes that resided in *France*.

BUT though the *Italians* differed in Opinion from the *French*, yet our Countrymen were forced to follow the Example of their Princes, and to side with the *French* in Opposition to all the rest of *Italy*. Our Kings of the Family of *Anjou*, as may be observ'd in the preceding Books of this History, lay under great Obligations to the Popes of *Avignon*, and consequently were at their Beck, and their Wills were to them as Laws. *Clement V.* had no sooner acquainted King *Charles II.* with the Resolution he had taken, and put in execution in *France* against the Templars, and at

<sup>1</sup> Baluz. 5. vita Clem. VI. tom. 1. pag. 312. |

<sup>2</sup> Baluz. in Præfat. ad vitas PP. Aven.

<sup>3</sup> Nicol. de Clemang. cap. 27. de corr. Eccl. Statu.

the same time requiring him to do the same in his Dominions, than immediately that King obeyed him; and he wrote to the Prince of *Achaia* also to put the Pope's Orders in execution in the Principality of *Achaia*, by immediately imprisoning all the Templars, seizing their Goods, and keeping them in the Name of the Apostolick See<sup>1</sup>.

KING *Robert*, as has been said, had entered into stricter Bonds of Friendship with Pope *Clement*, and no less with his Successor *John XXII*. This last, before he was Pope, was brought up in *Naples* in King *Robert's* Court, and after the Death of *Pietro de Ferrariis*, he succeeded him in the Post of the King's Chancellor<sup>2</sup>; and afterwards at his Instance he was made Bishop of *Avignon*; and as soon as he was rais'd to the Pontificate they kept up a strict Friendship and Correspondence. Therefore the Orders of this Pope, which *Germany* and the other States of *Europe*, on account of the Quarrel which *John* had with *Lewis of Bavaria*, could not bear with, were inviolable Laws to us. He introduced the *Regule Cancellariæ*, and all the Ways and Means for raising Money were readily put in execution in the Kingdom by King *Robert*. Wherefore in those Times we find the Titles of *Nuncio's* and *Apostolical Collectors* more frequently mentioned amongst us; and they even laid their Hands upon the Revenues of vacant Churches.

<sup>1</sup> Chiocc. MS. Giurisd. tom. 8.

<sup>2</sup> Baluz. in notis ad vitas PP. Aven. tom. 1. pag. 796.

## S E C T. II.

### *Of Nuncios, or Apostolical Collectors residing in Naples.*

FROM the time of *Charles I.* of *Anjou* we read of Apostolical Nuncio's residing in *Naples*; particularly we find in the Royal Archives of the Mint, that King *Charles I.* in the Year 1275, at the Request of Master *Sinisi* Clerk of the Pope's Chamber of Accounts, and Apostolical Nuncio, ordered *Charles* Prince of *Salerno* to cause to be deliver'd to the Protector of the said Nuncio some sequestrated Goods, notwithstanding the Pretensions of the Secretary of *Terra di Lavoro* and other Creditors, in order to have them agree the Matter with the Nuncio in his Court<sup>1</sup>. We read such Letters written by King *Robert*, wherein he makes mention of Nuncio's in the time of *Clement V.* and in the Year 1311 he impowers *M. Guglielmo di Balacro* a Canon of the Church of *S. Alterio*, and *Giovanni di Bologna* Clerk of the Chamber of Accounts to *Clement V.* the said Pope's Nuncio's to exact and receive the Rents due to the Church of *Rome* on whatsoever Account, Legacies, Goods, Tithes, and others<sup>2</sup>. As also in the Year 1335 he authorised *M. Girardo di Valle* Dean of the Cathedral Church of *Naples*, and appointed him Nuncio of the Apostolick See in the Kingdom, to transact some Affairs which he had in Commission from the said Sec<sup>3</sup>; and in 1339 we read others of this King's Letters, wherein he gives his Royal Assent to the said Nuncio to put his Commissions in execution<sup>4</sup>.

THESE Nuncios were appointed as Collectors of the Revenues, which the Apostolick See had in the Kingdom; for, as we have said in the fourth Book of this History, it had some particular Patrimonies of an old standing in *Naples*, which during the course of many Centuries were still increasing. But till the Pontificate of *John XXII.* these Nuncios did not exact the Revenues of the vacant Sees; for, as we observed elsewhere, although in the Investiture given to *Charles I.* he was depriv'd of the Royalties, which the Kings of *France* and *England* had in their vacant Churches; yet, as for the Fruits of such Churches, nothing was altered contrary to the ancient Discipline, as may be read in the Investiture<sup>5</sup>: *Custodia Ecclesiarum earundem interim libere remanente penes personas Ecclesiasticas Juxta Canonicas Sanctiones*; which Words certainly import, that the Goods of the decess'd Prelate, or Incumbent, ought to be preserv'd for the future Successor, as being so ordained

<sup>1</sup> Registr. Car. I. ad ann. 1275.

<sup>2</sup> Registr. R. Robert. anno 1311.

<sup>3</sup> Idem, anno 1335.

<sup>4</sup> Idem, anno 1339.

<sup>5</sup> Rainald. anno 1253. num. 3. & anno 1265.

by the Canons, which was also established by Pope *Honorius* in his Bull and Statutes, as we have related elsewhere. But in the Pontificate of *John*, King *Robert* unwilling to thwart that Pope's Covetousness, and Desire of heaping up Money, the Apostolick Nuncio's seiz'd also upon the Revenues of the vacant Churches, and instead of leaving them to the Successors, they deliver'd them into the Apostolick Chamber; which being once introduced, was afterwards continued by *Benedict XII.* his Successor, to whom King *Robert* was no less beholden, than to his Predecessors, he having confirm'd *Clement V.*'s Sentence, whereby he had been prefer'd to the Succession of the Kingdom before the King of *Hungary*. Whence it is, that in the Royal Archives of the Mint we find many of this King's Letters, whereby he orders all Favour and Assistance to be given to these Collectors in gathering in the Rents of vacant Churches. For instance we read, that on the twenty eighth of *November 1339* this King commanded all the Officers of the Kingdom to give all Favour and Assistance to *Guglielmo di S. Paolo*, appointed by the Apostolick See Collector of the Fruits and Revenues of the vacant Churches, in the Collection thereof for the Use and Benefit of the Church of *Rome*. And on the twenty sixth of *June 1341*, he also order'd all the Officers of the Kingdom to give all Favour and Assistance to *M. Raymond de Camerate* a Canon of *Amiens*, and to *Ponce Parrete* a Canon of *Chartres* appointed in *Avignon* by Pope *Benedict XII.* to be Commissioners to receive in the Name of the Apostolick Chamber the moveable Goods, and all the Debts and Rights, which *Raymondo* Bishop of *Cassino*, and *Leonardo* Bishop of *Aquino* had left at their Deaths <sup>1</sup>.

WHENCE we perceive, that as our Kings of the Family of *Anjou* were more obsequious to the Popes of *Avignon*, than the Kings of *France*, so their Laws were more strictly observ'd in our Kingdom, than in *France* itself. *Clement VII.* according to *Tommasino*<sup>2</sup>, was the first of the Popes of *Avignon* that attempted to introduce into *France* the Custom of seizing the Goods of deceas'd Bishops and Abbots, and the Revenues of the Churches and Monasteries during the Vacancies, and of appropriating them to the Apostolick Chamber; which he did in order to support his Court in *Avignon*, and thirty six Cardinals his Creatures, in the time of the Schism, when *Urban VI.* sat in *Rome*<sup>3</sup>. But King *Charles VI.* by his Edict<sup>4</sup> published in the Year 1381, rendered that Attempt fruitless. In Conformity to which Edict in 1386 the King's Letters Patent were issued, and in 1394 renewed, whereby that Design was altogether crush'd in *France*; and although *Pius II.* had a Design to renew it in that Kingdom, yet *Lewis XI.* in 1363 also stifled it<sup>5</sup>.

BUT that Custom was more ancient with us; and the *Roman* Pontiffs had long before attempted it; for we read in the Constitutions of *Boniface VIII.* and *Clement V.* in the Council of *Vienna*, and of *John XXII.* that upon the Complaints of many, on account of the deplorable Abuses and Inconveniencies attending that Custom, they were forced to forbid it; whence we may see, that it had been attempted long before, but that Affair was managed according to the greater or less Resistance it met with from Princes. It was not in the least opposed by our Kings of the Family of *Anjou*; on the contrary, they rather forwarded the Design, and gave it all Assistance and Countenance. And although this Custom was prohibited by Pope *Alexander V.* in the Council of *Pisa*, and by the Council of *Constance*; and which *Clement V.* also confirmed afterwards by an Agreement made with the Nations that opposed it; yet with us the Abuse continued till the Reign of the Kings of the House of *Aragon*, as shall be mention'd in its Place.

OUR Kings of the Family of *Anjou*, and particularly *Robert*, were most observant to the Popes of *Avignon*, and their Laws; and when the Collection of the *Clementine* and *Extravagant* Constitutions which appeared in this Century were little minded in *Germany*, yet, for the Reasons already alledged, they had all Force and Authority with us.

<sup>1</sup> Chiocc. MS. giurisd. tom. 3. de Nuntio Apost.

<sup>2</sup> Tommasin de benefic. par. 3. lib. 2. cap. 57. num. 5.

<sup>3</sup> The Proof of the Gallican Liberty, cap. 22. num. 6. Tommasin. loc. cit.

<sup>4</sup> We read the Words of the Edict in chap. 22. num. 8. Of the Proof of the Gallican Liberty.

<sup>5</sup> The Proofs &c. num. 22. where we read the Edict of Lewis XI.



S E C T. III.

*Of the Collection of the Clementine and Extravagant Constitutions.*

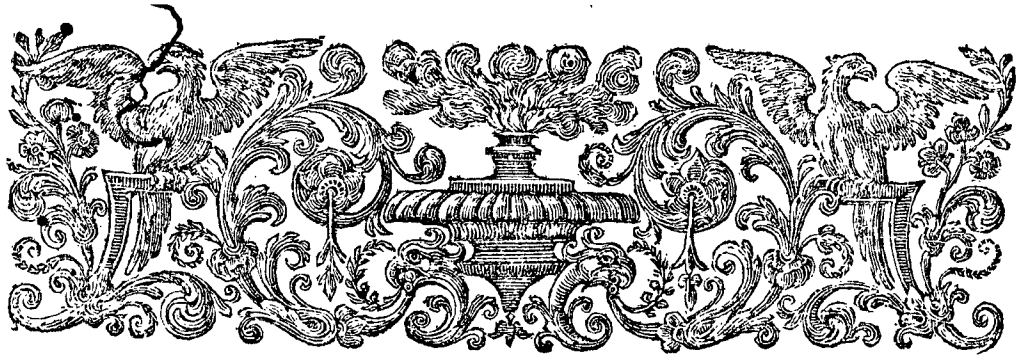
**I**N this fourteenth Century there appeared new Collections of the Pontifical Law. That the Popes of *Avignon* might not be short of the Popes of *Rome*, *Clement V.* comprehended in five Books both his own Constitutions, and those established in the Council of *Vienna*; and in a publick Consistory held in the Castle of *Montile*, near *Carpentras* in *March* 1313, he caused them to be published; but falling sick soon after, and dying in *April* following, he had not time to send them to be taught in the Universities, and they were suspended for four Years. *John Aventine*<sup>1</sup>, who had it by relation from *William of Ockham*, writes, That *Clement* on his Death-bed considering, that these Constitutions contain'd many Things contrary to Christian Simplicity, ordain'd them to be repeal'd; but his Successor *John XXII.* who loved to heap up Money, finding them for his Purpose, in *November* 1317 caused them to be publish'd, and sent them to the Universities, and by his Bull commanded them to be receiv'd not only in the Schools, but in the Tribunals<sup>2</sup>. They obtained two Names, first *Clementines*, and not to confound them with the *Sixth*, they were also call'd the *Seventh* of the Decretals, as *Giovanni Villani*<sup>3</sup>, *Aventine*, *Michael di Cesena* and others<sup>4</sup> named them.

*JOHN XXII.* not fully satisfied with this Collection, to *Clement's* Constitutions thought fit to add twenty of his own, which were call'd profitable and wholesome, because of the great Advantage they brought to his Court; and since they were without Order, and not confin'd to the Body of the other Collections, they were call'd *Extravagants*. They likewise got the Name of *Joannine*<sup>5</sup>, as *Cujacius* also calls them<sup>6</sup>; and about the Year 1340, they were by private Authority collected together, and for want of a publick Sanction they were not receiv'd every where. This Pope was also thought to be the Author of the *Rules of the Chancery*<sup>7</sup>; the Contriver of the scandalous *Annats*, and of other cunning and artful Devices for heaping up Riches. After his Example the Popes his Successors established other Constitutions, such as *Eugenius IV.* *Callistus III.* *Paul II.* *Sixtus IV.* and others; and afterwards by private Authority there was a Collection made of all those Extravagant Constitutions, which was added to the Body of the Pontifical Law, and as well as the *Decretals* they had their own Glossators and Commentators<sup>8</sup>. But they were not universally received; and *William of Ockham*, who was Cotemporary with *John XXII.* testifies, that from their first Appearance they were found fault with, and condemn'd as heretical, false, and stuffed with Errors<sup>9</sup>. Nevertheless they were of Force and Authority with our Canonists; and during the Reign of the Family of *Anjou*, whatever the Popes of *Avignon* did, was readily complied with; whence it happened, that when *France* and *Germany* began to put a Stop to the Abuses, with us they were the more firmly established; and the Disorders that followed afterwards in the Reigns of *Queen Joan I.* and of the following Kings of the Family of *Anjou* (when not only the Civil State, by so many Revolutions, but the Ecclesiastical, by the scandalous Schism which arose, were turned upside down) put Affairs into greater Confusion, and oblig'd our Princes to employ their Thoughts about finding out a Remedy, as shall be shewn in the following Books of this History.

<sup>1</sup> Avent. Ann. Bojor. lib. 7. cap. 15. num. 18.  
<sup>2</sup> Bulla Jo. XXII. præfixa Clementinis.  
<sup>3</sup> Villan. Hist. Florent. lib. 9. cap. 2.  
<sup>4</sup> V. Baluz. in Not. ad Vitas PP. Avent. tom. 1. pag. 682. Struv. Hist. Jur. Can. cap. 7. Sect. 27. Bonifac. de Amanatis in præfem. Clement.

<sup>5</sup> V. Struv. loc. cit.  
<sup>6</sup> Cujac. in c. ad audientiam 4. de Spons. & Matr.  
<sup>7</sup> Ludov. Gomes in præfem. Comment. ad Regul. Cancell.  
<sup>8</sup> V. Mastricht. Hist. jur. Can. num. 283.  
<sup>9</sup> V. Struv. Hist. jur. Can. cap. 7. Sect. 28 & 36.





T H E  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.  

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B O O K XXIII.

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HE renowned King *Robert* was no sooner laid in his Grave, than the City of *Naples* caus'd the Names of *Joan* and *Andrew* to be proclaimed every where; but, as *Cosanzo* writes<sup>i</sup>, a few Days produced as great a Difference as there is between Day and Night; for the *Hungarians*, by the Cunning of *Friar Robert* their Head, took the Government of the Kingdom upon them, and by Degrees turned out of the Council all King *Robert's* most faithful and prudent Counsellors, in order to manage every thing at their Pleasure; so that the poor Queen, who was only sixteen Years old, was nothing but nominal Queen, and in effect the Prisoner of those Barbarians; and what afflicted her most, was the Indolence of her Husband, who was no less under the Subjection of the *Hungarians* than herself. Queen *Sancia*, the Widow of King *Robert*, seeing the Royal Family in such Confusion, which in her Husband's time had been in so great Order, grown weary of the World, shut herself up in the Monastery of the Holy Cross, which she had built near the Sea, where in less than a Year she died with the Reputation of great Sanctity. Those of the Royal Family that were in *Naples*, seeing themselves depriv'd by *Friar Robert* of that Respect wherewith King *Robert* us'd to treat them, went all to their own Estates,

<sup>i</sup> *Cosanzo*, lib 6.

which occasioned great Discontent in *Naples*. The *Neapolitan* Gentlemen, seeing King *Andrew* wholly given up to Idleness, and not the least mention of War, went and offer'd their Service to *Robert* Prince of *Taranto*, who was then making ready for an Expedition to *Greece*; and being honourably received by the Prince, they, with all their Followers, engaged in his Service, and many private Gentlemen of the Kingdom followed their Example, and went upon that Expedition, and with this Army the Prince regained as far as *Theffalonica*; and he was in great Hopes of recovering also the City of *Constantinople*, if the Commotions of the Kingdom (of which hereafter) had not obliged those Gentlemen, with almost all the other Cavalry, to return to the Defence of their own Properties. Friar *Robert* from these Proceedings foreseeing, that the Princes of the Blood had a Desire to use their utmost Power to wrest that Authority from him which he had usurp'd, sent to sollicite *Lewis* King of *Hungary* *Andrew's* elder Brother to come and take Possession of the Kingdom, as Heir to his Grandfather; but *Antonius Bonfinius* Author of the History of *Hungary* says, That King *Lewis* sent Ambassadors to the Pope to persuade him to give Orders to crown his Brother *Andrew*, and to give him the Investiture, not as the Husband of Queen *Joan*, but as Heir to *Charles Martel* his Grandfather; and that these Ambassadors for that end attended for a long time at the Pope's Court, which was then at *Avignon*, because they met with great Opposition; and *Boccaccio* writes, that it was with great Difficulty they obtained the Bull for the Coronation. In the mean time *Joan* had been solemnly crown'd in *Naples* by Cardinal *Americo* sent by Pope *Clement VI.* who likewise sent her the Investiture, and she was intitled, *Queen of Sicily and of Jerusalem, Duchess of Puglia, Princess of Salerno, Capua, Provence and Forcalquier, and Countess of Piedmont*; and on the last Day of *August* 1344 in the Church of *S. Clara* the Queen took the Oath of Homage from the Hands of the same Cardinal, and promised to pay the usual Tribute, as may be read in the Investiture recorded by *Summonte*, who copied it out of the Royal Archives, where it is preserved<sup>1</sup>.

THE Pope had sent Cardinal *Americo* not only to take *Joan's* Oath, but had also made him her Guardian during her Minority; to whom he also gave Power to revoke all Donations and Concessions made by *Robert* and *Joan* in prejudice of the Church of *Rome* and the Kingdom<sup>2</sup>; but this Guardianship took no Effect<sup>3</sup>; because Friar *Robert* and his *Hungarians* had the whole Government. And although the *Roman* Pontiffs had always pretended to send Guardians, yet they never had any Share in the Government.

MOREOVER the Queen, like a prudent Woman, had sent for *Charles* Duke of *Durazzo* the eldest Son of the Prince of the *Morea*, and gave him her Sister for Wife, by whom he had one Son named *Lewis*, who died before he was a Month old, and was buried in the Church of *S. Clara*, where his Tomb is to be seen at this Day. And the same Year *Lewis* of *Durazzo*, the second Son of the Prince of the *Morea*, and Brother of *Charles*, married a Daughter of *Roberto Sanseverino*, by whom he had a Son, who was afterwards *Charles III.* King of *Naples*<sup>4</sup>.

IN the mean time it being known in *Naples*, that the Pope had granted a Bull for the Coronation of *Andrew*, and that the Ambassadors who were bringing it were arrived at *Gaeta*; some Barons who had a Desire to prevent it, pushed on by the Princes of the Blood, who were for opposing it, (*Andrew's* Insolence, and the Insolence of the *Hungarians* still continuing) incited those, who had conspired to kill *Andrew*, to dispatch him speedily, fearing that if the Design were discovered, Friar *Robert*, upon the Arrival of the Pope's Order for *Andrew's* Coronation, would cause them to be seiz'd, and put to Death. In fine, the King and Queen went to *Aversa*, and lodged in the Castle of that City, where the Convent of *S. Peter a Majella* was afterwards built<sup>5</sup>; and on the Evening of the eighteenth of *September* 1345, when the King was in the Queen's Bed-chamber, one of his Gentlemen came to tell him from Friar *Robert*, that there was Advice of great Importance arrived from *Naples*, which required him to be immediately upon his Guard; and the King leaving the Queen's Chamber, which was divided by a large

<sup>1</sup> Summonte tom. 2. lib. 3. pag. 317. Baluz. notæ ad Vitas Papar. Aven. tom. 1. pag. 842.

<sup>2</sup> Baluz. loc. cit.

<sup>3</sup> Prima Vita Clem. VI. apud Baluz. tom. 1. pag. 246. fed circa regimen, & administrationem Regni

memorati modicum facere potuit, per dictam Joannam jam doli capacem impeditus.

<sup>4</sup> Costanzo lib. 6.

<sup>5</sup> Grammat, decif. 1. num. 27.

Hall from the Room where publick Affairs were treated of, and being in the middle of the said Hall, a Cord with a Noote was thrown about his Neck, with which he was strangled, and thrown out of a Window, while the *Hungarians* (it being in the Night-time) lay buried in Sleep and Wine<sup>t</sup>.

THE oddness of this Fact put all the City into a Consternation, especially there being none that durst be so bold as to enquire after the Authors of the Murder. The Queen, who was eighteen Years of Age, was so terrified, that she knew not what was fit to be done; the *Hungarians* had lost their Courage, and were afraid to be cut in pieces if they should pretend to govern any longer, so that the King's Body being carried to the Church, it lay some Days unburied; but *Ursillo Minutolo* a *Neapolitan* Gentleman and Canon went to *Aversa*, and at his own Charges transported him to *Naples*, and buried him in the Cathedral Church in *S. Lewis's* Chapel, where he lay in a mean burying Place till the time of *Costanzo*, when *Francesco Capece* Incumbent of that Chapel, vying with *Ursillo* in Generosity, erected him a Monument of Marble, and that Chapel being afterwards converted into the Vestry by the Archbishop *Annibale di Capua*, it was placed in the Wall opposite to the Door of the said Vestry, where it remains to this Day.

THE Widow Queen went immediately to *Naples*, and the *Neapolitans*, with such Barons as were in the City, went to condole with her for the Death of the King, and to beg of her, that she would be pleased to give Orders for the Tribunals to go on in the Administration of Justice, since Friar *Robert* and the other *Hungarians* were so dispirited, that they had not the Courage to appear in publick. The Queen being shut up with the most prudent and faithful of King *Robert* her Grandfather's Counsellors, in order to remove the Suspicion that was whispered Abroad, of her having had a Hand in the infamous Murder, with their Advice gave it in charge to Count *Hugo del Balzo* to make a strict Enquiry after the Authors of the King's Death, with full Power to bring those that should be found guilty to condign Punishment. Count *Hugo*, after he had caused two *Calabrians*, Gentlemen of King *Andrew's* Bed-chamber, to be rack'd to Death, ordered *Filippa Catanese* with her Son and Grand-daughter to be seiz'd; and after all the three had been put to the Rack, he caus'd them to be set upon a Cart, and their Flesh to be torn off with red hot Pincers, but the miserable decrepit *Filippa* died before she came to the Place where she was to be beheaded<sup>\*</sup>.

ON the other hand, the News of this Fact coming to Pope *Clement* in *Avignon*, he reckoned, that it belonged to him and the Apostolick See to take Cognizance of this Crime, upon which he likewise began to proceed against the guilty. First he excommunicated, interdicted, and declared them infamous Rebels, and outlaw'd in general; but by reason of the Distance of the Place, all Enquiry for finding out who were the particular Persons being to no purpose, he, by his Bull drawn up in *Avignon* in the Year 1346, the fifth of his Pontificate, gave a Commission to *Bertrando del Balzo* Lord Chief Justice of the Kingdom, Count of *Montescaglioso* and *Andria*, with full Power to proceed against the guilty; and in this Bull recorded by *Camillo Tutini*, and which he copied from the Royal Archives<sup>3</sup>, we read these Words: *Nos nolentes, sicut nec velle debemus, tam horribile, & detestabile, ac Deo, & hominibus odiosum facinus, cujus cognitio prima ad nos, & Romanam Ecclesiam in hoc casu pertinere dignoscitur, relinquere impunitum, &c.*<sup>4</sup>. And having also with the Queen's Permission made diligent Search, he found guilty, as Accomplices, Conspirators, and Authors of the Crime, *Gasso di Dinissiac* Count of *Terlizzi*, *Roberto di Cabano* Count of *Evoli* and High-Steward of the Kingdom, *Raimondo di Catania*, *Niccolo di Siliczano*, *Sancia di Cabano* Countess of *Morcone*, *Carlo Artus*, and *Bertrando* his Son, *Corrado di Catanzaro*, and *Corrado Uynfredo da Montefusco*. And though some of these resided in the Kingdom, yet it being a difficult Matter to seize them, both on account of the Protection they expected from those of the Blood-Royal, and because they had fortified themselves in their Castles, Count *Bertrand* had recourse to the Queen, that by her general Edict she would order the Empress of *Constantinople*, and *Lewis* of *Taranto* her Son, to send under a faithful and safe

<sup>\*</sup> G. Villani lib. 12. cap. 50, 78, 98. Matteo Villani lib. 1. cap. 11. Petrarca lib. 6. rer. fam. epist. 6. V. Baluz. in notis ad vitas PP. Aven. tom. 1. pag. 860.

<sup>2</sup> Costanzo lib. 6.

<sup>3</sup> Tutin. de M. Giustiz. fol. 62. V. Baluz. loc. cit.

<sup>4</sup> Prima vita Clem. VI. apud Baluz. tom. 1. pag. 247. Contra alios vero dictus Papa fecit processus, & fulminavit sententias quantum ratio dictabat, & justitia suadebat.

Guard Carlo, Bertrando, and Corrado Umfredo; and also to order the Prince of Taranto, the Duke of Durazzo, and their Brothers, and all Counts, and Barons, and especially the Citizens of Naples, in case the said Empress did not send them, to go with all their Posses to the Castles and Places where they were, and to make them Prisoners, offering also to go himself in Person, in order to bring them to condign Punishment; and besides, that she would write to the Bishops, Vicars, and their Officers, effectually to put in execution the Interdictions and Excommunications thunder'd against them by the Pope, by declaring the Castles, in which they were, interdicted, and their Abettors and Harbourers excommunicated, and strictly to observe and obey the said Interdictions. The Queen, in Conformity to these Demands, on the seventh of October 1346 issued out a severe Edict, which was drawn up by Adolfo Cumano di Napoli Vice-Protonotary of the Kingdom, of which he sent many authentick Copies to all the Cities and Provinces of the Realm; and that it might be known and made publick to all, he caused Copies to be affixed in Naples upon the Gates of Castel Nuovo, and of the High-Court. The Edict is recorded by Tutini, in which we find likewise inserted the said Bull of Clement.

THE Queen, in order to clear herself of all Suspicion, sent the Bishop of Tropea to Hungary to King Lewis her Brother-in-Law to beg of him, that he would be pleas'd to take under his Protection her self a Widow, together with her young Son his Nephew, of whom there is mention made in the said Edict, by the Name of Carobert Duke of Calabria \*. But this Message had not the design'd Effect, for King Lewis being beforehand persuaded, that the Queen had been privy and accessory to Andrew's Death, answered her, according to Antonius Bonfinius, by a Letter of this Tenor; *Impetrata fides præterita, ambitiosa continuatio potestatis Regiæ, neglecta vindicta, & excusatio subsecuta, te viri tui necis arguunt consciam, & fuisse participem. Neminem tamen Divini, humane judicii pœnas nefario sceleri debitas evasurum.*

\* Baluz. tom. 2. Vitæ PP. Aven. pag. 689, 690, gives account of two Letters written by Clement to the Queen, wherein he desires to be Godfather to her Son; and the Pope left it to the Queen's choice either to pitch upon the Archbishop of Naples, or Bari, or Brundisi, or any other Prelate to stand Godfather in his Name, which accordingly was done by the Bishop of Cavillo the Queen's Chancellor.



## C H A P. I.

*Queen Joan marries Lewis of Taranto. The King of Hungary invades the Kingdom, and forces the Queen to fly to Avignon: She returns, and with the Assistance and Mediation of the Pope makes Peace with the King of Hungary.*

**U**PON the Bishop's return the Queen imparted the Answer to all her Council, who were unanimously of Opinion, that the King of Hungary was resolv'd to revenge his Brother's Death, by his blaming the Queen for having retain'd, and continuing to exercise the Royal Authority; they likewise concluded, that he pretended the Kingdom was his own; of which his asking of the Pope the Investiture of the Kingdom for his Brother Andrew, not as the Husband of Queen Joan, but as the Heir of Charles Martel his Grandfather, was a plain Indication. Therefore they all judg'd it necessary, that the Queen should make Preparations for defending herself; and that in order thereto, she ought in the first Place to take a Husband,

Husband, who with his Power and Person might be able to make Head against so powerful an Enemy: *Robert* Prince of *Taranto*, who came to *Naples* to visit her, proposed his second Brother *Lewis*, a gallant Prince, and in the Flower of his Age. All the rest of the Queen's Council approv'd of this Proposal, and it being above a Year since *Andrew's* Death, on account of the News of the King of *Hungary's* Preparations, the Marriage was immediately solemniz'd, without waiting for the Pope's Dispensation.

BUT the Report of the Power of the King of *Hungary*, the small Ability of the Queen's new Husband, and the general Opinion that the Queen had had a Hand in the Death of her late Husband, put the greatest part of the Barons and People to a stand; and although *Lewis* of *Taranto* with great Application endeavoured to make all possible Preparations, yet he had not that Obedience paid him that was requisite, and before the fourth part of the necessary Provisions was made, it was known, that the King of *Hungary* was arrived in *Italy*. Whereupon the Queen, who truly inherited the Wisdom of the great King *Robert* her Grandfather, by a prudent Resolution, in the Prime of her Youth, discovered what she was to be, and which she proved when she came to the Age of Maturity; for considering that it was not in her Husband's Power to make a Stand, and the Backwardness of her Subjects, she resolved to get the better of the Enemy by flight, since she could not do it by Resistance; and having call'd a Parliament, wherein were present all the Barons of the Kingdom, the Syndicks of the Cities, and the Governors of the City of *Naples*, she acquainted them with the coming of the King of *Hungary*; and after she had made a sad Complaint against some, who wrongfully accused her of so great a Wickedness, she told them, That for two Reasons she was resolved to leave the Kingdom, and to go to *Avignon*; the one in order to represent her Innocence to Christ's Vicar upon Earth, as it was manifest to God in Heaven; and the other to make it known to the World, by the Confidence she had in the Assistance of God Almighty. Nevertheless she was unwilling that her Barons and People should partake of her Sufferings, and therefore, though she was confident all her Subjects, were it but for the Respect they bore to the Memories of her Father and Grandfather, would not fail to appear in the Field to vindicate the Justice of her Cause; she chose rather to yield by retiring out of the Kingdom, and allowing them to submit themselves to the enraged King of *Hungary*; she afterwards absolved all her Barons, People, Castellains, and Tributaries from their Oaths, and ordered them not to make the least Resistance, but to carry the Keys of the Cities and Castles to the Conqueror, without waiting for Herald, or Trumpet. This Speech being delivered with a noble Grace, drew Tears from almost all present; and to comfort them, she said, That she trusted in the Justice of God, that by publishing her Innocence to the World, he would restore her both to her Kingdom and Honour. On the fifteenth of *January* 1347, she took shipping at *Casert Nuovo* for *Provence*, accompanied by her Husband and the Princes of *Taranto* her Mother-in-Law, who was intitled Empress, and by *Niccolo Acciajoli* a *Florentine* and faithful Friend of the House of *Taranto*, and a Man of exceeding Valour.

IN the mean time the King of *Hungary* with his Army had entered the Kingdom, and been received in *Aquila*, whither the Counts of *Celano*, *Loreto*, *S. Valentino*, and *Neapolione Orsino*, with other Counts and Barons of *Abruzzo*, went to wait upon him, and swore Homage to him; and after he had taken and pillaged the City of *Salerno*, by long Marches, without any Resistance, he advanced towards *Naples*; upon which the Princes of the Blood, confiding in the Relation they had to the King of *Hungary*, prepared themselves to meet him in a friendly manner, and expected to be courteously received; the rather, because they carried along with them, as King, young *Carobert* King *Andrew's* Son, who was then three Years old; and having conven'd a good Number of the principal Barons, the Prince of *Taranto*, *Philip* his Brother, *Charles* Duke of *Durazzo*, *Lewis* and *Robert* his Brothers set out from *Naples* and met the King as he was marching from *Benevento* to *Aversa*, who very lovingly kiss'd his Nephew, and received them all with great Demonstrations of Kindness; and besides, when he came to *Aversa*, a great many other Barons and Gentlemen flocked to him from all Parts to pay him Homage; and after he had halted there five Days, resolving to be in *Naples* the sixth, he put on all his Armour, ordered the whole Army to do the same, and then mounted his Horse; and as he came over-against the Place where King *Andrew* had been strangled, he stopp'd, and calling the Duke of *Durazzo*, he asked him out of which Window King *Andrew* had

had been thrown: The Duke answered, that he knew not; whereupon the King shewed him a Letter written with the Duke's own Hand to *Charles of Artois*, telling him, that he could not deny his own writing, and caused him to be seized, and immediately beheaded<sup>1</sup>; he ordered also, that he should be thrown out of the same Window out of which King *Andrew* had been thrown: By the King's Orders his Body lay unburied till the next Day, when it was carried to *Naples*, and buried in the Church of *S. Lorenzo*, where his Grave is to be seen at this Day. Such was the Death of the Duke of *Durazzo*, the Son of *John*, who was the fifth Son of King *Charles II.* who by *Mary*, the Sister of Queen *Joan*, left no Male Issue, but only four Daughters, *Joan*, *Agnes*, *Clementia*, and *Margaret*, of whom hereafter. King *Lewis* ordered the rest of the Princes of the Blood to be confined Prisoners in the Castle of *Aversa*, and some Days after sent them from thence into *Hungary*, together with young *Carobert*; and continuing his March towards *Naples*, he caused to be displayed and carried before him a black Standard, representing the terrible Spectacle of a strangled King: The greatest part of the *Neapolitans* coming to meet and welcome him, he put on a morose Countenance, and made as if he neither saw nor heard them, but entered *Naples* with his Helmet on his Head, and rejecting all Demonstrations of Respect, he went directly to *Castel Nuovo*, of which the Governor had already delivered him the Keys: Upon this the whole Inhabitants were put in a terrible Consternation, expecting, that their City was to be pillaged by the *Hungarians*, because they immediately began to plunder the Houses of the Princes of the Blood; the Duchess of *Durazzo* with great Difficulty escaped, and fled by Sea to her Sister in *Provence*. The King would give no Audience to the Magistrates of the City, but ordered them to be all changed, and new ones to be chosen in their Place, who were to do nothing without consulting the Bishop of *Waradin* a *Hungarian*. The K. of *Hungary* remained two Months in *Naples*, went afterwards to *Puglia*, where he appointed *Conrad Wolf* a *German* Baron his Lieutenant; having made *Gilfort Wolf*, *Conrad's* Brother, Governor of *Castel Nuovo*, and made great Preparations of War in different parts of the Kingdom, he embarked at *Barletta* in a light Galley and landed in *Sclavonia*, and from thence went to *Hungary*, having remained only four Months in the Kingdom.

DURING these Transactions, Queen *Joan*, with her Husband *Lewis*, being arrived at the Pope's Court in *Avignon*, were most graciously received by *Clement*, who gave them a Dispensation for having married within the forbidden Degrees of Consanguinity<sup>2</sup>, and the Queen in a publick Consistory defended her own Cause with so much Wit and Eloquence, that the Pope and the College of Cardinals, who had lying before them the Process against *Filippa Catanese* and her Son *Robert*, wherein finding, that the Queen was not so much as mentioned, nor in the least blamed, they were persuaded that she was innocent, took her Cause under their Protection, and immediately sent an Apostolick Legate to *Hungary* to treat of a Peace. The Legate found the King very haughty, which proceeded either from the Passion he was in for his Brother's Death, or that he was puff'd up with his having taken Possession of so noble and opulent a Kingdom, which he looked upon as his own, since young *Carobert* died soon after his Arrival in *Hungary*; but notwithstanding the Difficulty of negotiating, the Legate was resolved not to leave *Hungary*, but from time to time studied, with all his Art, to smooth the Ruggedness of the King's Temper.

IN the mean time the *Neapolitans* were no sooner rid of the King of *Hungary*, than they heard of the Pope's Good-will towards the Queen; and finding themselves ill-us'd by *Gilfort Wolf* the Governor and King's Lieutenant in *Naples*, they began to mutiny; and many who had been King *Robert's* and the Queen's Favourites went to wait upon her in *Provence*, and encourage her to return, because the Power of the *Hungarians* was so much diminished, and the Hatred of their barbarous Customs so much increas'd, that a handful of Men from *Provence* would easily drive them out of the Kingdom. There were also many Barons, who by private Messages and Letters invited her, which were of great Service to the Queen, because by shewing those Letters to the Pope, it confirmed the Opinion he had of her Innocence; so that the Queen being assured of the Pope's Favour, and of the Love

<sup>1</sup> Secunda vita Clem. VI. apud Baluz. tom. 1. pag. 271.

<sup>2</sup> Secunda vita Clem. apud Baluz. loc. cit. miseri-

corditer dispensavit, quoniam in secundo consanguinitatis gradu se invicem ex duobus stirpibus contingebant.



of the Barons of the Kingdom, she began to recover both her Reputation, and the Good-will of her Subjects, who thought, that her appearing before the Pope, the Father and universal Judge of Christians, and by him deem'd innocent, and worthy to be restor'd to her hereditary Kingdom, was binding upon them to behave themselves like good and faithful Subjects; whereupon the People of *Provence*, and of her other Dominions on the other side of the Mountains being encouraged, all of them strove who should be foremost in presenting and supplying her with Money, of which she stood in so great need, that she sold the City of *Avignon* to the Pope, with the Price of which, and the Money given her, she fitted out ten Gallies, and after taking leave of the Pope, she, with her Husband *Lewis*, departed. *Angelo di Costanzo* writes<sup>2</sup>, that at her departing she did not sell, but made a Present of the City of *Avignon* to the Pope and the Church, which so endear'd her to the Pope, knowing that she was desirous of having the Title of King given her Husband, in giving him his Blessing he call'd him King; so that both being satisfied, and full of good Hopes, they went and embarked at *Marseilles*, and with a fair Wind arriving at *Naples*, the whole City went to meet them at the Bridge of *Little Sebeto*, two hundred Paces distant from the City, because the Gallies durst not enter the Harbour of *Naples*, *Castel Nuovo*, and all the other Forts, being garrison'd with *Hungarians*. After they had landed, and been received with incredible Demonstrations of Joy by all the People, they were conducted under a Canopy to a House prepared for them near the *Seggio di Montagna*. In a few Days many Counts and Barons came to wait upon the Queen, and to congratulate her upon her return, and to offer their Service in driving out the *Hungarians*. The Queen and King in return, so far as their present narrow Circumstances would bear, rewarded all those, who had expressed their Affection for them, with Privileges, Titles, Honours, and Dignities, and especially the Youth about their own Ages, who, more out of Love than for Pay, would be ready and willing to make up an Army able to drive the Enemy out of the Kingdom. And at this time the Custom was first introduced among us to give to Barons the Title of Duke, for formerly that of Count was wont only to be bestowed upon them, and the Title of Prince, or Duke, belonged to those of the Royal Family only; and the first who had this Honour was *Francesco del Balzo*, whom this Queen created Duke of *Andria*, and the second was the Duke of *Sessa*. King *Lewis* likewise appointed a magnificent Court, and made *Niccolo Acciojoli* a *Florentine* Lord High-Steward of the Kingdom; and because the Subjects were oppress'd by *Conrad Wolf* and his *Hungarian* Officers, he left the Castles of *Naples* besieged, and with a goodly Company of Counts and Barons, and of the Flower of the *Neapolitan* Youth, he marched against the Count of *Apici*, and having defeated him, advanced into *Puglia*, where he took *Lucera*, and from thence went to *Bartetta*. *Puglia* and *Terra di Lavoro* were for a long time the Theatre of a cruel and bloody War, and not only these, but the other Provinces of the Kingdom were in a Combustion. *Conrad Wolf* presently sent Advice of what had happen'd to the King of *Hungary*, who, upon receiving of it, made such Dispatch, that he arrived in *Sclavonia*, and embarked for *Puglia*, before it was known that he had resolv'd to come: Upon his arrival in *Puglia* he found his Army compos'd of ten thousand Horse, and a prodigious Number of Foot. The War therefore grew more furious and obstinate, till both Parties being wearied, at last Pope *Clement* found means to make Overtures of Peace between the two Kings. For which end *Clement* sent two Legates, who, with all their Management, could only obtain a Truce for one Year; whereupon King *Lewis* returned to *Hungary*, leaving Garrisons in all the Cities he was Master of. But after that he arrived in *Hungary*, whether it was owing to the Dexterity and Prudence of the Apostolick Legate, who never left him, or that he had resolv'd to make War upon the *Venetians*, who had made themselves Masters of some Cities of *Dalmatia* belonging to the Kingdom of *Hungary*, at last he made Peace with King *Lewis* and Queen *Joan*, and out of Compliment to the Pope, and the College of Cardinals, he relinquish'd all his Pretensions, and set at Liberty the five Princes of the Blood, who had been four Years Prisoners in the Castle of *Vicegrad*. This Peace was concluded in *April* of the Year 1351. and some add, that the Pope, as Mediator of the Peace, having awarded, that King *Lewis* and Queen *Joan* should pay thirty thousand Florins to the King of *Hungary*

<sup>1</sup> Secunda vita Clem. apud Baluz. loc. cit. pag. 272. Civitatem Avenionem, &c. emit a Regina præ-

dicta pretio invicem concordato.

<sup>2</sup> Costanzo lib. 1.

for his Expences of the War, he generously refused to take it, saying, That he went not to *Naples* out of Ambition or Covetousness, but only to revenge his Brother's Death, and having done what he thought was fitting, he desired no more; for which he was much commended and thanked by the Pope and College.

KING *Lewis* and Queen *Joan* having got clear of these Troubles, they sent Ambassadors to thank the Pope and the College of Cardinals, and to desire His Holiness to send an Apostolick Legate to crown them, which was readily granted, and the Bishop of *Braga* was deputed for that Purpose. Therefore great Preparations were made in *Naples*, and the twenty fifth of *May* the Feast of *Pentecost* was appointed for the Coronation; and all the Kingdom inur'd to Hardships, Burnings, Death, and Rapine, began to rejoice; and besides the Barons, a Multitude of People from all Parts flocked to *Naples* to be present at this Solemnity, which was likely to make them forget their past Calamities. On the Day appointed the Legate being come to the Place where Preparation had been made, with great Pomp and solemn Ceremony he anointed and crowned the King and Queen, and many Tournaments, Tiltings, and sumptuous Feasts were made. And afterwards all the Cities and Barons solemnly swore Homage to the King and Queen, who gave a general Indemnity to all those, who in the late War had sided with the King of *Hungary*; and King *Lewis*, in Memory of this Coronation, as we have said elsewhere, instituted the Society of the *Nodo*, (*Knot*) into which he admitted sixty Lords and *Neapolitan* Gentlemen of different Families, the most gallant Men of those times.



## C H A P. II.

*King Lewis's Expedition against Sicily: Peace following thereupon, and his Death.*



Our Kingdom of *Puglia* was brought to a very happy State by the Peace, and the Presence and Clemency of King *Lewis*, so on the contrary the Affairs of *Sicily* grew daily worse and worse; for by the Weakness of the young King *Don Lewis*, the Quarrels among the *Sicilians* increasing, and all the Barons and People of the Island being divided, the Tillage of the Fields was neglected, which is the principal Revuene of that Kingdom; in like manner all other Traffick was laid aside, and nothing but Robberies, Burnings, and Slaughter were minded: Hence proceeded Indigence and Misery to the whole Island, as well as Poverty and Weakness to the King, the People being not only unable to pay the extraordinary Subsidies, but even the wonted and ordinary: Under these Difficulties the Barons divided themselves into two Factions; the Heads of the one were the *Capulans*, who had usurped the Guardianship of the King; and of the other those of the House of *Chiaromonte*, who were so powerful, that they were Masters of *Palermo*, *Trapani*, *Syracusa*, *Girgento*, *Mazara*, and many more of the best Cities of *Sicily*; and altho' they were not the King's open Enemies, yet they lorded it over all these Cities in every thing, the Title only excepted; and because those who governed the King were in Possession of the least part of *Sicily*, they were forced to draw out of it wherewithal to maintain the Royal Dignity of the King and his Household, and also to enrich themselves: The People being discontented began to mutiny, and the City of *Messina*, which was the chief of those in the King's Possession, not able to bear the harsh Government of Count *Matteo Palizzi*, the Citizens rose up in Arms, went to the Royal Palace, and killed him; and the other Barons with Difficulty

saying

• saving themselves, retired to *Catania*. After the Example of *Messina*, the Inhabitants of *Syracusa* also murdered the King's Ministers that were there; and Count *Simone di Chiaramonte* having been the Author of this Commotion, and knowing that he should incur the Indignation of the King and his Council, sent to King *Lewis* in *Naples*, inviting him not to make a bare Attempt, as formerly King *Robert* had done, but assured him of certain Victory, seeing the Affairs of *Sicily* were in such a Situation, that with a very small Number of Troops he might easily conquer it.

THE late Wars had put King *Lewis* and the Kingdom into as bad a State as the *Sicilians*, and they had but just then begun to reap the first Fruits of Peace and Tranquillity; and those Forces, which in the time of King *Robert* were powerful and united, by the Presence of so many Princes of the Blood, amongst whom the Kingdom was divided, were then weak and separated; so that the King could not send that Number of Troops and Provisions which so great an Undertaking required; nevertheless, he sent the High-Steward *Acciajoli* with a hundred Cuirassiers, and *Giacomo Sanseverino* Count of *Melito* with four hundred Foot, aboard of six Gallies, and many great Ships of Burden, with what Provisions could be got. These arriving in *Sicily*, with the Assistance of Count *Simone* marched, and took Possession of *Melazzo*, where, in the King's Name, they left a Garrison and a Governor, and with a great Part of the Provisions they marched to *Palermo*, and the Citizens being in extreme want of all Necessaries of Life, they were joyfully received; and those of the House of *Chiaramonte* set up King *Lewis*'s Standard in *Trapani*, *Syracusa*, and in all the other Cities they were Masters of; and although they had not Soldiers sufficient to garrison them all for King *Lewis*, yet so weak was the King of *Sicily*'s Party, that without the Force of Arms, with the Provisions only, which were sent them from *Calabria*, they held out for the King of *Naples*.

UPON this Success the Governors of the King *Don Lewis*, earnest to prevent King *Lewis*'s Men from settling in *Sicily*, before they could be reinforced used their utmost Efforts to recover *Palermo*, but to no purpose; because the Citizens, who had destroyed all the Provisions, continued faithful to King *Lewis*, and punctually obeyed the High-Steward and the Count of *Mileto*, who defended the City, so that they were forced to leave it.

IN a few Days the King *Don Lewis* died, and his younger Brother *Frederick* was proclaimed King, who being but thirteen Years of Age, was under the Management of the *Catalans*, by whose means *Niccolo Cesario*, the Head of a strong Faction in *Messina*, being banished out of that City, also joined King *Lewis*'s Party; and having kept a Correspondence with some of his Followers, in the Night-time he entered *Messina* with some Soldiers and Adherents of the House of *Chiaramonte*, and attacked his Enemies. The People being all in an Uproar, gave Opportunity to two hundred Horse, and four hundred Foot, (sent by the High-Steward, and the Counts of *Chiaramonte*, as had been agreed between them) to enter the City, and driving out those of the opposite Faction, they set up King *Lewis*'s Standard. Immediately upon the News of the taking of that City, which King *Lewis* looked upon as his own, since the other Cities were rather in the Possession of the *Chiaramontese*, than of his Officers, he, with Queen *Joan*, came to *Reggio* in *Calabria*, and sent fifty Spear-men, and three hundred Foot, with great Store of Provisions to the High-Steward in *Messina*, of which he was in great want. The Citizens were so overjoyed, that with this Reinforcement they attacked the Castle of *San Salvatore* and *Mattagrifone*, which were obliged to surrender with two of the King's Sisters, *Blanch* and *Violante*, who, with an honourable Convoy, were sent to *Reggio* to the Queen, and were very courteously and lovingly received and caressed by her. The King thought fit not to delay any longer, but with the Queen pass'd the *Streights*, and on the Eve of *Christmas* 1355, with great Pomp made their Entry into *Messina*, and were lodged in the Royal Palace, where, with the usual Ceremonies, every one swore Homage and Fealty to them.

A few Days after the Counts *Simone*, *Manfredi*, and *Federico di Chiaramonte* came to wait upon the King, who received them very graciously, as Heads of the Family, and Authors of the Conquest of that Kingdom; but Count *Simone*, desirous that King *Lewis* would give him *Blanch*, King *Frederick*'s Sister for Wife, and persuading himself, that on account of his Merit, and as a Reward for the Kingdom he ought not to deny him, spoke confidently of it to the King. This Demand seemed to be of great Importance, not in itself, but in those Consequences which might attend such a Marriage; for King *Frederick* being the last of the Race of the Kings  
of

of *Sicily* of the House of *Aragon*, and of so tender an Age, and weak Understanding, that he was called *Frederick the Simple*, it might probably happen, that *Blanch's* Right being added to Count *Simone's* Power, he might drive out both King *Frederick* and King *Lewis*; so that then he neither gave him a Denial, nor a Promise; but shortly after he offered to give him for Wife the Duchess of *Durazzo*. *Simone* then, by this Offer, finding himself baulk'd, took it so much to Heart (because he presumed that he merited so much of the King, that he could not refuse him any Favour) that in a few Days he died of Grief; and the rest of that Family, as if *Simone* by his Will had appointed them to revenge that Injury, began to cool in their Affection for King *Lewis*. In the mean time he ordered *Catania*, where King *Frederick* was with his few Troops, to be besieged; but King *Lewis's* Men being repulsed, and routed, Count *Raimondo del Balzo* the High-Chamberlain was taken Prisoner, and the High-Steward *Acciajoli* with great Difficulty escaped. The News of this Defeat struck *Lewis* to the very Heart, insomuch, that he stripped his Queen of her Jewels, and sold them to raise Money for the Count's Ransom, which he sent by a Herald to King *Frederick*, who refus'd to accept of it; but bid the Herald tell him, that the Count's Liberty depended solely upon that of his two Sisters. And as *Lewis* had an extreme Value for the Count, he was satisfied to send him his Sisters honourably accompanied to *Catania*.

WHILE these Things were transacting, the Innovations which happened in the Kingdom obliged King *Lewis* to return to *Naples*; and being resolv'd not to quit his Design upon *Sicily*, which, because of the extreme Poverty of the Enemy, he looked upon as already conquered, he left the High-Steward *Acciajoli* his Captain General in that Island, and with the Queen returned to *Naples*. New Disorders and Confusions, not inferior to what were in the time of the *Hungarians*, began to break out afresh in the Kingdom; for the Prince of *Taranto*, who, because he was the King's elder Brother, thinking that he might govern both the King and the Kingdom, had conceived a Hatred against, and was persecuting many Barons, because they would acknowledge none for their Lords and Masters but King *Lewis* and Queen *Joan*. And *Lewis* of *Durazzo*, the King's Cousin, finding that himself and his Brother were not regarded but as two poor Barons of the Kingdom, joined the Count of *Minorvino*, who had been so bold as to possess himself of the City of *Bari*, and to take the Title of Prince of *Bari*, and *Palatine* of *Altamura*, besides other Titles, of which he was very vain; and he maintained a good Band of Spear-men, and so many Horse, that he seem'd to vie both with the Prince of *Taranto* and the King; and in order to be able to support these Men, he over-run the richest Parts of the Kingdom, and put the Country under Contribution, without the least Regard either to the King or Queen. Wherefore King *Lewis* found himself under a Necessity of crushing the Insolence of this Man, and after divers Engagements, which put many Provinces of the Kingdom into Confusion, he at length subdued the Rebels; and *Lewis* of *Durazzo* remaining alone, and without Troops, on account of his Relation, the King and Queen were reconciled with him; and after the King had taken sundry Precautions for the Quiet of the Kingdom, he bent his Thoughts upon the War of *Sicily*.

ON the other hand the *Sicilians* of King *Frederick's* Party, seeing their Troops much inferior to those of King *Lewis*, managed Matters so, as to get their King to marry the Sister of the King of *Aragon*, but that new Alliance was of no stead since the Bride died soon after: In the mean time, by an Alliance which the *Chiaromontese* made with the Count of *Vitimiglia*, the Head of King *Frederick's* Party, a Treaty was set on Foot between that Prince, and King *Lewis* and Queen *Joan*, which, after much negociating, was at last concluded upon these Conditions. That King *Frederick* should take the Title of *King of Trinacria*: That he should take for Wife *Antonia del Balzo* the Duke of *Andria's* Daughter by King *Lewis's* Sister: That he should hold his Kingdom of King *Lewis* and Queen *Joan*, and as an Acknowledgment should pay to them yearly on the Feast of *S. Peter* three thousand Ounces of Gold; and when the Kingdom of *Naples* should happen to be attacked, to send a hundred Spear-men, and ten armed Gallies to defend it. On the other hand, that King *Lewis* should deliver up all the Cities, Towns, and Castles, which to that Day had been taken, or had set up his Standard.

THIS put an end to the Wars of *Sicily*, which had continued so many Years, and wherein so much Blood had been shed, and inestimable Treasure spent. But it is a thing truly worthy of Observation, that the Kingdom of *Sicily*, which the

*Roman* Barons claimed as their Fief, and that it belonged to them to give the Investiture of it, insomuch, that they made many Attempts to wrest it from the Kings of *Aragon*, and now become subject and tributary to the Kings of *Naples*, should in process of Time be altogether withdrawn from the Subjection of them all, and at present be looked upon more free and independent, than the Kingdom of *Naples* itself; since, after the famous *Sicilian Vespers*, by reason of the continual Wars with the Kings of the Family of *Anjou*, who had always the Popes for their Confederates, the Kings of *Aragon* never sought Investiture from the Apostolick See for that Island; and even after this Peace made with the King and Queen of *Naples*, they did not demand it; and in fine the King *Don Frederick* dying without leaving Male Issue, and in the Year 1368 his Daughter *Mary* succeeding him, she would neither be called Queen of *Trinacria*, nor take Investiture from the Pope. King *Martin I.* of *Aragon*, who in the Year 1402 succeeded *Mary*, and *Martin II.* his Successor followed her Example. And this last dying without Children, and in the Year 1411 *Ferdinand* of *Aragon* the Son of *John of Castile* being elected King of *Aragon, Valencia, and Sicily*, he transmitted the Kingdom of *Sicily* with the same Conditions to his Son *Alphonfus*, who in the Year 1416 succeeded him in all his Kingdoms, but never sought Investiture from the Popes, neither did any of his Successors; so that, as of old through Necessity, or the Circumstances of the Times requiring it, the Custom of taking the Investiture of that Island from the Popes was introduced: So now by Disuse, and the contrary Practice, that Custom is quite laid aside and abolished; insomuch, that at present that Kingdom continues altogether free and independent.

AND although by the Articles of this Peace made with King *Lewis* and Queen *Joan*, the Kingdom of *Sicily* became subject and tributary to the Kings of *Naples*; yet those Conditions were never fulfilled, nor put in execution; for though in a Bull of *Gregory XI.*'s quoted by *Inveges*<sup>1</sup>, published in 1363. soon after the Conclusion of this Peace, the Kingdom of *Naples* being called the Kingdom of *Sicily*, and that of *Sicily, Trinacria*; yet none of the Kings of that Island intitled themselves *Kings of Trinacria* in their publick Writs, but of *Sicily, ultra Pharam*; and they called the Kingdom of *Naples Sicily citra Pharam*, as we read in the Letters Patent of King *Martin*, and of the Kings of *Sicily* his Successors. And these two Kingdoms being afterwards united in the Person of *Alphonfus I.* of *Aragon*, he was the first, who began to take the Title of *King of both the Sicilies*. Neither do we read that that Kingdom was ever acknowledged to be held of the Kings of *Naples*, or that on the appointed Feast of *S. Peter* the three thousand Ounces of Gold were paid, or the ten armed Gallies sent, as stipulated in the said Articles of Peace; for the Kings of *Naples*, till *Alphonfus I.* of *Aragon*, were involved in so many Wars, and distracted by so many intestine Commotions, that they could not think of any thing but their own Safety, and the Preservation of their own Kingdom, as shall be related.

THE War of *Sicily* being thus ended, and the intestine Commotions suppressed, our Kingdom began to enjoy Peace and Tranquillity; but it continued not long in that State, for in the Year 1362, King *Lewis* being seized with a violent Fever, died in the forty second Year of his Age. This Prince was exceedingly handsome, of a sweet Temper, and no less valiant than wise; but he was very unfortunate in his Undertakings, for finding the Kingdom involved in Troubles, and impoverished by so many Wars and Dissentions, he had neither Means nor Opportunity to employ his Courage, especially in the Expedition of *Sicily*.

*Matteo Palmerio* in the Life of the High-Steward *Acciajoli* writes, that *Innocent VI.* *Clement's* Successor, was grievously offended with King *Lewis*, because he did not pay him the usual Tribute, and therefore the King, in order to pacify him, sent *Acciajoli* and *Giovanni* Archbishop of *Naples* his Ambassadors to *Avignon*; and *Bzovius* adds, that *Innocent* gave Power to *Bertrando Giovanni's* Successor to absolve King *Lewis in articulo mortis* from the Excommunication, *Ob non solum Romanæ Ecclesiæ censum*<sup>2</sup>. King *Lewis* reigned five Years before he was crowned, and ten after his Coronation. His Body was sent to the Monastery of *Monte Vergine* near *Avellino* twenty Miles distant from *Naples*, and it was buried near the Grave of the Empress *Margaret* his Mother, where his Tomb is still to be seen supported by eight

<sup>1</sup> Inveges tom. 3. Histo. Paler. Archiep. Neap. pag. 195 & 196.

<sup>2</sup> V. Chioccar. de Archiep. Neap. anno 1359. Ughell de

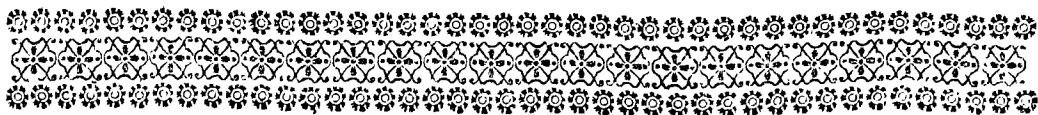
Pillars with his Effigies only, without Infcription. He left no Children, the two Daughters he had by Queen *Joan* having died while they were Infants.

NOT long after the Prince of *Taranto* died in *Naples*, and was buried in the Church of *S. George the Greater*, and he left *Philip* his third Brother Heir to the Principality, and to the Title of Emperor <sup>1</sup>. This Prince a little before had married *Mary* the Queen's Sister, who died shortly after; and for his second Wife he married *Elizabeth* the Daughter of *Stephen* King of *Poland*, with whom he lived till 1368, the Year of his Death <sup>2</sup>. He died in *Taranto*, where he was buried, and having no Children, left the Principality of *Taranto*, with the Title of Emperor to *Giacomo del Balzo* the Son of his Sister *Margaret*, and of *Francis* Duke of *Andria*. *Lewis* of *Durazzo* Count of *Gravina* and *Morcone* died also, and was buried in the Church of the Holy Cross, near Queen *Sancia's* Tomb; he left a Son named *Charles*, who, as shall be told, was afterwards King of *Naples*; and shortly after *Robert* Prince of the *Morea*, the Count's Brother, both of them Sons of *John* Duke of *Durazzo*, died in *France*; so that of the numerous Progeny of King *Charles II.* there remained no other Male Issue but *Lewis* King of *Hungary*, and *Charles* of *Durazzo* the Son of the abovementioned *Lewis* of *Durazzo*. And soon after, all that this Progeny was possessed of in *Greece* was lost; for while they were still in Possession of *Corfu* and *Durazzo*, Queen *Margaret* the Wife of King *Charles* of *Durazzo* (while she governed in her Husband's Absence, who had gone to *Hungary*) having caused a *Venetian* Ship richly loaded to be seiz'd, and refusing to restore either the Goods or Ship, the *Venetians*, upon the King's Death, under this Pretence made themselves Masters of the Duchy of *Durazzo*, by which King *Charles I.'s* Race lost all footing in *Greece* <sup>3</sup>.

<sup>1</sup> Costanzo lib. 7.

<sup>2</sup> Summonte tom. 2. lib. 3. p. 446.

<sup>3</sup> Costanzo lib. 8.



### C H A P. III.

*Queen Joan marries a third and fourth time, and the Rebellion of the Duke of Andria.*

**B**Y the Death of King *Lewis* of *Taranto* the Queen being left a Widow, in order to prevent the Princes of the Blood from meddling in the Government of the Kingdom; both the *Neapolitans* and the Barons were for having her to govern alone, and therefore those of the Queen's most favourite Courtiers began to encourage her immediately to take a Husband, not only for the Support of her Royal Authority, but likewise for the Quiet of the Kingdom, to endeavour to leave Successors; and presently the Infant of *Majorca*, named *James* of *Aragon*, a handsome and gallant Youth, was pitched upon to be her Husband, and the Queen being but thirty six Years of Age, it might reasonably be expected that they would have Children; and the Marriage being concluded in the Year 1363, the Bridegroom took shipping and came to *Naples*, where he was received by the Citizens as King. The Marriage being solemnized, the Queen created him Duke of *Calabria*; but such was the cruel Destiny of our Kingdom, that this Marriage proved very unfortunate; for the King of *Majorca* being at War with his Cousin the King of *Aragon* about the Counties of *Roussillon* and *Cerretania*, the Queen's new Husband must needs go to serve his Father in that War, wherein he was first made Prisoner, and afterwards ransomed by the Queen, but returning a second time, he died. The Queen continued many

many Years a Widow, and governed with so much Prudence, that she gained the Character of the wisest Queen that ever sat upon a Throne; and being resolved not to venture upon another Husband, she began to think of settling the Succession of the Kingdom. She had brought up at her Court *Margaret* the youngest Daughter of the Duke of *Durazzo*, and of her own Sister *Mary*, whom she resolved to give in marriage to *Charles* of *Durazzo* with Apostolick Dispensation, because they were Cousin-germans; but there was a Stop for some time put to this intended Marriage, because the King of *Hungary* being at War with the *Venetians*, he sent to invite *Charles* of *Durazzo* to come and serve in that War. Though *Charles* was very young, yet he went with a goodly Company of Gentlemen, and served many Years, which startled the Queen, and made her suspect that the King of *Hungary* still harboured some Remains of the old Grudge, and therefore might induce *Charles* to revolt; nevertheless this Marriage, as shall be told, was at last consummated, which by other means proved the Queen's Ruin.

BUT on the other hand it appearing an easy Matter for any Man to surprize a Woman, in a manner left alone with the Burden of the Government of so great a Kingdom, and of so bold a People; though there were now no Princes of the Blood to disturb it, yet there were not wanting Neighbours, and powerful Barons. The first who attacked it was *Ambrosio Visconte* a Ballard Son of *Bernabo* Lord of *Milan*, who with twelve thousand Horse having entered the Kingdom by the way of *Abruzzo*, and taken by Storm some Castles, was advancing and ravaging the Country; but the Queen with her noble and masculine Courage soon crushed him, or having the best way she could assembled her Troops, she defeated his Army, and freed the Kingdom from that Invasion.

THE Queen overjoyed at this Victory, and the Kingdom being now in a peaceable State, went to visit *Provence*, and her other Dominions in *France*; but her principal Errand was to go to *Avignon*, to visit Pope *Urban V.* who had succeeded *Innocent VI. Clement's* Successor, by whom she was most graciously and honourably received. After she had spent some Months in visiting these People, who very lovingly made her handsome Presents, she returned to *Naples* highly contented, because she had made the Pope her Well-wisher and Friend.

UPON her arrival in *Naples*, the Marriage of *Charles* of *Durazzo* with her Niece *Margaret* was consummated; and it was evident to every Body, that her Intention was to leave them the Kingdom after her Death; yet for all that, *Charles* would not quit the King of *Hungary's* Service, but with the Queen's Liberty, in the Spring of the Year 1370 he returned to serve that King against the *Venetians*, saving *Margaret* with a Daughter of about six Months old, named *Mary*, after his Wife's Mother; and in the beginning of the Year following she was delivered of another Daughter, who was named *Joan*, after the Queen her Aunt, and was afterwards, as we shall observe, Queen of *Naples*.

BUT while the Kingdom was recovering itself, and free from foreign Invasions, it was again turned upside down by an intestine War, which was the Occasion of much Mischief; for all the other Princes of the Blood being extinct, *Francesco del Balzo* was left a most powerful Lord, because, as has been said, by the Death of *Philip* Prince of *Taranto* his Cousin, who had left *Giacomo del Balzo* his Son Heir to his Estate, as his Son's Tutor, he possessed a very great Lordship, and was thereby become formidable to all the Barons of the Kingdom; so that pretending that the City of *Matera* belonged to the Principality of *Taranto*, which was then in the Possession of a Count of the Family of *Sanseverino*, he went with open Force, and took it from that Count, threatening also to take some other neighbouring Cities from him. Upon this Insult the *Sanseverini*, who for Numbers and Estates were the most powerful Barons of the Kingdom, had recourse to the Queen, who immediately sent to tell the Duke, that if he was satisfied to refer the Matter to Arbiters, and not to shew so much Disrespect to her, she would chuse such as could not be suspected. But the Duke, rejecting all Advice, persisted in his Obstinacy of retaining the Cities by Force; whereupon the Queen, after having called all his Relations, and proposed many Expedients, willing to try every thing before she should be obliged to proceed by way of Justice, and seeing that the Duke continued obstinate, she ordered him to be summoned; and the Duke being still inflexible, upon a Day appointed for that Purpose, being seated on her Throne with all her Council

about her, she pronounced Sentence against the Duke as a Rebel: Then she ordered the *Sanseverini* to go and possess themselves, not only of the Cities taken from them, but likewise of all the Cities belonging to the Duke in *Puglia* in the Name of the Royal Exchequer, as justly devolved to the Crown by his open Rebellion. It took a long time to subdue the Duke, who stood in his own Defence; at last he was overcome, and forced to fly the Kingdom; whereupon the Queen after she had taken Possession of all his Estates, and *Tiano* and *Sessa* had surrendered to her, in order to indemnify herself of the Expences of this War, she sold *Sessa* to *Tommaso di Marzano* Count of *Squillacci* for twenty five thousand Ducats, and *Tiano* for thirteen thousand to *Goffredo di Marzano* Count of *Alisi*; but to *Tommaso* she gave the Title of Duke of *Sessa*, and he was the second of the Kingdom next to the Duke of *Andria*. She likewise sent to take Possession of the Principality of *Taranto*, because the young Prince, after his Father's Flight, had retired into *Greece*, where he was possessed of some Lands.

BUT the Duke of *Andria* did not fail to make new Attempts, for *Gregory XI.* his Kinsman having succeeded *Urban*, he had recourse to him, and was very kindly received, and partly with the Money he got of him under Pretence of Subsistence, partly with some which he raised out of the Estate he had in *Provence*, he returned to *Italy*, where with great Facility he found Means to disturb both the Queen and the Kingdom; for *Italy* being then in profound Peace, many *Ultramountain* Soldiers of Fortune were out of Pay, so that with the Money he had gathered, and many fair Promises, they were easily persuaded to go along with him. He entered the Kingdom with thirteen thousand Horse and Foot Soldiers, and with great Expedition arrived at *Capua* before the Queen had time to make the least Provision for a Defence; so that the whole Kingdom was not only put in Confusion, but the City of *Naples* itself was in great Fear and Danger; nevertheless the Queen, who was loved and respected by every body, soon put herself in a Posture of Defence, and made every thing ready for assembling her Army at *Nola*, when the Duke, being on his March towards *Aversa*, went to visit his Uncle *Raimondo del Balzo* Lord High Chamberlain of the Kingdom, a Man much respected both on account of his Age and Loyalty, and of great Authority, who was then in a Village of his own called *Casaluca*. As soon as this great Man saw his Nephew he began to rebuke him, and at the same time to exhort him not to be both the Ruin and Reproach of the Family of *Balzo*, by pursuing so foolish and unjust an Undertaking; for he was very well informed, that though the People he had brought along with him were many in Number, yet but of little Courage, they would certainly be defeated, for he had not only to do with the Queen's Troops, but with the whole Barons of the Kingdom, to whom he was become odious on account of his insupportable Pride. The Duke being struck to the very Heart, and ashamed at the Words of the good old Gentleman, knew not what to reply, but that what he did was only for recovering his own Estate, which he found was by no other Means to be got, notwithstanding his sincere Repentance for his Rebellion. The Uncle replied, that the Way he had taken was bad, and likely to deprive him of his Estate for ever, and that the best Course now was to retire, and by the Mediation of the Pope, endeavour to pacify the Queen. The Authority of this Man was so prevalent, that the Duke, overcome by these Reasons, immediately with his Followers marched directly for *Puglia*, under pretence of recovering the Cities of that Province, and upon his arrival in the Plains of *Andria*, he caused a Ship to be prepared for him, in which he embark'd, and return'd to *Provence* to wait upon the Pope. The Duke's Men finding they were impos'd upon, in order to induce the Queen to give them honourable Conditions, they began to pillage some small Towns; and as she was a great Lover of Peace she agreed with them, that upon their receiving sixty thousand Florins, they should march out of the Kingdom. These Transactions lasted till the Year 1375, in which *Raimondo del Balzo* Lord High Chamberlain died, leaving a most honourable Reputation behind him; the Queen was sadly afflicted for the Loss of such a Baron, and in his Place she created *Giacomo Arcucci* Lord of *Cirignola* High Chamberlain.

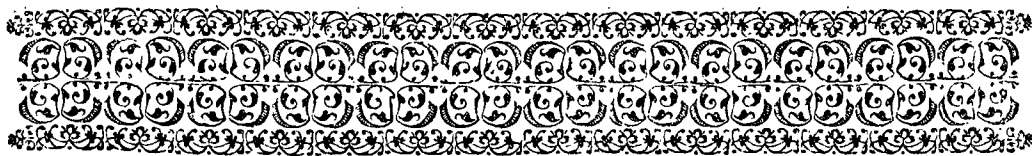
AT this time the Queen, whether she had conceiv'd a Jealousy of *Charles* of *Durazzo's* too great Affection for the King of *Hungary*, and that she was afraid of what afterwards happened, or that she was stirred up by her Council, who saw her thus alone always forced to struggle with the continual Commotions of the Kingdom, was determined to take a Husband; for though she was in the forty sixth Year of her Age, yet she was so vigorous, that she seem'd to be very fit for bearing



Children; therefore she married *Otho Duke of Brunswick*, a Prince of the Empire and of Imperial Race, a prudent and gallant Man, and of an Age suitable to her own, and it was agreed, that he should not take the Title of King, in order perhaps to keep *Charles of Durazzo* still in hopes of succeeding in the Kingdom. On the Feast of the Annunciation in the Year 1376, *Otho* came and made his Entry into *Naples*, conducted with great Honour under a Canopy through all the City to *Castel Nuovo*, where the Queen was, and where for many Days there were Royal Feasts.

THIS Marriage very much displeas'd *Margaret of Durazzo*, who at the same time brought forth a Son named *Ladislaus*, who was afterwards King; and though she was pretty sure that the Queen would have no Children, yet she was afraid that *Otho* and his *Germans* having once got footing in the Kingdom, would be so much Masters of the Fortresses, and of all the Kingdom, that it would be no easy Matter to dislodge them, and that she and her Husband might be deprived of the Succession. But the Queen stood firm to her Resolution of not giving her Husband the Title of King, reserving it to her Son, if it should please God to give her one; and in her Discourse she seem'd always to have a special care, that the Kingdom should remain in the Male Line of King *Charles II.* And to shew the Loye and Regard she had for her Husband, she made him a Present of all the Prince of *Taranto's* Estate, devolved to her by the Rebellion of *Giacomo del Balzo* the Duke of *Andria's* Son, which Estate was equivalent to a Kingdom. After this Marriage the Kingdom continued in Peace and Quiet for the Space of two Years; and the Queen gave a second Husband to her Niece *Joan of Durazzo* the eldest Daughter of the Duke of *Durazzo*, and of the Dutchess *Mary* her Sister, by marrying her to *Robert Count of Artois* the Son of the Count of *Arras*.

Theodor. a Niem. lib. 1. de Schismate, cap. 6, 7, 24, & 65.



## CHAP. IV.

*Of the Schism occasioned by the Popes of Rome and those of Avignon.*

THE famous Schism which happened in the Years following, and which lasted till the Council of *Constance*, put the Kingdom in great Confusion and Disorder. Pope *Gregory IX.* had translated the Apostolick See from *Avignon*, whither in the Year 1305 it had been transferred by *Clement V.* and where it had continued seventy Years, to *Rome*, where he arrived the seventh Day of *January* this Year 1377, and where he died on the twenty seventh of *March* 1378. The *Romans*, who had been at a vast Loss during the Time that the Apostolick See was in *France*, resolved to lay hold of this Opportunity for re-establishing the Pope's Court in their City, by endeavouring to get a *Roman* elected, or at least a Native of *Italy*; on the other hand finding, that there were then but sixteen Cardinals, of which twelve were *Ultramontans*, and only four *Italians*, they were afraid, and very justly, that the first being most in Number, it was not likely that the Plurality of Votes would be in favour of an *Italian* Pope; therefore having raised a Tumult they took up Arms, and on the fifth of *April* 1378, when the Cardinals had entered the Conclave, a Multitude of People conven'd, surrounded the Palace, and began to cry out, *We will have a Roman.* This Cry lasted all Night; the Day following the People being assembled in greater Numbers, went with more

Fury to the Conclave, threatening to break open the Doors, and to cut the *French* Cardinals in pieces, if they did not elect a Pope that was a *Roman*, or at least an *Italian*. The Cardinals being frighted promised to the People that they would do so, but protested among themselves, that what they were to do was by Compulsion, and that the Election was to be void. At last in a tumultuous manner they elected a Person, who was not of the College of Cardinals, and who was so insignificant, that it would be an easy Matter to turn him out of the Papacy. This was *Bartolommeo Prignano* Archbishop of *Bari*, according to *Panvinio*, born in *Naples* of mean Parents; but our *Giovanni Villani*<sup>1</sup>, and *Theodore de Nismes*<sup>2</sup> say, that he was born in the Village of *Itri* in the County of *Fondi*<sup>3</sup>. He had lived for the most part in *France* at the Court of the Popes, and had had a Post in the Apostolick Chancery, and afterwards had been Archbishop of *Acerenza*, and then of *Bari*. A Report being spread in *Rome* that the Archbishop of *Bari* had been elected, the People confounding him with *John of Bar* a *Frenchman*, and Domestick of the late Pope's, began their Outrages afresh. The Cardinal of *S. Peter*, in order to pacify the Mob, appeared at a Window of the Conclave, and many of them seeing him said, That's the Cardinal of *S. Peter*; whereupon the Populace immediately believed that he was the Cardinal that had been elected, and fell a crying, *Viva viva S. Pietro*. A short time after the Mob broke open the Doors of the Conclave, seiz'd the Cardinals, and robbed them of their Goods, still demanding a *Roman* Cardinal for Pope: some Domesticks of the Cardinals having said to them, Have not you got the Cardinal of *S. Peter*? they took the Cardinal, clothed him with the Pontifical Garments, placed him upon the Altar, and adored him, though he cried out, that he neither was, nor would be Pope. The Cardinals had much ado to save themselves, some running to their Houses, and others to *Castel S. Angelo*. The Archbishop of *Bari* in an instant became proud, austere, and very artful, for smelling the Intention of the Cardinals, assisted by the Magistrates, he forced some Cardinals to proclaim him. He took the Name of *Urban VI*. and wrote to all Christian Princes, notifying his Election; and in the beginning he very much curb'd the Cardinals, being afraid of what afterwards happened, viz. That they had a Mind to turn him out of the Papacy<sup>4</sup>. On the other hand the Cardinals, though they had been forced publickly to acknowledge him, wrote privately to the King of *France*, and other Christian Princes, that the Election was void, and that it was never their Intention to have acknowledged him for Pope; and shortly after, under pretence of shunning the Heat of the Summer, in the Month of *May* the twelve *Ultramontan* Cardinals left *Rome* one after another, and went to *Avignon*. But Cardinal *Ursino* the Count of *Nola's* Brother, under Pretence of coming to *Naples* to visit his Relations, got leave of *Urban* and came to wait upon the Queen; and being firmly persuaded that the Cardinals would make void the Election, he began to entreat her, that in that Case she would be pleas'd to intercede with the *Ultramontan* Cardinals, since there was a new Election to be made, in order to please the People of *Rome*, to elect him.

THE Queen, like a wise and prudent Woman, turned a deaf Ear to the Cardinal's Request, but sent *Niccolo Spinelli di Napoli*, and the Count of *Gioja* a famous Doctor of the Law and High Chancellor of the Kingdom to *Rome*, to congratulate *Urban* upon his Election, and to do him Homage. But this new advanced Pope seem'd so much to disregard the Respect paid him by the Queen, and the Person of the Chancellor, by treating him very unmannerly<sup>5</sup>, that the Chancellor, who knew him in a private Life, and to be an Upstart, and by his froward Disposition judging him unworthy of the Papacy, returned so ill satisfied with him, that it is thought, that from that time he resolv'd to be an Instrument of the Election of another Pope. To this was added, that soon after Prince *Otho* having gone to *Rome* to visit *Urban*, some say to get the Investiture of the Kingdom<sup>6</sup>; others will have it, to beg of him, that since the Kingdom of *Sicily* by Succession had fallen to a Woman, he would use his Interest to get her to marry Duke *Baldassar* of *Brunswick* his Brother; but be that as it will, it is most certain, that he not only did not obtain what he was asking, but was hated, and unhand somely used. *Theodore* of

<sup>1</sup> Villani lib. 12. cap. 74.

<sup>2</sup> Theodor. lib. 1. de Schismate, cap. 9.

<sup>3</sup> Baluz. in notis ad vitas PP. Aven. tom. 1.

pag. 1233.

<sup>4</sup> Idem loc. cit. pag. 1176 & seq.

<sup>5</sup> Idem in notis ad vitas PP. Aven. tom. 1. pag.

1125.

<sup>6</sup> Idem loc. cit. & pag. 1124.

*Nismes*, who was *Urban's* Secretary, tells us <sup>1</sup>, that *Otho* being one day present when the Pope was at Dinner, and, as the Custom is, taking a Glass to offer him Wine, the Pope, pretending to be discoursing of other Affairs, suffered him to continue a good while upon his Knees without drinking, till one of the Cardinals, who was his Confident, said to him, *Holy Father, 'tis time for you to drink*; for which Cause the Prince return'd in greater Indignation than the Chancellor.

THE same Author <sup>2</sup>, and he, who wrote *Urban's* Life, say, that he was more bent than ever any Pope had been upon enriching his Kindred with the Revenues of the Apostolick See; and from that time was resolved to give the Kingdom of *Naples* to *Charles* of *Durazzo*; taking it for granted, that he would get from him better Settlements, and greater Lordships in the Kingdom for *Buttilo* and *Francesco Prignano* his Nephews, than he should have from *Queen Joan* and *Prince Otho*. The Duke of *Andria*, who had followed *Pope Gregory XI.* to *Rome*, in hopes that he would have got him restored to his Estate, was then in *Rome* in a very low Condition; and after *Gregory's* Death perceiving, that the new Pope was no Friend of the *Queen's*, he began to treat with him about his inviting *Charles* of *Durazzo* to attack the Kingdom, assuring him, that the Undertaking would be easy, and could not fail of a prosperous Success; because he had Advice from *Naples*, that the whole Kingdom was dissatisfied, and afraid of falling into the Hands of *Otho*; and that it was the earnest Desire of the Barons and Noble *Neapolitans* to see *Charles* of *Durazzo* the only Branch of the Family of *Anjou* in the Kingdom; and so much the more, because in the Service of the King of *Hungary*, he had become famous in the Art of War, not only by his personal Bravery, but likewise by his Conduct. With these Arguments it was no hard matter to persuade the Pope to do that, for which of himself he had the greatest Inclination; and therefore without delay *Urban* sent to invite *Charles*, who was in *Italy* making War in the *Trivigiano* against the *Venetians*, to come with a Body of Troops to *Rome*, because he had resolved to dethrone *Queen Joan*, and shut her up in a Monastery, and to give him the Investiture and Possession of the Kingdom <sup>3</sup>. *Charles* at first received the Invitation very coldly, because the Regard he had for the *Queen*, and the Favours he had received from her, which deserved a grateful Return, straitened him on the one hand, and on the other the Difficulty of the Undertaking, being afraid, that if he should leave the King of *Hungary* in the Heat of that War, he could not expect to be assisted by him.

THIS underhand Dealing could not be kept so secret, as not to come to the *Queen's* Knowledge in *Naples*; whereupon she shut herself up with her Council, and consulted how to guard against it. Our Lawyer *Niccolo di Napoli*, a daring Man, and of great Sway in the Council, who bore the Pope a private Grudge, said, that the best Expedient that could be thought of to divert the Pope from this Enterprize, was to excite the Cardinals to make a new Election: this Proposal being approved of by *Onorato Gaetano* Count of *Fondi*, a very powerful Man in *Campagna di Roma*, and who having been Vicar General, and Governor of all the Ecclesiastical State of *Compagna* while the Apostolical See had been in *France*, in order to be restored to his former Posts, wanted to have the Pope's Court fixed any where but in *Italy*: it was agreed, and resolved upon, that a Council should be held in the City of *Fondi*. The *French* Cardinals, who in all haste had gone to *Avignon*, met there, and declar'd, that *Urban's* Election was void, as made contrary to their Inclinations and the usual Method; so that they no sooner heard of what had passed in *Naples*, than they all came to *Fondi*, where they had appointed the three *Italian* Cardinals to meet them; and at last on the twentieth of *September* having enter'd the Conclave, after a great deal of pains to remove all Dispute with the *Italian* Cardinals about the Election, and after having declared *Urban's* Election void, the Cardinal of *Florence* propos'd to elect *Robert* Cardinal of *Geneva*, a *German* by Birth. All the Cardinals, except the three *Italians*, gave their Votes <sup>4</sup>; he took the Name of *Clement VII.* and was crowned on the twenty first Day of the same Month. He was Brother to *Amadeus* Count of *Geneva*, and had been Bishop of *Tervana*, and afterwards of *Cambray*, and had been made Cardinal by *Gregory XI.* and now began the Schism. *Urban* with the Cardinal of *S. Sabina* alone kept Possession of *Rome*, but *Cassel S.*

<sup>1</sup> Theod. a Niem. de Schism. lib. 1. loc. cit. V. | Baluz. loc. cit. pag. 1124.

<sup>2</sup> Theodor. lib. 1. cap. 7 & 8.

<sup>3</sup> Idem loc. cit. cap. 21. Baluz. loc. cit. pag. 1127.

<sup>4</sup> V. Baluz. loc. cit. pag. 1098, 1237, & 1398.

*Angelo* stobd it out for *Clement*. The Romans besieged it, and at last took and demolished it. *Urban* immediately made a new Election of Cardinals, and wrote to all the Princes and Republicks of *Christendom*, notifying, that the Rebellion of the Cardinals was on account of their Wickedness, and not, that they doubted of his being lawfully created Christ's Vicar; and he persuaded them all, to look upon the Pope whom they had elected as Antipope, and them as Hereticks and Schismaticks, and deprived of all Dignity and Holy Orders; declaring likewise, that this Rebellion was owing to the Fear the Cardinals had of a Reformation, which he intended to make, upon account of their wicked Lives. The Cardinals, which he made, were for the most part *Neapolitans*, and among the rest Friar *Niccolo Caracciolo* a *Domini-can*, Inquisitor of *Sicily*, *Filippo Caraffa* Bishop of *Bologna*, *Guglielmo de' Sapia*, *Gentile di Sangro*, *Stefano Sanseverino*, *Marino del Giudice di Amalfi* Archbishop of *Taranto* and Chamberlain of the Apostolical See, and *Francesco Prignano* his own Nephew; and to strengthen his Interest in the Kingdom of *Naples*, he bestow'd upon them and their Adherents all the principal Churches and other Ecclesiastical Dignities in the Kingdom. Moreover in order to sow Dissention in the City of *Naples*, he deprived *Bernard de Montore* a *Burgundian* of the Archbishoprick of that City, and bestow'd it upon the Abbot *Bozzuto*, a Gentleman of great Authority and Parentage in the City; and at last he sent the Duke of *Andria* for *Charles of Durazzo*, who was then in *Frioli*. Upon this second Invitation *Charles* was a little more pliable than formerly, because he had receiv'd Advice from *Naples*, that the Queen, having conceiv'd a Jealousy of him, had bestow'd many Favours upon *Robert* of *Artois*, who was the Husband of *Margaret's* eldest Sister; so that being now jealous in his turn, he promised the Duke that he would come, provided the Pope would engage to obtain his Liberty, and some Favour and Assistance from the King of *Hungary*, because he had no Forces of his own, but about a hundred *Neapolitan* Horse, who had always serv'd with him in that War; and in the mean time he was making ready to go to *Rome*, as soon as ever he should hear from the King of *Hungary*.

*URBAN* having thus set the City of *Naples* at variance, in which he did not much confide, he drew to his Party many other Cities, Provinces, and Kingdoms. Almost all the Cities of *Tuscany*, *Lombardy*, together with the *Romans*, acknowledged him as Pope. *Germany* and *Bohemia* sided with him, *Lewis* King of *Hungary* acknowledged him; *Poland*, *Prussia*, *Denmark*, *Swedland* and *Norway* follow'd the Example of *Germany*; and in *England*, Deputies from the two contending Parties being heard in Parliament, *Urban's* Election was approv'd, and that of *Clement* rejected.

ON the other hand Pope *Clement* was acknowledged in *France*, *Scotland*, *Lorrain*, *Savoy*, and *Spain*, which last, tho' at first it espoused the Cause of *Urban*, yet afterwards it declar'd for *Clement*; but above all he was acknowledged and favoured by our Queen *Joan*; and when *Clement* left *Fondi*, and came to *Naples*, she receiv'd him most magnificently in *Castel del Uovo*; and to do him Honour, she caus'd a Bridge of a great Length to be built in the Sea, where he alighted. The Queen, with all those that had gone to meet *Clement*, convened under the great Arch of the Castle, which was adorned with rich Tapestry, and there placed the Pontifical Chair in the usual manner; in which the Pope was no sooner seated, than the Queen, with Prince *Otho*, went and kissed his Foot, and after them *Robert* of *Artois*, with the Dutchess of *Durazzo* his Wife did the same, as also *Agnes* the Widow of the Lord of *Verona*, who had retir'd to *Naples*; and lastly *Margaret* of *Durazzo* her Sister, the Wife of *Charles* of *Durazzo*, who was then living in *Naples*: and then a great Number of Knights, Barons, Ladies, and young Gentlewomen richly clothed, likewise kissed his Foot; and afterwards having gone up to the Apartments of the Castle, the Pope with all the Cardinals were nobly lodged, and for several Days there was nothing but feasting and Rejoicings; and at the Queen's Desire the Pope made *Gerardo di Gifoni*, General of the Friars Minors, a Cardinal.

BUT in the midst of all this Mirth in *Castelo dell' Uovo*, the People of *Naples* began to murmur; though perhaps they would have been quiet, if they had seen that the Queen with greater Confidence had receiv'd the Pope in the City, and made the common People (who are always greedy of new Sights) partake of these Feasts; for it seem'd to many, who were of a factious Disposition, that the Queen, as conscious of her Error, durst not make that Shew in publick; therefore they

\* V. Chioccar. de Archiep. Neap. anno 1378.

exclaim'd against her, that by the bad Counsel of her Ministers, pushed on by their own Passions, she had a mind to support an Anti-pope of a foreign Nation, and to the great Scandal of all the World, to nourish a Schism against the Apostolical See; which had always favour'd her and her Predecessors, and against a *Neapolitan* Pope, from whom they had reason to expect both Honour and Profit; and as 'tis customary with the Vulgar, they spoke both licentious and disrespectfully; and one of these Days it happen'd, that on the *Piazza Sellaria* a Tradesman speaking impudently against the Queen, he was reprimanded by *Andrea Ravignano* a Nobleman of *Porta Nova*; but the Tradesman persisting to say worse things than he had done before, *Andrea* rode up to him, and with a Blow beat out one of his Eyes; whereupon the People of that Street in great Rage rose up in Arms; and at the same time a Taylor came from the Piazza of *Scalezia*, named *Brigante*, Nephew to the said Tradesman, a seditious and insolent Man, who finding the People in Arms, with a loud Voice cry'd out, *God save Pope Urban*; and being follow'd by the Mob through all the lower Parts of the City, they plunder'd the Houses of all the *Ultramontans*, who liv'd there. Then the Abbot *Luigi Bozuto*, who, as we have observ'd, had been made Archbishop of *Naples* by Pope *Urban*, and had kept privately in his House for fear of the Queen, nor had he dar'd to take Possession of the Archbishoprick, came out, and with the Assistance of the Mob took Possession of the Church, and of the Episcopal Palace, by turning out Archbishop *Bernard's* Family.

THIS Mutiny in *Naples* with the Pillage of so many Houses in the neighbouring Villages, had so terrified *Clement*, that though the Nobility and the chief Inhabitants had taken Arms and quell'd the Commotion, and, to shew their readiness to serve the Queen and the Pope, had gone to wait upon them in the Castle, and offer'd to stand by them; yet all that was not sufficient to stop the Pope; but with his Cardinals he took shipping, and went first to *Gaeta*, and then to *Avignon*, where he re-established the Pontifical See, and where for a long time he was obey'd not only by *France*, but by *Spain*, *Scotland*, *Lorrain* and *Savoy*.

ALTHOUGH these Commotions had very much disturbed the Queen, yet with her usual Courage, relying on the Nobility, who had so readily put a stop to the Fury of the People, she ordered *Raimondo Urfinò* the Count of *Nola's* Son, and *Stefano Ganga* Deputy of the Vicariate, with a good Body of Men to go out against the Robbers of the adjacent Parts of the City; and after they had cut a great Number of them in pieces, and taken many, who had their Flesh torn off with red-hot Pincers, and were afterwards quartered, they returned to the City, and by the Queen's Order went to *Bozuto's* House; but he being fled, and finding that the People had laid down their Arms, they caused his House in the *Seggio Capuana* to be pulled down, and his Lands to be laid waste. *Brigante*, with some other Heads of the Sedition, were immediately hang'd; so that the Commonalty, seiz'd with Fear, shut themselves up in their Houses.

NOT long after the City of *Naples* was again in Arms and Confusion, on account of a Dispute between the Nobility of the *Seggi* of *Capuana* and *Nido*, and those of *Portanova*, *Porto*, and *Montagna*; those of *Capuana* and *Nido* pretending, that by vertue of a Sentence of King *Robert's*, they had been prefer'd as well in the publick Deeds, as in the Government of publick Affairs to all the Nobility of the other three *Seggi*, whom out of Derision they call'd *Mediani* (middling Nobility) as if they had been a second State, betwixt the Nobility and the Commons. On the other hand the Nobility of the three *Seggi* framed a Genealogy of the Families of the other two, and made them to be of very mean Extractions, by deriving them originally from the Coast of *Amalfi*, and the Villages and Places in that Neighbourhood, where, as they said, their Relations were still Mechanicks. From Reproaches they proceeded to Blows, the Result of which was a great Slaughter on both Sides, and the City put into Disorder and Confusion. The poor Queen, who had Matters of greater Consequence to trouble her, and who had sent Prince *Orbo* to *S. Germano*, in order to avert the impending Storm, was then unwilling to punish the Authors of this Tumult and Slaughter: but it being of great Importance to her to apply a speedy Remedy, she published an Indemnity, whereby she ordain'd, that both Parties should take an Oath from the Hands of *Ugo Sanserverino* Great Protonotary of the Kingdom to live quietly, and not to molest one another, and pardoned all those concerned in the late Commotion and Slaughter, till the Return of the Prince her Husband, when an end should be put to all these Disputes. This Indemnity, which is

mention'd by *Pier Vincenti* <sup>1</sup> in his *Teatro de Protonotari*, and likewise recorded by *Summonte* <sup>2</sup> in his History, was drawn up in *Castel Nuovo* by *Facio da Perugia* a Lawyer and Vice-Protonotary of the Kingdom, on the third of *September*, 1380.

<sup>1</sup> Vincenti in Teatr. Ugo Sanseverin,

<sup>2</sup> Summonte par. 2. cap. 3. pag. 457.



## CHAP. V.

*Charles of Durazzo is crowned King by Pope Urban, who deposes Queen Joan, and she adopts for her Son Lewis of Anjou, Brother to Charles V. King of France. Charles of Durazzo invades the Kingdom, defeats Otho, and makes the Queen Prisoner, whom he afterwards puts to Death.*



**I**N the mean time *Margaret of Durazzo*, having secret Advice that her Husband had got the King of *Hungary's* Consent, and was preparing to go to *Rome*, ask'd a safe Conduct of the Queen to go to *Friuli* to her Husband; and the Queen, whether out of Greatness of Soul, or that she did not know for certain that *Charles* intended to invade her Kingdom, or that she might not provoke him, gave her what she demanded, and sent her away with an honourable Convoy; of which she had good reason more than once to repent, having had it in her power to detain her and her two Children *Ladislau* and *Joan*, who both reign'd afterwards, and to have made use of them as Hostages in the Misfortunes which afterwards happened to her.

*CHARLES*, having obtain'd Leave of the King of *Hungary*, was at last come to *Rome*, where he was joyfully receiv'd by *Urban*. This Pope in the Month of *July* of the preceding Year 1370, had published a Bull <sup>1</sup>, whereby he declared *Queen Joan* excommunicated, a Schismatick, and accused, depriving her of the Kingdom, and of all Possessions and Fiefs which she held of the Church of *Rome*, of the Empire, or of any Church, or Ecclesiastical Person, and absolved her Vassals from their Oaths of Fidelity, and ordered them never any more to obey her <sup>2</sup>; so that upon *Charles's* Arrival in *Rome*, on the first Day of *June* 1380, he gave him the Investiture of the Kingdom by a Bull drawn up for that Purpose, and declared him King of *Naples* and *Jerusalem*, and anointed and crowned him <sup>3</sup>. And *Charles*, with the Money he had got from the King of *Hungary*, lifted a great Number of Soldiers; but the Pope would not allow him to depart from *Rome*, till he had first given the Writ of Investiture of the Principality of *Capua*, and of many other Lands, to *Buttillo Prignano* his Nephew. The Pope having got the Investiture for his Nephew, immediately sent for Count *Alberico Barbiano*, who was then a Soldier of Fortune in *Italy*, and had a good Body of Troops under his Command, and engaged the Count with his Troops in his own Service, and ordered them to join *Charles*; and he likewise sent with him the Cardinal *di Sangro* as Apostolical Legate, hoping, by the Conquest of the Kingdom, to have a good Share of it for his other Relations.

<sup>1</sup> Chioccarelli in MS. Giurif. tom. 1.

<sup>2</sup> Rainald. anno 1380. §. 4

<sup>3</sup> Costanzo lib. 7.

ON the other hand the Queen being assured of *Charles's* Coronation, presently sent for *Otho* her Husband, who was then at *Taranto*, and caus'd all the Barons of the Kingdom to be summon'd to their usual Service; and having conven'd the Magistrates of the City, she publish'd the coming of the Enemy, and obtain'd of the City a small Subsidy for putting in order and paying the Soldiers, which Prince *Otho* had brought with him from *Puglia*. But upon this Occasion it was found, that *Charles's* Party was very strong in the Kingdom, and that the many chief Families which Pope *Urban* had rais'd and adorn'd with the red Hat, oppos'd her with all their Might; and it was known too late, that the Queen had not sufficiently guarded against his Artifices, which should have been when *Clement* was in *Naples*, to have got him to make a great many *Neapolitan* Cardinals, who would have stood firm to her Interest, and not have contented herself with having got one single Friar made a Cardinal, from whom nothing could be expected. The Queen therefore diffident of her being able to stand her Ground with what Forces she had, fell upon an Expedient which proved very fatal and lamentable to this Kingdom, and which was the Occasion of the so many Revolutions and Calamities, which it suffered for two Ages following<sup>1</sup>; and it was this, she sent the Count of *Caserta* to *France* to ask Assistance of King *John I.* of *France*, and to engage him the more, she sent Letters of Adoption in favour of the Duke of *Anjou* one of the King's Sons, named *Lewis*, and Brother to *Charles V.* King of *France* *John's* Successor, whereby she made him her Heir and lawful Successor of the Kingdom, and of her other Dominions; and she ordered the Count to procure the Consent of Pope *Clement* to this Adoption, who by his Bull dated the thirtieth of *May* 1382, gave the Investiture of the Kingdom to *Lewis* and Queen *Joan*, that is to say, to her during Life, and to *Lewis* for ever<sup>2</sup>; she likewise sent to *Provence*, and ordered ten Gallies which she had there to be fitted out in all haste and sent to *Naples*, that upon any emergent Occasion she might make use of the same Shift, which had so well succeeded upon the King of *Hungary's* Invasion.

THIS Step of the Queen's alienated the Minds of many from her; for though in general they had a great Esteem for her, yet when they knew of the Count of *Caserta's* going to *France*, and the Queen's Intention, they were much more desirous to have for their Lord *Charles* of *Durazzo*, born and brought up in the Kingdom, and a Blood Relation of many of the chief Lords and Barons thereof, than to have a new *French* Lord set over them, who of course would bring with him new *Ultramontans*, whom he would be obliged to enrich with the Estates and Goods of the Natives. Whence it came to pass, that when Prince *Otho* went to *S. Germano* to make Head against *Charles*, who was marching that Way, he was followed by very few Barons, insomuch, that without seeing the Enemy, he was forced to abandon the Pass, and to retire with all his Men to *Ari-enzo*. But *Charles* would not take the direct Road to *Naples*, judging it much better to go and find out the Enemy, and to beat them in the open Field, and thereby put an end to the War in one Day; for which end he marched to *Cimitile* near *Nola*, where the Count of *Nola* waited upon him, and received him as King. Prince *Otho* removed his Camp, and posted himself between *Cancello* and *Maddaloni*; and though *Charles* advanced in order of Battel to fight him, yet he kept close in his Camp, and by the Way of *Acerra* and *Salice* retired towards *Naples*; and *Charles* by the Road between *Marigliano* and *Somma* directed also his march towards *Naples*; so that upon the sixteenth of *July* 1381 about eleven of the Clock in the Forenoon he arrived with his whole Army at the Bridge of *Sebeto* without the Gate *del Mercato*, at the same time that the Prince arrived and encamped at *Casa Nova* without the Gate *Capuana*. These two Armies were encamped within Sight of one another; there were in *Charles's* Camp the Cardinal *di Sangro* Apostolick Legate, Count *Alberico* Captain General of the Pope's Troops, the Duke of *Andria* the Pope's Nephew, who took the Title of Prince of *Capua*, *Giaunotto Protogiudice*, who by his great Virtue and Experience in War had been made High Constable of the Kingdom by *Charles*, *Roberto Ursino* eldest Son of the Count of *Nola*, and many other Barons and *Neapolitan* Knights<sup>3</sup> and other Soldiers of Fortune: There were not so many Barons in the Prince's Camp, but a great many private *Neapolitan* Gentlemen, and abundance of People of lower Rank, because the Queen would have

<sup>1</sup> Scip. Ammir. in bis Ritratti speaking of Queen Joan I.

<sup>2</sup> Chiocc. MS. Giurisd. tom. 1.

<sup>3</sup> Costanzo lib. 7.

those of greatest Credit to remain in *Naples*. The two Armies stood for the Space of three Hours, expecting one another's Motion; for *Charles* was then in suspense, not knowing the Inclinations of the People of *Naples*, whom it was not safe for him to attack, if they were still faithful to the Queen; but when he understood that the City was in the utmost Confusion, being divided into three different Factions, one of which was for him to be King, another cried out for the Pope, and the third sided with the Queen: Then *Palamede Bozzuto*, and *Martuccio Ajes*, two *Neapolitan* Knights and Captains of Horse advanced with their Troops, and being guided by some of those who had come out of the City, they moved to the Sea-side, waded and entered the Gate *della Conceria*; for those within having trusted to its being washed by the Sea, it was neither lock'd, nor guarded; and from thence having marched to the Market-place, with a great Huzza they called aloud, *God save King Charles of Durazzo and Pope Urban*, and being followed by those who were on the Market-place, they easily beat off the Queen's Party, and forced them to retire to the Castle, while they opened the Gate *del Mercato*, at which *Charles* with all his Army entered, and having posted a strong Guard at that Gate, he marched to the Gate *Capuana*, where he also posted a good Guard, and sent another to that of *S. Januarius*, while he with the rest of the Army took their Quarters at *S. Clara*; so that they could hinder the Enemy from entering by the Gates *Donoroso* and *Reale*. Prince *Otho* having Advice that *Charles's* Cavalry were got into the City, marched with his Army to attack the Enemy's Rear-guard, but finding the Gates shut, he retired that same Evening to *Sicciano* a Village near *Margliano*.

THE next Day *Charles* laid Siege to *Castel Nuovo*, whither, besides the Duchess of *Durazzo*, with *Robert of Artois* her Husband, almost all the Ladies of the best Quality had flocked, who, because of their sincere Affection for the Queen, were afraid of being ill us'd; there were likewise there a vast Number of Noblemen with their Families, which occasioned so sudden Destruction; for the Queen, partly out of the Mildness of her Disposition, and partly because she hop'd, that the Gallies of *Provence* would quickly arrive, received and fed them all with the Provisions of the Castle, which perhaps would have been sufficient for the Garrison for six Months, but were consumed in one. The Prince, who during this Siege left no Means unattempted for relieving the Queen, returned to the Marshes of *Naples*, thinking that *Charles* would come out and fight him; but his Officers would not let him stir, because it was more for his purpose, that the Body of the Army should guard the City, and keep the Castle close block'd up, whither they knew so many People had retired, that in a short time they would be reduced to Famine, and forced to surrender; so that the Prince finding that all his Endeavours were to no purpose, retired to *Aversa*.

IN the mean time the Queen began to be in want of Provisions, and she had no other Hopes, but in the coming of the Gallies, with which she not only designed to make her escape, but to go in Person to persuade the King of *Franco* and Pope *Clement* to give her powerful Assistance, in order to return with her adopted Son, and drive out the Enemy. But the Gallies not appearing, and the Castle being reduced to great Straits for want of Provisions, on the twentieth of *August* the Queen sent *Ugo Sanseverino* Great Protonotary of the Kingdom to capitulate with King *Charles*, and to treat about a Truce, or some sort of Agreement. The King, who grounded all his Hopes upon the Queen's Necessities, though he gave *Sanseverino* an honourable Reception, because he was his Kinsman, yet he would give no longer delay than five Days, during which time, if the Prince did not come to relieve the Castle, and raise the Siege, the Queen must deliver herself up into his Hands; and *Sanseverino* being returned with these Conditions, *Charles* sent after him some Servants with a Present to the Queen of some Fowl, Fruit, and other Eatables, and ordered daily to be sent whatever she should think fit to command for her own Table, thereby thinking to induce her to surrender the more patiently, and with the greater Confidence; but what is more he sent to visit her, and to excuse himself, that he had sincerely esteemed her as Queen, and would continue to do so, and respect her; that he would not have taken the Kingdom by force of Arms, but would have waited till it had fallen to him by Succession, if he had not seen that the Prince her Husband, besides his having fortified so many important Cities of the Principality of *Taranto*, kept up a powerful Army; whence it appeared very plain, that he would have been in a Condition to keep Possession of the Kingdom, and to de-



prive him the, only Branch of the Race of King *Charles* I. and that therefore he was more to secure himself against the Prince, than to turn her out of the Throne, in which he was rather resolv'd to maintain her. The Queen seem'd to thank him, but at the same time sent to hasten the Prince to come and relieve her within the five Days; the twenty fourth of the Month had pass'd, and the next Morning, which was the last Day of the five, the Prince with all his Army march'd by the way of *Piedigrotta*, and when he had pass'd *Echia*, he began to beat down the Barricadœ made by King *Charles*, in order to send a Relief of Men and Provisions into the Castle; but King *Charles* march'd immediately and met him with his Army in order, and the Signal for Battel being given on both Sides, they fought with so much Bravery, that for a great while the Victory was doubtful; at last the Prince, who could not bear to be disappointed in his Hopes of such a Kingdom, rush'd forward towards King *Charles's* Royal Standard with so much Boldness, that none durst follow him; so that being surrounded with the best of the Enemy's Cavalry he was forced to surrender, and by his being made Prisoner his Army was routed. The next Day the Queen sent *Ugo Sanseverino* to surrender, and to beg of the Conqueror to take those who were in the Castle with her under his Protection. The same Day the King with his Guard and *Sanseverino* enter'd the Castle, and saluted the Queen, assuring her that he would perform whatever he had promis'd, and would have her to remain in an Apartment of the Castle, not as Prisoner, but as Queen, and to be serv'd by the same Servants as formerly.

THE Month being ended, on the first of *September* the ten *Provençal* Gallies under the Command of the Count of *Caserta* appear'd, in order to take the Queen and conduct her to *France*. King *Charles* went to visit the Queen, and to beg of her, that since she knew his Intention, she would be pleas'd to do him the Favour to make him her universal Heir, and likewise after her Death to yield to him her Dominions in *France*, and to send and order those *Provençals* that were in the Gallies to come ashore, as Friends; but the Queen suspecting that this smooth Behaviour was nothing but Artifice, and likewise calling to mind the Compact she had made with the King of *France*, by adopting *Lewis* Duke of *Anjou* his second Son, she also had a Mind to dissemble, and said, That if he would send a safe Conduct to the Captains of the Gallies, she would speak to them, and endeavour to persuade them to own their Subjection to him; the King immediately sent the safe Conduct, and being deceiv'd by the Queen's Countenance, who seem'd willing to please him, he allow'd the *Provençals* to enter her Chamber, without being present himself, or any Person for him. As soon as they were enter'd the Queen spoke to them thus:

“ Both the Behaviour of my Ancestors, and the sacred Tie under which the County  
 “ of *Provence* was to my Crown, required greater Dispatch than you have made  
 “ in coming to relieve me, who, after having suffer'd all those Hardships, which  
 “ are not only grievous to Women, but to the most robust Soldiers, even to the  
 “ eating of the filthy Flesh of unclean Animals, have been forced to deliver my self  
 “ up into the Hands of a most cruel Enemy; but if this, as I believe, has been  
 “ through Negligence, and not out of any ill Intention, I conjure you, if there  
 “ be remaining in you the least Spark of Affection towards me, or the smallest Re-  
 “ membrance of your Oaths, and of the Favours you have receiv'd from me, that  
 “ by no Means you ever accept of this ungrateful Robber for your Lord, who  
 “ from a Queen has made me a Slave; and even if ever any Writing shall be men-  
 “ tion'd to you, or shewn you, whereby I may have appointed him my Heir, don't  
 “ believe it, but look upon it as forg'd, or extorted from me against my Inclinati-  
 “ on; because my Will is, that you should have the Duke of *Anjou* for your Lord,  
 “ not only in the County of *Provence*, and my other Dominions beyond the Moun-  
 “ tains, but likewise in this Kingdom, to all which I have already appointed him  
 “ Heir, and to be my Champion, in order to revenge this Treason and Violence;  
 “ go then and obey him, and if you are not void of all Sense of Gratitude for the  
 “ Love I have shew'd your Nation, and of Pity for a Queen under such Calamity,  
 “ you will go and take Revenge with your Arms, and pray to God for my Soul;  
 “ and I not only advise you to do so, but as you are as yet my Subjects, I command  
 “ you.” The *Provençals* with sad Lamentation excus'd themselves, and appear'd  
 most sensibly affected with her Captivity, and promis'd to do what she had order'd  
 them, and then return'd aboard of their Gallies, and set sail for *Provence*, where  
 they were no sooner arriv'd, than the Count of *Caserta* went directly to wait upon  
 the Duke of *Anjou*. King *Charles* being return'd to the Queen to know what An-

swer the *Provensals* had given, and finding that it was not to his Mind, he began to take another Course, by placing Guards about the Queen, and keeping her as Prisoner, and in a few Days after he sent her to the Castle of the City of *Muro* in the *Basilicata*, which was his own Patrimony; and Prince *Otho* was sent to the Castle of *Altamura*, and after the City of *Naples* and all the Barons had sworn Allegiance to the King in the Archbishop's Palace, he took the Oath of Homage to the Apostolick See from the Hands of the Cardinal *di Sangro* the Legate. Then he wrote to the King of *Hungary*, giving him an Account of all that had pass'd, and ask'd how he should dispose of *Joan*; and it was answered, That she ought to be treated after the same manner as the late King *Andrew* had been; which, as a notable Instance of the greatest Cruelty, the Year following 1382 was put in execution; he having caused her to be smother'd with a Bolster in the Castle of *Muro*, and ordered her Body to be brought to *Naples*, and to be kept seven Days unburied in the Church of *S. Clara*; in order to be seen by every Body, and to put her Partizans out of all Hopes; then she was buried in a Place between the Sepulchre of the Duke her Father, and the Door of the Vestry without any Pomp, under a fine Tomb, which is to be seen at this Day.

SUCH was the End of Queen *Joan I.* a most excellent Lady, who, being brought up under the Tuition of King *Robert*, and of the virtuous and prudent Queen *Sancia*, govern'd the Kingdom in time of Peace with so much Prudence and Justice, that she acquired the Name of the wisest Queen that ever sat upon a Throne, as is clearly evinc'd by the few Laws she left, all of them fram'd for restoring the antient Discipline both in the Tribunals and Magistracy; and by the Testimony of two famous Lawyers who flourish'd in her Time, *viz. Baldo*, and *Angelo da Perugia*, who in their Works highly commend her. And though then by the Vulgar, and afterwards by some Writers she had been charged with having had a Hand in the Death of *Andrew* her first Husband; nevertheless from the many Proofs which she gave of her Innocence, the best and wisest Men of those Times look'd upon her to be altogether innocent; and the Character which *Angelo* gives her in his *Advices*, is a most convincing Argument of it, wherein he calls her, *Most Pious, an Ornament to the World, and the Glory of Italy*; which Epithet, as *Costanzo* very justly observes, so famous and excellent a Doctor would have been very loth to have given her, if at that time the most judicious Men had not believ'd her to be innocent; since, if he had spoken it by way of *Antiphrasis*, every body would have taken it for Banter. But excepting this Blemish, with which those Writers pretended to stain her Reputation, in all the rest of her Life it was never known that she was guilty of any dishonourable or unchaste Action. Besides *Collenuccio*, *Scipione Ammirato* says, That her marrying so many Husbands proceeded more from a Desire of leaving a Successor of her own Body, than of living under the sacred Tie of Matrimony, she being accustomed to satisfy her Lust another Way. But the grave and discreet *Costanzo*, as if he had a Mind to rebuke him, writes, That her taking so many Husbands was rather a Token of her Chastity; because those Women who resolve to satiate their Lusts, desire no Husbands, as being Obstacles to their Designs, and especially such as she took, who, except *Andrew*, were most gallant and prudent Men. All the time that she reign'd it was never known that ever she had any Courtier or Baron, on whom she bestowed such extraordinary Favours, as to make her be suspected of lewd Conversation. Only *Boccaccio* writes, That in her Youth, and the beginning of her Reign, the Son of *Filippa Catanesse* the Nurse of her Father the Duke of *Galabria*, and who had brought her up from the Cradle, was very much in her good Graces; but it is very surprising, that during all the rest of her Life, after she began to reign, she should be able to manage so artfully, that though she was daily conversing familiarly with Barons, Officers of her Army, Counsellors, and other Ministers; yet with such an unblemish'd Character, that her greatest Enemies could never see any thing wherewithal to reproach her, though Men are apt to put the worst Construction upon every thing, and to question all sincere Virtue. Neither does *Collenuccio* tell Truth, not only in charging the Queen with Incontinence, but likewise *Mary* Duchess of *Durazzo* her Sister, for whom he fancied that *Boccaccio* wrote those two Books, *Il Filocolo*, and

<sup>1</sup> V. Baluz. in Notis ad Vitas PP. Aven. tom. 1. pag. 1157.

<sup>2</sup> Felyn. Epit. de Regno Apuliz, & Sicilia cap. 2. Grammat. decif. 1. num. 23, 27.

<sup>3</sup> Angel. conf. 110.

<sup>4</sup> Costanzo lib. 7.

<sup>5</sup> Ammirat. in bis Ritratti (Characteri.)

<sup>6</sup> Costanzo lib. 7.

*La Fiammetta*, and that her Head was struck off by King *Charles*; whereas *Mary*, as may be seen upon her Tomb in *S. Clara*, died some Years before, Wife of *Philip* Prince of *Taranto*; and it was not for her that *Boccaccio* wrote the *Filocolo*, but for *Mary*, the Bastard Daughter of King *Robert*, with whom he fell in Love in the Church of *S. Lorenzo*, as is evident from the beginning of the said Book; neither could it be this *Mary* Duchess of *Durazzo*, because *Boccaccio* was well advanced in Years, when she was in the Flower of her Age.

*JOAN*, according to the Character given her by *Angelo da Perugia*, was very religious; and the Monuments, which she has left us in *Naples*, are Proofs of her great Piety and Devotion. She built the Church and Hospital of *S. Maria Coronata*, where formerly a Court of Justice was held, and put them under the Direction of the *Carthusian Monks*; she built the Church and Hospital of *S. Antonio di Vivenna* without the Gate *Capuana*, and endowed them with great Revenues; and she beautified and enlarged the Church and Monastery of *S. Martin* upon the Mount of *S. Eramo*.

THERE are some Writers who have blam'd her for having favoured the Schism against *Urban VI.* and adher'd to *Clement*. But if she committed any Error in that, it was not with regard to Religion, but to Policy, for her having thus so highly enraged *Urban*, and made him her implacable Enemy, was her utter Ruin. Her not having acknowledged him for true Pope, was not an Error in her alone, but in almost the half of *Europe*, which did not own him as such. His Election was look'd upon to be void and null by the most knowing Divines, as proceeding from Fear, and the Violence made use of by the People of *Rome* against the Cardinals in the Conclave.

AND though our Lawyer *Baldo* being in *Tuscany*, where *Urban* was acknowledged, and soon after this Election, having been desired, wrote his famous Consultation about the Validity of the Election; nevertheless the best Divines of *France* look'd upon *Clement's* Election to be valid, and that of *Urban's* null; and the greatest part of the *French* Writers were of the same Opinion: And in our time *Stefano Baluzio* in his Notes upon the Lives of the Popes of *Avignon* maintains *Clement's* Cause against *Urban*; and retorting the Argument upon the *Italian* Writers, he brings the same against Pope *Urban* of *Rome*, that they had written against the Popes of *Avignon*; that *Urban* was a sham Pope, a Liar, Cruel, Proud, Inexorable, and Furious, and that he never would refer the Case of his Election to the Decision of a general Council. *Frossard*, a famous Writer of the Affairs of *France*, tho' he ought not to be followed in what he writes concerning our Kingdom, as being a Stranger, and not well inform'd of the Affairs thereof, says, That the King of *France* having been advis'd of Pope *Clement's* Election, caus'd immediately the Estates of the Kingdom to be summon'd, and especially the Divines, in this Contrariety of Opinion to examine which of the two Popes was to be obey'd: The Matter was long debated, and at last the King's Brothers, the Peers, the Ecclesiasticks, and a great Number of Divines determined, that they ought to acknowledge *Clement*, and not *Urban*, as being elected by Force. The King was pleas'd with the Decision, which was publish'd, and dispers'd over all the Kingdom of *France*, that the People might know which of the two Popes they ought to acknowledge for the lawful one. Though *Spain* at first acknowledg'd *Urban*, yet being inform'd of the Violence made use of in the Election, afterwards acknowledg'd *Clement* for the true Pope. The Count of *Savoy*, the Duke of *Milan*, and the *Scots* did the same; and the Province of *Hainault* in *Flanders* would neither acknowledge the one nor the other. Therefore what we have said in the eleventh Book of this History concerning the other famous Schism in the Reign of King *Roger* between *Innocent II.* and *Adrian* happens to be to the Purpose; and likewise what *S. Antoninus* Archbishop of *Florence* lays down for a Rule in the like doubtful Cases, who does not impute it as an Error in *S. Vincenzo Ferreri* his having sided with *Benedict XIII.* *Clement's* Successor. And *Niccolo Tedesco*, commonly call'd *Abbas Panormitanus*, the Cardinal *Zabarella*, and Cardinal *Gaetano* likewise maintained, that those

\* Baluz. tom. 1. pag. 1093. & seq. usque ad 1104. & pag. 1182. usque ad pag. 1192.

† V. Baluz. tom. 1. pag. 1278, 1459, 1036, 1101, 1126, 1369 & 1474.

‡ Paul. Emil. lib. 9. de reb. in Gallia gest. Frossard. hist. lib. 2.

§ Paul. Emil. lib. 9. de reb. in Gallia gest.

¶ S. Antonin. par. 3. tit. 22. cap. 2. §. 2.

• Panormit. in proem. Decret.

⁂ Zabarel. Tract. de Schismate pag. 569.

‡ Cajet. Tract. de auth. Papæ, & Con. cap. 8.

who acknowledged *Clement* ought not to be reputed Schismaticks; and lastly, *Baluzio*<sup>1</sup> and *Lewis Maimburg*<sup>2</sup>, against *Odorico Rainaldo*, make it appear, that as Men of the best Judgment did not take upon them to call *Urban* a false Pope, so neither did they use to call *Clement* an Antipope.

*JOAN*, with regard to Justice, was like her Father the Duke of *Calabria*, for, as far as the troublesome Times she lived in would bear, she took care to have severe and uncorrupted Magistrates, by chusing Men of the greatest Learning and Integrity that flourish'd in her Age; and in doubtful Cases of Law, and of Succession to Fiefs among the Barons, besides the Advice of her own best Lawyers, she likewise consulted the most famous foreign Lawyers that flourish'd at that time in *Italy*; of which we have a most clear Instance, when after the Death of *Andrea d'Isernia*, there having arisen a Doubt about feudal Succession with respect to uterine Brothers, the Queen sent to advise the Case with those two famous Lawyers, who flourish'd then in *Italy*, *Baldo* and *Angelo*, requiring them to give their real Opinions; to which they gave their Answer, which we read among *Angelo's* Consultations<sup>3</sup>. She was a great Lover of Men of Letters, and especially had the Lawyers and Universities much at Heart. She bestow'd Honours and Pensions upon all those, who in the latter end of the Reign of her Grandfather King *Robert* had begun to flourish, and who in her own, though troublesome Reign, had advanced in Learning; among the rest she rais'd *Niccolo Spinello di Napoli*; for besides giving him the County of *Gioja*, she made him High Chancellor of the Kingdom, and Steward of *Provence*, and employed him in the most weighty Affairs of State, such as Embassies, and Matters of the greatest Confidence. And she was so prudent and discreet in bestowing her Favours, that she was wont to say, that those Princes did ill, who taking into Favour and enriching some, left all the rest to pine away in Misery, and that Rewards and Benefits ought rather to be given moderately to many, than profusely to a few.

SHE was very careful to keep *Naples* well stored not only with things necessary for Life, but likewise for the Splendor and Ornament of the City. And in order thereto she encourag'd Merchants from all Nations to come thither with their Commodities; and in whatever Straits she was in, she never laid any heavy Duties upon them, as is usual for Kings, who are oppress'd by Invasions and Wars. There are still lasting Monuments of the Care she took, that Strangers in her time should be well us'd, and not be disturb'd; for which end she appointed the *French* and *Catalan* Streets, that these Nations being separated they might be the more quiet. She made between *Castel Nuovo* and that of *Uovo*, a Street for the *Provençals*, which is now demolish'd, and where the Royal Palace is built; and she built a Piazza for the *Genovesi*, where now nothing but the Name remains. She was very moderate in her Table, and of a Beauty, which rather express'd Majesty than Wantonness and Effeminacy; and in fine, she spoke with such an agreeable Air, was so prudent in all her Proceedings, and so grave in all her Actions, that she seem'd truly to inherit the Spirit of the great *Robert* her Grandfather.

<sup>1</sup> Baluz. in Præfat. ad vitas Papat. Aven. tom. 1.

<sup>2</sup> Angelo conf. 110.

<sup>3</sup> Maimburg Hist. Schif. Occiden. lib. 1, & 3.



T H E  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.

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B O O K XXIV.

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**C**HARLES III. by the Defeat of Prince *Otho*, and by his and the Queen's Imprisonment, being fixed in the Throne, all the Barons sent immediately to do him Homage, excepting the Counts of *Fondi*, *Ariano*, and *Caserta*, who were firmly resolved to adhere to the Queen; but *Charles* little regarding them, set about purging the Kingdom, by turning out of it all the foreign Soldiers that had served under the Queen; then in order to regulate the Affairs of Justice, he sent Governors and proper Officers to all the Provinces and Cities of the Realm. The Count of *Nola Orsino* being at this time a great Favourite, persuaded the King to call a Parliament against the Month of *April* following 1382, in order to obtain a free Gift; and the King, who well knew that it was necessary to make some Provision, since he foresaw that the Duke of *Anjou* having been adopted by the Queen would not readily give up his Right, sent Letters summoning all the Barons to Parliament; and to make his Court to Pope *Urban*, he caus'd *Gerardo de Gifoni*, created a Cardinal by *Clement*, to be made Prisoner, and carried to *S. Clara*, where having publickly made him to be stripped of the Cardinal's Habit, and the Hat being taken off his Head, they were all thrown into a Fire, which for that purpose had been lighted in the middle of

the Church; he likewise made him abjure, and with the Tongue confess, that *Clement* was a false Pope, and himself an unlawful Cardinal, and then ordered him to be put in Prison, to be disposed of as Pope *Urban* should think fit.

IN *November* following, his Wife *Margaret*, with her two Children *Joan* and *Ladislaus* arriv'd, and on the Feast of *S. Katherine* with great Pomp she was anointed and crowned, and according to Custom led through the City under a Canopy. And in order to smother the hidden Grief, which, on account of the Queen's Death, was spread over all *Naples*, great Feasts and Tournaments were made for many Days, at which the King performed with great Applause; then in Imitation of King *Lewis* of *Taranto*, he instituted a new Order of Knights, which he call'd the Society of the *Ship*; alluding to the Ship of the *Argonauts*, that the Knights, whom he advanced to that Order, might rival the *Argonauts* in Valour.

NOW came the Day appointed for the meeting of the Parliament, on which all the Barons being met in *Naples*, the Count of *Nola*, a Man of great Authority, not only on account of his Age and Nobility, but likewise the great Valour of *Roberto* and *Raimondo* his Sons, propos'd that every Baron and City subject to the Crown should supply the King with a good Sum of Money, and to give a good Example to others, he tax'd himself in ten thousand Duckets; and because it was dangerous to appear refractory, the King having his Army still about him, there was not a Baron that refus'd to tax himself, insomuch that the Sum amounted to thirty thousand Florins; and after the Parliament was over, all the Barons took leave of the King, each of them promising to send their Quota; and with this free Gift, and the Pope's Friendship it appear'd, that King *Charles* might be able to fix himself in the Kingdom, and not be afraid of the Invasion, which was now daily approaching.

‡ Costanzo lib. 8.



## C H A P. I.

*The Ground of the Quarrel between Pope Urban and King Charles. Lewis I. of Anjou invades the Kingdom, and his Death. Charles besieges Urban in Nocera, who, with the Assistance of the Genoese, Ramondello Orsino, and Tommaso Sanseverino, makes his escape, and flies to Rome.*

**A**FTER Pope *Urban* saw that King *Charles* was established in the Kingdom, and that he delayed to make good the Agreement made between them, when he gave him the Investiture, he was out of all Patience; insomuch, that he sent him a Brief, entreating him, that since he was now in Possession of the Kingdom, to put *Burillo* in Possession of the Principality of *Capua*, and of the other Estates, which he had promised him; but the King by no Means could be persuaded to dismember the City of *Capua* from the Crown; and therefore in order to spin out the time he gave fair Words; whence began those Dissentions, which afterwards broke out into open War, to the great Detriment and Calamity of the Kingdom; for *Urban* seeing himself thus deluded, began to think of turning *Charles* likewise out of the Kingdom, and in order to have a strong Party, he made a new Creation of Cardinals, among which he promoted *Pietro Tomacello di Napolione*.

**BUT** while these things were transacting in *Italy*, *Lewis* Duke of *Anjou*, without any Obstacle made himself Master of the County of *Provence*, in which he was favoured by the *Provensals*, who, in obedience to Queen *Joan's* Commands, would acknowledge no other for their Sovereign but *Lewis*, who was likewise favoured by *Clement*, by confirming the Adoption, investing him with the Kingdom, and causing him to be proclaimed King of *Naples* in *Avignon*; and besides, he furnished *Lewis* with a good Sum of Money, which he hoped would enable him not only to make himself Master of *Naples*, but of all *Italy*. As soon as this was known in the Kingdom, many Barons that had taxed themselves in Parliament, not only did not send their Quota's, but besides resolved to set up the Duke of *Anjou's* Standard; and among these were *Lallo Campanesco* in *Abruzzo*, and *Niccolo d'Eugenio* Count of *Lecce* in *Terra d'Otranto*.

AT the same time *Giacomo del Balzo* the Son of the Duke of *Andria*, seeing that *Otho* Prince of *Taranto* was Prisoner, returned to the Kingdom, recovered all the Principality, and took to Wife *Agnes* Queen *Margaret's* Sister, and Widow of *Cane della Scala* Lord of *Verona*. This Alliance so much offended the Family of the *Sanseverini*, mortal Enemies of that of *Balzo*, that though they were akin to the King, they soon discovered themselves to be his Enemies; whereupon the King seeing that so many Barons in the greatest and most important Provinces of the Kingdom had revolted, and understanding that the Count of *Caserta*, who was then in *France*, kept a private Correspondence with many of them, he began to look about him; to this was added, that the Duke of *Andria* was displeas'd with the King, because he had expected, that immediately upon the Conquest of the Kingdom, he would have been entirely restored to the Possession of all his Estate as formerly, which the King had not done because of the Power of the Family of *Marzano*, which was in Possession of the Cities of *Sessa* and *Teano*. And lastly, while he was thus perplexed, there were some who began to make him jealous, that *Giacomo del Balzo* Prince of *Taranto*, who likewise intitled himself Emperor of *Constantinople*, had a Mind to make himself Master of the Kingdom, pretending that it belonged by right to *Agnes* his Wife Queen *Joan's* Niece, and elder than Queen *Margaret*. This Jealousy made so much the sooner Impression upon the King, because Pope *Urban*, naturally froward and turbulent, threatened to drive him out of the Kingdom, and it was probable he had pitched upon the Prince of *Taranto* as a fit Person for putting it in execution; and therefore the King in great Wrath, in order to secure himself against all those, who by any Claim might pretend to the Kingdom, caus'd the Dutchess of *Durazzo* Queen *Margaret's* elder Sister to be imprisoned, and did what he could to have the Prince of *Taranto* likewise seiz'd, but he suspecting the King's Intention, fled in a *Genoese* Ship to *Taranto*, leaving his Wife in *Naples*, whom the King sent to Prison, and afterwards to the City of *Muro*.

IN the mean time *Lewis* of *Anjou*, having taken Possession of the County of *Provence*, and of the Queen's other Dominions beyond the Mountains, set out upon his Journey, and sent twelve Gallies before him to the Coast of the Kingdom, to encourage those of the Queen's Party, and to secure his own coming by Land. On the seventeenth of *June* 1383 these twelve Gallies appeared upon the Coast of *Naples*, and took *Castello a Mare*, and the Night following came unawares, and pillaged the Village of *Carmelo*, then they went to *Ischia*. King *Charles* seeing that so small a Fleet could do but little Hurt, made ready to go and meet King *Lewis*, who was coming by Land, and assembled his Troops to the Number of thirteen thousand Horse. But that Number was very small in Comparison of the vast Army of King *Lewis*, who, by the Connivance of *Ramondaccio Caldora*, who had the guarding of the Pass, entered the Kingdom; and his Army being joined by those Barons, who looking upon *Charles's* Troops as unable to stand their Ground, had gone over to King *Lewis*, was encreased to thirty thousand Horse; therefore King *Charles* thought fit not to leave *Naples*.

THOSE who came from *France* with King *Lewis* were, the Count of *Geneva* Pope *Clement's* Brother, the Count of *Savoy* and his Brother, the Lord of *Morlaix*, *Pier de la Couronne*, the Lord of *Monjoy*, Count *Henry* of *Britany*, *Bonjean Aimone*, Count *Beltran* the German, and many other *Ultramontans* of less Note. Those of the Kingdom who went to meet him were, the High-Constable *Tommaso Sanseverino*, *Ugo Sanseverino*, the Count of *Tricarico*, the Count of *Matera*, *Giovanni Luxemburgo* Count of *Conversano* (though he was obliged to *Charles* for the Order

Order of the Ship) the Count of *Caserta*, the Count of *Cerreto*, the Count of *S. Agata*, the Count of *Altavilla*, the Count of *S. Angelo*, and many other Barons and Captains<sup>1</sup>. At last King *Lewis*, by the way of *Benevento*, having entered *Terra di Lavoro* (because *Capua* and *Nola* held out for King *Charles*) marched to *Caserta*, which had set up his Standard, and from thence sent and took Possession of *Madaloni*; but in the mean time the Forage and Provisions being consum'd, he was forced to march into *Puglia*; and though King *Charles* had endeavoured to stop his Passage, yet at last he led his Army safely into the Plains of *Foggia*.

KING *Charles* being disappointed in his Design, and hearing that Pope *Urban* had left *Rome*, and was on his way to *Naples*, lest that naturally proud and passionate Man should alienate the *Neapolitans* from him, he immediately set out for *Naples*, and by long Journeys arrived at the same time that the Pope came to *Capua*, whither he presently went to wait upon him, and came together to *Aversa*; they both dissembled with one another; but when they came to *Naples*, the King would not allow the Pope to lodge in the Archbishop's Palace, but under Colour of Friendship and good Manners conducted him to *Castel Nuovo*, where they discoursed of their Affairs; the Pope demanded of the King the Principality of *Capua*, with many adjacent Cities, such as *Cujazzo* and *Caserta*, which formerly belonged to the Principality; he likewise demanded the Dukedom of *Amalfi*, *Nocera*, *Scafati*, and a great Number of other Cities and Castles, and a yearly Pension of five thousand Florins to his Nephew *Butillo*; and in return he promised to assist the King in the War, and to leave him the Kingdom in full Sovereignty, on the same Terms with which the Kings his Predecessors had held it. These Stipulations were agreed to, and adjusted to the great Joy of both Parties. The Pope obtained Liberty of the King to leave the Castle, and to lodge in the Archiepiscopal Palace, where he was received with great Pomp by the Archbishop *Bozzuto*, who had been restored to that See after the Queen's Disaster, whither the King and Queen went frequently to visit him, and by their Means two of the Pope's Nieces were married, the one to the Count of *Monte Dirisi*, and the other to *Matteo di Celano*, a great Lord in *Abruzzo*; and on the Eve of *Christmas* the Pope went down to the Church, and Vespers were sung with Pontifical Solemnity. At this very time there happened a great Tumult in *Naples*, for *Butillo* Prince of *Capua* entered by force into a Monastery of Nuns, and ravished one of the most beautiful and noble of them, upon which the City was all in an Uproar; and the Magistrates having gone to complain to the King, he sent them to the Pope, to whom they made a grievous Complaint of this Outrage; but the Pope, though he was most severe in other things, was too indulgent and favourable to his own Relations; and he answered, that it was no great Matter, the Prince his Nephew had been spurred on by Youth: and *Theodore de Nismes*, who writes this, ridicules the Pope's excusing his Nephew on account of his Youth, who was at that time above forty Years of Age<sup>2</sup>. The first Day of the new Year being come, and King *Lewis's* going on with Success in *Puglia* requiring *Charles's* Presence to make Head against him, the Pope said a solemn Mass, and declared King *Lewis*, whom he call'd Duke of *Anjou*, a Heretick, excommunicated, and accursed; and likewise published a Crusade against him, promising plenary Indulgence to whoever would take up Arms against him, and made King *Charles* Standard-bearer of the Church, and blessed the Standard, which the King held in his right hand during all the time of the Mass.

THEN *Charles* made ready for going to *Puglia* to drive out the Enemy, and ordered the Chancery to write to all the Feodatories to be in readiness; and as the Pope gave nothing but fair Promises and Indulgences, but no Money, he was forced to take from the Custom-house all the Cloth which was there belonging to the *Florentines*, *Pisans*, and *Genoese*, which he distributed partly to the common Soldiers, and partly to the *Neapolitan* Gentlemen, who had offered to follow him; and in *April* 1384 he set out for *Puglia*, and arrived at *Barletta*; and though King *Lewis* offered to come to a decisive Battel, King *Charles*, by the Advice of Prince *Orbo*, (who for that end had been taken out of Prison) would not accept of it, but the two Armies made several Skirmishes; so that *Lewis* seeing that he could not come to an Engagement retired to *Bari*, where he found *Ramondello Ursino*, to whom he

<sup>1</sup> Tutini de Contestabili, pag. 123. Costanzo lib. 8.

<sup>2</sup> Costanzo



gave in Marriage *Maria d'Eugenio* a very noble and rich Lady, who by the Right of her Father had succeeded to the County of *Lecce*.

WHILE these things passed in *Terra di Bari*, the Pope, out of all Patience with the tedious Promises of *Charles*, (who in effect was eluding what he had promised the Pope's Relations as much as he could) at last in great Wrath left *Naples*, and with all the Cardinals, his Relations, and Friends went to *Nocera*, which had already been freely given to *Buttillo* his Nephew, but not *Capua*, where the King had Garrisons in all the Forts. The Pope, as he was a passionate and proud Man, dropt some Words, which discovered his ill Intentions against the King; insomuch, that *Charles* was more afraid of him than of King *Lewis*, and he would certainly have been induced to leave the War of *Puglia*, if *Lewis's* Death, which on the seventh of *October* this Year 1384 happened very opportunely, had not freed him from that Trouble; for the *French* being left without a King, and in great Consternation, returned to *France*. *Lewis* of *Anjou* died in *Bisceglia*, a gallant and prudent Prince, who was the first *Lewis* of the House of *Anjou*, who reigned in a part of the Kingdom of *Naples*, though as to Name he was the second, with respect to King *Lewis* of *Taranto*, who was the first.

CHARLES then by the Death of so considerable an Enemy, being relieved from the War of *Puglia*, set out for *Naples*, where he arrived on the tenth of *November*, and with great Demonstrations of Joy was received by the *Neapolitans*; and after he had rested himself for some Days, he sent a solemn Embassy to the Pope in *Nocera*, to tell him, that he wanted to know the Reason of his leaving *Naples*, and at the same time to beg of him to return, because there were many things which required a Conference between them. The Pope, with his usual Stubbornness, answered, That if he wanted to confer with him, he ought to come to him, it being the Custom, that Kings should come to Popes, and not that Popes should go to Kings at their Pleasure; and he was so little Master of his Passion, that he could not forbear to bid the Ambassadors tell the King, that if he had a Mind to make him his Friend, he must immediately take off the Taxes which he had laid upon the Kingdom. The King having heard these things from the Ambassadors, answered, That he would have willingly gone to wait upon him, had he not been at the Head of a strong Army: That as for the new Taxes laid upon the Kingdom, it did not belong to the Pope to forbid them; let him meddle with the Priests, for the Kingdom was his own, which he had got by the force of Arms, and the right of his Wife; and that the Pope had given him nothing, but *four Words written in the Investiture* †. The Pope replied, That the Kingdom belonged to the Church, and was given to him in Fief, with a Design that he should govern it with Moderation, and not to extort Money from his Subjects; and that therefore he and the College of Cardinals had Power to take it back again, and to give it to a more loyal and just Feudatory; which so incens'd the King, that he sent Count *Alberico* his High-Constable to besiege the Pope in the Castle of *Nocera*; which he did, because he was afraid, that if Pope *Clement* should happen to die in *Avignon*, *Urban* would be ready to confirm the Kingdom to the Sons of the deceas'd Duke of *Anjou*. The Pope seeing himself besieg'd, had recourse to his usual Weapons of Excommunications and Maledictions; he excommunicated King *Charles*, and thrice a Day from a Window, with the Sound of Bell and lighted Torches, he curs'd and excommunicated the King's Army, which was in his Sight. The five Cardinals that were with him, the chief of which was Cardinal *Gentile di Sangro*, seeing themselves in so great Danger, began to persuade him to be reconciled with the King, at least till he should be in *Rome*, because it was a very difficult Matter to withstand so powerful an Enemy, without any other Arms than the Sound of a Bell. Therefore, because they seemed to be too desirous of a Pacification, and that a Cypher had been found, directed to one of the Cardinals, he became so suspicious of them, that he caus'd all the five to be seiz'd, and most cruelly tortured without respect of Persons, and *Theodore de Nismes*, who was present, and his Secretary, writes, That it was a comical thing to see the Pope walk up and down saying over his Beads, while the Cardinal *di Sangro*, a corpulent Man, was upon the Rack, and now and then stopping, and calling out, Tell me how the Conspiracy was carried on; at last, though none of them confess'd, he put them all five to Death. *Collenuccio* says, That there were seven Cardinals, and that

† Costanzo lib. 8.

when *Urban* made his Escape out of *Nocera*, in his Passage to *Genoa*, he caused five of them to be put in Sacks, and thrown into the Sea; and the other two being judicially convicted in *Genoa*, in Presence of the Clergy and People, he caused their Heads to be struck off with an Ax, and their Bodies to be dried in Ovens, and reduced to Powder, which was put into Bags; and when he travelled, he ordered these Bags, together with their red Hats to be carried before him upon Mules, in order to terrify those who might have a Design to murder him, or to conspire against him. *Panvinio* makes the Number of Cardinals imprisoned and put to the Rack in *Nocera* to be six, viz. the Cardinal *di Sangro*, *John* Archbishop of *Corfu*, *Lodovico Donati*, a *Venetian*, Archbishop of *Taranto*, *Adam*, an *Englishman*, Bishop of *London*, and *Eleazaro* Bishop of *Rieti*: he will have it, that the first five were thrown into the Sea, and that at the Instance of *Richard* King of *England* the sixth was pardoned, but he makes no mention of the seventh.

POPE *Urban* seeing himself still more closely besieged, sent privately to *Genoa* to beg of that Republick to send him ten Galleys, which in a short time after were accordingly sent, and they appeared upon the Coast of *Naples*, but no body knew their Errand. At this time the *Neapolitans*, who were grievously offended at the Quarrel between the Pope and the King, went to beg of him, that he would be pleas'd to be reconciled to *Urban*, because the Result of such a Dissention could not fail to be a great Detriment both to his Crown and all the Kingdom; the King answered them, that he would always demean himself as an obedient Son both to the Pope and Holy Church; and as a Proof of it, he was willing to empower such Persons as the City of *Naples* should appoint, in his Name to make up all Differences with the Pope; and at last, though we have no Record of the Names of those deputed by the other *Piazza's*, yet we find that the Nobility of the *Piazza* of *Nido* sent *Niccolo Caracciolo*, according to *Summonte*, or, as *Costanzo* writes, *Giovanni Carafa*, and *Giovanni Spinello di Napoli*, in the Name of their *Piazza* to treat of a Peace between the King and the Pope. Mean while *Urban*, at the same time that he sent to *Genoa* for the Galleys, sent likewise to *Puglia* for *Ramondello Ursino* to come and force his Way through the Besiegers, and to conduct him aboard of the Galleys: *Ramondello* came, and with eight hundred choice Horse boldly made his Way in spite of Count *Alberico's* Army, and got safely into the Castle, where he was honour'd and thank'd by the Pope; and after he had known the Pope's Intention, finding that his Men were too few for carrying him in Safety through the Enemy, he persuaded him to send a Brief to *Tommasino Sanseverino*, to come, and with his Troops to set him at Liberty, and he offered to carry the Brief, and to conduct him. The Pope took his Advice, caused the Brief to be drawn up, and gave him above ten thousand Florins of Gold, and his Blessing. *Ramondello* departed in all haste, and at the end of thirteen Days returned with *Sanseverino*, and three thousand choice Horse, and by the Way of *Materdomini* entered the Castle, and having kissed the Pope's Foot, they mounted him a Horseback, and by the Way of *Sanseverino* and *Gifoni* conducted him to the County of *Buccino*, and from thence sent Orders for the *Genoese* Galleys to come to the Mouth of the River *Sele*, where the Pope embark'd. The Pope out of Gratitude gave to *Ramondello* the City of *Benevento* and the Barony of *Flumari*, consisting of eighteen Villages. *Sanseverino* return'd to *Basilicata*, and *Ramondello* to *Puglia*, and the Pope arrived safely at *Civita Vecchia*.



## C H A P. II.

*King Charles is invited to the Throne of Hungary, his Election, Coronation, and Death.*

**L**EWIS King of Hungary, who came twice to the Kingdom of Naples in order to revenge the Death of his Brother *Andrew*, dying without Male Issue, the chief Men and Prelates of Hungary swore Allegiance to his eldest Daughter, an Infant, named *Mary*<sup>1</sup>; and to shew that the Respect and Love they had had for the deceased King *Lewis* was intailed upon the Daughter, they made a Decree, that she should not be called *Queen*, but *King Mary*, and he was proclaimed so by all the People; but since her Mother *Elizabeth*, who was her Guardian and Tutorefs, governed every thing by the Direction of *Nicholas* Ban of *Gara*, (Ban in that Kingdom is a Title of Dignity, there being neither Princes, Dukes, nor Marquisses there) many other Barons out of Envy began to mutiny, and repent of their having sworn Fealty to *King Mary*; and the more, because they understood she was designed for Wife to *Sigismund* of *Luxemburg*, the son of *Charles IV.* Emperor and King of *Bohemia*; and being acquainted with King *Charles* at the late King *Lewis's* Court, and in the Camp when he fought for that King against the *Venetians*, they judged him a proper Person to be their King, because of the Relation he had to the deceased King. Therefore they sent the Bishop of *Zagrab* Ambassador to invite and intreat him, that since their Kingdom wanted a warlike King, and not an Infant Queen, he would be pleased to come, and without the least Obstacle they would put the Crown of that most opulent Kingdom upon his Head. Queen *Margaret* no sooner heard the Ambassador's Message, foreseeing what afterwards happened, than she begg'd of her Husband by no means to accept the Offer; that he ought to be satisfied, that from a private Count God had been pleased to put him in Possession of this Kingdom, in which it would be more prudent to fix himself thoroughly, and drive out his Enemies, than to give them an Opportunity to drive her and her Children out, while he was robbing a poor Infant of her paternal Kingdom, at the Solicitation of a faithless and perjured People, who not having kept their Oaths to their Queen, the Daughter of so beloved and deserving a King, it was not to be expected that they would be faithful to him. On the other hand King *Charles* finding that Fortune had so favoured him, as to rid him of his two greatest Enemies, King *Lewis* being dead, and Pope *Urban* fled; and considering also, that King *Lewis's* Children were so young, that he would have time to take Possession of that Kingdom, without being in Danger of losing this: at last, on the fourth Day of *September*, he set out with a very small Retinue; for two Reasons, the one to shew the *Hungarians* that he was not come to take Possession of the Kingdom by Force of Arms, but only with their Consent; and the other, that he might leave his own Party the stronger against that of King *Lewis*: and having embark'd at *Barletta*, with a prosperous Voyage he arrived in six Days at *Zagrab*, where the Bishop entertained him with great Magnificence, and he staid there some Days, in order to give notice of his coming to the other Barons that were in the Plot, that they might the more openly, and without Regard, act against the Queen; and by Letters to several of his Friends, who still

<sup>1</sup> Bonfidius, Hist. Hungar. Costanzo, lib. 8.

continued loyal to the Queen, he endeavoured to strengthen his Party, not only by promising to free them, but all the Kingdom from Taxes, and to grant them new Privileges, and an Indemnity to all that were in Exile. And by these Arts in a few Days he found he had gain'd Ground so much, that without any Trouble he might go and be crown'd King, because it seem'd as if none had continued faithful to the Queen but the Ban of *Gara*; so that he set out for *Buda*.

THE old Queen *Elizabeth* and King *Mary*, being well apprized of all these Transactions, very prudently in all haste sent for *Sigismund*, and solemniz'd the Marriage between him and *Mary*, lest King *Charles*, in order to facilitate his Possession of the Kingdom, should give out every where, that he was not come to dispossess King *Mary*, but to marry her to his Son *Ladislaus* Duke of *Calabria*, by which means he certainly would have drawn in all the rest of King *Mary's* secret Friends, who hating *Sigismund* the *Bohemian*, would have been contented with him; but after the Marriage had been consummated, *Sigismund* understanding that King *Charles* was advancing, in great haste went to *Bohemia*.

THE News of this Marriage was very shocking to King *Charles*, because he judged, that the Emperor *Charles IV.* *Sigismund's* Father, would never suffer his Son with his Wife to be turn'd out of their Kingdom, but would rather endeavour to drive him out; but the two Queens, after *Sigismund* was gone, very artfully dissembling, sent to ask King *Charles* whether he came as a Relation or an Enemy; because if he came as a Relation, they would pay him all the Respect due to him, in going to meet him, and receive him with all Demonstrations of Kindness; if as an Enemy, which they did not believe, they would wait upon him, and, as two unfortunate and abandoned Women, beg of him to have some Regard for them, not on account of their Parentage, but because they had never offended him either in Word or Deed. King *Charles* dissembling, answer'd, that he was come as the Queen's Brother, because he had heard of the Trouble she was in, occasioned by the Dissentions of the Kingdom; and as he had a great Regard for the Memory of King *Lewis* his Benefactor, he had ventured to leave his own Kingdom in Danger, in order to come and quiet the Kingdom of *Hungary*, and reduce it to the Obedience of King *Mary*, and that therefore they might be both very easy; and flattering himself, that the Queens believed him, he went the more boldly to *Buda*, being likewise persuaded that the Emperor would give Credit to what he pretended; and therefore would not move at the Desire of the two Queens to disturb him in his Design. But the Queens, tho' they did not trust to this Answer, seeing they could not resist with open Force, resolv'd to fight him with his own Weapons; and seeming to be overjoy'd at the King's coming, as a Brother, they caus'd a great Feast to be prepar'd in the Castle, and with great Pomp went out to meet him, with so much Dissimulation, that not only King *Charles*, but all the *Hungarians* truly believ'd that they were caught in the Snare, and that this Reception was no less sincere than apparent: and therefore as soon as *Charles* saw them, he dismounted from his Horse, and embraced them; and when they had entered the City together, to shew his Modesty, he would not go to lodge in the Castle, but went to a private Palace in the City, till he should find an Opportunity to get himself proclaimed King. The Day following having gone to the Castle to visit the Queens, with the same Dissimulation, the mutual Marks of Affection and Gratitude were repeated; and thus in appearance they had trick'd one another; tho' both Parties were suspicious, and kept secret Spies upon one another's Actions.

*NICHOLAS* Ban of *Gara*, a most faithful Servant to both the Queens, sensible that he was the Occasion of all this Mischief, never left them, and took care that their Guard was made up of most trusty Men, that no Violence might be offered. On the other hand King *Charles*, who took upon him the Title of Governor of the Kingdom, was watching an Opportunity to seize it, and enter the Castle; and the two Queens were as much upon their Guard as possible. But this Guard of the Queens rather promoted than obstructed *Charles's* Interest; for as soon as the Commonalty observed that there was little Access to the Court, because the Guards gave Admittance but to very few; they had them in Contempt, for all Business was done in the Governor's House; and therefore those, who had invited King *Charles*, went about stirring up the People, by telling them that the Government of Kingdoms did not belong to Women, who are born to spin and sow; but to gallant and prudent Men, who in War and Peace are able to defend, enlarge, and govern subjected Nations; and with these and the like Speeches they made the People rise

up in Arms; so that the frighted Queens were not only in Danger of losing the Kingdom, but likewise their Lives. Nevertheless some Bishops and Barons, real Favourers of King *Charles*, appear'd, and under pretence of quelling the Tumult, promised to the People to set about the King's Election; and the Tumult still continuing, King *Charles* pretended to be afraid of it, went to the Castle, and finding the Guards in a Consternation, he posted some *Italians*, that came along with him, in their Places, and then went up to the Queens, and bid them take Courage; and soon after returning to his Palace, he found that he had been proclaimed King by the Commonalty, which not only many Barons, but every body approv'd of, some by Words, and others by Silence, because those of King *Mary's* Party, for fear of the People, durst not make Opposition; whereupon *Charles* persuaded the Barons, Prelates, and People, to depute one to tell King *Mary*, that for the Good of the Kingdom, which could not be well governed by Women, they had elected a new King, and to order her to resign the Kingdom and the Crown, and not to withstand the general Voice of all the People.

UPON this Message the poor Queens were for some time astonished, but King *Mary*, soon recovering herself, boldly answer'd: *I will never renounce my paternal Crown and Kingdom; as for you, pursue the Methods you have taken; as for me, tho' I be not able to withstand, I hope, that when I beg of you for the sake of Lewis my Father, you will allow me to go to my Husband in Bohemia, and not be so inhuman, after you have robbed me of my hereditary Kingdom, as to deprive me of my Liberty and Honour likewise: this I request of you as the last Duty of the Allegiance which you have sworn to me, and which you have so soon forgot.* But Queen *Elizabeth*, in order to qualify her Daughrer's Answer, which was more daring than the time requir'd, begg'd of him who brought the Message, to signify to the Lords of the Council, that since the Weakness of Women was such, that without much Thought or Advice they could not come to a Resolution in an Affair of so great Importance, they would be pleas'd to give her and her Daughter time to answer; and as soon as he was gone, they, with all the Men and Women of the Court, cried out so lamentably, that they were heard all over the City, where many conscientious and good Men were walking very much dejected, and dreading lest God by a Miracle would shew his Wrath against a Kingdom that had forgot so many Benefits receiv'd, and that suffer'd so great a Wickedness. But a new Message being sent to the Queens to demand the Crown and Scepter from them, Queen *Elizabeth*, seeing that to withstand was to bring their Lives in Danger also, very prudently advised her Daughter to yield, and quit the Castle, before the tumultuous Rabble should come and turn them out; assuring her, that God the Punisher of Wickedness would some Way or other relieve her; and putting her in mind of the Savageness of the *Hungarians*, who to day, when enraged, are most cruel and furious Creatures, and to morrow, when their Rage is spent, are as tame as Sheep; and as they think not of what they do, soon repent of what they have done: she therefore took the Crown, and went to wait upon King *Charles*, leaving her Daughter overwhelmed with Grief; and being receiv'd by *Charles* with great Respect she spoke to him thus: *Since I see, that by reason of the rugged and cruel Nature of the Hungarians, 'tis impossible that the Kingdom of Hungary can be well governed by Women, and that 'tis the Desire of all the People to have my Daughter depriv'd of it, I have encouraged her, and by the Authority which I have over her as a Mother, have commanded her to yield to their Will and to Fate; and I am pleas'd that you, who are descended of the Race of King Charles, should have it rather than any other; and all I beg of you, is to let us depart the Kingdom freely.* The King answered very courteously, that she might rest contented, that he look'd upon her as his Mother, and her Daughter as his Sister, and that he would comply with what they desir'd: and such was the Prudence and Constancy of this Woman, and she knew so well how to dissemble her own and her Daughter's inward Grief, that it was rumour'd abroad in the City, that they had willingly renouced the Kingdom in favour of King *Charles* their Relation; and King *Charles* himself was so far deceiv'd, that he sent to invite them to the Solemnity of his Coronation, which was to be perform'd in *Alba Regalis*; and the two Queens with admirable Cunning went along with him, as if they had been likewise to be Sharers in the Solemnity, and not led thither to their great Grief and Confusion.

THE Day of the Coronation being come, and King *Charles* placed in the Royal Chair, he was crowned by the Archbishop of *Gran*, whose Office it is to crown those whom the Barons, Prelates, and People chuse for Kings; and when he came

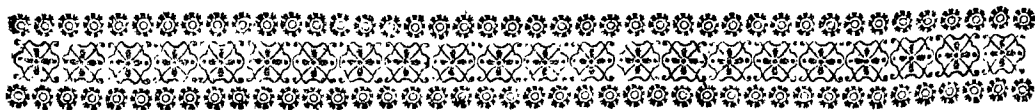
to that Part of the Ceremony of turning about upon the Scaffold, to ask the Spectators three times, if they would have *Charles* for their King, the more he raised his Voice, he was answered with the fewer Consents and clapping of Hands; for truly none answer'd the third time, but those who had had a hand in *Charles's* coming; and without doubt the Presence of the two Queens mov'd the Compassion of the greatest Part of the Crowd, especially of those who were most sensible of the Obligations that the Kingdom lay under to the Memory of King *Lewis*; and an universal Regret immediately appeared among all those who had comply'd with King *Charles's* Adherents, and a Coldness among those very Adherents, which was increas'd by an Accident that happened, and was looked upon to be a very bad Omen: when the Coronation was over, as the King was returning home, the Person, who according to antient Custom was carrying before him the Standard of King *Stephen*, (who for his Virtue was canonized a Saint) not having taken care to port, or lower it, struck it against the Architrave of the Door of the Church, and the Wood being very old, and the Standard much decay'd, the one broke, and the other was torn to pieces: and afterwards, on the very same Day, there came so great a Tempest of Thunder and Wind, that the Tiles of the Houses flew in the Air, and many old Houses were blown down, and a vast Number of People kill'd; and to this was added another Prodigy, that an infinite Number of Ravens, with a terrible Noise, entered the Royal Palace, and were so very troublesome, that they could by no means be driven out; which created a general Consternation: of which King *Charles* being apprized, he made light of it, and said, that these were natural things; and to be afraid of them was effeminate.

THE two Queens being retired to the Castle, had no other Comfort but the good Offices of *Nicholas* Ban of *Gara*, who never left them, but most zealously served and encouraged them; and because they had already perceived the Repentance of the *Hungarians*, and the little Satisfaction they had shewn at the Coronation of King *Charles*, they began to take Courage; and King *Mary* and her Mother discouraging one Day with *Nicholas* about what Courtie was necessary to be taken for recovering the lost Dignity and Kingdom, *Nicholas* told them, that if they pleased he would do all he could to procure King *Charles's* Death. The two Queens caught greedily at these Words, and both of them answered at the same time, that there was nothing in the World they desir'd so much; and *Nicholas* taking upon himself to find out an Assassin, left it to them to contrive Means how to get *Charles* to come to their Apartment; and while he was contriving how to perform his Part, the Queens with their usual Dissimulation found Means to induce the King to come to their Apartment; for Queen *Elizabeth* said, that she would do her Endeavour to persuade *Sigismund* her Daughter's Husband to give up the Kingdom, as they had done, provided the King upon certain Conditions would send his Wife to him in *Bohemia*; and King *Charles* having heard what the Queen had said, with great Joy sent to thank her, and beg of her to bring the Treaty to a Conclusion; and that for his Part he was ready, not only to allow the young Queen to go to her Husband, but likewise to carry with her all the Royal Treasure, both hidden and publick. After some Days, *Nicholas* having found out a very bold and intrepid Man, named *Brasius Torgas*, who undertook to kill the King, conducted him to the Castle; and after he had posted a great Number of his Confidants with secret Arms, some of them within the Castle, and some without; the Queens sent to tell the King, that they had receiv'd Letters with joyful News from *Sigismund*, and the King, who desired nothing more, went immediately to wait upon them in their Chamber; and while they were shewing him the Letter, *Nicholas* entered under Pretence of inviting the King and the Queens to the Wedding of one of his Daughters, and with him entered *Brasius*, who immediately with an *Hungarian* Sword gave the King a Stroke on the Head, which cleft him to the Eyes. The King crying out fell to the Ground; and the *Italians*, who saw him down, and the Blood gushing out, took care to shift for themselves; and the Men that *Nicholas* had posted gathering together in an Instant, *Brasius* had no Difficulty in making his Escape, but with the bloody Sword went out of the Castle; and *Nicholas* finding that the King's Guard and the *Italians* were in a Consternation, without the least Opposition placed Guards upon the Castle, composed of Men all well affected to the Queens. As soon as the wounded King was carried to his Chamber, and there was no hopes of his Life, the *Italians* began to fly, and make their Escape by the Favour of some *Hungarians* of King *Charles's* Party; the Night following, upon the Noise of so remarkable

markable an Event, not only the Inhabitants of *Buda*, but of the neighbouring Villages, assembled in vast Multitudes, and cried out, *God bless Mary the Daughter of Lewis, God bless King Sigismund her Husband, and let the Tyrant Charles with all his traitorous Followers die*: and with the same Fury they plundered all the Houses of the *Italian Merchants in Buda*. The two Queens overjoy'd, caused King *Charles* thus wounded to be carried to *Vicegrad*, under Pretence of doing him Honour, in sending him to be buried in the usual Burying-place of the Kings of *Hungary*; and there are some who say, that lest he should not have died of his Wound, they caused him to be poisoned and choaked, because they understood, that *John Ban of Croatia*, the Head of *Charles's* Party, with a great Number of stout Men, was coming to his Assistance. The King's Body was buried in *S. Andrew's Church* amongst the other Kings, but soon after there came an Order from Pope *Urban* to take him up, and remove him out of the Church, because he had died excommunicated, and a Rebel to Holy Church.

THIS was the end of King *Charles III.* of *Durazzo*, who might have proved an excellent Prince, if he had not given way to Ambition, but contented himself with the Possession of that Kingdom to which he had a specious Pretence. According to what *Paris de Puteus* † writes of him, he was a most gallant Prince, and a Lover of learned Men, tho' few of them flourished in his troublesome and unsettled Reign; he was most affable and liberal to all Men; he was only blamed for his Cruelty and Ingratitude to Queen *Joan* and his Wife's Sisters; for which he had no other Excuse, but his Fear of Pretenders to the Kingdom. We have no Laws of his. He lived forty one Years, and reigned four in *Naples*, from *August 1381*, to the first Day of *January 1386*. By his Wife *Margaret* he left two Children, *Joan*, already a Woman, and *Ladislaus*, who was but ten Years of Age.

† Paris de Put. lib. de Duello, cap. 14 lib. 9.



### C H A P. III.

*Ladislaus proclaimed King. A new Magistracy instituted in Naples. A War with King Lewis II. of Anjou, Ladislaus's Competitor.*

**T**HE dismal News of King *Charles's* Death at last came to *Naples*; and though Queen *Margaret* found Means for some time to keep it secret; yet hearing that it had reached Pope *Urban* in *Rome*, not able to conceal it any longer, she published it to the City; and, with great Demonstration of Grief, she ordered his Funeral Ceremonies to be solemnized: She was left a Widow at thirty eight Years of Age, and the tender Years of her Son affected her no less than the Fear of her Enemies. There were many that advised her to cause herself to be proclaimed Queen, seeing the Kingdom belonged to her as Queen *Joan I.'s* Niece. But those prevailed, who persuaded her to have her Son *Ladislaus* proclaimed King, lest the Pope should say, that Queen *Joan* could not transmit the Kingdom to her Heirs, she having been deprived of it in her Life-time by a Sentence, as a Schismatick. Therefore on the twenty fifth of *February 1386*, King *Ladislaus*, who was then little more than ten Years of Age, was proclaimed over all *Naples*; and the first thing the Queen did, was to send *Antonio Dentile* Ambassador to the Pope, in order to soften him, and humbly to beg of him, that after the Example of him, whose Vicar he

he was upon Earth, he would be pleased to forget the Offences of the Father, and to take the innocent Child under his Protection, and what Cities of the Kingdom for his Relations he should think fit. The Pope, partly out of Compassion, partly satisfied with King *Charles's* Death, and partly with a Design to have the Disposal of a good part of the Kingdom, contrary to his Nature, gave a most gracious Answer, and made *Ramondello Orsino* Standard-bearer of Holy Church, and by an Apostolical Brief sent him to command his Troops, and to espouse the Interest of King *Ladislaus*, and by the Bishop of *Monopoli*, his Nuncio, sent him twenty thousand Duckets, in order to levy Soldiers for augmenting his Army, which gave the Queen some Comfort.

BUT *Margaret*, little skilled in Government, especially at such a time, being told by her Ministers, that Money was the Sinews of War, whereby Kingdoms were best supported, care's'd those Ministers most, who brought most Money into her Coffers, without minding whether they did it by just or unjust Means; nor would she give Ear to those who came to complain. Besides, she was so covetous and intent upon heaping up Money, that she suspected all those who came to advise her to the contrary, without considering whether they were Men of Credit, or well-affected to her Party. To this was likewise added, that finding she had made an ill choice of her first Officers, and afterwards making others upon the Recommendation of the first, these proposed none but Persons depending upon themselves, little regarding whether they were capable or not; so that the Doctors of the Law, and other wise and judicious Men lost all Hopes of having any Share in the Government, or other Offices; whence both the Citizens and Nobility daily suffered a thousand Injuries. Therefore the five *Seggi*, joining with the People, resolved to redress themselves, and created a new Magistracy, which was called the Magistracy of the *Eight Lords of Good Government*, who were to take care that the King's Ministers should do no Injustice. Those eight were *Martucella dell' Averfana*, for the *Seggio Capuana*, *Andrea Carafa*, for *Nido*, *Juliano di Costanzo*, for *Portanova*, *Tucillo di Tora*, and *Paolo Bocatorto*, for *Montagna*, all Noblemen; and for *Porto*, *Giovanni di Dura*, likewise a Nobleman, and *Oitone Pisano*, and *Stefano Marsato* Commoners, who with great Authority began to exercise the Magistracy, one of them going every Day to the Tribunals, to see that no Injustice was done to any Person: So that in a short time the Officers of Justice were more afraid of them, than the rest of the City were of those first Officers; and though the Queen and her supreme Council did their utmost to abolish this Magistracy, yet they never could bring it about, which made them dread the Loss of *Naples*, as in a short time happened.

NEVERTHELESS Queen *Mary*, Widow of *Lewis I.* and Mother of young King *Lewis*, being under the Protection of Pope *Clement*, went to him in *Avignon* to obtain the Investiture, and the Re-establishment of her Son in the Kingdom; and during his Minority she had declared herself his Governante and Guardian; but *Clement* as well as his Predecessors pretending that the Guardianship belonged to the Apostolick See, would not allow of it, till first a Way could be found out for removing that Difficulty; whereupon the Affair being concerted between the Cardinals and the Queen's Ministers, it was resolved that Queen *Mary* in a publick Consistory should ask the Guardianship from the Pope and Cardinals, which was done, and *Clement* gave his Assent; then the King and Queen took the Oath of Fealty, and did Homage; and the Pope invested *Lewis* with the Kingdom, by giving him the Standard as a Symbol of the Investiture, and in *May 1385* sent him the Bull of it\*.

THE *Anjou* Faction acknowledging another Pope, and another King, and among the rest *Tommaso Sanseverino* the High-Constable, and Head of that Faction, and of his own Family, no sooner heard of the State of the City of *Naples*, than he usurped the Title of Viceroy for *Lewis II.* Duke of *Anjou*; and for the publick Good assembled a Parliament at *Ascoli*, in which were present all the Barons of that Faction; and after the Example of *Naples*, which had created *Eight for the good Government of the City*, in this Parliament six Deputies were elected for the *Good Government of the Kingdom*. These were the said *Tommaso*, *Ottone*, Prince of *Taranto*, *Vincislao Sanseverino* Count of *Venosa*, *Niccolo di Sabrano* Count of *Ariano*, *Giovanni di Sanframondo* Count of *Cerreto*, and *Francesco della Ratta* Count of

\* V. Baluz. in notis ad vitas PP. Aven. tom. 1. pag. 1253.



*Caserta.* It was likewise concluded in Parliament, that all the Deputies with all their Followers should meet at *Montefusco*, and accordingly two Months after the Parliament was over, they all appeared, to the Number of four thousand Horse, and two thousand Foot, and made an Attempt upon *Aversa*; but not succeeding, they marched and encamped within two Miles of *Naples*, and sent *Pietro della Mendolea* into the City, to sound the *Eight Lords of good Government*, and to endeavour to persuade them to deliver up the City to *King Lewis II. of Anjou*, Queen *Joan I.'s* Heir. The *Eight* answered, That they were resolved to continue faithful to *King Ladislaus*, and went immediately to the Queen, and offered to assist her in the Defence of the City. The Queen enraged, complained that all this Mischiefs was occasioned by their Government, and was upon the Point of sending them to Prison, but was dissuaded from it by the Duke of *Sessa*, who bid them take care to defend the City, because they should quickly see the Standard-Bearer of the Church who was in the County of *Sora* raising Men in order to its Relief. *Pietro* having been two Days in *Naples* returned to the Camp with the Answer of the *Eight*, and said, That it could not be long before there was some Revolution in *Naples*, because he had left the common People ready to mutiny, and the Masters of the Villages complaining that they could not get out to their Vintage. What *Pietro* had prophesied came to pass, for the Camp continuing where it was, the Peasants were always running to tell their Masters what Damage the Soldiers did to their Vineyards; so that on the twentieth of *September* some Citizens went to *S. Lorenzo* to speak with the *Eight*, and to sollicite a Redress: These gave them fair Words, and hopes that in a short time they should see the Standard-Bearer with the Pope's Army come to their Relief; but the meaner sort of People, who at this Season were wont to go to the Villages to bring Grapes and other Fruits, seeing themselves deprived of that Liberty, at a time when they stood most in need, rose up in Arms, and in great Fury went to *S. Lorenzo*; and if they had not been prevented by many Noblemen and Gentlemen who ran to the Assistance of the *Eight*, and by the Interposition of some old Gentlemen and Citizens of Credit, they would not have stuck at any Mischiefs. The old Gentlemen and Citizens, posting themselves between the Mob and the Nobility, began to treat with the *Eight* about Means for quelling the Tumult, and at last the *Eight*, lest the Mob should open the Gate *del Mercato* to the Deputies of the Kingdom, were content to make a Truce, that the Citizens might go out to their Villages, and that thirty at a time of the Soldiers of the Army of the Deputies might enter the City, for what they wanted.

THE Queen, who out of Hatred to the *Eight* had been mightily pleased with this Tumult, in hopes that the Mob would have torn them to pieces, was grievously vexed when she heard that a Truce was concluded, whereby all her Council said, that *Naples* was inevitably lost; whereupon, in order to apply some Remedy, she got the Archbishop *Niccolo Zanasio*, who had succeeded *Bozzuto*<sup>1</sup>, the Abbot of *S. Severino*, and some others of the Clergy to ride through the City, stirring up the Commonalty again, by telling them, that it was a Shame that so Christian a People, and so much beloved by *Urban* the true Pope, should suffer the Soldiers of the Schismatical Antipope to resort to *Naples*; and while they were thus haranguing up the People, some of the Nobles of *Portanova* began to rebuke them, by telling them, That it was not the Duty of good Pastors to go about to raise Sedition and Dissention, and especially among a People, who if once let loose, it would be a difficult Matter to quell them again; and the Archbishop and those that were with him, trusting to their sacred Functions, and answering very haughtily, some of them were pretty roughly handled, and soundly beaten. But two Days after, Advice being brought to the Queen that *Ramondello* was coming with a good Body of Men, the Queen's Ministers, with all those of the *Durazzo* Faction, without regarding the *Eight*, under pretence of driving out the Soldiers that had come into the City, rose up in Arms, and assaulted the Houses of some Gentlemen, who were thought to be Well-wishers to the *Anjou* Faction, who likewise arming themselves began to make a stout Defence; the *Eight* sent immediately to order both Parties to lay down their Arms, which Order, and the Night coming on, ended the Fray. But Advice being brought the next Morning that *Ramondello* was at *Capua*, the *Eight*, and those of the *Anjou* Faction afraid of being overpowered, sent to desire *Tommaso Sanseverino* to move his Camp nearer the City, which accordingly he did that Even-

<sup>1</sup> Ughell. tom. 6. Ital. Sacr. de Archiep. Neap. pag. 207.

ing. At the same time arrived from *Provence* two Gallies sent by King *Lewis* with twenty five thousand Duckets for paying the Army, which Queen *Margaret*, hearing, she left *Castel Nuovo*, whither she had retired, and seeing her Son's Affairs in a desperate State went to *Gaeta*, which had still been faithful to her and her Son, where she remained during all the time of this War, which lasted thirteen Years. But the next Morning after *Sanseverino* had moved his Camp, *Ramondello*, arrived, and in a hostile manner entered the City at the Gate *Capuana*, which had been quickly opened to him, (for the City had hitherto been faithful to King *Ladislaus*) and cried out, *God bless Pope Urban, and King Ladislaus*. The *Eight*, with the greatest part of the Nobility, were under Arms at *Nido*, crying out, *God bless King Ladislaus, and the Good Government*. But *Ramondello* no sooner came to *Nido* than he attacked them, made a great Slaughter, and drove them to the Rails of *S. Clara*; then those of *Portanova* and *Porto*, who were of the *Anjou* Faction, went and opened the Gate *Petrucchia*, at which the Army of the *Deputies* entered, one part of which attacked *Ramondello*, crying out, *God bless King Lewis and Pope Clement*. *Ramondello's* Men giving way, obliged him to retire to *Nola*, so that *Tommaso Sanseverino* became entirely Master of the City, and being victorious, at the Desire of the *Eight*, by publick Proclamation he forbid any Violence to be offered to the Houses of the contrary Faction; and the Day following having given a safe Conduct to all, in the Church of *S. Clara* he made them swear Allegiance to King *Lewis II.* and caus'd himself to be proclaimed his Viceroy, and leaving a few Soldiers in the City, he distributed the rest among the Villages.

AFTER *Tommaso Sanseverino* had thus made himself Master of the City of *Naples*, considering that he could not hold it long against foreign Force, he proposed in a Parliament of the Barons, and many noble and powerful *Neapolitans* of the *Anjou* Faction, that the Baronage and the City should send to King *Lewis* and Pope *Clement* to acquaint them, that they had been brought to their Obedience rather by Affection than Force, and that of Necessity they must send powerful Assistance not only to protect the *Anjou* Party, but entirely to crush the Queen's and Pope *Urban's* Faction, against which with the Forces of the Kingdom they could not long stand their Ground. It was immediately resolved that they should send, and accordingly Ambassadors were appointed, who with a prosperous Gale arrived at *Marseilles*, where they found *Lewis*, saluted him King, and were most courteously received; then they pressed him either to go to *Naples*, where he was most impatiently expected, or to send a Supply of Men and Money. The Ambassadors, after they had been some Days in *Marseilles*, at last finding that *Lewis* was an indolent Prince, and not so well provided of Money, as to be able to send powerful and speedy Succours, went to *Avignon* to wait upon Pope *Clement*, by whom they understood that they would be more readily supplied, in order to crush Pope *Urban's* Faction. *Clement* was overjoyed at the arrival of the Ambassadors, and highly delighted when they told him, that *Urban's* Faction in the Kingdom was very inconsiderable, which in a short time they hoped to reduce to his Obedience; and in a publick Consistory after he had highly commended the Barons and the City of *Naples*, who knowing the Justice of his Cause, had shaken off all Obedience to the Schismatical Pope (such he called *Urban*) and had submitted to him, the true and lawful Pope; and who being mindful of the Benefits received from good Queen *Joan*, had chosen to adhere to King *Lewis* her lawful Heir, by turning out the Son of the Tyrant and Usurper, who with so much Ingratitude had deprived her of her Kingdom and Life, he promised powerful and speedy Assistance, and in a few Days to crown King *Lewis*, and with a great Army send him to *Naples*.

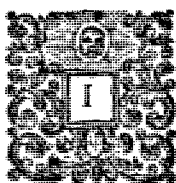
ALTHOUGH the Ambassadors had seen with what Eagerness the Pope had spoken, yet having received Letters giving them to understand that the Commonalty of *Naples* would ill bear the Inconveniencies of a Siege; and that Pope *Urban* and Queen *Margaret* were preparing to besiege the City both by Sea and Land, they thank'd the Pope for the Assistance he had promised, and entreated him to send it as soon as possible; and the Pope assuring them that there was nothing in the World he had more at Heart, and having given some of them Mandates for Benefices to their Relations, they departed very well satisfied. They arrived in *Naples* about the end of the Year, and the Account they gave of the great Preparations that were making both at *Marseilles* and *Genoa*, and of the Bounty, Mildness and Affability of King *Lewis*, with Pope *Clement's* Forwardness to assist them, so rejoiced the *Neapolitans*, that they all looked upon the War as already over.

WHILE these things were transacting in *Provence*, *Ramondello Ursino* and Queen *Margaret* were using their utmost Endeavours to hinder all Provisions from coming into *Naples*, in order to starve it, and oblige the Citizens to surrender; but by the Vigilance of *Sanseverino*, the City was delivered from the Terror of a Famine; and some *Provensale* Gallies sent by Pope *Clement* arriving with thirty thousand Crowns of Gold for paying the Army, and the City being furnished with Provisions, the Queen despaired of taking it by Famine, and returned to *Gaeta*. A few Days after the Queen's Departure the *Provensale* Fleet arrived at *Naples*, and in it came my Lord *Monjoy* with the Title of Viceroy and Captain General, which revived the *Neapolitans*, and all King *Lewis's* Adherents, not considering the Consequences; for *Monjoy* by his haughty Behaviour was rather the Cause of disturbing than of securing the Kingdom to King *Lewis*. For *Tommaso Sanseverino* being offended, because the King had not confirmed him in his Viceroyalty, in disgust retired to his Estate; and a few Days after *Monjoy* discoursing with Prince *Otho*, and not shewing him that respect, which was due to a Person of his Rank and Birth, and who had been married to a Queen, the Prince left him, and went to *S. Agata de Goti*. The Lords of Good Government went in a Body to *Monjoy*, and told him, That by his way of Management the Kingdom in a short time would be lost, for he alienated the most powerful Lords from the Government; and that it was necessary by all Means to endeavour to sooth Prince *Otho*; and though *Monjoy* promised them that he would pacify him, yet all he could do was to no Purpose, because the Prince insisted upon such Conditions, as were reckoned extravagant, and not to be complied with, not only by the Viceroy, but by all Men of Honour. And by this it was conjectured that the Prince was then making Terms for going over to the Queen's Party, which was afterwards confirmed, for he soon joined the *Durazzo* Faction. Therefore *Angelo Costanzo* believed that to be true which he had read in a Manuscript written by *Paris de Puteo*, that the Prince had a Design to marry Queen *Margaret*, and that that most prudent Lady had given him some Encouragement; but afterwards she excused herself, by telling him, That he having been married to Queen *Joan*, her Aunt, the Pope had refused to grant a Dispensation; and thus she put him off, at a time, when in Honour he could not leave her, and to his Death he kept firm to her Interest; whereupon many Changes happened, and the *Durazzo* Faction began to have Hopes of being able to recover *Naples*, and the rest of the Kingdom that sided with King *Lewis*.



## C H A P. IV.

*King Ladislaus marries the Daughter of Manfredi di Chiaramonte.  
Pope Urban dies, Boniface IX. is elected in his Place, and  
King Lewis comes to Naples.*



IN the mean time Queen *Margaret*, who with many of her Adherents was still in *Gaeta*, not able to bear the trifling away of Time, as if all Hopes of recovering of *Naples* had been lost, was wholly intent upon contriving Means whereby to raise Money, in order to levy Men for recruiting the Army. But it happened that some Merchants of *Gaeta*, who had been to buy Corn in *Sicily*, in the Queen's Presence spoke much of the Riches of *Manfredi di Chiaramonte*, and of the great Beauty of his Daughter; whereupon the roving Mind of the Queen fixed upon a Resolution of sending to demand his Daughter for Wife to her Son King *Ladislaus*, who  
was

was then fourteen Years of Age; and as she was of a fiery Nature, and resolute in all her Actions, she immediately caused her Council to be called, and said, That after she had deliberated on all Methods for raising of Money, in order to renew the War, she had not found one so sure as that Marriage, which in all Probability would bring a very great Portion, and that therefore she was resolved to send to *Sicily* to treat about it. There was not one of the Council but commended the Queen's Wisdom, and with unanimous Consent the Count of *Celano*, and *Bernardo Guastaferra di Gaeta* were pitched upon to go to *Sicily* to treat about the Marriage; the Count, because he was very rich, and could carry a splendid Retinue along with him, and *Bernardo*, because he was a Doctor of Law, and a knowing Man. These Ambassadors embarked at *Gaeta*, and with two Gallies arrived the fourth Day at *Palermo*. *Manfredi di Chiaramonte* was by Title Count of *Modica*, but in effect King of two thirds of *Sicily*, for taking Advantage of the King's Childhood, and the Dissension of the Barons, he had made himself Master of *Palermo*, and of almost all the chief Cities of the Island; and with his own Troops had conquered the Island of *Gerba*, from which he drew great Profit, not only by the Tribute which the *Moors* paid him, but likewise by the Gain which he made by the Merchants that traded to *Barbary*, and being naturally inclined to make a shining Figure, he received the Ambassadors in a most magnificent manner; and after that he had understood their Errand, the great Virtue and Merit of Queen *Margaret*, that King *Ladislaus* was a promising Youth, and the Certainty of driving his Enemies out of the Kingdom, if he was assisted with Money, he was very well satisfied, seeing he had not only an Opportunity offered him to make his Daughter Queen of a most potent Kingdom, but with the Assistance of his Son-in-Law to be able to make himself Master of the remaining part of the Island, and to be King; therefore without Delay the Marriage was concluded; and though the *Neapolitans* did all they could to hinder it, yet *Manfredi* was positive in his Resolution; so that *Cecco del Borgo*, King *Ladislaus's* Viceroy, coming to *Palermo* to conduct the Bride to *Naples*, *Manfredi* delivered to him his Daughter *Constantia*, and sent some of her Relations to accompany her with four Gallies, and besides her great Portion, gave her a vast Quantity of wrought Plate, Jewels, and Tapistry. Taking leave of *Palermo* with prosperous Gale, in a few Days they arrived at *Gaeta*, where the Queen and King with great Joy received the Bride, and for many Days made most sumptuous Feasts.

THE Feasts were scarcely over, when *Ladislaus* received the welcome News of the Death of Pope *Urban*, who had done him no Service; for on account of his cruel and froward Nature he was no less hated by the College of Cardinals, than by all the People under his Obedience; and having put many Cardinals to Death, and upon Suspicion degraded others, his chief Care was to be upon his Guard against Conspiracies, which he was afraid had been hatched against him. *Urban* died in the Year 1389, and Cardinal *Pietro Tomacello* was elected in his Place, and called *Boniface IX.*, who, as shall be told, was King *Ladislaus's* great Protector. There were few that lamented Pope *Urban's* Death; for though he was a Man of singular Integrity, yet he was naturally proud, stubborn, and intractable, and sometimes he knew not himself what he would be at: He was buried in *S. Peter's* Church in *Rome* with a homely Epitaph, but in *Naples*, in the Church of *S. Maria la Nuova*, in the Chapel of *Francesco Prignano*, near the Sepulchre of *B. Giacomo*, he had a famous Tomb with a Statue erected for him, which may be seen at this Day. His Successor, who was but thirty Years of Age, was made Pope on account of his good Life; but he was no sooner crowned, than he appeared in a quite different Shape, making it his chief Study to raise his Brothers and Relations; and because he might expect great things from King *Ladislaus*, who, whenever he should subdue his Enemies, who were very rich, would distribute a part of those Riches among his (the Pope's) Creatures; he resolved to assist him, and gave a most gracious Reception to *Raimondo Cantelmo* Count of *Alvito*, and *Goffredo di Marzano* Count of *Alisi*, who had been sent by *Ladislaus* and the Queen to congratulate him, and do him Homage; and he promised to give *Ladislaus* the Investiture of the Kingdom, which he could never obtain from Pope *Urban*. And a few Days after he sent the Cardinal of *Florence* to *Gaeta* to crown him, where, on the eighth of *May* 1390 the Coronation of the King and Queen *Constantia* with great Solemnity

nity was performed, and the Bull of Investiture read, which was the same with that made by Pope *Urban* to King *Charles III.* And the same Day the King and Queen rode a Horseback through *Gaeta* with their Crowns on their Heads.

THE *Neapolitans* seeing King *Ladislaus* in so prosperous a State, sent *Baldassar Cossa*, who was afterwards Cardinal, and then Pope, to King *Lewis* in *Provence*, to tell him, that their common Cause was in great Danger, and daily grew worse and worse, by the excessive Pride of my Lord of *Monjoy*, who had alienated the Barons from him, and especially the *Sanseverini*, who were Masters of all the Arms and Troops of the Kingdom, and that his Presence was necessary; for at that time, of four parts of the Kingdom three were his, which his Presence would not only secure to him, but likewise be a Means to reconcile the Differences among the Ministers, whereby in a short time he might expect to drive out his Enemies, and be Master of the whole Kingdom. Upon this Message, and by the Persuasion of Pope *Clement*, King *Lewis*, who the Year before, in the Presence of the King of *France*, had been solemnly crowned King of *Sicily* in *Avignon*<sup>2</sup>; having drawn together twenty Vessels, some of them Gallies, and some of them Brigantines, and three large Ships, in *July* embarked at *Marseilles*, and on the fourteenth of *August* came in sight of *Naples*, when he was overtaken by a Storm, and by great Difficulty in the Admiral's Galley he got near the Shore, and landed upon a Bridge, on purpose prepared at the Mouth of the River *Sibeto*, where he found a great Number of Noblemen and People, with some Barons, who received him with great Acclamations, and mounting a Horseback, he rode to *Formello*, where he found Deputies from *Naples*, who presented him with the Keys of the City: Being arrived at the Gate, he was received by eight Knights under a Canopy of Cloth of Gold; and in passing through the *Seggi* of the City, he knighted many young Noblemen, and at Night went to *Castel Capuana*, the whole City being highly delighted with his Presence; for he was a Prince of a noble Aspect, fit to gain popular Applause, and which expressed both Clemency and Humanity. The Day following all the five *Seggi* confirmed their Oath of Allegiance, which they had taken from the Hands of *Tommaso Sanseverino* when he was Viceroy, and then the Merchants and People swore. Then the Barons began to come in, and the first were the Count of *Ariano* of the Family of *Sabrano*, *Marino Zurlo* Count of *S. Angelo*, *Giovanni di Luxemburgo* Count of *Conversano*, *Pietro Sanframondo* Count of *Cerreto*, *Corrado Malatacca*, &c. and some of the principal Foreigners who possessed Lands in the Kingdom. These brought above eleven hundred Horse with them. But afterwards came the *Sanseverini*, who exceeded all the rest in Magnificence, Number, and the Quality of their Followers; for they brought with them eight hundred Horse, all well equipped, as if they had been going to an Engagement, that thereby the new King might see of what Importance they were to his Crown, which was looked upon to be very arrogant in them. These were *Tommaso* the High-Constable, the Duke of *Venosa*, the Count of *Terra Nuova*, the Count of *Melito*, the Count of *Lauria* of the same Family; then came *Ugo Sanseverino* from *Terra d'Otranto*, with *Gaspare* Count of *Matera*, and others of the same Name, who had Lands in that Province: After them came the Lords of *Gesualdo*, *Luii della Magna* Count of *Boccino*, *Mattia di Borgensa*, *Carlo di Lagni*, and other Barons of less Note. But from *Abruzzo* there came only *Ramondaccio Caldora* with some others of that Family, for the rest were all of King *Ladislaus's* Party.

I MUST not pass over in Silence what that most grave Historian *Angelo di Costanzo* says of the Times we are now speaking of, in comparing them with the Age in which he wrote, viz. in the Reign of *Philip II.* He writes, that though the City of *Naples* was in a most flourishing State in his time, and abounded in illustrious Cavaliers fit for warlike Exercises, yet it would have been a difficult Matter to adjust a Tournament, or even to raise a thousand Men at Arms completely mounted in the whole Kingdom: therefore he says, That if he had not known it to be Matter of Fact, and found it vouched by Men of undoubted Veracity, and likewise seen it recorded in the Registers, he would scarcely have been able to believe what he was writing concerning those Times, in which so great a Number of Horse was so ready at a Call; now if that grave Author was so much surprized at the Difference between the Age in which he wrote and that of which we are treating, what would he have said if he had lived in our Days, wherein, to our great Shame,

<sup>2</sup> Vita Clem. VII. apud Baluz. loc. cit.

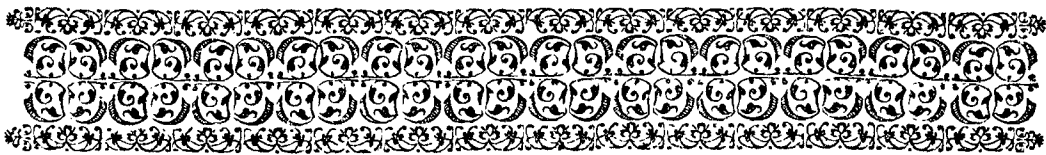
Luxury hath infinitely increased beyond what it was in the Reign of *Philip II.*? But all this, says he, ought to be attributed to the change of Times, which likewise alters Customs. At that time every little Baron was well provided of Horse and warlike Men, for fear of being turned out of his House by some more powerful Neighbour; and the *Neapolitan* Nobility living with great Frugality, minded nothing so much as to be well provided of Horse and Arms, in which they placed their chief Delight: They did not lay out their Money in garnishing their Tables, even those of Princes were not served with costly Dishes; they wore no gaudy Apparel, all their Revenues were spent in maintaining gallant Men, and feeding their Horses. Now by Reason of the long Peace, the Minds of every body are set upon magnificent Buildings, sumptuous and dainty Living; and we now see that the House which formerly belonged to the High-Steward *Coracciolo*, who in the time of Queen *Joan II.* was in a manner absolute Master of the Kingdom, having fallen into the Hands of Persons, without Comparison of Estate and Rank inferior to him, is enlarged with new Buildings, the old, wherein he, who at his Pleasure gave and took away Lordships and Estates, lived so much envied, not being sufficient for them. I speak not of Tapestry and other Furniture, since it is well known, that many Noblemen have bestowed as much upon the Furniture of two Rooms, as would have maintained two hundred Horse a whole Year; and *Costanzo* having spoken of the Grandeur of Princes, he gives us one instance of that of a private Man, *viz.* that he had seen the Houses of five Noblemen turned into one for a Tradesman: So that we may readily believe, that if our present way of living could be known to our Ancestors, they would wonder no less at us than we do at them.

IF *Angelo di Costanzo* who wrote in the Reign of King *Philip II.* was surprized that the Houses of five Noblemen were not sufficient for one single Tradesman, what would he say now if he saw, that all those large and stately Edifices, which like so many new Cities have been added to the old, are not sufficient for the Inhabitants? And what would he say if he saw the Pride and Vanity of those of our present Age, who squander away their Incomes in such a manner, that they could scarcely raise a Troop of a hundred Horse? But leaving it to the Judgment of the Readers, whether it be more commendable in Men to give their Minds to Arms and Horses, and to the severe and toilsome Exercise of War, or to Ease and Luxury, we shall return to where we left off.

AFTER King *Lewis* had received the Oath of Allegiance from all Ranks and Degrees of People both of the City and Kingdom, he assembled a Parliament at *Santa Clara*, in which *Ugo Sanserverino* Great Protonotary of the Kingdom proposed to give the King a thousand Men at Arms, and ten Gallies at the Charges of the Barons and People till the War was at an end, which was very readily agreed to, to the great Joy of the King; because at that time *France* being engaged in a War with *England*, he could expect but small Assistance from *Provence* and the Duchy of *Anjou*. *Lewis* therefore very prudently began to make up his Household of noble *Neapolitans*, and other Subjects of the Kingdom, allowing them all honourable Pensions, which seemed to lighten the unusual Burden, newly laid upon the Kingdom, and gained him the Good-will of the *Neapolitans*.

WHILE these things were transacting in *Naples* and other parts of the Kingdom, Queen *Margaret* conven'd all the Barons of her Party, and sent Count *Alberico di Cunio* to levy Soldiers, resolving to try the Fortune of War; for with her Daughter-in-Law's Portion and the Pope's Favour she had augmented her Army. *Giacomo di Marzano* Duke of *Sessa*, and High-Admiral of the Kingdom, *Goffredo* his Brother Count of *Alisi*, and High-Chamberlain, Count *Alberigo* High-Constable, *Cecco del Borgo* Marquis of *Pescara*, *Gentile d'Acquaviva* Count of *S. Valentino*, *Berardo d'Aquino* Count of *Loreto*, *Luigi di Capua* Count of *Altavilla*, *Giovanni d'Atrezzo* Count of *Trivento*, *Giacomo Stendardo*, *Cola* and *Cristofano Gaetani*, *Gurrello Carafa*, and *Malizia* his Brother, *Gurrello Origlia*, *Salvatore Zurlo*, *Florido Latro*, and *Onofrio Pesce* immediately met in *Gaeta*, and consulted where they should begin the War. It was resolved, first to go and subdue the *Sanserverini*, who kept their Men dispersed in different Places; but after several Skirmishes, at last the *Sanserverini* gained the Victory. Whereupon *Renzo Pagano* Governor of *S. Eramo*, who held out for King *Ladislaus*, entered into a Treaty for delivering up the Castle to King *Lewis*, for which he made a good Bargain, having got the Bailiwick of *S. Paolo*, the Office of Judge of the Students, the Duty upon Meal, and other

other Advantages. But *Andrea Mormile* Governor of *Castel Nuova*, notwithstanding the many and great Rewards offered him, could never be prevailed upon to surrender, till extreme Necessity obliged him; and all the Reward he fought, was the Safety of himself and Garrison, and when King *Lewis* entered the Castle he highly commended him, there being found in it Provisions only for one Day. *Martuccio Bonifazio* Governor of *Castel del Uovo*, being likewise unable to hold out any longer, surrendered upon honourable Conditions. Great Demonstrations of Joy were made through all the City for this prosperous Success, and it looked as if the War would soon be at an end; for after the Castles had surrendered, there was nothing but Peace and Contentment in *Naples*, and a hearty Affection for King *Lewis*.



## C H A P. V.

*King Ladislaus divorces Queen Constantia, and his Progress in recovering the Kingdom, which at last returns under his Dominion.*

**B**Y the Poverty of King *Ladislaus* on the one hand, and the pacifick Nature of King *Lewis* on the other, the Kingdom was for some Months in perfect Tranquillity. But during that time there happened great changes in the Island of *Sicily*, for by the Death of *Frederick III.* without Male Issue, that Kingdom had devolved to *Mary* an Infant, and Daughter to the late King of *Aragon*; and in the Year 1386 the *Sicilian* Barons had married her to *Marino* the Son of the Duke of *Monblanco*, who was Brother to *John* King of *Aragon*, and was called *King Martin*, who in the Year 1390 with his Father and a strong Army landing in *Sicily* at the same time that *Manfredi di Chiaramonte* died, easily recovered *Palermo*, and all the other Cities which had been possessed by *Manfredi*; and a Report was spread, that the Duke of *Monblanco* the King's Father had amorous Conversation with *Manfredi's* Widow. Queen *Margaret*, whether induced by this Report, or that by marrying the King to another Woman, she was in hopes to get Money for renewing the War, persuaded him to go to the Pope and endeavour to obtain a Divorce; because it was dishonourable for one of his Birth and Rank to have for a Wife the Daughter of the Concubine of a *Catalan*; besides by taking another Wife he might get both a new Portion and Assistance. The King being young, and his Mother's Advice prevailing more upon him than the Love of his Wife, went to *Rome*, where he was honourably, and with many Demonstrations of Kindness received by Pope *Boniface*, and not only obtained the Divorce, but a good Supply of Money, in order to renew the War. The Pope, by an unprecedented Instance, sent with him the Bishop of *Gaeta*, to perform the Solemnity of the Divorce; and the first Sunday after the King's return, in the Cathedral Church of *Gaeta*, whither the King and Queen had gone, as the Queen thought to hear Mass only, the Bishop in presence of all the People read the Bull of Divorce, and went from the Altar and took the Wedding-Ring from Queen *Constantia* and returned it to the King; and the unfortunate Queen, with an old Woman and two Maids, was conducted to a private House prepared for that Purpose, whither, by way of Alms, Victuals were sent from Court for herself and Servants; all Queen *Margaret's* best Friends loudly condemned this Action, so full of Cruelty and Inhumanity, Baseness and Ingratitude;

tude; that the King having with much Importunity obtained her of her Father a few Years before, together with a Portion wherewith his Necessities were relieved, should afterwards unjustly divorce her, at a time when her Family and Relations were in such calamitous Circumstances, that it might have been expected, she as a Queen should have been in a Condition to entertain and relieve them, rather than be sent back to them deprived both of her Crown and Portion; but Pope *Boniface* was loaded with much more Hatred, for having out of Ambition, and for his own private Ends, granted this Divorce.

THIS being over, King *Ladislaus* ordered all the Barons to meet him the Spring following in the Plain of *Trajetto*, for being now of Age fit for Arms, he designed to encounter his Enemies; but by Reason of the Defeat of the preceding Year the Barons were so ill provided, that all the Month of *June* was spent before they were ready; however about the end of *July* they all met under *Trajetto*, and encamped upon the Banks of the *Garigliano*; and the Barons, leaving their Men there, went to wait upon the King in *Gaeta*, with whom having held a Council of War about what was fit to be done, after much Reasoning it was concluded, that they should undertake nothing that Campaign but the Siege of *Aquila*, which alone of all the Cities of *Abruzzo* obstinately held out for *Lewis*; because they might raise as much Money in that City, which was very rich, as might enable them to augment the Army the Year following, and be in a Condition for greater Undertakings; since the King had then no more than three thousand Horse, and sixteen hundred Foot. The Council of War being over, the young King in Armour went with Queen *Margaret* to the Cathedral Church to hear Mass; and after it was ended, having taken leave of his Mother, who gave him her Blessing, and with many Tears recommended him to the Barons, armed Cap-a-pee he mounted his Horse, and *Cecco del Borgo* Marquis of *Pescara* went and gave him the Truncheon, and said, *Most serene King, be pleased to take the Truncheon, which I have for many Years carried in my Hand in your Majesty's Name, and I pray to God, that as I deliver it to you this Day, so he may deliver all your Rebels and Enemies into your Hands.* The King took the Truncheon, and once more taking leave of his Mother, and saluting the By-standers, he departed with a passionate Desire of Glory, and fully bent upon noble Exploits, amidst a thousand Blessings of the People, who with a loud Voice prayed to God to preserve him, and give him Victory. Being arrived at the Camp the next Morning he marched with all the Army against the Counts of *Sora* and *Alvito*, both of the Family of *Cantelmo*, and divested them of their Estates, because they had not obeyed his Orders, and were suspected of having a Design to go over to King *Lewis's* Party. Then by the County of *Celano* he entered *Abruzzo*, whither a great Multitude of People flocked from all Parts to see him, and make him Presents, and a great Number of young Peasants, taken with the King's Presence, both on Horseback and a-Foot followed the Army as Volunteers. The *Aquilans*, upon hearing that the King was coming against them, had sent to King *Lewis* for Succour, which he had promised them, but it could not be there in time, because he was obliged to send for the *Sanseverini* and their Men, who were dispersed up and down in several Provinces; so that they made the best Terms for themselves they could; and that the City might not be given up to be plundered, they paid forty thousand Duckets, and surrendered to King *Ladislaus*. This Prince, encouraged by so successful a beginning, marched against *Rinaldo Urfino* Count of *Manupello*, who in a few Days with all his Estate fell into the King's Hands. The *Caldori* retired all into the Castle of *Palena*; and the King not willing to lose time in besieging them, through the County of *Molise* returned to *Gaeta*, enriched with a great Booty, and a good Sum of Money, partly got in Presents, and partly in Ransoms from the contumacious Cities and Barons; and he gave Liberty to all the Barons to go home, ordering them to be ready against the next Spring. But the great Sickness with which *Ladislaus* was seized the following Year 1394, after he had made every thing ready, and was on his March to besiege *Naples*, frustrated his Design; for when he came to *Capua* he was taken so ill, that it was rumoured over all the Kingdom that he was dead, and had been poisoned, yet with strong Remedies he was cured, but was a Stammerer to his Death; so that the Design upon *Naples* was delayed, and he returned to *Gaeta*. In the mean time there was a Treaty of Peace set on Foot between him and King *Lewis*, but it came to nothing; for it was said, that as *Ladislaus* himself was pretty backward in it, he was besides advised by Pope *Boniface* not to make Peace. The War therefore was renewed with greater Fury: King *Lewis* besieged *Aversa*, which held



held out for *Ladislaus*; but the Fidelity of the *Aversans*, and the quick Relief which *Ladislaus* threw into it, rendered *Lewis's* Attempt fruitless: *Ladislaus* having relieved *Aversa* went to *Rome* to wait upon the Pope, from whom he expected a Supply for the next Year. He was very much honoured, caressed, and made welcome this second time by *Boniface*: The manner how they were to carry on the War was debated, and it was concluded, that the Pope should pay the King twenty five thousand Florins; and the King in return gave to the Pope's Brothers the Counties of *Sora* and *Alvito*, which he had taken from the *Cantelmi*, and the Barony of *Montefusco*, with many other Lands, to the great Joy and Satisfaction of *Boniface*; because though two Years before *Ladislaus* had given them the Duchy of *Amalfi*, and the Baronies of *Angri* and *Gragnano*, yet they had not been able to take Possession of them, because the Duchy was in the Possession of the *Sanseverini*; and after the Death of *Pietro della Corona*, King *Lewis* had given the Baronies to *Giacomo Zurlo*. Some rich Cardinals followed the Pope's Example, and upon the King's promising to give their Relations Cities and Villages, then in the Hands of the Enemies, they furnished the King with Money, and he gave them Investitures. With this Money, and large Promises from the Pope, *Ladislaus* left *Rome*, and on the nineteenth of *November* 1394 returned to *Gaeta*, and those who had been with the King gave out, that he had received much more Money from the Pope than he really had.

ON the other hand, as soon as King *Lewis* heard of these Preparations, he sent *Barnabo Sanseverino* to Pope *Clement* in *Avignon*, to acquaint him with the great Assistance which *Boniface* had given *Ladislaus*, and to ask the like of him, since in the Spring following he expected to be vigorously attacked both by Sea and Land. *Barnabo* got from *Clement* wherewithal to hire six Gallies, and a Sum of Money besides. And this was the last Supply that he gave; for *Clement* having promised to the King of *France*, who was endeavouring to remove the Schism, to enter into a Treaty for restoring the Peace of the Church; and the University of *Paris* having given their Opinion about the most ready Means for putting an end to the Schism, and proposed, that by the mutual Consent of the two contending Parties, the Difference should be referred to the Decision of a general Council, was much surprized at such Propositions, and the more, when he found that his own Cardinals thought them just; which so much afflicted him, that he died on the sixteenth of *September* that same Year 1394<sup>1</sup>. But the Pope's Death did not put an end to the Schism; for the Cardinals who were in *Avignon*, in spite of the King of *France*, proceeded to the Election of a new Pope, and on the twenty eighth of the same Month elected *Peter de Luna* an *Aragonese* Cardinal Deacon of *S. Mary*, who was named *Benedict* XIII. This Pope immediately shewed himself as willing to assist King *Lewis* as his Predecessor had been, and the Governor of *Provence* had sent him three Gallies newly fitted out, with some Money; *Benedict* likewise sent him fifteen thousand Duckets. The two Kings being thus supplied by the two Popes, with greater Vigour renewed the War, which *Ladislaus* had carried to the very Gates of *Naples*. But the Bravery of *Ladislaus*, and the frequent and vigorous Assistance sent him by Pope *Boniface*; and on the contrary King *Lewis* being more fitted for the Arts of Peace than those of War, the slow and small Succours sent him from *France*, and the little Hopes of getting more, obliged the High-Constable *Tommaso Sanseverino* seriously to consider of the Danger King *Lewis* was in, and consequently of the irreparable Ruin of himself, and of all his Family, if some Remedy was not immediately found; therefore he told the King, that since they could not so strengthen their own Party as was requisite, they must do their utmost Endeavours to weaken that of their Enemies, adding, that he had thought upon Means for bringing over the Duke of *Sessa* from King *Ladislaus*; and he made no doubt of Success, if he (the King) would be pleased to demand the Duke's Daughter in Marriage, because he believed, that the Duke would prefer the Grandeur of his Family, by making his Daughter a Queen, to the Love he bore King *Ladislaus*. The King, who was of a pliable Temper, commended the Thought, and with the unanimous Advice of his Council, sent *Ugo Sanseverino* to treat of the Marriage, who in a few Days, partly by his own Interest, which was very great, partly by the Assistance of the Dukes, who was of the Family of *Sanseverino*, most ambitious, and fond of being the Mother of a Queen, and partly by the Duke's own

<sup>1</sup> Baluz. in notis ad vitas PP. Aven tom 1. pag. 1397

Ambition of so great an Honour, concluded the Marriage, and returned to *Naples*; and *Lewis* immediately sent my Lord *Monjoy* to the Bride with Royal Presents, and in his Letters gave her the Title of *Queen Mary*. Pope *Boniface*, extremely vexed at this Alliance, and the Duke's changing sides, sent *Giovanni Tomacello* his Brother to endeavour to bring back the Duke to King *Ladislaus's* Party; but many Obstacles intervening he could do nothing then, the Duke giving only fair Promises, without performing any thing; at last King *Ladislaus* seeing the Indolence of King *Lewis*, marched against the Duke of *Sessa*; but Pope *Boniface*, desirous of a Reconciliation, which in a short time would be able to reduce the whole Kingdom to the Obedience of *Ladislaus*, sent *Giovanni* again to treat of an Accommodation, and to persuade the King to hearken to it, which five Months after was accordingly made, upon Condition that the King should receive the Duke and his Brother into favour, and restore them to their Estates, and that they, upon the Pope's Surety, should go and again swear Allegiance to the King. By this Treaty and Reconciliation the Marriage of the Duke's Daughter with King *Lewis* was quite laid aside; and though she was afterwards married to another Man, yet she still retained the Title of Queen given her by *Lewis* when he sent her the Presents.

AT this time King *Ladislaus* (whether of himself, or by the Advice of his Mother, or of others is not known) moved with Compassion for *Constantia di Ebiaramonte* formerly his Wife, who had lived in great Patience, Modesty, and Chastity in a low Condition, from the time of her Divorce, gave her in Marriage to *Andrea di Capua* the eldest Son of the Count of *Altavilla*, of the same Age with himself, and his Favourite, and the Marriage was solemnized with great Magnificence: But for all that this great Woman did not fail to shew that she had a Soul worthy of her former State; for that Day her Husband conducted her to *Capua*, being got upon Horseback, in presence of many Barons and Gentlemen, who were going to accompany her, and of a Multitude of People, she said to her Husband: *Andrea di Capua, you may look upon your self to be the happiest Man in the Kingdom, since thou hast for thy Concubine the lawful Wife of King Ladislaus thy Lord and Master.* These Words raised Compassion and Admiration in all that heard them, and when they were told the King, he was struck with Remorse and Confusion.

IN the mean time *Ladislaus* having laid close Siege to *Naples* both by Sea and Land, King *Lewis* was advised to leave the City and go to *Taranto*. The *Neapolitans* wearied with so long a War, after sundry Treaties so well and minutely related by *Angelo di Costanzo*, at last surrendered the City to *Ladislaus*, who having granted them many Articles and Conditions which they demanded, entered the City; and in order to quiet the Minds of all, he conferred many more Favours upon the City than he had promised, and gave the Magistrates that Jurisdiction which they still have over those who furnish the Necessaries of Life<sup>\*</sup>.

ADVICE of the Surrender of *Naples* coming to King *Lewis* in *Taranto*, he was extremely afflicted, and despairing of being able to recover it, and looking upon all other parts of the Kingdom, which were under his Obedience, as lost, he resolved to go *Provence*. *Ramondello Ursino* to no purpose did all he could to divert him from his Resolution, demonstrating to him, that though *Naples* had surrendered, yet he was still Master of two Thirds of the Kingdom, and had many Barons at his Devotion; that with the Fleet which Pope *Benedict* had sent for the Relief of *Naples*, and a few Months hence by assembling the Land-Forces, it would be an easy Matter to recover the whole Kingdom; and seeing Queen *Margaret*, with the Possession of *Gaeta* only did not despair, without any other Assistance, to recover the Kingdom to her Son, it would be a great Reproach to him, who was possessed of so many larger Cities than *Gaeta*, and of great Dominions in *France*, to go away and abandon so noble a Kingdom. But the King, either offended at *Ramondello*, who could never be persuaded to march his Men, and join those of the High-Constable, or tired with those Proceedings, embarked in the Fleet, and the greatest part of the *Neapolitan* Gentlemen, who were of his Household, went with him, and having sailed about *Calabria*, he steered along the Coast of *Naples*, looking upon it with great Grief, and sent to treat with King *Ladislaus*, to allow *Charles* of *Anjou* his Brother, and the *French* Garrison, with Bag and Baggage, to march out of *Castel Nuovo*, which should be delivered up to him: All which was readily

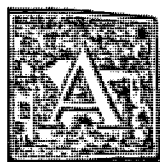
\* Costanzo lib. 11.

agreed to; so that having sent Gallies to take aboard his Brother and the Garrison, he set sail for *Provence*, to the great Grief of all those of his Party. Thus in the Year 1400, *Naples*, and almost all the Kingdom, came under the Dominion of *Ladislaus*; and *Taranto* alone continued faithful to King *Lewis*, and held out for a long time.



## C H A P. VI.

*King Ladislaus first marries Mary Sister to the King of Cyprus, and then the Princess of Taranto. His Expedition against the Kingdom of Hungary, which proved unfortunate.*



**A**FTER *Ladislaus* had driven his Rival out of the Kingdom, crush'd the *Sanseverini*, and ruined the Duke of *Sessa* and his Family, and taken Possession of their Estates, he thought it time peaceably to enjoy the Kingdom, and to have Children, who might succeed him; so that he began to think of taking a Wife. Pope *Boniface* hearing of the King's Resolution, took it upon him to find him one; and in the mean time there came Ambassadors from *Leopold* Duke of *Austria* to demand *Joan* the King's Sister in Marriage for their Master; to which the King consented: and though he was making ready to accompany her to the Borders of the Dutchy of *Austria*, yet the Journey was delayed, because *Boniface* had already concluded a Marriage between him and *Mary* Sister to the King of *Cyprus*; whereupon *Ladislaus* resolv'd to celebrate his own Marriage first, and immediately sent *Garello di Tocco*, with the Archbishop of *Brindisi*, and many other Gentlemen, to *Cyprus* for his Bride. In a very short time this Princess came, accompanied by the Lords of *Lamech* and *Barut* her Uncles; and in the Month of *February* 1403, were affectionately and honourably received in *Naples* by the King, and Queen *Margaret* his Mother; and the Marriage was quickly solemnized with great Magnificence.

AT this time the *Hungarians*, displeas'd with their King *Sigismond*, had revolted, and some of the Barons had imprison'd him, declared for King *Ladislaus*, and proclaimed him King, as the Son and Heir of *Charles III.* *Ladislaus*, fond of enlarging his Power in divers Kingdom, accepted of the Sovereignty; but considering the Fickleness of that Nation, and if what his Adherents had promised should miscarry, he should be oblig'd to return to *Naples*, with the Loss of his Reputation, under Pretence therefore of accompanying his Sister to *Austria*, he resolv'd to set out; and having left his Wife Queen *Mary* Regent of the Kingdom, which she was to govern by the Advice of the Archbishop of *Consa*, *Gentile de Merolinis di Sulmona*, *Garello Origlia*, and of *Leonardo d' Affitto* her Counsellors<sup>1</sup>, he went with *Joan* his Sister, and embarked at *Manfredonia*, and landed at *Friuli*; and having committed the Care of his Sister to many Barons of the Dutchy of *Austria*, who had come there to attend her, he went on to *Zara* a City of *Hungary*, in order to make his first Attempt upon that Kingdom. The Gates of *Zara* were opened to him without Resistance, and imagining he had done enough for this time, he fortified that City, left the Lord of *Barut* with a sufficient Garrison, and returned to *Naples*. Some have written, that before *Ladislaus* returned he was crown'd on the fifth of *August* this Year King of that Kingdom by the Bishop of *Gran*, to the great Joy of all the People, and of many *Hungarian* Barons and Prelates, who had met him at

<sup>1</sup> Summonte tom. 2. pag. 534.

*Zara*. Others that Pope *Boniface* caused him to be crowned by the Cardinal of *Florence*, and remitted him the Tribute due to the Church of *Rome* for the Kingdom of *Naples*, which was above eight hundred thousand Florins, and likewise granted him the Tithes of the Kingdom for three Years, for maintaining the War; and that after the Coronation *Ladislaus* sent to *Hungary* as his Viceroy *Tommaso Sanseverino* Count of *Montescaggiofo* with five hundred Spearmen, designing to be there himself soon after. Some others, such as *Cosanzo*, say, that these Events happen'd some Years after, to wit, after the Death of Queen *Mary*, and after the Death of Pope *Boniface*, which fell out in the Year 1404, whose Successor was *Innocent VII.* and after King *Ladislaus's* Marriage with the Princess of *Taranto*, which was concluded in the Year 1406, in order to recover the Principality of *Taranto*, which had the desired Effect. Then it was, says *Cosanzo*, that the *Hungarian* Ambassadors came to acquaint *Ladislaus*, that Queen *Mary* being dead, the *Hungarians*, not able to bear the Tyranny of King *Sigismund*, had imprisoned him, and set up his Standard; they therefore begg'd of him with all haste to make ready, to go and take peaceable Possession of an opulent Kingdom, and that Dispatch was more necessary than Force. *Ladislaus*, both out of a Desire to reign, and to revenge his Father's Death, with a choice Body of Troops went with the Ambassadors, and embarked at *Manfredonia*, and with a prosperous Gale in a few Days arrived at *Zara*; and having sent the Ambassadors before him, to acquaint the chief Men of the Kingdom with his Arrival, in a short time after he understood, that King *Sigismund* was set at Liberty, and was assembling a great Army of *Bohemians*; for which Cause, remembering the Fate of his Father, he continued some Days in *Zara*, consulting what was fit to be done. But it happen'd, that one Day some Soldiers and Seamen having gone ashore to gather Grapes in the Vineyards, the Citizens of *Zara* rose in Arms, and kill'd twenty of them; nor was that enough, being yet in Arms they went to the Palace where the King was, and with barbarous Insolence told him, that if he did not curb his Men, they wanted neither Arms nor Resolution to keep them in awe. The King being offended at so great Insolence, began to consider how savage the People of that Kingdom bordering upon *Scythia* and the *Rhiphæan* Mountains must be, since those of *Zara* in the Neighbourhood of *Italy* were such: and upon this Disgust, new Advice coming, that King *Sigismund* was entered *Hungary* with his Army, and that that King's Adherents had put to flight and dispersed the opposite Party, *Ladislaus* resolv'd to be revenged of the Citizens of *Zara*, and to give over that dangerous Undertaking.

THEREFORE he entered into a Treaty with *Francesco Cornaro*, *Leonardo Monzenigo*, *Antonio Contarino*, and *Fautim Michele*, *Venetian* Ambassadors, for selling *Zara* to that Republick, to which the People of *Zara* were bitter Enemies; and the News of that Treaty being carried to *Venice*, the Senate sent an hundred thousand Duckets of Gold, and a sufficient Number of Soldiers for a Garrison to that City, and King *Ladislaus* put them in Possession of it. Then being disgusted at the *Hungarians*, as *Bonfinius* in his History of *Hungary* relates, he wrote to King *Sigismund*, excusing himself, that this Expedition was none of his own chusing, but having been invited by others, he was willing to see if it was the Will of God, who gives and takes away Kingdoms, that he should sit upon the Throne of *Hungary*: but having found the contrary, and experienced the fickle Nature of that Nation, who would change their Kings every day, he had resolv'd to yield to him, and likewise shew himself his good Friend and affectionate Kinsman; adding, that he could do him no greater Pleasure, than to use the Traitors as they had endeavour'd to use him: and then he returned to *Naples*. Nevertheless, not only *Ladislaus*, but Queen *Joan II.* and all the Kings of *Naples* their Successors, amongst their other Titles, always kept that of *King of Hungary*.

S E C T. I.

*King Ladislaus's Expedition against Rome.*

THE Death of Pope *Boniface* freed *Ladislaus* from all the Promises he had made him, and from the Respect he owed him as his Benefactor and Friend. This Pope, had it not been for the excessive Love he had for his Relations, which obscured his Reputation, was otherwise a Man of great Worth; but his Passion for them was such, that he did not stick to give them plenary Indulgences, in order to be sold: but that Impiety was afterwards attended with adequate Punishment; for his Brothers *Andrea* Duke of *Spoletto*, and *Giovanni* Count of *Sora* and *Alvito* having procured many other Lands to sundry of their Relations, in a very short time were deprived of them, and left in great Poverty.

*COSMATO MIGLIORATO* Cardinal of the Holy Cross, who took the Name of *Innocent VII.* being elected in *Boniface's* room, shewed himself to be no Friend to *Ladislaus*: on the other hand the King undervaluing him, and seeing himself peaceably possessed of the Kingdom, and not engaged in any other War, as he was naturally of an active enterprising Disposition, and covetous of Empire and Glory, he resolv'd to make himself Master of *Rome*. There never could have been a more favourable Opportunity; for the *Romans*, wearied by the long Schism, and out of Hatred to the Memory of *Boniface*, and that which they now entertained against *Innocent*, on account of his having put many of their Fellow-Citizens to Death, in the Beginning of his Pontificate, rais'd great Commotions in *Rome*; for they demanding to have the Freedom of the Capitol restored, and an End put to the Schism. *Innocent* was so much enraged at their Insolence, that he sent for *Lodovico* Marquis of *La Marca* his Nephew, and a good Number of Soldiers, in order to be revenged of the *Romans*. The People revolted, and invited *Ladislaus* to come to their Assistance. The King came immediately to *Rome*: so that the Pope and his Nephew were forced to leave the City, and retire to *Viterbo*. *Ladislaus* being Master of *Rome*, went and took Possession of *Peruggia*; but the *Romans* in an instant changing their Minds, recall'd the Pope, and the King's Soldiers were driven out by *Paolo Orsino*. *Ladislaus* finding the Fickleness of the *Romans*, left all things at random, and returned to the Kingdom, in order to assemble a strong Army, and be revenged of them; but while the King was fully bent upon this Expedition, on the sixth of *November* this Year 1406, Pope *Innocent* departed this Life. The King of *France*, who was still endeavouring to have an end put to the Schism, did what he could to prevent a new Election; but *Innocent's* Cardinals, who were then in *Rome*, instead of deferring the Election, on the thirtieth of the same Month elected *Angelo Cornaro* a *Venetian*, who took the Name of *Gregory XII.* All those Cardinals before the Election had sign'd a Writing, whereby they bound themselves, that whoever of them should be elected should renounce the Papacy, provided *Benedict* and his Cardinals would do the same, in order afterward to proceed to the Election of a lawful Pope. *Gregory XII.* protested, that he was ready to renounce, if his Competitor did the same. The King of *France* endeavour'd to get the two contending Parties to renounce; but neither of them had a mind to do it, but put it off with cunning Shifts. At last it was agreed to by both Parties to meet in *Savona*, in order to treat of an Accommodation. *Benedict* and his Cardinals went thither; but though *Gregory* had left *Rome* in order to be there likewise, yet upon several Pretences he shun'd the Conference. *Ladislaus* took Advantage of this Confusion; for in the Beginning of the Year 1407, when he found that the Pope had left *Rome*, he assembled his Army, consisting of fifteen thousand Horse, and eight thousand Foot, and march'd towards that City. *Rome* was at this time under the Care of *Paolo Orsino*, a Man of great Authority, and on account of his great Bravery much belov'd and esteem'd by the *Romans*. *Paolo* with two thousand Horse, and the Citizens that were able to bear Arms, prepar'd to defend the City, and having posted Guards in all the proper Places, the King despair'd of being able to enter by Force; but the Gallies entering the *Tiber*, and the King having taken all the Castles upon the *Teverina*, and given strict Orders that no Provisions should be allow'd to go down that River to

*Rome*, he was forced to surrender himself and the City upon honourable Terms; and on the twenty fifth Day of *April* 1408, *Ladislaus* made his Entry into *Rome* as Lord thereof under a Canopy of Cloth of Gold, carried by eight *Roman* Barons, and at Night went to the Capitol.

THE next Day a *Florentine*, who held out *Castel S. Angelo* for Pope *Gregory*, capitulated to surrender it, for which he got *Quarata*, a good City in *Puglia*; and the King went to lodge in the Vatican, *S. Peter's* Palace. He made *Richardo di Sangro* Governor of *Rome*, and *Giannotto Torto*, a great Baron in *Abruzzo*, Senator; and remain'd there till the twenty fifth of *July*. Thus did *Ladislaus* make himself Sovereign of *Rome*. He was the first who to his other Titles added that of *King of Rome*: whence it is, that in his Deeds and Letters Patent we read *Rex Romæ*; a Title that heretofore neither the *Goths*, *Longobards*, nor the *French*, though Kings of *Italy*, durst take, some out of Respect, others standing in Awe of the Emperors of the East, who were the true Sovereigns thereof.

BUT *Ladislaus*, perhaps, according to *Costanzo*, allur'd by the Charms of the Fair Sex, left *Rome*, and returned to *Naples*, where he spent all the Summer in Wantonness and Feasts; and while he was thus wallowing in Pleasures, neglecting his new Conquest, he had Advice that *Rome* had revolted; for *Paolo Orsino*, partly disgusted that he had preferred *Giannotto* to him in the Office of Senator, and partly not able to bear that *Giannotto* should use the *Romans* severely, without taking notice of him, persuaded the People of *Rome* to rise in Arms, and go to the Capitol to make the Senator Prisoner; and he with his own Troops attacked those of the King, who were going to the Senator's Assistance, and kill'd *Francesco di Catania* a noble *Capuan*, with many other gallant Soldiers; whereupon every one cried out, *God save the Church of Rome, and down with the Tyrants*; the King's Troops having retired without making further Opposition. This News gave the King a great deal of Uneasiness, but the Winter drawing on, he did not think of doing any thing that Year.

## SECT II.

*A Council call'd in Pisa, in order to put an end to the Schism, which proved unsuccessful.*

WHILE these things were transacted in *Italy*, the King of *France* was still pursuing his Design of bringing the two contending Parties to renounce, in order to have a lawful Pope elected; but *Gregory* would not so much as hear of renouncing: whereupon his Cardinals, offended at his Conduct, deserted him, went to *Pisa*, and appealed from the Sentences which he pronounced against them to a future Council; but *Gregory* notwithstanding continued to proceed against them. On the other hand the King of *France* gave *Benedict* to understand, that he must absolutely renounce, and consent to an Accommodation, otherwise he would withdraw himself from his Obedience: but *Benedict*, no less obstinate than *Gregory*, immediately put forth a thundering Bull against the King's withdrawing, and sent it to *France*. The Bull had but a bad Reception, and those who carried it were arrested, and ignominiously treated; the Bull was torn, and a Neutrality published in *France*. *Benedict*, who was in *Avignon*, retired to *Aragon*. *Gregory*, to shew that the Accommodation had not failed on his Side, began to exculpate himself, and wrote a circular Letter, laying the Blame upon *Benedict*, that the Accommodation had not been concluded, and call'd a Council in *Aquileia*. *Benedict*, who had retired to *Aragon*, made the like Protestation, and convened another Council in *Perpignan*. The Cardinals of both Parties, seeing that by this Division the Church of God was without a Pope, and that the Estate of the Church was possessed by several Tyrants, having a secret Correspondence amongst themselves, call'd another Council in *Pisa*. Thus in the Year 1408 three Councils were call'd, the first in *Perpignan* by *Benedict's* Bull: the second in *Aquileia* by *Gregory's* Bull, which he published on the second Day of *July*, whereby he appointed the opening of the Council to be on *Whituesday* following; and the third by the Letters of the Cardinals of both Parties, dated at *Leghorn* the fourteenth of *July*; whereby they intimated the opening of the Council to be in *Pisa* on the twenty fifth of *March*, 1409. *Benedict* was

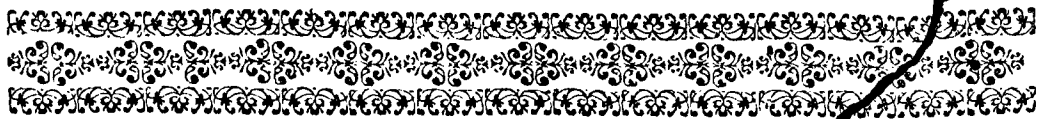
beforehand with them all, and opened his Council on the first Day of *November*, 1408. There were present at this Council in *Perpignan* the Bishops of *Castile*, *Aragon*, *Navarre*, and many other Prelates of *France*, *Gascony*, and *Savoy*, to the Number of an hundred and twenty, besides the four Archbishops honour'd with the Title of Patriarchs. When the Affair of the Schism came to be debated, the greatest Part of the Bishops left *Perpignan*, and the Council was then reduced to eighteen, who acknowledged *Benedict* for lawful Pope; therefore in order to unite the Church they advised him to renounce, in case his Competitor should either do the same, or die, or be deposed; and to send Legates to the Cardinals that were in *Pisa* with full Power to appoint a Treaty.

WHILE the Council in *Perpignan* was proceeding in this manner, the Cardinals of the two Colleges were employ'd in engaging all Princes to acknowledge their Council, and to approve of their Proceedings. Therefore on the twenty fifth Day of *March*, 1409, they opened the Council. First of all they summoned *Pietro di Luna* and *Angelo Cornaro*, the pretended Popes, and none of them appearing, the Council declared them contumacious. Then it was decreed, that the united College of Cardinals had Power of calling a Council, and that a General Council being convened, could proceed to a definitive Sentence. Then it was order'd, that no Person should obey the two pretended Popes: and lastly, having taken Cognizance of their Conduct, it was declared, that they had forfeited the Right which they pretended to the Papacy, and by a definitive Sentence they were deposed. The two Colleges proceeded afterwards to the Election of a lawful Pope, according to the Decree of the Council, and elected *Pietro Filareto di Candia*, Cardinal of *Milan*, of the Order of Friars Minors, who took the Name of *Alexander V.* and presided in the following Sessions of the Council, which he put an end to on the seventh Day of *August*, 1409. This Council was composed of twenty two Cardinals, four Patriarchs, twelve Archbishops, sixty seven Bishops in Person, eighty five Delegates, a great Number of Abbots, Generals and Deputies of Orders and Chapters, and of sixty seven Ambassadors of Kings and other Sovereign Princes.

*ALEXANDER V.* was acknowledged by the greatest Part of the Princes of *Europe* as true and lawful Pope; and though he was a *Franciscan* Friar, he had been many Years Archbishop of *Milan*, and afterwards made Cardinal by Pope *Innocent VII.* and being a Man of great Experience in worldly Affairs, he was no sooner crown'd than he resolv'd to restore the Apostolical Sec to its former State and Reputation; and seeing that King *Ladislaus* was preparing to make himself Master of *Rome* and the Estate of the Church, he enter'd into a League with the *Florantines*, who were already jealous of the Greatness and Courage of *Ladislaus*; and being likewise favour'd by *France*, which acknowledged him for true Pope, he sent thither to invite King *Lewis*, in order to oppose King *Ladislaus* in his Designs, and engage him in a new War.

ON the other hand *Gregory* had not neglected to open his Council in *Aquila*, or *Udine*, on the Feast of the Holy Sacrament this same Year 1409; but it was very thin, there being but a very small Number of Prelates present: nevertheless, he got it declar'd in Council, that he and his Predecessors had been canonically elected; and that not only *Pietro di Luna*, and his Predecessors, but likewise *Pietro di Candia*, newly elected, were Intruders, and that they had no Right to the Papacy. Therefore he declar'd, that he was ready to renounce the Papacy really and *de facto*, provided *Pietro di Luna* and *Pietro di Candia* should renounce personally, and in the same Place. He created new Cardinals as well as *Benedict* had done: so that now, after the Council of *Pisa*, instead of two Popes there were three, by whom the Church was miserably rent. As soon as *Gregory* had put an end to the Council, not thinking himself safe in *Udine*, he went in Disguise to *Abruzzo*; whereupon *Ladislaus* having discover'd *Alexander's* Intrigues, immediately sent for *Gregory*, who was then with two Cardinals at *Pietra Santa*; and readily embracing *Ladislaus's* Invitation, he embark'd in the Port of *Luna*, and came to *Gaeta*, where he fixed his Residence, and where the King receiv'd him with great Respect as true Pope, and order'd him to be acknowledged as such in the Kingdom, and all his other Dominions. *Gregory* being acknowledged as Pope by no other Prince but *Ladislaus*, had a very thin Court. On the contrary, *Alexander V.* was own'd as lawful Pope by almost all Christendom, excepting our Kingdom, (which alone obey'd *Gregory*) and the Kingdoms of *Aragon*, *Castile*, *Scotland*, and the Dominions of the Count of *Armagnac*,

*Armagnac*, which acknowledged *Benedict*. *Germany* was divided, for *Robert* King of the *Romans* hinder'd *Alexander* from being acknowledged, because in many Letters he had given the Title of King of the *Romans* to *Wenceslaus* King of *Bemia*.



## C H A P. VII.

*King Lewis II. upon Pope Alexander's Invitation, returns to the Kingdom; Alexander deposes Ladislaus, and gives Lewis a new Investiture.*

WHILE Matters were in this Situation, King *Lewis* being invited by Pope *Alexander*; and remembering of what Importance the Friendship of a Pope was to any one who desired to conquer, or keep Possession of the Kingdom of *Naples*, immediately embark'd, and with some Vessels that were in the Port of *Marseilles*, came to *Leghorn*, and from thence to *Pisa* to kiss the Pope's Feet; by whom he was receiv'd with great Honour in a publick Consistory, and exhorted, according to the Example of his most Christian Predecessors, to take the Church under his Protection; and that he might the more lawfully proceed to the Conquest of the Kingdom, the Pope, in another Consistory, pronounced King *Ladislaus* excommunicated and a Schismatick, depriv'd him of the Kingdom, and gave King *Lewis* new Investiture of it, declaring, that the Investiture he had got from *Clement*, who was not a true Pope, was invalid; and it was resolv'd, that *Braccio da Montone*, *Sforza da Cotignola*, and *Paolo Orsino*, all of them Officers of great Renown, should be engaged in the Service. Whereupon *Lewis* went to *Florence*, to induce the Republick, by vertue of the League, to contribute towards the Pay of these three Officers, and Pope *Alexander* went to *Bologna*; but being seventy Years of Age when he was chosen Pope, he was taken ill there, and on the third Day of *May* this Year 1410 he died. The Cardinals enter'd the Conclave, and on the fifth Day unanimously elected *Baldassare Cossa* a *Neapolitan*, and Cardinal of *Bologna*, who had been recommended by King *Lewis*, and who took the Name of *John XXIII*. This Pope, naturally as fiery and troublesome as *Ladislaus*, began his Pontificate with a Resolution of turning *Ladislaus* out of the Kingdom; and because the *Florentines* were in Suspence, and unwilling to advance Money, before they knew whether the new Pope would confirm the League, King *Lewis* went to *Bologna* to adore him, and found him much readier to favour him than *Alexander* had been; for he not only agreed to bear a Share of the Charges of the Land-Army, but had likewise hired a great Number of *Genoese* Galleys, which being joined with the *French* Fleet expected from *Provence*, were to attack the Kingdom by Sea.

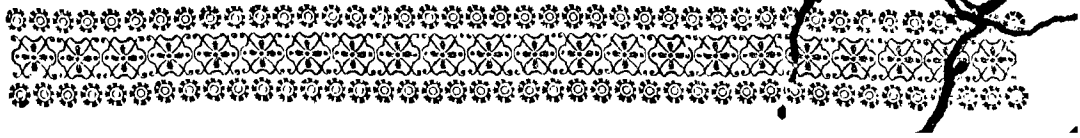
MEAN while *Ladislaus* lost no time, for he no sooner heard of Pope *Alexander's* being taken ill, than he with his Army marched from the County of *Sora* to *Rome*; and as that City was without a Garrison, and pretending to reduce it to Pope *Gregory's* Obedience, who was then in *Gaeta*, he took it without Opposition; he there hearing of the Preparations of his Enemies, left *Perretto d' Ibrea* Count of *Troja*, and *Gentile Monterano* in *Rome* with three thousand six hundred Horse, and distributed the rest of his Army amongst some Cities of *Compagna*, giving Orders to the Officers, in Case of Need, to go to *Rome* and assist the Count of *Troja*, and went himself to *Naples* to raise Money, and to guard against any Attack that might be made upon the City by Sea. Having raised a great Sum of Money by selling Cities and Villages



Villages at a very low Price, he fitted out eight Ships and six Gallies; and having thus taken care of the Sea-Affairs, he assembled all the Barons with a Design to go to *Rome*. But King *Lewis* having drawn near to that City, the *Romans*, at the Instigation of *Paolo Orsino*, who had come to *Porta di S. Pangrazio*, rose up in Arms; and though the Count of *Troja* made Resistance, he was at last forced to surrender. King *Lewis* having made himself Master of *Rome*, and appointed Magistrates in the Name of Pope *John*, he was eager to enter the Kingdom, and pursue the Victory; but *Braccio*, in order to recover some Cities of *S. Peter's* Patrimony, which held out for *Ladislaus*; and *Paolo Orsino*, in making himself Master of some Castles in *Campagna* spent so much time, that *Ladislaus* had leisure to look about him, and assemble a powerful Army. And in this place *Angelo di Costanzo*, very much to the Purpose, considers the Misfortune of the Kings of these Times, who rather serv'd than were served by the Soldiers of Fortune, who had their own Interest more at heart than the Victory of the Princes that paid them; of which *Ladislaus* was so sensible, that after he was of Age to fight for himself, he never made use of them, but when he could not do otherwise, always employing his own Subjects, or Foreigners, who had not so many Men as might make it dangerous to dismiss them, when they did not punctually obey his Commands.

AFTER *Paolo* and *Braccio* had driven *Ladislaus's* Soldiers out of those Places, they marched with *Lewis*, and by the *Via Latina* advanced with the Army towards the Kingdom. On the other hand *Ladislaus* with thirteen thousand Horse and four thousand Foot marched for *Capua*, and arrived under *Rocca Secca* about the same time that *Lewis* with his Army came to *Ceprano*; and King *Lewis* advancing a little further, encamped within a Mile of him. Both Parties consider'd, that to consume Time would occasion a Scarcity of Money for paying the Soldiers, who consequently would desert, therefore they willingly came to an Engagement. The Battel was begun about Evening, and with great Bravery on both Sides, lasted till it was dark Night; but at last *Lewis's* Army obtained the Victory; and *Ladislaus*, who to the very last struggled hard to defeat his Enemy, despairing of Victory, retir'd to *Rocca Secca*, and changing his Horse, went to *S. Germano*, whither all that escaped likewise went that very Night. Tho' *Lewis* gained the Battel, yet he knew not afterwards how to make use of the Victory; and it was very strange, that his victorious Army, led by the most skilful Commanders in *Italy*, did not pursue the Victory, whereby, without Dispute, he might easily have conquer'd the Kingdom. After the Victory King *Lewis's* Soldiers refused to march further till they were paid, expecting that Pope *John* would have sent Money upon the first News of the Victory; so that *Lewis*, instead of going forward, was obliged to return, with *Braccio* and *Sforza* to the Pope in *Bologna*. *Pietro d' Humile*, who was present at the Battel, writes, that *Lewis's* Army was so poor, that the Horsemen, who had made those of King *Ladislaus's* Army Prisoners, after having taken their Arms and Horses from them, and, according to the Custom of those Times, set them at Liberty, offer'd to return them both their Arms and Horses for eight or ten Duckets. Therefore King *Ladislaus* order'd *Tommaso Cecalese* his Treasurer to give Money to those who could not provide themselves from home; and it was not long before a great Number of Soldiers Boys went with a Trumpet from *S. Germano*, and return'd with Horse and Arms; so that in a short time King *Ladislaus's* Army was in a manner compleat again. To this was added, that *Ladislaus* beyond his Expectation was at full Liberty to do what he thought fit; for when King *Lewis* arriv'd at *Bologna*, to ask Succour of Pope *John*, he found him in great Trouble of Mind, because the Emperor *Sigismund*, mov'd with Christian Zeal for putting an end to the Schism, which had lasted so many Years, not only went in Person to some, but sent Ambassadors to all the rest of the Christian Princes to exhort them to join with him in order to force *Benedict XIII.* who was in *Catalonia*, *Gregory XII.* who was in *Gaeta*, and *John XXIII.* to come to a General Council, where it might be decided which of them was the true Pope, and to exclude him that did not come. And having got all the Princes to consent, he had caused Prelates from all Nations to be assembled in *Constance*, which had been pitched upon for holding the Council, and at that time he had sent to require Pope *John* to go to the Council: wherefore the Pope, doubtful of himself, was forced to tell King *Lewis*, that it behov'd him to mind his own Affairs, and make use of his Soldiers against the Tyrants, which upon the Noise of this Council had risen up against him, advising him to defer the War against the

Kingdom of *Naples* to a more fit Opportunity; upon which Speech King *Lewis* left him in great Disgust, and went to *Provence*, where he died soon after, leaving three Sons, *Lewis*, *Renatus*, and another, of whom hereafter.



## C H A P. VIII.

*King Ladislaus makes new Attempts upon Italy. His Death, Virtues, and Vices; and in what Condition he left the Kingdom to Queen Joan II. his Sister and Heir.*



**L**ADISLAUS, beyond all Expectation, being freed from his Anxiety by *Lewis's* Departure, in order to be revenged of Pope *John*, began to infest the Ecclesiastical Estate. The Pope was at this time in the greatest Perplexity; for having shut himself up with his most trusty Friends to consult about his going to the Council, he found them of different Opinions; for many of them advised him not to go, and among these *Cosmo di Medici* a *Florentine*, a Man of great Wisdom, was one who told him, that it was inconsistent with the Decorum of the Pontifical Authority and the Dignity of *Italy*, upon an Order to go and deliver himself into the Hands of Barbarians, and be subject to their Determination: but being a Man of great Spirit, and trusting to the Justice which as it seem'd to him was on his Side, having been elected universal Pope by those very Cardinals who had rejected *Benedict* and *Gregory* as Anti-Popes, he resolv'd to go; and in Answer to all Reasons to the contrary, he gave a very plausible one, saying, that it would be of very ill Consequence, if by his Contumacy he should give them an Opportunity of electing another Pope in *Germany*, who afterwards, with the Emperor's Assistance, might come to *Italy*, when he was at War with King *Ladislaus*, and turn him out of the Chair. However, before he went, he endeavour'd to make Peace with *Ladislaus*; for which end he sent Cardinal *Brancaccio*, a Man of an excellent Life, and venerable for his Age, to *Naples*, who managed Matters so dexterously, that though *Ladislaus* knew very well, that the Pope was put to his Shifts, yet he got him to accept the Peace, by virtue whereof the King set at Liberty a Brother and some Relations of the Pope's, who were Prisoners, and the Pope paid him eighty thousand Florins.

THIS Year 1412, Queen *Margaret*, who had been many Years in *Salerno*, which, with other Cities, and that of *Lefina*, had been given her as her Dowry, being obliged to leave that City on account of the Plague that raged there, went to *Acqua della Mela*, a Village belonging to *S. Severino*, where she fell sick, and on the seventh of *August* died in the Arms of the King her Son, and was honourably interr'd in the Church of *S. Francis* in *Salerno*, where he caused a stately Monument of Marble to be erected, with an Inscription according to the Custom of those Times, which is to be seen at this Day.

POPE *John* being now resolv'd to go to the Council, appointed *Braccio* General of the Church, in order to subdue *Francesco di Vico*, who had revolted from her, and intitled himself *Prefect of Rome*. King *Ladislaus*, who was impatient of Ease, hearing of the Pope's Departure, assisted the Rebel: wherefore *Braccio* wrote to the Pope, that the King had broken the Peace. But the Affairs of the Council went so cross with *John*, that he did not mind those of *Italy*; so that *Ladislaus*, without any Regard to the Peace, the Year following, 1413, made himself Master of *Rome*, and very artfully, not only engaged *Sforza* in his Service, but likewise *Paolo Orsino*; for it was the Custom of those Times, that Soldiers of Fortune, after they were discharged from the Service of one Prince, went to serve another, without retaining

aining any Grudge for the first whom they had serv'd: Nevertheless, *Paolo* knowing the King to be of a revengeful Temper, was doubtful; and thinking his bare Promise not sufficient, would have Security from the King, which was given him. Therefore *Paolo* and *Orso Orsini* came with a good Body of Troops well arm'd and encamp'd, and the King put on a chearful Countenance. The better to conceal the Design, had of putting them to Death, he pretended to have a great Regard for *Sforza*; and though he hated him, as he did all Soldiers of Fortune, yet he carried fairer, and was more cautious of breaking his Engagements with him, than with the other two. *Ladislaus* was now ready to enter into a War with *Tuscany*; and the *Florentines*, jealous of his Ambition, were preparing to defend their Liberty. But *Ladislaus*, in order to surprize them, made a shew of marching his Troops another Way; so that having left *Rome*, and with great Ease taken Possession of all the Cities belonging to the Church, he distributed his Army amongst those Cities; and he staid himself in *Perugia*, with a Design not to discover his Intention for some Days, in order to keep the Cities of *Tuscany*, *Romagna*, and *Lombardy* in Awe, and to draw Contribution from them: whereupon *Florence*, *Lucca*, *Sienna*, *Bologna*, and other Cities, immediately sent Ambassadors, all which he receiv'd with great Complaisance, but spoke to them ambiguously, now and then pretending to be going to *Lombardy*. But at last accepting Presents from the other Cities, he put off the *Florentine* Ambassadors with fair Words. They, finding that he had a mind to attack *Florence*, had recourse to Treachery; for understanding that the King had an Intrigue with the Daughter of a Physician of *Perugia*, with whom he had familiar Conversation, 'tis said, that with a great Sum of Money they bribed the Physician, by the means of his Daughter to poison him: and that the Physician, through Avarice, preferring his own Profit to his Daughter's Life, persuaded her to anoint her privy Parts with a poisonous Ointment, when she was to lie with the King, making her believe, that it was a Composition of such Ingredients as would give the King so much Pleasure in the Act of Copulation, that he would still be the more in Love with her; and that by this means the King was seiz'd at first with a lingring unknown Illness; at which time *Paolo* and *Orso* coming to visit him, he caused them both to be secured, and put into close Prison; and all the Commanders having come to intreat him not to break the Promises he had given, the King answer'd them, that having been inform'd, that *Paolo* kept a Correspondence with the *Florentines* in order to betray him, for his own Safety he was obliged to have him secur'd; but if it was not true, he should be set at Liberty. This Sollicitation prov'd very lucky for their Safety; for the Disease increasing, and the King having gone from *Perugia* to embark at *Ostia*, when the Commanders saw that he was resolv'd to carry the Prisoners with him, they pitched upon the Duke of *Atri*, who was to accompany the King, to take care that the Prisoners should not be thrown into the Sea. Upon the King's Arrival at *Ostia* he embarked in great Agony, and in a manner delirious declar'd, that he had no other Intention, but that the Prisoners might not escape; and arriving at *Naples* on the second of *August* this Year 1414, he was carried from the Shore to the Castle in a Litter; and he was no sooner laid in his Bed than he order'd *Paolo* to be beheaded. The Duke of *Atri* spoke to *Joan* the King's Sister, who managed every thing, (for the Queen was used rather like a Prisoner than a Queen) and told her how prejudicial it would be both to the King's Soul and his Dominions, if so great a Man, without any just Cause, should be put to Death; and he prevailed so far, that those who should visit the King the next Morning were order'd to tell him, that *Paolo* had been beheaded and quartered. Nor did the extreme Pleasure which this gave the King in the least abate the Violence of the Distemper, of which, on the sixth Day of *August*, he died, with the Character of a bad Christian. *Joan*, because he had died under Excommunication, order'd him to be buried without Pomp in *S. John's* Church; but she afterwards caused a stately Royal Tomb to be erected for him, which is to be seen there at this Day.

*LADISLAUS*, according to *Sannazzaro*, died before he had reign'd thirty Years complete;

*Mors vetuit sextam claudere Olympiadem.*

and he liv'd thirty nine Years. As the Example of the Prince, has usually a great Influence upon the People, so in this Reign Arms flourished, and Learning was neglected; therefore we read of no such famous Lawyers, or other learned Men in these Times,

Times, as flourished in the Reigns of King *Robert* and Queen *Joan* his Grandchild. The many Wars in a divided Kingdom, where often two Kings reignd, oblig'd the People to have Arms more in their Hands than Books; whence we see, in order to the better establishing the Civil and Political Government, no new Laws were thought upon for regulating the Tribunals and University: Amongst the Statutes of the Kings of the Family of *Anjou*, we have only one of *Ladislaus*; at the same time two contending Kings, *Lewis* and *Ladislaus*, keeping each of them his own Court, occasion'd that Confusion which in these Times we observe among the seven Officers of the Crown, of whom there can be no certain and continued Series and Succession set down. For the same Reason we likewise read of two High Constables, and two Great Protonotaries at the same time; and so of the rest.

AS the warlike and undaunted Spirit of *Ladislaus* restor'd military Discipline in the Kingdom, so it increased the Number of Barons; and his selling and giving away so many Fiefs did not a little diminish the Royal Patrimony, which produced a remarkable Change in the Baronage. Formerly there were but few Barons, and much fewer Counts; as for Dukes, (seeing those of the Royal Family only, or their near Relations, had Principalities) there were none but the Duke of *Andria*, of the Family of *Balzo*, and the Duke of *Sessa*, of that of *Marzano*: Afterwards, in the Interval between the Death of Queen *Joan I.* and the Reign of *Ladislaus*, some Lords, who entertain'd military Men, possess'd themselves of Cities, and usurp'd Titles at their Pleasure; and of these *Vincilao Sanseverino* was one, who, seeing the Title of Duke in the Families of *Balzo* and *Marzano*, likewise usurp'd the Title of Duke of *Venosa*. The Duke of *Atri*, of the Family of *Aquaviva*, did the same; and though the Marquis of *Bellante*, descended of this Duke, told *Angelo di Costanzo*, that the Family of *Aquaviva* possess'd the Title of Duke by a Grant from Queen *Joan II.* some Years before she died; nevertheless *Costanzo* writes<sup>1</sup>, that before that time he found the Title of Duke in that Family in a Book belonging to the Duke of *Monteleon*, the Paper and Character of which was so ancient, that it was plain it had been written in those Times; and that he had likewise read of it in the Annotations of *Pietro d' Humile*, who very accurately wrote the Transactions of *Ladislaus*, and Part of those of Queen *Joan II.*; whence both the one and the other may be true; and that this Duke of *Atri*, who was alive when *Ladislaus* died, and the Father, who was General at *Taranto*, may have been call'd Dukes before they had that Grant from Queen *Joan II.* And it is truly worthy of Observation, that amidst the many Revolutions and Changes which in the Course of many Ages have happen'd in this Kingdom, this Family only has retained the Title of Duke, and with the Title the Possession of those very Lands, which by the noble Exploits of the illustrious Men of this Family for so many Ages were acquir'd. Some others, such as the Family of *Sanseverino*; the *Ruffi*, of the County of *Sinopoli*; that of *Capua*, of the County of *Altavilla*, retain also the Title of Counts, which their Predecessors had, but not of Dukes. The Dutchess of *Andria* and *Sessa* are more ancient, but are possess'd by other Families.

AS for Marquisses, although such a Title began to be in Use in the other Parts of *Italy*, yet it was not known in our Kingdom till the Reign of *Ladislaus*, wherein we find *Cecco del Borgo* Marquis of *Pescara*; and *Costanzo* observes, that before him no other had had the Title of Marquis in the Kingdom of *Naples*.

ALTHOUGH, not only in the Reign of the Family of *Anjou*, but likewise in the Times of the *Suevi* and *Normans*, there were a great many Counts, yet in the Reign of *Ladislaus* their Number was hugely increased, of whom *Summonte* has given us a long Catalogue; and this Prince, by the Concession of so many Fiefs, much augmented the Number of Barons. Besides his being often in great Straits for Want of Money to maintain so many Wars, which oblig'd him to sell Fiefs at a very low Price, he was out of all measure most liberal; and whether he had, or wanted, he made use of just and unjust Means indifferently in order to have Money. Being a Lover of gallant Men, and frequently diverting himself with Tournaments and warlike Exercises, in which he was very skilful, he thought he could never give enough either of Honour and Riches to the Man he saw give Proof of his Skill in these Exercises. When he triumph'd in *Rome* the second time, hearing of the Preparations which King *Lewis*, with the Assistance of the new Pope *Alexander*, was making to invade the Kingdom, he left *Rome*, and came to *Naples* to raise

<sup>1</sup> Costanzo lib. 11.

Money; and *Angelo Costanzo* <sup>1</sup> writes, that he then, according to the Registers, sold a vast Number of Cities and Villages at a very low Rate, not only to *Neapolitan* Gentlemen, but to many of the Commonalty, and *Jews* newly baptiz'd. He likewise sold many Offices, and even the Order of Knighthood, which he afterwards was wont to make a Jest of; and of some Cities he made different Grants at the same time to different Persons. Afterwards, when he was making Preparation for the War of *Tuscany*, he likewise came to *Naples* to raise Money, and began to sell Cities and Villages not only belonging to those who had been forfeited for Rebellion, but likewise to those who were not in the least suspected. There is a great List to be seen in the Royal Archives of Cities and Villages bought by *Gurrello Origlia* at a very low Rate. And 'tis truly wonderful to consider the Riches of this *Gurrello*, who, in dividing what he had acquir'd among his Sons, reckoned up more than sixty, Cities, Towns and Villages, and of six Sons, there was not one, to whom he gave less than eight; but that Felicity was of short Duration; for Queen *Joan*, who succeeded, deprived him of every thing. This Prince also, in order to fix *Sforza* the more in his Interest, gave to *Francesco* his eldest Son *Tricarico*, *Senisi*, *Tolve*, *Crachi*, *Salandra*, and *Calciano*, and was as profuse in giving to the *Stendardi*, *Mormili*, and others, of whom *Costanzo* <sup>2</sup> has made a long Catalogue.

WHENCE it came to pass, that whereas formerly there were but few Counts that possessed Counties, but very many Barons, in this Reign the Number of Counts increas'd, and that of the Barons in proportion; for not only Citizens of the other principal Cities of the Kingdom, but likewise many Families of the City of *Naples*, though not belonging to the *Seggi*, had Fiefs and Villages; and whereas before the Ruin of so many great Barons expelled by *Ladislaus*, there were no more than seventeen Families in all the *Seggi* that had Cities and Villages, and those but few and small; at his Death it was found, that more than twenty two other Families had been added, particularly to the *Seggi* of *Porta Nova* and *Porta*, the Nobility of which were his special Favourites, and that besides those that did not belong to the *Seggi*, who were possessed of Baronies either by Gift or Sale.

ALTHOUGH *Ladislaus* had three Wives, *Constantia*, whom he divorced; *Mary*, Daughter to the King of *Cyprus*; and the Princess of *Taranto*; yet he had no Children by any of them; therefore his Sister *Joan* succeeded him in the Kingdom. Besides these Wives, being a most lustful Prince, he had many Concubines, viz. the Daughter of the Duke of *Sessa*, another call'd *Contessella*, whose Name or Sirname *Costanzo* could not find; and he kept these two in *Castel Nuovo*, from whence they never mov'd, not even when he married the Princess of *Taranto*; at which she was so much offended, thinking herself slighted, that he sent them to *Castel dell' Uovo*, where *Maria Guindazzo*, another of his Concubines, staid. He had also some others in *Naples* and *Gaeta*, where he had his Pimps for furnishing him with the most lively and beautiful Women, after the manner of the Sultans of *Egypt*, and the *Ottoman* Emperors now-a-days. His Sister *Joan* would not have it said, that she came short of her Brother in that; for she was no sooner left the Duke of *Austria's* Widow, than she took care to provide herself with Gallants: so that we may say, that King *Charles III.* and Queen *Margaret* his Wife brought into the World two prodigious Monsters of Lust and Filthiness. Of all his Concubines only one Lady of *Gaeta* bore him a Bastard Son named *Rinaldo*, to whom he gave the Title of Prince of *Capua*, though without Lands, whom he married to a Daughter of the Duke of *Sessa*. During all the Revolutions that happened in the Reign of Queen *Joan* his Aunt, *Rinaldo*, not thinking fit to stay in *Naples*, retired to *Foggia*, where he ended his Days, and was buried in the great Church of that City, in the same Chapel where the Corpse of King *Charles I.* the Stock of the Family of *Anjou* had been deposited. He left one Son, named *Francesco*, and many Daughters. *Francesco* had only one Son, after his Grandfather named *Rinaldo*, who having married *Camilla Tomacella*, died soon after, and was buried in the same Chapel, where his Father, who soon followed him, caused a Monument to be erected to him, with an Epitaph, transcribed by *Summonte* <sup>3</sup>, which is still to be seen.

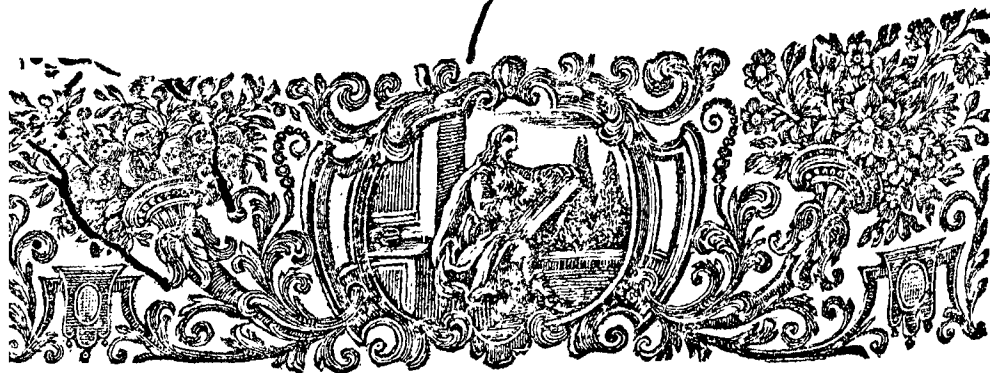
<sup>1</sup> Ang. Costanzo lib. 11. in fine.

<sup>2</sup> Idem lib. 11.

<sup>3</sup> Summont. lib. 4. pag. 602.



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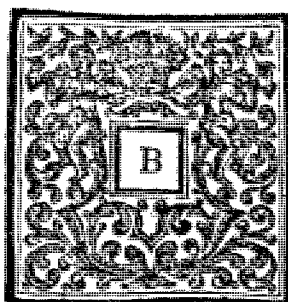


THE  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.

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B O O K XXV.

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BY the Death of King *Ladislaus*, much lamented by all the noble *Neapolitans*, who followed the Art of War, all military Discipline was at an end, and nothing but Confusion come in its Place; for the Soldiers wanting Pay, listed themselves under *Fabrizio* and *Giulio Cesare* of *Capua*, the *Caldori* and Count of *Troja*, who carried them to their own Estates, where they maintained them, expecting to be employed by other Princes, as some of them afterwards were. And in this manner in a short time that great Army, which had fought under the Banners of this valiant King, was dispersed. And of so many Cities taken in *Compagna di Roma*, *Ostia* alone remained in the Possession of *Joan* the Widow of the Duke of *Austria*, and the Castle of *S. Angelo* in *Rome*; and the same Day that her Brother *Ladislaus* died, she was proclaimed Queen by the *Neapolitans*, without seeking Investiture. *Sforza* hearing of the King's Death came to wait upon Queen *Joan* in *Naples*, and entered into her Service.

ALTHOUGH there was but a small Number of Noblemen of the *Anjou* Faction left in the City of *Naples*, many of them having gone to *France*, and those who had staid were very poor; yet during the Reign of *Ladislaus* they were in great

great Reputation, not only for the Art of War, which was then in vogue, and brought great Honour and Advantage to many Noblemen, but much more on account of Estates, which either by Gift or Sale *Ladislaus* had distributed among the Families of all the *Seggi*, and others. But in the beginning of the Reign of Queen *Joan II.* such a change of Government was discovered, that many wise Men prophesied, that in a short time the *Durazzo* Faction would be in no better State than that of *Anjou*, to the utter Ruin of the Kingdom; for *Joan*, when she was Duchess of *Austria*, had fallen in Love with her Cup-Bearer, or as others will have it, her Carver, named *Pandolfello Alop*, to whom she had privately prostituted her Person; but afterwards when she came to be Queen, shaking off all Fear and Shame, she likewise prostituted the Government of the Kingdom; for having made him High-Chamberlain, whose Office, as we have told elsewhere, is to have the charge of the Royal Demains and Revenues of the Kingdom, and suffering him to manage every thing as he thought fit, the whole Kingdom was in a manner at his Disposal. But *Sforza* conversing in the Castle with the Queen about Affairs relating to his Command, and she jesting familiarly with him, and blaming him for not marrying, *Pandolfello* became jealous; for though *Sforza* was about forty Years of Age, yet he was of a comely Stature, robust, and had a Soldier-like Countenance, fit to inflame the Queen's natural Lasciviousness; and without giving them time to go on in their Discourse, he said to the Queen, That *Sforza* was in King *Lewis's* Interest, and had sent to invite his Army to come to the Kingdom, in order to take *Naples*, the Castle, and her self; and that he had had Advice of this from very sure Hands, and which required immediate Provision for preventing it. The Queen being put to a stand, bid him look to it; and gave Orders, that the first time that *Sforza* should come to the Castle he should be told, that she was in the Tower *Beverella*; so that *Sforza* having come, found People there who disarmed him, and forced him to go down to the Prison where *Paolo* and *Orso* were.

WHEN this was known in *Naples*, the *Durazzo* Faction was grievously offended, and especially those who had been of *Ladislaus's* Council, who immediately went and told the Queen, that they were very much surprized, that by the Advice of Count *Pandolfello* alone she had caused so famous and able a General as *Sforza* to be imprisoned, when it required the Advice not only of all the most knowing Men of *Naples*, but of the whole Kingdom, because both the Interest of the Crown and Kingdom was at stake, and nothing but Blood and Confusion would be the Consequence, if *Paolo's* Soldiers should join with those of *Sforza* for setting their Generals at Liberty. The Queen answered, That she had ordered the Count to advise with the Council, but the Danger being so imminent, he had not had time; and that she would give Orders to have the Matter judicially examined, and if he was found innocent he should be set at Liberty. Those Counsellors urged again, that *Stefano di Gaeta* a Doctor of the Law should take Cognizance of the Matter, which was ordered accordingly.





## C H A P. I.

Queen Joan II. marries James Count de la Marche, of the Blood Royal of France.

**T**HIS Expoſtulation very much perplexed both the Queen and Count *Pandolfello*, but eſpecially the Count; and ſo much the more, that all thoſe of the Council in a Body went and repreſented to the Queen, that ſhe being the only remaining Branch of the Stock of King *Charles*, and of the many Kings that had reigned for a hundred and fifty Years, ſhe ought to take a Husband in order to have Children, and to ſecure the Quiet of the Kingdom, which, in the State it was in, could not be long without ſome Commotions. To this was added, that Ambaſſadors from *England*, *Spain*, *Cyprus* and *France*, arrived at *Naples* at *Chriſtmas* to treat about the Marriage, which induced the Queen to give a Reſolution. And as the Infant *Don John* of *Aragon*, the Son of King *Alphonſus*, ſeemed to be the beſt Match, becauſe *Ferdinand* was in Poſſeſſion of the Kingdom of *Sicily*, from whence he could quickly ſend Aſſiſtance to the Queen againſt her Competitors; the Council perſuaded her to ſend *Meffer Goffredo di Mont' Aquila*, Doctor of Law, and *Friar Antonio di Taſſia*, Head of the Conventuals of *S. Francis* in *Catalonia* to treat about the Marriage; from *Catalonia* they went to *Valencia*, and from thence, to the great Joy of that King they ſoon concluded it. But when the Ambaſſadors returned to *Naples*, and told, that the Infant *Don John* was only eighteen Years of Age, the Queen being then forty ſeven, a Meſſenger was ſent to undo all that had been agreed to, and *James Count de la Marche* of the Blood-Royal of *France*, but at a great Diſtance from the Crown, was pitched upon, judging that he might be treated with upon eaſier Terms than the others, who might pretend to other Titles; and it was agreed with the *French* Ambaſſadors, that he was not to take the Title of King, but ſhould be contented with that of Count, and Governor of the Kingdom; as to the reſt the Queen was to uſe him with all the Reſpect imaginable. The Ambaſſador, after having been ſollicitated by many to delay the Count's coming, left *Naples*, and with this the Minds of the People were put at Eaſe. But *Pandolfello* thinking, that though the Queen's Husband was to have the Title of Count, yet that was not ſufficient for his Security, and being ſenſible that he was envied by many, who wanted to have him ruined, reſolved to ſtrengthen himſelf by Friends and Alliances; for which end, in order to make himſelf acquainted to *Sforza*, he went to viſit him in the Priſon, and made him believe, that the Queen, at the Inſtigation of others, had made him Priſoner, and that he himſelf was doing what he could to have him ſet at Liberty. *Sforza*, who was naturally a downright and ſincere Man, taking what he ſaid to be true, thanked him, and promiſed to do him all the Offices of Gratitude in his Power; *Pandolfello* bid him take Courage, for he would get *Catarinella Alopa* his Siſter, a great Favourite of the Queen's, to interpoſe in his Behalf. A few Days after having imparted his Thoughts to the Queen, he perſuaded her to agree to what he was about, and returning to the Priſon, he told *Sforza*, that he had not only obtained his Liberty, but his Advancement alſo; and that the Queen had granted him his Liberty expreſſy upon Condition that he ſhould marry *Catarinella*, who had been at ſo great Pains to procure it for him; and that inſtead of a Portion ſhe would make him High-Conſtable, with eight thouſand Duckets a Month for paying his Soldiers. *Sforza* came out of Priſon,

son, and the Marriage was celebrated with great Pomp; but the Council were highly offended with the Queen on account of this Marriage, looking upon it as a most scandalous thing, that a pitiful Cup-bearer (for so they called him) should have the Disposal both of the Queen's Mind and Person; but the Servants of King Charles III. and King Ladislaus were much more enraged to see the Memory of these two glorious Kings dishonoured, and among the rest *Giulio Cesare di Capua* seemed to be the most affected, who having entertained a great Number of *Ladislaus's* Soldiers upon *Sforza's* Imprisonment, aspired at great Matters; but when he saw him set at Liberty, and joined with *Pandolfello*, it seemed that these two had set up for a *Duumvirate*, that should be able to cope with the Count *de la Marche*, and share out the Kingdom; so that when Advice came that the Count was in *Venice*, and in a few Days would be at *Manfredonia*, *Giulio Cesare*, with some Barons, without any Order, went to meet him in the Plains of *Troja*, and was the first that dismounted, and saluted him King, and the rest followed his Example. Then he told him in what a miserable State the Kingdom was, and the great Hopes the People had of being relieved by his Majesty, for the Queen, being madly in Love, had basely given herself up a Prey to a Scoundrel, who having contracted Alliance with another Villain, a Commander of Soldiers, disposed of and tyrannized over the Kingdom, to the great Reproach of the Crown and the Blood-Royal; and therefore it behoved him, with the Character of King, and not of Count, to take the Government upon him, and not to suffer these two Hangmen to strangle him, as King *Andrew*, the Husband of another Queen *Joan*, had been served; for whenever the Queen should find herself debarred from her Amours with a Man she loves so much, she would not fail to lay Snares for his Life. King *James* was struck with Grief and Shame, for not having brought an Army with him, it looked as if he was uncertain of Empire, but very certain of Danger and Infamy; nevertheless he thanked *Giulio*, and promised, that he would take his Advice in every thing, and trust to his Courage. The next Day *Sforza*, being sent by the Queen with a great Train of Attendants, met the King about six Miles from *Benevento*, and without dismounting saluted him, not as King, but Count: The King, with a stern Countenance, made him no other Answer, but asked how the Queen did; whereupon those that were in Company with him, seeing *Sforza* so coldly received, and understanding that the Count had been proclaimed King, went and kissed his Hand as such. But *Sforza* coming afterwards to wait upon the King, *Giulio Cesare*, with a Design to please the King, meeting him on the Stairs, said to him, That it did not become him, who was born in a Village of *Romagna*, not to give that Lord the Title of King, which the native Barons of the Kingdom had given him; and *Sforza* answering, That though he was born in *Romagna*, with Sword in Hand he would make it appear, that he was a Man of as much Honour as any Lord in the Kingdom; and both of them, with a great Noise, drawing their Swords, while the other Gentlemen who were present were endeavouring to part them, the Count of *Troja* came out of the King's Chamber; who, as High-Steward, had Power to punish Insults offered in the King's House, and caused them both to be locked up in different Rooms; but *Giulio Cesare* was set at Liberty that same Evening, and *Sforza* was put into a Dungeon.

THE Queen having Advice that same Night of what had happened, sent the next Morning to call the Magistrates of *Naples*, and told them, that her Husband being to make his Entry into the City the Day following, they must take care to receive him as King. The *Neapolitans* accordingly received and saluted the Count as King, who, upon his arrival in the Hall of the Castle, found the Queen there, who dissembling her inward Grief, received him with the greatest Demonstrations of Joy imaginable; and the Archbishop of *Naples* being likewise in the Hall with the Queen in his Pontifical Garments, the Marriage was solemnized with the usual Ceremonies, and they both went to the Bed-chamber, where there were two Royal Seats; and the Queen holding her Husband by the Hand, turned towards the Ladies, Gentlemen and others present, and said, *You see this Lord, to whom I have given the Government of my Person, and now I give him that of the Kingdom: Let whoever loves me, and has a regard for my Family, call him, acknowledge him, and serve him as King.* These Words were followed by an universal Acclamation, crying out, *God bless King James and Queen Joan our Sovereigns.* The rest of the Day was spent in Balls, Concerts, and was concluded with a Supper, and then the King went to Bed to the Queen.

THE Day following, when the Ladies and Gentlemen returned in order to continue the Feast as was expected, they perceived by the Countenances of the King and Queen that their Thoughts were taken up with more serious Matters than Feasting; for *Sforza* had been brought from *Benevento* in Chains, and as a remarkable Instance of the Vicissitude of Fortune, was committed to the same Prison; out of which a few Days before he had been taken with so much Grandeur.

THE next Day the King caused Count *Pandolfello* to be taken, and carried to Prison in the Castle *dell' Uovo*, where he was most cruelly tormented, and confessing all that the King wanted to know, he was condemned to die, and on the first of October he was led to the Market-place, where he was beheaded, and his Body was afterwards shamefully dragged through the City, and then hung by the Feet, to the Queen's great Grief, and the great Joy of all the Servants of King *Ladislaus*.

KING *James* having found what *Giulio Cesare* had told him of the Queen's dishonourable Life to be true, resolved to deprive her of the Means of getting a new Gallant; for which end he dismissed all her Favourites from Court, and in their room took as many of his own *Frenchmen*; and he began to keep her so close, that no Person whatever could speak to her, unless an old *Frenchman*, pitched upon for that purpose, was present, and who performed his Office with so much Severity; that without his Permission the Queen could not so much as retire to go to Stool.

IF King *James*, after he had thus curbed the Queen, had known how to ingratiate himself with the Barons, every thing would have gone on to his Heart's Desire, because all the Barons so much detested the Memory of the time of *Pandolfello*, and the dissolute Life of the Queen, who was ready to prostitute herself to every vile Fellow, that they were overjoyed to see her humbled; and they were more willing to obey the King, than be in danger of being tyrannized over by a new Gallant. But though the King used them with a great deal of Courtesy, yet his bestowing all Offices upon *Frenchmen*, much alienated them from him; so that it seemed as if they had fallen out of the Frying-Pan into the Fire; but of all the rest *Giulio Cesare* was the most disgusted; and being naturally ambitious, and having always aspired to be one of the seven Officers of the Crown, he could not bear to see the Offices of High-Constable, High-Chamberlain, and High-Steward given to *Frenchmen*, and himself, who had advised the Count to take the Title of King, neglected. Besides, the Queen's Confinement was a great Loss and Inconveniency both to the *Neapolitan* Nobility and Commonalty; for not only a great Number of those who had been employed in her Court were discarded, and without Support, but all the rest had lost Hopes of having wherewithal to live as Matters then stood; moreover, there being no more Balls, and the Youth not having the usual Pleasure of making their Court to the Queen, by their Dexterity at Tournaments, nor the Ladies an Opportunity of partaking of the Diversions of the Court, Melancholy was spread over all the City; therefore it being now three Months since the Queen had been seen, a great Number of Gentlemen, and Citizens of Credit met, went to the Castle, and said, That they wanted to see the Queen their Mistress; and although the old *Frenchman* told them that the Queen was retired diverting herself with the King, and would receive no Messages: all of them said, that they would not depart without seeing her. The King seeing this Obstinacy came out, and with a chearful and mild Countenance told them, That the Queen was indisposed, and that if they wanted any Favour, he was as ready to grant it, as the Queen. Then they all cried out with a loud Voice: We want no other Favour of your Majesty, but that you would use our Queen well, and as becomes her, who is descended of so many Kings our Benefactors, for by so doing we shall have Reason to love your Majesty. These Words, which seemed to be spoken with a strong Emphasis, put the King to a stand, and he answered, That for their Sakes he would do so.

*Giulio Cesare* being informed of what had passed, pushed on by Indignation and Ambition, resolved to be revenged of the King's Ingratitude, and to endeavour (by setting the Queen at Liberty) to succeed *Pandolfello*; and coming to *Naples*, after he had with great Dissimulation and profound Respect waited on the King, he said, That he would gladly visit the Queen. The Courtiers knowing the King had an entire Confidence in him introduced him to her Chamber, and gave him Opportunity to speak whatever he had a Mind. Then out of the height of Folly, trusting himself to a Woman whom he had so grievously offended, he told her, that he had

a great Mind to put the King to Death, and thereby put an end to her present Bondage and Misery. The Queen suspected that it was a Contrivance of the King's for feeling her Pulse; whereupon, in order to sweeten the King and be revenged on *Giulio*, she resolved to discover the whole, and in the mean time to say that she was very well satisfied. The Queen imparted the Secret to the King, and that he might hear it with his own Ears, it was agreed, that when *Giulio* returned the King should be placed behind the Hangings. He returned, and the King heard after what manner he was to assassinate him, but when he went out of the Court, and was putting his Foot in the Stirrup, he and his Secretary were seized, and carried to *Castel Capuano*, and being convicted, two Days after they were led to the Market-place and beheaded. All these things happened in five Months after King *James's* arrival at *Naples*.

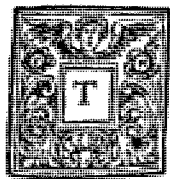
BY this Instance of *Giulio Cesare*, the King finding what sort of Men he had to deal with, began to be upon his Guard, and to keep at a Distance those Barons and Gentlemen, with whom he was wont to be very familiar; and besides he daily enlarged the Queen from her Confinement, and seemed to be sensible of the Obligation he lay under to her, for the Fidelity she had shewed him; but yet he would suffer no Person to visit her, and the importunate old *Frenchman* was still continued as a Guard upon her, which still kept up the Discontent of the People, for very few had access to the King, and none to the Queen; and in this manner did they live from the beginning of the Year 1415 to the Month of *September* following.

IN this Month it happened that the King gave the Queen Liberty to dine in a Garden belonging to a *Florentine* Merchant, and as soon as it was heard in the City that the Queen had got abroad, a great Number of the Nobility and Commonalty run thither to see her; and they saw her in such a Condition, as raised their Compassion; and she very artfully, with Tears in her Eyes and Sighing, looked upon them all with a gracious Countenance, and as if, with a pitiful Silence, she demanded their Assistance. Among the rest *Ottino Caracciolo* and *Anneccchino Mormile* a Gentleman of *Porta Nova*, and a great Favourite of the People, had gone to see the Queen. These two having agreed to set the Queen at Liberty, went to stir up the Nobility and People, and with a great Multitude of armed Men, returned at the very instant that the Queen was stepping into her Coach; and making Way through the Courtiers, they bid the Coachman drive to the Archbishop's Palace. The Queen with a loud Voice cried out, *My faithful People, for the Love of God don't forsake me, for I put both my Life and Kingdom into your Hands*; and all the Multitude, with a loud Voice cried out, *God save Queen Joan*. The terrified Courtiers run all to *Castel Nuovo* to tell the King of the Tumult, and that the Queen was not returning to the Castle. The King, afraid of being besieged in *Castel Nuovo*, went to *Castel dell' Uovo*. A vast Number of Ladies went immediately to wait upon the Queen; and the most antient Nobility of all the *Seggi* joined in a Body, and judging that it was not convenient for the Queen to be in that Palace, they carried her to *Castello di Capuana*, and made the Governor deliver it up to her. The Youth were much delighted with this Hurly-burly, and cried out, *Let us besiege the King*; but the most prudent of the Nobility were of Opinion, that the present Fermentation of the City was to be allayed in such a manner, as they might not fall out of the Frying-pan into the Fire; for they foresaw that the Queen, seeing herself free of all Restraint, would give herself and the Kingdom up into the Hands of some other more insupportable Gallant. Therefore they began to think of Means, whereby they might put a Stop to the insolent Behaviour of the King, and at the same time keep a Check upon the Queen; whereupon Deputies were sent from all the *Seggi*, to treat of an Accommodation with the King, who being destitute of all Assistance, was forced to yield to whatever Terms were proposed, and these were the Conditions they agreed to: *That upon the Faith of the Neapolitans he should come and live with his Wife; That he should allow the Queen, as lawful Sovereign of the Kingdom, to appoint and establish a suitable Court, and that the Kingdom should be Hers, as had been stipulated at first, when the Marriage was made: That he should retain the Title of King, and have forty thousand Duckets yearly for maintaining his Court, which for the most part should consist of Neapolitans.*



CHAPTER II.

*King James's Imprisonment; his Releasement by the Mediation of Martin V. elected Pope by the Council of Constance; his Flight and Retreat to France, where he turned Monk; and the Coronation of Queen Joan.*



THE Queen, in appointing her Court, pitched upon *Sergianni Caracciolo* to be her High-Steward; *Sergianni* was above forty Years of Age, but in his Person handsome and robust, and a Gentleman of great Prudence. She made *Marino Boffo*, a Doctor and a Gentleman of *Pozzuolo*, President of her Council, to whom she gave for Wife *Giovannella Stendarada* a rich Heiress: She gave the Office of High-Chamberlain to the Count of *Fondi* of the Family of *Gaeta*; and her Court was made up of handsome and gallant young Men; the chief of which were, *Urbano Origlia* and *Artuso Pappacoda*; and she caused *Sforza* to be taken out of Prison, and restored him to the Office of High-Constable; and being in love with *Sergianni*, her whole Thoughts were employed to dispatch the King, in order to enjoy him at her Pleasure. But *Sergianni* very prudently told her, That if she should offer any Violence to the King, all the City of *Naples* would immediately come to his Assistance, since the Accommodation was made upon the Faith of the *Neapolitans*, and that she ought first, with Favours and good Offices, to gain the Good-will of the chief Men of all the *Seggi*, that thereby, for their own Advantage, they might by Degrees desert the King; whereupon it was concerted, that the Queen should dispose of the Offices in such a manner, that not only the Nobility, but the chief Men of the Commonalty should partake of them. By this Means the City was fully satisfied: Only *Ottino Caracciolo* and *Annechino Mormile* were exceedingly offended, complaining of the Queen's Ingratitude, who, having been relieved by them from so rigorous a Bondage, had entirely neglected them; of which *Sergianni* being apprized, he got the Queen to give *Ottino* the County of *Nicastro*, which put *Annechino* in a much greater Rage. And *Sergianni* being jealous of *Sforza*, who was in a higher Station, and more powerful than he, and being at Court might gain the Precedence in Council, and turn him out of the Queen's Favour, whose Lasciviousness he very well knew: He found an Opportunity to have him sent from Court; for *Braccio da Montone*, a famous Soldier of Fortune, having made himself Master of *Rome*, had laid Siege to *Castel S. Angelo*, which held out for the Queen; whereupon he proposed in Council, that *Sforza* should be sent to relieve it (perhaps expecting that *Braccio* would defeat and ruin him) and accordingly the Queen ordered him to go.

HAVING got *Sforza* removed, he resolved to rid himself likewise of *Urbano Origlia*, who by his Comeliness and Valour was daily creeping into the Queen's Favour, and under Colour of doing him Honour, he got the Queen to send him her Ambassador to the Council of *Constance*, which was endeavouring to remove the Schism that had lasted so many Years, and where the Ambassadors of all other Christian Princes met the Emperor *Sigismund*, in order to acknowledge the Pope that should be elected in that Council. *Sergianni* having thus made himself Master of the Queen's Household, he began now to think of making himself Master of her Person likewise; and he had such Influence upon the Queen, that one Night as she

was at Supper with the King, she told him, That she would have all the *French* turned out of the Kingdom; the King answered, That they must first be paid for their Service in following him out of *France*; and the Queen replying in a haughty and imperious manner, That she would have them turned out in spite of him, the King not able to bear so great Insolence, rose from the Table and went to his Chamber, and the Queen put him under a Guard of Men that were there for that Purpose. The next Day she issued out a Proclamation, ordering all the *French*, in the Space of eight Days, to leave the Kingdom. The *French*, seeing the King a Prisoner, made haste to be gone.

THUS both the Kingdom and Queen fell into the Hands of *Sergianni*, who being resolved to make use of his time, got the Queen to restore the Count of *Nola* to his Estate, and the Office of Lord Chief Justice, provided he would marry one of his Sisters; and he gave another of them in Marriage to the Brother of the Count of *Sarno*; it looked very odd, that two Women, who a few Days before had been upon the Point of marrying two Gentlemen of no great Quality, without Portions should rise so high.

THIS so sudden absolute Sway of *Sergianni* created him much Envy, and equally drew great Infamy upon the Queen, especially with those of the *Durazzo* Faction, and those that had been Favourites of King *Charles III.* and King *Ladislaus*, who saw the Memories of these two glorious Kings, and the Name of the most antient Family in the World dishonoured by such abominable Wickedness; and they went about murmuring and stirring up the Nobility and People, saying, that they ought not to suffer an innocent King, to whom so noble and honourable a City had pledged its Faith, to be kept Prisoner in the very same House where the Adulterer lay with his Wife; and that perhaps all *France* would revenge the Injury done to their Royal Blood, and of all the rest *Annechino Mormile* was the most violent.

BUT *Sergianni*, who was one of the most artful and prudent Men in those times, caused all the Pensions that had been given to the *French* to be distributed among the principal Gentry and Citizens; and to make good his Interest with the Common People, who were the most easily provoked, he bought with the Queen's Money great Store of Provisions, and sold them at a very low Price, and by this Art he rendered all the Attempts of his Enemies fruitless.

HE was now afraid of none but *Sforza*, who having relieved *Castel S. Angelo*, was returned very much dissatisfied with him, saying, That *Sergianni* had not sent Money to pay the Soldiers in due time, on purpose to oblige them to mutiny and take Service under *Braccio*; and therefore he had halted at *Mazzone*, and from thence, without coming to wait upon the Queen, he marched into *Basilicata*. By this *Sergianni* found that *Sforza* bore him a Grudge, and in order to strengthen himself, and that *Sforza* might not have all the Troops of the Kingdom under his Command, he immediately engaged in the Queen's Service *Francesco Orsino*, who at that time had the Reputation of a good Officer; he likewise caused *Giacomo Caldora* to be set at Liberty, and gave them Money, in order to go to *Abruzzo* and levy Men; and under pretence of a Correspondence with *Sforza*, he caused *Annechino* to be imprisoned, lest upon *Sforza's* coming he should stir up the People to receive him and his Men into the City.

WHILE Affairs were thus transacting in the Kingdom, after much debating the Cardinals and Deputies of the Council of *Constance* entered the Conclave, and on the Feast of *S. Martin* 1417 unanimously elected *Odone Colonna* Cardinal Deacon by the Title of *S. George*, who took the Name of *Martin V.* on account of the Day of his Election, who was acknowledged over all Christendom, which put an end to the Schism, that for so many Years had rent the Church. The *French* immediately solicited the new Pope to intercede with the Queen for King *James's* Liberty, of which *Urbano Origlia* presently advised the Queen. But *Sergianni* found out a Remedy for that, by immediately sending *Belforte Spinello di Giovanazo* Bishop of *Cassano* his trusty Friend, and *Lorenzo Teologo* Bishop of *Tricarico* Ambassadors to the Pope in the Name of the Queen to congratulate him upon his Election, and to offer him all the Forces of the Kingdom for recovering the Estate and Dignity of the Church, promising, upon his arrival at *Rome*, to give him *Castel S. Angelo* and *Osia*.

ON the other hand *Sforza* returned to *Naples*, and drawing up his Troops in order at the Gate *del Carmelo*, he entered and made them cry out, *God save Queen Joan, and down with her corrupt Council.* *Francesco Orsino* with his Men immediately

diately stood to their Arms, and attacked *Sforza* with so much Fury, that he was obliged to retire, and by the hollow Ways he marched to the Prince's Village, from whence by Letters and Messages he solicited all the Barons that were his old Friends to free themselves from the Tyranny of *Sergianni*. At last he brought over many of them to his Party, and on the second of *October* he came with his Army to the *Fragola*, and from thence he laid waste the *Villas* of the *Neapolitans*; whereupon there arose a great Tumult in *Naples*, and the Scarcity of such things as were daily wont to be brought and sold in the City increasing, by being intercepted by *Sforza's* Horde, in order to prevent greater Mischiefs, some old Men proposed, that Deputies should be appointed, as was done in the time of *Queen Margaret*, who should have the care of the good Government of the City; to which the Nobility and Commonalty with one Voice consented, and immediately twenty Deputies were chosen, ten out of the Nobility, and as many out of the Commons, who by a publick Instrument swore a perpetual Union between the Commons and Nobility. These Deputies pitched upon ten of themselves, five of the Nobility and five of the Commons to go to *Sforza* and learn the Reason of this Defection from the Queen and the City, where he had so many Well-wishers, and to entreat him to put a Stop to all Hostilities for some Days, that Means might be found out for satisfying him in every thing that was just; they were honourably received by *Sforza*, who answered them very courteously, that he was the Queen's faithful Servant, and looked upon himself to be a loving Citizen of *Naples*; and that he had come there to be revenged of *Sergianni*, wondering, that so many powerful Noblemen and gallant Gentlemen, as were in *Naples*, should suffer themselves to be under so shameful a Slavery; that he was come to relieve them, and at last concluded, that he would lay all his Grievances before the Lords Deputies. These replied, That what he said was so honourable, that he should find the City willing and ready to second him; and a Day was appointed for a meeting between him and all the Deputies, in order to treat about what was fit to be done; and in the mean time *Sforza* assured them, that the Citizens might freely come out to their *Villas*, and he would forbid plundering.

THE Deputies returning to the City very well pleased, went to the Queen to beg of her, that she would be pleased to consent to such things as *Sforza* justly demanded, and thereby free the City from so great Danger, and to their Request they added some Protestations. The Queen in a pannick Fear could make no other Answer, but said, *Go and see what Sforza wants of me, and return*. The Deputies did not fail to go and wait upon *Sforza* at the appointed time, and they got from him the Articles and Conditions that he would have, the principal of which were these: *That Sergianni should be turned out of the Government and Court: That Anecchino and some other Prisoners should be set at Liberty: That he himself should have what Pay was due to him to that Day, and twenty four thousand Duckets for the Loss he had sustained by the Defeat given him by Francesco Orsino*. The Queen took the Articles, and said, That she would advise with her Council what was fit to be done, and would give her Answer in two Days. Then *Sergianni* seeing that he was not able to withstand the City joined with *Sforza*, prudently chose to yield to the Times, rather than to endanger the Queen; and in her Presence she made him sign his own Sentence of Banishment to the Island of *Procida*, promising to fulfil all the other Conditions: He was the first that performed his part of the Articles, because he knew that *Sforza* could not stay long in *Naples*, and that his Banishment would be soon at an end; the other Conditions were quickly performed by the Queen.

IN the mean time *Pope Martin V.* having been often solicited by the King of *France* and the Duke of *Burgundy* to procure King *James's* Liberty, had sent to *Naples* *Antonio Colonna* his Nephew to ask that Favour of the Queen, more like an Inferior than an Equal or Superior, because he had a Mind to make use of the Queen's Troops for recovering the Estate of the Church out of the Hands of the Tyrants. Besides the honourable Reception which *Sergianni* got the Queen to give *Antonio Colonna*, he himself in particular gave him so kindly an Entertainment and Promises, that he laid such Obligations on him, which, as shall be related hereafter, proved very advantageous to him; but as for setting the King at Liberty, the Queen promised to do it when it should be consistent with her own Safety, and when the *Pope* should be nearer at Hand to protect her against the frequent Commotions.

*SERGIANNI*'s Banishment to a Place so near, in Appearance only, seemed to have diminished his Authority, for in effect there was nothing done in Council or at Court, which was not communicated to him by continual Messages; and in the mean while *Antonio Colonna* laboured so much to pacify *Sforza*, that he was not so intent upon depressing him. Mean time the Pope had come from *Mantua* to *Florence*; whereupon the Queen pitched upon *Sergianni* to go and do him Homage in her Name, and to restore him those Fortresses, which King *Ladislau*s had garrisoned in the Estate of the Church. *Antonio Colonna* accompanied him, and before they went to *Florence*, *Sergianni* delivered up *Ostia*, *Castel S. Angelo* and *Civita Vecchia*, and they went to *Florence*. Thus did *Joan* make a Present to Pope *Martin* of all that *Ladislau*s had conquered of the Estate of the Church; but she continued still to take the Title of *Queen of Rome*, as her Brother had done; whence in her Writs and Statutes, among her other Titles, we see *Romæ Regina* <sup>1</sup>.

*SERGIANNI* being arrived at *Florence*, was graciously received by the Pope, and in treating or discoursing of the present State of Affairs, either with respect to the Church of *Rome*, or the Kingdom, *Sergianni* shewed himself a Man, who no less by his Prudence than *Comelines* deserved the Queen's Favour. He demonstrated to the Pope, that of all the Christian Princes, the Kings of *Naples* were fittest for supporting the *Roman* Pontiffs; and on the other hand, that no Power was so able to secure the Kings of *Naples* in the Possession of their Crown as Popes; and by this Artifice he got the Pope to send a Cardinal Apostolick Legate to anoint and crown the Queen, and to give her the Investiture of the Kingdom <sup>2</sup>, which she had in vain sought from *Baldassar Cossa*, who called himself *John XXIII.* <sup>3</sup>; and besides the Pope caused a perpetual League to be published between him and the Queen. Then *Sergianni*, in order to gain the Pope's Favour, and the Friendship of the Family of *Colonna* to himself, promised to give his Brother and Nephews great Estates in the Kingdom, and then they parted well satisfied with their Negotiations; and because at that time *Braccio* was in Possession of almost all the Estate of the Church on the other side of the *Tiber*, he promised to the Pope to send him all the Queen's Forces with *Sforza* the High-Constable, and then he set out by Land for *Pisa*, and from thence he went to *Leghorn*, and embarked in the Queen's Gallies, which had been sent thither on purpose, and landed at *Gaeta*, where he staid some time, pretending to be sick, and he wrote to the Queen, giving her an Account of his Transactions, and desiring her to provide *Sforza* and his Men with Money, that they might quickly begin their March; because he was afraid, that if he should return with a much greater Reputation than he had before he went away, *Sforza* out of Envy might find Means to have him sent to finish his Exile in *Procida*. The Queen, out of the great Desire she had to see *Sergianni*, immediately gave *Sforza* what Money he wanted, and sent him to *Tuscany* to assist the Pope; and *Sergianni* came to *Naples*, and was received by the Queen and his own Adherents with so great Honour, that it seemed as if by this League entered into with the Pope, he had for ever secured the Queen and the *Durazzo* Faction; and from that time he called and subscribed himself *High Steward*; this was in the Year 1418.

IN *January* the Year following, the Apostolick Legate, who came to crown the Queen, accompanied with *Giordano Colonna* the Pope's Brother, and *Antonio Colonna* his Nephew, made his Entry into *Naples*. The Queen in her Royal Mantle, and the High-Steward went and met the Legate and the two *Colonna's*, and paid them extraordinary Honours. The first thing they began to treat of was King *James's* Liberty, for which, they said, the Pope was teased by the King of *France* and the Duke of *Burgundy*, and at last they obtained it; and that the King might recover his lost Reputation, the *Colonna's*, with a great Cavalcade, accompanied him through the City, and shewing a Reluctancy to return to *Castel Nuovo*, he went to that of *Capuana*, and said, That his Friends, who were glad to see him at Liberty, ought to endeavour to maintain him in it, and not desire him to go to a Place, where it was in the Queen's Power to make him Prisoner whenever she thought fit; which drew Compassion from all Men of Discretion.

<sup>1</sup> In procem. Rit. M. C. V. & Rit. ult. anno 1420.  
anno 1418.

<sup>2</sup> Idem loc. cit.

<sup>3</sup> Chioccar. MS. giurisd. tom. 1.

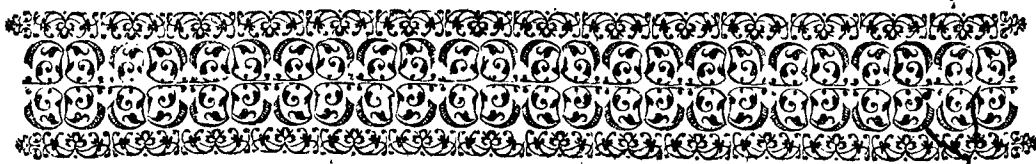


THE King persisting in his Resolution of staying in *Castello di Capuana*, every body thought it very improper that he should continue divested of all Authority, and that in *Castel Nuovo* every thing should be managed at the High-Steward's Pleasure; therefore some of the chief Nobility of each *Seggio* were appointed to treat with the Legate and the *Colonna's* about a firm Reconciliation between the King and Queen; and some of them proposed to have the King crowned at the same time with the Queen, and that they should swear Fealty to him. This Proposal very much disturbed the High-Steward, because it was the only way to lessen his Authority, and therefore he resolved to win the two *Colonna's*, in hopes, by their Means, to put a Stop to the Proposal; and he ordered Matters so, that he got the Queen to promise, that immediately after her Coronation she should give the Principality of *Salerno* to one of them, and the Dutchy of *Amalfi*, with the Office of High-Chamberlain to the other. In the mean while he got *Antonio Colonna* to be married to *Maria Ruffa*, who was Marchioness of *Cortone* and Countess of *Catanzaro*, who died afterwards without leaving Children, and the Estate fell to *Er-richetta* her Sister. The two *Colonna's* and the Legate made the Deputies of the City to be satisfied with this Agreement: That the Governor of *Castel Nuovo* with the Garrison should be changed, and the Government of it given to *Francesco di Riccarda di Ortona*, a Man of great Virtue and Fidelity, who should chuse a Garrison, and take an Oath to the Apostolick Legate not to suffer the Queen to use Violence to the King, nor the King to her, whereupon the King went and bedded with the Queen.

BUT a few Days after the King seeing that he had only recovered his Liberty, but no manner of Authority; and likewise seeing that the Queen was above fifty Years of Age, and past Child-bearing, so that they could have no Issue, he resolved to go to *Taranto*, and from thence home to *France*; and one Day after having ridden through *Naples* he went to the Mole, dismounted, and embarked in a *Genoese* Vessel, in which some of his Confidants had taken shipping before, and with a prosperous Gale in a few Days arrived at *Taranto*, where he was honourably received by Queen *Mary*, who procured him a safe Passage for *France*, and furnished him plentifully with whatever he stood in need of; and thus he set out for *France*, where it is said that he turned Monk\*. The Queen being rid of his so troublesome Company, gave Orders for her Coronation, which was performed in *Castel Nuovo* on the second of *October*, being *Sunday*, upon a most magnificent Theatre; the Queen receiving the Crown from the Hands of the Legate, and the Investiture sent by the Pope was read, which, on account of the fatal Instances, which have happened during the Government of Women in our Kingdom, excludes them from the Succession while there are Males of the fourth Degree, as may be read in the said Investiture recorded by *Chioccarelli* and *Summonte*\*, and the *Neapolitans* took an Oath of Fealty to the Queen.

\* Costanzo lib. 13. in fin.

\* Summont. lib. 4. tom. 2. pag. 585.



### C H A P. III.

Lewis III. of Anjou being invited by Sforza, invades the Kingdom. The Queen has recourse to Alphonfus V. King of Aragon, whom she adopts; and a War between Lewis and Alphonfus ensues thereupon.

**Q**UEEN Joan, by the Departure of the King her Husband, being Mistress of her self, and the High Steward, who now wanted nothing but the Title of King, abusing his Authority, and puffed up with Prosperity, despising all others, and even the Queen herself, brought greater Troubles and Calamities upon the Kingdom; for there was none left now but *Sforza*, who could, and was wont to thwart him, and keep a Check upon him, but there happened an Opportunity, which gave the High Steward hopes of being able to crush him. *Sforza*, as we have said, had been sent by the Queen to fight *Braccio*, who kept Possession of the Estate of the Church; and having come to an Engagement in the Territories of *Viterbo*, *Sforza* was routed, and lost so many of his Veteran Soldiers, that it was thought he would never recover the Loss, nor recruit so many Men, as to be able to return to the Kingdom, and make that Figure he formerly had done; so that it seemed, what by the Love of the Commonalty, what by the Friendship of the *Colonna's*, and the Ruin of *Sforza*, the Power of the High Steward was so well rivetted, that he had nothing more to fear: therefore he became intolerably insolent, and began to revenge himself upon the Nobility, who had been Mediators in the Agreement between the Queen and *Sforza*. He very much retrenched the Court, cut off many from their Pensions, and filled the Court with his own Creatures and Relations: So that the Nobility of *Naples* were extremely anxious to see *Sforza* once more in their City; and although the Pope wrote frequently to the Queen, pressing her to send Money to *Sforza*, in order to recruit the Army, yet upon several Pretexes the High Steward opposed it, and instead of Money he sent nothing but fair Promises, expecting every Minute to hear that *Braccio* had entirely ruined him; and that he might not incur the Pope's Displeasure, whenever there came a Brief or Message, he got the Queen to give some Town to the Prince of *Salerno* and the Duke of *Amalfi*.

*SFORZA* seeing himself thus abandoned, and being solicited by Letters from many Barons of the Kingdom to come to *Naples*, sent his Secretary to *Lewis* Duke of *Anjou*, the Son of King *Lewis* II. inviting him to come and conquer his paternal Kingdom, likewise demonstrating the Facility of the Undertaking by the Letters of the Barons; and by what appeared afterwards, this was done with the Pope's Consent.

**THE** Duke gladly accepted of the Invitation, and by the Secretary sent *Sforza* thirty thousand Duckets, and appointed him to be Viceroy and High-Constable, and with this Money having recruited his Army, in all haste he marched towards *Naples*, and he had no sooner entered the Borders of the Kingdom, than he sent the Queen her Standard and the Truncheon; and then exhorting his Men to behave themselves discreetly upon the March, he displayed King *Lewis* III.'s Standard (for so they called the Duke) and encouraging the People as he marched along, he very quickly

quickly came before the Walls of *Naples*, and advanced to the same Place, where he had encamped the time before, and began to stop Provisions from being carried into the City, and to sollicite the *Neapolitans* to declare for King *Lewis* their true and lawful Lord.

THIS so unexpected Arrival very alarmed the Queen and the High-Steward, for this Revolt seemed to be of a more dangerous Nature than the former, as being supported by foreign Troops, and the Name of the Family of *Anjou*, which for so many Years had been buried in Oblivion. There was a most terrible Confusion in the City, for those of the *Anjou* Faction, who from the time that King *Ladislaus* drove out King *Lewis* II. the Father of this *Lewis*, of whom we are now treating, had been poor and despicable, but began now to take Courage, and hoped to recover their Estates possessed by those of the *Durazzo* Faction; and keeping a secret Correspondence with *Sforza*, many went daily out of the City to the Camp. But what disturbed the High-Steward most was, that the *Durazzo* Faction being divided among themselves, they were not so firm in the Queen's Interest as her present Circumstances required; for a great many of them were treating with *Sforza* about declaring for King *Lewis*, provided *Sforza* would assure them that the King would give an Equivalent to those of the *Anjou* Faction for their Estates, which they (the *Durazzo* Faction) were possessed of, that they might not be obliged to restore them to the first Owners; besides this the Common People impatient of Inconveniencies, to which they were not accustomed, were murmuring and ready to revolt. And although the High-Steward found Means to bring Provisions into the City by Sea; yet when certain Advice was brought from *Genoa*, that in a few Days King *Lewis*'s Fleet would be upon the Coast, which would put a Stop to the getting Provisions by Sea, it was thought the Danger was such, that they must surrender to the City.

THE High-Steward foreseeing the impending Ruin, caused the Queen's Supreme Council to be frequently assembled, and after much debating, it was concluded to send an Ambassador to the Pope, with Orders, that if he could get no Assistance from him, he should go to the Duke of *Milan*, or to *Venice*; and *Antonio Carafa* surnamed *Malizia*, a Gentleman of great Prudence and Credit, was pitched upon for this Embassy. He upon his arrival in *Florence* represented to the Pope the Danger that the Queen and Kingdom were in, and begged of his Holiness to give them Relief; and if the Forces of the Church were not sufficient, to prevail with the other Powers of *Italy* to take Arms in Defence of a Kingdom, which was a Fief of the Church; and then with smooth Words he demonstrated, that by so doing both the Dignity of the Church, and the Grandeur of his own Family would be maintained, because the Queen, in Recompence for this good Office, would in a manner share the Kingdom with his Holiness's Brothers and Nephews. The Pope answered, That he was sorry that those evil Counsellors, who, either out of Avarice, or for some other Reason, having neglected to send Money to *Sforza*, had both drawn so dangerous a War upon the Queen their Mistress, and deprived him of all Means of assisting her; for what Relief could he give her at a time, when with the Bounty of the *Florentines* he could scarcely maintain a Shadow of the Papal Dignity? Or what Hopes could he have of obtaining Assistance for the Queen from the Powers of *Italy*, when he had not been able to obtain it for himself against a simple Soldier of Fortune, such as *Braccio*, who was in Possession of *S. Peter's* See, and all the Ecclesiastical Estate? Although what the Pope said was true, yet he spoke it with so great Passion, that *Malizia* immediately suspected that the Pope had a Hand in King *Lewis*'s Invitation, and therefore he found that he must make his Application somewhere else.

*ALPHONSUS* King of *Aragon* at this time had fitted out a Fleet in order to attack *Corfica*, an Island belonging to the *Genoese*; and the Pope had sent him monitory Letters, forbidding him to make War against that Republick, which was under the Protection of the Apostolick See; and especially that Island, which had been given by his Predecessors to the *Genoese*, who were obliged to pay a Quit-Rent; and King *Alphonsus* had sent *Garcia Cavaniglia*, a Gentleman of *Valentia*, his Ambassador to the Pope in order to justify the Occasion of the War; who getting no better Answer than *Malizia* had got, went about complaining to the Cardinals of the Wrong done his King; and one Day *Malizia* meeting him said, that the Design upon the Island of *Corfica* was below a Prince of so great Fame as King *Alphonsus*, especially when it would offend the Pope; and that it would be an Un-

dertaking

dertaking worthy of so great a King, to send that Fleet to the Relief of the Queen his Mistress, who was oppressed, and in very calamitous Circumstances, which would not only redound to his Advantage, but to his eternal Glory, by adding to the Kingdoms he was already possessed of, not *Corfica*, which was a barren and desert Rock, but the Kingdom of *Naples*, the greatest and richest of all the Kingdoms in the Universe; for the Queen, who was old and without Children, seeing herself under so great an Obligation, would not only appoint him to be her Heir after her Death, but in her Life-time would give him a Part of the Kingdom, and some fortified Places for securing the Succession. *Malizia* made all these Promises, because he had daily Advice from *Naples*, that the Necessity increased, and that the City could not hold out without a speedy Relief, or the Hopes of it. *Cavaniglia* said, that he was very sure, that the King, out of his Generosity, and for the Offers made, would embrace the Opportunity, and encouraged him to go to *Sardinia*, where he would find the King. *Malizia* immediately sent Advice to the Queen of what had passed, and sent *Pascale Coiffo* her Secretary, whom he had taken along with him, in a Frigate, to tell the Queen, that if she thought fit that he should go to treat about this Matter, she would be pleased to send him full Power, and Instructions suitable to an Affair of so great Importance; and having taken leave of the Pope, he went to *Piombino* to wait for a Return. The Secretary made such Dispatch, and found the Queen and her Friends in so great a Fright, that little time was spent in consulting; so that in seven Days he returned to *Piombino* with all the Power that either could be given or desired; and *Malizia* immediately taking Ship, with a prosperous Gale arriv'd in *Sardinia*; and having obtained an Audience of King *Alphonfus*, he laid before him how much the Queen stood in need of his Assistance; and in order to encourage him the more, he told him, That he had full Power from her by way of Adoption to transfer to him the Right of Succession to the Kingdom, after the short time that she could live, and likewise in her Life-time to put him in Possession of a good part of it. The King answered, That he was heartily sorry for the Distress the Queen was in, and that of his own Inclination he was resolved to assist her, without expecting a Kingdom as a Reward, of which he had as many as were sufficient for him; but that it was necessary for him to advise with his Council; and the next Day having called a Council, all present unanimously dissuaded him from the Undertaking; but *Alphonfus*, without discovering his own Sentiments, sent for *Malizia*, and told him the Opinion of the Barons; but yet he would assist the Queen, and presently send along with him sixteen well armed Gallies, with a good Sum of Money for levying *Italian* Soldiers, and afterwards he would come in Person to wait upon the Queen. *Malizia* commended his Majesty's Resolution, and promised, that the Queen should add as much of her own Money as would engage *Braccio* in her Service, who at that time was looked upon to be the ablest General in *Italy*, and *Sforza's* bitter Enemy. The Day following the King called a Council, and declared his Intention of assisting the Queen; then he ordered *Raimondo Periglios*, who was one of the chief Barons of his Court, and reputed a Man of great Courage, to have the Gallies in readiness to put to Sea with the Queen's Ambassador. *Malizia* overjoyed, in order to animate the Besieged, immediately dispatched *Pascale* with Advice, that a Relief should be with them in a few Days; and to quiet the Minds of the *Catalans*, who were dissatisfied with the Undertaking, by a publick Instrument in Name of the Queen he adopted King *Alphonfus*, and promised to put him in Possession of *Castel Nuovo*, *Castel dell' Uovo*, and the Province of *Calabria* with the Title of Duke, usually given to the next in Succession to the Kingdom; then he took leave of the King, and together with *Raimondo* embarked in the Fleet.

WHILE these Preparations were making for the Queen's Relief, King *Lewis* with his Fleet unexpectedly arrived at *Naples*, and having landed his Men, he joined *Sforza*, and laid close Siege to the City, which would have surrendered to him, if very opportunely the *Aragon* Fleet commanded by *Periglios* had not arrived. The Queen overjoyed gave *Periglios* a most kind Reception, and to convince *Alphonfus* and his Council of the Steadiness of her Resolution, the Day following, by a publick Act, she ratified the Adoption, and all the Articles stipulated in *Sardinia*, and ordered the Arms of *Aragon* to be quartered with her own, and painted upon the Standards and many publick Places; and the Adoption and perpetual League were published over all the City. The Queen likewise sent to engage *Braccio da Perugia* in her Service, who refused, unless, besides his Pay, she would give him the Investiture of *Capua* and *Aquila*.

IN the mean time *Aversa* had surrendered to King *Lewis*, and the *Anjou* Faction increasing, *Braccio* after much Sollicitation came, and with three thousand Horse defeated *Sforza*, who disputed his Passage, and arriving at *Naples*, he was very graciously received by the Queen.

KING *Alphonfus* had gone to *Sicily*, and though he had been often pressed by the Queen to come, yet he delayed from time to time; but upon hearing that *Braccio* was come to *Naples*, he left *Sicily*, and with his Fleet came to *Ischia*. The Queen sent the High-Steward with some Barons to wait upon him, and after they had thanked him in the Queen's Name, they invited him to come with his Fleet to *Castel dell' Uovo*, from whence the Queen designed he should make his Entry into *Naples* with such Pomp and Magnificence, as became so great a King and her Deliverer. The Comeliness of the King's Person, his Courage, Magnanimity and Prudence put the High-Steward to a stand; and besides he was afraid that the Company of so many Barons of *Aragon*, *Castile*, *Catalonia*, *Sicily*, and of other Nations subject to the King, would in a short time lessen his Authority, and perhaps put an end to it altogether; and he very well remembered the Fate of Count *Pandolfello*, and dreaded his own might happen to be worse, inasmuch as this King was a Man of greater Wit, Courage and Power, than King *James* was; nevertheless he endeavoured to cover this Jealousy, and caused great Preparation to be made for *Alphonfus's* Entry into *Naples*. The King on the Day appointed, after having ridden a Horseback with great Pomp through the City, was conducted to *Castel Nuovo* where the Queen came down to the Gate, and received him with all Marks of Affection and Gladness; and after she had embraced him she delivered him the Keys of the Castle, and the rest of that Day and many following were spent in magnificent Feasts and Rejoicing; and now in presence of many Barons, and almost all the Nobility and People, the Adoption and all the Articles lately stipulated with *Periglios* were ratified by King *Alphonfus* and the Queen; and upon the eighth of July this Year 1421 a new Instrument was drawn up, which we not only read in *Chioccarello*<sup>1</sup>, but *Tutini* caused it to be printed in his Book *De G. Contestabili*.

UPON the arrival of *Alphonfus* with his Fleet at *Naples*, the War with King *Lewis* became more bloody in *Terra di Lavoro*; for he having fortified himself in *Aversa*, had put that Province in terrible Confusion. On the other hand *Alphonfus*, spurred on by the High-Steward, marched and laid Siege to *Accerra*, which was then possessed by *Gio. Pietro Origlia* an Enemy to *Sergianni*. And at the same time *Braccio* having defeated *Sforza's* Army, he made pressing Instances to be put in Possession of *Capua*; and being put off from Day to Day by the Queen, he made his Complaint to King *Alphonfus*, who, to prevent *Braccio* from being disgusted, persuaded the Queen to give it him. *Alphonfus* still continuing the Siege of *Accerra*, *Martin V.* fearing that that King (whose Enemy he had discovered himself to be, by his having had a Hand in inviting King *Lewis*) might at last prove successful, sent two Cardinals in order to negotiate a Peace between these two Kings; and while they were treating with *Alphonfus* about the Conditions of Peace, *Alphonfus*, afraid that they were only come to amuse him, would not quit the Siege of that City, but began to batter it more furiously than before, notwithstanding the gallant Defence of the Inhabitants.

THE two Cardinals seeing the great Slaughter that attended the obstinate Defence of the Place, and that *Alphonfus's* Design would prove fruitless, they begged of him not to expose his Men to so great Danger, promising, that Pope *Martin* should take *Accerra* in Sequestration, so that it should not be troublesome to the Queen's Dominions, and upon the Conclusion of the Peace perhaps he would deliver it up to her. The King complied with the Request of the Cardinals, and raised the Siege; and *Lewis* having recalled the Garrison, ordered *Accerra* to be given in Sequestration to the Apostolick Legates; and King *Alphonfus* retired to *Naples*, and *Braccio* with his Men to *Capua*. A Truce was concluded between the two Kings for so long time as was necessary for the Treaty of Peace; and soon after King *Lewis* went to wait upon Pope *Martin*, and left *Aversa* and the other Places in the Hands of the same Legates: and *Sforza* by an Article of the Truce was allowed to go and reside in *Benevento*, which belonged to him.

<sup>1</sup> Chiocc. MS. Giurisd. tom. 1.

*ALPHONSUS* kept *Martin V.* in Awe, for although the Schism had ended with the Council of *Constance*, and *Gregory XII.* and *John XXIII.* had submitted to that Council, and divested themselves of the Papacy; yet the Antipope *Benedict XIII.* held still out with great Obstinacy, and had fortified himself in an impregnable Place in *Spain*, called *Paniscola*, where with four Cardinals he stiffly kept the Name and Badges of the Papal Dignity, and was resolved to die with the Title of Pope, although he was acknowledged by no Nation. Pope *Martin* afraid of King *Alphonfus*, who had declared, that if he did not favour his Interest, he would order all his Kingdoms to acknowledge the Antipope, in a few Months after not only delivered up *Acerra*, but all the Places, which the Legates had in Sequestration, to *Alphonfus*. There was great rejoicing in *Naples*, because the War seemed to be at an End, there being no other Place but *Aquila* alone that held out for King *Lewis*; so that *Alphonfus*, in order to have *Braccio* out of the Way, commanded him to go and lay Siege to it: *Braccio* was very well satisfied with the Order, because by the Agreement made when he engaged in the Queen's and *Alphonfus's* Service, it had been promised him. Thus was the Province of *Terra di Lavoro* freed from the Miseries of War, and the Queen's Party lived very quiet in *Naples*.



## C H A P. IV.

*Discords between Alphonfus and Queen Joan, who revokes his Adoption, and adopts Lewis for her Son.*

**B**UT this Tranquillity in the Kingdom was of a short Duration, for in the middle of the Spring of this Year 1422 a Plague broke out in *Naples*, which obliged the King and Queen to go to *Castellamare*; but that City not being able to maintain two Royal Courts, they both went to *Gaeta*, where they were no sooner arrived than *Sforza* left *Benevento*, and came to pay his Respects to *Alphonfus*, who gave him a very friendly and courteous Reception; infomuch, that being surprized at the Gentleness of his Behaviour, he went about crying up the Generosity and Mildness of so great a King. This gave Encouragement to a great many Barons of the *Anjou* Faction to follow *Sforza's* Example; wherefore many who had offended the Queen and the High-Steward, trusting to what *Sforza* had said, with great Confidence went and paid their Respects to *Alphonfus*, who receiving them very graciously, they swore Allegiance to him, which highly displeased the Queen.

HITHERTO every thing had been managed with great Unanimity, but from this time forth there arose such Jealousies and Heart-burnings as were afterwards the Cause of infinite Mischief; for the High-Steward, who had the Queen at his beck, could not bear to see that *Alphonfus* had made the Cities that had been taken, and the Barons that had come to wait upon him swear Allegiance to him, because it looked as if he had a Mind to take Possession of the Kingdom before the Queen's Death, contrary to the Articles of Adoption; of which having made the Queen sensible, it increased her Jealousy, and obliged her to love him the more, seeing the Care he had of the State and of her Safety; for he told her, That some time or other *Alphonfus* would seize her and send her Prisoner to *Catalonia*, in order to take Possession of the Kingdom, and afterwards of all *Italy*. This struck such a Terror into the Queen, that she resolved to be upon her Guard, and all of a sudden left *Gaeta*, and came to *Procida*: from thence she went to *Pozzuolo* with a Resolution to go to *Naples*, where the Plague, after having made great Havock, had begun to

cease.

cease. King *Alphonfus*, who had believed that the Queen would have returned from *Procida* to *Gaeta*, hearing that she was gone to *Pozzuolo* with a Design to be in *Naples*, in order to remove all Jealousy, with a small Retinue he went to visit her in *Pozzuolo*; but it had a quite contrary Effect, for the frighted Queen became still more jealous; so that *Alphonfus* had no sooner gone to see *Aversa* than she went by Land to *Naples*, nor would she go to *Castel Nuovo*, but went strait to *Castello di Capuano*. While the King was in *Aversa* he received an account of the Queen's Proceedings; and knowing her Fickleness, and the Cunning and Ambition of the High-Steward, was afraid they were hatching some Innovation, upon which he came immediately to *Naples*, and lodged in *Castel Nuovo*; and now there passed no more Visits between the Queen and him; so that it was the Opinion of all Men of Judgment, that it could not be long before it came to an open Rupture. *Alphonfus* sensible that this Alteration in the Queen proceeded from the Suggestions of the High-Steward, thought, that if the Author of the Misunderstanding were removed, he could get the Queen to do whatever he pleased; therefore on the twenty seventh of *May* this Year 1423 he caused him to be put in Prison, and then went to wait upon the Queen, whether with intent to excuse himself to her for the Imprisonment of the High-Steward, or with design likewise to seize her, and when he should find that it was not in his Power to make her alter her way of living, to send her to *Catalonia*, is uncertain. But the High-Steward was no sooner made Prisoner than the Queen had an account of it, and seeing the King coming, she caused the Gate of the Castle to be shut upon him; whereupon *Alphonfus* being so rudely repulsed, returned to *Castel Nuovo*, and a great Contusion and Disorder ensued between the *Spaniards* and *Catalans* on the one side, and the *Neapolitans* of the Queen's Party on the other.

THE Queen in great Consternation, and shut up with the chief and most faithful of her Courtiers, consulted what was fit to be done, and with unanimous Consent it was resolved to send and invite *Sforza*, and to entreat him, that in regard of former Friendship he would come and relieve the Queen. *Sforza*, who was then in *Benevento* very poor, having been many Months out of Pay, was overjoyed at this Message, hoping that it would turn to account, for he was confident, either to get King *Alphonfus's* Adoption to be revoked, and his Friend King *Lewis* to be adopted, or to have the Queen in his Power, as also the Kingdom so far as it obeyed her; and without delay, having drawn together his veteran Soldiers, whose Arms had grown rusty, and their Horses lean, he set out for *Naples*. *Alphonfus* hearing that *Sforza* was coming, sent *Bernardo Centiglia*, with all the *Catalan* and *Sicilian* Barons, and all the Soldiers of the Fleet to meet him; and having engaged near the Walls of *Naples*, *Sforza* defeated *Alphonfus's* Army, and having entered the City, he besieged *Alphonfus* in *Castel Nuovo*; and after having waited upon the Queen, who received him with great Honour, calling him her Deliverer, he left *Naples* in order to besiege *Aversa*.

*ALPHONSUS* after this Defeat finding himself thus left alone, and without Money for raising another Army, was in the utmost Perplexity; however there were two things which kept up his Spirits, the one was his having many Months before ordered another Fleet to be fitted out in *Catalonia*, because he had no mind to drop his Design upon *Corfica*, so that he sent immediately to hasten it to come to his Relief: the other was *Braccio's* Army, which was besieging *Aquila*; but he laid no great Strefs upon that, not only because *Braccio* was bent upon taking of *Aquila*, but likewise he did not expect that that Army would come to his Assistance without being paid; nevertheless he sent to invite it, and what he expected happened. But fifteen Days after the Defeat, *John Cardona* Captain General of the Fleet arriving at *Gaeta* with ten Gallies and six great Ships, and hearing in what Situation his King was, immediately set sail for *Naples*. It was said by many, that this Fleet had been ordered to come, with Design to carry the Queen to *Catalonia*, in case the King's Intention of seizing the Queen had succeeded; and it was the more probable, because the Kingdom being at that time in Peace and Tranquillity, there was no Occasion for a Fleet.

THE Fleet arriving at the Mole of *Naples*, the King ordered the Soldiers to be landed; and a great part of *Sforza's* Army being within the City besieging *Castel Nuovo*, a cruel and obstinate War was kindled within the Walls, and what by Pillage, what by Fire, the City was turned upside down, for the Particulars of which we refer the Reader to *Costanzo*. The Queen perceiving so many Revolutions in

the City, became so terrified, that she fancied herself to be already in Chains among the *Catalans*, so that she often recommended to the Gentlemen that were with her in the Castle to take care of her Person, and sent immediately to *Sforza*, who was at *Aversa*, begging of him in all haste to come and relieve her from a greater Danger than the former. *Sforza* came to *Naples*, relieved the Queen and conducted her to *Nola*; and then having taken *Aversa* he conducted her thither, where a new Adoption was carried on, which proved a Source of perpetual Troubles and Revolutions in this Kingdom.

ON the other hand King *Alphonfus's* Army, being joined by *Braccio's* Troops, increasing daily, *Sforza*, in order to make a more vigorous Opposition, resolv'd to strengthen the Queen's Party; for which end he prevailed with the Queen to make use of the Power of the *Anjou* Faction; and on the first of July this Year 1423; by a solemn Instrument, having got her to revoke the Adoption formerly made in favour of *Alphonfus*, on account of the ungrateful Return, which he said that King had made her, he persuaded her to adopt King *Lewis*; and since the Queen saw herself in a manner forsaken, and that many whom she had done Favours to, out of Hatred to the High-Steward, either privately or publickly adhered to *Alphonfus*, she not only condescended to send for King *Lewis*, but recalled all those of the *Anjou* Faction, who had left their native Country, and restored them to their Estates.

AND as the Queen had vouchsafed to follow *Sforza's* Advice in this, so *Sforza*, who knew that she had a longing Desire to have the High-Steward released, gave way to a Treaty for exchanging him with some *Catalan* or *Aragon* Baron. The Queen, who longed for nothing more, sent every Day to treat with *Alphonfus* about the Exchange; but he knowing her Folly to be such, that without the least Shame, rather than not have the High-Steward released, she would give her Crown in exchange for him, sent to tell her, that neither one nor two Barons would serve, but that she must give all the *Catalan* and *Aragon* Prisoners for *Sergianni*. Whereupon the Queen making a Present to *Sforza* of many Lands, got all the Prisoners he had, which were these, *Bernardo Centeglia* who was Captain General, *Raimondo Periglios*, *Juan de Moncada*, *Mossen Baldassa*, *Mossen Coreglia*, *Raimondo de Moncada*, *Frederico Ventimiglia*, the Count *Henriques*, and the Count *Juan Ventimilia*, who were all sent to the King in exchange for the High-Steward, who to his great Joy was set at Liberty; and as soon as he came to *Aversa*, mindful of what had passed between him and *Sforza*, he endeavoured to make him his Friend; and in order to cement it by Alliance, he took great Pains to get *Sforza* to give *Chiara Attendola* his Sister in Marriage to *Mario Caracciolo* his Brother. *Sergianni*, who was now in greater Favour with the Queen than ever, commended the Queen's having revoked the Adoption of King *Alphonfus* for his Ingratitude; and likewise insisted to have King *Lewis* adopted, who was still at *Rome* with Pope *Martin*; for like a wise Man thinking that his having a Hand in bringing in a King of Royal Blood, would remove the Envy and Calumny raised against him, as if he had a Mind to make himself King; therefore Ambassadors were sent to *Rome* to treat with King *Lewis* about the Adoption, who found it a very easy Matter; and they not only concluded the Adoption with him on such Terms as they thought fit, but likewise engaged the Pope to take the Queen under his Protection against King *Alphonfus*, which they obtained the more easily, because the Pope, besides his being highly offended with *Alphonfus*, who, though secretly, supported *Benedict XIII's* Faction, anxious to have the Church restored to her antient State and Reputation, was desirous rather to see King *Lewis* in Possession of the Kingdom, who was not very powerful, and would always want the Assistance of the *Roman* Pontiffs, than that it should fall into the Hands of *Alphonfus*, a most powerful King possessed of other great Kingdoms, whereby he was not only able to give Laws to the *Roman* Pontiffs, but to all *Italy*. The Adoption being concluded, the Ambassadors without Loss of Time carried their King *Lewis* along with them, upon this Condition, that he was only to have the Title of King, because he was to contend for the Kingdom with another King; but in effect he was only to be Duke of *Calabria* upon the same Conditions as had been settled in the Adoption of King *Alphonfus*.

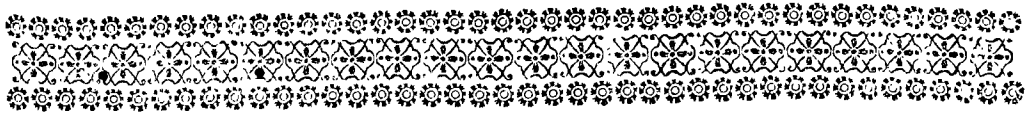
THIS Adoption gave this second Race of the Family of *Anjou* a double Right to this Kingdom; for to that of Queen *Joan I.* by which *Lewis I.* the Grandfather of this *Lewis*, was called to the Kingdom, this of Queen *Joan II.* was added;

\* Chiocc. tom. 1. MS. Giurisd.



whence afterwards the Kings of *France*, to whom those Rights devolved, laid claim to the Kingdom by a double Title. Whence arose the so many and obstinate Wars, which the two *Lewis's*, *Charles VIII.* and *Francis I.* carried on against the Families of *Aragon* and *Austria*, which for many Ages miserably afflicted the Kingdom.

UPON King *Lewis's* Arrival at *Aversa*, he was received by the Queen with all Marks of Honour, and Demonstrations of Friendship, and after much Feasting the Queen caused a great Sum of Money to be given to *Sforza*, in order to put his Army in a Condition to be able to recover *Naples*. The Pope sent *Luigi Colonna* General of the Ecclesiastical Troops, and many other inferior Officers to the Queen's Assistance; and he afterwards got *Philip Visconti* Duke of *Milan* (who at that time was formidable to all *Italy*, and who had become jealous of the overgrown Power of *Alphonfus*) likewise to espouse the Queen's Interest.



## C H A P. V.

*Alphonfus leaves Naples and goes to Spain; and Naples surrenders to Queen Joan. The Insolence of the High-Steward; his Ambition, and unhappy Death.*



WHEN King *Alphonfus* heard of the new Adoption of King *Lewis*, and that the Pope and the Duke of *Milan* had entered into a Confederacy against him, he began to be afraid of losing *Naples*; for hitherto the *Neapolitans* of the *Anjou* Faction had been so much kept under and crushed by the High-Steward, that they had gone over to the *Aragon* Party, and were pleased to see the Queen and the High-Steward reduced to the low State they were in; but as soon as they heard of King *Lewis's* Adoption, buoyed up with the Hopes of retrieving their Affairs, they were by all Means for restoring the City to the Queen; and it was known, that many went every Day publickly to wait upon King *Lewis*, and many, who had not the Courage to visit him openly, sent him secret Messages. Therefore *Alphonfus* sent for *Braccio*, who was still labouring to reduce *Aquila*, to come with his Troops to *Naples*. But *Braccio*, expecting that the Place would surrender in a few Days, answered, That it was of much greater Consequence to conquer that rich City and that warlike Province, obstinately addicted to the *Anjou* Faction, than to keep *Naples*, which usually fell into the Hands of those who were Victors in the Field; and therefore he sent him *Giacomo Caldora*, the chief Man of his Army next to himself, *Bernardino della Carda*, and *Riccio da Montechiaro* Colonels of Foot. These, with twelve hundred Horse and a thousand Foot, marched immediately to *Capua*, and hearing of the Arrival of some Ships and Gallies with fresh Troops from *Barcelona*, from thence they marched to *Naples*.

ON the other hand *Sforza*, having put his Troops in order, persuaded King *Lewis* to attack *Naples*, and on the first of *October* they set out from *Aversa*, and arrived at the Gate *del Mercato*; and having come to an Engagement, wherein *Sforza* was victorious, King *Lewis* was in great Hopes of taking the City. While *Alphonfus* was in this Perplexity, he received Letters from *Spain*, advising him, that *John* King of *Castile* his Cousin-German and Brother-in-Law, who was entirely guided by the Advice of *D. Alvara de Luna*, an Enemy to the House of *Aragon*, had imprisoned *D. Henry* of *Aragon* his beloved Brother, because he had married

ried *D. Catarina*, the King of *Castile's* Sister without his Consent; therefore *Alphonfus* resolved to go to *Spain*, in order to set his Brother at Liberty; and likewise, lest the King of *Castile*, by the Instigation of *D. Alvaro*, should endeavour to possess himself of the Kingdoms of *Aragon* and *Valentia*, while he was making War in *Italy*. Therefore having made ready for his Voyage, he left *D. Peter* his youngest Brother Lieutenant General of *Naples*, and having set sail with eighteen Gallies and twelve large Ships, by the way all on a sudden he attacked *Marseilles*, a City belonging to King *Lewis*, took and pillaged it, and carried off with him the Body of *S. Lewis* Bishop of *Toulouse*; but unwilling to diminish his Army by leaving a Garrison in the Place, he abandoned it, thinking he would have enough to do with his Men in the War of *Spain*, where he spent many Years in getting his Brother set at Liberty.

IN the beginning of the following Year 1424 the Duke of *Milan's* Fleet arrived, and having taken *Gaeta*, which held out for *Alphonfus*, it steered directly for *Naples*, where the Army was landed at the Gate *del Mercato*; King *Lewis's* Affairs being in this prosperous Situation, induced *Caldora* to go over to his Party in this manner. The King and Queen, finding that the Duke of *Milan's* Army was sufficient for the Siege of *Naples*, sent *Sforza* with his Army to relieve *Aquila*, which was still besieged by *Braccio*, but in passing the River *Pescara* *Sforza* was drowned: Whereupon *Caldora*, confident of obtaining the Post of High-Constable, and of being the Head of the Queen's Party, surrendered the City of *Naples* to her; and the Infant *D. Peter* with the choice of his Soldiers retired to the Castle. The whole City was overjoyed, the People run and plundered the Houses of the *Spaniards* and *Sicilians*, and the Queen sent back the Duke of *Milan's* Army to *Lombardy* very well satisfied.

THERE remained in the Kingdom *Braccio's* Army alone, that sided with King *Alphonfus*; but the King and Queen appointed *Caldora* to be Captain General, and sent him to fight *Braccio*; and upon his arrival in the County of *Celano*, being joined by Pope *Martin's* Troops, he engaged and defeated *Braccio's* Army, in which Action *Braccio* was killed, and *Nicola Paccinino* made Prisoner.

ALTHOUGH King *Alphonfus* had an account of the Loss of *Naples*, and that the Infant had retired to the Castle, yet he would not give over his Design upon the Kingdom, but sent to reinforce the Castle; and a few Days after arrived *Artale de Luna*, sent by the King to relieve the Infant, who having left a strong Garrison, and great Store of Ammunition and Provisions, took shipping, and went to *Sicily*. So the Queen and King *Lewis* continued in Peace and Quiet, while *Alphonfus* was employed in the Affairs of *Spain*; and though *Castel Nuovo* held out for King *Alphonfus*, which it did for a long time after, yet the Queen lived many Years in Quiet, during which time she applied her self to reform the Tribunal of the High-Court of the Lieutenancy by means of the Usages, which she caused to be collected, to institute the College of Doctors, and to study Peace and Religion, of which in their Places.

MEAN while the High-Steward seeing himself arrived at the height of all Felicity, lest King *Lewis* should endeavour, as *Alphonfus* had done, to humble him, he never would allow *Castel Nuovo* to be closely besieged; but made frequent Truces with *Arnaldo Sanz* the Governor, in order to be a Restraint upon King *Lewis*, that if ever he offered to thwart him, he would recal King *Alphonfus*. And in this manner the Castle held out eleven Years, till the Death of Queen *Joan*; and it seemed very odd, that during the Truce the Governor should send to buy in the City whatever he stood in need of, and take the Title of Viceroy of the Kingdom.

KING *Lewis*, who was of a meek Disposition, was always very obsequious to the Queen, which made the High-Steward persuade her to give the Duchy of *Calabria* to *Lewis*, and with the hired Troops send him to drive King *Alphonfus's* Officers out of it; and he himself remained absolute Master of all the rest of the Kingdom; nor had he any other that stood in his way, but *Giacomo Caldora*, and the Prince of *Taranto*, who was a Man of great Power in the Kingdom; therefore in order to win them over to his Interest, he gave one of his Daughters in Marriage to *Antonio Caldora*, *Giacomo's* Son, and the other to *Gabriele Orsino*, the Prince's Brother, to whom he gave the County of *Acerra* as her Portion. Thus did he secure himself, that there was none to oppose or gainsay him; which proved the Ruin of many Families, such as the *Origli*, the *Mormili*, the *Costanzi* and the *Zurli*, whose Estates

Estates he seized, and gave them to his own Creatures and Relations; and he bestowed Towns and Villages upon many of the Family of *Caracciolo*. Whence it came, that during the War between three *Lewis's* of *Anjou*, and *Charles III. Ladislaus* and Queen *Joan*, we find Grants and Investitures of many Lands to different Families contrary to one another; and that many Villages changed two Lords in one Year, according as those Kings whom they followed were victorious. The High-Steward not satisfied with so great Authority, always aspiring after greater things, asked of the Queen, that seeing by the Death of *Braccio* the Principality of *Capua* had devolved to the Crown, she would invest him with it, and immediately on the twenty second of *October* this Year 1425 she granted it; but then he was so modest, that he would never take the Title of Prince, although his Relations pressed him to do it.

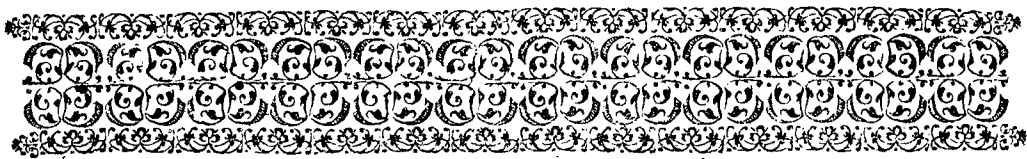
POPE *Benedict XIII.* having died the preceding Year, and the Schism being still countenanced by King *Alphonfus*, because Pope *Martin* had invested King *Lewis* with the Kingdom, the two Cardinals that had continued with him, this Year elected *Egidio Munion* a Canon of *Barcelona* Pope, who took the Name of *Clement VIII.* and created Cardinals, and performed all Papal Functions. And although *Alphonfus* was taken up with the Affairs of *Spain*, yet he never gave over his Pretensions to this Kingdom, but kept Pope *Martin* still in suspense, till at last in the Year 1429 they were reconciled; whereupon *Martin* sent the Cardinal *de Foix* Legate into *Spain*, to prevail with the Anti-Pope to lay down his Charge, and by order of *Alphonfus* he was forced to renounce his Right, but declared, that he did it purely for the sake of Peace. The Cardinals whom he had created likewise voluntarily renounced their Titles, and the two old Cardinals, whom *Clement* had made, were put in Prison, where soon after they died of Grief and Want. Thus ended the Schism, which had lasted for the Space of fifty one Years; and *Martin V.* was acknowledged sole Pope by all the West.

POPE *Martin*, after he had been thus acknowledged, lived only two Years, for on the twentieth of *February* 1431 he died in *Rome*, where he was buried in the *Lateran*; and on the fourth of *March* *Michaele Condoimerio* a *Venetian* and the Son of a Sister of *Gregory XII.'s*, who had made him Bishop of *Sienna*, and raised him to the Dignity of Cardinal, was elected in his room, and took the Name of *Eugene IV.* This Pope was no sooner placed in *S. Peter's* Chair, than he began to persecute the *Colonna*, because it was said, that they had all the late Pope's Treasure in their Hands; the *Colonna*, depending upon the great Estate their Uncle had given them in *Compagna di Roma*, and upon that which they possessed in the Kingdom of *Naples*, prepared to defend themselves against the Pope's Troops, and for that end listed Soldiers. But the Pope aware of that, immediately renewed the League with the Queen upon the same Conditions that had been stipulated in that with Pope *Martin*, and required the Queen to send him Assistance against his Rebels. The High-Steward, who wished for nothing more than the downfall of the *Colonna*, that he might thereby raise himself still higher upon their Ruin, sent him Count *Marino di S. Angelo* his Brother with a thousand Horse, and likewise sent a Message to the *Colonna*, threatening, that if they continued in Rebellion against the Pope, he would deprive them of the Lands they had in the Kingdom; and they persisting obstinately, the Pope excommunicated them and confiscated their Estates. The High-Steward likewise prevailed with the Queen to divest them of the Principality of *Salerno* and the Counties which they possessed in the Kingdom; and not content with being Duke of *Venosa*, Count of *Avellino*, Lord of *Capua*, and many other Lands, he asked the Principality of *Salerno* and the Dutchy of *Amalfi* of the Queen, telling her, that though she had given him *Capua*, he was unwilling to take the Title of Prince of it, because he was sure, that whoever succeeded her would take it from him as a City which, for its Importance, ought always to be annexed to the Crown.

AT this time the Queen was very much broken by Age, but much more by an ill Habit of Body, and looked quite decrepit and loathsome; and therefore the High-Steward, who was likewise well advanced in Years, had left off the secret Conversation which he used to have with her; so that Love was not only abated in her, but grown quite cold, which made her refuse to give him either *Salerno* or *Malfi*; for which Cause the High-Steward, grievously offended, began both in Words and Deeds to despise and hate her. The Queen's greatest Favourite at this time was *Covella Ruffo* Dutchess of *Sessa*, a Woman of a very rugged Temper, and

on account of her being the Daughter of an Aunt of the Queen's, descended of a most noble Family, and Heiress of a vast Estate, was very proud, and could not bear the Insolence of the High-Steward; and therefore always as she found a fit Opportunity, she pressed the Queen not to suffer so much Ingratitude in a Man, whom, to the Reproach of Nobility, from the lowest State of Life, and the greatest Poverty, she had so much exalted; and though the Queen gave ear to what the Dutchess said, yet she was become so silly with Age, that she never answered to the Purpose. But the High-Steward coming one Day to speak with the Queen, in a fawning manner asked the Principality of *Salerno* and *Amalfi* again; and she giving him a flat Denial, he was so enraged upon finding her so much changed from what she had been for eighteen Years, during which time she had never refused him any thing, that he began to call her Names; and, as if she had been the meanest Woman, to upbraid her with her lewd Life, intomuch that she wept bitterly: the Dutchess, who was in the next room, hearing the Queen weep, entered as the High-Steward was coming out, and seeing the Queen thus insulted by fresh Injuries, she chid her severely for having so much Patience, and advised her immediately to curb such a Monster of Insolence, who some time or other would not stand to take her by the Throat and strangle her. The Queen seeing so great Demonstration of Love and sincere Affection, embraced her very kindly, and said, That she spoke well, and that by all means she would have him humbled: The Dutchess imparted the whole to *Ottino Caracciolo* an Enemy to the High-Steward; then *Ottino* conferred with *Marino Roffa* and *Pietro Palagano* bitter Enemies to *Sergianni*. They resolved to apply to the Dutchess, and persuaded her to be very earnest with the Queen, and offered to find her Men that would dispatch the High-Steward: The Dutchess was not slow in managing the Affair, for at this time a new Alliance having been set on Foot between *Giacomo Caldora* and the High-Steward, who was to have his only Son *Trojano Caracciolo* married to *Caldora's* Daughter *Maria*; upon this the Dutchess acquainted the Queen, that it was talked over all *Naples* that this Match was intended for depriving her of the Kingdom, and dividing it between themselves, so that she ought to be upon her Guard, and get the High-Steward to be put to Death. The Queen answered, That she was fully resolved to have him humbled, and to strip him of the Government; but she was not for having him killed, because she was old, and would very soon be obliged to answer for it to God. The Dutchess, seeing she could obtain nothing else, seemed satisfied with having the Government taken from him, and begged of her, that she would be pleased quickly to discourse with *Ottino Caracciolo* about what was fit to be done. The Dutchess having told *Ottino* what had passed, they resolved to get from the Queen what they could, and to obtain an Order for putting him in Prison, which would afford an Opportunity to kill him, and thus it was agreed. The Queen called for *Ottino*, and told him, That she left it to him to find out Means for putting him in Prison. While these things were transacting, the High-Steward concluded the Marriage of his Son with *Caldora*, and to please the Queen, he resolved to make a Feast in *Castello di Capuano*, where the Queen lodged, hoping thereby to be reconciled with her, and to induce her to make a Present to the new married Couple of the Principality of *Salerno*, which he coveted so much. The Day appointed for the Feast being come, which was the seventeenth of *August* this Year 1432, and it being spent in Balls and Musick, and part of the Night in a most sumptuous Supper, the High-Steward went down to his Apartment, and being already asleep, *Ottino* and the other Conspirators, having bribed one of the Grooms of the Queen's Chamber named *Squadra*, a Native of *Germany*, took him with them, and made him knock at the High-Steward's Chamber-Door, and tell him, That the Queen, having been seized with an Apoplectick Fit, was very ill, and bid him come to her immediately. The High-Steward got up, and beginning to dress himself, he ordered the Door to be opened, that he might the better hear what the Matter was. Then the Conspirators entered, and with Rapiers and Battle-axes murdered him. The next Morning the News of this unlooked for Fact being spread over the City, every body run to see the miserable Spectacle, a remarkable Instance of the wretched State of Man: To see one, who a few Hours before had lorded it over a most powerful Kingdom, taking and giving Cities, Towns and Villages to whom he thought fit, lye on the Floor with one Stacking on, and the other off (not having had time to dress himself) and not one offering either to cover his Nakedness, or bury him. The Dutchess of *Sessa* seeing the dead Body said, Behold the Son of *Isabella Sarda*, who pretended

to vie with me; shortly after four Priests of *S. John a Carbonara*, where he had built a magnificent Chapel, which is yet to be seen, came and took the Corps, body as it was, and disfigured with the Wounds, and put it in a Bier, and with two lighted Torches only, in a most pitiful manner buried him. His Son *Trojano* caused a most magnificent Tomb with his Statue to be erected afterwards in the same Chapel; and *Lorenza Valla*, famous for Learning in these times, composed that Inscription which we read upon the Tomb. Although the Queen was dissatisfied with his Death, yet she ordered all his Estate to be confiscated as a Rebel; and she gave an ample Remission to all the Conspirators, which was penned by *Marino Boffa*; and it is said, that when the Tenor of the Pardon was read to her, which contained these Words, *That the Queen had ordered the High-Steward to be put to Death for his Insolence*, she declared publicly, that she never gave any such Order, but only to imprison him.



## C H A P. VI.

*King Alphonfus endeavours to be restored to the Queen's Favour, but in vain. King Lewis's Marriage with Margaret the Daughter of the Duke of Savoy; his Death, and soon after Queen Joan dies.*



WHEN King *Lewis* who was in *Calabria*, and had fixed his Residence in *Cosenza*, heard of the Death of the High-Steward, he believed, that the Queen would immediately send for him to Court; but the Dutchess of *Sessa*, who by that Death was become most powerful, persuaded the Queen not to invite him; and to keep him where he was, she carved out new Business for him in that Province; which made People believe, that as by too great Ambition King *Alphonfus* had lost this Kingdom, so by too little King *Lewis* would probably have the same Fate. At this time *Alphonfus* was in *Sicily*, and upon the News of the Death of the High-Steward was overjoyed, and much more so, when he understood that the Dutchess of *Sessa* was at the Helm of Affairs, in whom he confided so much, that he was in hopes to be recalled by the Queen, and have his former Adoption confirmed. In order not to lose this first Opportunity, he came with some Gallies to *Ischia*, which held out for him, and by private Messages began to treat with the Dutchess, and beg of her to induce the Queen to restore him to her Favour, and perhaps he might have succeeded, if his too great Eagerness had not spoiled all; for not content with having employed the Dutchess, he sent a Message to the Duke her Husband, offering to make him the greatest Man in the Kingdom, provided he would espouse his Interest; of which the Dutchess, who mortally hated her Husband, was no sooner apprised, than not only instead of a Friend she became an Enemy to *Alphonfus*, but she accused her Husband of hatching a Rebellion against the Queen, and got *Ottino Caracciolo* and the other Counsellors to send Troops to the Duke's Estate to prevent his Followers from favouring *Alphonfus*, who, seeing that both his Plots had miscarried, made a Truce with the Queen for ten Years, and little to his Credit returned to *Sicily*.

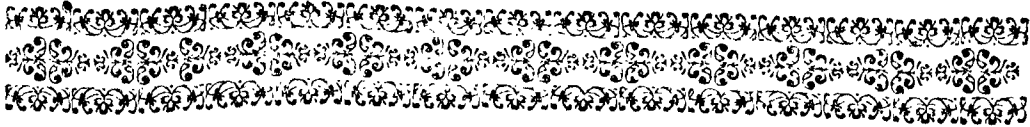
THE following Year 1433, *Margaret* Daughter to the Duke of *Savoy* was betrothed to King *Lewis*, and having set out from *Nizza*, was overtaken by a terrible Storm, and arrived at *Sorrento* very much out of order by the Fatigue of the Voyage; the Queen had a Mind to have her conducted to *Naples* with suitable Honour, and to invite the King to come from *Calabria*, in order to have the Marriage pompously celebrated in that City; but the Dutchess of *Sessa* advised her to the contrary, telling her, That by no Means she ought to do it, because it would occasion Disturbance in the State, and that during the short Remainder of her Life, she ought to live and die Queen without a Competitor. And therefore the Queen, who was of a fickle Humour, sent only to compliment the Bride upon her Arrival, and to offer her some Presents, and from thence that Lady went to *Calabria*, where the Marriage was solemnized in *Cosenza* with as much Grandeur as the Time and Place would allow. But that Knot was soon untied, for in *November* the following Year 1434, King *Lewis*, after having spent that Summer in making War upon the Prince of *Taranto*, being retired into *Calabria*, what with the Fatigues of that War, and the Embraces of his Spouse, he contracted a Fever, of which he died, without leaving Issue. He made a Will, wherein he ordered his Body to be carried to the Cathedral of *Naples*, and his Heart to be sent to Queen *Violante* his Mother in *France*, which last was quickly done; but the Body remained in the Great Church of *Cosenza*, where his Tomb is to be seen at this Day, because no body took care to send it to *Naples*. This King was of such an agreeable Temper, and so much beloved by the People of *Calabria*, that it is thought the *Calabrians* ever after continued to have a liking for the Family of *Anjou*.

UPON the News of his Death the Queen was very much grieved, and commended the great Patience of that Prince with respect to her self, and the Obedience he always paid her, and she was very sorry for not having honoured and treated him as he had deserved. And in the beginning of the Year 1435, labouring under great Uneasiness of Mind, and oppressed with Years and Diseases, on the second of *February*, the Feast of the Purification of the blessed Virgin, in the sixty fifth Year of her Age, after having reigned twenty Years and six Months, she gave up the Ghost. She ordered her Body to be buried in the Church of the Annunciation in *Naples* without the least Pomp, in a poor and mean Sepulchre, where she now lies.

THIS Queen was the last of the Family of *Durazzo*; and having had no Children, either by her first or second Husband, and her Hatred against King *Alphonfus* still continuing, she made a Will, wherein she appointed *Renatus* Duke of *Anjou* and Count of *Provence* King *Lewis*'s Brother her Heir, and in the Will expresseth the Reasons that had moved her so to do. Here follows a part of that Will, as it is printed in *Tutini*'s Treatise, *De Contestabili del Regno: Præfata Serenissima, & Illustrissima Domina nostra Regina Joanna fide digna, & veridicè informata, quod bonæ memoriæ Dominus Papa Martinus V. per quasdam Bullas Apostolicas olim concessit claræ memoriæ Domino Ludovico III. Calabriae, & Andegaviæ Duci, ipsius Reginalis Majestatis consanguineo, & ejus filio arrogato, & ejus fratribus, Hæredibus, & Successoribus hoc Regnum Siciliae post ipsius Reginalis Majestatis obitum: nec non noscens omnes Regnicolas ejusdem Regni affectos, intentos, & inclinatos velle unum ex germanis fratribus dicti q. Domini Ludovici in Regem, & quod si secus fieret, vel evenerit, fieri non posset usque maxima aspersione Sanguinis, miserabilique clade, & strage, & finaliter calamitate, & destructione hujus Regni. Nec minus & considerans, quod serenissimus, & illustrissimus Princeps Dominus Renatus Dux Bari, &c. ipsius Majestatis Reginalis consanguineus, præfatus quondam Domini Ludovici germanus frater ab inclita, & Christianissima Regia stirpe domus Franciæ, sicut ipsa Reginalis Majestas, suam claram trahit originem, volens præfatis futuris scandalis tacitè providere, & salubriter obviare, & pr consequens votis, & desideriis dictorum suorum Regnicolarum satisfacere, cupiensque præterea, quod hoc Regnum potius perveniat ad suum clarissimum Francorum Sanguinem, & inclitam progeniem, quam ad quamvis aliam Nationem: Jam dictum serenissimum, & illustrissimum Principem Dominum Renatum ejus consanguineum, ac dicti q. Domini Ludovici ejus arrogati filii germanum fratrem, eisdem Regnicolis ita gratum, desideratum, & acceptum, in quantum ad ipsam serenissimam Reginalem Majestatem spectat, & ea est, & quod potest omni meliori via, modo & forma quibus de jure melius, & apertius potest, & debet suum Universalem hæredem, & successorem in hoc Regno Siciliae, & in omnibus aliis ejus Regnis, Titulis, & juribus, actionibus, & cum omnibus Provinciis, & Jurisdictionibus, & omnibus pertinentiis suis quocunque vocabuli appellatione distinctis,*

*sinētis, & ad illam spectantibus, & pertinentibus, quovis modo, coram nobis, instituit, ordinavit, & fecit, infrascriptis legatis, & fidei commissis, dumtaxit exceptis.*

SHE left fifty thousand Duckets in the Treasury to be employed for the Benefit of the City of *Naples*, and maintaining the Kingdom faithful to King *Renatus*; and she appointed sixteen Barons of her Council and Court to govern the Kingdom till he should arrive.



## C H A P. VII.

*The Polity of the Kingdom under the Governors appointed by Joan. The Government of Queen Isabel the Wise and Regent of Renatus of Anjou. The Wars between Renatus and King Alphonfus; by whom he was at last forced to leave the Kingdom.*



NOT only Queen *Joan's* Death, but her last Will involved this Kingdom in greater Troubles than before; whereas there had been only two Pretenders, but now a third starts up, *viz.* the *Roman Pontiff*. Pope *Eugenius* no sooner heard of the Queen's Death, than he gave the *Neapolitans* to understand, that the Kingdom being a Fief of the Church, he could not conceive how it could be given to any other but to him, whom he should name and invest with it; and that in the mean time it belonged to him to take the Administration of it into his own Hands, and to appoint a Guardian to govern it. *Alphonfus* laid claim to it by vertue of Queen *Joan's* Adoption, and *Renatus* by vertue of her Will.

BUT the *Neapolitans*, who were at this time almost all in the Interest of the Family of *Anjou*, understanding the Pope's Pretension, opposed him Tooth and Nail, and declared, that they would have no other King but *Renatus*, and till such time as he should come to take the Government upon him, they would fulfil the Queen's Will; in fine, the sixteen Barons whom the Queen had appointed were confirmed in the Government, and they were these: *Raimondo Orfino* Count of *Nola*; *Baldassare della Rat* Count of *Caserta*; *Giorgio della Magna* Count of *Pulcino*; *Perdicasso Barrile* Count of *Montedorisi*; *Ottino Caracciolo* Count of *Nicasstro*, and High-Chancellor; *Gualtieri* and *Ciarletta Caracciolo* all three of the Family of *Rosso*; *Innico d'Anna* High-Steward; *Giovanni Cicinello*, and *Urbano Cimmino*, the one a Nobleman of the *Seggio di Montagna*, and the other of *Portanova*; *Taddeo Gattola di Gaeta*, and others mentioned in the Queen's Will. The *Neapolitans*, lest such a Government might at last be converted into Tyranny, elected twenty out of the Nobility and People, who were called Guardians of the Kingdom. These were for sending immediately to *France* to notify the Queen's Will and the Inclination of the City to *Renatus*, and to hasten his coming as soon as possible; and accordingly three Noblemen were dispatched, and mean while, in order to defend themselves against King *Alphonfus*, they sent for *Giacomo Caldora*, and gave him Money to raise Men; they likewise engaged in their Service *Antonio Pontudero* with a thousand Horse, and *Micheletto da Corignola* with as many; and in this manner was the Kingdom governed from the time of the Queen's Death to the arrival of Queen *Isabel Renatus's* Wife; whence in the publick Deeds during that time no

Reign

Reign is mentioned, but in place thereof was put, *Sub Regimine Illustrium Gubernatorum relictorum per serenissimam Regiam Joannam claræ memoriæ.*

ON the other hand King *Alphonsus*, upon the News of the Queen's Death, being persuaded, that, as it was talked abroad, the Will had been extorted from the Queen, immediately prepared for War, and drew many over to his Party, such as the Dukes of *Sessa* and *Fondi*, the Prince of *Taranto*, and some others; and being spurred on by these he left *Messina*, and came to *Sessa*, from thence he went and besieged *Gaeta*. The Siege of that Place, which lasted a long time, was like to have quite ruined *Alphonsus*, and had it not been for the Generosity of the Duke of *Milan*, the War would have been at an end; for that Duke having pressed the *Genoese* to relieve that City, and not suffer the best Port in the *Tyrrhenian Sea* to fall into the Hands of the *Catalans* their Enemies, the *Genoese* sent a strong Fleet to Sea: and on the other hand *Alphonsus* put to Sea with another much stronger, in which, besides *Alphonsus*, were the King of *Navarre*, *D. Henry* Great Master of the Order of *S. James*, and *D. Peter* his Brothers, the Prince of *Taranto*, the Duke of *Sessa*, the Count of *Campobasso*, the Count of *Montorio*, and a great Number of other Barons of the Kingdoms of *Sicily* and *Aragon*; and on the fifth of *August* this Year 1435, having come to an Engagement near the Island *Poncia*, which lasted ten Hours, at last the *Genoese* overpowered *Alphonsus's* Fleet, and made the King himself, the King of *Navarre*, *D. Henry*, the Prince of *Taranto*, and the Duke of *Sessa*, with many Knights and Barons, to the Number of about a thousand, Prisoners; only *D. Peter* saved himself by flying with his Ship to *Ischia*. The Prisoners were carried to *Savona*, and from thence to *Milan*, where the Duke received King *Alphonsus* as a Guest, and not as a Prisoner. And so great was the Duke's Generosity, that he not only gave *Alphonsus* his Liberty, but being persuaded by him that it was the Security of his State to have the *Aragonians* in *Italy*, and not the *French*; for if *Renatus* should get Possession of the Kingdom of *Naples*, he would not fail to stir up the King of *France* to strip him of his Dominions; they entered into a League together, and with an unparallel'd Generosity he set *Alphonsus*, his Brother, and all the other Prisoners at Liberty; and before the Articles of the League were concluded, the Duke allowed the King of *Navarre*, and the Great Master of the Order of *S. James* to go *Spain* to make new Preparations for the War of *Naples*; and the Prince of *Taranto*, the Duke of *Sessa*, and the other Barons of the Kingdom to go to *Naples* to animate *Alphonsus's* Party, who believed, that he would never be able to set Foot in the Kingdom any more. Soon after the League was concluded, and the Duke sent to the *Genoese* to have their Fleet in readiness to go with the King upon the Expedition against *Naples*.

WHILE these things happened in our Seas, the *Neapolitan* Ambassadors who had been sent to *France* to hasten *Renatus*, found that the Duke of *Burgundy*, who in a Battel had made him Prisoner, and had afterwards, upon his Parole to return, set him at Liberty; had required *Renatus* to perform his Promise by returning to him, and whether it was out of Envy, in seeing him called to so great a Kingdom, or to do Service to King *Alphonsus*, when he did return, the Duke put him in Prison; which afforded Matter for Reasoning, which of the two was greatest, the Folly of *Renatus* in returning, or the Brutality of the Duke in putting him in Prison; and what made this Action of the Duke of *Burgundy* appear the more dishonourable and inhuman was, that it happened at the same time that the Duke of *Milan* had behaved so generously towards King *Alphonsus*. The Ambassadors not finding him, persuaded his Wife *Isabella* to go along with them, and as Regent to take Possession of the Kingdom in name of her Husband; and accordingly with her two young Sons *John* and *Lewis* she embarked, and with four *Provensale* Gallies, on the first of *October* arrived at *Gaeta*, where she was received by the Citizens with great Honour, and whose Fidelity she much commended, and granted them many Privileges. Then she went to *Naples*, where she arrived on the eighteenth of *October* this Year 1435, and with the greatest Joy was received by all the Inhabitants, to whom the Government of the Guardians and Governors had become loathsome; and the Count of *Nola* swore Fealty to her, whose Example was followed by almost all the Barons; and as Regent for her Husband, she began to govern the Kingdom.

THIS Queen, by her great Prudence and Beneficence, in a short time had gained the Hearts of every Body, insomuch, that had it not been that Fortune smiled exceedingly upon *Alphonsus*, and frowned upon her Husband *Renatus*, she would have



established the Kingdom in his Posterity. But the League entered into with the Duke of *Milan* when it was least expected, and the matchless and incredible Generosity with which that Duke set *Alphonfus* and his Brothers at Liberty, put the Queen and the *Anjou* Faction into a terrible Consternation. To this was added, that *Gaeta*, which had stood out against so many Assaults, and so great an Army, by the Means of a Storm, which overtook *D. Peter Alphonfus's* Brother, fell into the Hands of the *Aragonians*; for *D. Peter*, with five Gallies, having set out from *Sicily* in order to go to *Porto Spezie* to receive *Alphonfus*, who was then at his Liberty, being arrived at *Ischia*, by a violent Storm was detained upon the Coast of *Gaeta*; and there being a Plague in that City, the chief Nobility and rich Citizens had left it, and by chance the Governor being dead, some *Gaetans*, who sided with *Alphonfus*, delivered up the City to him. *D. Peter* staid in *Gaeta*, and sent *Ramondo Periglios* with the Gallies to *Porto Venere*, where he found the King, who upon hearing that *Gaeta* was in his Brother's Possession, immediately set sail towards it, and on the second of *February* this Year 1436 he arrived there, and he spent many Months without undertaking any thing, but going between *Gaeta* and *Capua*, which had likewise surrendered to him. To all these was added the Revolt of the Counts of *Nola* and *Caserta*, and of many other Barons, who went over to *Alphonfus*.

THIS prosperous Fortune of *Alphonfus* made the Queen and those of her Party resolve to demand Assistance of the Pope, and *Ottino Caracciolo* and *Giovanni Coffa* were sent to Pope *Eugene* for that end, who very readily granted their Demand; for the Pope, knowing the Ambition of the Duke of *Milan*, who by himself alone endeavoured to be Master of all *Italy*, thought, that since he was in Alliance with the King of *Aragon*, and many other Kingdoms, he would be more bold; therefore he sent *Giovanni Vitellisco da Corneto* Patriarch of *Alexandria*, a better Soldier than a Clergyman, with three thousand Horse, and as many Foot to the Queen's Assistance, which very much encouraged the *Anjou* Party; insomuch, that by this Means they acquired the Friendship of the *Genoese*, who had become mortal Enemies to the Duke of *Milan* and the King of *Aragon*, and with the greatest Faithfulness they continued to assist that Party to the end of the War.

THE War was carried on by both Parties with doubtful Success; and while the War was hot in many parts of the Kingdom, the Duke of *Burgundy* having received a great Ransom, set *Renatus* at Liberty, who without Loss of Time embark'd at *Marseilles*, and with a prosperous Gale arrived at *Genoa*, where on the eighth of *April* he was honourably received; and being reinforced with seven Gallies from the *Genoese* under the Command of *Battista Fregoso*, he set sail, and by a favourable Voyage, on the ninth of *May* he landed at *Naples*; and getting up on Horseback, he rode through the City accompanied by his eldest Son *John*, being welcomed with Huzza's and Acclamations; and the Fame of his great Exploits in the Wars of *France* against the *English* gave new Life to the *Anjou* Party, which was not at all lessened here by his Presence and Actions; for he was no sooner arrived and received in *Naples*, than he began to review the Soldiers that were in the City, as also the *Neapolitan* Youth, and to exercise them, whereby he equally raised his Reputation, and gained Esteem. He immediately sent for *Caldora*, with whom he consulted how the War was to be carried on; and they resolved, after taking *Scafati*, to march into *Abruzzo*, and besiege *Sulmona*.

BUT while *Renatus* was in *Abruzzo* with the greatest part of the *Neapolitan* Youth, King *Alphonfus*, who had got a great Reinforcement of Gallies from *Sicily* and *Catalonia*, marched with fifteen thousand Men, and encamped near *Naples* upon the Banks of the River *Sebeto*. The *Neapolitans* by the Absence of their King were at first much disheartened, but afterwards by the Assistance of the *Genoese* they made a vigorous Defence; so that *Alphonfus* was forced to raise the Siege, and retire to *Capua*, in which Siege he lost his Brother *D. Peter*, who was killed by a Cannon Bullet.

*RENATUS*, after having reduced all the Cities of *Abruzzo* to his Obedience, hearing of the Siege of *Naples*, by the way of *Capitanata* and *Benevento*, immediately came to its Relief; and after having taken *S. Vincent's* Tower, he was in hopes of recovering *Castel Nuovo*, which had been for so many Years in the Hands of the *Aragonians*; therefore he ordered the Governor of *S. Eramo* to batter it, for there being a Scarcity in it both of Powder and Provisions, it was impossible for it to hold out, and the *Genoese* Gallies cut off all Means of Succour from coming to it from *Castel dell' Uovo*, which likewise held out for *Alphonfus*. In the mean time there

arrived in *Naples* two Ambassadors from *Charles VI.* King of *France*, who fearing that his Cousin *Renatus* might be driven out of the Kingdom by the overgrown Power of *Alphonfus*, sent to treat of a Peace between these Kings; and first of all they treated about delivering up the Castle. But King *Renatus*, whose Money had been exhausted by the Charges of the War, got a Year's Truce to be proposed to *Alphonfus*, and offered to be satisfied with the Sequestration of the Castle in the Hands of the Ambassadors, and at the Expiration of a Year to restore it to *Alphonfus* furnished with Provisions for four Months. But *Alphonfus*, who saw *Renatus's* Power at a low ebb, chose rather to lose the Castle, than to give him so long a breathing-time, as by new Alliances to gather more Strength; so that the *French* Ambassadors returned without doing any thing, but to be Spectators of the Surrender of the Castle, which was delivered up on the twenty fourth of *August* this Year 1439, upon Condition, that the Garrison should march out with what Effects each Soldier could carry: to the great Reproach of *Alphonfus*, who was an Eye-witness to the Loss of that Castle, which had held out for eleven Years, and was now lost at a time, when with so great an Army he was in Possession of three Fourths of the Kingdom.

HOWEVER *Alphonfus* made up this Loss by the Conquest of the City of *Salerno*, which surrendered without Opposition, and with which he invested *Ramondo Orsino* Count of *Nola*, and gave him the Title of Prince, to whom the Year before he had given for Wife *Dianora* of *Aragon* his Cousin, with the Duchy of *Amalfi*, and then he quickly returned to *Terra di Lavoro*.

THE sudden Death of *Giacomo Caldora* a famous Captain of these Times, which happened on the fifteenth of *October*, very much weakened *Renatus's* Army; for though *Renatus* had given his Son *Antonio Caldora* all his Father's Estates, and the Office of High-Contable; and besides had sent him a Patent to be Viceroy of all that part of the Kingdom, which was under his Obedience; yet it being afterwards suspected that *Caldora* kept a secret Correspondence with *Alphonfus*, he caused him to be imprisoned, which turned to his great Prejudice; for *Caldora's* Soldiers having mutinied, he was forced to set him at Liberty. Upon this Affront *Antonio* having assembled his Army made a Truce with *Alphonfus* for fifty Days, and after an Interview, *Caldora* with all his Men went over to him. In the mean time *Acerria* and *Aversa* in the Year 1441 surrendered to *Alphonfus*; so that *Renatus* being left very weak by the Desertion of *Caldora*, and seeing his Footing in the Kingdom so much diminished, he sent Queen *Isabel* and his Sons to *Provence*, and began to treat about an Agreement, and to offer to yield the Kingdom to *Alphonfus*, provided he would adopt *John* his eldest Son, that after the Death of *Alphonfus* he might succeed him in the Kingdom. But the *Neapolitans*, who continued most obstinate, and abhorred to be under the Dominion of the *Catalans*, encouraged him, and begged of him not to abandon them; for as soon as Pope *Eugene*, Count *Francesco Sforza*, and the *Genoese*, who were all against the Kingdom's falling into the Hands of the *Catalans*, should hear of *Caldora's* Desertion, they would send fresh Succours; and by this Means they made him give over all Thoughts of a Treaty of Peace: and what they said proved true, for the *Genoese* sent fresh Succours, and Count *Francesco* told them, That he would send a powerful and speedy Relief.

BUT all these Reinforcements were not sufficient to put a Stop to *Alphonfus's* extraordinary Success; for the following Year 1442 being in *Capua*, very unexpectedly, a Priest of the Island of *Capria* came and offered to deliver up the Island to him: *Alphonfus* immediately sent six Gallies with him, and without Difficulty the Island was delivered up; and though it seemed to be but a small Conquest, yet in a little time it proved to be of great Consequence; for a Galley that was coming from *France* being overtaken by a Storm, and the Captain, thinking that the Island was in the Interest of King *Renatus*, landed his Men, who were all made Prisoners by the Islanders, who seized the Galley, and found in her eighty thousand Crowns, which were designed as a Supply for *Renatus*; this was a most severe Stroke to *Renatus*, for with that Money he would have been able to spin out the War a long time.

KING *Alphonfus* seeing that Fortune fought for him, marched and laid Siege to *Naples*; and perceiving that the City was so thin of Troops that they were scarcely sufficient for guarding the Gates and the Walls, he sent a part of his Army to besiege *Pozzuolo*, which, after a stout Resistance, surrendered upon honourable Terms; then he ordered an Attack to be made upon *Torre del Greco*, which quickly surrendered: afterwards in order to block up the City of *Naples* closer, he divided his Army into two Bodies, one of which he left at the Marshes, which lye on the East-side of the City, with *D. Ferdinand* his Bastard Son, and with the other he marched to *Eschia*, and encamped at *Pizzofalcone*. The City made a noble Defence, but *Alphonfus's* Men having entered it through an Aqueduct, on the second of *June* this Year 1442 it was taken; and though the *Aragonian* Army, provoked by the long Resistance, had begun to pillage the City; yet King *Alphonfus*, out of his great Clemency, rode through the Streets with a Detachment of Horse and choice Officers, and under Pain of Death forbade the least Violence or Injury to be offered to the Citizens, so that the Pillage lasted only four Hours; nor was there any thing lost, but such things as the Soldiers could hide, for he caused all other things to be restored.

*RENATUS*, having retired to *Castel Nuovo*, allowed *Giovanni Cossa*, Governor of *Castel di Capuana*, to deliver up that Castle in order to save his Wife and Children; and the next Day two Ships arriving from *Genoa* full of Provisions, he embarked in one of them with *Ottino Caracciolo*, *Giorgio della Magna*, and *Giovanni Cossa*, and set sail, still looking upon *Naples*, sighing, and cursing his bad Fortune, and with a fair Wind arrived at *Pisa*; and from thence he went to wait upon the Pope who was then in *Florence*, where, though out of Time, he gave him the Investiture of the Kingdom; and to encourage him, said, That there should be a new League made for recovering it to him: *Renatus*, who found there was nothing to be got but idle Words, answered him, That he had a Mind to go to *France*, lest the treacherous *Italian* Generals should make Merchandize of him, and because he owed a great Sum of Money to *Antonio Calvo*, a *Genoese*, whom he had left Governor of *Castel Nuovo*; since he saw that he was like to have nothing from Pope *Eugene* but fair Words, he wrote to *Antonio*, that in order to recover the Money he owed him, he might sell the Castle to King *Alphonfus*, which accordingly he did.

THUS at last ended the Reign of the Family of *Anjou* in this Kingdom, who, from *Charles I.* of *Anjou*, to *Renatus's* Flight, had governed it a hundred and seventy seven Years. Thus was it conveyed to the Family of *Aragon*, which held it seventy two Years. But *Renatus* carried with him to *France* such Seeds of Discord and cruel Wars, as for a long time disturbed the Kingdom; for his Right and that of his Son *John* devolving to the Kings of *France*, they often contended for it; and though always with bad Success, yet they occasioned terrible Confusion and Disorder, as will be seen in the following Books of this History.



## C H A P. VIII.

*Of the Usages of the High-Court of the Vicariate; and of the Lawyers who flourished in the Reigns of Queen Joan II. and Renatus; and by whom the famous Pragmatick called Filingiera was penned.*



ALTHOUGH during the Government of this Queen and *Renatus* the Kingdom was in great Confusion, and laboured under cruel Wars, insomuch that Learning and the liberal Arts were little improved, and much less practised, and *Joan* by her lewd Life had sullied the Royal Throne, and turned the Kingdom upside down; yet Learning had not quite left us, and even in the midst of so much Lewdness some Rays of Virtue still shined in that Queen; for she was a great lover of Justice, and wholly intent upon reforming the Tribunals, from which she banished all Avarice in the Ministers and their inferior Officers. That Justice might be duly administered, and the Parties not be imposed upon in the Fees of the Courts, with the Advice of her Counsellors she put a stop to many Abuses, and reformed many things. To which end she reduced the Usages of the Tribunal of the High-Court into a better Form, and established many other new ones.

THIS Tribunal was still reputed the Supreme Court, not only of the City, but of all the Kingdom, to which that of the Vicariate being united, these two Courts thus joined became the most eminent Tribunal of the Kingdom. Although the City of *Naples* had the Court of its *Capitano*, yet that Court could only take Cognizance of Criminal Causes within its own District, but not of Civil, and much less of Feodal, High-Treason, or of many other more weighty<sup>1</sup>; and as Appeals were allowed from that Court, as well as from all the other Courts of the Cities of the Kingdom to the High-Court, it was not much regarded; and it declined so much afterwards, that in the Reign of the Family of *Aragon* it was quite suppressed, and the Cognizance of its Causes were transferred to the Tribunal of the *Vicariate*.

As has been observed in the twentieth Book of this History, this Tribunal was composed of two Courts, viz. that of the Chief Justice, called *Curia Magistri Justitiarum*, and that called *Curia Vicarii*, or *Vicariæ*. By many Regulations of the Kings of the Family of *Anjou*, the Jurisdictions of these two Courts being mutually communicated to one another, in process of time they became one, called *The High Court of the Vicariate*; it being thought needless to consider them as two distinct Tribunals, and to employ many different Ministers, who had the same Power and Authority. The Lord Chief Justice being Head of the High-Court, he came likewise to be President of that of the Vicariate; whence all Decrees and Orders, which are dispatched from the High-Court, are published under the Name of the Lord Chief Justice. Formerly he had Power of appointing his own Lieutenants or Deputies, but he lost that afterwards, and it was reserved to the King and his Viceroy to name them.

FROM this Tribunal's being composed of two Courts, in these Usages the Queen frequently mentions them thus: *In nostris Magnæ, & Vicariæ Curis*<sup>2</sup>; and

<sup>1</sup>Rit. 55. & ult.

<sup>2</sup>In proem & Rit

elsewhere<sup>r</sup>, *Judices ipsarum Curiarum*. Likewise in the Privileges which she granted the Neapolitans, and which are recorded among these Usages<sup>s</sup>, she says, *Quod nulla Curia Civitatis Neapolitanae, tam Scilicet M. Curia Domini Magistri Justitiarum Regni Siciliae, seu ejus Locum tenentis, ac Regentis Curiam Vicariae, quam Capitaneorum, vel aliorum Officialium, &c.*

THIS manner of writing continued during the Reign of the Family of Anjou, including King *Renatus* the last of them; for his Wife *Isabel*, while Regent, in 1436 directing one of her Edicts to *Raimondo Orfino* Lord Chief Justice of the Kingdom, which we likewise read among these Usages<sup>s</sup>, writes thus: *Magnifico Raymundo de Urfinis, &c. Magistro Justitiaro R. Siciliae, & ejus Locum tenenti, nec non Regenti Magnam Curiam Nostrae Vicariae, &c.*

BUT afterwards in the Reign of *Alphonsus*, these two Courts being jumbled together, without any Distinction, even in the Name, this Tribunal was always called the *High-Court of the Vicariate*; whence, some have said, that this Union happened in the time of *Alphonsus*, and not before, of which we have discoursed at large in the abovementioned Book.

NEVERTHELESS Queen *Joan* made many Regulations for this Tribunal concerning the Method of proceeding in Causes, both Civil and Criminal; what was to be observed in drawing up of Processes, that the Suit might be valid; a Rule for clearing the Deeds, for Citations, for Cases of Contumacy, Examination, Proofs, and all that regards judicial Proceedings. She prescribed the Number of Judges, *Mastrodatti*, and their Clerks, and fixed their Fees and Emoluments; and above all she recommended the due Administration of Justice, reforming many Abuses, which had crept into this Tribunal during the many Troubles and Revolutions that had happened in the Kingdom.

AMONG all the Usages which this Queen caused to be published, the two hundred and thirty fifth deserves our Attention most; for though during the Reign of the Family of Anjou, and especially her own, every thing was done according to the good liking of the Popes; yet this Queen did not allow to be abolished that ancient Custom practised in the High-Court, of taking Cognizance of the Validity of Ordination, and obliging a pretended Clergyman to appear personally before her Officers, in order to prove what was requisite, and to subject himself to her Courts of Justice; any thing in the *Decretals* to the contrary notwithstanding<sup>t</sup>, as is expressed in the Usage itself<sup>r</sup>. Yet this was not sufficient to prevent the Ecclesiasticks afterwards in the Pontificate of *Pius V.* from breaking through that ancient Custom, and endeavouring to set aside the Usage, which had been observed for so many Years, as shall be seen in the following Books of this History, when we shall have occasion to treat of the Government of the Duke of *Alcala* Viceroy of this Kingdom.

THESE Regulations were not established all at once by Queen *Joan*, but from time to time by the Advice of her able Lawyers; and it is thought, that the greatest part of them were issued between the Year 1424 and 1431, which were the Years wherein she had some Peace and Tranquillity; for during all the rest of her Reign, her Unsteadiness involved her into so many Troubles and Anxieties of Mind, that she had no time to think of any thing but her own Defence and Liberty.

THESE Usages were afterwards collected into one Body, to which she prefixed a Constitution by way of Preface, whereby she gave them the Force and Vigour of Laws, ordering them to be inviolably observed, not only in *Naples* in the High-Court of the Vicariate, and the other Courts of that City, but also throughout the whole Kingdom: She likewise ordained all other Usages, except these which had been hitherto observed, to be abolished and annulled, and to be of no Force or Effect in the Courts. Whence proceeded that common Opinion of our Authors, that what was observed in the Tribunal of the Vicariate, was a Rule to all the inferior Tribunals of the Kingdom.

THE Authors, who either in writing small Notes or long Comments upon these Usages for the greater Distinction, and that when quoted they might the more easily be found, divided them by Numbers, so that now they amount to three hundred and eleven.

<sup>r</sup> Rit. 14, 34, 39, 46, 50.

<sup>s</sup> Rit. 311.

<sup>t</sup> Rit. 289.

<sup>4</sup> Cap. si Judex Laicus, de Sentent. in 6.

<sup>5</sup> Rit. 235. Quamvis jura Canonica his praedictis videantur aliquantulum refragari

AMONG these they inserted an Edict, which *Isabel*, the Wife of King *Renatus* and Regent of the Kingdom, put forth in the Year 1436, directed, as we have said, to *Raimondo Orfino* Lord Chief Justice<sup>1</sup>: the Inscription runs thus; *Isabella Dei gratia Hierusalem, & Siciliæ Regina, &c. & pro serenissimo, & illustrissimo Principe, & Domino conjuge nostro Reverendissimo Domino Renato, eadem gratia, dictorum Regnorum Rege, Vicaria Generalis*, with this Date; *Datum in Regio, nostroque Castro Capuanæ Neap. per manus nostræ prædictæ Isabellæ Reginæ, A. D. 1436, die 14. mensis Aprilis 14. Indiçt. Regnorum vero dicti Domini Regis II.* And this is the last Statute, which the Kings of the illustrious Family of *Anjou* left us.

AND it is likewise to be observed, that though in the latter end of the Reign of the Kings of that Family, the *Roman* Laws had been revived and restored to their antient Force and Authority, yet the *Longobard* Laws were not quite abolished and in disuse in our Kingdom: There were still some who lived according to these Laws<sup>2</sup>; therefore the *Mundualdi* were given to the Women, without which, both their Consent and Contracts were invalid<sup>3</sup>. And although *Annibale Troisio* and *Prospero Caravita* declare, that these Usages were fallen into disuse, that perhaps may be very true with respect to the Times wherein they wrote their Commentaries, but it was not so in the Reign of Queen *Joan*, who would have bestowed her Labour to very little purpose in making Regulations concerning them, if there had been none in the Kingdom that lived according to the *Longobard* Laws. Besides, we know not if it be true, even with respect to the Times of these Commentators, since in our time in some parts of the Kingdom, the Notaries, where Women are concerned, still insert the *Mundualdi*; and when that is not done, they use to say, that the contracting Parties live *Jure Romano*; of which we have taken Notice elsewhere.

THESE Usages, both for their Usefulness, and as containing a vast many Regulations, especially concerning the drawing up of Processes, and judicial Proceedings, were first explained with small Notes, and afterwards with full Commentaries by our Authors.

THE first was of *Annibale Troisio*, commonly called *Cavense*, because he was born in *Cava*, whom *Gesnerus* has mentioned in his *Bibliotheca*. He ended his Commentaries the first of *November* 1542, as he testifies in the End of the Work. *Cesare Perrino di Napoli*, *Giovan Michele Troisio*, and *Girolamo de Lamberti* made some small Additions to his Commentaries, and they acquired no small Authority in our Courts, and were always very much esteemed. *Giovan Francesco Scaglione* a *Neapolitan* Doctor, but originally of *Aversa*, likewise made some small Commentaries upon these Usages, and made some Observations upon what he had seen practised while he was Advocate in the High-Court; and his Commentaries were for the first time printed in *Naples* in 1553.

THE Fame of both these was eclipsed by *Prospero Caravita* of *Eboli*, who began his Commentaries in *Eboli*, where he was born in *March* 1559, and ended them in *August* 1560. There past not a Day in which he did not employ his Studies, sometimes in *Eboli*, sometimes in *Salerno*, where he was Attorney-General; they were very learned and copious, insomuch that he was reputed the greatest Doctor of all that ever wrote upon these Usages.

LASTLY, In our time appeared Deputy *Petra*, who wrote four Volumes upon them; they rather deserve the Name of a Store-house, than of Commentaries; for besides what was necessary for explaining them, he stuffed his Volumes with so much Variety of Matter, that they contain all that he knew himself, and what he had learned from others; he deviated into sundry Disputes and Points that had happened upon recent Causes, and discussed in his own time; so that he has crammed his Work with many Quotations, and a Multitude of other things quite foreign to the Subject he was about. It may be useful on account of the many Instances of Causes decided in his own time, and for the modern Practice and Custom, both of the High Court, and of the inferior Tribunals.

<sup>1</sup> Rit. 289.<sup>2</sup> Rit. 280<sup>3</sup> Rit. 292.

## S E C T. I.

*Of the Lawyers of these Times, and by whom the Statute called Filingiera was penned.*

THE Lawyers, who flourished in the Reigns of Queen Joan II. and Renatus down to Alphonfus, are not to be compared either in Number or Knowledge to those, who lived under King Robert and Queen Joan I. his Grandchild. They left us none of their Works or Writings. The only Man in these Times that made himself famous was *Marino Boffa da Pozzuolo*, who being employed by the Queen in the most weighty Affairs of the Kingdom, was raised by her to the supreme Office of High-Chancellor; but afterwards having had a Quarrel with the High-Steward *Sergianni*, who so far prevailed upon the Queen, that in the beginning of the Year 1419 she turned him out of his Office, and put *Ottino Caracciolo* in it<sup>1</sup>, which clears the Difficulty started by *Toppi*<sup>2</sup>, viz. how *Marino*, who was Chancellor in the Year 1418, when the Statute *Filingiera* was made, was not in that Office in 1428, when the College of Doctors was instituted.

THERE also flourished *Giovanni de Montemagno*, *Pietro di Pistoja* Judge of the High-Court, and *Giovanni Arcamone* Judge of Appeals in that Court. *Biaggio Cisto*, *Carlo di Gaeta*, *Gorrello Caracciolo*, *Carlo Mollicello*, the Judge *Giacomo Griffò*, and the Abbot *Rinaldo Vassallo di Napoli* had the Reputation of grave Doctors. At the same time flourished likewise *Bartolomeo Bernalia di Campagna*, of whom *Toppi*<sup>3</sup>, makes very honourable mention, and others of less Fame. These were the Lawyers with whom the Queen consulted in her most serious Deliberations.

THESE were employed in the so famous Statute called *Filingiera* made by the Queen at the Request of the High-Steward *Sergianni*, upon an Occasion which we shall relate. *Sergianni* had married *Catarina Filingiera*, the Daughter of *Giacomo* Count of *Avellino*, who in his Testament had appointed his eldest Son *Gorrello* Heir to his Feodal Estates, and *Caterina*, with three others of his Sons, *Alduino*, *Giovannuccio*, and *Urbano* to his Burgage Estates; and besides he left eight hundred Ounces of Gold to *Caterina*, which was given to *Sergianni* as her Portion. *Gorrello* died afterwards without Issue, and the other three remaining Brothers likewise died one after another while they were Minors. The Succession was claimed by *Filippo* their Uncle *Giacomo*'s Brother, by *Riccardo Matteo Filingiero*, Son and Heir of *Riccardo Filippo*'s Brother; by the Exchequer, which pretended that the County was devolved to it, and by *Caterina*, *Sergianni*'s Wife. This last petitioned the Queen, that in regard of her own Service, and those of her Predecessors and Husband, she would not let her go to Law with her Relations, nor the Exchequer; but would be pleased to refer the Decision of the Matter to such Doctors, as her Majesty thought most fit, who, without a formal Process, by examining the Rights of the Parties, should determine whether she or her Relations ought to succeed to the County of *Avellino*, or whether it was devolved to the Exchequer. The Queen granted the Desire of her Petition, and pitched upon *Barino Boffa* the High-Chancellor, and the other abovementioned Doctors for deciding the Cause, who, after having maturely discussed and examined the Point, determined, that *Caterina* ought to succeed, notwithstanding her having got her Portion from her Brother, seeing the Portion was no part of his Estate. The Queen not only agreed to their Decision, but made it a general Law of the Kingdom; and in the Year 1418 published an Edict, whereby it was established, that among those, who lived *Jure Francorum*, the married Sister, who had not got her Portion out of the Brother's Estate, ought not to be excluded from the Succession to his Estate: on the contrary, with respect to those who live *Jure Longobardorum*, the Sister is excluded, if she has got her Portion, either from the common Father, or the Brother. This is that so famous Statute called *Filingiera*, which is dated the nineteenth of *January* 1418, and it

<sup>1</sup> V. Summonte pag. 583. tom. 2.

<sup>2</sup> Toppi tom. 1. de Orig. Tribun. pag. 182.

<sup>3</sup> Toppi Biblioth.

was drawn up in *Castel Nuovo*, and is now inserted in the second Volume of our Statutes, under the Title *De Feudis* <sup>1</sup>, which hath occasioned much Writing, and many Disputes among our Lawyers.

<sup>1</sup> Pragm. 1. de Feud.



## C H A P. IX.

### *The Institution of the College of Doctors in Naples.*

**T**HE University of *Naples*, which flourished so much under King *Charles I.* and *II.* and *Robert* his Son, who adorned it with so many Prerogatives and Privileges, had at first its Rector, who was one of the chief Doctors, then called Masters of the University, to whom *Charles* and *Robert* gave very ample Jurisdiction over the Scholars. This University had likewise its own Judge, and inferior Officers. Afterwards, as we have said elsewhere, the Presidency was given to the Chaplain-Major, who had the Care and Superintendency of it. The University gave the Degrees of Doctor and Licentiate, or Batchelor, as is now practised in the Universities of *France*, and other Kingdoms of *Europe*. Yea, the Power of conferring Degrees was by some looked upon to be so necessary and essential in an University, that without it the Academies did not deserve the Name of Universities <sup>1</sup>. This Doctorship, in the manner it is now conferred, was not known among the *Romans*, nor many Ages after, till the Pontificate of *Innocent III.* And *Conringius* <sup>2</sup> observes, that in the Time of *Alexander III.* who flourished thirty Years before *Innocent*, there was no Doctorship, and it was allowed to all, who had Erudition and Capacity, to teach in the Universities and Schools; and the first of the Chancellors of *Paris* who was honoured with the Title of Master (which in those Times was the same with Doctor now-a-Days) was *Peter Poitiers*, who flourished in the Time of *Innocent III.* <sup>3</sup>. And *Multius* and *Vitriarius* were of Opinion, that these Degrees were introduced in the twelfth Century. Both the Universities of *Naples* and *Salerno* regularly conferred them before Queen *Joan's* Reign; nor was it that Queen who first instituted them, for by her own Writ of Institution, we see, that there were Doctors and Rectors in the Universities appointed for the Creation of others.

QUEEN *Joan II.* resolved to make a separate College of Doctors by chusing them, partly out of the University, and partly out of the other Societies, to which alone she gave Power of conferring the Degrees of Licentiate and Doctor. The first Doctors that were chosen, and who are named in the Writ of Institution drawn up in *Castel di Capuana* in the Year 1428 were Doctor *Giacomo Mele* who was made Prior of the College, *Andrea d'Alderiso*, U. I. D. *Giovanni Crispiano*

<sup>1</sup> V. Jacob. Bern. Mulzium represent. Majest. Imper. p. 2. c. 33. Sect. 2. Ant. Wood Hist. & Antiqu. Acad. Oxoniens. lib. 1. Reinard. Vitriarium G. C. a Dutchman Institut. Jur. pub. Rom. Germ. | 1. 4. tit. 10. Sect. 9. <sup>2</sup> Conring. Antiqu. Acad. dissert. 4. <sup>3</sup> Claud. Emerc. de Acad. Paris. p. 115. Nandeus de antiq. Scholæ Medic. Paris. pag. 17.



Bishop of *Tiano* U. I. D. *Goffredo di Gaeta* Knight and Doctor; *Carlo Mollicello* U. I. D. and Knight; *Girolamo Miroballo* U. I. D. and *Francesco di Gaeta* likewise U. I. D. all *Neapolitans*. In the same Writ of Institution she likewise granted the Superintendency and Jurisdiction, as well in the Criminal as Civil Causes of the Doctors and Scholars, to the High-Chancellor of the Kingdom, which at that time was *Ostino Caracciolo*, without Prejudice however to the Jurisdiction of the Judge of the Scholars<sup>1</sup>; and she put the College under the Direction of the High-Chancellor, or his Vice-Chancellor, whom he should chuse, and assigned them a Beadle, a Secretary and a Notary.

THE first and chief Prerogative which she gave to this College, was to confer the Degrees of Doctor and Licentiate of the Civil and Canon Laws. She prescribed the Presents or Fees, which the Scholars were to give the Vice-Chancellor and the other Doctors of the College, when they received the Degree of Doctor; and among other things she ordered, That the Archbishop of *Naples* should be present at the Acts of Doctorship, and have a Cap and a Pair of Gloves<sup>2</sup>, which in process of Time fell into Disuse, because the Archbishops of *Naples*, being raised to greater Pomp and Grandeur, thought it below them to be present at these Functions, and slighted such small Presents. Lastly, she fixed the Number of the Collegiates, their Election, and the Method to be observed in the Acts of Doctorship; she settled the Precedency, both in sitting and voting, and many other particular Provisions were made, which may be seen in the Charter of Foundation which is printed at large in the Works of Deputy *Tappia*<sup>3</sup>, and *Matteo degli Affitti*<sup>4</sup> likewise makes mention it; and *Summonte*<sup>5</sup> says, That upon many Occasions Copies of it have been laid before the High-Court; and at last *Muzio Recco*<sup>6</sup> likewise printed it with his Glosses which he made upon it, full of Puerilities, and useless Reasoning.

THIS College was composed of Doctors of the Civil and Canon Laws only; therefore it was necessary to establish another of Philosophy and Physick; and the Queen, at the Desire of the High-Chancellor, was very ready to do it: A Year and nine Months after, on the eighteenth of *August* 1430, she granted another Charter for its Foundation. She likewise put this College under the Direction and Government of the High-Chancellor, or his Vice-Chancellor. She gave it a Prior, and for that Office pitched upon *Salvatore Calenda* Prior of the College of *Salerno*, who was also her own Physician. She assigned to it a Notary and a Beadle; and for Members of it, besides *Salvatore Calenda*, she chose *Pericco d'Attaldo d'Aversa* Physician, and Professor of Physick in the University of *Naples*; *Raffaele di Messer Pietro Maffei della Matrice*, Physician and Professor in the said University; *Antonio Mastrilla di Nola* Physician; *Battista da Falconibus di Napoli* Physician, and likewise Professor in *Naples*; *Angelo Galeota di Napoli*, Physician and Professor in the said University; *Nardo di Gaeta di Napoli*, Knight, and her own Physician; *Luigi Trentacapilli di Salerno*, Knight and Doctor of Physick; *Maestro Paolo di Mola di Tramonti*, Physician; *Roberto Grimaldo d'Aversa* Physician; and *Paolino Caproscola di Salerno*, her Domestick and Physician.

HAVING likewise put this College under the Jurisdiction of the High-Chancellor, she ordained him to be Judge-competent both in the Civil and Criminal Causes of the Collegiate Physicians; she also prescribed the Fees, which the Candidates for the Doctorship were to give; she ordered the Trial of the Skill of the Candidates to be upon the *Aphorisms* of *Hippocrates*, and the Books of *Aristotle's* Philosophy and Physicks. The Archbishop of *Naples* was likewise to be present at the Functions, and to have a Cap and a Pair of Gloves; the Divines were also to have a Pair of Gloves, and so of the rest, as may be seen in the Charter. She fixed the Method of conferring the Degrees, and prescribed the Number, Election, and Precedency of the Collegiates.

IT is to be observed, that not only the Natives and Citizens of the City of *Naples* were admitted into these two Colleges, but also the Natives of the Kingdom, who

<sup>1</sup> Privileg. Reg. Jo. II. Non quod per hoc, nec per infra-scripta tollatur privilegium Justitiariorum ab antiquo concessum.

<sup>2</sup> V. Chiocar. de Archiep. Neap. in Nicolao de Diano, fol. 271.

<sup>3</sup> Tappia Jus Regni, lib. 2. de offic. M. Cancellarii, pag. 407.

<sup>4</sup> Affitt. Decif. 41.

<sup>5</sup> Summont. tom. 2. lib. 4. pag. 603.

<sup>6</sup> Recco super privileg. Jo. II.

for four Years successively had publickly taught in the Schools. *Affitto*<sup>1</sup> mentions this Charter likewise; and *Summonte* atteits<sup>2</sup>, that a Transcript of it has upon Occasion been laid before the High-Court, and Deputy *Tappia* caused it to be printed in his *Jus Regni*.

TO these two was afterwards added the College of Divinity, composed of Divines, and for the most part of Claustral Superiors and Professors. They teach Theology, and give Letters of Licentiate. This College is also under the Jurisdiction of the High-Chancellor, and acknowledges him for its Head and Governor: So the College of *Naples* is now composed of three Orders of Doctors, viz. those of the Civil and Canon Laws, of Philosophy and Physick, and of Divinity. A College, which though it yields to that of *Salerno* in Antiquity, yet, according to the Vicissitude of worldly things, it hath been so much exalted above the other, that now it not only contends for the Preheminency, but for the Number and Learning of its Professors; and so much hath it become superior, as the one City excels the other in Magnificence and Eminence.

THE succeeding Kings of the Houses of *Aragon* and *Austria* established many Regulations concerning the Administration and Government of this College, the Requisites necessary in those that were to take Degrees, all which we read in the Volume of our Statutes; and Deputy *Tappia*<sup>3</sup> collected many of them under the Title, *De officio M. Cancellarii*. *Giovan Domenico Tassone*<sup>4</sup> likewise treats of them in his *Promptuarium de Antefato*; and lastly *Muzio Recco*<sup>5</sup> caused a Volume of them to be printed, wherein he gives us a long Catalogue of all the Doctors of this College from the Year 1400 to 1647, which Catalogue has by others been continued to our Time.

<sup>1</sup> Affitt. Decif. 41.

<sup>2</sup> Summ. Tap. loc. cit.

<sup>3</sup> Tappia Jus Regni lib. 2. de Offic. M. Cancel. pag. 417 ad 423.

<sup>4</sup> Tasson. de Antef. vers. 3. observ. 3. num.

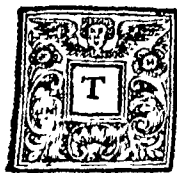
255.

<sup>5</sup> Recco in privilegio Jo. II.



## CHAP. X.

*The Polity of our Churches during the time of the Schism, to the Reign of the House of Aragon.*



THE Revolutions which happened between the Death of the wife King *Robert*, and the quiet and peaceable Reign of King *Alphonsus*, disturbed no less the political and temporal State of this Kingdom, than the ecclesiastical and spiritual of our Churches. The Schism that arose on account of the Elections of *Urban VI.* and *Clement VII.* made us acknowledge at one and the same time not only two Kings, but two Popes; and the Kingdom being divided into Factions, as these miserably afflicted the State, so they put the Priesthood into Confusion, and continual Convulsions and Disorders. Whoever had the Favour and Countenance of our Kings, was looked upon among us to be the true Pope. The Indisposition of the Head made all the other Members languish; whence the Prelates of our Churches were at one time installed, and at another turned out of their Sees, according to the various Fortune of the contending Princes. *Urban VI.* in the beginning of his Pontificate, which was in the Year 1378, was acknowledged by us for Pope; but the Defects of his Election being afterwards discovered, and that the Cardinals had a Mind to declare it void, and elect another, our Queen *Joan I.* for the Reasons given in

in the XXIII. Book of this History, favoured and assisted the Cardinals in their Design, and got the Election to be made in *Fundi* within her Dominions, where that same Year they elected Pope *Clement VI.* who was by her received and adored in *Naples* as true Pope. This occasioned terrible Disorder in our Churches, and especially in *Naples*; for the Archbishop *Bernardo*, who was in Possession of the See, having adhered to the Queen's and *Clement's* Party, was deposed by *Urban*, and the Abbot *Lodovico Bozzuto* created Archbishop in his room, who, raising a Commotion among the People, got Possession of the See, and turned out *Bernardo's* Family. But the Queen, having quelled the Tumult, drove out *Bozzuto*, caused his Houses to be pulled down, ruined his Lands<sup>1</sup> and restored *Bernardo*, who governed that Church, till *Charles III.* of *Durazzo* took Possession of *Naples*. *Charles* being invited by *Urban*, who had excommunicated the Queen, and given him the Investiture of the Kingdom, caused the Queen to be strangled, possessed himself of the Kingdom, and cruelly oppressed all her Adherents, divesting them of their Fiefs, Dignities and all their Goods. On the other hand *Urban*, in order to be revenged of those, who had adhered to *Clement*, immediately sent Cardinal *Gentile di Sangro* as his Legate into the Kingdom, who, greatly outdoing *Charles* in Cruelty, barbarously persecuted all the Archbishops, Bishops, Abbots, Priests, and in a Word all the Clergy of the Kingdom that had sided with *Clement*, imprisoning, tormenting, and stripping them of all Dignities, Benefices, and Goods, not pardoning either Age, Rank, or Condition whatsoever; and *Urban*, commending the Rigour of his Legate, in order to add to the Misery of the Sufferers, and to deprive them of all Hopes, put others immediately in their Places: and it is told as a thing very extraordinary, that in one single Day he created thirty two Bishops and Archbishops, for the most part *Neapolitans*; and he had a singular Regard for those who had assisted King *Charles* in the Conquest of the Kingdom, requiring no other Merit but that<sup>2</sup>. The Legate not content with this, one Day in the sight of King *Charles*, his chief Courtiers, and of the People of *Naples*, caused ignominiously to be brought to him, in the Church of *S. Clara*, *Girardo di Giffoni* General of the Order of the Friars Minors of *S. Francis*, who had been made a Cardinal by Pope *Clement*; *James de Viss* a Frenchman Archbishop of *Otranto*, and Patriarch of *Constantinople*, made Cardinal by *Clement*, and sent into the Kingdom as his Legate; *Casello* Bishop of *Chieti*, and a certain Abbot named *Mafello*, who had been in the Queen's Interest, and forced them to abjure *Clement*, and acknowledge *Urban*: then he caused them to be stripped of their Habits, red Hats, Mantles, and their Episcopal Hoods, and a Pile of Wood being kindled, he caused these Spoils to be burnt; afterwards they were led back to a dark Prison, where they remained for a long time<sup>3</sup>. And *Theodore de Nismes*<sup>4</sup> relates, that the Cruelty which the Cardinal *di Sangro* exercised in the Kingdom against the Archbishops, Bishops, Abbots, Priests, and the other Clergy in the Queen's Interest, and who had acknowledged *Clement*, was such, as could not be mentioned without Horror.

BUT soon after *Urban's* Partizans were interrupted, for *Lewis I.* of *Anjou* having been adopted by Queen *Joan*, and invested with the Kingdom by Pope *Clement*, in 1383 came to conquer it. *Urban* opposed him, and left nothing unattempted in order to frustrate his Design; and coming to *Naples*, he declared him a Schismatick, excommunicated him, and published a *Crusade* against him, granting plenary Indulgences and Remission of all Sins to all those who should take up Arms against him, and made King *Charles* Standard-bearer of the Holy Church, and blessed the Standard, which he delivered him at a solemn Mass in the Cathedral Church of *Naples*. And Money being wanted to support this cruel War, he empowered *Filippo Gezza* and *Poncello Orfino* two of his Cardinals to sell and mortgage the Lands and Goods of all the Churches, although the Prelates and Chapters should dissent; and then a terrible Havock was made of our Church Lands, for the pressing Necessities of the War requiring it, *Charles* was forced to sell them at a very low Price<sup>5</sup>. While *Charles* lived, the *Anjou* Faction gained little or no Ground: but upon his Death King *Lewis* invaded the Kingdom, turned Queen *Margaret*, the

<sup>1</sup> V. Chioccar. de Archiep. Neap. in Bozzuto, anno 1378.

<sup>2</sup> Ciaccon. in Urbano VI. & in Cardinali Gentili de Sangro.

<sup>3</sup> Ciaccon. loc. cit. Diar. Ducis Montis leon Jo. Baptista Carafa Hist. Neap. lib. 6.

<sup>4</sup> Theodor. de Schism. lib. 1. cap. 26

<sup>5</sup> Ciaccon. in Urbano VI.

deceas'd King's Widow, with her Son *Ladislaus* out of it; and in the Year 1386 confined them to *Gaeta*.

WHEREUPON *Clement's* Faction prevailing in the Kingdom, that of *Urban* was quite humbled. In the mean time, *Bernardo* dying in the Year 1380, *Clement* in his room had made *Tommaso de Amanatis* Archbishop of *Naples*, who, during *Bozzuto's* Intrusion, and while *Urban's* Faction prevailed, resided always in *Avignon*, where *Clement* likewise made him a Cardinal, and where he died; Writers differ no less about the Year of his Promotion, than of his Death<sup>1</sup>; and *Clement* immediately appointed *Guglielmo* to succeed him in the Archbishoprick. On the other hand *Urban*, *Bozzuto* dying in the Year 1384, did not fail to name *Niccolo Zannsi* to be his Successor; but he, by sticking fast to Queen *Margaret's* Party, as well as *Tommaso*, died in Exile from his Church, which he had resigned in *Cremona* in the Year 1389. *Urban* notwithstanding before he died in the Year 1386 having named *Guindazzo* to be his Successor, who, with great Constancy adhering to *Urban's* Party, and the *Anjou* Faction prevailing, could not enjoy peaceable Possession of his Church; for Queen *Margaret* and *Ladislaus* being confined to *Gaeta*, and the City of *Naples* and the Kingdom being under Subjection to King *Lewis* and Pope *Clement*; the Archbishop *Guglielmo* was acknowledged by the *Neapolitans*<sup>2</sup>.

POPE *Clement* was resolved not to be behind hand with *Urban* in opposing *Ladislaus*, who, being now grown up to Man's Estate, was preparing to make an Attempt upon the Kingdom, in order to drive his Competitor *Lewis* out of it; whereupon *Clement*, residing in *Avignon*, empowered King *Lewis*, and those of his Party who governed the Kingdom, to make use of all the Gold and Silver Vessels of the Churches for coining Money to support the War against *Ladislaus*, which was accordingly done, for all the Church Plate was partly coined, and partly sold, to the inestimable Damage of the Churches<sup>3</sup>. Yet we don't find, that *Clement* used the Bishops and Abbots in his Rival's Interest, so cruelly as *Urban* did by the Means of the Cardinal *di Sangro*.

POPE *Clement's* Party prevailed till the end of the Year 1389, when *Ladislaus*, having gathered Strength, and his Party Courage, regained a good part of the Kingdom; and now our Churches were involved in greater Confusion than ever; for in the Heat of the War, as the Fortune of the contending Princes changed, the Prelates and the other Clergy had the same Fate. Nor was the Death of *Urban*, and that of *Clement* soon after, sufficient to put an end to the Schism; for as the Cardinals of *Urban's* Faction elected *Boniface IX.* in his room, so *Clement* dying in *Avignon* in the Year 1394, his Cardinals immediately elected *Benedict XIII.* and as *Boniface* favoured King *Ladislaus*, so *Benedict* sided with King *Lewis*, whom he confirmed in the Possession of the Crown, by granting him new Investiture. And the Kingdom being thus divided, *Boniface* was acknowledged by his Party, and *Benedict*, who resided in *Avignon*, was owned by all the *Anjou* Faction, and the Prelates were always afraid of being turned out; whence *Ladislaus*, in order to strengthen his Interest, assured the Friends of the timorous Prelates, that they should not be deprived of their Sees, and gave his Promise to *Galeotto Pagano*, that his Brother *Niccolo Pagano*, who was in *Benedict XIII.'s* Interest, should not be turned out of the Church of *Naples*, but that he would do his utmost to maintain him in it; as he likewise promised to *Giacomo di Diano* to continue *Niccolo di Diano* his Brother Archbishop of *Naples*, and not suffer him to be removed or translated upon any Account whatsoever; as may be seen in the Letters of that King recorded by *Chioccarelli*<sup>4</sup>. And as long as the *Anjou* Faction was able to make Head against *Ladislaus*, our Churches were no less harassed than the Cities, till at last that Faction being crushed, and King *Lewis* returned to *France*, and *Boniface IX.* *Innocent VII.* and *Gregory XII.* his Successors being attached to *Ladislaus*, they recovered greater Power and Vigour.

WHILE *Benedict XIII.* kept his See in *Avignon*, and *Gregory XII.* his in *Rome*, the Cardinals of both Colleges, in order to remove the Schism, agreed upon an Expedient to join in Council in *Pisa*, and to elect a new Pope, and depose both *Be-*

<sup>1</sup> Chiocc. in Archiep. Neap. in Thom. anno 1380. Collenuc. lib. 5. Comp. Reg.

<sup>2</sup> Chiocc. in Archiep. Guglielmo, anno 1388.

<sup>3</sup> S. Antonin. in 3. p. Hist. tit. 22. cap. 2. Sect. 14.

<sup>4</sup> Chiocc. de Archiep. Neap. anno 1399. fol. 257. & anno 1412. fol. 266.

*Benedict* and *Gregory*, as they did, by electing *Alexander V.* but that Council was of no Service to us, because King *Ladislaus* continued to acknowledge *Gregory*, and received him into the Kingdom; he ordered all his Subjects to own him for lawful Pope, and assigned him the Castle of *Gaeta* for a secure Sanctuary, where he remained for a long time, in spite of *Alexander*, who therefore employed *Baldassar Cossa* Cardinal Deacon, who soon found Means to make himself Master of *Rome*; to drive out *Ladislaus's* Officers, and fix *Paolo Orsino* there. But *Alexander*, who was seventy Years of Age when he was elected Pope, did not live long after his Election; he died in *Bologna* in the Year 1410, and *Baldassar Cossa*, a bitter Enemy to *Ladislaus*, succeeded him, and took the Name of *John XXIII.* This Pope, who had been favoured in his Election, and recommended by King *Lewis II. of Anjou* *Ladislaus's* Rival, was no sooner fixed in *S. Peter's* Chair, than he resolved to strip *Ladislaus* of the Kingdom of *Puglia*; and at last raised a great Army against him, with which he marched to *Capua*, defeated him, and returned in triumph to *Rome*. But *Ladislaus*, who was a Prince of an invincible Spirit, soon recovered himself so, as to oblige the Pope to be willing to be at Peace with him, which was made with this Condition, That he should turn *Gregory* out of his Dominions, and get *John* to be acknowledged in them for true Pope. *Ladislaus* put the Treaty in execution, so that *Gregory* was forced to seek Refuge in *Marca d'Ancona*, under the Protection of *Carlo Malatesta*, where he remained till the Council of *Constance*. *Gregory*, who to the Year 1412 had been obeyed as true Pope in *Naples*, being thus discarded, *John* was after that acknowledged as such there till the Year 1415, when he was deposed by the Council of *Constance*, and at last submitting to the Sentence, he stripped himself of the Pontifical Habit.

NO other Pope was acknowledged in our Kingdom during the time between *John's* Deposition, and the Election of Pope *Martin V.* by the Council of *Constance*, which was in the Year 1417. so that for almost two Years and a half the Apostolick See was looked upon with us to be vacant; whence in all Writings penned in *Naples* during that time, the Name of no Pope was mentioned, but *Apostolica sede vacante*; for as *John* was no more to be reputed Pope after his Deposition by the Council, so *Gregory* and *Benedict* being deposed were much less accounted such with us. But *Martin V.* being elected by the Council, as he was acknowledged by almost all the Catholick World for true and lawful Pope, so by our Princes, and all the Churches and People of the Kingdom he was respected and owned for the only and true Pope; and although King *Alphonfus*, in order to keep Pope *Martin* in Awe, still sided with *Benedict XIII.* and he dying in 1424 espoused the Interest of *Clement VIII.* his Successor, elected by two Cardinals only, who had continued with him; yet that made no Alteration among us, as well because *Alphonfus* did not hinder his Subjects from acknowledging *Martin*, as that he had his own Ends that prompted him to protect *Clement's* Party; besides, he was disgusted at *Martin* because he had invested *Lewis III.* his Rival and Competitor with the Kingdom. But their Quarrels being made up, *Alphonfus* sent the Cardinal *de Foix* his Ambassador to *Spain* to get *Clement* to yield, who in the Year 1429 was forced to renounce all his Right in the Hands of the Ambassador; and the Cardinals which he had made, likewise renounced their Cardinalships; and thus ended the Schism, which for the Space of fifty one Years had miserably rent the Church; and *Martin V.* remained sole and only Pope, acknowledged by all the West.

BY this Means Peace was restored to our Churches, which were not in the least disturbed by the Schism renewed by the Council of *Basil*, which in the Year 1439 having deposed *Eugene IV.* *Martin's* Successor, had confirmed the Election made by their Commissaries of *Amadeus* Duke of *Savoy*, who took the Name of *Felix V.* for tho' *Alphonfus*, for Reasons, which shall be told in the following Book, favour'd him, yet he was never acknowledged for Pope by our Churches, they still continuing in their Obedience to Pope *Eugen*, as, after his Death, which happen'd 1447. they did to *Nicholas V.* his Successor, by whose Election the Schism ended; for he being a mild and peaceable Man, readily gave ear to the Proposals of Accommodation which were made him by the Christian Princes; and, on the other hand, *Felix* and his Adherents, being likewise disposed to Peace, he was induc'd to renounce the Pontifical Dignity; and it was agreed, that he should continue to be the first among the Cardinals, and perpetual Legate of the Holy Church in *Germany*.

THE Council of *Constance* remedied the preceding Disorders of our Churches, seeing for the Sake of Peace, and to prevent Disputes between the two Factions, which of the two contending Parties ought to be reputed the true and lawful Pope, and by consequence, what Elections and Provisions made by them ought to be valid, it took care that the Cardinals, Bishops, Abbots, benefic'd Persons, and all the Officers, whichsoever of the two they obeyed, should be maintained in the Possession of their Benefices and Posts; and that the Dispensations, Indulgences and other Favours granted by either of the two Popes, as also the Decrees, Dispositions and Regulations made by them ought to take effect<sup>1</sup>. Thus did our Churches remain in Peace, as also the Church of *Rome*, after the Election of *Nicholas V.* till the end of this Century; and the Popes busied themselves more afterwards in the Wars of *Italy*, and in taking care to maintain their temporal Power, and establish their own Families, than in Ecclesiastical Affairs. They were likewise taken up with those who usually came to *Rome* for the Canonization of Saints: For obtaining Privileges to Monasteries: For the Affairs of so many and different Religious Orders: For obtaining Indulgences and Dispensations, with Disputes between Churches and Ecclesiasticks, which were all drawn to *Rome*, whither Collations of all Benefices, Reservations, *gratiæ expectativæ*, Anticipations, Annats, and all Elections to Bishopricks and Abbeys, and other Provisions of Benefices were likewise drawn, with Disputes between the secular and regular Clergy about the Administration of Sacraments, and with many other Affairs; whence they had Occasion to establish so many Bulls and Decrees, which in process of time grew to so great a Number, that they are now collected and make five large Volumes, under the Title of *Bullarium Romanum*<sup>2</sup>.

<sup>1</sup> Baluz. in Præfat. ad vitas Papar. Aven.

<sup>2</sup> Struv. Hist. Juris Canon. cap. 7. Sect. 32.

## S E C T. II.

### *Of Monks and Temporalities.*

DURING the time of the Schism, our Churches made no remarkable Acquisition of Temporalities, for the Clergy were in little Repute; on the contrary the obstinate Wars that happened, often obliged our Princes, with the Permission of the Popes, to make terrible Havock of the Church Lands, even to sell and mortgage them, and to make use of the Gold and Silver Plate for paying the Soldiers. The old Monks, having now lost the Reputation of Sanctity, were not regarded. All the Devotion of the People centered upon the new Religious Orders which were daily starting up; and as we have observed elsewhere, in the Reign of the Family of *Anjou*, the Orders most in vogue were the *Mendicants*, and of these the *Preaching Friars* and *Friars Minors* were in the greatest Esteem. Queen *Joan II.* to make Amends for her lewd Life, at last began to have a great Regard for them, and to give her Mind to Works of Piety. Besides her having founded a new Hospital in the Church of the Annunciation of *Naples*, and endowed it with great Revenues, and her having enlarged the Hospital and Church of *S. Nicholas*, out of Affection for the *Friars Minors* she repaired the Monastery of the Cross in *Naples*, and ordained, That all those, who in her own time, Queen *Margaret's*, and *Ladislaus* her Brother's, had robbed the Publick, should be acquitted, by paying two *per Cent.* of what they had robbed; and for that end a Trunk was placed within the Monastery of *S. Maria della Nuova*, whither the Robbers were to carry the Money, which she designed for the Reparation of that Monastery<sup>1</sup>. Out of Regard for Sister *Clara*, formerly Countess of *Melito*, she gave many Farms to the Monastery of *S. Anthony* of *Padua*; and confirmed the Privileges and Concessions granted by Queen *Joan I.* to the Monastery of *S. Martin* above *Naples*, of having the Direction of the Hospital dell' *Incoronata* founded and endowed by the said Queen *Joan I.* exempting the Church and all its Moveables and Immoveables from paying any publick Burdens, that the Sick might be the better treated; the Estate and

<sup>1</sup> S<sup>u</sup>mmont. tom. 2. lib. 4. pag. 620.

Franchises are still remaining, but the Hospital, as *Summonte* says<sup>1</sup>, is laid aside, and where the Sick were taken care of, there are now Magazines of Wine.

• THIS Queen had likewise a great Regard for *Giovanni da Capistrano* a Friar Minor, and Disciple of *S. Bernardin* of *Sienna*, who in his Youth having applied himself to the Study of the Law, became eminent in that Profession, and was made Judge of the High-Court of the Vicariate; but afterwards renouncing the World, he turned Monk, of the Order of *S. Francis*, and became more famous for his Expeditions, than his Treatises upon the Laws and Morality which he left us, and whereof *Toppi*<sup>2</sup> made a Catalogue. He took upon him the Command of a Crusade against the *Fraticelli*, and the *Hussites*, and went in Person at the Head of the Troops that were making War upon the *Bobemians*. Queen *Joan* likewise gave him a Commission to hinder the Jews of our Kingdom from taking Usury, and to force them to wear the Hebrew Letter *Thau*, as a Badge to distinguish them from Christians. He was also renowned for the surprising Relief, which he gave the City of *Belgrade* besieged by the *Turks*, and for his other martial Achievements, which he performed in *Hungary*, where in the Year 1450 he ended his Days.

THE Rise of a new Order in these Times afforded an Opportunity to our Princes of the House of *Aragon*, to shew themselves as profuse in bestowing Riches upon the Monks, as those of the Family of *Anjou* had been. This was the Order of *Monte Oliveto* instituted in *Italy* by three *Siennese*, who having retired to the County of *Monte Alcino* to lead a solitary Life on a Mountain called *Oliveto*, and being charged as Broachers of new Superstitions, they were forced to appear before Pope *John XXII.* to vindicate their Institution, who gave it in Commission to the Bishop of *Arezzo*, in whose Diocesis *Monte Oliveto* is situate, to prescribe a Rule to them, whereby they were to live: The Bishop caused them to be clothed with white Garments, and gave them the Rule of *S. Benedict*; and they having built a Monastery on that Mountain, which is now the Head of this Society, in a short time after many others of the same Order were built in *Italy*; so that in the Year 1372. Pope *Gregory XII.* approved of this new Order, and *Martin V.* likewise confirmed it. These new Religious were introduced into *Naples* by *Gurrello Origlia* a Gentleman of *Porto*, Great Protonotary of the Kingdom, and in great Favour with King *Ladislaus*, who in the Year 1411 built for them from the Foundation a Church and Monastery, endowing it with a hundred and thirty three Ounces of Gold yearly for the Maintenance of twenty four Monks, and fourteen Lay-Brothers. He likewise assigned them many Farms and other Revenues, and among others the Fiefs of *Savignano*, *Cotugno*, and *Casa Alba* in the Territory of *Aversa*; the Territories of *Echia*, with the vast Revenues which they yield, only reserving to himself and Successors a Wax Candle of a Pound weight, which the Monks were obliged to present yearly on *Candlemas-Day*, as a Symbol of Patronage, which he reserved to himself as Founder of that Church<sup>3</sup>.

BUT afterwards in the Times of the Kings of the same Family of *Aragon*, their Acquisitions and Riches grew much greater; and *Alphonfus II.* above all others, a great Admirer of this Order, was most lavish in heaping Riches upon them, for besides having given them a vast deal of costly Furniture, and Plate, and enlarged their Monastery, and beautified it with excellent Pictures: he likewise gave them three Villages, viz. *Teverola*, *Aprano*, and *Pepona*, with both Civil and Criminal Jurisdiction. Which Example was followed by the other Kings of the House of *Aragon*, whose Reign we are now going to relate.

<sup>1</sup> Idem loc. cit.

<sup>2</sup> Toppi de Orig. Tribunal. part. 1.

<sup>3</sup> Eugen. Nap. Sacr. di Monte Oliveto.







T H E

# CIVIL HISTORY

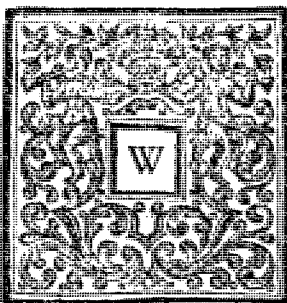
Of the KINGDOM of

# N A P L E S.

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B O O K XXVI.

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WHEN the Kingdom of *Naples* was transferred from the Family of *Anjou* to *Alphonfus* King of *Aragon*, although it came under the Dominion of a most powerful King, possessed of so many hereditary Kingdoms, such as *Aragon*, *Valencia*, *Catalonia*, *Majorca*, *Corfica*, *Sardinia*, *Sicily*, *Rouffilion*, and many other flourishing Dominions; and new Families, new Customs, and Fashions were brought to it from *Spain*, yet it luckily happened that this magnanimous King did not treat it as a foreign Kingdom; nor did he look upon it as a Province of the Kingdom of *Aragon*, but had as great a Regard for it as if it had been his antient and native Kingdom; yea, what is more, he erected a Tribunal in the City of *Naples* so eminent, that, by way of Appeal, he ordered not only the Causes of these our Provinces, but all those of his other vast Dominions to be brought before it.

WHETHER it was upon account of the Sweetness of its Climate, or its Grandeur, and the vast Number of its illustrious Barons and Nobility; or whether it was his Love for his dear *Lucretia Alagna*, it is evident that he preferred this Kingdom to all his other Dominions, and it never was in so flourishing a Condition, as in his Reign. He fixed his Royal Residence in *Naples*, where he resolved to pass the Remainder of his Life; and, as if he had forgot his paternal Dominions, all his

his Care, and all his Thoughts were employ'd about this Kingdom. *Sicily*, which had been divided from *Naples* ever since the famous *Sicilian Vespers*, was now united, and likewise reaped great Advantage. By the Union of these two Kingdoms, *Alphonfus* began to take the Title of King of both the *Sicilies*, *Ut & hinc*, as *Fazzello* says<sup>1</sup>, *Pontificum Romanorum auctoritatem non improbare, & vetustam observationem non negligere videretur, non ignarus, cum eruditissimus esset, illius usurpatam esse, & novitiam vocem*; which Title, the Kings his Successors, who governed both these Kingdoms, likewise took. But the chief Cause, that, even after the Death of *Alphonfus*, this Kingdom maintained its own Dignity, and preserved its own Kings, and did not depend upon foreign Princes, who bying their Residence elsewhere must govern by their Ministers, as it happened afterwards in the Time of *Ferdinand the Catholick*, was, that *Alphonfus* took care, in case he should have no lawful Heirs of his own Body, that the Kingdom of *Naples* should not go with his hereditary Dominions to his Brother *John* and his Successors Kings of *Aragon*; therefore he legitimated, and, with the Consent of the People, invested *Ferdinand* of *Aragon* his Bastard Son with it, in whose Race it continued for many Years, till the Death of *Frederick* of *Aragon* the last King of that Line; so that the Kingdom was governed by its own native Princes till the Reign of *Ferdinand the Catholick*; for they having no other Kingdoms, the Kingdom of *Naples* was their only Seat and native Country.

THEREFORE the City and Kingdom of *Naples* are much indebted to *Alphonfus*, who, neglecting his other Dominions, fixed his Residence in that City; and to the ancient *Norman*, *Suevian*, and *French* Nobility adding another a new one, which he brought from *Spain*, he augmented and adorned it with new illustrious Families; such as the *Cavanigli*, the *Guevara*, the *Cardenes*, the *Avalon*, and many others, which are still among us; and with their noble Blood grace this Kingdom; besides the *Villamarini*, *Cardona*, *Conteglia*, *Periglios*, *Cordova*, and many other noble Families now extinct. He settled the Affairs of the Kingdom by frequent Parliaments, better Laws, and new Tribunals.

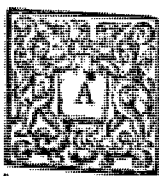
IT is not my Intention, neither would it answer the Design of this Work to relate his noble and excellent Actions; there are particular Authors who have accurately and at large given Account of the famous Exploits of this Hero, viz. the two *Antonies*, *Zurita*, *Panormita*, *Bartolommeo Facio*, *Aneas Sylvius*, *Pope Pius II.* the famous *Costanzo*, *Spiegello*, *Gaspare Pellegrino*, and many other renowned Historians. Therefore it will be sufficient for our Purpose to relate what belongs to the Government of the Kingdom under this Prince; what Novelties were introduced, and what Changes and Alterations happened, as well in the Ecclesiastical and Spiritual, as in the Civil and Temporal State.

<sup>1</sup> Fazzel. de Reb. Siculis, Decad. 1. lib. 1. cap. 3.



## C H A P. I.

### *Of the Articles and Privileges granted to the City and Kingdom of Naples, and to the Barons thereof.*



**A**FTER *Alphonsus* had entirely crushed the *Anjou* Faction, and reduced all the Kingdom to his Obedience, he resolved to call a general Parliament, in order to settle many things which the late Wars had disturbed and confounded. He summoned it to be held in *Benevento*, and sent Letters over all the Provinces to the Barons and Royal Cities to meet there on an appointed Day; but the *Neapolitans* begged of him, that he would be pleased to hold it in the City of *Naples*, the *Metropolis* of the Kingdom, with which he complied: In this Parliament there were only two Princes, for at this time there were no more in the Kingdom, *viz.* *Balzo* Prince of *Taranto*, and *Orsino* Prince of *Salerno*, the first High-Constable, and the other Lord Chief Justice; all the other five Officers of the Crown were likewise present; four Dukes, *Marzano* Duke of *Sessa*, *Orsino* Duke of *Gravina*, *Sanseverino* Duke of *S. Marco*, and *Caracciolo* Duke of *Melfi*: (*Acquaviva* Duke of *Atri*, and other Barons, who had sided with *Renatus* were likewise summoned, but durst not venture to appear before the King) two Marquisses, *Centeglia* Marquis of *Cotrone*, and *Aquino* Marquis of *Pescara*; many Counts, and very many Barons and Knights, of whom *Cosfanzo* and *Summonte* have made long Catalogues.

**A**T the opening of this Parliament the King said, That since he had freed the Kingdom from foreign Invasions, in order to maintain it in Peace for the future, and to defend it against any that should endeavour to disturb it, there was a Necessity to lay a yearly Tax upon the whole Kingdom for maintaing Men at Arms for its Defence, which being taken into Deliberation, it was concluded, to lay a Tax of a Ducket upon every House, to be paid yearly over all the Kingdom; in Consideration of which, the King was to give to every House a *Tommolo* of Salt, and to take off all former Taxes<sup>1</sup>. At the same time that this Offer was made, they sought other Favours of the King, who accepted the Offer, and promised to pay a thousand Men at Arms, and ten Gallies for guarding the Kingdom both in Peace and War, and generously granted all the Favours that were asked.

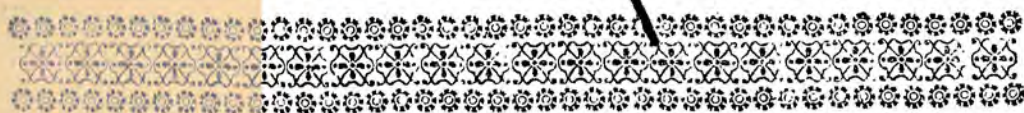
**H**E granted many Privileges, which are now printed in a particular Volume; among others it was established, That all poor and indigent People should have a publick Audience every *Friday*: That an Advocate should be appointed for them, with a yearly Salary to be paid out of the Exchequer: That in place of the Lord Chief Justice, his Lieutenant, or Deputy, should always be present in the High-Court of the Vicariate for the Administration of Justice: That the Privileges granted to the Barons should be preserved entire: That they should be freed from the Tax called *Adoa*: That every House, upon Payment of ten *Carlins*, should be furnished with a *Tommolo* of Salt; and other Privileges and Favours were granted, not only to the City of *Naples*, but to all the Corporations and Cities of the Kingdom.

**A**LPHONSUS's Example was imitated by the Kings his Successors, who on the like Occasions having demanded new Taxes and Donatives of great Sums, granted other Favours to the Cities and Kingdom. Many of which were granted by *Ferdinand I.* *Alphonsus II.* *Ferdinand II.* *Frederick*, and *Ferdinand the Catholick*, and his Plenipotentiary the *Great Captain*, *Charles V.* and *Philip II.* so that in the

<sup>1</sup> Michael Riccius lib. 4. de Regib. Neap. & Sic. Cum prius unaque Civitas, oppidumve pro numero, amplitudineque, & opibus, stipendia penderet per collectas, ut aiunt.

Year 1588 their Number was such, that *Niccolo de Bottis* thought fit to collect them into one Volume, which he caused to be printed in *Venice*, and dedicated it to the President *de Franchis*.

BUT in process of time, other Favours being granted by King *Philip II.* III. and IV. *Charles II.* and in our Time by the Emperor *Charles VI* to the great Advantage of the Publick, another Volume has been collected and printed in *Naples* in 1719, wherein are contained the remarkable Privileges and most signal Favours granted to the City of *Naples* and Kingdom by our present most august and most clement Prince; which, as Occasion offers, we shall mention in this History.



## C H A P. II.

*Ferdinand of Aragon, Alphonfus's Son, declared Successor of the Kingdom. Peace concluded with Pope Eugne IV. who gives them Investiture of the Kingdom.*



IN this Parliament the Succession of the Kingdom was likewise declared in favour of *Ferdinand Alphonfus's Son*; for the King's most favourite Barons, being sensible of the Affection he had for this Son, though a *Battard*, whom he had legitimated \*, and declared capable of succeeding to all his Dominions, particularly to the Kingdom of *Naples*; and knowing it would be very acceptable to the King, proposed to the rest to ask the Favour, that he would be pleased to appoint *Don Ferdinand* to be his Successor, and give him the Title of Duke of *Calabria*, usually given to the eldest Sons of our Kings; whereupon *Onorato Gaetano*, who had been unanimously deputed by all the Barons, kneeling before the King, begged of him, that seeing his Majesty had settled Peace in the Kingdom, and granted to many Favours, in order to perpetuate them, he would be pleased to declare the most illustrious Lord *D. Ferdinand* his only Son, Duke of *Calabria*, and his Successor †; and the King, with a joyful Countenance, ordered his Secretary in his Name to make the following Answer: *His most serene Majesty the King reckons himself infinitely obliged to his illustrious, worthy, and magnificent Barons for the Request made in favour of the most illustrious Lord D. Ferdinand his most beloved Son; and in Compliance with your Desire, from this time forth he entitles and declares him Duke of Calabria, and immediate Heir and Successor of this Kingdom, and is content, that from this Day an Oath of Fidelity be sworn to him.* Whereupon *D. Ferdinand* with great Rejoicing was proclaimed Duke of *Calabria*, and Successor of the Kingdom; and all the Officers and the said Barons, *Ore & manibus*, took an Oath of Fidelity to him; of which a publick Instrument was drawn up this Year 1443 in presence of many Barons, which is inserted in the Volume of the abovementioned Privileges. The Day following the King with *D. Ferdinand*, accompanied by all the Barons, went to the Monastery of the Nuns of *S. Ligoro*; and after having heard a solemn Mass, the King put the Sword into *Ferdinand's* right Hand, and the Standard in his left, and placed the Ducal Circle, or Coronet, upon his Head, and ordered, That they should all call him Duke of *Calabria*, and look upon him as his lawful Successor; of which also a publick Instrument was drawn up, which we find in the aforesaid Volume.

\* Chiocci. tom. 1. MS. giurisd.

† Capit. Reg. Alphonfi.

BUT all this was not sufficient to secure the Succession of the Kingdom to a Bastard Son, though legitimated, if this Oath and Declaration had not been ratified by the Pope, who, out of Hatred to *Alphonfus*, would never have given him the Investiture; and the Pope's Ill-will was evident, for all the Potentates of *Italy* sent to congratulate *Alphonfus* upon his Victory, and the Peace and Tranquillity of the Kingdom, except Pope *Eugene* alone; on the contrary, *Renatus's* Misfortunes in being obliged to quit the Kingdom vexed him to the very Heart. Therefore *Alphonfus*, who wanted to be Friends with him, not only for rendering the Peace of the Kingdom more complete, but for getting the Investiture for the Duke of *Calabria*, bent all his Thoughts upon a Reconciliation with *Eugene*, and left no Stone unturned in order to bring it about.

*ALPHONSUS* had formerly, as we have told, upon finding *Eugene* obstinate, kept a secret Correspondence with *Amadeus* Duke of *Savoy* the Anti-Pope, for no other end, but to obtain of him what he could not get from the true Pope. The Schism, which was renewed after the Death of *Martin V.* by the Council of *Basil*, had put every thing into Confusion. Whatever Pope *Eugene* established, was by the Council declared null; and on the other hand the Pope, looking upon that Meeting to be a Conventicle, condemned and anathematized whatever was determined in it. The Council summoned the Pope, and he not appearing, was declared Contumacious; at last on the seventh of *May* 1438 those Prelates, of which the Council of *Basil* was composed, deposed him, and deputed some Commissioners for electing a new Pope. The Commissioners elected *Amadeus* Duke of *Savoy*, who, as we have said, had retired to *Ripaglia* in the Diocess of *Geneva*, where he lived like a Hermit. His Election was confirmed by the Council, and he was called *Felix V.* who immediately went to *Basil* to preside in the Council. Pope *Eugene* had opened another Council in *Florence*, and they alternately condemned one another. *France* continued to acknowledge *Eugene* for Pope. But *Germany* began to waver, and proposed to have a new Council called for deciding which of the two Popes had the best Right. *Eugene* still continuing his Enmity to *Alphonfus*, the King, in order to keep him in Awe, sent *Luigi Gescales* his Ambassador to *Felix*, and suffered some Prelates his Subjects to acknowledge him for true Pope. On the other hand *Felix*, to engage *Alphonfus* openly to espouse his Interest, and all the Subjects of his Dominions to pay him Obedience, offered to *Luigi* his Ambassador, to confirm the Adoption made by *Queen Joan II.* and to grant the Investiture of the Kingdom, and besides to give him two hundred thousand Duckets of Gold \*. But the most prudent King perceiving, that the Council of *Basil* was daily dwindling away, and that on the tenth of *August* 1442, *Felix*, with some of his Cardinals, had retired to *Lausanne*, and that at long run every thing would be undone, wisely resolved to side with *Eugene*, and to keep *Felix* in suspense, he ordered his Ambassador to answer to the Offer made him, that the two hundred thousand Duckets must be paid at one Payment: That he was content to keep the City of *Terracina* for the Sum of three thousand Duckets, in part of what was owing him for the War made upon him by the Patriarch *Vitellesco*, when he broke the Truce; and that it was then stipulated, that he should keep Possession of *Terracina* till he was fully satisfied: That if *Felix* was willing to perform these Conditions, he would not fail to defend and obey him; and besides, he would send Ambassadors to the Council, and likewise get the Prelates of his Kingdoms to go thither, and that he would also endeavour to persuade the King of *Castile* and the Duke of *Milan* to do the same, and enter into a Confederacy with the House of *Savoy*.

THUS did *Alphonfus* amuse *Eugene*, without Design of concluding any thing; and at the same time he had given it in charge to *D. Antonia Borgia* Bishop of *Valencia*, who was afterwards Cardinal, and then Pope, named *Calistus III.* to do his utmost to make up the Differences between him and *Eugene*; the Bishop begged of the Pope that he would vouchsafe to be reconciled with the King, and to receive him as a dutiful Son and Feudatory. *Lodovico Scarampo* Patriarch of *Aquileia* and Cardinal of *S. Lorenzo Eugene's* Treasurer, whose Advice he usually took in his most weighty and important Affairs, helped to bring about the Treaty of Peace; so that *Eugene*, moved by their Insinuations, and besides considering that he could not assist *Renatus*, and that his being at Enmity with King *Alphonfus* might prove

prejudicial to him, resolv'd to make Peace, and on the ninth of *April* this Year 1443. order'd a Bull of Legation and Commission to be drawn up and given to the aforesaid Cardinal, empowering him to go and treat of a Peace with the King, and of the Investiture to be given him of the Kingdom. The Bull of this Legation is recorded by *Chioccarelli* in the first Volume of his *MS. Giurisdizionali*.

THE King was at this time in *Terracina*, where he received the Legate with great Honour, and after much debating, on the fourteenth of *June* the same Year, the Peace was concluded on these Conditions:

THAT the King for ever should forget all past Injuries and Offences, and not only he himself, but all his Dominions should acknowledge *Eugene* for the only, true, and undoubted Pope, and universal Pastor of the Holy Church, and that as such he and his Kingdoms should pay him Obedience.

THAT he should look upon all the Cardinals, Adherents of the Anti-Pope *Amadeus*, as Hereticks.

THAT on the other hand the Pope should give King *Alphonfus* the Investiture of the Kingdom of *Naples*, and confirm his Adoption made by Queen *Joan II.* with a Clause, that his having conquered the Kingdom with the Sword should not derogate from the Adoption.

THAT he should vest *Alphonfus* with all that Authority, which had been granted by former Popes to the antient Kings of *Naples*, and that he should capacitate *D. Ferdinand* Duke of *Calabria* to succeed his Father. And on the other hand the King should promise to be a faithful Vassal and Feudatory of the Church, and to assist her in recovering *la Marca*, which was in the Possession of Count *Francesco Sforza*.

THAT when the Pope had a mind to make War against the *Infidels*, the King should be ready with a good Fleet to join that of his Holiness.

THAT the King in name of the Church should keep Possession of the Cities of *Benevento* and *Terracina* during his Life, and that during the same time he should leave in the Pope's Hands *Citta Ducale*, *Acumoli* and *Lionessa*, most important Cities of the Province of *Abruzzo*.

THAT the King should furnish the Pope with six Gallies for six Months in the War against the *Turks*. And for recovering the Cities and Fortresses possessed by Count *Francesco Sforza* in *la Marca*, it was agreed, That the King should send four thousand Horse and a thousand Foot.

THAT the Pope should grant the Bull of Legitimation in favour of *D. Ferdinand*, that by the Investiture both he and his Heirs might be rendered capable of succeeding in the Kingdom.

THAT the Charges of the six Gallies, and the Troops to be sent to *La Marca* should be deducted out of the Quit-rent, which the King was to pay by vertue of the Investiture.

THAT the Government of the Cities of *Benevento* and *Terracina* should be given to *D. Ferdinand* and his Successors for ever; and that the Church should have the Government of *Citta Ducale*, *Acumoli*, and *Lionessa* in the same manner.

THESE Articles of Peace were concluded on the fourteenth of *June* this Year 1443 in *Terracina* by the King, and by the Cardinal of *Aquileia* the Apostolick Legate, in presence only of *Alphonfus Covaruvias* a famous Doctor of Law and Apostolick Protonotary, and of *Giovanni Olzina* the King's Secretary, and are recorded by *Chioccarello* in the first Tome of his *MS. Giurisdizionali*.

POPE *Eugene* by a particular Bull dated the sixth of *July* the same Year, likewise recorded by *Chioccarello*, confirmed the aforesaid Articles, and in order to their being put in execution, the same Year he dispatched several Bulls also recorded by the same Author.

IN the first Place, on the thirteenth of *July* he published a preliminary Bull, whereby he absolved the King and his Ministers from all the Excommunications and Censures they had incurred by the Wars and Offences against the Church of *Rome* during the Schism, and for usurping the Church Lands and Goods. Then *Eugene* dispatched the Bull of Investiture dated in *Sienna* the fourteenth of the same Month, whereby he gave King *Alphonfus* the Investiture of the Kingdom of *Naples* for himself and Successors, Male and Female, lawfully descended of his own Body in a direct Line.

OUR Writers speak differently of this Investiture: *Scipione Mazzella* \* says, that it likewise comprehended the Kingdom of *Hungary*, with which the Pope invested *Alphonfus* by virtue of the Right of *Joan* his adoptive Mother; and that thereby he also enabled *Ferdinand* his Bastard Son to succeed him in that Kingdom. Cardinal *Baronius* † says, that by this Bull *Alphonfus* was not only invested with the Kingdom of *Naples*, but likewise with that of *Sicily*. But they are both widely mistaken. The Investiture was only of the Kingdom of *Naples*, in the Pontifical Bulls called, *Regnum Siciliae, & Terram citra Pharus*. There is no mention made of *Sicilia ultra Pharus*, and much less of *Hungary*, or of capacitating *Ferdinand*, which is plain from the Bull now printed in the third Tome of *Summonte's* History, and inserted by *Chioccarelli* among the rest of this Pope's Bulls in the first Tome of his *MS. Giurisdizionali*; wherein *Eugene* enumerates the Reasons that moved him to give the Investiture, viz. the Adoption of Queen *Joan* II. The Dangers *Alphonfus* had undergone for so many Years in getting Possession of the Kingdom: His Victory over his Enemies: His having settled Peace in the Kingdom: The Good-will of the Barons, who desired him, and had received him for their King and Lord, and taken the wonted Oath of Fidelity to him; (things relating all to the Kingdom of *Naples* only) his own and King *Ferdinand* his Father's Merit; for all which Reasons he invested him with the Kingdom, with the usual Clauses, which were inserted in the Investiture given to King *Charles* I. and the Payment of eight hundred Ounces of Gold as a Quit-rent yearly; and that the Barons and Commons should not be burdened with new Taxes, but should enjoy the same Liberty, Franchises and Privileges, which they had in the time of King *William* II.

THERE could no mention be made in this Investiture of the Kingdom of *Sicily ultra Pharus*, of which the Kings of *Sicily* the Predecessors of *Alphonfus* never sought Investiture from the Popes since the famous *Sicilian Vespers*; and *Alphonfus* had succeeded to it in the Year 1416. by the Death of King *Ferdinand* his Father, and of which he was in Possession before his Adoption. The Words of the Bull of Investiture are likewise a convincing Proof of what we have advanced, where it is said to be granted, *Pro Regno Siciliae, & tota terra ipsius, quae est citra Pharus, usque ad confinia terrarum ipsius Ecclesiae*. This will more clearly appear from the Oath of Fealty, which *Alphonfus* afterwards in the Year 1445 swore to *Eugene* in these Words: *Ego Alphonfus Dei gratia Rex Siciliae plenum homagium, & Ligium, & Vassalagium faciens vobis Domino meo Eugenio Papae IV. & Ecclesiae Romanae, pro Regno Siciliae, & tota terra ipsius, quae est citra Pharus* ‡.

THE Date of this Oath sets the Matter yet in a clearer Light, and leaves no room for Dispute, where, by *Sicilia, & tota terra citra Pharus*, is only meant this Kingdom of *Naples*. The Date runs thus: *Datum Neapoli per manus Nostri praedicti Regis Alphonfi, anno a Nativitate Domini 1445 die vero secundo mensis Junii octava Indictionis, Regnorum Nostrorum trigesimo; hujus vero SICILLAE, ET TERRAE CITRA PHARUM anno Regni XI.* Therefore without all Controversy, this Investiture was given of the Kingdom of *Naples* only, as *Costanzo*, *Summonte*, *Chioccarelli*, and all our most famous and grave Authors, taking it for granted, have written.

THIS very Year, besides this Investiture, *Eugene* published other Bulls in favour of *Alphonfus*, one of which is dated the fourth of *September*, whereby he remits a considerable Sum of Marks *Sterling*, which *Alphonfus* was obliged to pay to the Apostolick Chamber on account of the Concession and Investiture of the Kingdom of *Naples*. And by another Bull dated the twenty ninth of the same Month he remits all that past Quit-rent he owed for the aforesaid Kingdom; and all the Money, which the King, his Officers and Ministers in his Name had exacted to that Day, on whatsoever Account due to the Apostolick Chamber, or from the Prelates, Dignitaries, or other Ecclesiastical Persons. Moreover the same Day he published another Bull, whereby he promises to send to the King the Cardinal of *S. Lorenzo*, or any other Person to crown him, when and where he should think fit; but that Coronation was not solemnized, nor was *Alphonfus* ever crowned †.

AFTERWARDS on the thirteenth of *December* the same Year other new Bulls were dispatched in favour of *Alphonfus*. By the first it is granted, that the Penalty of forfeiting the Kingdom, in case of Infringement of the Conditions of the In-

\* Mazzel. descriz. del Regno.

† Baron. Annal. Eccles. discurs. de Monarchia Siciliae, tom. 11.

‡ Chiocc. tom. 1. MS. Jurild

† Tutin. de M. Giustiz. p. 78.

vestiture, may be commuted into a pecuniary Mulf of fifty thousand Duckets to be paid by the King to the Apostolick Chamber, to last only during *Alphonfus's* Life. The second allows two Years for the King's taking the Oath to the Apostolick See for the Investiture of the Kingdom, notwithstanding, that by the Tenor of the Investiture, he ought to take it within six Months, if the Pope was in *Italy*, and if out of *Italy*, within a Year. The third remits the eight thousand Ounces of Gold yearly, which the King was to pay of Quit-rent, to last only during *Alphonfus's* Life. The fourth allows the King not to suffer his Rebels to return to the Kingdom, and to turn them out of it, and confiscate their Estates, notwithstanding the Oath given by the King for observing the Conditions of the Investiture, whereby he is bound to receive his Rebels into the Kingdom, and to restore them to their Estates, from which Oath he is absolved by this Bull. By the fifth, that although it be stipulated in the Investiture, that the King cannot impose Taxes or Subsidies upon Churches, Monasteries, Religious and Holy Places, the Clergy, other Ecclesiastical Persons, and their Goods, excepting in Cases allowed *de jure*, or by the antient Custom of the Kingdom, nevertheless during his Life-time he may impose Taxes and Subsidies upon the aforesaid Places and Ecclesiastical Persons, in Cases of Necessity, notwithstanding the Conditions of the said Investiture. In the sixth it is said, That King *Alphonfus* having represented, that by the antient Custom of the Kingdom he could impose Taxes and Subsidies upon Churches, Monasteries, Holy and Religious Places, the Clergy, and Ecclesiastical Persons and their Goods; and that he was not bound to receive, or admit Prelates elected, named and provided into the Kingdom, if he had probable Ground to suspect their Loyalty: the Pope grants, that he had Power to impose Taxes and Subsidies, and not to receive the said Prelates, if by the Custom of the Kingdom it was lawful, notwithstanding the Condition of the said Investiture. By the seventh, at the instance of the said King, the Pope dispenses with the Conditions of the Investiture, which allow only the Male Issue born, or to be born, lawfully descended in a direct Line of the said King to succeed him, and allows collateral Heirs to enjoy the Succession of the said Kingdom. By the eighth he confirms the Adoption made by Queen *Joan II.* The last dispenses with the three hundred Men at Arms, which *Alphonfus* by the Investiture was obliged to send to the Field, and at his own Charges to maintain for the Space of three Months in the Service of the Apostolick See.

ON the fourteenth of *July* the following Year 1444, according to the Articles of the aforesaid Treaty of Peace concluded in *Terracina*, *Eugene* sent the Bull of Legitimation in favour of *Ferdinand* Duke of *Calabria*, whereby he legitimated and capacitated him to succeed in the Kingdom of *Naples*; and on the first of *April* 1445, by another Bull he appointed *D. Giovanni* Abbot of the Monastery of *S. Paul* in *Rome*, to go and, in the Name of the Apostolick See, administer the Oath to *Alphonfus*, which he was obliged to take on account of the Investiture, and which he took in the abovementioned Words.





## C H A P. III.

*Ferdinand Duke of Calabria marries Isabella di Chiaromonte, the Prince of Taranto's Niece. Pope Eugene dies, and the Cardinal of Bologna is elected in his Place, and takes the Name of Nicholas V. who confirms all that had been granted to Alphonfus by his Predecessor Eugene.*

**A**FTER King *Alphonfus* had made Peace with Pope *Eugene*, he was wholly bent on securing the Succession of the Kingdom in the Person of the Duke of *Calabria*, and on fulfilling the Articles of the said Peace. According to the first Article he made all his Subjects and Prelates acknowledge *Eugene* for true Pope; and since the famous Canonist *Panormitanus* had been present in the Council of *Basil*, and had had a great Hand in what was done there against *Eugene*, for which he had been made a Cardinal by *Felix V.* the Anti-Pope, he caused him to be recalled, and obliged him to renounce the Purple, and return to his Archbishoprick of *Palermo*, where in the Year 1445 he died of the Plague. But finding that *D. Ferdinand* was but little beloved by his Subjects, because he had discovered himself to be proud, covetous, double and perfidious, he began to be afraid that after his Death the Kingdom might fall into other Hands; whereupon, seeing he had appointed him to be his Successor, he resolved to strengthen him by Alliance; and hearing that the Prince of *Taranto* had with him in *Lecca* a Daughter of the Countess of *Copertina* his Sister, a young Lady of great Virtue, and whom the Prince loved as his own Daughter, he sent to ask her in Marriage for the Duke of *Calabria*; to which the Prince very readily consented, and in a splendid manner conducted her to *Naples*. Thus did he fix the Prince of *Taranto* in *D. Ferdinand's* Interest; and in order to strengthen him more, he contracted Alliance with the Duke of *Sessa*, who was equal in Power to the Prince, by marrying *D. Lionara* his Bastard Daughter to *Marino di Marzano*, the Duke's only Son, to whom he gave the Principality of *Rossano*, with a great part of *Calabria*, as her Portion.

**BUT** while *Alphonfus* is wholly intent upon settling the Succession of the Kingdom upon his Son, and fulfilling the Articles of Peace to the Pope's Contentment, *Eugene*, being seized with a violent Sickness, died on the twenty third of *February* this Year 1447. By this Death great Tumults were raised in *Rome*, for the *Orsini* on the one hand, and the *Colonna* on the other were forcing the Cardinals to elect a Pope to their liking; but the King, being then at *Tivoli*, sent Ambassadors to the College of Cardinals to exhort them not to proceed in the Election by Cabals; for he would not suffer any Violence to be offered to them, but that they might go on with all Freedom without Passion or Fear. The Cardinals being protected by *Alphonfus*, immediately with unanimous Voice on the sixth of *March* elected the Cardinal of *Bologna*, a mild and peaceable Man, who may be placed among the rare Examples of Fortune; for though he was but the Son of a poor Physician of *Sarzano*, a small Village situate on the Borders of *Tuscany* and *Lusigiana*, yet in one Year he was made Bishop, Cardinal and Pope, and took the Name of *Nicholas V.* The King was very well pleased with this Election, and sent four Ambassadors to be present at the Coronation, and in his Name to do him Homage.

**THE** Face of Affairs in *Italy* were altered in an instant, for a Pope, who was a great Lover of Peace and Quiet, having succeeded one of a warlike Disposition,

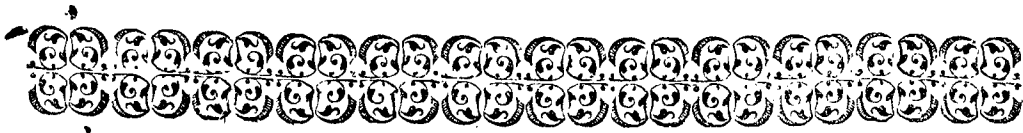
*Italy* and the Church of *Rome* were soon settled again in Peace and Tranquillity; for *Nicholas* immediately began to manage a Peace between the *Venetians*, *Florentines*, and the Duke of *Milan*. He quickly extinguished all the Remains of Schism, for he readily gave Ear to the Proposals of Accommodation that were made to him by the Christian Princes. The Anti-Pope *Felix* and his Adherents, being likewise inclinable to Peace, facilitated the Agreement, which was concluded upon Conditions advantageous to both Parties, *viz.* That *Felix* should renounce the Papal Dignity, but should be first among the Cardinals, and perpetual Legate of the Holy See in *Germany*: That both Parties should revoke all Excommunications and other Censures fulminated either by Councils, or the contending Popes against those of the opposite Party: That the Cardinals, Bishops, Abbots, Beneficed Persons, and the Officers of the two Parties should be continued in their Posts: And that the Dispensations, Indulgences and other Favours granted by Councils, or either of the Popes, as also the Decrees, Deliberations, and Regulations, which they had made, should be valid: Lastly, That *Nicholas V.* should call a General Council to be held in *France* within seven Months after the Agreement: and all these Conditions, except the last, were performed. *Felix* renounced the Papacy, and *Nicholas* was acknowledged every where for Pope, who employed all the rest of his Pontificate in quieting the Disturbances of *Italy*, and from this time to the end of the Century, the Church of *Rome* enjoyed Peace.

*NICHOLAS* was very courteous and kind to *Alphonfus*; he not only confirmed what had been stipulated with his Predecessor, but in Consideration of the great Expences which the King had been at in the War of *La Marca*, and other Assistance furnished a few Days after his Accession to the Papacy, on the twenty second of *March* the same Year he sent him a Bull, whereby he restored to him the Cities of *Acumulo*, *Civita Ducale*, and *Lionessa*<sup>1</sup>, given by *Alphonfus* to *Eugene* in exchange for the Cities of *Benevento*, and *Terracina*, to be held by *Alphonfus* and his Successors, without paying any Quit-rent, except a Tribute of two Hawks yearly; and in 1452, by another Bull he exempted him from the said Tribute of the two Hawks, which the King owed that Year to the Apostolick See for the aforesaid Cities of *Benevento* and *Terracina*.

BY another Bull dated the fourteenth of *January* 1448, he confirmed all the Concessions and Favours that had been granted by *Eugene* either to *Alphonfus*, or his Son *Ferdinand*; and by another Bull dated the twenty seventh of *April* the Year following, he confirmed the Duke of *Calabria*'s Legitimation, and enlarged his Succession, by making him capable of succeeding to his Father in his other Kingdoms.

SO *Alphonfus*, favoured by Fortune in every thing, disengaged from the Cares of War, and enjoying a sweet and settled Peace, after having made a Progress in *Tuscany*, returned to *Naples*, where, upon his Arrival, he found that the Dutcheß of *Calabria* his Daughter-in-Law had brought forth a Son, who was afterwards King *Alphonfus II.* and at the time of his Birth a Beam of Fire appeared in the Air above *Castel Nuovo*, which was a Presage of his terrible Disposition. The *Neapolitans* gave many Demonstrations of Joy for the King's return, who having taken up his Residence in that City, he continued there for a long while, and spent his time partly in Diversions, partly in building, and partly in restoring the Tribunals of Justice to their former good Order.

<sup>1</sup> Chiocc. lib. 1. MS. Giurisd.



## C H A P. IV.

*The Origin and Institution of the Sacred Court of S. Clara, now  
called Capuana.*

**A**MONGST the many Endowments wherewith King *Alphonfus* was adorned, the most shining of all the rest was the great Esteem he had, not only for military Men, but likewise for the Learned and Judicious. He was such an Admirer of the *Roman* Grandeur, their magnanimous Enterprizes, their Wisdom and Prudence both in civil and military Affairs, that his chief Delight was in reading their Histories, and especially *Livy*, of whom he was such an Admirer, that out of Love to the Memory of so great an Historian, he prevailed with the *Venetians* to send him one of his Arm Bones from *Padua*, where his Bones lay, and with great Ceremony he caused it to be transported to *Naples*. He conferred with the most learned Men, which he kept always about him, upon what he read in these Histories.

IN his time *Constantinople* having come under the Yoke of the *Turks*, and the *Greek* Empire being at an end, many great Men who flourished in that City, in order to shun their Barbarity fled to *Italy*, whither they brought the *Greek* Learning. At this time *Gaza*, *Argirolopilus*, *Fleto*, *Philephus*, *Lascharis*, *Poggius*, *Valla*, *Sipontinus*, *Campanus*, *Bessario*, and many others came to *Italy* : So that the restoring of Erudition and polite Learning, and the banishing of Barbarism are owing to the Fall of *Constantinople*. *Alphonfus* entertained many of them at his Court, inasmuch that he had not only excellent *Latin*, but *Greek* Professors. He kept with himself the famous *Trapezuntius*, *Crisolora* and *Lascharis*, *Grecians*, and of *Latins* the famous *Laurentius Valla*, *Bartholomæus Facius*, *Antonius of Bologna*, called *Panormitanus*, *Paris de Puteo*, and many others. He had likewise about him Men of fine Knowledge and Judgment, and, among the rest, the renowned *Alphonfus Borgia* Bishop of *Valencia*, who was a Native of *Xativa* in the Diocess of *Valencia*, and had performed his Studies in the University of *Lerida*, in which having made wonderful Progress, he took the Degree of Doctor, and became an excellent Preacher. He was afterwards elected a Prebendary of that City, and, on account of the Fame of his Learning, he was in great Favour with *Alphonfus*, who made him one of his Privy Counsellors and Chaplain : Soon after he was made Bishop of *Valencia*; and while he governed that Church, *Alphonfus* having undertaken the Expedition to the Kingdom of *Naples*, he brought him along with him; and as we have said, the Bishop being employed in that weighty Affair of the Peace with Pope *Eugene*, he did the King signal Service, and brought it to a happy Conclusion.

WHEN *Alphonfus*, after so much Fatigue, became peaceable Possessor of the Kingdom, and turned his Mind upon re-establishing it, introducing a better Form of Government, and reducing the Tribunals into a better Order, the Bishop of *Valencia* was his chief Minister and Counsellor; he had the greatest Share in the most weighty Deliberations, and the King depended more upon his Advice than upon any other whatsoever. The Abuses, which, by Reason of the Appeals made from the Sentences of the High-Court of the Vicariate to the King, had been practised in *Naples*, were the Occasion of erecting this new Tribunal of the Sacred Court. This Tribunal, composed, as we have said, of those of the High-Court

\* *Giovio negl' Elogi degl' Uom. illustr.*

and the Vicariate, was the supreme Tribunal both of the City of *Naples* and the Kingdom, and its Judges were the ordinary Magistrates, from whose Sentences there was no Appeal, because there was no superior Judicature where Appeals could be lodged. There was no *Retraſting*, which we now call *Reclaiming*, and which among the *Romans* was used in Law-Suits depending before the *Præſectus Prætorio* only; ſo that for redreſſing Grievances, there was only one Remedy left, which was to have recourſe to the King by way of Petition and Memorial. Sometimes the King was wont to appoint certain Perſons, whom he ordered to peruſe ſuch Memorials, and examine into and make a Report to him of the Merit of them, and of his own Authority he redreſſed the Grievances, and theſe Perſons were called Judges of Appeals of the High-Court; whence it came, that before the Erection of this Tribunal, theſe Judges are often mentioned in the Writs of theſe Times. But the Kings more frequently, without confining themſelves to a certain Perſon, ſent the Memorials ſometimes to one Lawyer, ſometimes to another to have their Opinions, according to which they determined, and the Deciſion was called *Royal*. This Cuſtom was attended with Abuſes and Diſorders, for Matters of the greateſt Conſequence were often decided according to the Opinion of one ſingle Perſon. Appeals of this ſort likewiſe encreaſed; for they came not only from the Tribunals of the City of *Naples*, but from the Provinces of the Kingdom; and Grievances, which ought to have been examined into by a meeting of the ableſt Men of the Profeſſion, being left to be redreſſed by the Judgment of private Lawyers, occaſioned great Confuſion.

THE Practice was different in the Kingdom of *Valencia*, where there was a particular Council for aſſiſting the King, of which he was the Head, wherein the Appeals to the King from the ordinary Tribunals of that Kingdom were examined, and the Grievances redreſſed. Therefore in Imitation of the Council of *Valencia*, King *Alphonſus*, by the Advice of Biſhop *Borgia*, reſolved to eſtabliſh ſuch another in *Naples*, to be compoſed of the moſt ſkilful Lawyers, and of the graveſt and moſt judicious Men, who, in his own Preſence, ſhould examine ſuch Appeals, and as he was Author, ſo he declared himſelf Head of this Council.

THE Cardinal of *Lucca* is of Opinion, that Biſhop *Borgia*, afterwards Cardinal and Pope, framed this Council not only after the Form of that of *Valencia*, but he having lived a long time in *Rome*, took many Rules from, and modelled it after the Tribunal of the *Roman Rota*, which at this Time was in a flouriſhing State, and that in framing this Senate the *Rota* of *Rome* was as much followed as the Council of *Valencia*; and, as this Tribunal took the Name of Council from that of *Valencia*, ſo likewiſe the Place where it was kept got the Name of *Rota* from that of *Rome*; and as in the *Roman Rota* Bills of Proceſs are not uſed, as in the ordinary Courts, but Petitions, Supplications, or Memorials directed to the Pope, for whom the Keeper of the Seals ſigns and files them; ſo likewiſe in this Tribunal Bills of Proceſs are not uſed, as in the inferior Tribunals of the City and Kingdom: but Petitions directed to the King, for whom the Preſident of the Council ſigns and files them.

THIS Tribunal therefore was erected in *Naples* chiefly for the Appeals, which were brought to the King from the Sentences of the High-Court of the Vicariate and of the Inferior Courts, not only of the City of *Naples*, but of the Province of the Kingdom. It was called the Tribunal of Appeals, becauſe it was the Supreme Court where Appeals were lodged from all the other Judicatories. The Tribunal having the King for its Head, and its Members being Perſons famous for their Nobility and Learning, came to acquire the greateſt Prerogatives and Privileges of all the reſt. Whence, as we have ſaid, Law-Suits are not commenced by way of Bills of Proceſs, but by Petitions, which muſt be directed to the King, which being afterwards ſign'd and filed acquire the Force of Bills of Proceſs. Whence it comes, that no Appeals can be made from its Deciſions, but only *Reclamations*. It got the Name of *Sacred* on account of the ſacred Perſon the King, who declared himſelf Head of it; and becauſe it was his own particular Council wherein he ſat in Perſon; and for the ſame Reaſon the Court of *Otranto* is likewiſe called *Sacred*, becauſe King *Alphonſus II.* preſided once in it<sup>3</sup>, and becauſe this Province was afterwards divided into two Provinces, *viz.* of *Otranto* and

<sup>1</sup> Tappia Jus Regni, in Rubr. de Off. S. R. C. num. 6.

lib. 15. diſc. 32. num. 11.

<sup>2</sup> Card. de Luca Relat. Cur. Rom.

<sup>3</sup> Tappia loc. cit. num. 10.

*Bari*, that of *Bari* was also called *Sacred*<sup>1</sup>. Whence the Nobility are not allowed to enter this sacred Tribunal with their Swords or other Arms, nor even those, who can wear their Swords in the King's Closet. Whence it alone is the chief, and takes Cognizance of all the Tribunals both of the City of *Naples* and of the Kingdom: its Sentences are put in execution, *Manu forti, & armata*, and it is adorned with many other Prerogatives and Pre-eminencies, of which *Tassoni*<sup>2</sup> and *Toppi*<sup>3</sup> have composed long Catalogues; and in our time the Doctor *Romano*<sup>4</sup> hath collected a very large Volume of them.

BUT of all its Prerogatives, the greatest was that of taking Cognizance by way of Appeal of the Causes of all the Tribunals of the City of *Naples* and of the Kingdom; and at its very Rise Appeals were made to it, even from the Decrees pronounced by the Royal Chamber of Accounts, as *Marino Freccia*<sup>5</sup> and *Giovan Batista Bolvito* in a short *Latin* Discourse, which he composed upon this Tribunal, which is preserved in Manuscript in the Library of the Holy Apostles in *Naples*, which was transcribed by *Summonte* in his History<sup>7</sup>, witness; and as is likewise evident from a Letter<sup>8</sup> written by King *Alphonsus*, recorded by *Toppi*, who likewise shews, that sometimes when the Chamber of Accounts was to decide some point of Right, it had recourse to the Council of *S. Clara*, which gave Sentence in it by way of Appeal<sup>9</sup>.

BUT what is most surprising, this renowned King raised this Tribunal to such a Pitch of Eminency, that he ordered the Causes of his other numerous Kingdoms and Provinces to be brought to it by way of Appeal. Behold what he says in one of his Royal Writs dated the thirteenth of *August* 1440 recorded by *Toppi*<sup>10</sup>, speaking of this Council and its Ministers: *Quibus decrevimus omnes causas Regnorum nostrorum Occiduum, & Regni nostri Siciliae ultra Pharam, esse remittendas.* And, as we have said, this great King was possessed at this time of the Kingdoms of *Aragon, Valencia, Majorca, and Sardinia*; as also of *Corfica*, the County of *Barcelona, Roussillon*, and *Sicily* on the other side of the *Phare*; and as long as he lived, having fixed his Royal Residence in *Naples*, Causes from these remote Parts were brought to this Council by way of Appeal; and we have still Remains of many Processes, whereby it appears, that at that time this Tribunal was Judge of Appeals from all these Kingdoms and Dominions. Whence we are convinced of the Vanity of the Opinion, that this Kingdom from the beginning of *Alphonsus's* Reign became dependent upon the Crown of *Aragon*. This Prerogative was lost afterwards, when *Ferdinand* the Son of *Alphonsus* having succeeded in the Kingdom of *Naples* only, he had no more to do with the other Kingdoms of *Spain*, in which *John* of *Aragon Alphonsus's* Brother succeeded.

WE have the Origin, the Name of, and the Reason of instituting this Tribunal: We have likewise the Time when, and the Author; but as to this last, the Statute 2. under the Title, *De officio S. R. C.* leaves some doubt; and *Surgente*<sup>11</sup>, founding his Opinion upon that Statute, believes, that *Alphonsus* was not the Author of it, but *Ferdinand* I. his Son; but that Statute is either apocryphal, or incorrect, as repugnant to the Testimonies of cotemporary Authors, and the publick Records.

*Michel Riccio*<sup>12</sup> a famous Lawyer and Historian, who flourished in the Reign of *Ferdinand* I. and was President and Vice-protonotary of this very Tribunal, in his grave and learned History of the Kings of *Naples* and *Sicily* confirms it; these are his Words: *Alphonsus, &c. reddendi juris aded studiosus, ut Consilium constituerit, quod omnes appellarent ex toto suo Regno; cui praefecit Episcopum Valentiae (qui postea Nicolao V. successit, & Calistus est appellatus) cum prius ad Vicariae Tribunal, aliosque minores Regni Judices confugere cogentur, & inde jus petere.*

OUR famous *Matteo d'Afflitto*<sup>13</sup> who flourished at the same time, and under the same *Ferdinand* was a Countellor of this Council, likewise says: *Sic fuit sententi-*

<sup>1</sup> Tasson. de Antef. vers. 3. obs. 7. pag. 111.

<sup>2</sup> Idem, loc. cit. num. 75. & vers. 7, obs. 3. num. 70.

<sup>3</sup> Idem de Antefato loc. cit.

<sup>4</sup> Toppi de orig. S. R. C. lib. 1. cap. 4.

<sup>5</sup> Roman. de praem. S. R. C.

<sup>6</sup> Freccia lib. 1. de Subfeud. de Off. M. Camerar. num. 15 & 16.

<sup>7</sup> Summon. tom. 3. p. 99.

<sup>8</sup> Litera R. Al. apud Toppi, p. 442. tom. 2. de. orig. Tribunal.

<sup>9</sup> Toppi tom. 2. de orig. Tribun. lib. 1. c. 4. num. 34 & 35. ibi; in quibus de jure disceptabitur, &c.

<sup>10</sup> Idem, tom. 2. p. 442 & 496.

<sup>11</sup> M. A. Surg. de Neap. illust. cap. 17. num. 45.

<sup>12</sup> Ricc. lib. 4. de Reg. Neap. & Sicil.

<sup>13</sup> Afflit. decif. 291. n. 3.

atum in Sac. Consilio tempore immortalis memoriae Regis Alphonsi I. de Aragonia, tempore quo praesidebat Episcopus Valentiae, qui postea fuit Papa Calistus III. Marino Freccia in the very same Words of Michel Riccio relates the same; and the most accurate Writers of our History, such as *Summonte*<sup>1</sup>, *Chioccarello*<sup>2</sup>, Deputy *Tappia*<sup>3</sup>, *Tassone*<sup>4</sup>, and all the rest down to *Toppi*<sup>5</sup>, are of the same Opinion.

THE Charters of *Alphonsus I.* inserted by these Authors in their Works, wherein this King makes mention of this Tribunal instituted by him, are convincing Proofs of the same: *Chioccarello*<sup>6</sup> has recorded three of them, two in *November* and *December* 1449, the other in *February* 1450. *Summonte*<sup>7</sup> two others, one the twenty third of *November* 1450, the other the second of *August* 1454. and many more may be seen in *Toppi* in the Places above quoted.

*TOPPI*<sup>8</sup> believed the Statute attributed to *Ferdinand I.* to be apocryphal and forged, seeing it is not to be found in any of the antient printed Volumes of our Statutes; and we see it in the last Editions only, and without a Date; this Author moreover declares, That he had carefully searched in the Chancery for it, where all the Statutes of the Kingdom are set down, but could never find it. Nevertheless, be that as it will, it is more probable, that this Statute, by a Mistake of the Compilers or Printers, instead of having the Name of *Alphonsus* in the Title of it, that of *Ferdinand* has been put. And truly whoever considers the Words of it, they are by no means applicable to *Ferdinand*, but exactly sute *Alphonsus*. This King could call the Kings of *Aragon* his Predecessors; but *Ferdinand*, who was never King of *Aragon*, nor succeeded to the paternal Kingdoms of *Spain*, but only to the Kingdom of *Naples* by right of Investiture, Legitimation, and the Voice of the *Neapolitans*, could not; much less could these Words be applied to him: *Igitur cum Neapolis Siciliae Regnum, jure quodam legitimo, & hereditario nobis debitum nostrae nuper ditioni restitutum sit, idque non armis tantum nostris, quantum immortalis Dei beneficio, &c.* What *Alphonsus* asserts is, that he had made himself Master of this Kingdom rather by the Force of Arms, than by vertue of the Adoption. *Ferdinand* had more occasion to fight with his Barons, than with foreign Enemies, and with Difficulty enjoyed the Kingdom that his Father had acquired with his Arms and the Sweat of his Brow. It is not to be doubted then but *Alphonsus* was the Author of this illustrious Tribunal, and that all its Disposition and Form was owing to the Bishop of *Valencia*, to whom *Alphonsus* committed the Care and Inspection of it.

<sup>1</sup> Summont. tom. 3. lib. 5. p. 69.

<sup>2</sup> Chiocc. de Epit. Neap. in Gaspare de Diano  
p. 277.

<sup>3</sup> Tap. in rub. de Off. S. R. C. in jure Reg.

<sup>4</sup> Tasson. de Antef. loc. cit.

<sup>5</sup> Top. tom. 2. de orig. Trib. lib. c. 1.

<sup>6</sup> Chiocc. loc. cit.

<sup>7</sup> Summ. loc. cit.

<sup>8</sup> Toppi loc. cit.

## S E C T. I.

*Of the Place where this Tribunal was erected: Of the Dignity and Condition of the Persons of which it was composed, and of their Number; and how they grew so numerous, that they were afterwards divided into four Benches, of which it is now composed.*

**N**APLES having now for a long time been the Royal Seat, and the Metropolis and Head of all the Kingdom, this supreme Tribunal, to which all the Causes of the Kingdom were to be referred, and whereof the King had declared himself Head, and that it was his collateral Council, could not be so conveniently fixed in any other City. Whence *Alphonsus*, in the abovementioned Statute<sup>1</sup>, said: *Sacrum in eodem Regno, supremumque Consilium ordinavimus, cui sedem, locumque in Urbe Neapolitana, & Regni Urbium Suprema, ac Metropoli constituimus.* This Tribunal was not always held in one Place of the City, but was removed according to

<sup>1</sup> Pragmat. 2. de Offic. S. R. C.

the State of the Times, and of its Presidents. *Alphonfus* often held it in the Hospital of *Santa Maria Coronata* a Royal Church, where his Predecessors, with great Solemnity, were wont to be crowned. Sometimes in *Castel Capuano*, and more frequently in *Castel Nuovo*; and there are Letters of *Alphonfus* dated in 1449, mentioned by *Toppi*<sup>1</sup>, in which he orders it to meet in *Castel Nuovo*, while he was in *Naples*; and in his Absence, in the House of his Vice-Chancellor, or in any other fit Place as he thought fit. Very often it was assembled in the Houses of its Presidents; so we read, that in 1457 it met in the House of the Patriarch of *Alexandria* Bishop of *Urgell*, who was then President of it. Sometimes in the Archbishoppal Palace, as in the time of *Oliviero Caraffa* Archbishop of *Naples*, and afterwards Cardinal, who was likewise President of this Tribunal; in 1468, *D. John* of *Aragon* the Son of *Ferdinand I.* being President of it, whose Palace was in the Monastery of *Monte Vergine*, of which he was Commendatory Abbot, this Tribunal was likewise held in his House. *Matteo d'Affitto*<sup>2</sup> likewise testifies, that in his time this Tribunal used to meet in the Convent of *S. Domenico Maggiore* of this City. And thus being removed to different Places, which *Toppi* has been pleased to search out too narrowly, at last in the Year 1474 it was removed to the Monastery of *Santa Chiara*, where it remained till 1549. On account of its long Continuance there, it got the Name of the *Council of S. Clara*, which it kept for a long time. At last in the said Year 1540, being removed with all the other Tribunals to *Castel Capuano*, where it remains to this Day, it acquired the Name of *Capuana*.

TO this supreme Council *Alphonfus* appointed a President<sup>3</sup>, to whom he committed the Inspection of the Tribunal. Both he and the Kings his Successors of the House of *Aragon* adorned it with many Prerogatives, of which *Tassoni*<sup>4</sup> and *Toppi*<sup>5</sup> have made long Catalogues. He always pitched upon Men for that Office, no less famous for their Learning than Probity, Nobility of Blood, and who held eminent Posts. There were some of them Bishops, Archbishops, and other remarkable Prelates of the Church. The first was *Alphonfus Borgia* Bishop of *Valencia*, who presided in it till 1444, in which Year he was made Cardinal, and the Year following Pope, by the Name of *Calistus III.* He was succeeded by *Gaspere de Diano* Archbishop of *Naples*, a famous Lawyer of those Times, first Bishop of *Tiano*, then Archbishop of *Consa*, and lastly in 1437 of *Naples*. King *Alphonfus* made him President in 1446, in which Post he continued till 1450, when he died<sup>6</sup>. To him succeeded *Arnaldo di Roggiere* Patriarch of *Alexandria*, and Bishop of *Urgell*. In the Year 1465 *Ferdinand I.* made the famous *Oliviero Caraffa* Archbishop of *Naples*, President, who, though in 1467 Pope *Paul II.* made him Cardinal, did not quit his Presidency of this Tribunal, till, being called by the Pope, he was obliged to go to *Rome*<sup>7</sup>. To *Oliviero* succeeded *D. John* of *Aragon* the Son of *Ferdinand I.* Archbishop of *Taranto*, perpetual Commendatory of the Monasteries of *Monte Cassino*, *Cava*, and *Monte Vergine*, afterwards Cardinal and Bishop of *Salerno*. In 1499 *D. Lewis* of *Aragon* Grandchild of King *Ferdinand I.* Bishop of *Aversa*, and afterwards Cardinal, was also President of this Tribunal.

BUT what reflected the greatest Splendor upon this Tribunal, was to see the Sons of the Kings; and the chief Barons of the Kingdom elected Presidents of it.

THE Duke of *Calabria* King *Alphonfus's* eldest Son was President of it in the Year 1454, with the Title of his Father's Lieutenant General; as also *John* of *Aragon*, *Ferdinand I.'s* Son, afterwards Cardinal: *Lewis* of *Aragon* his Grandchild, and *Ferdinand* of *Aragon* the Son of King *Ferdinand* and Brother of King *Frederick*. Of the chief Barons, in 1450 *Onorato Gaetano* Count of *Fondi*; and in 1479 *Ferdinand* of *Aragon* Count of *Nicastro*, and natural Son of *Ferdinand I.* were Presidents; besides a great many others of most noble Descent.

THE greatest Lawyers and learned Men of those Times, who, either on account of their Works, or their Gravity and Probity, or their Knowledge of the Civil Law, deserved it, were elected Presidents. *Michel Riccio* a famous Lawyer

<sup>1</sup> Toppi loc. cit.

<sup>2</sup> Afflit. decis. 304. in princ.

<sup>3</sup> Pragm. 2. de Offic. S. R. C. ubi præsidebit unus.

<sup>4</sup> Tasson. de Antef. verf. 3. rub. 3.

<sup>5</sup> Toppi de orig. Trib. tom. 2. lib. 2. cap. 6.

<sup>6</sup> Bartol. Chiocc. de Episcop. & Arch. Neap. pag. 277.

<sup>7</sup> Chiocc. de Archiep. Neap. in Oliverio, pag. 287.

and Historian: *Giovan Antonio Caraffa* a great Doctor of those Times, much commended by *Matteo d'Afflitto*: *Luca Tozzoli*, of whom the same Author makes honourable mention: the celebrated *Antonio d'Alessandro*, *Andrea Mariconda*, *Antonio di Gennaro*, *Francesco Loffredo*, *Girolamo Severino*, *Tommaso Salernitano*, *Gio. Andrea di Curte*, *Antonio Orefice*, *Gio. Antonio Lanario*, the so much famed *Vincenzo de Franchis*, *Camillo de Curte*, *Marc' Antonio di Ponte*, *Pietro Giordano Urfino*, *Andrea Marchese*, *Francesco Merlino*, and others, of whom *Summonte*<sup>1</sup>, and afterwards more accurately *Toppi*<sup>2</sup> made distinct and exact Catalogues.

BESIDES the President, the second Place in this Council was held by two great Barons of the Kingdom, who, by *Alphonfus*, were added to the Counsellors skilled in the Law to be *Assistants* in this Tribunal; for not only Matters relating to Justice were discussed in it, but likewise Affairs of the Government and State. These, for the most part, were elected from among the Barons; they were not Lawyers, but military Men, and their greatest Salary was a thousand Duckets yearly, whereas the Counsellors of the Long-Robe had only five hundred. They were called Counsellors *Assistants*; and as long as the Reign of *Aragon* lasted, the S. C. \* still enjoyed this Prerogative, and the being Counsellors of this Tribunal added Lustre to the Nobility.

\* Henceforward by S. C. this Council or Tribunal is meant.

IN the time of *Alphonfus*, besides *Onorato Gaetano* Count of *Fondi*, who, sometimes as Great Protonotary, sometimes as President, and sometimes as Counsellor or *Assistent*, graced this Tribunal, there were the famous *Petricone Caracciolo* Count of *Burgenza*, *Niccolo Cantelmo* Count of *Avito* and *Popoli*, and afterwards Duke of *Sora*; *Marino Caracciolo* Count of *S. Angelo*, and *Giorgio d'Alemagno* Count of *Pulcino*, who in the Year 1450 were made Counsellors *Assistants* by *Alphonfus*.

WE likewise read, that on the twenty third of *January* 1454 *Alphonfus* made *Francesco del Balzo Orfino* Duke of *Andria*, Son to the Prince of *Taranto*, Counsellor *Assistent*<sup>3</sup>; and on the fifth of *November* the same Year *Innico Avalos* was made a Counsellor by *Ferdinand I.* *Orso Urfino* of the Family of the Counts of *Noli*, in 1453 was also by *Ferdinand* made Counsellor *Assistent*<sup>4</sup>; and lastly, in 1485 *Pietro Bernardino Gaetano* Count of *Morcone* Son to the Count of *Fondi*; of all which *Toppi*, in his second Volume of the Origin of Tribunals, discourses at large.

AMONG the Persons, of which this Tribunal was composed, there was likewise the Vice-Protonotary. This is a very intricate Point of History, and so difficult, that *Toppi*<sup>5</sup> knew not how to extricate himself. King *Alphonfus*, at the Erection of this Tribunal, and in the choice of the Counsellors, of which it was to be composed, always protested, that by this new Council he did not intend to derogate from the Pre-eminency of the Great Protonotary of the Kingdom: In the Letters Patent recorded by *Chioccarelli*<sup>6</sup> and *Toppi*<sup>7</sup>, dated the twentieth of *November* 1449, these are his Words: *Posteaquam reformationi nostri Sacri Consilii debito libi unine moderavimus, in quo salva præeinentia Officii Logathetæ, & Protonotarii Regni hujus, & præsidentie Rev. in Christo P. Gasperis Archiepiscopi Neapolitani, ejusdem S. C. Præsidentis, nonnullos famosissimos U. J. D. fideles nostros elegimus, & deputavimus, &c.* And elsewhere in another Patent<sup>8</sup> dated the thirteenth of *August* the same Year: *Salva tamen in omnibus, & per omnia prærogativa, & præeinentia Officii Logothetæ, & Protonotarii hujus citra Farum Siciliæ Regni, vel Reverendo Archiepiscopo Neapolitano, cum in Curia presentes fuerint.* *Toppi*, very much surprized, says, What Business had the Great Protonotary, or his Deputy in this new Council, or what common Interest could they have together? But this Surprize proceeded from *Toppi's* considering that Office according to the Appearance it made at the Time when he wrote, and which it still retains; but it made another Figure in the Time of *Alphonfus*, and of the Kings of that Family his Successors. At present the Great Protonotary is an empty Title and without Function; and his Vice-Protonotary, whom he has not Power to make now, but is directly appointed by the King, has lost all the Prerogatives he had, excepting that of making Notaries, and

<sup>1</sup> Summont. lib. 5. tom. 3. pag. 190.

<sup>2</sup> Topp. tom. 2. de Orig. lib. 3. cap. 1.

<sup>3</sup> Alphonfi Diploma penes Toppi de orig. Trib. tom. 2.

<sup>4</sup> Ferdinandi Diploma penes Toppi loc. cit

<sup>5</sup> Toppi lib. 2. cap. 5. n. 1.

<sup>6</sup> Chiocc. de Archiep. Neap. pag. 277.

<sup>7</sup> Toppi tom. 2. de orig. Trib.

<sup>8</sup> Idem, Ibid. pag. 441.



the Judges of Contracts, by the *Roman* Law called *Judices Gbartularii*: Of inspecting their Protocols, and taking care of all that belongs to their Office: Of taking Cognizance of their Causes both Civil and Criminal; and of legitimating bastard Children, according as it has been established by our Statutes <sup>1</sup>.

BUT in the Reigns of the *Normans*, *Suevi*, and of the Families of *Anjou* and *Aragon*, the Office and Power of the Great Protonotary was too extensive: His chief Business was not to make Notaries and Judges, but, as we have said elsewhere, to receive the Memorials and Petitions which were presented to the King: All Letters Patent passed through his Hands, and were registred by him: All new Laws, Constitutions, Edicts, and Statutes, which were established, were by him penn'd and recorded: Whatever was decreed, or ordained by the Prince, either in his Council, or in any other Court, was drawn up by him, either as a Sentence, Patent, or Grant; and while the famous *Bartolommeo di Capua* was Great Protonotary, we have seen how extensive and eminent that Office was.

WHENCE it came, that *Alphonfus* having instituted this new Tribunal, wherein many things were to be discussed, which concerned the Office of the Great Protonotary, such as receiving the Petitions directed to the King, recording the Decrees of this supreme Judicatory, and many other things within his Province; although the King had granted equal Power to the President to act in these Matters, nevertheless he would not allow the Prerogatives of the Great Protonotary, or his Deputy to be thereby prejudiced, when they were present in the Council; so that when either of them was present, they were not hindred from performing the Duties incumbent upon them. Whence it is, that in the old Patents we frequently read, that *Onorato Gaetano* Count of *Fondi* had presided in this Tribunal, either as Great Protonotary, or as President of it, and even frequently as Counsellor *Assist-ant*. Whence we also read, that at pronouncing of Sentences, the Great Protonotary, or his Deputy was present with the Counsellors. So, as the same *Toppi*<sup>2</sup> witnesseth, at a Sentence of the S. C. pronounced on the twenty ninth of *January* 1452, *Onorato Gaetano* Count of *Fondi* Great Protonotary of the Kingdom, and *Giorgio d' Alemagna* Count of *Pulcino* Counsellor *Assist-ant* were present; so the same Count of *Fondi*, as Great Protonotary, before he was President, in 1474 committed a Cause to *Luca Tozzoli* his Vice-Protonotary. Moreover in 1485 the Count of *Morcone* Great Protonotary with his Vice-Protonotary and the Counsellors were present at pronouncing the Sentences in this Tribunal on the twentieth of *September* the said Year.

FROM this likewise proceeded the Custom that when one advanced to the Office of Great Protonotary was to take Possession of his Charge, seeing the Great Protonotaries performed the chief and most solemn Functions in the S. C. they took Possession in this Tribunal by being present at pronouncing the Sentences there; and this was deemed to be actual Possession. So we read, that *D. Ferdinand* of *Toledo*, having been made Great Protonotary by the Emperor *Charles V.* on the twenty second of *May* 1537 took Possession of his Office in the S. C. and was present that Day at all the Sentences pronounced by that Tribunal; and *Antonio di Gennaro*, who was then President of the Council, made a very learned and elegant Oration in his Praise<sup>3</sup>. *D. Ferdinando Spinello* Duke of *Castrovillari* and Count of *Cariati*, on the last Day of *June* 1526, according to *Passero*<sup>4</sup>, or as *Rosso*<sup>5</sup> says, on the twenty sixth of *April*, when he was made Great Protonotary by *Charles V.* he took Possession of it by being present with the President and all the Counsellors at all the Sentences pronounced that Day in the S. C.

WHENCE also proceeded the Custom, which still continues, and was introduced in the Time of our Grandfathers, that the Office of Vice-Protonotary should be indissolubly annexed to that of President of the S. C.; for the Great Protonotaries, being Persons in a high Station, and employed in other Affairs, began to think it below them to be personally present in the S. C. but sent their Vice-Protonotaries to the Tribunal, who, as well as the President, performed their Duty; so that the Counsellor *Matteo d' Affitto*<sup>6</sup> in many of his Decisions assures us, that the famous

<sup>1</sup> Taffon. de Antef. verf. 3. obf. 3. pag. 168.

<sup>2</sup> Toppi tom. 2. de orig. Trib. fol. 483.

<sup>3</sup> Idem loc. cit.

<sup>4</sup> Passer. in Diar. Reg. Neap.

<sup>5</sup> Giornali di Greg. Rosso, pag. 3. ann. 1526, on the twenty sixth of April the Duke of Castrovillari

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took Possession of the Office of the Protonotary of the Kingdom in the S. R. C. of Clara with great Solemnity, and was accompanied by all the Nobility and Gentry.

<sup>6</sup> Affit. decif. 1.

*Antonio Alessandro*, though he was not then President, was present in the Council as Vice-Protonotary, and together with the other Counsellors voted in the Causes, and presided in the Tribunal. *Michel Riccio*, before he was President, committed fundry Causes to the Counsellors as Vice-Protonotary<sup>1</sup>. We likewise read the same of *Luca Tozzoli*, and of many others besides. Whence it came, that one single Person being sufficient for that Duty, the Office of Vice-Protonotary is now annexed to that of President.

BUT it is likewise very true, that it was not so at first, for the Vice-Protonotary by his Office having the Power of making Notaries and Judges, a Function quite distinct from, and independent of the S. C. and consequently brought very great Emoluments, some, though not Presidents, procured it for themselves, and many Deputies obtained it. So in the Year 1540, *Girolamo Colle* Deputy of the Chancery obtained that Office, though he was not President, and exercised it till 1549, when, being made Vice-Chancellor in *Spain*, he went thither;<sup>2</sup> and that Post being then vacant, it was bestowed upon *Girolamo Severino*, who was at that time President. But *Severino*, on account of his great Age and continual Indisposition, having laid down the Office of President, kept that of Vice-Protonotary, as more profitable, and less troublesome, which he continued to exercise as long as he lived, and in 1558 when he died, it was given to *Alfonso Santillano* then President, who kept it till 1567 the Year of his Death.

BUT upon the Death of *Santillano*, the Duke d'Alcala the Viceroy gave it interim to Deputy *Villano*; and *Tommaso Salernitano* being made President of S. C. in the room of *Santillano*, and finding that the Office of Vice-Protonotary was exercised by Deputy *Villano*, sent his Allegations to the King in *Spain*, whereby he endeavoured to prove, that the Office of Vice-Protonotary being annexed to that of President, it ought not to be separated from it. While he was expecting the King's Decision, Deputy *Villano* died, and he got the Post; but afterwards from President being made Deputy of the Chancery, he kept the Vice-Protonotaryship, and left the Presidentship to *Gio. Andrea de Curte*, who succeeded him in 1570 in the one but not in the other. The President *de Curte* had recourse to *Spain*, laying hold of the same Allegations formed by *Salernitano* his Competitor; and these Allegations having had such weight with the Council of *Spain*, the King reunited the two Offices; so that from that time to this they have still continued united in the same Person. It is true, the King in his Royal Patent grants them both expressly, because if the Patent mentioned the Presidentship only, it would not be sufficient to include the Office of Vice-Protonotary. Although they be two Offices united in one Person, yet they are distinct from one another, being of different Natures, and having separate Functions, at least as to what concerns the making of Notaries and Judges; so that even in our time, the Deputy *Aguir* having obtained a Patent to be President, and the Office of Vice-Protonotary not being mentioned therein, he was forced to have recourse again to the King, who gave it him.

IN this new Tribunal then we have a President, two military Counsellors *Assistants*, and often the *Vice-Protonotary* also: Now follow the *Counsellors Doctors* of Law, who make up the greatest part of it. The ablest Lawyers have always been pitched upon to be Counsellors of this Senate. *Alphonfus*, *Ferdinand* his Son, and all the other Kings their Successors were very nice and circumspect in that Choice. They were for having the most learned Men: *Viri juris insignibus decorati, docti, graves, severi, infantes, mitis, Justi, faciles, lenique, qui in Judicibus exercendis, non precibus, non pretio, non amicitia, non odio, neque denique ulla re corrumpantur*; these are the Words of *Alphonfus*<sup>3</sup>. Whence it is, that from the time of its Institution we read, that there sat in this Tribunal the most learned and the most judicious Men, such as *Michel Riccio*, *Francesco Antonio Guindazzo*, *Nicol' Antonio de' Monti*, *Paris de Puteo*, *Antonio d'Alessandro*, *Gio. Antonio Caraffa*, *Matteo d'Affitto*, *Giacomo d'Agello*, *Antonio Capece*, *Loffredo*, *Salernitano*, *Tappia*, *Gambboa*, *Miroballo*, and many more, of whom *Toppi*<sup>4</sup> has a long Catalogue, and of whom, as Occasion offers, we shall make honourable mention.

<sup>1</sup> Toppi lib. 2. de off. S. R. C. pag. 165.

<sup>2</sup> Idem lib. 2. de off. S. C. cap. 5. & seq. fol. 111.

<sup>3</sup> Prag. 2. de off. S. C. R.

<sup>4</sup> Toppi lib. 1. de orig. Trib. cap. 7.

FROM the Institution of this Tribunal, to the Reign of the House of *Austria*, the Counsellors were not perpetual, but only during the King's Pleasure <sup>1</sup>, who, trusting to their Learning, Integrity and Prudence, at the same time that they were Counsellors, made them Presidents of the Royal Chamber, and with great Exactness they performed both their Offices. *Severino di Diáno, Pietro Marco Gizzio, Bartolommeo di Verino, Andrea and Diomede Mariconda*, and many others, as *Toppi* observes <sup>2</sup>, at the same time that they were Counsellors, were made Presidents of the Royal Chamber, and exercised both Charges. That ought not to seem impossible, since in those Times this Council sat only three Days of the Week, *viz. Tuesday, Thursday and Saturday* <sup>3</sup>.

THE publick Professors of the University were frequently made Counsellors, yet for that did not leave their Chairs, but employed their Learning as well in the University as in the Senate. Such were *Matteo d'Affitto, Camerario*, and many others, as may be seen in *Toppi* <sup>4</sup>.

AS to their Number, it has always been various and uncertain from its Institution, but afterwards it was fixed and determined. When *Alphonfus I.* instituted this Tribunal, besides the President, he chose nine Doctors for Counsellors <sup>5</sup>. Afterwards in the Year 1449 putting it into a better Form, he appointed two of the Nobility for Counsellors *Assistants*, and lessened the Number of Doctors, ordaining, that there should be only six. Shortly after, recalling that Order, he added a seventh; but in process of time in the Years 1483 and 84, they were ten, and then twelve in Number. They all assembled in one Hall; hence it is, that in the Decisions of Counsellor *Affitto*, we often read some Causes to have been unanimously decided *per totum Sacrum Consilium*.

*CHARLES V.* was the first, who, by his Letters Patent dated in *Bologna* the twenty sixth of *February* 1533, ordered this Tribunal to be divided into two Benches, in each of which, besides the President, four Doctors Counsellors were to be present, whereby their Number was to consist of eight <sup>6</sup>, which was put in execution in *Castel Capuano* by his Viceroy *D. Peter de Toledo*. But the Number of Causes increasing, at the Request of the City and Kingdom, on the second of *March* 1536, he allowed two other Counsellors to be added, which made five to each Bench. Afterwards two others were added, who were to assist the criminal Judges of the Vicariate, who were to take their Turns every two Years, always leaving five to each Bench of the Council <sup>7</sup>.

BY whom the Number was increased afterwards, and the third Bench added, is very uncertain. It is probable that it happened in the Reign of *Philip II.* since he in some of his Royal Writs dated in *Madrid* the twenty fourth of *December* 1569 makes mention of this third Bench <sup>8</sup>.

BUT it is very clear, that the fourth was added by King *Philip II.* who, at the Request made him in the Parliaments held in 1589 and 1591 by the City, for the greater Dispatch of Causes, by his Royal Letters dated the seventh of *September* 1596 increased the Number of Counsellors, and ordained, That a fourth Bench should be added to the other three, wherein five other Counsellors were to assist: So that the Number of Counsellors amounted to twenty two, of which twenty were to be distributed among the four Benches of the Council, and two to be present in the criminal Bench of the Vicariate, in order to mitigate the Rigour of that Tribunal, as is still observed to this Day. There are two others who don't reside in *Naples*, one of which has the Inspection of the Government of *Capua*, and is changed every two Years; the other is either sent to the Court of *Rome* to take care of the Affairs relating to Jurisdiction, or is appointed for the Government of some Province, or any other Charge the King is pleased to intrust him with. This at present is the ordinary Number of Counsellors, two Thirds of which must be Natives of the Kingdom, and the third as the King thinks fit <sup>9</sup>. But now by a special Favour granted by his present Majesty the Emperor *Charles VI.* <sup>10</sup> six are only left at the King's Pleasure. The Kings have sometimes made Supernumeraries, at other times they have removed these, and reduced them to the ordinary Num-

<sup>1</sup> *Toppi* lib. 3. cap. 1. num. 112.

<sup>2</sup> *Idem* loc. cit. cap. 11.

<sup>3</sup> Prag. 6. de off. S. R. C.

<sup>4</sup> *Toppi* lib. 4. cap. 1.

<sup>5</sup> Pragm. 2. de offic. S. R. S.

<sup>6</sup> Prag. 4. de off. S. C.

<sup>7</sup> Prag. 2. de off. S. C. num. 5.

<sup>8</sup> Prag. 68. de off. proc. Cæsar.

<sup>9</sup> Prag. 1. de offic. Proc.

<sup>10</sup> *Grazie dell' Imp. Carlo VI.* tom. 2. pag. 255.

ber, according as the Exigency of Affairs required, or as some eminent Person deserved.

THESE are the Members of which this supreme Tribunal is composed. It had also, as it has to this Day, its inferior Officers; such as a Secretary, a Sealer, thirteen *Mastrodatti*, many Clerks, sixteen Examiners, nine Messengers, and fourteen Porters.

FROM this Tribunal, which, for the most part, was always composed of the ablest Lawyers, proceeded those many Decisions, whereof we have now so many Collections. Its Decisions from its very Rise were so much commended, and of so great Authority, that not only with us, but likewise with foreign Lawyers, they were highly esteemed and regarded, of which among others, *Philippus Decius* bears witness. The first that collected them was the famous *Matteo d'Afflitto*, who for that alone, above all others, deserves to be celebrated, because he was the first in *Italy*, who introduced the Custom of setting down the Decisions of the Tribunals, and making particular Collections of them. The Cardinal *de Luca* <sup>1</sup> was of Opinion, that this Lawyer in that had imitated the Custom practised in the *Rota* of *Rome*, the Decisions of which, before the Erection of this new Tribunal of S. C. had become famous, and were quoted by many Writers. However that may be, it is not to be doubted that he was the first who introduced this new manner of Writing, and those private Collections. His Example was afterwards followed, not only by our other Writers, but also by the Lawyers of other Nations. Among ours, the nearest to him were *Antonio Capece*, the two *Tommasi*, *Grammatico* and *Minadoi*, and the famous *Vincenzo de Franchis*. Then followed the others, of whom *Toppi* <sup>2</sup> made a long and exact Catalogue. So that after the ancient Glossators, after the Commentators, the Writers of Treatises and Additions, Repeaters, and Consulters, another new Class of Writers started up among us, called *Decisionists*; of whom we shall have Occasion to discourse elsewhere.

<sup>1</sup> Card. de Luca Rel. Cur. Rom. lib. 15. disc. 32. num. 13. & seq.

<sup>2</sup> Toppi lib. 1. cap. 15. tom. 2.



## CHAP. V.

*Alphonfus re-establisheth the Tribunal of the Royal Chamber; and how it was reunited to the Tribunal of the Royal Mint, under the Direction of the Masters of Accounts.*



AMONG the many Virtues wherewith *Alphonfus* was adorned, our Writers <sup>1</sup> have not neglected to observe one Vice, into which he was led by his too great Liberality and Magnificence. He, by his immoderately enriching, and raising some Families too high, reduced the Royal Treasury to such straits, that, in order to repair the Loss occasioned by the excessive Grants and Expences, he was forced to have recourse to new Taxes, and to invent other burdensome Ways and Means for raising Money. Therefore he resolved to re-establish the Tribunal of the Royal Chamber, that his Ministers might be more careful and diligent in providing him with Money.

<sup>1</sup> Michel Riccio lib. 4. de Reg. Neap. & Sic. Tazzello de reb. Sicul. Decad. 2. lib. 7. in *Alphonso*.

THIS Tribunal, as well as that of the High-Court of the Vicariate, was composed of two Tribunals, which being formerly divided, were in process of time reunited, and made one single Tribunal, where the King's Patrimony was managed in the same manner, as at present. The Masters of Accounts, as we have said in the preceding Books of this History, formed their Tribunal, which was call'd the Tribunal of the *Mint*; and they were likewise call'd Masters of Accounts of the High-Court. What their Authority and Office were, we have sufficiently explain'd elsewhere. It was a very honourable Employment, and therefore was bestowed, for the most part, upon the Nobility, and the chief Lawyers of these Times. The Masters of Accounts formerly held their Tribunal in the Castle of *S. Salvatore a Mare*, which we now call *Castello dell' Uovo*, as may be seen in the Reign of *Charles I. of Anjou*; and their Number was much greater than it is at present. In the Reign of King *Ladislaus* their Number amounted to sixty five; in that of King *Alphonfus* it was reduced to thirty six, and afterwards in 1585, to eighteen <sup>1</sup>.

QUEEN *Joan I.* in the Year 1350 gave them most ample Privileges, which are recorded by Deputy *Capece Galeota* <sup>2</sup>; but they making a bad use of them afterwards, and endeavouring to extend their Jurisdiction to Causes, which did not fall under their Cognizance, *Sorgente* says <sup>3</sup>, That the same Queen, in the Year 1370, restricted their Authority, forbidding them to intermeddle with other Peoples Business, or to stretch their Authority beyond its just Limits.

BESIDES this Tribunal, there was another of a very old standing, which had likewise the Care of the Royal Patrimony, called *Regia Camera*, or *Regia Audientia*, *Curia Summaria*, and lastly, *La Regia Camera della Summaria*, a Name, which it retains to this Day <sup>4</sup>. It was managed by the Magistrates, who were formerly called *Auditores* (whence the Tribunal was called *Regia Audientia*) and afterwards they were called *Presidents* of the Royal Chamber.

SEEING the Officers of these two Tribunals, as being employ'd in one and the same Business, acknowledged one and the same Head, *viz.* the High-Chamberlain, or his Deputy, and us'd frequently to meet together, their Union into one Tribunal became therefore the more easy, and the Prerogatives of the one were with the more Facility conveyed to the other.

THE manner in which these Officers managed the Affairs of the Royal Patrimony, both under the Kings of the *Anjou* and *Aragon* Families, King *Alphonfus* himself, in one of his Patents recorded by *Toppi* <sup>5</sup>, *Surgente* <sup>6</sup>, and others of our Writers, describes it to us. All those who had the Administration of the Exchequer, and collected the Royal Revenues, were obliged to give in their Accounts in particular stich'd Sheets of Paper to the Royal Chamber. These Accounts being brought to the Chamber, were to be revis'd by the Presidents and the Masters of Accounts jointly, but cursorily; that is to say, by separating the doubtful Articles from the clear, and what remained unpaid of the clear Articles, the High-Chamberlain and the President dispatched mandatary Letters, directed to the Treasurers, for exacting Payment from the Debtors of the Sums therein marked. The doubtful Articles were remitted to the Masters of Accounts, to be by them revis'd, discuss'd, and finally determin'd. Only when Difficulties occurred in point of Law, it was communicated to the Presidents, who determin'd it summarily: *Hinc evenit* (as *Surgente* very well observes <sup>7</sup>) *ut Camera Summaria sit appellata, cum prius Audientia Rationum appellaretur.*

IN the Reign of King *Ladislaus* it began to be introduced, that the Presidents, as well as the Masters of Accounts, fully discuss'd and determin'd the doubtful Articles, and gave Acquittances. But *Alphonfus*, by his Writ dated in *Castel Nuovo* the twenty third of *November* 1450 or <sup>8</sup>, That the Accounts brought to the Royal Chamber should not only summarily but fully be discuss'd and determin'd by the Presidents; and that the Masters of Accounts should not meddle in the Decision and Determination of them; transferring to the Presidents all the antient Authority, Prerogatives, and Pre-eminencies, which the Masters of Accounts for-

<sup>1</sup> Surgen. de Neap. illustr. cap. 7. num. 1. & 2. num. 37.  
<sup>2</sup> Top. de orig. Trib. tom. 1. lib. 4. cap. 3. n. 8. <sup>5</sup> Toppi loc. cit. num. 12.  
<sup>3</sup> & 11. <sup>6</sup> Idem. de orig. Trib. tom. 1. pag. 259.  
<sup>4</sup> Reg. Cap. Galeot. resp. fiscal. 1. num. 51. <sup>7</sup> Surg. loc. cit. num. 20.  
<sup>8</sup> Surg. loc. cit. Reg. Cap. Galeot. loc. cit.

merly had in that Matter; this was the Reason, that afterwards the Office of these Matters was confined to the reporting and proposing the Doubts, and waiting for the Decision of the Presidents. Whence proceeded the great Difference, which we see between the ancient Masters of Accounts, and the modern ones of our Times.

FORMERLY the care of the Royal Patrimony belonged wholly to the Masters of Accounts, but afterwards *Charles I.* of *Anjou* committed it to the Royal Chamber <sup>1</sup>. And this Tribunal was afterwards by *Alphonfus* exalted above all the rest; for he extended its Cognizance to many Causes, which formerly belonged to the High-Court, or the Sacred-Council. He ordained, according to what *Costanzo* relates <sup>2</sup>, that it should not only have the care of the Royal Patrimony, but should take Cognizance of Feodal Causes. Hence it was, that *Alphonfus's* Successors, in Imitation of him, so much favoured this Tribunal, by extending its Jurisdiction to all Causes, wherein the Exchequer was either Plaintiff, or Defendant; to take Cognizance of the *Regalia*, of Causes concerning Jurisdiction, wherein its own Interest was at stake, of Investitures, of Fiefs, of Feodal Succession, of Liege Homage, of Oaths of Fidelity, of Fines, of Taxes, of the Devolution of Fiefs, of Royal Patronages, of Ecclesiastical Dignities, and the Collation of Benefices, or Royal Presentations; and to have the Inspection of all vendible Offices; the care of the Royal Gallies, of the Royal Castles and Forts, of their Victuals and military Stores, of the Cannon, Powder, Salt-petre, and, in a Word, of all the necessary Equipage of the Army; the Inspection of the Universities of the Kingdom, of the Exportation of Merchandise, of Taxes, of Customs, and of the Product of Cockets; to revise the Accounts of all the King's Ministers, and of the Custom-House; to have the Inspection of the Royal Mines, Treasures, Streets, Bridges, and Passes; in short, of all that concerns the Royal Patrimony, and the Rights of the Exchequer.

BY having the Inspection of, and Jurisdiction over all these, the Royal Chamber came to have the Direction of other inferior Tribunals; such as those of the Clerk of Accounts, of the Treasurer General of the Kingdom, of the Custom-House of *Naples*, and of all the other Custom-Houses of the Kingdom; those of the King's Huntsman, of the Port-reeves over all the Kingdom, of the Royal Mint, of Weights and Measures, and of a vast Number of other Tribunals.

*Angelo di Costanzo* <sup>3</sup> says, that *Alphonfus* having extended the Jurisdiction of this Tribunal so much, he therefore appointed four Presidents that were Lawyers, two private Men, and a Director, and that the first Director was *Vinciguerra Lanario*, who had served *Alphonfus* in many important Affairs. This does not agree with the List of Presidents and Deputies collected by *Toppi* <sup>4</sup>; for before *Alphonfus's* time this Tribunal was governed by the High-Chamberlain, or his Deputy, who was the Head of it; and *Vinciguerra* was Deputy of it long before *Alphonfus's* Reign. The first Deputy in the Reign of *Alphonfus* was *Niccol' Antonio de' Monti* a Nobleman of *Capua* in the Year 1450. when this Tribunal was reformed; and he was under *Francesco d'Aquino* Count of *Loreto* High Chamberlain, who upon no account would be present in the Tribunal; pretending, that a Person of his Quality might serve by means of a Deputy, and it was allowed him <sup>5</sup>; so that *Niccol' Antonio* was appointed his Deputy, and from that time forth the High-Chamberlain never assisted in the Tribunal, but their Deputies, of whom, down to our time, *Niccolo Toppi* has made a long Catalogue; whence, in process of time, the High-Chamberlains not much regarding this Tribunal, it came, that the Kings appointed the Deputies, and the High-Chamberlains had nothing left them but an empty Title without Function.

THE Number of Presidents, as well as that of Counsellors, was always various; and they were likewise removeable at the King's Pleasure, going alternately from one Tribunal to another. According to *Costanzo*, there were only four of the long Robe, and two private Men in the time of *Alphonfus*; afterwards their Number increased wonderfully; insomuch, that in the Year 1495. there were twenty six Presidents belonging to this Tribunal, all of them famous, both for the Nobility of their Birth and Learning <sup>6</sup>.

<sup>1</sup> Idem loc. cit. num. 2.

<sup>2</sup> Idem loc. cit. num. 3.

<sup>3</sup> Costanzo lib. 18.

<sup>4</sup> Toppi tom. 1. de orig. Trib. cap. 7, 8.

<sup>5</sup> Taffon. de Antef. vers. 3. obs. 3. n. 142.

<sup>6</sup> Idem tom. 1. de orig. Trib. cap. 2. lib. 4. n. 3. & cap. 14. n. 1, 2, & 3.

THIS exorbitant Number occasion'd the Reform; so that the same Year 1495. under *Ferdinand II.* the Tribunal was reform'd, and only five Presidents were left, who sat in one Bench, as the Counsellors of the S. C. used to do. But in process of time, the Royal Revenues still increasing, it became necessary to augment their Number; and consequently one Bench not being able to contain them, King *Philip II.* by his Writ dated the twenty fourth of *December 1596.* directed to Count *Olivares* the Viceroy<sup>1</sup>, ordained, That the Tribunal should be divided into two Halls, in each of which three Presidents of the long Robe, and one private Man should be present, and the Deputy, sometimes in the one, and sometimes in the other, according to the Circumstances and Weightiness of Affairs, should preside. But this was not sufficient for the immense Affairs of the Tribunal; so that in 1637. for the greater Dispatch of Business, the Count of *Monterey*, who was then Viceroy, was obliged to add a third Bench. At present their fixt Number is twelve, eight of the long Robe, and four private Men, who, saving the Dignity of the Gown, and that they do not vote when Points of Law are to be decided, have the same Prerogatives with the Gown-men, and sit next them. *Philip II.* in 1558. among the Privileges granted to the City and Kingdom of *Naples*, order'd, that two parts of the Presidents should be Natives, and the third as the King thought fit<sup>2</sup>; but in the Reigns of the other Kings of the House of *Austria*, this Tribunal was always governed by four *Italians* and four *Spaniards*; and although the private Men, who were Presidents, were for the most part Natives, yet frequently some of them were *Spaniards*. At present, by the *Novelle Grazie*<sup>3</sup>, three of the Long Robe, and one private Man are as the King thinks fit.

THIS Tribunal has an Attorney General and Sollicitor, who are scarce sufficient for the vast Load of Business; so that *Tassone* in his time wish'd that there had been two Attorney Generals. In our Days there have been two, but at present there's only one. 'Tis true, that Want has been in some measure supplied by adding an Attorney of Accounts, whom we call *Cappa corta*, (short Cloak) who sits next the Attorney General, and has a thousand Duckets of Salary<sup>4</sup>. This Tribunal had likewise twenty Masters of Accounts, but their Number is now restricted to fifteen; twelve for the Affairs of the twelve Provinces; two for the Royal Patrimony, and one for the Custom-House of *Foggia*, whose Authority, although it be much diminished, and for the most part transferred to the Presidents, yet with respect to the reporting of Causes, and the examining of Accounts, it is great. They are of the King's appointing as well as the Presidents, Attorney General and Sollicitor; and from Masters of Accounts, it is an easy Step to rise to be Presidents in the Rank of private Men, which, as *Toppi* witnesseth<sup>5</sup>, was practised in the Reign of the Kings of the Family of *Aragon*, and of *Charles V.* and they enjoy all the same Prerogatives, Pre-eminencies, and Exemptions, with the other Officers of the Tribunal.

IT has its own Notary, or Secretary; and though it be a vendible Office, yet it must be confirm'd by the King. It has three Masters of the Rolls, according to the three Archives that are there; that of the Royal Mint; that of the Books of Accounts, and the third of the Records, of whom and their Prerogatives, *Toppi*<sup>6</sup> has made a long Discourse, and copious Catalogues.

IT has likewise a Sealer and four *Mastrodatti*, who have Power of making eight Writers, two for each, besides twelve others, whom the Deputy appoints, all Natives; many ordinary Clerks, and a vast Number of extraordinary, and Porters, all Natives; over all which the Tribunal has the Cognizance both of their civil and criminal Causes.

IN this Degree of Eminency is this Tribunal at present, possessed of so many Privileges and Prerogatives granted to it not only by the Kings of the Family of *Aragon*, but likewise by the *Austrian* Princes their Successors; so that it is become supreme and independent of any other Tribunal with respect to the Administration of the Royal Patrimony. It resembles the *Procurator* of the *Roman* Emperors. It has Power of Retracting, as well as the Tribunal of the S. C. so that from it there is no Appeal to any other Tribunal, but by way of Reclamation, it revises

<sup>1</sup> Idem tom. 1. de orig. Trib. p. 97.

<sup>2</sup> Tasson. de Antef. vers. 3. obf. 3. n. 140.

<sup>3</sup> Grazie dell' Imp. Car. VI. tom. 2. pag. 255.

<sup>4</sup> Capece Galeot. resp. fisc. 2. n. 7.

<sup>5</sup> Toppi tom. 1. de orig. Trib. lib. 4<sup>a</sup> cap. 7.

n. 11.

<sup>6</sup> Toppi loc. cit. lib. 2. cap. 2. & 9.

its own Decrees, without stopping Execution. From it, as well as from the Tribunal of the S. C. come forth Decisions, Ordinances, and general Decrees, which, in the Kingdom, have Force no ways inferior to the Laws and Usages of the other supreme Tribunals. Whence, besides the Ordinances and general Decrees, of which we have discoursed at large in the XXII. Book of this History, it has its own particular Writers, who have collected its Decisions; such as Deputy *Revertera*, *Ganavero*, *Moles*, *Ageta*, and others. And in the Reign of the Family of *Aragon*, before the Year 1505. when the *Spaniards* erected the Collateral Council, this Tribunal was the next in Rank to that of S. C. by which, at all Times and in all Places, except in its own Hall, where the Presidents sit on the right side, and the Counsellors on the left, it has always been preceded.



## CHAP. VI.

*Of the Order and Number of the Provinces of the Kingdom in the Reign of Alphonfus, and how they were managed by the Royal Chamber; and how the Families of each City and Village were numbered.*



**I** DON'T see whence *Marino Freccia* learnt, that King *Alphonfus* divided this Kingdom into six Provinces. From the time of the Emperor *Frederick II.* as may be seen in the XVII. Book of this History, it was divided into eight Provinces. *Principato*, which, by reason of its large Extent, was afterwards divided into two, the *Hither* and the *Further*. *Calabria*, for the same Reason, was likewise divided into two, viz. *Terra Giordana*, which we now call the *Further*, and *Val di Crati*, which is now called the *Hither Calabria*. *Puglia*, was also divided afterwards into two, *Terra d'Otranto*, *Terra di Bari*, and *Apruzzo*, which were divided into two Provinces; so that to these eight, other four being added, viz. *Terra di Lavoro*, *Basilicata*, *Capitanata*, and *Contado di Molise*, their Number amounted to twelve, as at present. And *Alphonfus* was so far from restricting their Number, that it has been the constant Opinion of our Writers, that in order to remove the Disputes that were wont to arise among the Collectors of the Taxes and Revenues, he divided *Apruzzo* into two Provinces. But the most convincing Proof, that the Number of Provinces was twelve in the Reign of *Alphonfus*, is the Writ containing the general Subsidy imposed in the Year 1443. for *Alphonfus's* triumphal Entry into *Naples*. This Writ was printed by *Camillo Tutini* in his Book of the seven Offices of the Kingdom, and which he extracted from the Archives of the Royal Chamber. In this Writ the Province of *Otranto* is not mentioned; but we are ignorant whether that be owing to devouring Time, or because the greatest part of that Province being then in the Possession of the Prince of *Taranto*, the King's Relation, it had therefore been excepted; and of the Number of the Cities and Towns of all the other Provinces, the patrimonial Cities are also wanting, upon which, it is probable, a separate Tax had been laid. The Recorders however have committed an Error in the Rubrick, because instead of saying: *Triumphus Regis Alphonfi*, they have said: *Tassa Collectarum felicis Coronationis Regis Alphonfi noviter*

\* Freccia lib. 1. de Subfeud. tit. de Prov. & Civ. pruzzo ultra.  
Reg. num. 16. Tutin. de' M. Giustiz. pag. 80.  
\* Mazzella nella descrizione del. Reg. Prov. d'A.



*imposita ad recolligendum in Baronibus Provinciarum Regni, ultra Terras Demaniales;* for although in the Year 1445. *Alphonfus* had obtained a Bull from Pope *Eugene*, by which he promised to send him the Cardinal of *S. Lorenzo*, or some other Person to crown him; yet that Solemnity was never performed during his Life. In this Writ are set down all the other eleven Provinces, with the Baronage Cities and Towns, and their Barons, in this order: *Principato citra, & ultra. Basilicata. Terra di Lavoro, e Contado di Molise. Apruzzo citra. Apruzzo ultra. Provincia Calabriae Vallis Cratis. Provincia Calabriae ultra, Capitanata. Provincia Terre Bari.*

THUS we see, that in the Reign of King *Alphonfus* the Provinces of the Kingdom were not less in Number than what they are at present. This proves that *Guicciardino* was mistaken <sup>1</sup> when he wrote, that *Alphonfus* changed the Denomination of the Provinces; and in order to facilitate the Collection of the Revenues, divided the whole Kingdom into six principal Provinces, viz. *Terra di Lavoro, Principato, Basilicata, Calabria, Puglia* and *Apruzzo*; of which *Puglia* was divided into three Parts, viz. *Terra d'Otranto, Terra di Bari, and Capitanata*. An Error as it is pardonable in that Writer, who was a Foreigner, and could not be rightly informed, so it is unpardonable in *Marino Freccia* a Native, and one of the King's Ministers in *Naples*.

BUT what is remarkable in the time of this King is, that not only all the Lands adjacent to these Provinces, of which more hereafter, are assign'd to *Calabria*, and not to *Sicily*, but likewise the Island of *Lipari*.

THIS Prince also enlarged the Province of the *Further Principato*, by adding to it the City of *Benevento*, and he extended the Borders of *Terra di Lavoro* further upon the Estate of the Church of *Rome* than they are at this time; and he also added to the Kingdom the Sovereignty over the State of *Piombino*.

THE City of *Benevento*, as may be seen in the preceding Books of this History, for the Reasons therein alledg'd, was long possess'd by the *Roman Pontiffs*; and altho' their Possession was frequently interrupted by *Robert Guiscard, Roger I. King of Sicily, William II. the Emperor Frederick II.* and by other Kings, according as the Circumstances of the War, or Enmity required; yet by the Treaties of Peace it was always restored to the Church, as being looked upon to be no part of the Kingdom; because when these Provinces were formed into a Kingdom, it had been before divided and separated from it, and under the Dominion of the Popes; hence it is, that in all Investitures it was always excepted. In the Reign of *Charles III. Urban VI.* gave the Government of it to *Ramondello Orsino*, who was afterwards Prince of *Taranto*, for his having deliver'd him from the Hands of *Charles*, when he was by that Prince besieged in *Nocera*. *Alphonfus* being invited to the Conquest of the Kingdom by the Adoption of Queen *Joan II.* upon the arising of those Disputes, which at last broke out into a bloody War: *Alphonfus*, who had two Popes his Enemies, possessed himself of *Benevento*, with a Design never to part with it, as the other Kings his Predecessors had done. In the Treaties of Peace held in *Terracina* with Pope *Eugene's* Legate, there was much debating about its Restitution, which was not agreed to by the King, but only, that together with *Terracina* he should keep it in Name of the Church all the Days of his Life; but that on the other hand *Citta Ducale, Acumoli, and Lionessa*, most important Cities of the Province of the *Further Abruzzo*, should be left in the Possession of the Pope. But afterwards Pope *Nicholas V.* succeeding *Eugene*, the said Cities of *Montagna dell' Amatrice* were restored to *Alphonfus*; hence it was, that, in order to remove all occasion of Dispute about the Limits of the County of *Acumoli*, bordering upon that of *Norcina*, in 1589. the Count of *Miranda* published an Edict <sup>2</sup>, whereby all manner of Alienation of the Territories of *Acumoli*, situate upon the said Borders, to Strangers, and especially to the *Norcians* was prohibited; and *Benevento* and *Terracina* also remained in the King's Possession, without being obliged to pay the Tribute of the two Hawks, due to the Apostolick See for the said two Cities; so that the Province of the *Further Principato* during all the time of the Reign of *Alphonfus*, with respect to the temporal Polity, acknowledged *Benevento* for its Head and Metropolis. Nor after the Death of *Alphonfus* was it restored to the Church; for *Ferdinand I.* his Successor likewise kept Possession of it for a long time: But afterwards there having been several Treaties with Pope *Paul II.* he

<sup>1</sup> Guicciard. lib. 5. Istor.  
VOL. II.

<sup>2</sup> Pragm. 10. de Empt. & Vendit.  
Z z z z restored

restored it to him; from that time forward, with uninterrupted Possession, it has continued to this Day under the Dominion of the Apostolick See, and is reputed a City without the Kingdom. In the time of our Grandfathers *Alfonso di Blasio* a *Beneventan* Gentleman wrote an exact and full History of *Benevento*; and the fourth Volume contains this last State of its Subjection to the Popes. *Blasio*, in a Letter of his dated in 1650. mentioned by *Toppi*<sup>1</sup>, gives us a Hint of that Work; and says, That it cost him thirty Years Labour, and that according to its various Conditions (before it was subdued by the *Romans*: The Time when it was under their Dominion in the Form of a Colony; under its own Dukes and Princes; and lastly, under the Popes) he had divided the Work into four Volumes. He maintains that *Benevento* was formerly the ancient City of *Samnum*, and rejects the Opinions of *Cluverius* and *Salmasius*, who deny that there ever was such a City as *Samnum*. But dying before he could finish the Work, whereby he expected to have rendered his Name immortal, his Manuscripts lie buried in Darkness, and none have taken care to have them printed.

IN the Reign of *Alphonsus* the Province of *Terra di Lavoro* reached much farther within the Estate of the Church of *Rome* than it does at present. The Popes pretended, that the City of *Gaeta* belonged to the Dominion of the Church; and they founded that Pretension, as we have said in the preceding Books of this History, upon the Bounty of *Charles the Great*, when he pretended to take it from the *Greeks*, in order to make a Present of it to the Church of *Rome*, as he had done of *Terracina*, and other Cities taken from the *Greeks*. But at that time *Arcebis* Prince of *Benevento* opposing it, their Design was blasted, and he got that City to be immediately restored to the Dominion of the Emperors of the East, who sent thither their Officers to govern it. But that did not prevent the Popes, whenever an Opportunity offered, to make Attempts upon it; and when they saw that they could not maintain it, they invested some powerful Prince with it. So we read, that Pope *John VIII.* yielded it to *Pandolphus* Count of *Capua*, who died in the Year 882.<sup>2</sup>, and *Lione Offiense*<sup>3</sup> writes, that at that time *Gaeta* belonged to the Pope; but it soon returned under the Dominion of the Emperors of the East, and in the succeeding times, the *Normans* having conquered all that the *Greeks* had remaining in these our Provinces, they made themselves Masters of it; hence they took the Title of Dukes of *Gaeta*. The *Normans* being succeeded by the *Suevi*, and these by the Family of *Anjou*, to whom *Alphonsus* and the other Kings of the House of *Aragon*; and lastly, that of *Austria* succeeding, this City by a continued and uninterrupted Possession has been held by our Kings, and has always been reputed one of the Cities of this Province.

BUT *Terracina* had not the same Fate, till the time of *Alphonsus*. This City being taken from the *Greeks* by *Charles the Great*, he gave it to the Church of *Rome*<sup>4</sup>; but the *Normans* having driven out the *Greeks*, laid claim to it<sup>5</sup>. Nevertheless the Popes did not part with it; so that sometimes the Popes, and sometimes our Kings possessed it; and it was always disputed, till at last *Alphonsus*, by Agreement and Capitulation with two Popes, firmly annexed it to this Province; and for a long time the Borders of the Kingdom on that side were extended to this City. Pope *Eugene IV.* as we have said, in exchange for *Acumoli*, *Citta Ducale*, and *Lionessa*, gave *Alphonsus* the Government of *Benevento* and *Terracina* during his Life; afterwards the Grant was extended to *Ferdinand* and his Successors for ever. *Nicholas V.* his Successor confirmed what *Eugene* had done, and restored these Cities to *Alphonsus*, without his being obliged to pay any Quit-rent. In the Reign of *Alphonsus*, and the beginning of that of *Ferdinand* his Son, *Terracina* was retained. But *Ferdinand* afterwards, in order to keep up Friendship with Pope *Pius II.* who had given him the Investiture which *Calistus* had denied him, was obliged to restore it<sup>6</sup>, together with *Benevento*, so that the *Roman* Possessions incorporated them again with their Dominions, from which it has not been possible ever since to wrest them; hence arose the so many Disputes about the Limits between the Apostolick See and our Kings, who have always kept up these Rights, in order to recover the said Cities, when an Opportunity should offer; and *Chioccarelli* in the twenty first Tome of

<sup>1</sup> Toppi Biblioth. Neap. fol. 356.

<sup>2</sup> Erchemp. num. 65.

<sup>3</sup> Offiense lib. 1. cap. 43.

<sup>4</sup> Hadrian. epist. 64 & 72.

<sup>5</sup> Camil. Peleg. fines Duc. Ben. ad merid.

pag. 27.

<sup>6</sup> Summ. tom. 3. pag. 249.

his *M. S. Giurisdizionali* has made a particular and exact Collection of all these Rights <sup>1</sup>.

*ALPHONSUS* did not neglect his Rights to other Places of this Province, likewise claimed and usurped by the *Roman Pontiffs*. The Castle of *Pontecorvo*, only eight Miles distant from *Monte Cassino* <sup>2</sup>, where the Bishop of *Aquino* now resides, was certainly within the District of this Province of *Terra di Lavoro*. It was built in the Territories of *Aquino* near a crooked Bridge, from which it had its Name, by *Rodoaldo the Castellain* in the time of the Emperor *Lewis*, according to *Ostienſe* <sup>3</sup>. The Monastery of *Cassino*, to which it was given in the Year 1105. by *Richard* Prince of *Benevento*, kept it for a long time <sup>4</sup>; but the Abbots of *Cassino* at this time pretended to possess all the Lands and Towns belonging to their Monastery, as absolute Lords, without depending upon any Prince, or acknowledging any other supreme or superior Dominion; therefore they independently gave Infeoffment to their Vassals, and took their Oaths of Fealty and liege Homage; of which Oaths the Abbot of *Nuce* <sup>5</sup> gives us two Forms. The same Author likewise has set down the Investiture, which the Abbot *Oderisio* gave of the Half of the Town of *Cassino* to *Giordano Pinzast* during his Life only, but that after his Death it should return to the Monastery. In these Times they made good this Pretension; for they were become so haughty as to send Armies into the Field, and in these troublesome times to make War, by defending their Towns with armed Force. But in time, such petty Lords being brought under Subjection, and these Provinces having been formed into a Kingdom under the famous *Roger I.* King of *Sicily*, the Lands of this Monastery were treated by the *Norman* and *Suevian* Kings, and those of the Family of *Anjou* as the Lands of the other Barons were, of which the Kings had the supreme and sovereign Dominion and Jurisdiction. Whence we read, that in the Reign of *Charles I.* the Abbots of *Monte Cassino*, designing to renew their old Pretensions, were curbed by that Prince, who, in the Year 1275. wrote to his Officers; telling them, That the Lands possessed by the Monastery of *Cassino* were subject to him, in the same manner as all the other Lands and Vassals of the Kingdom were, and that that Monastery and its Abbots had no other Right but that of Vassalage; therefore he ordered them not to suffer the Abbot to oppress the Vassals of the said Monastery. In 1292. *Charles II.* his Successor, while that Monastery was governed both in Temporals and Spirituals by the Bishop of *Tripoli*, sent two Commissioners to clear the Marches between the Territories of *Rocca Guglielma* and *Pontecorvo*, and to set Bounds to them; and in 1307. he wrote to the Justice of *Terra di Lavoro* and the County of *Molise*, to do Justice to the said Abbot and Monastery in not suffering them to be molested in the Possession of any Heritage, Rights and Vassals, which they had in the District of *Pontecorvo*, but to maintain them in the Possession they had.

IN the Year 1311. King *Robert* ordered the Abbot of *Cassino* to keep a strong Guard in the Forts and Places belonging to the said Monastery that were exposed to his Enemies, and especially in *S. Germano* and *Pontecorvo*; and in 1324. a new Dispute arising about the Marches between *Rocca Guglielma* and *Pontecorvo*, he ordered the Justice of *Terra di Lavoro* and the County of *Molise* to divide the said Marches, and fix Boundaries.

IN 1343. Queen *Joan I.* ordered the said Justice not to proceed *ex officio* against the People of the Town of *Pontecorvo*, Vassals of the Monastery of *Cassino*, for Crimes committed by them, excepting such as belonged to him *de jure*. And in 1431. Queen *Joan II.* made *Niccolo di Somma* of *Naples* a Knight, Governor of *Pontecorvo* for that Year.

WE likewise find by the Royal Records, that the Town of *Pontecorvo*, from the time of King *Charles I.* to that of Queen *Joan II.* was always taxed in the general Subsidies, and paid in its Quota to the Royal Chamber, as all the other Towns of the Kingdom did, as in the Years 1274, 1275, &c. down to 1423. which Documents were all collected by *Chioccarelli* in the eighteenth Tome of his *M. S. Girisdizionali*.

<sup>1</sup> Chioc. loc. cit. de Juribus, quæ antiqui Neapolitani Reges habuerunt in Civitate Terracina, quam nunc Apostolica sedes possidet.

<sup>2</sup> Abb. de Nuce in Not. ad Cron. Cass. lib. 1.

cap. 38.

<sup>3</sup> Lione Ostiensis lib. 1. cap. 38.

<sup>4</sup> Cron. Cassin. lib. 4. cap. 25.

<sup>5</sup> Abb. de Nuce in Chron. Cass. lib. 3. cap. 52.

BUT the Monastery of *Cassino* having undergone many Changes, sometimes having been given in *Commendam* by the Court of *Rome* to some Bishop or Cardinal, and sometimes restored to its former Condition, the Popes disposing of it at their Pleasure, it was by them much diminished by appropriating a great part of its Estate to themselves; so that *Pontecorvo* being taken from the Monks, at last it fell into the Hands of the Apostolical See. The Popes would not acknowledge our Kings as sovereign Lords of *Pontecorvo*, though they had formerly owned the Abbots of *Monte Cassino* as such, but usurped all Right over it to themselves. But King *Alphonfus*, during the Enmity between him and Pope *Eugene IV.* took it by force of Arms, and kept it as long as he reign'd, and at his Death transmitted it to King *Ferdinand* his Successor. In the War which this King had afterwards with *John* the Son of *Renatus*, so well described by *Pontano*, it was taken from him by *John*; but *Ferdinand* having entered into a League with Pope *Pius II.* who rais'd a strong Army against *John*, the Pope's Army drove *John* out of those Places he had taken, and *Pontecorvo* returned to *Ferdinand* its right Owner<sup>1</sup>. But the Roman Pontiffs, who never slip Time and Opportunity of regaining what they once have possessed, were always upon the catch to recover it; and, by the supine Negligence of the Ministers of our Princes, found Means to retake it, and by uninterrupted Possession kept it for a long time, and at last they took upon them, in the Investitures of the Kingdom, to reserve it to themselves, as they did *Benevento*<sup>2</sup>; and in fine, that the Bishop of *Aquino* might live in a more secure Place, they have changed his Residence, and instead of residing in *Aquino* the antient Cathedral See, he now resides in *Pontecorvo*, which they pretend to be without the Dominion of our Kings<sup>3</sup>. But what is more, they renewed the old Debate about the Marches, and pretended to extend them to *Rocca Guglielma*; so that in the Pontificate of *Paul V.* the Viceroy *D. Peter* Count of *Lemos* was obliged to send *Fulvio di Costanzo* Marquis of *Corleto* to *S. Germano*, who, with the Archbishop of *Chieti*, Apostolick Commissioner sent by the Pope, composed these Differences, and on the thirty first of *May* 1612. there was an Instrument drawn up between the said Archbishop and the Marquis for dividing the said Marches between *Pontecorvo* and *Rocca Guglielma*, in which their Commissions for that purpose were inserted<sup>4</sup>.

KING *Alphonfus* not only claim'd *Pontecorvo* from the Roman Pontiffs, but likewise the small Islands lying in the Sea of *Gaeta*. There are in that Sea four Islands called *Ponza*, *Summone*, *Palmerola*, and *Ventotene*. In some Maps *Summone* and *Palmerola* are call'd *S. Maria* and *le Botte*. The Popes likewise laid claim to these Islands, although they were comprehended in the Kingdom of *Naples*, and were always reckoned to be in the Diocess of *Gaeta*, and still governed by our Kings.

In 1270. King *Charles I.* ordered his Officers of *Terra di Lavoro* not to molest the Abbot and Convent of *S. Maria* in the Island of *Ponza* of the Order of *Cistercians* in the Diocess of *Gaeta*, in the Possession of some Lands they had in the Diocess of *Sessa*; and *Fr. Marcellino d'Arvana* having surreptitiously obtained an Order for putting himself in Possession of the said Monastery, King *Alphonfus*, having discovered the Cheat, ordered him to be turned out of Possession of the said Abbey, and of the Fruits thereof.

*ALPHONSUS*'s Successors maintained their Possession of these Islands; and in the Reign of the Emperor *Charles V.* we find, that the Count of *S. Severina* Viceroy of the Kingdom, in 1525. sent several Orders to the Castellains of *Ponza* and *Ventotene*, caretully to defend them against the *Turks*.

BUT in the Reign of King *Philip II.* the Popes heightened their Pretensions, and besides having made over their Right to the said Islands to Cardinal *Farnese* and the Duke of *Parma*, they attempted to build some Forts in the Island of *Ponza*; of which the Duke *d'Offuna* having advised the King, in the Year 1584. *Philip* returned him for Answer, That he must take special care not to suffer any Person whatsoever to usurp his Right, and to send him a full Account of what past, with his Opinion. The Viceroy consulted with the Royal Chamber, where, with great Exactness, it was demonstrated, that the said four Islands were a part of the Kingdom, and that the Pope could have no Title to them; nor the Duke of *Parma*, who was only a simple Farmer, having in the Year 1582. paid thirteen thousand

<sup>1</sup> Summ. tom. 3. lib. 5. pag. 421.  
<sup>2</sup> Chiocc. loc. cit.

<sup>3</sup> Abb. de Nuce loc. cit. lib. 1. cap. 38.

<sup>4</sup> Chiocc. loc. cit. tom. 18.

Crowns for a Lease of them for twenty two Years; whereupon the King by another Letter dated the third of *November* the said Year 1584. ordered the Viceroy to continue to preserve his Rights, and not to suffer any Person to make the least Encroachment upon them.

THE Count of *Miranda* succeeding afterwards in the Government of the Kingdom, Cardinal *Farnese*, by the Means of Count *Olivares* then Ambassador in *Rome*, proposed a Treaty with King *Philip*, for granting these Islands in Fief to the Duke of *Parma* his Cousin-german; and, by Reason of the Circumstances of those Times, the King inclining to do it, in 1587. he wrote to the Count to send him a particular Account if his doing so would be attended with any Inconveniences, but in the mean time not to suffer any Fortification, or Mole, or Harbour, to be made in the said Islands, till he should be fully informed of all, that he might resolve upon what was best for his Service. And the Count of *Miranda* having given him a full Account of the Matter, the King was determined to invest the Duke of *Parma*, and advised the Viceroy of his Resolution; and on the twenty second of *September* 1588. he wrote to the Count of *Olivares* his Ambassador at *Rome*, that according to what he had written to the Viceroy, he had given the said Islands in Fief to the Duke of *Parma* by creating them into a County<sup>1</sup>.

AT last *Alphonsus* enlarged the Kingdom, by the Acquisition of the Sovereignty of the State of *Piombino* (situate upon the Sea between *Pisa* and *Sienna*) and the small Island of *Giglio*, (*Lilly*) *Castiglione della Pescara* and *Gavarra*. In the War which *Alphonsus* carried on in *Tuscany* for inducing the *Florentines* to make Peace, and recalling their Troops from the Siege of *Milan*, the *Siennese* having granted him Passage, he thought, that the best Way he could march his Army against the *Florentines*, would be through the State of *Piombino*, where there was a Harbour fit for receiving his Fleet from *Sicily*. *Rinaldo Orsino* was then Lord of it, who at first had sided with *Alphonsus*, but had now begun to keep a Correspondence with the *Florentines*, with whom he at last joined against the King. *Alphonsus* therefore resolved to make War upon him; so that after having carried on the War in *Tuscany* during the Spring of 1488. in the beginning of *July* he marched and encamped before *Piombino*, to which he laid close Siege. *Rinaldo* called the *Florentines* to his Assistance, who accordingly made all the Haste they could<sup>2</sup>; and the two Fleets having engaged, *Alphonsus* obtained the Victory; and his Fleet, after having taken the neighbouring Island of *Giglio*, entered the Harbour of *Piombino*, and in order to reduce the City he made an attack upon it, but his Army being seized with a great Pestilence, he was forced to raise the Siege; and a Treaty of Peace being set on Foot between the King and the *Florentines*, and the other Potentates of *Italy*, it was concluded upon these Conditions, that *Castiglione della Pescara*, *Giglio*, the State of *Piombino*, and *Gavarra* should be delivered up to *Alphonsus*; but the *Florentines* insisted, that *Rinaldo* should likewise be included in the Peace, and it was agreed, that he should continue to be Lord of *Piombino*, by acknowledging the King for his Sovereign, to whom he should pay a yearly Tribute of a Vessel of Gold worth five hundred Crowns.

THIS State belonged to the most noble Family *Appiano*, and *Gherardo Lionardo Appiano* was the last Lord of it. *Lionardo* being married to *Paola Colonna*, by which Marriage there being no Male Issue, but only one Daughter, named *Caterina Appiana*, ordered, in case his Brother *Giacomo*, as it happened, should die without Male Issue, that his other Brother *Emanuele* should succeed him in his Dominions, and not his own Daughter *Caterina*. But *Gherardo* dying, *Paola* his Wife having married *Caterina* her Daughter to *Rinaldo Orsino*, took care to have her Son-in-Law *Rinaldo* put in Possession of the State, by excluding *Emanuele*, and by means of the *Florentines* got *Alphonsus* to accept of the Vessel of Gold as a Tribute. *Rinaldo* afterwards dying, *Caterina* his Wife sent Ambassadors to King *Alphonsus*, to beg of him not to molest her for the Faults of her Husband, seeing she was willing to continue to acknowledge him for Sovereign by rendering him all Obedience, and paying the Tribute. The King was satisfied, and *Caterina* continued in Possession of the State during her Life; but she dying soon after, the Citizens of *Piombino* immediately invited *Emanuele*, as their lawful Lord, to come and take Possession of the State. *Emanuele* was then in *Troja*, a City of the Kingdom, situate in the Province of *Capitanata*, whither he had retired under the Protection

<sup>1</sup> Chiocc. tom. 18. MS. Giurisd.

<sup>2</sup> Summ. tom. 3. lib. 5. p. 82.

of *Alphonfus*. The King was very well satisfied with his Vassals for having invited *Emanuele*<sup>1</sup>, and in order to keep him firm to his Interest, when he should have Occasion for him against the *Florentines*, he sent one of his Secretaries to *Piombino* to signify to that People, that he was very well pleased with their having done their Duty in recalling *Emanuele*, for whom he had a great Regard. Then *Emanuele* having taken the Oath of Fidelity to the King, and promised to pay to him and his Successors the yearly Tribute of a Vessel of Gold worth five hundred Crowns, it was likewise stipulated with the Subjects of the State, that all those who should succeed to that Lordship should be bound to acknowledge the King and his Successors for their Sovereigns. Upon *Emanuele's* arrival in *Piombino* he was received and acknowledged by all as their Lord, and he governed his People with Prudence and Affection, and was always very much beloved by King *Alphonfus*; and he dying, was succeeded by his Son *Giacomo*, and the Family of *Appiana* governed this State for many Years after. But afterwards it being extinct, there arose many Disputes among the Pretenders, in deciding of which our Kings, as Successors to *Alphonfus*, to whom the Right of Sovereignty belonged, had always a great Share; hence *Summonte*<sup>2</sup> says, That in his time the Viceroy of *Naples* sent to sequestrate it, and keep it in the Name of King *Philip II*. Hence are derived the Rights of our Kings to the Sovereignty of this State, and of which they have given the Investiture to several other Families since.

THE State then of the Provinces, of which our Kingdom is now composed, in the time of *Alphonfus* was at its greatest Height and Extent; and seeing his Excess of Generosity had led him to be too much bent upon increasing the Royal Patrimony: the Tribunal of the Royal Chamber, which had the Direction of collecting the Royal Revenues, and the Inspection of the Collectors of the Customs, Treasurers, and all the other inferior Officers of the Provinces appointed for that End, became more numerous, and overcharged with Business. Hence proceeded the Custom, which still continues, of distributing the Provinces among the Presidents and Masters of Accounts of the said Tribunal, to the end that every one might have his particular Charge; and of sending a President to *Foggia* to inspect the Management of the Royal Custom-house with respect to the Duty upon Cattle, whence the King drew immense Sums, which is now looked upon to be one of the greatest Revenues of the Royal Patrimony.

*ALPHONSUS* likewise increased the Royal Patrimony by exacting a Ducket from each Family; hence the numbering of Families was introduced into the Kingdom. Formerly under the *Norman* Kings the Revenues of the Exchequer were collected by Valuation; that is to say, every twelve Marks of Income paid three Florins<sup>3</sup>, and this Tax was let out to Farmers; which Custom continued to the Reign of the Emperor *Frederick II*. who, that the Poor might not be oppressed by the more rich and powerful, prohibited the Collection in that manner; and in 1218. having called a general Parliament in *Castel del Uovo* of all the Barons and Feodataries of the Kingdom, with the Syndicks of the Cities and Towns, he ordained, that for the future the Royal Revenues should be received by Collections, so that those who possessed much were to pay accordingly, those who had little, proportionably, and from those that had nothing, as little was required. Thus were the first Collections very moderate; but soon after, these not being sufficient to supply the Necessities of the Kingdom, the second were introduced, and so from one to another the Collections came to be six; which, according to *Andrea d'Ifernia*<sup>4</sup>, *Luca di Penna*<sup>5</sup>, *Antonio Capece*<sup>6</sup>, and *Fabio Giordano* in his Chronicle, were called the extraordinary Exchequer Payments.

THIS Method continued to the Reign of *Alphonfus*, who, as we have said, in the first Parliament held in *Naples* in 1447, ordained, That, in place of the six Collections, each Family should pay ten *Carlins*. Afterwards in 1449. as it is recorded in the Registers of the Royal Chamber<sup>7</sup>, while *Alphonfus* resided in *Torre del Greco*, he called another Parliament, wherein he declared, That as he maintained great Armies and Fleets for the Defence of the Kingdom, and the Royal Revenues not

<sup>1</sup> Idem loc. cit. pag. 121.

<sup>2</sup> Idem loc. cit. pag. 91.

<sup>3</sup> Mazzel. Trat. dell' entrate, &c.

<sup>4</sup> Andr. in cap. 1. Sect. & extraordinaria, in princ. & num. 2. Quæ sint regal.

<sup>5</sup> Luc. de Pen. l. 1. num. 3. C. de indit. lib. 10.

<sup>6</sup> Ant. Capec. Invest. Feud. clauf. vers. collectis, col. 5. in fin. & in princ.

<sup>7</sup> Regist. intit. Literarum Curia secundi anni 1451. fol. 133. related by Mazzel, loc. cit.

being sufficient, he was forced to augment them; so that he was of Opinion, that it would be for the publick good, that five *Carlins* more were laid upon each Family, besides the ten; and in Recompence, he promised to give each Family of the Kingdom a *Tommolo* of Salt; which was unanimously agreed to.

THUS was the numbering of the Families introduced into the Kingdom; and the first was made by the same *Alphonsus* in the Year 1447. which is to be found in the great Register. The others were made by the Kings his Successors, the second in 1472. the third in 1489. the fourth, which was not completed, in 1508. the fifth in 1522. the sixth in 1532. the seventh in 1545. and the eighth in 1561. which, though not entire, are to be found in the great Register. There were some others afterwards, which are preserved by the Masters of Accounts, *viz.* in the Years 1595. 1642. 1648. and 1699. which is the last we now have<sup>1</sup>. Besides these ordinary Payments, which, after the Example of *Alphonsus*, were by his Successors from time to time still augmented, the King has a vast Number of perpetual Funds, whereby he receives prodigious Sums from the City of *Naples*, the Provinces, and Barons, of which *Mazzella* has made a long Catalogue, and which (it being now an Age since he wrote it) are immensely increased; but the *Spaniards* having made the Natives willing to buy off their Chains, because they could never have been otherwise free of them, those Funds are in a great Measure conveyed away and alienated from the Crown.

<sup>1</sup> Toppi de Orig. Trib. tom. 1. lib. 2. cap. 6. num. 3.



## C H A P. VII

*Alphonsus increased the Number of Titles and Barons, to whom he gave Criminal Jurisdiction. His Death, and the Laws he left us.*

**A**LPHONSUS created a great many more Nobility and Barons than formerly had been in the Kingdom. Before his time there were only two *Princes*, those of *Taranto* and *Salerno*, to whom he added the Prince of *Rossano*, five *Dukes*, and a few *Marquisses*; there were a good many *Counts*, and many more *Barons*; but *Alphonsus*, according to *Summonte*<sup>1</sup>, doubled their Number. In some *Seggi* of *Naples* there were no Nobility; and the first in the *Seggio* of *Nido* were the Counts of *Borrello* and *Bucchianico* of the Family of *Alagna*. These were two Brothers of the famous *Lucrezia d'Alagna* the Daughter of a Gentleman of *Nido*, with whom *Alphonsus* was so much in love, that he endeavoured to obtain a Dispensation from *Rome* for repudiating his Wife; who was the King of *Castile's* Sister, in order to marry *Lucrezia*; and among the other remarkable things he did for her, he no sooner enjoyed her, than he created one of her Brothers Count of *Borrello* and High-Chancellor, and the other Count of *Bucchianico*; and *Trifano Caracciolo* in his Book *De Varietate fortunæ*, mentioned by *Costanzo*<sup>2</sup>, writes, that these were the two first Noblemen of the *Seggio* of *Nido*.

BUT what the following Ages had no Reason to commend *Alphonsus* for, was his granting the *Merum & mixtum imperium* to the Barons. This Prince, by his unbounded Liberality having exhausted all the other Funds, began likewise to be lavish

<sup>1</sup> Sum. tom. 3. lib. 5. c. 1. p. 18. & 129.

<sup>2</sup> Costanzo Ist. Nap. lib. 18.

of the supreme Regalia, which by no means ought to be alienated from the Crown; whereas the Kings his Predecessors were so jealous of these Rights, that King *Charles I.* having given to his only Son the City of *Salerno* with the Title of Prince, with some other Cities and Towns in the Neighbourhood, granted him only civil Jurisdiction over them; and in *Salerno* alone, within the Circuit of its Walls, granted him criminal Jurisdiction; and the other Kings, as we have seen in the preceding Books, very seldom gave it, and then only as a Reward to some well deserving Baron for his singular Service; hence it was, that the Grants and Investitures made before the Reign of *Alphonfus* did not comprehend criminal Jurisdiction, it being always excepted and reserved; for it was the Custom in those Times, that the Feudataries, who possessed Lands with Vassals, could only exercise that low and base Jurisdiction of adjusting Differences and Quarrels, which are wont to arise among the Inhabitants of the Places; and therefore the Barons and Feudataries chose only annual Chamberlains, who exercised Jurisdiction in taking Cognizance of, and judging these trifling Differences; for the High-Court exercised Jurisdiction over all Places and Cities of the Kingdom. And the Reason was, because, as has been wisely observed by the Counsellor *Giuseppe di Rosa*, our most accurate Lawyer, in the Cities and Lands with Vassals, there was only that Jurisdiction which is called base, and which, according to the Civil Law, was exercised by the inferior Magistrates, whom the Romans called *Defensores*, and consisted in taking Cognizance of civil Causes; in place of those Chamberlains, as *Andrea d'Isernia* hath observed, with us the Bailiffs of the Places succeeded, who took Cognizance of civil Matters, petty Larceny, Damages, Weights and Measures, and other Causes of small Moment; but the more weighty Matters, and especially those which regarded the *Merum Imperium* and Criminal Jurisdiction, according to the Roman Law, belonged to the Presidents of the Provinces, in place of whom, in our Kingdom, as we have seen in the preceding Books, the Justices were appointed, whom we now call Presidents; from whom by way of Appeal those weighty Causes were carried to the High-Court of the Vicariate, the supreme Tribunal to which all the Justices of the Kingdom are subjected. Thus the Investitures, which, before the Reign of *Alphonfus*, were granted to the Barons of Cities and Lands with Vassals, comprehended only that base Jurisdiction, as coherent to, and inseparable from them, and not the *Merum Imperium* and Criminal Jurisdiction, which could not be said to be coherent to them, as not having been formerly exercised by their own Magistrates, but by the Presidents; and afterwards not by the Bailiffs of the Places, but by the Justices of the Provinces.

IN the Reigns of *Alphonfus* and the other *Aragon* Kings his Successors, as we have said elsewhere, the Custom of granting Criminal Jurisdiction, and the four Arbitrary Letters in the Investitures of Fiefs, began to be practised. Whence in process of time every petty Baron, as well as the Great, had the *Merum* and *Mixtum Imperium* in their Fiefs, to the great Detriment of the King's Regalia, and the Loss of the Subjects. *Charles VIII.* King of *France*, during the few Months that he reigned here, thought of depriving the Barons altogether of it, by reducing them to the Usage of *France*; but his short Reign, and the Difficulties that occurred, prevented his putting that Design in execution; much less can it be expected at present, seeing the Mischief is inveterate, and that without great Revolutions and Disorder it could not be accomplished.

AFTER this Prince had thus re-established the Kingdom, although, in the latter end of his Days, the War had been renewed with the *Florentines*; and that his not restoring some *Genoese* Ships taken by his Cruisers, had made that Republick his Enemy: Yet being decayed by his Amours with *Lucrezia d'Alagno*, he immediately made Peace with the *Florentines*, and was in no Pain about the *Genoese*, but employed the rest of his Life in Hunting, Feasting, Tournaments, and other Diversions; and when he was now old, the Duke of *Milan* sent Ambassadors to treat with him about a double Marriage with his Royal Family, because the Duke was much afraid, that the King of *France* might favour the Duke of *Orleans*, who pre-

<sup>1</sup> Freccia lib. 2. auth. 2. num. 21.

<sup>2</sup> Franc. de Amic. ad tit. de his, qui feud. dar. poss. in cap. sumus modo, fol. 43. n. 2. & seq.

<sup>3</sup> Rosa in prælud. feud. lect. 11. num. 10.

<sup>4</sup> Andr. in Constit. locorum Bajuli.

<sup>5</sup> Constit. locorum Bajul. & ad officium Bajul.

<sup>6</sup> Constit. Justiciarij nomen, & normam. Constit. Justitiarij per Provincias. Constit. Præsides. Constit. Capitaneorum.

<sup>7</sup> Franchis decif. 510. num. 4.

<sup>8</sup> Affl. in præcæm. Constit. num. 6.



tended, that the Dutchy of *Milan* belonged to him, as being the Son of *Valentina Visconte* lawful Sister to Duke *Philip* <sup>1</sup>: and in that case he thought he could not have a more faithful Ally than *Alphonfus*, who was still jealous of *Renatus*, who continued to keep up a secret Correspondence in *Italy*: So in a short time the double Marriage was concluded, and *Hippolita Maria*, the Duke's Daughter, was married to *Alphonfus*, the eldest Son of the Duke of *Calabria*, and *Leonora*, the Duke of *Calabria's* Daughter, was betrothed to *Sforza* the Duke of *Milan's* third Son, and the Bridegrooms, as well as the Brides, were not above eight Years of Age.

THIS Year 1455. Pope *Nicholas V.* died; and after the Apostolick See had been fourteen Days vacant, in the Month of *April* *Alphonfus Borgia* Cardinal of *Valencia* was elected in his room, who took the Name of *Callistus III.* and who, as we have said, had been for many Years much in favour with King *Alphonfus*, and his chief Counsellor. *Callistus*, though very old, projected such great Undertakings, as would have required a Man's whole Life-time to accomplish. As it usually happens, that the greatest Favourites of Princes, when rais'd to the Papacy, are wont to become their most bitter Enemies; so *Callistus* had no sooner mounted the Throne, than he began to bestir himself, and oppose *Alphonfus's* Designs; and not pleas'd with this new Alliance concluded with the Duke of *Milan*, he left no Stone unturn'd in order to put a Stop to the Marriages; but *Alphonfus*, perceiving the Pope's Design, made the more Haste to have them solemniz'd; so that in the beginning of the following Year 1456. they were celebrated with great Pomp, and *Eleanora* was conducted to *Milan* to *Sforza* her Spouse.

AT this very time *John* King of *Navarre*, King *Alphonfus's* second Brother, was much displeas'd with his eldest Son *Don Carlos*, who intitled himself *Prince of Viana*; and the Reason of this Displeasure was, because the Kingdom of *Navarre* had belonged to the Prince's Mother, who was then dead, and King *John* had married for his second Wife, the Daughter of the Admiral of *Castile*. The Prince could not bear to see the Queen his Mother-in-Law sit on his Mother's Throne, and he himself lead a private Life; for the Mother-in-Law had got so much the Ascendant over her Husband, now old, that there was nothing done either in the Kingdom of *Navarre*, or in that of *Aragon*, of which *John* was Viceroy, but what she thought fit; therefore the Prince had endeavoured to get himself proclaim'd King of *Navarre*, because, both on account of his Virtue and the Memory of his Mother, the native Queen of that Kingdom, he was much beloved by that People. His Design not succeeding, he came to visit King *Alphonfus* his Uncle, who allowed him twelve thousand Duckets a Year for his Maintenance; but because he was a Prince of a handsome Mien, and courteous Behaviour, fit to gain Respect, *Alphonfus* was not very fond of his Company in *Naples*, but sent him to the Pope to beg of his Holiness, that he would be pleas'd to make up the Difference between him and his Father. The Prince went, and the Pope received him very graciously, and gave him wherewithal to subsist; but finding that the Pope made no great haste in reconciling him with his Father, and that *Alphonfus* was so much decayed that he could not live long, he settled in *Rome*, in hopes that the Barons of the Kingdom, who were not well pleas'd with the Duke of *Calabria's* Conduct, would invite him to be King after *Alphonfus's* Death. In the mean time in the beginning of *May* 1458. *Alphonfus* began to fall ill, and growing still worse, it was rumour'd abroad that he could not recover; whereupon the Prince came from *Rome* to visit him, which much disturbed the King; for the Prince arriving three Days before he died, when he had been given over by the Physicians, it redoubled the Agony of Death, the King knowing well that he had come to endeavour to possess himself of the City of *Naples*; and that being lodged in *Castel Nuovo*, the Governor would be more ready to obey him than the Duke of *Calabria*, especially seeing the Garrison consisted of *Catalans*, Subjects to King *John*, who was to succeed in the Kingdoms of *Aragon* and *Sicily*, ordered it immediately to be given out, that he was better, and that it was the Opinion of the Physicians that he should be carried to *Castello dell' Uovo* for the Benefit of the Air, which was immediately done, leaving the Charge of keeping *Castello Nuovo* to the Duke of *Calabria*; and on the twenty seventh of *June* 1458. the Day after he was carried to *Castello dell' Uovo*, in the sixty fourth Year of his Age, he ended his Days <sup>2</sup>.

THUS died a great King: A Prince most worthy of praise for the innumerable Virtues wherewith he was adorn'd, and especially for his Liberality and Magnifi-

<sup>1</sup> Costanzo lib. 19.

<sup>2</sup> Ricc. de Reg. Neap. & Sic. lib. 4.

cence. He most generously enriched many with valuable Presents, and raised others, by giving them vast Estates. He was most magnificent in bestowing publick Shews upon the People, in which he strove to vie with the *Roman Grandeur*, as was seen when he received in *Naples* the Emperor *Frederick III.* and *Leonora* the Daughter of the King of *Portugal* by his own Sister, who was to be married to *Frederick*. His Generosity likewise appeared in the other great Feasts, hunting Matches, Tournaments, and such like Entertainments, wherewith he regaled the Citizens of *Naples*, who were most covetous of such Diversions. He had his Palace furnished with most costly Tapestry wrought with Gold and Silver, and other sumptuous Household-stuff. He was likewise very munificent in adorning *Naples* with stately Edifices, whereby he put it upon a Level with the most famous Cities in the World: He enlarged the great Mole, and began the great Hall of *Castel Nuovo*, which is certainly one of the most surprizing modern Buildings in all *Italy*: He enlarged the Arsenal of *Naples*, and the Grotto in the Way between *Naples* and *Pozzuolo*, and built a Royal Magazine, and many other Edifices for different Uses.

HIS Death was bitterly lamented by the *Neapolitans*, because they were thereby not only deprived of so generous a Prince, but the Kingdom was like to be involved into new Troubles and Calamities by a long War. His Corps, never enough to be lamented, was, with funeral Pomp, put in a Coffin, and deposited in the Castle where he died; and although in his Will he had order'd it to be carried to the Church of *S. Peter the Martyr*, and from thence, as soon as possible, sent to the Monastery of *S. Maria a Pobleto* in *Spain*, where the antient Kings of *Aragon* are buried; yet it remain'd in *Naples*, where, with great Respect and Veneration, it was expos'd by the *Dominican Monks* in the Vestry of their Church.

NOT having had Children by Queen *Mary*, the Daughter of *Henry III.* King of *Castile*, in his Will, which he made the Day before he died, he appointed *D. Ferdinand* Duke of *Calabria* his bastard Son, legitimated, to succeed him in the Kingdom of *Naples*; and *D. John* King of *Navarre* his second Brother and his Posterity, in the Kingdoms of *Aragon* and *Sicily*, according to the last Will of *D. Ferdinand* his Father, which is preserv'd in the Royal Archives of *Barcelona*, from whence *Alphonfus* order'd a Copy of it to be sent him before he died; and he left many Legacies for pious Uses<sup>1</sup>. *S. Antoninus* Archbishop of *Florence* writes, that before he died, he did not neglect to put the Duke of *Calabria* in mind, that he left him the Kingdom of *Naples*; but in order to govern it peaceably, he must keep at a Distance all the *Aragonians* and *Catalans* that he had rais'd, and instead of them, employ *Italians*, and make up his Court of them; and he enjoin'd him to have a special Regard for the Natives of the Kingdom, on whom he ought to bestow the Offices, and not look upon them with an evil Eye, as if he were jealous of them. That he was sensible he had burden'd the Kingdom with new Taxes and Impositions, such as the People were not able to bear; that therefore he advis'd him to ease his Subjects of them all, and reduce them to the antient Custom. And lastly, to cultivate the Peace he left him in with the Princes and Republicks of *Italy*; and above all things to keep in Friendship with the *Roman Pontiffs*, on whom, in a great measure, depended the Preservation or Loss of his Kingdom; patiently to suffer their Arrogance and Pride, and in order not to give them any Cause of Complaint, to behave himself with Humility and Respect towards them, which had been the only way that he had taken to abate their Ambition.

THIS Prince, besides his having left us so many shining Monuments, good Regulations, and new Reforms, left us also some Laws. *Alphonfus*, according to some Authors, after so many and long Wars, which he carried on during the Life of Queen *Joan II.* and after her Death with *Renatus*; at last, after having triumph'd over his Enemies, and made himself peaceable Possessor of the Kingdom, made it his chief Study to re-establish it, and repair the Losses it had sustain'd during the late Wars. For which end he establish'd many Laws, and began to erect the Tribunal of the *S. C.* to which he afterwards join'd many others. These Laws, according to *Toppi*<sup>2</sup>, were formerly to be found in *Naples*, but now they are lost. We have only a few of them remaining, which are now scattered up and down in the Royal Archives and the Volumes of our Statutes<sup>3</sup>. We read the first under the Title,

<sup>1</sup> Summon. tom. 3. lib. 5. pag. 221.

<sup>2</sup> Toppi de orig. Trib. par. 2. lib. 2. cap. 2. num. 12.

<sup>3</sup> Prag. 1. tit. 129. de Possessorib. non turban.

*De Possessoribus non turbandis*, which in some Editions has this Title: *Edictum Peninæ Gloriosissimi, & Divi Alphonsi Regis clementissimi*. This Edict was published by *Alphonsus* in the Year 1443. the second of his peaceable Reign, after he had finished the War with *Renatus*; on account of which War, there having been many Suits at Law commenc'd among his Subjects about the Possession of Fiefs and Estates, by this Edict he ordered that the Possessors should not be disturbed, but be suffered to keep Possession of what they had got; and that the Judges should not take Cognizance of such Causes without his Consent and Commission. This Law was published in the Camp of *Penima*, a Place situate in *Abruzzo*, near *Salmona*<sup>1</sup>.

THERE is such another Edict extracted from the Register of the Laws of *Alphonsus*, and printed with our Statutes<sup>2</sup>, which in 1446. was by this King established in *Mazzone delle rose* near *Spedaletto*, not far from *Capua*, and read and published with the other Laws in *Castel Capuano*, whereby he ordain'd, that those who before the Death of King *Ladislaus*, had by themselves, or their lawful Predecessors possessed, and were in Possession of Lands, Villages, and other Estates, should not be disturbed, nor forced to produce their original Rights and Titles, which would be the undoing of many People of all Ranks and Conditions; which Law *Capecce* takes Notice of in his Decisions<sup>3</sup>. The second Edict which we read under the Title *De Off. S. C.* is likewise his, and, as we have said, not *Ferdinand's*.

THE other<sup>4</sup>, which we also read among our Statutes, is that remarkable one, which treats of the Quit-rents, wherein *Alphonsus* inserted the Bull established in 1451. at his Desire by Pope *Nicholas V.* for regulating the Quit-rents. The King by this Statute confirmed the Bull, and ordered, that in his Kingdoms it should have the same Force and Vigour with his other Laws, and added some other Regulations concerning the said Quit-rents. This Edict was made in *Torre del Greco*, where, in order to be near his beloved *Lucretia d'Alagno*, the King resided in the latter end of his Days, and is dated the twentieth of *October* 1451. There are other Edicts, Patents and particular Laws made by *Alphonsus* to be seen in the Royal Archives, some of which several Authors, according to the Subjects they were treating of, have inserted in their Works: *Toppi* printed many of them in his *Dell' Origine de' Tribunali*; some others have been transcribed by *Moles*, *Tappia*, *Galeota*, and by many others; but these we have mentioned, as being contained in the Body of our Statutes, have with us the Force and Vigour of Laws: As for the rest, they may be useful with respect to the History of the Times, the Institution of the Tribunals, and for illustrating the other Laws and Edicts of this King.

<sup>1</sup> Costanzo lib. 20.  
<sup>2</sup> Prag. 3. cit. tit.

<sup>3</sup> Capec. decif. 86. num. 131.  
<sup>4</sup> Prag. 1. de Censib.







T H E  
 CÍVIL HISTORY  
 Of the KINGDOM of  
 N A P L E S.

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B O O K XXVII.

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AS the latter end of the Reign of King *Alphonfus* was quiet and peaceable, so that of *Ferdinand* was full of Distraction and Confusion. The old Calamities were renew'd, and the Kingdom, sometimes by intestine Commotions, was again turn'd upside down, and sometimes invaded and haras'd by foreign Enemies. *Charles* Prince of *Viana* practis'd upon the *Neapolitans* to induce them to proclaim him King. The Pope claim'd the Kingdom, as devolv'd to the Holy See. The Barons conspiring together, invited King *John* to come and conquer it, as being acquir'd by the Troops of the Crown of *Aragon*, and not without great Toil to himself. King *John* refusing the Invitation, they had recourse to *John* of *Anjou*, the Son of *Renatus*, who claim'd it by vertue of his Father's Right, and therefore had taken the Title of Duke of *Calabria*; but this Attempt proving likewise unsuccessful, they enter'd into a new Conspiracy, and were join'd by Pope *Innocent VIII.* who made War upon *Ferdinand*. So many Storms; so many troublesome and powerful Enemies had this King to struggle with, in order to maintain himself in the Possession of the Kingdom.

KING *Alphonfus* was no sooner dead, than the Prince of *Viana*, who, as we have said, came to *Naples* for that purpose, by means of many *Catalan* and *Sicilian* Barons

John, who had been much in favour with *Alphonfus*, endeavour'd to persuade the *Neapolitans* to proclaim him King. As the Son of King *John* he pretended to be the lawful Heir of the Kingdom, and that it was not in the Power of King *Alphonfus* to leave it to *Ferdinand* his bastard Son, because it had been acquired by the Troops of the Crown of *Aragon*. Besides, not only the Hatred which the Pope had against *Ferdinand*, and the Aversion some of the Barons had to him, but the Affection which the Prince, by his Humanity and gentle Behaviour, had gain'd among the People, gave him some Hopes of Success. But the City of *Naples*, and many Barons, mindful of the Oaths and Promises made to *Alphonfus*, immediately cried out, *God bless King Ferdinand our Lord*; who, riding through the City and the *Seggi*, receiv'd the Acclamations of all the People. When the Prince saw this, he quickly gave over his Design, took shipping in a Vessel that lay in the Harbour, and departed for *Sicily*, and with him embark'd all those *Catalans* that had not got Estates in the Kingdom from King *Alphonfus*.

BUT though *Ferdinand* had got rid of the Prince of *Viana*, he was not secure from the Snares laid for him by Pope *Callistus*; for though by Messages and Letters full of Respect and Submission, he had endeavour'd to make him his Friend, yet he found the Pope very obstinate. *Callistus* had fully resolv'd not to confirm the Succession of the new King, and to declare the Kingdom devolv'd to the Holy See. He said, That it was not in the King's Power to give it to *D. Ferdinand*, who was neither his lawful, nor bastard Son: That he had dealt very unjustly with King *John*, in depriving him of the Kingdom of *Naples*, which having been conquer'd by the Troops of the Crown of *Aragon*, and not without great Trouble, and Fatigue to King *John*, ought not to be dismember'd from the other Kingdoms of *Aragon* and *Sicily*. All those things were directed to the End, which he pursued, of depriving *Ferdinand* of the Kingdom, and investing another with it, and therein to raise *Pier Luigi Borgia*, his Nephew, whom he had already made Duke of *Spoleto*. But though *Ferdinand* was appris'd of all these Things, he never lost his Courage, but was the more earnest in fixing himself upon the Throne, for which end he call'd a general Parliament of the Barons and Commons, of whom the greatest part quickly appear'd, and, without the least sign of Discontent, swore Allegiance to him. In this Parliament were likewise present two Ambassadors from the Duke of *Milan*, who, both in publick and private, persuaded the Barons to be faithful to the King, and preserve that Peace, which, for sixteen Years, without Intermission, they had enjoy'd under King *Alphonfus*, whereby the Kingdom had become so opulent; and they declared publickly, that the Duke of *Milan* was fully resolv'd to hazard both his Dominions and Life in the King's Cause. Whereupon the Barons and Syndicks of the Cities return'd Home with Hopes of living in Peace.

BUT on the other hand Pope *Callistus* on the twelfth of *July* this same Year 1458. publish'd a Bull, whereby he revok'd that of Pope *Eugene*, and declared the Duke of *Calabria* incapable of succeeding in the Kingdom, saying, That the said Bull had been surreptitiously obtain'd, and that the Duke was supposititious, and not the true Son of King *Alphonfus*, and therefore he declar'd the Kingdom devolv'd to the Church of *Rome*; absolv'd from their Oaths those who had sworn to *Ferdinand*; and order'd all the Prelates, and other Ecclesiastical Persons, the Barons, Cities, and People of the Kingdom, under the Pain of Excommunication and Interdiction, not to obey him, nor acknowledge him as King, nor to swear Allegiance to him, and in case they had done it, he absolv'd them from their Oaths; and he caus'd Bills to be posted up in several Places of the Kingdom, wherein all these Particulars were contain'd<sup>2</sup>. *Angelo di Costanzo*<sup>3</sup> writes, that this Bull was Matter of Surprise not only in the Kingdom, but over all *Italy*, seeing that *Callistus*, (as if the Papacy metamorphos'd Men) who had been for a long time *Alphonfus*'s Confident and Counsellor, and by whose Favour he had been made Cardinal, and afterwards Pope, was now so ungrateful to his Son *Ferdinand*. Some began to suspect, that what the Pope said might be true, that *Ferdinand* was not really the Son of *Alphonfus*, but supposititious, since no Man could know it better than he, who had been his Confident; and that therefore out of true Zeal he had been moved to have the Kingdom fall into the Hands of King *John*. In fine *Costanzo* says, that those Bills that were posted up in different Parts of the Kingdom, were the chief

<sup>2</sup> Costanzo lib. 19.<sup>3</sup> Chiocc. tom. 1. MS. giurisd.<sup>3</sup> Costanzo lib. 19.

Cause of confirming in their Resolution those Barons, who had designed to revolt, and of encouraging others that had not before thought on it; and that without doubt, if Pope *Callistus* had not very opportunely died, King *Ferdinand* would have lost the Kingdom before he was crown'd.

IN the mean time the King did not neglect to countermine the Designs of *Callistus*; in presence of his Nuncio he declined his Jurisdiction as a partial Judge; he appeal'd from the Declaration of the Kingdom's being devolv'd to the Church, and in Answer to the Bull he wrote to him, that he was King by the Grace of God, the Favour of his Father King *Alphonfus*, and the Acclamation and Consent of the Barons and Cities of the Kingdom, who had acknowledged him as such, and that if more was needful, he had likewise had the Concessions of two Popes his Predecessors, *Eugene* and *Nicholas*; and as he possess'd the Kingdom by so many just Titles, his Menaces and unjust Anathemas did not in the least discourage him. He wrote likewise very obsequiously to the College of Cardinals, telling them, That being Men of so great Prudence, they ought to endeavour to preserve the Peace of *Italy*, and to soften the Pope, and set him to Rights again: That they must be sensible that it would be very ignominious for a Prince of a generous Soul to part with a Kingdom, unless at the same time with his Life too. Some Cardinals interpos'd for a Peace, but to no purpose. The Duke of *Milan* sent likewise to beg of the Pope to desist, and to give him to understand, that if he did not, he was obliged to defend the King, not only on account of their Relation, but by the Articles of the League they had entered into. *Callistus* still implacable and obstinate, rejected all Proposals and Intercessions; so that King *Ferdinand* and his Friends resolv'd to send Ambassadors to the Pope in Name of the Kingdom, to lodge such another Appeal against the Declaration, as the King had made. To these *Ferdinand* added Ambassadors of his own, who being arriv'd in *Rome*, were received as the Ambassadors of the King and Kingdom. They found the Pope indispos'd, so that they had no Audience; but their Business not admitting of Delay, each of the Ambassadors, in Name of those that had sent them, did what was incumbent upon them. By publick Instruments they objected against the Person of *Callistus*, as being suspected by the King and Kingdom: They appeal'd anew from the Declaration made by him; and in Name of the Kingdom declared, That as they acknowledg'd King *Ferdinand* for their lawful King and Lord, so they begged of the Pope, that as such, he would be pleas'd to give him the Investiture of the Kingdom.

WHILE these things were transacting, the Pope grew still worse and worse, so that the King was resolv'd to undertake nothing till he could know the Issue of his Distemper; but his great Age, the many Vexations he had undergone, and especially the melancholy News of King *John's* refusing to disturb *Ferdinand* in the Possession of the Kingdom, put an end to his Days on the sixth of *August* 1458. after a Pontificate of three Years and four Months. Thus did his vast Designs, and his Ambition to raise *Pier Luigi* his Nephew come to nothing.

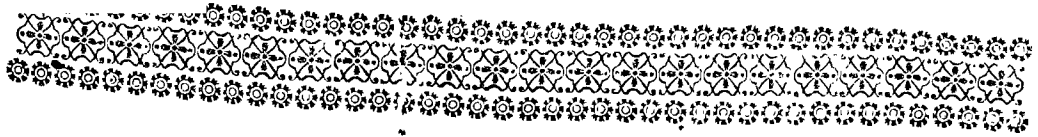
THE King overjoyed, immediately wrote to his own and the Kingdom's Ambassadors, and to the Archbishop of *Benevento*, who were then at *Rome*, to use their utmost Efforts to get a Person elected Pope that was in his Interest, as a Matter of the greatest Consequence to his Kingdom; and the Cardinals being shut up in the Conclave, on the nineteenth of the same Month of *August*, elected *Enca Silvio Piccolomini* of *Sienna*, who took the Name of *Pius II.* a Man of great Learning, as the Works he left us testify; notwithstanding his Advancement to the Papacy made him alter his Sentiments; for when he came to be Pope, he wrote in a different manner from what he had done when he was private Secretary to the Emperor *Frederick III.* Nevertheless he was a lover of Peace, and a well-wisher to the Memory of King *Alphonfus*; because when he was the said Emperor's Secretary, and came along with him to *Naples*, *Alphonfus* bestow'd Favours and Presents upon him. The King, upon the News of his Election, dispatched *Francesco del Balzo*, Duke of *Andria*, to congratulate him upon it, and do him Homage, to whom the Pope was so complaisant, that he granted him whatever he ask'd. *Antonio d'Alessandro*, that famous Lawyer, was afterwards sent to demand the Investiture, which was granted; but upon this Occasion the Pope regarding the Interest of his See, it was clogged with many Conditions, *viz.* That the Arrears of Quit-rent should be paid: That he should always send Assistance to the Pope as often as required: That he should re-

store *Benevento* and *Terracina* to the Church; and other Conditions were agreed to in Name of the Pope by *Bernardo* Bishop of *Spoleto*, and in Behalf of the King by *Antonio d' Alessandro*. On the second of *November* this same Year 1458. *Pius II.* dispatched a Bull, whereby he confirmed the Articles agreed on between the Pope and the King concerning the Investiture of the Kingdom, the Quit-rent, Coronation, and the Restitution of *Benevento* and *Terracina*. Afterwards on the tenth of the same Month the Bull of Investiture was drawn up, which was examined, and for the most part penned by *Antonio d' Alessandro*. On the second of *December* following, two other Bulls<sup>1</sup> were dispatched: In the first the Pope advised *Ferdinand* that he was to send Cardinal *Latino* Apostolick Legate to crown his King of *Naples*, to whom he was to swear Liege-homage: In the second he revokes the Bull *Callistus III.* whereby the Kingdom had been declared devolved, and gives the Reasons that moved him to revoke it. He likewise dispatched another Bull of Commission to Cardinal *Latino* for the Coronation, who left *Rome*, and came to *Naples*, and from whose Hands *Ferdinand* took the Oath and was crown'd. *Zurita* will have it that he was crowned in *Bari*, but *Costanzo*, and other more accurate Writers<sup>2</sup> say, that the Coronation was performed in *Barletta* on the fourth of *February* 1459. with great Pomp and Ceremony, in presence of almost all the Barons. *P. Beatillo*<sup>3</sup> still insisting upon the fabulous Coronation with the Crown of Iron, which he believed was antiently practised in *Bari*, writes, that he was crowned in the Church of *S. Nicholas* in *Bari* with the Iron Crown, and afterwards in *Barletta* with that of Gold; but as we have said elsewhere, that Coronation with the Crown of Iron in *Bari* is altogether a Dream and fabulous.

IN Memory of this Solemnity *Ferdinand* ordered new Money to be coined, which Picces were therefore called *Coronati*. He did not intitle himself, as his Father had done, King of the two *Sicily's*, but, both upon his Coin and in his Writs, he made use of this Title: *Ferdinandus Dei gratia Rex Siciliae, Hierusalem, & Ungariae*; for both the Kingdom of *Jerusalem*, and that of *Hungary* belonged to the Crown of *Naples*. The King, on the Day of his Coronation, was very munificent and liberal to every Body; for there was no Person of the least Merit, that did not return home well satisfied; he treated the Barons and Nobility in a most engaging manner, giving them Titles, Offices, and Dignities, and he knighted almost all the Syndicks of the Cities. He likewise honoured many Vassals of Barons with Knighthood; which, as *Costanzo* observes, and was known afterwards, he did out of Policy, in order to retain them as Spies upon the Steps and Actions of the Barons. He granted new Favours to his Subjects in general, by easing them of many Taxes. He promised his Favour and Friendship to such *Spaniards* as were willing to remain in the Kingdom, and generously gave many Presents and Liberty to those that had a Mind to return to *Spain*. He was thankful to the Pope for his Favours, for in 1461. he gave *Mary* his natural Daughter in Marriage to *Antonio Piccolomini*, *Pius's* Nephew, and, for her Portion, gave him the Duchy of *Amalfi*, the County of *Celano*, and the Office of Lord Chief Justice, vacant by the Death of *Raimondo Orsini*<sup>4</sup>; so that it was thought, on account of the Pope's Friendship, the Duke of *Milan's* Relation, and the Favours he had bestowed upon the Barons and the People, those that had revolted would have submitted.

<sup>1</sup> All these Bulls are recorded by *Chioccar.* in the | pag. 102.  
 1 tom. of his MS. Giurisd. | <sup>3</sup> *Beatil. de Ist. di Bari, lib. 4.*  
<sup>2</sup> *Tutini de' G. Giustiz. z. Antonio Piccolomini,* | <sup>4</sup> *Tutini loc. cit.*





CHAP. I.

*The Princes of Taranto and Rossano with other Barons, after the Invitation made to John King of Aragon, which was rejected, invite John of Anjou, the Son of Renatus, to come and conquer the Kingdom: His Expedition, Conquests, Loss, and Flight.*

**B**UT this Tranquillity in the Kingdom was of short Duration; for, though some Barons, who did not know the Bottom of *Ferdinand's* imbitter'd Heart, believed, that his Reign would prove both peaceable and mild; nevertheless, many others, who knew his mischievous and reserved Nature, looked upon this Clemency and Generosity to be nothing else but Disguise and Dissimulation; and the chief of these were the Princes of *Taranto* and *Rossano*, both of them the King's Relations, who, on account of their Riches, suspected, and were afraid, that the King, who had beheld his Father live in so great Splendor upon the Revenues of so many Kingdoms, seeing himself possessed of one single Kingdom only, would always enrich himself to their Cost, and therefore they durst not venture to go to visit him; nay, the Prince of *Taranto* grew so jealous, that he was daily thinking of new Methods how to secure himself; and in order to weaken the King, and strengthen himself by new Friends and Alliances, he desired the Favour of the King, that he would be pleased to restore the Marquis of *Cortone* to his Estate, to whose Son he had promised to give his Daughter in Marriage; and he ask'd the like Favour for *Giosia Acquaviva* Duke of *Atri* and *Teramo*, the Father of *Giulio Antonio* Count of *Conversano*, his Son-in-Law. Although the Request was arrogant, yet the King, in hopes, that not only the Prince, but the Duke and Marquis by this Favour would alter their Minds, granted it, and sent two Commissioners, the one to *Abruzzo*, and the other to *Calabria*, to give the Duke and Marquis Possession of their Estates, which had been till then confiscated to the Crown; and after the Prince's Messengers had been nobly regal'd, he sent them back to the Prince, who then resided in *Lecce*, and with great Dissimulation the Prince sent to thank the King, and from that time frequent Messages and Letters went between them. But the Prince, who knew that he had offended the King, by pressing him to put Arms in the Hands of his mortal Enemies, the more friendly the King's Letters were, was the more jealous, because he knew him to be naturally covetous, cruel, and revengeful, and ever ready to dissemble the Sentiments of his Heart. Therefore, not finding himself secure from some secret Treachery, while his House was so much frequented by *Ferdinand's* Servants, by whom he was afraid to be either stabb'd or poison'd, he began to think it better to come to an open Rupture. For which purpose, with the Consent of the Marquis of *Cortone*, the Prince of *Rossano*, and the Duke of *Giosia*, he resolv'd to send secretly to sollicite King *John of Aragon* to come and take Possession of the Kingdom, which belonged to him by lawful Succession after the Death of his Brother *Aiphonsus*. It was very lucky for *Ferdinand*, that King *John* had then Wars upon his Hands in all his Dominions, and especially in *Catalonia* and *Navarre*, because his Subjects of these two Nations could not bear that the King, at the Instigation of his Queen, who was the Daughter of the Admiral of *Castile*, should treat his eldest Son so ill, and use him like an Enemy, who was beloved by every body, and should seemingly design to leave his Dominions to

D. *Ferdinand*, the Son of his second Marriage; for if he had been disingaged from these Wars, he would certainly in a short time have driven King *Ferdinand* out of this Kingdom; so that King *John* returned for Answer to these Barons, that for the present, he desired them to be faithful to D. *Ferdinand* his Nephew, that he could easily part with his Right to the Kingdom, provided it continued in the Family of *Aragon*. On the other hand King *Ferdinand* having got some Intelligence of these Intrigues, sent immediately into Spain *Turco Cicinello*, a Knight of consummate Prudence, and the famous *Antonio d' Alessandro*, likewise a Knight and a most excellent Doctor, to beg of King *John*, that he would continue to favour the King his Nephew, and that he might look upon this Kingdom to be more his own, than those belonging to the Crown of *Aragon*. These Ambassadors had no great Difficulty in diverting that King from making any Attempt upon the Kingdom of *Naples*, for had he been willing, he wanted Troops. But they found Difficulty in compounding another Matter; for Queen *Mary*, the Wife of King *Alphonfus*, died in *Catalonia* a few Days before, and had left King *John* Heir to her Dowry, which was four hundred thousand Duckets; and he said, that it must be paid out of the Kingdom of *Naples*, and the Treasure that King *Alphonfus* had left; and these two Knights had much ado to compound the Matter by agreeing to pay that Sum in the Space of ten Years, alledging, that King *John* might as well demand the Kingdom, as so vast a Sum at that time, when a certain and dangerous War was impending over it.

THE Prince of *Taranto* seeing his Design thus blasted, made a new Attempt, in which, besides the aforesaid Barons, he would likewise have the Prince of *Rossano* engaged, who mortally hated the King; because it was reported, that the King had committed Incest with the Princess of *Rossano* his own Sister, the Prince's Wife; for which purpose he sent *Marco della Ratta* to beg of him, that since the Invitation given the King of *Aragon* had not had the desired Effect, he would join in inviting *John* of *Anjou* Duke of *Calabria*, who was then in *Genoa*.

THIS Prince came to *Genoa* before *Alphonfus* died, when that King obstinately refusing to restore to the *Genoese* the Ships that had been taken from them by his Cruisers, they out of Despair (since they could get no Assistance from the Powers of *Italy*) submitted to *Charles VII.* King of *France*, who sent *John*, the Son of King *Renatus*, to govern them; who, as we have said, had taken the Title of Duke of *Calabria*; therefore it was unanimously resolved to send the same *Marco della Ratta* to invite him. This *Marco* married a Daughter of *Giovanni Cossa*, who, as we have said in the preceding Book, went from *Naples* with King *Renatus*, and from that time had still continued in *France* with the Character of a loyal and brave Man; and for that Reason King *Renatus* made him Tutor to his Son Duke *John*; it was therefore an easy Matter to persuade the Duke to accept of the Invitation, to which he was not only of himself inclined, but was advised and encouraged by *Giovanni Cossa*, who, after an Exile of nineteen Years, was fond of returning to his native Country: so that at the same time that he sent to King *Renatus* in *Marseilles* to make Preparations of War, he fitted out Galleys and Ships at *Genoa*; and on the other hand the Prince of *Taranto*, who, as High-Constable of the Kingdom, had the charge of the Forces, put such Officers at their Head as depended upon him, and gave them Money to put themselves in order, and at the same time reinforced them with Recruits from *Marca* and *Romagna*; and now things seemed to be ripe in *Puglia* and *Abruzzo* for breaking out into an open War: And on the other hand the Marquis of *Cortone* had managed Matters so in *Calabria* that the People were ready to revolt. And while King *Ferdinand* was wholly intent upon suppressing these Commotions, he received Advice, that Duke *John*, with twenty two Galleys and four large Ships, was arrived upon the Coast of *Sessa*, and landed between the Mouths of the Rivers *Garigliano* and *Vulturno*; so that in an Instant a cruel intestine War was kindled in the Kingdom.

A full Account of this War, which broke out in the beginning of King *Ferdinand's* Reign, was written by *Gioviano Pontano*, a celebrated Scholar in those Times, and a cotemporary Writer, for he was King *Ferdinand's* own Secretary. *Michele Riccio*, likewise a cotemporary Author, treats of it also, though but briefly. *Angelo di Costanzo* <sup>1</sup> has since described it more minutely, and with greater Exactness; protesting, that if he had enlarged in many things which *Pontano* had omit-

ted, he took them from the relation of *Francesco Puderico*, who was ninety Years old when he died, and who, together with *Sannazaro*, pressed him to write this History. *Antonio Zurita*, who for the most part follows *Pontano*, *Summonte*, and others, have likewise written of it at large; so that this War having been so fully described by these Authors, and it not being to my purpose, I refer the Reader to their Histories.

TO be short, Duke *John* was received by the Prince of *Rossano*, pushed forward with his Fleet to the Port of *Naples*, and invaded a great part of *Terra di Lavoro*. Then he marched to *Capitanata*, and found the Barons and People all inclined to join him. *Lucera* quickly opened its Gates, and *Luigi Minutolo* surrendered the Castle; *Troja*, *Foggia*, *Sansevero*, *Manfredonia*, and all the Castles of *Monte Gargano* followed the Example of *Lucera*; and *Ercole da Este*, who was Governor of that Province for the King, seeing that all the Cities within his Jurisdiction had revolted, joined the Duke. *Giovanni Caracciolo* Duke of *Melfi*, *Giacomo Caracciolo* Count of *Avellino* his Brother, *Giorgio della Magna* Count of *Bucino*, *Carlo di Sangro* Lord of *Torre Maggiore*, *Marino Caracciolo* Lord of *Santo Buono*, who in *Capitanata* and the County of *Molise* had many strong Castles, came and swore Allegiance to him; and *Aquila*, by the Persuasion of *Pietro Lallo Camponeseco*, set up the Standard of *Anjou*. The Prince of *Taranto*, who was then at *Bari*, came as far as *Bitonto* to meet the Duke, and conducted him to *Bari*, where he was received with Royal Pomp. The Prince of *Rossano* lay in wait for the King, in order to assassinate him; but his Army was defeated near *Sarno*. All *Principato*, *Basilicata*, and *Calabria* as far as *Cosenza* set up the *Anjou* Standard, and the Marquis of *Cortone* had already made all the rest of *Calabria* revolt; and whoever reads the History of this War written by *Pontano*, may judge what a vile Opinion the Barons and People had of King *Ferdinand*, that not only those that had sided with King *Alphonfus* his Father, or their Children, conspired to drive him out of the Kingdom, but his very *Catalans*, and even Pope *Callistus* who had been his Preceptor.

*Ferdinand's* Affairs were reduced to so low an ebb, that it was reported (which *Pontano* takes for granted) that Queen *Isabella di Chiaramonte* his Wife, seeing her Husband's Affairs in a desperate Condition, accompanied by her Confessor, left *Naples* under the Disguise of a *Franciscan* Monk, and went to the Prince of *Taranto* her Uncle, and throwing herself at his Feet, begged of him, that since he had made her a Queen, he would make her die a Queen, and that the Prince answered her, that the might rest contented, it should be done.

THE Duke of *Milan*, who had entered into this War for supporting King *Ferdinand*, and who, on account of the Pretension of the Duke of *Orleans* to the State of *Milan*, run the same risque with the King, finding *Ferdinand's* Affairs in such a Condition, bethought himself of saving the Kingdom to him by means of a Peace and Reconciliation; and he sent *Roberto Sanseverino* Count of *Cajazza* to the King's Assistance, with Instructions to advise him to endeavour to be reconciled with the Barons, and by Degrees recover the Kingdom: And because he was sensible, that the Barons knew the King to be of such a cruel and revengeful Nature, that he never observed Conditions nor Oaths, in order to glut himself with the Blood of those that had once offended him, he sent a Commission to the Count, empowering him, upon the Faith of a trusty Prince, and in his Name to secure such Barons as were willing to submit to the King<sup>1</sup>. The coming of the Count of *Cajazza* gave a lucky turn to the King's Affairs, for being of kin to the Count of *Marsico*, he enter'd into a Treaty with him about his returning to the King's Allegiance, and accordingly it was agreed to; the Count willingly accepting of the honourable Conditions granted him by the King, amongst which were the Concession of the City of *Salerno* with the Title of Prince: The Power of coining Money: That the Estates of the Vassals forfeited for Felony should belong to the Prince, and not to the King, and other very honourable Conditions recorded by *Costanzo*. The Count of *Marsico*, who, from this time forward, was call'd Prince of *Salerno*, sent immediately to Pope *Pius* for Absolution from the Oath he had taken to Duke *John*, when he created him Knight of the *Crescent*, to whom he return'd the Badges of the Order; and *Chioccorilli*<sup>2</sup> relates the Bull of *Pius II.* dated the 5th of *January* 1460. whereby he absolves from their Oaths all those

<sup>1</sup> Dem. loc. cit.<sup>2</sup> Chioc. Tom. I. M. S. Giurisd.

who had taken that Order from Duke *John*, and dissolv'd that Society, which was call'd the Order of the *Crescenti*.

THE Agreement of the Prince of *Salerno* with the King contributed much to *Ferdinand's* Safety, for the Prince not only gave him free Passage through his Towns, and open'd to him the way to *Calabria*, but, together with *Roberto Orsino*, accompanied him in recovering it; and he reduced all the Towns from *Sanseverino* belonging to himself, the Count of *Lauria*, the Count of *Capaccio*, or to any other of his Followers, as far as *Cosenza*, to the King's Obedience. *Cosinza* was taken and pillag'd: *Scigliano*, *Martorano* and *Nicastro* surrender'd: *Bisignano* was taken by Force, and, in short, almost all that Province submitted to the King.

POPE *Pius* sent *Antonino Piccolomini*, his Nephew, with a thousand Horse and five hundred Foot to the King's Assistance, with which he recover'd *Terra di Lavoro*. At the same time the Duke of *Milan* sent him a new Reinforcement, by which many Towns in *Abruzzo* were reduc'd to his Obedience. The King march'd into *Puglia* in order to lay waste the Country of *Lucera*, where Duke *John*, with a good Body of Troops, was expecting the Prince of *Taranto*. *Sanseverino*, *Dragonara*, and many other Towns of *Monte Gargano* surrender'd to the King; and, at last, he took *S. Angelo*, where he found all the Riches of *Puglia* had been brought. It was pillag'd with the utmost Avarice and Cruelty, and the King went down to the subterraneous Church of that famous Sanctuary, where he found a vast Quantity of Silver and Gold, not only what had been given out of great Devotion for that Sanctuary, but what had been carried thither from the neighbouring Places and put under the Custody of the Priests. The King having caused an account to be taken of it, seiz'd it, promising, that after he had recover'd the Kingdom, every thing should be restor'd, and he immediately caused this Silver to be coin'd into that Money which was call'd the *Coronati di S. Angelo*; which serv'd him in good stead in this War.

WHILE Affairs were in this State, there likewise arriv'd an unexpected Reinforcement to King *Ferdinand*; for *George Castriote*, surnam'd *Scanderbeg*, a Man most famous in those Times for his Exploits against the *Turks*, came from *Albania* to his Relief with a good number of Ships, in which were seven hundred Horse and a thousand Veteran Foot. He, not unmindful, that some Years before, when the *Turk* came to attack him in *Albania*, of which he was Prince, King *Alphonfus* had sent him Relief; and hearing that this War lay heavy upon King *Ferdinand*, he resolv'd to assist him in this manner; and his coming had so great an effect, that *Ferdinand's* Enemies were afraid to attack him.

CARDINAL *Rovarella*, the Apostolical Legate, who was then in *Benevento*, endeavour'd to bring over *Orsino* to the King's Party; and soon after the Marquis of *Cortone* made his Peace with the King, and the Count of *Vicastro* follow'd his Example.

ALPHONSUS Duke of *Calabria*, the King's eldest Son, who was but fourteen Years of Age, was sent by his Father, under the Direction of *Luca Sanseverino*, to subdue the rest of *Calabria*, who shewing from his Childhood what was to be expected from him when grown up to Man's Estate, with the utmost Diligence and Boldness accomplish'd the Design. On the other hand, the King beat his Enemies in *Capitanata*, took *Troja*, and brought that whole Province under Subjection; so that the other Barons, seeing the King so successful, and the *Anjou* Faction in such a declining State, came and submitted to him, and *Giovanni Caracciolo*, Duke of *Melfi* did the same.

THE Prince of *Taranto*, at last finding that he was no longer able to resist the King, who was coming to besiege him, resolv'd to send Ambassadors for making his Peace with him<sup>1</sup>. *Ferdinand* consented, and sent *Antonello di Petruccio*, his Secretary, with Cardinal *Rovarella*, the Pope's Legate, to treat about Conditions with the Prince's Ambassadors, between whom it was agreed, that the Prince was to drive Duke *John* out of *Puglia* and all his Towns. The Prince retir'd to *Altamura*, where he shortly after died, not without suspicion that the King had caused him to be strangled.

NOTHING now remain'd to be done, but to reduce that Part of *Terra di Lavoro*, which lies on the other side of *Vulturno* and *Abruzzo*, where Duke *John* and the Prince of *Rossano* had fortify'd themselves. However, the War was car-

<sup>1</sup> Ricc. lib. 4. Hist. Regn. Neap.

ried on against *Sora*, which the Pope's Troops, though solicited by *Ferdinand*, refus'd to attack; alledging, that the Pope had not sent them to assist the King, because the Duke of *Anjou's* Party having been brought so low, he stood no longer in need of their Assistance, but only because his Holiness pretended, that the Dutchy of *Sora*, the County of *Arpino*, and that of *Celano*, having once belong'd to the Church of *Rome*, they ought to be restor'd to it. The King, that he might not involve himself in new Disputes, fell upon an Expedient of giving the County of *Celano* as a Portion to *Antonio Piccolomini*, the Pope's Nephew, and his own Son-in-Law, upon Condition of his acknowledging the King for his supreme Lord; and then Pope *Pius* dying, he gave the Dutchy of *Sora* to *Antonio della Rovere*, Pope *Sixtus's* Nephew, upon the same Condition. At last the Prince of *Rossano* likewise sent to treat of a Peace, and by means of Cardinal *Ravella* it was concluded, upon Condition, for the greater Security, that it should be confirm'd by a new tie of Alliance, viz. That the King should give *Beatrice*, his Daughter, who was afterwards Queen of *Hungary*, in Marriage to *Giovan-Battista Marzano*, the Prince's Son, and accordingly she was immediately sent to *Sessa*, to *Eleonora* Princess of *Marzano*, as a Pledge of Security, and a certain Peace. But quickly after the King caused the Prince to be imprison'd, and sent to take Possession of his State, and order'd the Princess, together with her Children and his own Daughter, who had been promised in Marriage to the Prince's Son, to come to *Naples*.

DUKE *John* seeing himself depriv'd of his Partizans, agreed with the King to go whithersoever he should think fit, and having got a safe Conduct, he went to *Ischia*; and the King, after having entirely reduc'd *Puglia*, *Aquila* and all *Abruzzo* to his Obedience, had nothing more to do but to reduce *Ischia*, whither the Duke of *Anjou* had retir'd, and was guarded by eight Galleys, which daily infested *Naples*; and the King not being able to compass his Design, was forced to send to *Catalonia*, to King *John* of *Aragon*, his Uncle, to get him to send *Galzerano Ricchisens*, with a Squadron of *Catalan* Galleys, in order to put an end to the War: whereupon the Duke seeing all his Adherents were either dead, or imprison'd, or in extreme Necessity, resolv'd to quit the Kingdom, and having embark'd, he sail'd for *Provence* with two Gallies: After his departure, the *Catalan* Squadron being arriv'd, *Toreglia*, who commanded the Island of *Ischia*, by the Mediation of *Lupo Zimenes d'Urrea*, Viceroy of *Sicily*, propos'd a Treaty for surrendering it, but King *Alphonsus* having made *Ischia* a Colony of *Catalans*, King *Ferdinand*, afraid that the *Catalans* would set up the Standard of the King of *Aragon*, his Uncle, and make him think of attacking the Kingdom, contented himself with granting *Toreglia* most honourable Terms, and setting at Liberty his Brother *Charles*, who a little before had been made Prisoner, and giving him fifty thousand Ducats, and restoring him two Gallies that had been taken; which was immediately put in execution, and *Ferdinand* put in Possession of the Island.

*GIOVANNI Pontano* writes, that Duke *John*, at his leaving the Kingdom, left a very noble Character of himself in the Minds of the People, and especially of the Nobility, for he was of a most courteous Behaviour, singular Fidelity, great Constancy and Resolution, an excellent Christian, extremely liberal, grateful, and a Lover of Justice; and what is not natural to the *French*, he was grave, severe and circumspect. The extraordinary Virtues of this Prince mov'd many Gentlemen of the Kingdom to follow his Fortune, and go with him to *France*, amongst whom were Count *Nicola di Campobasso*, *Giacomo Galeotto*, and *Roffallo del Giudice*; and the two last gain'd such Reputation in the Wars, that *Galeotto* was the King of *France's* General at the Battle of *S. Albino*, where he obtain'd a great Victory<sup>1</sup>; and *Roffallo* was the same King's General in the War of *Roussillon* against the King of *Aragon*, where he perform'd many notable Actions; and the King gave him the Title of Count of *Castres*.

BUT Duke *John*, upon his arrival in *Provence*, was not long idle, for he was invited by the *Catalans*, who had revolted from King *John* of *Aragon*, which prov'd doubly favourable to King *Ferdinand* I. because it freed him at once from three Rivals, Duke *John*, King *Renatus* his Father, and the King of *Aragon*, which last, if he had not had Duke *John* to deal with, had certainly begun to give

<sup>1</sup> Costanzo lib. 20.

King *Ferdinand* that Trouble, which afterwards King *Friderick* gave King *Ferdinand* the Catholick, who succeeded him. The County of *Barcelona* had rebell'd against King *John*, and invited King *Raniero* to be their Lord, who was born of a Sister of King *Martin* of *Aragon*, and who claim'd the same Right to that State, and the Kingdoms of *Aragon* and *Valencia*, that the Father of King *Alphonfus* had, and that this King *John* pretended, who was the Son of the other Sister. Our King *Ferdinand* being advited of this, sent some Companies of Men at Arms to *Catalonia* to the Assistance of his Uncle; and Duke *John*, after he had left our Kingdom, upon his arrival in *France*, went immediately upon this Expedition, as his Father's Vicar, and commanded till 1470, in which Year he died in *Barcelona*: And to keep up the Pretensions of the *French* to this Kingdom, he convey'd his Rights to *Lewis* and *Charles*, Kings of *France*, in the manner as hereafter shall be related.



## C H A P. II.

*The Marriage of Alphonfus Duke of Calabria with Hippolita Maria Sforza, the Daughter of the Duke of Milan: Of Eleonora, the King's Daughter with Hercules d'Este, Marquis of Ferrara; and of Beatrice, another of his Daughters, with Mathias Corvin, King of Hungary. The Death of Pope Pius II. and the Disputes which arose between Paul II. his Successor, and King Ferdinand, which, in the Time of Pope Sixtus IV. his Successor, were ended.*



**A**FTER King *Ferdinand* had triumph'd over so many Enemies, and brought the Kingdom under his Obedience, he was resolv'd to repair the Damages it had sustain'd by a seven Years continual War, which had quite overturn'd and put it in disorder; but first of all, for greater Security, he endeavour'd to strengthen himself by new Alliances, and to put in execution the Treaty, which, many Years before, he had made with the Duke of *Milan*, of marrying the Duke of *Calabria* to *Hippolita*, his Daughter; therefore in the Spring of this Year 1464. he sent *Frederick*, his second Son, with six hundred Horse to *Milan* to conduct the Bride.

*FREDERICK*, upon his arrival in *Milan*, in the Name of his Brother, marry'd *Hippolita*, who having left *Milan*, and been entertain'd for two Months in *Sienna*, from thence came to *Rome*, and at last to *Naples*, where she was receiv'd with great Pomp by *Alphonfus*, her Husband, and the King caused many Feasts and Tournaments to be celebrated. Some Years after the new Alliance was concluded with *Hercules d'Este*, Marquis, and afterwards Duke of *Ferrara*, to whom the King gave *Eleonora*, his Daughter, in Marriage; and the Duke sent *Sigismond*, his Brother, to *Naples* to conduct his Bride to him, whom the King sent, accompanied by the Duke of *Amalfi* and his Dutcheſs, by *Francesco di Capua*, Count of *Altavilla*, and his Countess, by the Count and Countess of *Buchianico*, by the Duke of *Andria*, and other Noblemen.

**THEN** was likewise concluded the Marriage of *Beatrice* with *Mathias* King of *Hungary*; and the Time being come, that the Bride was to be conducted to her

her Husband, her Coronation was appointed to be before the Church *dell' Incoronata*, where a most magnificent Theatre was erected, whither the King came in his Royal Robes, and the Crown upon his Head, accompanied by his chief Barons; a little after came *Beatrice*, who, with great Pomp, was crown'd Queen of *Hungary* by Cardinal *Oliviero Caraffa*, Archbishop of *Naples*, assisted by many Bishops; and the Day following, the new Queen, after having visited all the *Seggi* of the City on Horseback, with the Crown upon her Head, accompanied by all the Barons, left *Naples*, and was attended by the Dukes of *Calabria* and *S. Angelo*, her Brothers; and being arriv'd in *Manfredonia*, they imbarc'd in the Gallies of *Naples*, and conducted her to *Hungary*. These Princes were attended by some of our Advocates, who, as *Duarenus* writes, by their Intrigues and Subtilities involved *Hungary* in inextricable Controversies; insomuch that they were turn'd out of the Kingdom, in order to restore it to its former State of Peace and Tranquillity.

ALL these Feasts were interrupted by the Grief, occasion'd by the Death of Queen *Isabel*, a Lady of a most exemplary Life, and truly Royal Virtues. She was lamented by every body; and with most pompous Obsequies her Corpse was bury'd in the Church of *S. Peter the Martyr*.

BUT what more perplex'd King *Ferdinand*, was the Death of Pope *Pius*, which happen'd on the 19th of *August* 1464, which was follow'd the same Year by that of the Duke of *Milan*, and soon after by that of *George Castrione* Prince of *Albania*, his best Friends and greatest Supporters: For *Pius* being succeeded by the Cardinal of *S. Mark*, a *Venetian*, who took the Name of *Paul II.* naturally avaritious, began to press King *Ferdinand* for the Payment of the Arrears of Tribute, which was owing to the Church of *Rome*, and had not been paid for many Years: *Ferdinand* being oppress'd by the excessive Charges of the late War, and quite exhausted of Money, not only excused himself on account of his Inability to pay them, but he begg'd of the Pope that he would remit them. And at this very time they would have come to an open Rupture, if the Pope, who had a Mind to humble the Sons of the Count of *Auguilara*, had not wanted the King's Assistance, to whom he made Application for some of his Troops, which *Ferdinand* readily granted him. But the Expedition against *Auguilara's* Sons being over, these Differences, which had lain dormant some time, were reviv'd again; for the Pope began to demand the Tributes with more Rigour than he had done at first, and obliged the King to be plain with him, and he not only pretended, that the Tributes ought to be remitted, even upon account of the Charges he had lately been at in giving him Assistance, but that for the future, the Tribute, which formerly amounted to 8000 Ounces yearly, ought to be lessen'd; because formerly that Tribute was not only paid for the Kingdom of *Naples*, but for that of *Sicily*; therefore *Sicily* being in the Possession of *John King of Aragon*, his Uncle, he ought not to pay the whole Tribute. On the other Hand, the Pope magnify'd the Assistance, which the King had had from his Predecessor, who had kept him in Possession of the Kingdom, and alledged the Investiture given upon that Condition, and the so many Merits of the Church<sup>1</sup>. And sometimes the one complaining, sometimes the other, both were waiting a favourable Opportunity to make good their Claims; but *Ferdinand*, in order to make the Pope yield to his desire, brought another Pretension upon the Carpet, and made pressing Instances for the Restitution of the Towns which the Pope possess'd within the limits of the Kingdom, to wit, *Terracina* in *Terra di Lavoro*, and *Civita Ducale*, *Acumoli* and *Lionessa* in *Abruzzo*, on the Borders of the State of the Church; and that by virtue of the Agreement made in 1443, between Pope *Eugene IV.* and King *Alphonfus*, his Father; as also he claim'd the Restitution of *Benevento*, which he had restor'd to Pope *Pius*, his good Friend, but had no mind to have a Pope enjoy it, whom he both suspected and hated. The Pope seeing the King thus exasperated, not able either by force or cunning to resist him, immediately sent Cardinal *Rovarella*, his Legate, to *Naples* in order to pacify the King, who perform'd his part so well, that for that time there was no more mention made of the Arrears of Tribute, nor of the Restitution of the said Towns.

THERE arose afterwards some other Disputes about the Lordship of *Tolfa*; for the Pope pretending, that the Rock-alum that grew there was his, besieged the Place; but the King's Army coming unawares, the Pope's Troops immediately raised the

<sup>1</sup> Platin. in Paul. II.

Siege and fled<sup>1</sup>. The Quarrels, which our Kings have had with the Roman, Pontiffs, were always very bitter; they not only pretended, that the Alum of *Tolfa*, but that which was made in the Fields of *Pozzuolo* and *Agnano* belonged to the Apostolical See, of which Controversies *Chioccarello* treats in his *M. S. Giuridizionali*. The Death of Pope *Paul*, which happen'd on the 18th of July 1471, and the Election of Cardinal *Francesco della Rovere*, who took the Name of *Sixtus IV.* put an end to all these Disputes; for Pope *Sixtus*, provided that *Ferdinand's* Pretensions should be no more mention'd, in 1475, sent him a Bull, recorded by *Chioccarello*<sup>2</sup>, wherein he remits him all the Arrears of Tribute; and that during his Life he should not be obliged to pay any, but in lieu of the Tribute, he should be bound to send yearly, on account of the Investiture, a white *Spanish Genet*, with all his Trappings<sup>3</sup>; and *Ferdinand*, finding that this Pope was a Man of a great Spirit, was resolv'd to be allied to him; and for that End gave the Dutchy of *Sora*, which he had taken from *Giovan-Paolo Cantelmo*, to *Antonio della Rovere*, and gave him in Marriage *Catharina*, the Daughter of the Prince of *Rossano*, by *Dionora* of *Aragon*, his own Sister.

<sup>1</sup> Summont. Tom. 3. pag. 474.  
<sup>2</sup> Chioc. Tom. 1. M. S. Giurisd.

<sup>3</sup> Platin. in Sixto IV. Summont. Tom. 3.  
 pag. 490.



### C H A P. III.

*The Splendor of Ferdinand's Royal Household, who having settled Peace and Tranquillity in the Kingdom, improved it with new Laws and Regulations; encouraged learned Men and Learning, and introduced new Arts.*

**F**ERDINAND, treading in the Footsteps of King *Alphonfus*, his Father, and seeing the Kingdom in Peace and Quiet, did not neglect in these happy Years to improve and enrich it with new Arts, and to furnish it with provident Laws and learned Men, famous for all sorts of Sciences, and especially Professors of the Civil and Canon Laws; whence it came, that in his Reign, besides the Splendor of his Royal Family, the Lawyers and Learning were in a most flourishing Condition with us. And *Naples*, at this time, was in the same glorious State, in which it was in the Reign of *Charles II.* of *Anjou*, on account of the many Princes of the Blood that adorn'd his Court. *Ferdinand*, as well as *Charles*, had many Sons, who were shining Ornaments of his Royal Household. By Queen *Isabella of Chiaramonte*, besides *Alphonfus* Duke of *Calabria*, appointed to be his Successor in the Kingdom, he had *Frederick*, a Prince of such Goodness and Wisdom, that his Father first made him Prince of *Squillace*, then Prince of *Taranto*, and afterwards of *Altamura*. He had *Francis*, whom he created Duke of *S. Angelo*. He had *John*, who was made a Cardinal by *Sixtus IV.* and call'd Cardinal of *Aragon*. He had also *Eleonora* and *Beatrice*, his Daughters, the one married to the Duke of *Ferrara*, and the other to the King of *Hungary*.

QUEEN *Isabella* dying in 1477. King *Ferdinand* married his Cousin *Joan*, the Daughter of *John* King of *Aragon*, his Uncle, by whom he had only one Daughter, whom he call'd *Joan* after her Mother. Besides these he had Duke *Henry* and Duke *Cæsar*, his natural Sons, and some Daughters begotten the same way, whom he married to the chief Lords and Barons of the Kingdom.



TO so many of the Royal Blood of *Naples* was likewise added the Family of the Duke of *Calabria*, who, as we have said, being married to *Hippolita Sforza*, Daughter to the Duke of *Milan*, had three Children by her, *Ferdinand* the eldest, *Peter* and *Isabella*; but *Peter* died both before his Father and Grandfather; and *Isabella* was married to *John Galeazzo*, Son to *John Galeazzo* Duke of *Milan*, who dying, the Son was put under the Guardianship and Tuition of *Lewis*, his Uncle, who, as shall be told, put *Italy* all in a Flame, and was the Occasion of so many Revolutions. The Royal Family of *Naples* in those times had no reason to envy any Court even of the greatest Princes of *Europe*, and *Camillo Tutini*, lamenting its Misfortune, in the Supplement of the Vicissitude of *Trifano Caracciolo's* Fortune, writes, that one day, at a Feast celebrated in *Naples*, there appear'd above fifty Persons of this Family, insomuch, that it was thought it never could be extinguish'd; and it was supported with the greatest Splendor and Magnificence, as well upon the occasions of solemnizing so many Marriages and Coronations that were made, as with Respect to so many Courts as those Princes of the Blood kept, and the great Number of the superior and inferior Officers of the Royal Household, which was kept up with vast Pomp while the City of *Naples* was the Royal Seat.

THE Pomp and Splendor of the Royal Family was not only maintain'd, but *Ferdinand* was resolv'd likewise to restore the Officers of the Crown, whose Offices, being exercised, for the most part, by those rebel Barons, whom he had extinguish'd, by the preceding Revolutions and Confusions, were become vacant. By the Death of the Prince of *Taranto*, the Office of High Constable being vacant, he invested *Francesco del Balzo*, Duke of *Andria*, in it. By the Ruin of the Prince of *Rossano*, the Office of High Admiral being likewise vacant, he gave it to *Roberto Sanseverino*, Prince of *Salerno*. By the Rebellion of *Ruggiero Acclocciamuro*, he made *Antonio Piccolomini*, Duke of *Amalfi*, Lord Chief Justice. He pitch'd upon *Onorato Gaetano*, Count of *Fondi*, to be Great Prothonotary: *Girolamo Sanseverino*, Prince of *Bisignano*, to be Lord High Chamberlain: *Giacomo Caracciolo*, Count of *Brienza*, to be Lord High Chancellor; and *Pietro di Guevara*, Marquis of *Vasto*, to be Lord High Steward. During the Reign of the *Aragonians* these Officers were in their antient Splendor and Pre-eminency, but now since *Ferdinand* had no other Dominions, he therefore endeavour'd to raise their Prerogatives, in order to have his only Kingdom make the more shining Figure.

ALTHOUGH this Prince had dealt very roughly with his Barons upon account of the late Rebellion, and had therefore got the Name of cruel and inhuman; nevertheless, he gain'd the good Will of his Adherents, by raising them to Honours and Dignities. He augmented the Number of Titles, and especially of Counts, of which he created many, for in 1467, he made *Matteo di Capua* Count of *Palena*: *Scipione Pandone*, Count of *Venafro*: *D. Ferrante Guevaro*, Count of *Belcastro*, and many others; so that he encreas'd the Number of Titles in the Kingdom much more than King *Alphonfus* had done, as may be plainly seen by the List, which *Summonte* made, far exceeding those made either in the Reign of *Alphonfus*, or the other *Anjouian* Kings, his Predecessors.

HE likewise, as has been said, among the other Orders of Knighthood instituted a new one, call'd dell' *Armellino* (of the *Ermine*) with which he was wont to adorn many. He instituted this Order upon account of the Quarrels he had with the Prince of *Rossano*, who, as we have said, having taken Part with Duke *John* of *Anjou*, not able to overcome the Enemy by force, had recourse to Deceit and Treachery; for at the same time, that, by the means of a new Alliance, he had made his Peace with the King, and seem'd to have left Duke *John's* Party, he enter'd into a new Conspiracy with the Duke against the King; of which *Ferdinand* being apprised, caus'd him to be seiz'd, and sent Prisoner to *Capua*, from whence he was afterwards brought to *Naples*. Many advis'd the King to order him to be put to Death, but he would not consent, saying, that it was not reasonable to imbrue his Hands in the Blood of his Kinsman, though a Traytor. Afterward, having a Mind to make his generous Sentiments of Clemency known, he devis'd an Ermine, which so much values the Purity of its whiteness, that it chuseth rather to be taken by the Hunters, than be defiled with the Dirt, which they usually spread about the Mouth of its Hole, in order to catch it. Therefore the King wore a Collar adorned with Gold and Jewels, with an Ermine hanging at it, with this Motto: *Malo mori, quam fœdari*. In opposition to Duke *John* and his

Knights of the *Crescent*, *Ferdinand* instituted this Order of the *Ermine*, and made many Knights of it; and *Pigna*<sup>1</sup> writes, that among others he made his Son-in-Law, *Hercules d'Este*, Duke of *Ferrara*, a Knight Companion of this Order, to whom he sent the Collar by *Giovan-Antonio Caraffa*, a *Neapolitan* Knight.

*FERDINAND*, besides his having been at so much Pains in adorning the Kingdom, like a provident Prince, who delighted in the Plenty and Riches of his Subjects, facilitated the Traffick of the Merchants, and encouraged their Commerce to all Parts, both of the *East* and *West*: but above all, his having introduced into *Naples*, and improved many Arts, and particularly that of manufacturing Silk, and weaving Cloth of Gold and Silver, ought to be acknowledged by this City as the chief Cause of its Grandeur, and of the encrease of its Citizens and Riches.

THIS Art had already been introduced into many Cities of *Italy*; therefore after the Death of *Queen Isabella*, his Wife, in 1465. he resolved to introduce it into *Naples* also, and having made many skill'd in it to be invited from different Places, at last he pitch'd upon *Marino di Cataponte*, a *Venetian*, an experienced Master in this Art, to whom the King having lent a thousand Crowns for carrying on the Work: Cloths of Silk and Gold were woven here; and, in order to encourage this Manufactory the more, he not only exempted every thing that was necessary for this Work from all Duties and Taxes, but likewise the Silk, gold Thread, Cochineal, and whatever was useful either for dying, or weaving, or making Cloth of Gold and Silver<sup>2</sup>: Besides he commanded, that all the Artificers of this Manufactory should be treated and reputed in every thing as *Neapolitans*: That in all their Causes, as well Civil as Criminal, they could not be sued before any Tribunal or Officer of Justice, excepting their own Consuls: That all those, of what Nation soever they were, who should come to exercise this Art in *Naples*, should enjoy the same Liberty, and be judged by their own Consuls only: That all those who had a mind to exercise, or shall exercise this Art, whether they be Merchants, Masters, Apprentices, or Journeymen, must enter themselves into a Roll or Book belonging to their Art, in which, as soon as they are inroll'd, they are to enjoy all the Privileges and Conditions granted, or that shall be granted by the King and his Successors in the Kingdom: That every Year on the Feast of *S. George*, they shall meet and chuse three Consuls, who every *Saturday* shall meet and administer Justice to them. Many other Privileges were granted by *Ferdinand* to this Art and *Marino Cataponte*. He likewise granted others to *Francesco di Nerone*, a *Florentine*, to whom he promised to pay three hundred Ducats yearly Salary, that he might assist in and exercise this Art in *Naples*. He also granted other Privileges to *Pietro de Converse*, a *Genoese*, and others to *Girolamo di Goriante*, a *Florentine*<sup>3</sup>. The succeeding Kings likewise ennobled this Art with other Prerogatives, insomuch that a new Tribunal was erected in *Naples*, which is call'd, The noble Society of Silk-Weavers. It is composed of the Consuls, a Judge, or their Assistant, and the Advocate Fiscal of the Vicariate may likewise be present<sup>4</sup>. From the Decrees of this Tribunal there's no Appeal but to the *S. C.* where the Judge makes the Reports standing and bare-headed, nor gets he the Title of *Magnifico*, as *Tassoni* says in his *Maggazzino Univerfale*.

WE ought not to pass over in silence what *Summonte*<sup>5</sup> relates in his History of *Naples*, which was written above a hundred Years ago, that by this Art *Naples* was so much encreased, and the Kingdom ennobled, that many flocking from all Parts to practise it, and the Natives applying themselves to it, the City was crowded with Inhabitants, the half of which liv'd upon the Profits arising from this Art; for they not only came from the neighbouring Cities and Towns of the Kingdom, but whole Families came from different Parts of *Europe*, so that in his Time, he says, that the Number of Inhabitants was so great, that the City was enlarged very near a third part more than ever it had been.

THUS writes this Author, when Luxury and Prodigality were not arriv'd at that height and excess we have seen them in our time. At present Things are grown to such a Pitch, that there is not the meanest Wench, or Clown, or Tradesman, but what wear Silk, whereas in the times of those *Aragonian Kings*,

<sup>1</sup> Pigna lib. 8. Hist. della fam. d'Este. Eugen. Disc. de' Cav.

<sup>2</sup> V. Franchis Decif. 722. Num. 17, & 18.

<sup>3</sup> V. Tasson. de Antefat. ver. 3. obs. 3. num. 30.

<sup>4</sup> Franchis decif. 679.

<sup>5</sup> Sum. tom. 3. pag. 481.

Kings, as the Counsellor *Matteo d'Affitto* reports<sup>1</sup>, Silk was not worn but by Lords and Ladies.

*FERDINAND* not only brought this Art among us, but a few Years after, in 1480, he introduced the Woollen Manufactory, and granted much the same Privileges to its Consuls. He order'd, that all those who practis'd that Art, should be enter'd in a Roll or Book, and be judged by their own Consuls only<sup>2</sup>. Therefore another Tribunal was erected, and call'd, The Woollen Manufactory, which is compos'd of the Consuls, and their Judge or Assitant, where the Advocate Fiscal of the Vicariate may be present whenever he thinks fit. Besides, there are no Appeals from their Decrees excepting to the S. C. where the Reports are made in the same manner as those of the Tribunal of the Noble Art of Silk Weaving.

IN the Years 1458, and 1474. *Ferdinand* also rais'd the Goldsmiths Trade, by allowing them to chuse their own Consuls, to whom he gave Power of inspecting the Faults committed in the Workmanship<sup>3</sup>; and he prescribed the Methods and Rules whereby to prevent Frauds; being equally sollicitous to have all the other Arts flourish, and to prevent deceit.

<sup>1</sup> Afflit. decif. —

<sup>2</sup> Franchis decif. 722. num. 28, & decif. 673, | <sup>3</sup> V. Tasson. de Antefat. ver. 3. obs. 3. num. 305.

<sup>3</sup> V. Tasson. de Antefat. ver. 3. obs. 3. num. 389.



## CHAP. IV.

*How the Art of Printing was brought to Naples, and its Improvement. How the Prohibition of Books, or the Licence for Printing them proceeded from thence; and what Abuses crept in, as well with respect to the Prohibition, as the revising of them.*

**B**UT what *Naples*, the whole Kingdom, and all learned Men ought chiefly to praise this Prince for, was his having been the first who brought the Art of Printing to this City. *Ferdinand* was not only a Lover of Learning, but likewise a very learned Prince himself; whence it was, that so many learned Men in all Professions flourished in his Reign, as we shall have occasion to mention. The Art of Printing was found out in the Beginning of this Century, about the Year 1428. But if we may give credit to *Polydore Virgil*, it was invented in 1451. by *John Guttenberg*, a German, who brought it first to *Harlem*, a City of *Holland*. It was afterwards divulged in the Cities of *Germany*, and in *France*. Two Brothers, Germans, according to *Volteranus*, brought it to *Italy* in the Year 1458. one of them went to *Venice* and the other to *Rome*, and the first Books that were printed in *Rome* were those of *S. Augustin*, *De Civitate Dei*, and the *Divine Institutions of Lactantius Firmanus*. King *Ferdinand* soon after caused it to be brought to *Naples*. *Passaro* writes, that in the Year 1473. *Arnold of Brussels*, a *Flemming*, brought it hither, who being received by the King with great Marks of Esteem, many Privileges and Franchises were granted him. Others relate, That in the Year 1471 a Priest of *Strasburg*, named *Sixtus Rufingerus*<sup>1</sup> brought it to us. Be that

<sup>1</sup> Tom. Bozio de sign. Eccl. cap. 5. fig. 93. Rocca de Typogr. &c. rapportati da Summ. pag. 488. tom. 3.

as it will, *Ferdinand* encouraged the Artists, and set them at work; so that Books began to be printed in *Naples*. The first Books that were printed here, were the Commentaries upon the second Book of the Code of the famous *Antonio di Alessandro*; and the Books of *Angelo Catone* of *Supino*, Professor of Philosophy in *Naples*, and King *Ferdinand's* Physician, who having corrected and enlarged the System of Physick, composed by *Matteo Salvatico* of *Salerno*, dedicated to King *Robert*, in 1474, caused it to be printed in *Naples* by that *German*, who a little before had brought the Art hither from his own Country<sup>1</sup>. Afterwards from time to time other Books were printed, such as the Works of *Avello Arcamone* upon the Constitutions of the Kingdom, and a great many more.

KING *Charles VIII.* came afterwards to *Italy*, and having conquer'd the Kingdom of *Naples*, where staying six Months, which was exactly the time he kept it, some *French* Printers, expert in the Art, came quickly hither, and brought it to a much greater Perfection, reducing it to a better Form, whereby it became more correct than it had been formerly. Thus by degrees, as it usually happens to all other Arts, it was brought to a more noble Form with us, as may be seen by the Impression of some Books printed in those times, and among the rest of *Sannazaro's Arcadia*, which *Pietro Summonte*, his Friend, while the Author was in *France* following the Fortune of King *Frederick*, his Master, caused to be reprinted in *Naples* upon very fine Paper, with an excellent Character, it having been twice printed at *Venice* full of Errors, and very incorrect: Nevertheless, *Summonte* desired the Cardinal of *Aragon*, to whom he dedicated it, to excuse him, if the Print was not so fine, as formerly it used to be in *Naples*, and as was then usual in the other more peaceable Cities of *Italy*; for *Naples* being all in Confusion by reason of the Wars and Revolutions, it was with difficulty he had got the use of that Character.

BUT the Emperor *Charles V.* coming afterwards to *Naples*, at the Persuasion and Sollicitation of the famous *Agostino Nifo da Sessa*, a renowned Philosopher, and the Emperor's Physician, this Art was much more encouraged and improved; for in the Year 1536, this Emperor granted great Privileges and Immunities to it and its Professors, exempting them from all Duties, Taxes, or other Payments whatsoever, as well for Paper and Characters, as for all other Things necessary for bringing the Art to Perfection; of which Privileges, besides *Summonte*<sup>2</sup>, among our Writers, *Toro*<sup>3</sup>, and the Counsellor *Altimari*<sup>4</sup>, bear witness. So that by the Encouragement of this Prince, the Art of Printing was promoted in *Naples*: The learned Men seeing themselves so much countenanced, endeavour'd to shew their Talents in print; for the Books of the Antients, which had formerly been written with the Pen upon Parchment, and were scarce, being now printed, turn'd to their great Advantage, not only by having Books easily, but also very correct. Whence the Academies began to flourish, and the Number of learned Men encrease not only in *Naples*, but in the other Cities of the Kingdom, whither the Art of Printing had likewise been carry'd, such as *Aquila*, *Lecce*, *Cosenza*, *Bari*, *Benevento*, and some others. And the Editions proved most correct, upon fine Paper, and of excellent Characters, as may be seen by some Books printed in those times; and among the rest, by the Poems of *Bernardina Rota*; the Law Works of *Cesare Costa*, Archbishop of *Capua*, and many others, of which first Editions there are many Copies in the Library of the *S. Domenico Maggiore* of this City.

AS the Invention of this Art was look'd upon in those times to be extremely useful and necessary for the Communication of Learning, so in the subsequent times it became equally prejudicial; for Men being taken up in reading of so many Books as were publish'd, though they loaded their Memories with infinite Erudition, yet they fail'd in Judgment and Invention, so that there appear'd but seldom Men of great Genius, who by making a good use of their Talents, were able of themselves to improve the Arts and Sciences. Besides, in the preceding Century it was the occasion of bringing Inconveniencies and Confusions among us; for all pretending to be learned and judicious, by reason of the readiness of Printing, and the small Charges, Men of Letters were seiz'd with an universal Itch for printing whatever happen'd to be the Product of their Fancies or Pens, in whatsoever Profession; so that in the seventeenth Century, an infinite number of Volumes were publish'd in

<sup>1</sup> Toppi Biblioth. Neap. fol. 17.

<sup>2</sup> Summon. tom. 3. pag. 488.

<sup>3</sup> Toro in Suppl. Comp. decif. ver. libri.

<sup>4</sup> Altimar. ad Conf. Rovit. tom. 3. obf. 8. n. 29.

& 31.

print, for the most part by the Monks and Lawyers, generally insipid, and stuffed with vain and trifling Things. The Printers encouraged them, and in order to make their Charges the more easy, they caused a Paper of a worse sort to be made, which they made use of in printing their Books, and which they afterwards call'd *Printing-Paper*. But for all that, they did not leave off making use of the finest Paper and Characters upon other Occasions. Such is the Greediness and Avarice of the Tax-gatherers of our Times, that notwithstanding the Emperor *Charles V.* had exempted the Printers from paying Duty for the fine Paper, which they were to use in Printing, yet they pretend that that Exemption ought to be confin'd to the *Printing Paper*, and not extended to the Paper of a better Quality; as if the last could not be made use of in Printing, or that, before the first was invented, the fine Paper had not been, at all times, used in Printing the Works of the Learned.

## S E C T. I.

*Abuses in the Liberty of the Press, and Prohibition of Books.*

THE useful Art of Printing, from which the World has reap'd so many Advantages, by the Corruption of Authors, and the Facility and Readiness, which many had in publishing the Productions of their Brains, was afterwards perverted to a bad use. The Heresy of *Luther*, which being spread over *Germany*, and diverse Books dispersed by means of the Press, threaten'd the other Parts of *Europe*: Therefore it was necessary for the Princes to have a watchful Eye upon it, and to regulate the use of it by Laws. The Popes, as being liable to receive greater Detriment from the Liberty of the Press, than secular Princes, kept a very strict Eye upon it: Therefore, after the Art of Printing came to be practis'd, both the Popes and Princes, at different times, made many Prohibitions and Restrictions.

BUT the Popes afterwards attempted to make Encroachments with respect to these Prohibitions; for they pretended, that they only had a Right either to forbid Printing, even upon Pain of temporal Punishment, or to grant the Liberty of the Press. Cardinal *Baronius*, in the XII. Tome of his Annals (writing in his own Defence, when *Philip III.* prohibited his XI. Tome, in which, though he had little Reason, he must needs impugn the Monarchy of *Sicily*) was the first that boldly maintain'd it<sup>1</sup>; but being suitably chastis'd by that Prince, none dar'd to defend what the Cardinal had advanced: For, as we have said in the second Book of this History, the ancient Discipline of the Church was, that when Religion was the Matter in question, the Censure belonged to the Bishops, but the Prohibition to the Prince. The Emperors, after the Censure of the Bishops and Council, prohibited the Books of Hereticks upon Pain of temporal Punishment, and condemned them to the Flames; of which we have many Examples in the *Theodosian Code*. The Fathers of the Council of *Nice* first condemned the Books of *Arius*; and then *Constantine* the Great made an Edict, prohibiting and condemning them to be burnt; and the Books of *Porphyry* had the same Fate<sup>2</sup>. The Fathers of the Council of *Ephesus* condemn'd the Writings of *Nestorius*, and the Emperor publish'd a Law prohibiting the reading of them<sup>3</sup>. The Council of *Chalcedon* condemn'd the Writings of *Eutyches*; and the Emperors *Valentinian* and *Marcian* made Laws condemning them to be burnt<sup>4</sup>. The same was practis'd by *Charles* the Great<sup>5</sup>, and by other Princes in their Dominions. And to come nearer to our own Times, in 1550, *Charles V.* publish'd a terrible Edict in *Brussels* against the *Lutherans*, in which, among other Things, he rigorously prohibited the Books of *Luther*, *Oecolampadius*, *Zuinglius*, *Bucer*, and *John Calvin*, which had been printed thirty Years before, and all Books of that kind, which had been mark'd in an *Index* made by the Divines of *Lowvain* for the purpose<sup>6</sup>; for

<sup>1</sup> V. il P. servita nell'Istoria dell'Inquis.  
<sup>2</sup> Prefac. De Sac. Epif. auct. cap. 1. § 7. fol. 14.  
<sup>3</sup> Liberat. Breviar. cap. 10.  
<sup>4</sup> L. Quicumque, § nulli & § omnes. C. de hæret.

Evagr. lib. 1. cap. 2. Socrat. lib. 1. cap. 6. V. il P.  
 Servita loc. cit.  
<sup>5</sup> Capitular. Car. M. l. 1. cap. 78.  
<sup>6</sup> Thuan. lib. 6. Histör.

it is the Province of Princes to secure their Dominions from being distrub'd, not only by satyrical, seditious and scandalous Books, or such as are stuffed with false Doctrine, but also from being poison'd by pernicious Heresies. And as the Censure belongs to the Bishops, that the Discipline and Doctrine of the Church may not be corrupted; so it concerns Princes to take care that the State be not corrupted, nor their Subjects infected with Opinions repugnant to good Government; against which they have more reason to guard now than ever, when there are so many new Doctrines introduced contrary to those of the Antients, as well as their Interests and supreme Regalia; for from those arise Opinions that occasion Parties, which afterwards end in Factions, and at last in cruel Wars. They are Words 'tis true, but which by consequence have often drawn Armies to the Field.

OUR Kings have always vigorously opposed these Attempts, and the Censure alone was left to the Bishops, but they could not prohibit Printing upon pain of temporal Punishment; nor did those Prohibitions belong to them, for they were made by our Kings and their Viceroy, and such has always been the practice.

ON the fourth of *May 1525*. Pope *Leo X.* publish'd a Bull, which he got the *Lateran Council* to approve of, whereby he prohibited Books to be printed without a Licence from the Ordinaries and Inquisitors of the Cities, where they were to be printed; upon this Penalty, that those who should print without such Licence should lose the Books, which were to be burnt. Moreover he imposed a pecuniary Mulct of a hundred Ducats to be paid by the Transgressors to the Fabrick of *S. Peter's Church* at *Rome*; and that the Printers should be suspended for a Year from exercising their Employment: He likewise declared them excommunicated, and if they continued under the Censure, they were to be punish'd according as the Laws require.

BUT this Bull, as to the pecuniary Mulct, the Suspension, and the loss of the Books, did not take place in our Kingdom, and was only in force in the State of the Church.

NOTWITHSTANDING the Council of *Trent*, in the fourth Session, which was open'd the eighth of *April 1547*, had prohibited the Printers to print the Books of the Holy Scripture, Annotations and Expositions upon it without Licence of the superior Ecclesiasticks; and that they should not print Books treating of sacred Things without the Name of the Author; nor sell, nor keep them unless they shall be first examined and approved by the Ordinaries upon pain of those pecuniary Mulcts and Excommunication imposed by the last *Lateran Council*; yet, with respect to that Article of the pecuniary Mulct, it was not receiv'd in our Kingdom, and the Power of imposing spiritual Punishment was only left to the Ordinaries.

OUR Kings, or their Viceroy, kept Possession of such Prohibitions, and establish'd many Statutes and Edicts, whereby they prohibited Printing without their Licence; and we find, that *D. Pedro de Toledo*, the Viceroy, in the Reign of the Emperor *Charles V.* made Regulations also concerning the printing of Books; and on the fifteenth of *October 1544*, he publish'd an Edict, whereby he ordain'd, that seeing the pestilentious Heresy of *Luther* was spread in *Germany*, and began to corrupt the Doctrine and Discipline of the Church of *Rome*, Books of Divinity and the Holy Scripture, that should be found to have been printed within these twenty five Years last past, should not be re-printed, and such as had been printed within that time should not be kept, or sold, unless they be first shewn to the Chaplain Major, that, they being revised and examined by him, he may order such of them to be publish'd as he shall think fit. Moreover, that those Books of Divinity, and the Holy Scripture, that have been printed without the Name of the Author, and those likewise whose Authors have not been approv'd, should not by any means be sold or kept. And on the thirtieth of *November 1550*. he publish'd another Edict, whereby he commanded, that no Book whatsoever should be printed or sold without the Viceroy's Licence.

THE Duke *d'Offuna*, the Viceroy, at the same time that Pope *Sixtus V.* establish'd the Congregation of the *Index*, on the twentieth of *March 1586*. in the Reign of *Philip II.* publish'd another Edict, whereby he ordain'd, that *Neapolitan* Authors, or such as liv'd in the Kingdom, should not cause Books to be printed

‡ Chiocc. tom. 17. M. S. Giurisd.

either in, or out of the Kingdom, without the Viceroy's Licence *in Scriptis*. And lastly, the Count of *Olivares*, who was Viceroy in the Reign of *Philip III.* on the thirty first of *August 1598.* put forth an Edict, prohibiting Printers to open their Presses, or Printing-Houses, without an express Licence from the Viceroy *in Scriptis*.

WHENCE came the Custom with us, of a Minister, or other Person being appointed by the Viceroy for revising Books; and this has been practised ever since the time of the Duke *d'Alcala*, the Viceroy, who, on the twenty third of *November 1561.* sent a Commission, which was afterwards renewed on the eighth of *May 1562.* to *P. Valerio Malvasino*, a Person, whom he knew to be of great Integrity and Learning, appointing him Royal Commissary for revising and examining Books imported into the Kingdom from *Germany, France,* and other Parts; that finding them infected with Heresy, he might prohibit them to be sold or kept<sup>1</sup>. Afterwards a Minister of State of known Zeal for the King's Service, and of eminent Learning was appointed; which Custom we find continued to the Time of our Grandfathers; but now these Revisals are usually committed to private Persons, and often to Men of little Veracity and much less Learning; which is an Abuse that deserves a proper Remedy.

THERE is a Custom which still prevails with us of prohibiting Books containing any thing contrary to good Manners, the Rights of the Prince, or the Nation, or against the good Name and Reputation of any Person; as in our time the Viceroy and his Collateral Council prohibited a most nonsensical Book, and stuffed with silly ridiculous things, publish'd by the Marquis *Gagliati*, with this Title, *Capricciose Fantasia*.

THOSE Prohibitions were, and are still practised against any Book or Writing whatever, even penn'd by Prelates or other Ecclesiastical Persons, being design'd for the Press. In the Reign of *Philip II.* the Pope's Nuncio residing in *Spain*, complain'd to that King of the Duke *d'Alcala*, his Viceroy in *Naples*, who had prohibited the Printers to print any thing without his Licence, whereby the Archbishop of *Naples*, and all the other Prelates of the Kingdom were hinder'd from printing such Things as concern'd their Offices: Of which King *Philip* wrote to the Duke, who, on the seventeenth of *April 1569.* sent him a full account of the Matter, telling him, that he had publish'd that Order, because the Vicar of *Naples*, as well as all the other Prelates of the Kingdom, had caused many Edicts to be printed, which were prejudicial to the Royal Jurisdiction, as also Bulls, to which the *Exequatur Regium* had not been obtain'd<sup>2</sup>. The Nuncio's Mouth being thereby stop't, afterwards, whenever the Bishops had a Mind to print the Acts of their Synods, Edicts, or Briefs of Indulgencies granted by the Pope to their Churches, and such like Things, had recourse to the Viceroy and his Collateral Council for a Licence. So we read, that *Annibale di Capua*, Archbishop of *Naples*, having a Mind to cause the Acts of a Provincial Council to be printed, on the first of *February 1580,* sought a Licence from the Collateral Council, which was given him with this Reservation, that if there was any thing in them contrary to the Royal Jurisdiction, the Licence should be looked upon as void, and of no force. The Archbishop of *Capua*, by means of the Vicar, sought Liberty to get a new Kalendar printed, concerning the observance of the Feasts of his Diocess, and having given it to be revised by the Chaplain Major, he on the fifth of *November 1582.* made a Report of it to the Viceroy, that Liberty might be given.

The Bishop of *Avellino* asked the *Exequatur Regium*, and a Licence for printing a Brief of Indulgence granted by the Pope to his Church on the Feast of *S. Modestinus*; and having committed the Affair to the Chaplain Major, he on the twenty sixth of *April 1577.* made a Report to the Viceroy, that he might give the *Exequatur* to the Brief, and a Licence for printing it<sup>2</sup>. This has always been observed since that time, as often as the King's Ministers have paid any regard to their Duty, and have had their Master's Service at heart.

<sup>1</sup> Idem ibidem tom. 17.

<sup>2</sup> Idem ibidem de Typogr. tom. 17.

## S E C T. II.

*Abuses committed in Rome, with respect to the Prohibition of Books which they pretend ought to be implicitly obey'd.*

WE must likewise confute another Pretension of the Court of Rome, concerning the same Subject of the Prohibition of Books. They pretended that Christian Princes ought implicitly to make all the Decrees take place in their Dominions which were pronounced in Rome by the Congregation of the Holy Office of the *Index*, whereby Books were prohibited, and that those Decrees were not subject to their *Placita Regia*, so that they ought to be put in execution by us, without the *Exequatur Regium*. The Necessity and Justice of which shall be at large treated of in the following Books of this History.

BUT that has been vigorously opposed, as a most prejudicial Attempt upon the Sovereignty of Princes, not only in France, Spain, Germany, Flanders, and in all the other Dominions of Catholick Princes, but in our Kingdom, as often as it has been duly observ'd; infomuch, that all the Bulls, Rescripts, and other Provisions that come from Rome, are not allow'd to be publish'd and receiv'd without the *Placitum Regium*: So likewise the Decrees made for prohibiting Books are liable to the same Examination. But if ever Princes and their Ministers ought to have a watchful Eye upon the other Writs that come from Rome, they ought to have yet more strict upon these Decrees; as well because the Method of prohibiting Books in Rome is well known, as also the end for which they are prohibited, and the Disorders and Scandals which such Prohibitions might occasion in their Dominions if they should suffer them implicitly to take place.

'TIS well known, that the Cardinals, of which these two Congregations are compos'd, whence such Decrees proceed, do not examine those Books: Some by reason of their Insufficiency, others because they are diverted by Employments, which they look upon to be of greater importance, cannot apply themselves to those Affairs; and much less the Pope, of whom it would be Impertinence to expect it. They commit the Examination to some Divines, whom they call *Consultori* or *Qualificatori*, for the most part Monks, who, according to the Prejudices of their Schools, regulate their Censures. Whatever does not quadrate with their Maxims, they look upon as Novelty, and, as heretical Opinions, condemn them. The Casuists, who have made Morals to answer their own ends, judge also according to their own Principles. But the greatest Inconvenience arises, when the Examination of Books concerning Matters of Jurisdiction is committed to the *Curiali*, [certain Officers belonging to the Pope] and the Officers and Prelates of this Court; it may be easily imagin'd, how far Flattery in raising the ecclesiastical, and depressing the temporal Jurisdiction, may prevail in that case. 'Tis well known to what an extravagant pitch they exalt the Pope above all other Princes of the Earth, and do not stick to say, that the Pope can do every thing, and that his Will is a Rule and Law in all things: That Princes and Magistrates are human Inventions; and that they are to be obey'd by force only; so that to disobey their Laws, to cheat them in their Taxes and publick Revenues, is not sinful, but only subjects the Transgressors to Punishment, which by Flight or Deceit they may shun, without being guilty in the Sight of God, the risk they run being a sufficient Atonement: But on the contrary, that the least Nod of the Ecclesiasticks, without any more ado, ought to be taken for a Divine Precept, and as binding upon the Conscience. They are extremely watchful and solicitous, that nothing be publish'd contrary to their ill conceived Opinions. And long Experience has taught every Body, that the Court of Rome studies nothing so much as to prohibit all Books, which by maintaining the Rights of Princes, their Prerogatives, Statutes, the Customs of Places, and the Privileges of their Subjects, contradict these their new Maxims and pernicious Doctrines.

THESE *Qualificatori* having made their Censures, carry them to the Cardinals, who, without examining them, agreeably thereto, condemn the Books. And the Style at present, in which these Decrees are written, is likewise very partial:



tial: A Book is finally condemned, without censure, without expressing, or pointing out any particular Error, which, perhaps, might have given occasion to the Prohibition, but in general, as containing heretical, schismatical, and erroneous Propositions, contrary to good Manners, offensive to pious Ears, and such like things: And without taking the trouble to specify which are heretical, erroneous, &c. they bring themselves off with one word, *respective*, leaving the Authors and Readers in the same uncertainty and obscurity as before. Experience has taught us, that by these kinds of Prohibitions grievous Disputes have arisen among Divines themselves, which have frequently disturbed the State; for the Monks obstinately maintaining the contrary Opinion, their Quarrels and Disputes have never ended.

TO these Decrees there are usually added some penal Clauses against the Readers and Keepers of prohibited Books, which often touch upon the temporal Concerns of Subjects, or disturb the Privileges and Customs of Nations. Frequently on account of some Errors which are found scatter'd here and there in a Book, which would be most useful to Professors and the Commonwealth, the whole Book is prohibited, so that the State is thereby very much prejudiced.

FOR these and many other Reasons, not only the most judicious Divines<sup>1</sup>, but the unalterable Practice of all the Nations of *Europe*, have made it evident, that it concerns a Prince to keep as strict a watch over these Decrees, as over any other Provisions that come from *Rome*. No Decree whatsoever sent from *Rome* by these Congregations, nor Edict made by the Master of the sacred Palace, whereby Books have been prohibited, was exempted from the *Placitum Regium*, but was always liable to Examination; as the Custom of all the Nations of *Christendom*, which had its rise ever since these Prohibitions began to be sent from *Rome*, demonstrates. And it appears by the *Index* itself, commonly call'd, *The Index of Trent*, order'd to be made by Pope *Pius IV.* soon after the Council was ended, that the said Custom was practis'd.

ACCORDING to the antient Discipline of the Church, the Censure of Books belong'd to the Councils, pursuant to which the Councils of *Nice*, *Ephesus*, and *Chalcedon* condemn'd the Books of *Arrius*, *Nestorius* and *Eutyches*. The Fathers of the Council of *Trent* having a Mind to tread in the same Steps, after it had been resum'd under Pope *Pius IV.* propos'd in a Congregation held in *Trent*, on the twenty sixth of *January 1562.* that the Books publish'd since the Heresy had been broach'd in *Germany*, and elsewhere, should be examin'd, and subjected to the Council, to the end that what should seem meet might be determin'd: It was concluded, that the care of making a Catalogue, or *Index*, of them, and the their Authors should be committed to some Fathers; and accordingly a Commission was given by the Presidents to eighteen Fathers, who afterwards, by a Decree of the Council, were charged diligently to examine the Books, and then to report to the Synod what they had observ'd, in order to provide against them<sup>2</sup>. The Conclusion of the Council being afterwards hurry'd on, nothing else was done in the Affair of the *Index*, but only on the very last day the Decree of the eighteenth Session being read, it was ordain'd, that, because of the vast number and variety of Books, the Council not being able to go through that Affair, whatever the Fathers appointed to make the *Index*, had done, should be by them laid before the Pope, by whose Authority and Opinion the *Index* should be determined and published.

HEREUPON the Council being dissolv'd, the Fathers presented to Pope *Pius IV.* an *Index*, wherein were pointed out the Authors and Books, which they judged ought to be prohibited. The Pope, as appears from his Bull published for that purpose in form of a Brief, which begins: *Dominici Gregis*, order'd the *Index* to be examin'd by other learned Prelates, and says, That he himself had read it; therefore he caus'd it to be publish'd with some *Rules*, which for that reason are call'd, *The Rules of the Index*, in which Bull he commands, that the said *Index*, with the Rules thereto annex'd, be receiv'd and observ'd by all Persons upon pain of the most severe Punishments and Censures. All those, who shall read or keep the Books contain'd in this *Index*, are threatned: He declares, that three Months after the Bull shall be publish'd and affix'd in *Rome*, this Prohibition shall

<sup>1</sup> Amongst which see Van-Espen de promulgat. L. Eccl. par. 4. cap. 1. §. 1, 2, 3.

<sup>2</sup> Decret. Conc. Trid. Sess. 18.

be binding upon all Persons in the same manner, *ac si ipsimet hæc literæ editæ, lectæque fuissent*<sup>1</sup>.

THIS *Index* was divided into three Classes. In the first, the Names of the Authors were only set down, but not of the Books, that every Body might know, that not only the Works already printed were prohibited, but such likewise as should be publish'd by them hereafter. In the second are pointed out the Books, which, on account of the corrupt and suspected Doctrine contain'd in them, are rejected, though the Authors be not separated from the Church. The third comprehends those Books, which had been publish'd without the Names of the Authors, and which contain Doctrine contrary to good Discipline and the Church of *Rome*, therefore it was thought fit to condemn them.

BUT upon the Publication of the Decrees of the Council in *Rome*, as those concerning Discipline and Reformation were not generally receiv'd in other Countries of *Europe*, as shall be mention'd in its place, so likewise upon the Publication of this *Index* in *Rome*, notwithstanding the Bull of Pope *Pius*, it was not receiv'd nor accepted in all its parts in *France*, *Spain*, *Flanders*, and other Christian Countries.

THE *Index* was given to be examin'd by the Colleges, by the Universities, and by the most learned Men of each Country. In *France*, 'tis well known, that the University would have nothing to do with it, nor did they receive it in its full Extent.

KING *Philip II.* caused it also to be examin'd by his Colleges and Universities in *Spain*, neither was it wholly received here; for among other Books, the Works of *Carolus Molinæus*, insert'd in the *Index* of *Trent* among the Authors of the first Class, were not all prohibited, some were allowed, others, with a little Castration, were also permitted. Whence came in *Spain* and elsewhere the *Indices Expurgatorii*, for the Prelates, Universities and Colleges of each Country were desirous of having a Hand in it, and were of Opinion, that their Censures might be better adapted to the Countries they liv'd in, and that the Prince could better judge of what might produce quiet, or hurt, or disorder to his State, than Strangers. Thus was the Custom of making these *Indices* introduced into *Spain*. And from the *Index Expurgatorius*, which Cardinal *Gaspar de Quiroga*, Archbishop of *Toledo*, and Inquisitor General of *Spain*, order'd to be made, and printed in 1601. it manifestly appears, that the *Index* of *Trent* was never wholly, and according to its full extent, receiv'd in *Spain*<sup>2</sup>.

BESIDES this, *Philip II.* resolv'd to take the same care in his other Dominions as he had done in those of *Spain*; and as he had good Reasons for thus treating the Decrees of the Council, so he had much greater for ordering the *Index* of *Trent* to be dealt with in the same manner. When it was publish'd in *Flanders*, it was not implicitly receiv'd, but by Royal Authority was given to be examin'd. And it being found that many Books of all Faculties and Sciences were thereby prohibited, which being castrated and purg'd of some Errors and false Opinions, might prove very useful, and turn to great Advantage: *Van-Espen*<sup>2</sup>, a learned Priest, and great Divine of the University of *Louvain*, relates, that the Duke *d'Alva*, then Governor of the *Spanish Flanders*, in Name of King *Philip II.* order'd, that those Books condemn'd by the *Roman Index* should be preserv'd, and only caused the Works of Hereticks to be burnt. But that those Books, thus preserv'd, might not produce ill Consequences, he enjoin'd the Prelates, Universities, and the learned Men of those Provinces to examine the Books, mark and expunge the Errors, and to make a particular *Index* of them. He instituted a College of Censors in *Antwerp*, wherein a Bishop presided for the Ecclesiastical State; and in the King's Name the celebrated Divine *Arias Montanus* was appointed to preside, the same who had assisted in the Council of *Trent*. These Censors, with great Care and mature Deliberation, re-examin'd the Books contain'd in those Catalogues, compared the Places mark'd by the first Censors, with the Originals, and compos'd an exact Censure of them, putting forth afterwards a Book, to which they gave this Title, *Index Expurgatorius*. In 1570. this *Index*, by a special Writ was approved of by King *Philip II.* and by his Royal Authority order'd to

<sup>1</sup> This Bull is to be found in the *Index* of *Trent*, and in the *Bullarium* among the *Constitutions* of this Pope, num. 77. | <sup>2</sup> Van-Espen de *Usu. Placit. Reg. par.* cap. 2, § 3.

be printed, which was accordingly done, and all those Provinces made use of it afterwards, and not of the *Roman Index*. These two *Indices* differ'd from each other: In this *Index Expurgatorius* of *Flanders*, many Books, that by the *Roman Index* had been absolutely condemn'd, after a small Castration and Correction, were approved of, and allow'd to be read; such as, to pass over many others, the Works of *Carolus Molineus*, altogether prohibited, and wholly condemn'd by the *Roman Index*, which, with a small Correction, were allow'd of. The Commentary of the same *Molineus* was preserv'd intire, without the least Correction, it being said: *In hoc opere nihil est, quod heresim sapiat, quapropter admittitur.* As for his Treatises, *De donatione, & inofficioso testamento*; it was likewise said: *Nil habent quod Religioni adversetur, aut pias aures offendere possit, quapropter admittuntur.* And the same Judgment was given of many other of his Works.

THIS was the Practice, which began in the Dominions of Christian Princes, at the same time that they began in *Rome* to make the prohibitory *Indices* of Books. It was much more in use afterwards, when the Princes found, that they were very intent upon this Affair at *Rome*, and that they had begun to pretend to the sole Power of prohibiting Books, and that without any other Publication and Acceptation, than what was made in *Rome*; whatever was there establish'd was to take place in all other Countries. For which end, in the Pontificate of *Sixtus V.* a new Congregation of Cardinals was instituted, call'd the Congregation of the *Index*: And both this, and that of the Holy Office, and the Master of the Sacred Apostolical Palace had nothing else to mind. But for all that, the Princes did not fail to assert their Right and Prerogatives in their Dominions, as well in not suffering any Book to be printed without their Licence, nor the Prohibitions of *Rome* to take place without the *Exequatur Regium*, as in prohibiting Books themselves, as above.

THEY grew much more vigilant, when they perceived, that Prohibitions were more frequent in *Rome*, than formerly; and that whatever Book was publish'd, wherein the Rights of any Prince were defended, or the Encroachments of the Court of *Rome* upon the Authority and Jurisdiction of Princes, and the Law of Nations were exposed: The Decrees of the Congregation of the *Index*, and the Edicts of the Master of the Sacred Palace were ready to prohibit it.

FOR which Cause they were upon their guard not to suffer such Prohibitions to take place in their Dominions. The Kings of *Spain*, according to *Salgadus*<sup>1</sup>, as well as the Kings of *France*, having been apprised, that such Books were altogether prohibited in *Rome*, only because they maintain'd the *Regalia* and Jurisdiction of Kings, and the Rights of their Subjects, in order to remedy so great a Grievance, order'd, That the Apostolical Briefs, and such like Decrees, should be carried to the supreme Inquisition of *Spain*, and, according to the most usual Custom of the Kingdoms of *Spain*, be kept there, and that they should not be suffer'd to be publish'd, and much less put in execution, that the Consciences of the Subjects might not be insnar'd by these Prohibitions, intended for no other end, but to destroy the Rights of Princes and the Law of Nations.

THEY order'd the same to be practis'd in the Provinces of *Flanders*, and, what is worthy of Observation, likewise in our Kingdom of *Naples*, so near *Rome*, where the *Spaniards*, in order to obtain the better terms for their own Kingdoms of *Spain*, frequently suffer'd the Court of *Rome* to commit Insults.

POPE. *Clement VIII.* augmented the *Roman Index* more than *Sixtus V.* had done, and having caused it to be printed and published anew, during all the time of his Pontificate, kept the Congregation of the *Index*, and the Master of the Sacred Palace, so employ'd, that there was not a Year, but prohibitory Decrees and Edicts were issued in *Rome*. From the Year 1601. to the end of his Pontificate, nothing else was put forth in *Rome* but these Decrees and Edicts, whereby many Books, upon almost all Arts and Sciences, were successively prohibited, only because, either the Authors were separated from the Church, or because they maintain'd the *Regalia*, or other Rights of Princes, or that some Error had been overlook'd. Many Law Books were prohibited, among the rest, with great Rigour, the Works of *Molineus*, the Treatises of *Alberico Gentile*, *Giovanni Corajno*, *Scipione Gentile*, and of many others.

<sup>1</sup> Franc. Salgad. de supplicat. ad SS. par. 2. cap. 38. num. 141.

AMONGST these our Regent *Camillo de Curte*, who, as shall be told, was one of the most renown'd of our Professors in those times, in 1605, publish'd in *Naples* a Work of his intitled, *Diversorij Juris Feudalis prima, & secunda Pars*: In the second part of which he treats of the Remedies, which are wont to be applied in the Kingdom for the Defence of the Royal Jurisdiction, that the Royal Rights might receive no Injury, nor the Subjects be oppress'd by the Prelates, by usurping the Royal Jurisdiction: In this Book he lays down the wonted Method, by long Custom establish'd, for resisting them; to wit, at first to send them one, two, or three persuasory Letters; and when these prove ineffectual, to summon them; and upon their not obeying, to sequestrate their Temporalities, and imprison their nearest Relations, Servants, and even their Friends: and lastly in case they continue obstinate, to turn them out of the Kingdom. Methods lawful, allow'd, and approv'd of by the ancient practice of all the Kingdoms of *Europe*. But the Book was no sooner publish'd, than the same very Year an Edict was sent from *Rome*, whereby, among other Books, this is likewise strictly prohibited in these Words: *Camilli de Curtis secunda pars Diversorii, sive Comprehensorii juris Feudalis, Neapoli apud Constantinum vitalem 1605, omnino & sub anathemate prohibetur*<sup>1</sup>.

THE Count of *Benevente*, who was then Viceroy of *Naples*, hearing of the Prohibition, by no means would grant the *Exequatur* to the Edict; on the contrary, on the fourteenth of *December* the same Year, he sent a serious Advice to King *Philip III.* wherein, among other things that occur'd in Matters of Jurisdiction, he gave him an account of this Prohibition of the Regent's Book made in *Rome*, only because in it were shewn the Remedies and Rights, which his Majesty has upon the like occasions, representing to him, that of necessity he must make use of strong and effectual Remedies against this Abuse, because if it were suffer'd, none would take in Hand to defend the Royal Jurisdiction<sup>2</sup>.

MOREOVER in 1627. in the Pontificate of *Urban VIII.* on the fourth of *February*, the Congregation of the *Index* put forth a Decree, wherein, besides, the Prohibition of some Law Treatises, written by *Treutlerus* and *Hugo Grotius*, and of the History of the Pontifical Jurisdiction by *Michael Roussel*, a Book was likewise prohibited, which *D. Pietro Urries* had then publish'd in *Naples* in Defence of the 235<sup>th</sup> Usage of our High Court of the *Vacariate*, concerning the necessary Requisites of the Clergy, of which that Tribunal has the Cognizance; and because that Usage, though ancient, however never interrupted, opposeth the new Maxims of the Court of *Rome*, the Book was immediately prohibited in *Rome* under this Title: *Petri de Urries liber inscriptus: Æstivum otium ad repetitionem Ritus 235, M. C. Vicariæ Neapolitanæ*<sup>3</sup>. But the Duke d'Alva, then Viceroy, did not suffer that Decree to take Effect in the Kingdom, but wrote of it to the King, from whom he receiv'd an Answer on the tenth of *August* the same Year, wherein he seem'd surpriz'd at the Prohibition of that Book in *Rome*, which only defended the most antient usage of the *Vicariate* of the Kingdom<sup>4</sup>.

THIS Vigilance was observed with us, whenever we had resolv'd to maintain our Rights, and the Laws and Constitution of our Native Country; for, that the Bulls, Briefs, Decrees, Edicts, and in short, all Provisions coming from *Rome* might not be receiv'd without the *Exequatur Regium*, we have a written Law made by the Duke d'Alcala, when he was Viceroy, and which we read in the Volumes of our printed Statutes: A Requisite, which, in Conformity to the Law, was necessary, and practis'd even with respect to the Decrees, which came from *Rome*, whereby Books were prohibited; and in that our Kingdom has no reason to envy either *France*, or *Spain*, or *Flanders*, or the best instituted and regulated State in all the *Catholick World*.

'TIS well known, that such Bulls, or prohibitory Decrees of *Rome* are of no force in *France*: They are nicely examin'd, and if they are found to be just, they are put in execution, if otherwise, they are rejected. Of this we cannot have a clearer Proof than in the Case of the Prohibition of the Works of *Carolus Molinæus*. The Court of *Rome* having found that notwithstanding the *Roman Index*,

<sup>1</sup> We read it in the Edict of 1605. under Clement VIII. in the Index of prohibited Books.

<sup>2</sup> We read this Advice in M. S. Chiocc. tom. 17. de Typograph.

<sup>3</sup> In Indice lib. prohib. sub Urban. VIII. Anno

1627. 4. Feb. V. Petram de Rit. 235.

<sup>4</sup> The King's Letter may be seen in the 17<sup>th</sup> tom. of the M. S. Giurisd. of Chiocc.

<sup>5</sup> Prag. 5. de citation.

whereby they were altogether prohibited, yet they were read in all the Kingdoms of *Europe*, particularly in *France* and *Flanders*, whose Universities and Censors, having only purged them of some Errors, approved of them, so that they were in the Hands of all the Lawyers and learned Men, and held in great Esteem: *Clement VIII.* looking upon this as a great Contempt of the Apostolical See, on the twenty first of *August* 1602, put forth a most terrible Bull, whereby, upon most grievous Pains and Censures, he anew absolutely prohibited all his Books, even those that had been purged, saying, that *Non aliter quam igne expurgari possunt*. In the mean time he revoked all the Licences given, and order'd, that none should be given for the time to come. Whence proceeded the modern Style of the Congregations of the Holy Office, and the *Index*, that in the Licences, which are granted, though most ample, to read the most obscene and pernicious Books, they always add: *Exceptis operibus Caroli Molinæi*. This Bull was publish'd in the usual manner in *Rome* on the twenty sixth of *August* 1602, and affixt *ad valvas Basilicæ Principis Apostolorum in acie Campi Floræ*, adding, that upon all, *Ita ardent, ac afficiant, perinde ac si omnibus, & singulis intimatæ fuissent*.

But to what Purpose? This Bull took no Effect either in *France*, or *Flanders*, or any where else: The Works of this renown'd Lawyer lost nothing of their value, nor were the Professors less fond of them than before, all Lawyers and all Practitioners had them in their Hands, and this Author was more studied, and more frequently quoted at the Bar, than *Bartolus* or *Baldus*: and he became so necessary, that, as *Bertrandus Loth.* writes<sup>1</sup>, in *France* and *Flanders*, no famous Practitioner or Advocate could be without him, particularly in *Artois*, where the Customs of that Province being the same with those of *Paris*, the Writings of this Author are more esteem'd than those of any other, and have gain'd great Authority in their Tribunals.

THEY are so familiar to the *French* Lawyers, that there is no Harangue or Discourse upon any Subject whatever, whether of the Civil or Canon Laws, but what are full of Quotations taken from them. But the most convincing Proof, that such a Prohibition was not regarded in *France*, is, that beautiful and correct Edition of all the Works of this Author lately printed at *Paris*, by the Labour and Diligence of *Francis Pinson*, the younger, a famous Advocate of that City, who, besides his having added to them some very learned Notes of his own, and adapted to the modern Practice, subjoin'd likewise to the said Works some others concerning Ecclesiastical Matters, which make up the fourth and fifth Tomes. This Edition was publish'd in *Paris* in five Volumes, with the King's express Privilege, that it might the more plainly appear, that the Prohibition of *Rome* was not in the least regarded in *France*.

AND indeed the Works of this Author did not deserve so severe a Censure, for, though in his Life-time he did not comply with the Church of *Rome*, yet he died a Catholick; and, as *Van-Espen*<sup>2</sup>, very much to the purpose, observes, if the Works of *Gentiles*, though full of Obscenity and Filthiness, apt to corrupt the Manners of Youth, are allow'd; why should not the Works of a Lawyer so renown'd for Gravity and Learning be allow'd, since so great Profit may be reap'd from the reading of them? So much the rather, that tho' there be some things interspersed in them that are not agreeable to the Doctrine of the Church of *Rome*, yet *Gabriel de Pinau* and *Francis Pinson* have remedied that by their Notes and Animadversions, so that Youth are in much more Danger of being corrupted by the reading of the lascivious Books of *Gentiles*, than a Christian Lawyer can be of deviating from the Doctrine of the Catholick Church by reading them.

OTHER Instances not less remarkable and convincing might be alledged both from *France* and the Provinces of *Flanders*: Such as the Prohibition made in *Rome* of the Book of *Cornelius Jansenius*, Bishop of *Ypres*, intitled, *Augustinus*, and the Bull issued out on that Account in the Year 1643, by Pope *Urban VIII.* which begins *In Eminenti*. The Decrees pronounced in *Rome* on the sixth of *September* 1657. by the Congregation of the Holy Office, whereby, among others, the *Letters*, commonly call'd the *Provincial Letters*, were prohibited: The Bull of *Alexander VII.* publish'd in *Rome* 1665, whereby two Censures of the Faculty of Doctors

<sup>1</sup> Bertrand. Loth. in Resol. Belgic. tract. 14. | <sup>2</sup> Van-Espen part. 4. de usu plac. Regii cap. 2. quæst. art. 7. | §. 4. of

of *Paris* were condemn'd, none of which were regarded either in *France* or *Flanders*, and many others, of which *Van-Espen* treats at large<sup>1</sup>.

NEVERTHELESS we have thought fit, on this occasion, to observe, that all the Princes of *Europe* have been very vigilant, that Books which defend their Jurisdiction, and the Privileges of their People, might not be prohibited by *Rome*; and though they have been prohibited, they never allow'd such Prohibitions to take place, nor the Decrees to be receiv'd in their Dominions, so that without scruple they are read, and the Prohibitions slighted; for they have discover'd the Secret of *Rome*, and of what Importance it is to them, that their Subjects be not tainted with Opinions repugnant to good Government.

IN the Kingdoms of *Spain*, as we have said, the Decrees sent thither from *Rome* prohibiting Books, which defend the Royal Authority, are stopt, and the Execution suspended<sup>2</sup>.

NOTHING is more evident in *France*, and amongst the Proofs of the Liberty of the *Gallican Church*<sup>3</sup>, we read a Speech made by *Dominick Talon*, the King's Advocate, in the Royal Council, upon occasion of such a Decree issued from the Congregations of the Holy Office and *Index*, wherein he shews, that such Decrees ought not to be publish'd, as being extremely prejudicial to the Crown and State; and observes, that the publishing of them would occasion great Disorders; for these Congregations are continually encreasing the *prohibitory* and *expurgatory Indices*, and daily prohibiting Books to the Prejudice of the King's *Regalia*, and the Liberty of the *Gallican Church*; and had even taken upon them to prohibit the very Arrets of the Parliament against *John Castelli*, the Works of the renown'd President *Thuanus*, the Liberty of the *Gallican Church*, and other Books concerning the King's Person and his Royal Jurisdiction.

IN *Flanders* the Council of *Brabant* having the same Opinion of those Decrees, gave the Archduke *Leopold* an account of them, and in 1657. drew up a Consultation, wherein they intimated to him, that the neglecting of that Point would be the ruin of the Government; because long Experience had taught them, that the Court of *Rome* made it their study to condemn such Books, as defend the Royal Authority, so that to receive those Decrees without Examination and the *Placitum Regium*, is the same, as to acknowledge, that the Pope can prohibit the King to make Edicts, or to order Books or Writings to be printed, by which his Royal Rights, and the Privileges of his Subjects, are defended. And confirming all this by Instances of a later Date, they put him in mind, that about four Years ago, two Treatises were printed in *Flanders*, one under the Title: *Jus Belgarum circa Bullarum receptionem*; the other: *Defensio Belgarum contra evocationes, & peregrina judicia*: In these no receiv'd Opinion, or Article of Faith were brought into Dispute, but only his Majesty's Rights of not admitting Bulls without the *Placitum Regium* were defended: Notwithstanding, by a Pontifical Decree they were condemn'd in *Rome*: So that the Council of *Brabant* was obliged by a Decree to make void and annul the Prohibition, as may be seen by the Sentence recorded by *Van-Espen* in his Treatise, *De Placito Regio*<sup>4</sup>.

OUR Viceroy's once used the same Vigilance, and especially, as we shall see in the following Books of this History, the Duke d'Alcala: The Count of *Benevente* and the Duke d'Alva likewise observed it with respect to the Prohibition of the Books of *Curte* and *Urries*; but how it comes now that that Vigour and Zeal, which ought to be employ'd in serving the King and the Publick is laid aside, and that the King's Ministers are, in a manner, indifferent about so important a Point, is what mov'd me to make this Digression. Books, most prejudicial to the Rights of the King and his Subjects, are now not only publish'd in *Rome*, but are suffer'd to be brought into the Kingdom, and the reading of them is not forbidden; but what deserves Resentment rather than Admiration, is to see, that on the contrary, all Books, wherein the King's Rights, and the Law of Nations are maintain'd, against the Attempts of the Court of *Rome*, are, without the least Scruple, daily prohibited in *Rome*, and without those Decrees or Bulls having ever been receiv'd here, without having obtain'd the *Exequatur Regium*, which with us, by a written Law, is indispensibly necessary to all the Provisions that come from *Rome*, they are suffer'd to take their design'd Effect; the Observers of them are not punish'd, and 'tis believ'd

<sup>1</sup> Idem loc. cit. cap. 3, 4, 5, & 6.

<sup>2</sup> Salgad. de supp. ad SS.

<sup>3</sup> Probat. Libert. Eccl. Gall. cap. 10. num. 11.

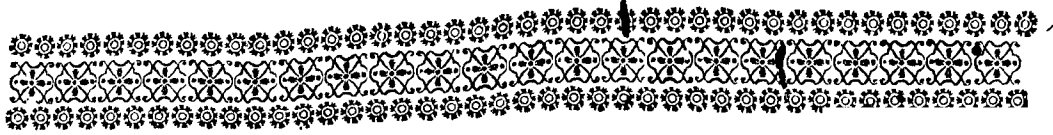
<sup>4</sup> Van-Espen in appendice, lit. E.

that a Subject sins in reading whatsoever is prohibited in *Rome*, but not in breaking the Law of his Prince, by which those Provisions, when not invigorated by the *Placitum Regium*, are reputed null, of no force or effect, and as if they had never been. And what greater instance of Stupidity could there be, than what reign'd among us of late Years, when a Dispute happening between the Court of *Rome* and our King about *Benefices*, which are of right bestow'd upon Natives, and had been so order'd by an Edict of the Prince, three excellent Treatises, which defended the Edict, and demonstrated it to be conformable not only to the Laws, but the Canons, had no sooner appear'd, than *Clement XI.* by a particular Bull prohibited and condemn'd them to the Flames; and this we bore patiently, without the least Resentment: But on the contrary, whatever was written against the said Treatises, was dispersed freely, without the least Impediment: Yea, we are so over-aw'd, that no body ventures upon Printing the most useful Works, only because they are afraid of these Prohibitions from *Rome*.

BUT however it fares not so with the Books of *Rome*, which are printed and reprinted a hundred times, and are dispersed every where, whereby the People become tainted with Opinions, most prejudicial to the King's Authority and the Rights of his Subjects. Perhaps some will say, that we ought not to regard that, nor be always quarrelling about idle Words: However *Rome* does not mean them as such. They are Words 'tis true, but, as we have said elsewhere, such Words as have frequently drawn Armies into the Field: Words, which being continually buzz'd into the Ears of the People, persuade them at last, that whatever is advanc'd in those Books is true; whence proceed Aversion, Obstinacy, and a Ruggedness of Temper, which renders it almost impossible to bring them back to the right way; therefore upon occasions, they condemn the Prince's Conduct, they look upon us as Infidels, and that we design to crush them by main force. They instil false Doctrine into the Minds of Men, which is very prejudicial to the State: Hence it is, that some believe, that they may freely commit Frauds in the Payment of the Taxes and Customs; and if they are laid on without the Liberty of the Apostolick See, they think, that they are not due, because they read so in the Bull, *In Cœna Domini*, and in the Writings of the Casuists and Divines. This is the Cause of so many high Notions of the ecclesiastical Power and Jurisdiction, and of so many low ones of the Power of Princes<sup>1</sup>. But enough of this, let those, who can, and whose Business it is, look to it. As for this Work of mine, whatever it be, I well foresee that it will be censur'd; but if that shall happen, I take God to witness, who searches the Hearts of all Men, and from whom nothing is hidden, that I undertook to write it, neither out of hatred or complaisance to any Person, but solely out of love to Truth, and for the Benefit of such as shall take the trouble to read it; and I earnestly beg of God that he would be pleas'd to bless it, and instil into the Minds of others Principles of Justice and Benevolence.

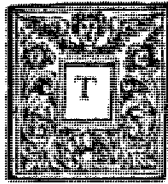
<sup>1</sup> P. Servita's *History of the Inquisition, towards the End.*





## C H A P. V.

*King Ferdinand I. reforms the Tribunals and the University: He enlarges the City of Naples, and resettles the Provinces of the Kingdom.*



THE City and Kingdom of *Naples* are not only indebted to this Prince for his introducing so many excellent Arts, and bestowing so many Prerogatives upon them; but much more for the particular Care he took to reform the Tribunals of this City, and to provide them with learned and uncorrupted Judges, that Justice might be administred. He enlarged the Tribunals of the sacred Court and the Royal Chamber with new and better Institutions, and put them into a better Form than what *Alphonsus*, his Father, had left them in. He reform'd the Tribunal of the High Court of the Vicariate, and to our Usages, added new Regulations concerning the Method of entering Actions and Complaints, and prescribed a better Form for proceeding in Civil Causes and Compromises, as may be seen by his Edicts, which he publish'd in 1477<sup>1</sup>. from whence our more modern Practitioners, and among the rest *Bernardino Moscatello Lucrino*, took the Form, which still, in a great measure, at present regulates the judicial Proceedings of our Tribunals.

HIS chief Study was to furnish this Tribunal with the best Judges that could be found, so that 'tis said, that not well pleas'd with some Doctors that were in *Naples*, he sent to find out others in the Provinces of the Kingdom; and we read in *Summonte*<sup>2</sup> a Letter, directed to one of his Confidants in *Abruzzo*, wherein he tells him, that he should be very well pleas'd to have two Doctors from that Province, that were Men of Probity, in order to make them Judges of the Vicariate, and bids him take some Pains to get *Messer Jacopo de Peccatoribus* to come from *Aquila*, and likewise to see if there was another such in *Civita di Chieti*, because he should be better pleas'd to have one from that City than from any other Part.

IN his Reign Learning began to flourish, whence appear'd so many Men famous for their Skill in the Law and the other Sciences, of whom more hereafter; and as he was a great Encourager of Learning, he invited from all Parts the ablest Professors to come and teach in the University of *Naples*. In 1465, he invited *Constantino Lascari* from *Milan*, where he had read the *Greek Language* in that University for the space of six Years, and settled him in the same Profession in *Naples*, with a handsome Salary<sup>3</sup>. We likewise read, that in 1474, he invited *Angelo Catone* of *Supino*, a famous Philosopher, and his own Physician, and made him read Philosophy in the University of this City. He got *Antonio d' Alessandro*, so famous for his Skill in the Laws, that he was call'd *Monarcha Legum*, and who was employ'd by this Prince in the most weighty Affairs of State, to read them in this University: *Antonio dell' Amatrice*, a renown'd Canonist of those times, in 1478, was made a Professor in this University, where, with great Applause, he taught the Canon Law. And in 1488. he invited *Bartolommeo*

<sup>1</sup> They are to be found after the Usages of the High Court in many Rubrics, and the first begins, De procedendi modo in causis civilibus.

<sup>2</sup> Summ. tom. 3. pag. 305.

<sup>3</sup> Toppi tom. 3. Orig. Trib. pag. 307.



*Sorrento, Girolamo Galcota, Giuliano di Majo, Francesco Puzzo, Antonio Feo,* and other famous Professors, who not only render'd this University illustrious, but put it upon a level with the other Universities of *Italy* <sup>1</sup>.

ON account of so many useful Arts introduced by this Prince, the Grandeur of the Tribunals, the Fame of this University, and the many other Ornaments wherewith he adorn'd *Naples*, a great Number of Persons flocking hither from all the Cities and Towns of the Kingdom, and from more remote Parts; the Number of Inhabitants increased to that degree, that *Ferdinand* was obliged to enlarge the City, and extend the Circumference of the Walls. *Charles I.* of *Anjou*, after the old Enlargements, of which *Tutini* <sup>2</sup> treats at large, had begun to extend the Walls, reducing the Market-place (that sad Theatre, where the horrible Tragedy of the unfortunate *Corradin* was represented) within the City, building the Walls with Towers before the Church of the *Carmelites*, drawing them in a straight Line along the Sea-shore to the old Gate of the City, call'd *Piazza dell' Olmo*, and inclosing within them the Streets, which are now call'd *della Conciaria, La Ruga de' Franzesi, La Loggia de' Genovesi, La Piazza delle Calcare,* and the *Ruga de' Catalani*. *Charles II.* his Son, in 1300, enlarged them from the side of *Forcella*, and *Queen Joan II.* in 1425. raised the new Walls from the Salt Magazine, to the *Strada delle Corrogge*. But *Ferdinand* extended the Circuit of the Walls much farther, laying the first Stone, with great Solemnity and Pomp, on the fifteenth of *June* 1484, behind the Monastery of the *Carmelites*, where he built a Tower, which is standing to this Day, and is call'd *Torre Spinella*, from *Francesco Spinello*, a *Neapolitan* Gentleman, whom the King had appointed to be Inspector of the Building of these new Walls. Thus was the Monastery of the *Carmelites* inclosed within the Walls of *Naples*, and the Wooden Bridges before each of the Gates of the City were removed, the old Walls having been surrounded with Ditches; and at the side of the Church of the said Monastery, that Gate was made, which still remains, beautify'd with cut Stone. These Walls are extended from this Gate, and inclose the Streets *del Lavorino, della Duchessa* (so call'd because the Garden of the Duke and Dutchess of *Calabria* was there) and that call'd *Orto del Conte*; and the Gate of *Forcella* was remov'd from the place, where it stood formerly, to the place it is in now, and is call'd *Porta Nolana*, because it leads to the City of *Nola*. So likewise was the *Porta Capuana*, which stood near *Castello Capuana*, remov'd to the side of the Church of *S. Catarina a Formello*, where *Ferdinand* order'd it to be magnificently built, and caused his Coronation to be cut upon Marble, in order to be placed upon it; though for what Reason we know not, it was not put there till afterwards, when the Emperor *Charles V.* surrounding the City with new Walls, beautify'd, and adorn'd this Gate with most fine Marble, and exquisite Sculpture, in that magnificent Manner we now see it. Those Walls were carry'd on by *Ferdinand* to the Monastery of *S. John a Carbonara*, by which, both this Monastery and that of *Formello*, were inclosed within the City. But that Work was interrupted by the Troubles that follow'd, and by the new War, which he had to maintain on account of the new Conspiracy hatch'd against him by the Barons, so well described by *Camillo Porzio*. The Masonry is well design'd, and all of *Piperno* Stone, and many Towers, at small distances from one another, are built of the same Stone, the Architect whereof was *Messer Giuliano Majano* of *Florence*. Upon each of the Gates was placed the King's Statue in Marble on Horseback with this Inscription: *Ferdinandus Rex nobilissimæ Patriæ*. *Charles V.* finish'd the Design afterwards, for in 1537, when he came to *Naples*, he rebuilt, and embellish'd the *Capuan* Gate in that magnificent Form we now see it; but he did not build it of *Piperno* Stone, but of a soft Stone taken from the Mountains of the Country, after a new manner of Fortification, not with Towers, but Bulwarks; and this was the last Enlargement with respect to the Circumference of the Walls; for there has been so much built about them since, that in the Space of an hundred and fifty Years, the Suburbs are become so many large and vast Cities.

*KING Ferdinand*, in his peaceable Years, not only thus embellish'd *Naples*, the Metropolis of so flourishing a Kingdom; but he took a particular Care of the large Provinces, of which it is compos'd. He had no mind, for the Sake of one City of the Kingdom, to rob the rest of their Prerogatives; but he made the

<sup>1</sup> Toppi Biblioth.

<sup>2</sup> Tutin. Orig. de' Seg. cap. 2.

principal Cities of the Provinces the Seats of the Viceroy's. Whereas formerly the Presidents, that were sent to govern them, were call'd *Judices*, in his Time they began to obtain the Title of *Viceroy's*. Wherefore, in the Times of these *Aragonian* Kings, we read of the Viceroy's of *Abruzzo* and *Calabria*. Whence we read of great Prerogatives granted to the Cities where they resided, such as *Aquila*, *Bari*, *Cosenza*, and many others.

BUT above all the rest of the Provinces he rais'd that of *Otranto*, and particularly the City of *Lecce*, the Tribunal of which he re-establish'd with most ample Privileges and Prerogatives. When that County, of which *Lecce* is the chief City, was under the Princes of *Taranto*, of the illustrious Family of *Balzo*, and afterwards *Orsino*, those Princes kept their Tribunal, which was call'd *Concistoro del Principe*, there; wherefore we still see some Sentences pronounced in *Lecce*, *In Concistorio Principis*, where the Causes of that County were heard; and it had its own Fiscal, who was call'd the Prince's, to distinguish him from the King's Fiscal. This Tribunal consisted of four Judges, who were Doctors, one Advocate, one Procurator Fiscal, one Chamberlain, one Clerk, and one *Mastrodatti*. It was instituted in the Year 1402. by *Romanello Orsino* and *Maria d'Eugenio*, the Father and Mother of Prince *Giovanni Antonio*<sup>1</sup>: And it took Cognizance of the civil, as well as criminal Causes of the whole County, and of all those Cities and Towns, which the Princes of *Taranto* had usurped from Queen *Joan I*.

UPON the Death of the last Prince, which happen'd in *Altamura*, the Principality of *Taranto* came into the Hands of King *Ferdinand*, and though Duke *John of Anjou* tamper'd with the *Leccese* to bring them over to his Party, yet they kept steady in their Allegiance to the King, to whom they surrender'd themselves, as soon as they heard of the Death of the Prince in *Altamura*<sup>2</sup>. And besides that, upon the King's coming to *Lecce* in 1462. after the Death of the Prince, they presented him with all the Prince's Treasure, which he had laid up in the Castle of that City, consisting of Gold and Silver Plate, and most costly Furniture, which was a very acceptable Present to King *Ferdinand*, whose Coffers by the Expences of the War, which he had maintain'd against Duke *John*, were very much drain'd. As a Recompence for so great Fidelity, and so seasonable a Relief, he granted the *Leccese* most ample Privileges: He confirm'd to them all the Concessions and Contracts of Patrimonial and Burgage Lands, which had pass'd between them and the Prince: He confirm'd the Consistory, with the Judges, of which it is compos'd, and the Salaries, payable out of the Revenues of some Villages belonging to the City: He granted them the Privilege, that that Tribunal should always remain in *Lecce*: He adorn'd the said Tribunal with other more eminent Prerogatives, appointing it to be the Tribunal of Appeals from all the other Cities and Towns of that Province, as well belonging to the King's Demesnes, as to the Barons: That it could take Cognizance of all manner of Feodal Causes: That it could appoint Guardians and Tutors to feodary Pupils: That Sentences might be pronounced in the King's Name, notwithstanding any Appeal intervening. He appointed *D. Frederick*, his second Son, to be Head of this Tribunal, who continued in that Post till, by the Death of *Ferdinand II*. his Nephew, he was call'd to the Succession of the Kingdom. Therefore, as well as the Sacred Council of *S. Clara*, he would have this Tribunal call'd, the Sacred Provincial Council; and that next to that of *Naples*, it should be the most eminent of all the other Tribunals of the Kingdom. Whence it came, that *Puglia* being divided into two Provinces, to wit, *Terra di Bari*, and *Terra d'Otranto*, each of them having its own separate Tribunal, both assumed the Title of a Sacred Court; but at present many of the abovemention'd Prerogatives are vanish'd, and, excepting that specious Title, and some other Privileges of small Moment, they are upon a Level with the Courts of all the other Provinces of the Kingdom.

PERHAPS, if King *Ferdinand* had enjoy'd more Years of Peace and Tranquillity during his Reign, he would have render'd *Naples* a more flourishing Kingdom, and brought it under a more exact Polity; but instead of that, most cruel and terrible Enemies appear against him, and the Barons, more obstinate than ever, again disturb the Kingdom. 'Tis true, that if *Ferdinand* had been guided by the same virtuous Disposition in his Prosperity, as he had been in the beginning of his Reig,

<sup>1</sup> Summ. tom. 3. pag. 454.

<sup>2</sup> Ant. Galat. de situ Japigiæ.

in the midst of Adversities, he certainly would have been one of the wisest Princes that ever reign'd upon Earth; but now, after having triumph'd over his Enemies, seeing himself Master of a vast and most flourishing Kingdom; whether it was that he was not able to resist his violent Inclination for Power, or that hitherto he had stifled his natural Bent, he was afterwards observed to be deceitful, and of a fierce and cruel Temper. *Francesco Guicciardino*, a most grave Historian, says<sup>1</sup>, that *Ferdinand* was a most prudent and valuable Prince, who by his surprizing Industry and Wisdom, accompanied with the Favours of Fortune, maintain'd the Kingdom, lately acquired by the Father, in spite of a Multitude of Difficulties, which, in the Beginning of his Reign, he had to struggle with; and raised it to a higher pitch of Grandeur, than, perhaps, any other King who, for many Years before, had possess'd it: And that he would have proved an excellent King, if he had continued to reign with the same Address, with which he began: But afterwards, as *Angelo di Costanzo*<sup>2</sup>, a most judicious Writer, observes, seeing himself in so great Prosperity, he changed his Manners; for, unmindful of the Benefits which God had bestow'd upon him, he began to reign with all manner of Cruelty and Avarice, not only oppressing those, who in the late War had sided with his Enemies, but those also who had serv'd himself well; for he revoked all the Privileges he had granted them in his necessity. But what, above all, drew upon him the universal Hatred of his Subjects, was *Alphonfus* Duke of *Calabria*, his eldest Son, who, treading in his Footsteps, out-did him in Cruelty, but much more in Lust, dishonouring many noble Families, publickly ravishing the Daughters from their Fathers and the Husbands, to whom they had been promised in Marriage, and marrying them to some of the Nobility, and often against their Inclinations. By which means the Son added so much Hatred to what had been already conceiv'd against the Father, that not only his own Subjects, but all the Potentates of *Italy* wish'd for his Ruin.

*Ferdinand*, as well as *Alphonfus*, sensible of the universal Disaffection, resolv'd to be always upon their Guard, and to keep up such a number of Troops, as might be able to curb the Subjects, and to keep them from rebelling. And *Ferdinand*, in order to have his Army maintain'd in the Dominions of other Princes, having enter'd into a League with Pope *Sixtus*, and made War against the *Florentines*, sent the Duke of *Calabria* upon an Expedition to *Tuscany*. The Republick of *Florence* was then govern'd by *Lorenzo de' Medici*, a Man so eminently above the private Condition of a Citizen in the City of *Florence*, that not only all the Affairs of that Republick were directed by his Advice, but his Name was held in great Esteem through all *Italy*; for he made it his principal Study to keep the Affairs of *Italy* in such a Balance, as it should not incline either to the one side or the other; and often the Assistance of one was sought for counter-balancing the other. The *Florentines*, therefore, lest King *Ferdinand* should attempt to extend his Dominions, and come to conquer *Tuscany*, propos'd to the *Venetians* to enter into a League against *Ferdinand*. The *Venetians*, on the other hand, afraid, that if *Ferdinand* were once Master of *Tuscany*, he might afterwards conquer *Lombardy*, immediately join'd with the *Florentines*, who, not able to persuade any of the other Christian Powers to attack *Ferdinand*, had recourse to the *Turk*, who was Master of *Albania*, and that Part of *Sclavonia*, opposite to the Kingdom of *Naples*<sup>3</sup>; so that the *Florentines*, in order to divert *Ferdinand's* Arms, and the *Venetians* those of the *Turk* from their own Diminions, invited *Mahomet II.* to the Conquest of the Kingdom of *Naples*. The Success of which Undertaking, as also that of the confederated Barons, must be referr'd to the following Book of this History.

<sup>1</sup> Guic. lib. 1. Hist. Ital.

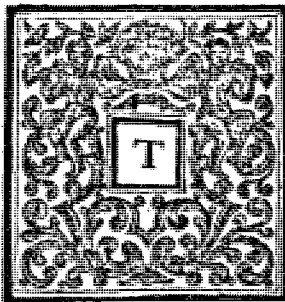
<sup>2</sup> Costanzo lib. 20.

<sup>3</sup> Camillo Porzio lib. 1. in Princ. Congiur. de Baroni.





T H E  
CIVIL HISTORY  
Of the KINGDOM of  
N A P L E S.  
B O O K XXVIII.



HOUGH so many other Nations had already invaded these our Provinces, the *Turks* had not hitherto attempted to conquer them; but, lest none might lose their turn, we see even that People, more powerful and terrible than the others, put in their Claim among the rest. 'Tis a vulgar Mistake, that the *Ottoman* Emperors support the Pretension, which they make to our Kingdom, upon their Haughtiness and Arrogance, and their immoderate Thirst after Dominion only. They pretend, that after the taking of *Constantinople*, and their having vanquish'd and kill'd the Emperor *Constantinus Paleologus*, the last *Grecian* Emperor, the Empire of the *East* being thence devolv'd to them, they have a Right to re-unite to that Empire all that they now find possess'd by foreign Princes. They pretend too that *Italy*, and much more our Provinces, particularly *Puglia* and *Calabria*, belong to them, as the true and lawful Successors of *Constantine* the Great, and the Emperors of the *East*. They even boast, and their Actions indeed demonstrate, that they imitate the *Romans*: And, perhaps, if their vast Conquests be consider'd, and the Progress they have made since the Year 870, to this time, their Acquisitions have not been inferior to those of the *Romans*; nor have they fail'd to shew, that they still keep up the Pretension of making themselves Masters of *Italy* and the World.

*SCIPIO Ammiratus* <sup>1</sup> plainly evinces, that the Progress made by the *Turks* since the Year 870. (when, being invited by the *Perians* from Mount *Caucasus*, where they first liv'd, they began to get footing in *Asia*, to his own time, to wit, in 1585. being less than 715 Years) was much greater than that of the *Romans*, in the like Space of time. And though they had not conquer'd *Italy* and *France*, as the *Romans* had done; yet they had made themselves Masters of *Egypt*, *Armenia*, and other Provinces of *Asia*, which were not brought under the *Roman* Yoke; and without doubt, they possess a much greater Part of *Illyricum* and *Germany*; than ever the *Romans* did. They made prodigious quick advances towards obtaining the Monarchy of the World; for having made themselves Masters of so many, and such vast Countries, they wanted only to subject *Constantinople*, the Head of the Empire, to their Dominion, and by that Means entirely to extinguish the *Grecians*, who had kept their Court there till the time of King *Alphonfus*. They were therefore wholly intent upon that Undertaking, which was at last reserv'd to *Mahomet IV.* King of the *Turks*, and of the *Ottoman* Family the second of that Name, who, in 1450, having succeeded to his paternal Kingdoms, made it his whole Study to accomplish that Undertaking. At last, in 1453, with formidable Armies and prodigious Fleets, he block'd up the City of *Constantinople* both by Sea and Land: *Constantinus Palæologus*, the Emperor, not able to resist such an infinite Number of Troops, for the safety of his own Person, had shut himself up in the City: Succours were, in vain, sought from the Christian Princes, who being at War among themselves, little regarded the Ruin of the Empire of the *East*: notwithstanding, the *Roman* Pontiff incited and conjured them to undertake the Defence of it. Nevertheless our King *Alphonfus*, that that City, the Seat of the Empire, might not fall into the Hands of the Infidels, was the only Prince that promised Assistance; but while with great Earnestness he was hastening it, on the twenty ninth of *May* 1453. *Mahomet* took the City, and put the Emperor and all the Nobility to the Sword, and quickly made himself Master, not of the City only, but of the Empire of *Constantinople*. Thus ended the *Greek* Empire, which had lasted one thousand one hundred and twenty nine Years. And as the *Roman* Empire began under *Augustus*, and ended in *Augustulus*; so the *Greek* began under *Constantine* the Great, the Son of *Helena*, and ended in *Constantine Palæologus*, the Son also of an *Helena*.

THE Empire being thus remov'd from the *Greeks* to the *Turks*, *Mahomet* was proclaim'd the first Emperor of the *Turks*. The Progress he made afterwards was both surprizing and ominous; laying aside his other Actions of less Moment, in 1460, he possess'd himself of the Empire of *Trebisond*, and caused King *David's* Head to be cut off. In 1462, he made himself Master of the Island of *Mitylene*. In 1470, he took the Island of *Negropont* from the *Venetians*. In 1474, he overcame in Battle *Husan Cassan*, King of *Persia*, by whom he had formerly been defeated. In 1476, he took *Cassa* from the *Genoese*. In 1478, he forced the *Venetians* to deliver up to him *Chalcis* and *Scutari*, and to pay him a yearly Tribute for Liberty to Traffick in those Seas. And, by so many Victories, having his Head full of so vast and boundless Projects, and above all, inflam'd with an ardent Desire of getting footing in *Italy*, pretending that, by vertue of the Empire of *Constantinople*, acquir'd by him, he was the true and lawful Sovereign thereof: The *Venetians*, in order to divert him from their Dominions, and to shun greater Inconveniencies, insinuated to him, that he ought to give over the Undertaking against the Island of *Rhodes*, which he was then endeavouring to take from the Knights of *Jerusalem*, and send his Fleet towards *Puglia* in the Kingdom of *Naples*; for instead of an Island he might be able to conquer a most flourishing and large Kingdom <sup>2</sup>. *Angelo di Costanzo* writes, that *Lorenzo de' Medici*, by means of some Merchants trading among the *Turks*, invited *Mahomet* to invade our Kingdom. 'Tis very probable, that both the *Venetians* and *Florentines*, who were then Enemies to *Ferdinand*, did encourage him.

THEY demonstrated to *Mahomet*, that the Pride and Ambition of *Alphonfus* was such, that though not at present, yet in time he might come to hurt him, as well as them; yea, much more him, the Undertaking being more just, with respect to Religion, more easy, because of the short Passage over the *Ionian* Sea, which divides their Dominions, and more favour'd by the Christian Princes. Besides, for several Reasons, *Mahomet* exceedingly enrag'd against King *Ferdinand*, and

<sup>1</sup> Amirat. Mifel. dif. 8.

<sup>2</sup> Galat. de situ Japigiæ.

above all for his having sent that very Summer Relief to *Rhodes*, which he had in vain besieged; so that it was an easy matter to persuade him to undertake the Expedition<sup>1</sup>.

*MAHOMET*, therefore, having raised the Siege of *Rhodes*, in 1480, sail'd to *Velona*, from whence he sent *Acubat*, his Bashaw, upon this Expedition, who, about the end of *June* the same Year, arriv'd upon the Coast of *Puglia* with a most formidable Fleet, and besides Infantry, having landed five thousand Horse, he laid close Siege to the City of *Otranto*. The Garrison of this City consisted only of a thousand fighting Men, with four hundred which *Francesco Zarlo* had brought with him from *Naples*. The Citizens made a more vigorous Defence than the Soldiers, but their Constancy against so powerful and numerous an Army avail'd nothing. In less than two Months the City was taken by Assault, into which these Barbarians having entered with great Fury, there was no manner of Cruelty but what they committed, Burnings, Robberies, Slaughter, ravishing of Virgins, and whatever Barbarities were committed at the taking of *Constantinople*, the same were practis'd in *Otranto*. Many Citizens were put to the Sword, as was done in *Constantinople*, but with this Difference; for the Bones of those were still left upon the Ground, exposed to the Wind and Rain, and not minded; but as for the Bones of those of *Otranto*, the *Turks* being driven out, not only the Country People, but Pope *Sixtus*, and *Alphonsus* Duke of *Calabria*, strove who should do them most Honour.

AFTER the taking of this City, *Mahomet*, having recall'd *Acubat*, he, in Obedience to his Lord, departed, and left in his room *Ariaden*, Governor of *Negropont*, with seven thousand Foot, and five hundred Horse, and he himself, with twelve Gallies, and the Pillage of *Otranto*, set sail for *Constantinople*. *Ariaden* having a Mind to pursue the Conquest, resolv'd to besiege *Brindisi* and other Cities, so that the Kingdom was in great Danger of being lost.

*FERDINAND*, seeing himself in this Distress, wrote to almost all the Princes of *Europe* for Relief, and sent immediately to *Alphonsus*, ordering him to leave the Expedition of *Tuscany*, and come to the Relief of the Kingdom. The Duke of *Calabria* abandon'd the War of *Tuscany*, and left the *Florentines* in Peace; and on the tenth of *September* this Year he arriv'd in *Naples*, and having assembled a Fleet of eighty Gallies with some Ships, he gave the Command of it to *Galeazzo Saracciolo*, who arriving with the Fleet on the Coast of *Otranto*, put the *Turkish* Army into a great Consternation, and soon after, the Duke of *Calabria* came thither, accompanied with a great Number of *Neapolitan* Barons. The King of *Hungary*, the Duke's Brother-in-Law, sent thither one thousand seven hundred *Hungarian* Foot, and three hundred Horse; and the Pope sent a Cardinal, with twenty two *Genoese* Gallies; so that the Duke's Army was in a Condition to face that of the *Turks*, who, after many Skirmishes, were forced to retire into *Otranto*, where, for a long time, they made an obstinate Defence. But the seasonable Death of the Emperor *Mahomet*, which happen'd on the third of *May* this Year 1481. freed the Kingdom from these Miseries; for *Ariaden* judging, that by the Death of *Mahomet* the Reinforcement he expected would arrive too late, resolv'd to surrender the Place to *Alphonsus*: And on the tenth of *August* honourable Terms being agreed upon, he deliver'd it up, after it had been a Year in the Hands of the *Turks*, and having embark'd with his Troops, he set sail for *Constantinople*.

THIS opportune Death, not only terrify'd the *Turks* that were in *Otranto*, but also an Army of twenty five thousand Men who had come as far as *Velona*, and were design'd against *Italy*, so that they all return'd. *Alphonsus*, overjoy'd at this happy Event, dismiss'd the *Hungarian* Soldiers, and return'd victoriously to *Naples*, where he found the Succours that had come to him from *Portugal* and *Spain*, the one consisting of nineteen Caravels and one Ship, and the other of twenty two Ships; and having regaled their Commanders, he dismissed them all. In this War died the Flower of the Veteran Officers, and the famous Knights of the Kingdom; to wit, *Matteo di Capua*, Count of *Paleno*, famous over all *Italy*: *Giulio Acquaviva*, Count of *Conversano*, who had been raised by *Ferdinand* to the highest military Honours: *D. Diego Cavaniglia*, *Marino Caracciolo*, and a great Number of other worthy Knights<sup>2</sup>. In the Sacking of *Otranto* by the *Turks*, eight hundred Citizens were put to the Sword, whose Bones *Alphonsus* caused to be

<sup>1</sup> Camil. Portio. lib. 1. loc. cit.

<sup>2</sup> Costanzo, lib. 20.

buried with great Honour and Devotion, and many of them were carried to *Naples*, and, as *Galateus* writes<sup>1</sup>, were deposited in the Church of *S. Maria Maddalena*, from whence they were afterwards removed to the Church of *S. Catarina a Formello*, where they are now adored, as the Relicks of Martyrs.

NOT to interrupt the Thread of this History, by discoursing hereafter of the Designs, which the *Turks* have always had, even to our own Times, upon the Conquest of this Kingdom, and of the Invitations, which have been made to them by the Christian Princes, who being at War among themselves, in order to divert the Arms of the Enemy, have often had Recourse to the *Turk*: Now, seeing the Occasion offers, I must observe, that though the *Turks*, during the Reigns of *Ferdinand* and of the *Aragonian* Kings, his Successors, did not return to disturb these our Provinces, yet for all that, by the great Conquests they made in the neighbouring Parts, from time to time they struck us with Terror.

*MAHIOMET II.* being dead, who, for his having conquer'd two Empires and twelve Kingdoms, and taken above two hundred Christian Cities, was proclaimed the first Emperor of the *Turks*. *Bajazet II.* his Son, who succeeded him in the Empire, by an uninterrupted course of Fortune, made other Conquests; for in 1484, he took *Valachia*, and in 1492, he possess'd himself of the *Ceraunian* Mountains and all *Albania*; and reduced all those who before enjoyed Liberty into a State of Slavery. Wherefore many noble Families fled from those Places, and took Shelter in the neighbouring Parts, and some of them in our Kingdom. The *Castrioti* and the *Tocchi*, who possess'd great Lordships in those Provinces, came hither. Many *Albanians* likewise came, to whom our King assign'd sundry Towns for their Habitation, and they still continue among us. In 1499, *Bajazet* subjected to his Empire *Modon* and *Corone*, Cities of the *Morea*, and the Year following he took the City *Mero* from the *Venetians*. In 1514, *Selim I.* *Bajazet's* Son, overcame in Battle *Ismael* King of *Persia*, and pursued him in the Fields of *Calderan*. The next Year he defeated, and made Prisoner the Captain General of *Aladola*, King of *Cappadocia*, cut off his Head, and sent it to the *Venetians*, as a Token of the Victory. In 1516, he routed *Campson*, the Sultan of *Egypt*, and having put him to flight, he forced him to lay violent Hands upon himself; in the course of which full and glorious Victory, having overcome and hang'd the other Sultan, he took *Cairo*, subjected *Alexandria*, and having made himself Master of *Egypt*, he likewise conquer'd *Damascus*, the Metropolis and Seat of the Kingdom of *Phoenicia*.

*SOLIMAN II.* the Son of *Selim*, in 1521, took *Belgrade* from the *Hungarians*. In 1522, he drove the Order of *S. John* of *Jerusalem* out of the Island of *Rhodes*, and added that most noble Island to his Empire. In 1526, he gave the *Hungarians* another terrible Defeat, in which their unfortunate King *Lewis* was kill'd. In 1529, he possess'd himself of *Buda*, and in 1534, he took the Kingdom of *Tunis*. In 1537, besides the great Damage he did the *Venetians* in pillaging *Zante* and *Citera*, he demolish'd *Agina*, took *Paros*, and made *Nasso* tributary. In 1539, he took *Castel Nuovo*, where the best Troops, that ever the *Spaniards* had, were put to the Edge of the Sword. *Selim II.* the Son of *Soliman*, after having, with a most powerful Fleet, endeavour'd to conquer *Malta*, the new Residence of the Knights of *Jerusalem*, he took the most delightful Kingdom of *Cyprus* from the *Venetians*. Upon which Occasion the Family of the *Palaologi* came to our Kingdom, whose Tomb is to be seen in the Church of *S. John the Greater*, in *Naples*, of which *Eugenio* makes mention<sup>2</sup>. *Amurat III.* the Son of *Selim*, though by Reason of the continual Wars, which he had to maintain against the *Persians*, did not disturb the Christian Nations, yet he kept them in great Terror. But his Successors, *Mahomet III.* and *Achmet* took from the *Venetians* the Island of *Candy*, a great Part of *Dalmatia*, *Bohemia*, and *Sclavonia*; and in short, almost all the Coast of the upper Sea, which we now call the *Adriatick*, opposite to the Coasts of *Otranto* and *Puglia*, was brought under their Dominion. By these unbounded Conquests many Kingdoms and Dutchies were extinguish'd. Thus fell the Dukes of *Athens* and *Durazzo*, the Lords of *Arta*, the Princes of the *Morea*, the Dukes of *Albania*, the Princes of *Achaia*, and so many other Lords and Barons, that it would be too tedious to recount them. These were succeeded in their Dominions by so potent and terrible an Enemy, by much too near us, being separated only by

<sup>1</sup> Ant. Galat. de situ Japig.

<sup>2</sup> Eugen. Nap. Sagr. pag. 77.



the Gulfs of *Venice* and *Otranto*: It created continual Fears, and some Cities and Towns of *Puglia* and *Calabria* were frequently pillag'd.

WHENCE desperate Princes and malecontent Barons often took Occasion to have Recourse to the *Turks*, by promising them an easy Conquest of the Kingdom. When, as we shall be told hereafter, King *Ferdinand* made Peace with Pope *Innocent VIII*, some Barons, doubting of the King's Veracity, for their own Safety, resolv'd to send Ambassadors to *Bajazet* to invite him to come and conquer the Kingdom. Therefore our Seas were frequently infested, and the City of *Gaeta* terribly pillaged. And in the following Years *Paula* and *S. Lucido* in *Calabria* underwent the same Misfortune: *Sorrento* and *Nassa*, over against *Naples*, were cruelly plunder'd, and the Inhabitants hurry'd away into Slavery<sup>1</sup>.

IN the Reign of *Charles V.* the Prince of *Salerno*, having fled the Kingdom, and not meeting with Encouragement in *France*, had recourse to the *Turks*, to whom he represented the Conquest of the Kingdom as an easy Matter, and persuaded them to fit out a powerful Fleet for invading it.

IN the Reign of *Philip II.* his Son, there were frequent and famous Expeditions made against the *Turks*; in which D. *John* of *Austria*, who gave them a terrible Defeat at Sea, gain'd immortal Glory; and there being a cruel and obstinate War kindled between the King and *Paul IV.* that Pope, not content with having enter'd into a League with the King of *France* and some other Potentates, likewise invited the *Turks* to assist him with their Fleet in attacking the Kingdom. And the Conspiracy of *Tommaso Campanella* is yet fresh in our Memories, who, with other *Dominican Monks* of *Calabria*, in 1599, had plotted to put the two *Calabria's* into the Hands of the *Turks*; who, in 1621, came with a strong Fleet to invade *Capitanata*, and made themselves Masters of *Manfredonia*, and after having kept it for some Time, they pillaged it, and dropp'd the Undertaking. They did an infinite Number of other Mischiefs in our Seas, and carried off many of our People into Slavery. And in the Years 1716, and 1717. if they had not been twice notably defeated in *Hungary* by the victorious *Imperial Arms*, with the Loss of *Temeswaer* and *Belgrade*, they were threatenng *Italy* and our Kingdom. But now a Truce for twenty Years being made with the *Turk*, we see what our Forefathers never did, to wit, Traffick and Commerce open'd betwixt us and the *Turks*. As long as this Truce lasts, at least, the *Adriatick Sea* will be free from *Corsairs*, and the Coast not exposed to so great Losses and Ransoms; for by having so powerful an Enemy so near, the Towns situate upon the Coasts of the *Adriatick* and *Calabria* were constantly infested by the Barbarian Pyrates, and many Families ruin'd by paying vast Ransoms for recovering their Relations out of their Hands. In order to guard against those Pyrates, *Charles V.* caused many Towers to be built along the Seashore of the Kingdom, and laid heavy Taxes upon it for the Maintenance of the Tower-keepers. Afterwards, in order to be assisting on those Occasions, the Orders for the Redeeming of Captives were brought from *Spain*, and settled amongst us, and many pious Funds were establish'd, the Revenues of which are appointed for the Ransom of Slaves.

IT can't be deny'd, but it is a very pious Work, and in *Spain*, which is liable to the same Misfortunes from the Pyrates of *Algiers*, *Tunis*, and those of the *Moors*, it hath exceedingly encreas'd, where there are large Convents of those Orders, for the redeeming of Captives, endow'd with most ample Revenues; but it also can't be deny'd, but the *Turks* are thereby encouraged in their Piracy, it proving so beneficial, that almost all of them drive the pyratival Trade, because they know, that *Christians* are no sooner made Slaves, than vast Sums are sent to redeem them. On the contrary, they never ransom any of their own People that happen to fall into the Hands of *Christians*; wherefore the *Christians* don't drive the Trade of Pirating in their Seas, as they do in ours. If we did not take Care to redeem our People, they would certainly leave off the pyratival Trade, and, perhaps, we should live at more ease, without Suspicion or Fear. But enough of this, our Purpose now requiring, that we should discourse of King *Ferdinand*, and of a new, and more dangerous Conspiracy, hatch'd by his Barons against him.

<sup>1</sup> Id. *ibid.* pag. 8. anno 1558.



## C H A P. II.

*The Barons conspire a-new against the King. Pope Innocent VIII. joins with them, and makes War against him: Peace concluded with the Pope, and the Ruin and Extirpation of the Conspirators.*

**A**FTER the Expedition of *Otranto*, *Alphonfus*, Duke of *Calabria*, puffed up with Vain-glory and Triumph, and full of high elevated Thoughts, out of his cruel and avaricious Temper, resolv'd to humble the Barons, whom he both hated and suspected. All his Thoughts were so much bent upon this, and he spoke so openly of it, that they began to smell out his Design; for he was wont frequently to say to his Confidants, that seeing the Barons, during the so many Wars and Troubles, in which the King had been involv'd, had not thought fit to assist him with Money, he would teach them how Subjects ought to carry themselves to their Lord. He could not contain himself from bidding his Favourites take Courage, that in a short time he would make them great Barons, for he was resolv'd so to humble the Grandees, that they (the Favourites) should be the first; and besides, he could not forbear putting a Besom upon his Helmet for the Devise, and at his Saddle certain Signs, to shew that he had a Mind to root them all out.

ALTHOUGH King *Ferdinand* was a most prudent Prince, yet who through the Affection he bore Duke *Alphonfus*, what through old Age, and the Fondness of his new Spouse, between paternal and conjugal Love, he was in a drooping Condition; and putting great Confidence in the Valour of the Duke, he had, in a manner, yielded the Reins of the Government to him, and only upon extraordinary Occasions gave his Advice. The Barons, who had conceiv'd a cruel Hatred against *Alphonfus*, terrify'd by these Menaces, began to think of Means, whereby to prevent them.

ON the thirteenth of this Year 1484, Pope *Sixtus* died, and on the twenty ninth of the same Month Cardinal *Giovan-Battista Cibo*, a *Genoese*, was elected in his Room, who call'd himself *Innocent VIII.* This Pope had a different way of Thinking from his Predecessors *Pius* and *Sixtus*, and longing for an occasion to raise *Franceschetto*, his Bastard Son, and finding the Barons ready to make Disturbance, he was resolv'd to have a Hand in it, and shewing himself displeas'd with King *Ferdinand*, who had desir'd of him, that, on account of the great Charges the War of *Otranto* had cost him, and of those, which he was at in maintaining so many Troops for opposing the *Turk*, and in defending the Kingdom, which was the Bulwark of *Italy* against the Infidels, He would be pleas'd to remit him the ordinary Tribute payable to the Church, as his Predecessors had done, who contented themselves with the *Genet* only: He not only would not remit it, but on the twenty ninth of *June* 1485. the Day appointed for the Payment, the King, according to Custom, having sent *Antonio d' Alessandro* his Ambassador to *Rome* to offer the *Genet*, the Pope refus'd to accept of him; so that the Ambassador was forc'd to make a publick Protestation, which is to be found in *Chioccarello's MS.* Volumes of the Royal Jurisdiction.

ON the other hand, the Barons, observing the Pope's Dissatisfaction, resolv'd to have Recourse to him for Protection. The Heads and Authors of this Conspiracy, which has been so well described by *Camillo Porzio*, were *Francesco Coppola*, Count of *Sarno*, and *Antonello Petrucci*, the King's Secretary. The Count of *Sarno*, though of an antient and noble Family of the *Seggio* of *Portanova*, treading in the Footsteps of his Father, was so much given to Merchandizing, that the King himself, allur'd by the Profit, put a good Sum of Money in his Hands, and became his Partner in Trade; so that he grew exceeding rich: *Ferdinand* created him Count of *Sarno*, and his Name was in such repute both in the *East* and *West*, that the Merchants, in almost all Parts of *Europe*, trusted him with Sums and Merchandizes of a vast Value. *Antonello Petrucci*, born in *Teano*, a City near *Capua*, of mean Parents, and brought up in *Aversa* by a Notary, who finding that he was a Youth of an excellent Genius and great Application to Learning, brought him to *Naples*, where he put him in the Service of *Giovanni Olzina*, Secretary to King *Alphonfus*. *Olzina*, perceiving the natural Endowments of the Lad, desired the famous *Laurentius Vallà*, who then liv'd in his House, to instruct him; and *Antonello* having in a short Time, under so excellent a Master, made a wonderful Progress, *Olzina* gave him an Employment in the Royal Chancery; and whenever he had so much Business upon his Hands that he could not wait upon the King himself, he was wont to send *Antonio* to him. King *Ferdinand* was likewise taken with the Integrity and modest Behaviour of *Antonello*, and by this Familiarity he came to be in great Favour with him; insomuch, that upon *Olzina's* Death he made him his Secretary, and by the great Confidence the King had in him, all the most weighty Affairs pass'd through his Hands. By these Means he acquired vast Riches and noble Alliances; for he marry'd the Sister of *Agnello Arcamone*, Count of *Borrello*, of the *Seggio* of *Montagua*, by whom he had five Sons, and all of them, by the King's Favour, were rais'd to great Honours. The eldest was made Count of *Carniola*; the second, Count of *Policastro*; the third, Archbishop of *Taranto*; the fourth, Prior of *Capua*; and the fifth, Bishop of *Muro*.

THE great Riches, and the many extraordinary Favours, which the King bestow'd upon these two great Men, drew upon them the Hatred and Envy of many, and especially of the Duke of *Calabria*, who could not forbear saying often in publick, that, in order to enrich them, his Father had impoverish'd himself; but that he was resolv'd not to delay much longer what his Father had so long dissembled. All these Things being told to the Count of *Sarno* and the Secretary, they resolv'd to join the discontented Barons, with whom having consulted, they agreed among themselves to have Recourse to the Pope for Assistance. The Barons who enter'd into the Conspiracy, were *Antonello Sanserverino*, Prince of *Salerno*, Lord High Admiral of the Kingdom, *Pietro del Balzo*, Prince of *Altamura*, Lord High Constable, *Girolamo Sanserverino*, Prince of *Bisignano*, *Pietro di Guévara*, Marquis of *Vasto*, Lord High Steward, *Andreo Matteo Acquaviva*, Duke of *Atri*, the Duke of *Melfi*, the Duke of *Nardo*, the Counts of *Lauria*, *Melito*, and *Nola*, and many Knights. These, taking the Opportunity of the Marriage of *Trojano Caracciolo*, the Son of the Duke of *Melfi*, met in the City of *Melfi*, and sent to Pope *Innocent* to beg the Favour of his Assistance; with which the Pope readily comply'd. He consider'd, that there could not happen a more favourable Opportunity than this for raising his Son; and to bring this to bear he had Recourse to the usual Practice of the Popes, to wit, of inviting some Prince to conquer the Kingdom, by promising to give him the Investiture of it. *John*, Duke of *Aijon*, had been dead ever since the Year 1470, and *Renatus*, his Father, being likewise dead, there was none remaining but another *Renatus*, the Son of *Violante*, *Renatus's* Daughter, who was Duke of *Lorraine*; therefore he sent to *Provence* to solicit him to come with all Expedition to conquer the Kingdom, with which he would invest him; provided, in return for so great a Favour, he would confer upon *Franceschetto*, his Son, Honours and Lordships.

NEVERTHELESS, *Alphonfus*, Duke of *Calabria*, having discover'd the secret Practices of the Barons, immediately resolv'd to break their Measures; and thereupon, without delay, invaded the County of *Nola*, took the City of that Name, and made two of the Count's Children, with their Mother, Prisoners,

whom he order'd to be carry'd to *Castelnuovo* in *Naples*. When the other Conspirators heard what had happen'd, lest their Estates also should be seiz'd, laying aside all Respect, they began openly to arm themselves, and to raise Commotions every where. In an Instant the Kingdom was put into the greatest Confusion, the Roads were impassable, Commerce was interrupted, the Tribunals were shut up, and hence nothing but universal Disorder. King *Ferdinand* being much affected with these Tumults, endeavour'd to quiet them; and the Prince of *Bisignano*, to give the other Barons time to arm themselves, began to treat of a Peace with the King: *Ferdinand*, in appearance, seem'd very much inclin'd to it, but was resolv'd, as soon as the Troubles were once over, not to observe it. The one endeavouring to trick and over-reach the other, most impertinent Conditions of Peace were propos'd to the King, all which he agreed to: But when they came afterwards to ratify them, the Prince of *Salerno* started Difficulties, and mean while the greatest Part of the Barons having retir'd to *Salerno*, he gave the King to understand, that for their better Security, he must send D. *Frederick*, his second Son, to *Salerno*, there, in his Name, to conclude the Conditions, and be Surety for the Observance of them. The King sent *Frederick*, and he was receiv'd by the Prince and the other Barons with great Marks of Respect, and entertain'd as if he had been a King. *Frederick* was a Prince, endow'd with rare and incomparable Virtues, Handlom, and of a most sweet Temper, Temperate and Modest, insomuch that he had gain'd the Love of every Body. His Behaviour was quite different from that of his Brother, the Duke of *Calabria*, and if he had had the good Fortune to have been the eldest, the Kingdom would certainly have continued in the Posterity of our native *Aragonian* Kings; and would thereby have been prevented from undergoing the many Revolutions and Troubles, which we shall relate in the following Book.

*FREDERICK*, however, went to *Salerno* with great Hopes of concluding the Peace; but one Day the Prince of *Salerno* having conven'd the Barons in his own Palace, and placed *Frederick* in an eminent and stately Seat in the middle of the Assembly, began with great Eloquence and Energy to persuade him to accept the Kingdom from their Hands, which they then offer'd him; alledging, that *Alphonfus*, a most cruel Tyrant, being driven out, it might remain in Peace under his Clemency; that they would support him with their Arms and Fortunes to the last drop of their Blood; that the Pope being on their side, the Undertaking would not only be render'd just, but he would immediately grant him the Investiture of it: If former Popes then, said he, for the sake of Peace, could allow *Alphonfus* to deprive King *John*, his Brother, of the Kingdom, to whom it of right belong'd, how much more Just and Glorious will it be for the present Pope *Innocent* to suffer a Tyrant to be deprived of the Kingdom, and to put the Crown upon your Head, a Prince differing as much from him, as a Wolf from a Lamb, or a cruel and avaricious Man, from a benign, just and virtuous Prince: Nor surely will your old Father *Ferdinand* be offended at it, who is sensible, that it will be approved of both by God and Man, yea, he will look upon himself to be a happy Father, that among his Sons he has begot one, who, in the Judgment of every body, is thought worthy of the Scepter and the Royal Crown. It ought to be consider'd, that you was born among us in this Climate, and in this renown'd Part of *Italy* for our Deliverance: The Piety of your Heart ought to be affected by our Miseries, to have Compassion upon our Children, to comfort the frighted Mothers, and, in fine, not to suffer us to be driven by Necessity, to have Recourse to foreign Nations for our own Safety, as it certainly will happen, if you don't accept of our Offer<sup>1</sup>.

HE spoke to the Prince with so much Fervency and Force, that the whole Assembly believ'd, that *Frederick* would not have refus'd the Offer; but that Prince, who was neither mov'd by Ambition, nor an immoderate Thirst after a Crown, but only by Virtue, after having return'd them Thanks for the Offer, with much Calmness answer'd, That if it were in their Power to confer the Kingdom upon him, he would most willingly accept of it, but as he could not acquire it without the Breach of all Laws, his Father's Purpose, and the Right of his Brother, he was unwilling, in order to maintain it afterwards by Force, to be oblig'd to commit greater Deceit and Wickedness. That the Kingdom was provided with so many

<sup>1</sup> Camil. Porzio Congiura de' Baroni.

strong Forts and Garrisons, that the Lives of two gallant and still victorious Kings would scarce be sufficient for reducing them, especially, seeing a great Part of the Barons, inur'd to Arms, were following the Duke's Standard, who, though he was not liked by the People, yet he was much belov'd, yea, adored by the Soldiers. That they were mistaken in the Comparison betwixt his Department and that of the Duke: That there was no Proportion betwixt a private Man, such as he was, and a Prince. Neither ought it to seem strange to them, if he, by having cultivated his Mind by Learning, was of a more mild Disposition, and on the contrary, the Duke, by having been brought up in Arms, was terrible and fierce: That if he should come to be King, he would be forced to give over his former Conduct, and assume that of his Brother, in order to confirm him in the Kingly Dignity, managing the Wars, imposing new Burdens, seizing the Malecontents, and in short doing the same Things, for which the Duke was hated. So that seeing he assur'd them that the Conditions agreed to should be religiously perform'd, they ought to give over these Thoughts, and lay hold of the Peace, which he offer'd them.

WHEN the Conspirators understood *Frederick's* Resolution, their Countenances alter'd, grew pale, and foreseeing what the Result of their Conspiracy was like to be, overcome with Despair, they gave way to Fury and a thousand Extravagancies. Instead of making him King they made him Prisoner; and having openly shaken off the Yoke, in order to encourage the Pope, both to their own and his Shame, they set up the Papal Standard, and declared themselves no less the King's open, than obstinate Enemies.

*Ferdinand* seeing himself thus affronted, not only to crush the Rebellion, but the Pope's Ambition, resolv'd to declare War against him, and, without Ceremony, to attack the State of the Church, and force him to give over that scandalous Undertaking; therefore, wholly intent upon making the necessary Provisions for the War, he sent the Duke of *Calabria* with a powerful Army to the Borders of the Kingdom. Before he sent him, because many weak People were astonish'd to hear that a War was to be carried on against the Pope, and therefore were against undertaking it, in order to undeceive them, on the twelfth of *November* 1485. he order'd the Nobility and Commons, with a great Number of Officers and Barons to meet at the Cathedral Church of *Naples*, and he caused publickly to be read in their Presence a Protestation, whereby he declared, that his Intention was not to make War against the Holy See: That all the Preparation he was making for War, was not for encroaching upon other People, but only for defending himself, preserving his Kingdom, and freeing it from the Insults of others: That as for the rest, he had been, and always shall be a most obedient Son to the Apostolical See.

HE likewise issued out a Proclamation, whereby he order'd all the Prelates and Ecclesiastical Persons of the Kingdom, who were possess'd of Bishopricks, Archbishopricks, and Benefices in it, and who were then residing at the Court of *Rome*, within fifteen Days after the Publication of the Proclamation, to come and present themselves before him, and then to go and reside in their Livings, otherwise he deprived them of their Revenues, which should be sequestrated; and the Archbishop of *Salerno*, the Bishops of *Melito* and *Teano*, who were residing at the Court of *Rome*, not obeying the Proclamation, he sequestrated the Rents of their Churches, and appointed Collectors for receiving them<sup>1</sup>.

HE assembled another Army, and gave the Command of it to *D. Ferdinand*, Prince of *Capua*, his own Grandchild, the Duke of *Calabria's* eldest Son, whom, on account of his Youth, he put under the Direction of the Counts of *Fondi*, *Maddaloni* and *Marigliano*; and he sent the Duke of *S. Angelo*, his fourth Son, to *Puglia* with another Army for guarding that Country.

POPE *Innocent*, terrify'd at so great Preparations for War, and having no News from *Renatus* Duke of *Lorraine*, whom he had invited to conquer the Kingdom, had recourse for Assistance to the *Venetians*, then very powerful in *Italy*, and did his utmost to get them to enter into a League with him for the Conquest of the Kingdom, offering them a good Share of it; but the *Venetians*, foreseeing the Issue of the Conspiracy of the Barons, would neither enter into a League against the King, nor desert the Pope, but assisted him secretly.

<sup>1</sup> V. Chiocc. tom. 18. M. S. Giurisd.

IN the mean time the Duke of *Calabria* having invaded the Ecclesiastical State, and often fought the Pope's Troops, was advanced to the Gates of *Rome*, and had laid close Siege to that City. And Prince *Frederick*, by the means of a *Corficar* Captain, whom the Prince of *Salerno* had engag'd in his Service, made his Escape out of Prison, and came to *Naples*, where he was receiv'd by his Father, and all Ranks of People with extreme Joy, and highly commended for his Virtue.

KING *Ferdinand*, by Art and Management, did not neglect to gain over to his Interest some of the confederated Barons; wherefore the Pope, who was better carv'd out for Peace than War, not seeing *Renatus* appear, nor great Assistance from the *Venetians*, teaz'd also by the College of the Cardinals, and by the many Complaints, that for the Want of Pay, the Army of the Barons was ruining the State of the Church, besides, having been for three Months besieg'd in *Rome*, he at last came to make Overtures of Peace, and to persuade the Barons to come to an Agreement with the King, and that he would endeavour to obtain good Conditions for them. The Barons, reduced to the last Extremity, and forced by cruel Necessity, hearken'd to an Accommodation, and came into it with the greatest Caution imaginable; for they insisted upon this, that *John* King of *Aragon*, and King *Ferdinand*, afterwards call'd the Catholick, his Son, who was then King of *Sicily*, and was marry'd to the Princess of *Castile*, who afterwards became Queen thereof, should send Ambassadors, who, in their Names, should be Guarantees of the Treaty<sup>1</sup>. At last it was concluded on the twelfth of *August* 1486, in the Presence of the Archbishop of *Milan*, and the Count of *Tendilla*, Ambassadors from the Kings of *Spain* and *Sicily*: And in the Name of King *Ferdinand* it was accepted by *Joannes Pontanus*, famous for his Learning in these Times. By this Peace it was stipulated, that the King should acknowledge the Church of *Rome* as his Superior, by paying the usual Tribute; and should not molest the Barons.

POPE *Innocent* having concluded this Peace, continued ever after a Friend to the King, and granted him whatever he desired. On the fourth of *June* 1492. at his Request he dispatch'd a Bull, agreeable to those of Pope *Eugene* IV. and *Pius* II. whereby he declared, that after *Ferdinand's* Death, *Alphonfus*, Duke of *Calabria*, his eldest Son, should be his Successor in the Kingdom: And that if the Duke should happen to die in the King's Life-time, then *Ferdinand*, Prince of *Capua*, the Duke of *Calabria's* Son, should succeed. For this Purpose the Prince of *Capua* was sent to *Rome*, with Powers from *Alphonfus*, his Father, and in his Name to take the Oath of Fidelity, and do Homage to Pope *Innocent*, which accordingly he did, not only in his Father's, but in his own Name also, conformable to the Investiture which this Pope had given them.

NOTWITHSTANDING the Pope and the Kings of *Spain* and *Sicily* were Guarantees of this Treaty, yet the Barons, knowing the Cruelty of *Alphonfus*, and *Ferdinand's* Treachery, were terribly perplex'd. *Pietro di Guevara*, the High Steward, foreseeing the Destruction that was like to ensue, died of Grief and extreme Melancholy. The rest, with unanimous Consent, fortify'd themselves in their Castles, and did not neglect, by secret Means, to send to *Rome*, *Venice*, and *Florence*, to beg Assistance; nor were there wanting some, who were for applying to the *Turk* for Relief: But King *Ferdinand* and the Duke of *Calabria*, having got them in their Power, behaved with great Art and Dissimulation, offer'd them Security, and made shew of much Mildness: Many being deceived, thought themselves secure; but the Prince of *Salerno* never trusted them, and suspecting what was to happen, he went privately out of the Kingdom, and arrived in *Rome*; and finding that the Pope was altogether averse from renewing the War, he went to *France*; a Step which, though it produced nothing extraordinary at that Time, yet many Years had not pass'd before it became the Source of surprising Consequences; for, as we shall hereafter relate, by the Countenance of the King of *France*, it not only crush'd the King and the Duke, but even extinguish'd their whole Posterity.

NEVERTHELESS the King and the Duke dissembling their Designs, went on encouraging the rest; and being resolv'd to ruin the Count of *Sarno*, and the Secretary *Petrucci*, with their Sons, (for the other Barons excusing themselves, laid

<sup>1</sup> Costanzo lib. 20. Chiocc. tom. 1. M. S. Giurisd

the whole whole Blame of the War upon their Shoulders) they contriv'd a Method for seizing them all, which was to get them to meet all in one Place, and hastening the Marriage which had been appointed betwixt *Marco Coppola*, the Count of *Sarno's* Son, and the Daughter of the Duke of *Amalfi*, the King's Grand-child, they got the Duke to Consent, that the Marriage should be celebrated in the great Hall of *Castel Nuovo*. While they were all met, Dancing and Feasting, their Mirth was converted into Grief and bitter Lamentations; for, without either Regard to the Place, the Solemnity, or to the Authority of the Pope, and the two Kings of *Spain* and *Sicily*, who had been Guarantees of the Peace, *Ferdinand* imprison'd the Count of *Sarno*, *Marco*, the Bridegroom, and *Filippo*, his Sons; the Secretary *Petrucchi*, the Counts of *Carniola* and *Policaastro*, his Sons; *Angelo Arcamone*, the Secretary's Brother-in-Law, and *Giovanni Impou*, a *Catalan*. He likewise caused the Houses of the Prisoners to be plunder'd, both in *Naples* and in *Sarno*; and because the Fact was detested by every body, who spoke of it with Horror, he would not order them to be put to Death of himself, but appointed a Junctō of four Judges, who were to try them, and, according to the Rigour of the Laws, found them guilty of Felony and High-Treason. The Judges having try'd the Barons, and our Laws requiring, that at pronouncing the Sentence some of their Peers must be present, four Barons were pitch'd upon, to wit, *Giacomo Caracciola* Count of *Burgenza*, Lord High Chancellor, *Guglielmo Sanseverino* Count of *Capaccio*, *Restaino Cantelmo* Count of *Popoli*, and *Scipione Pandone* Count of *Venafro*. The Sentence was pronounced by the Delegates, who, with the Peers, having again met in the great Hall of *Castel Nuovo*, sitting on the Bench with the Regent of the High Court of the Vicariate, caused the Sentence to be read and publish'd in Presence of the four Criminals, to wit, the Secretary and his Sons, and the Count of *Sarno*, who were condemn'd to lose all their Honours, Titles, Dignities, Offices, Knight-hoods, Counties, Nobility, and their Heads; and their Estates were forfeited to the King. The King had no mind to have them all die in one Day: He first caused the Secretary's Sons to be beheaded on a Scaffold in the Market-place; some Months after, on the eleventh of *May* 1487. in order to have them seen from the City, causing a prodigious high Scaffold to be erected within the Gate of *Castel Nuovo*, the Secretary and the Count were beheaded.

THE Sentence having been thus put in execution, on the tenth of *October* following the King caused to be imprison'd the Princes of *Altamura* and *Bisignano*, the Dukes of *Melfi* and *Nardo*, the Counts of *Morcone*, *Lauria*, *Melito*, and *Noja*, and many Knights; and being spurr'd on by the Duke of *Calabria*, at different Times, and in different Manners, he caused them all to be put privately to Death; besides, in order to complete the Tragedy, *Marino Marzano*, who had been twenty five Years in Prison, was also dispatch'd; and, that the People might think they were still alive, the King continued for a long time to send their Provisions to the Prisons, but shortly after, a Gold-chain, which the Prince of *Bisignano* used to wear about his Neck, being found in the Custody of the Hangman, it was believ'd that they had been strangled, put in Sacks, and thrown into the Sea. Their Wives and Children were soon after seiz'd, and all their Estates confiscated, under Pretence, that they intended to make their Escape, in order to stir up a new War. Only *Bandella Gaetana* Princess of *Bisignano*, a Lady not only by Origin, but by her Virtue, a *Roman*, having embark'd privately in a small Vessel, fled with her Children, and arriving at *Terracina*, she carried them to the Lands belonging to the *Colonna*, near Relations of the *Sanseverini*; whence it came, that *Ferdinand's* Progeny being extinct, in the Time of *Ferdinand* the Catholic, they recover'd their paternal Estates.

SO cruel and terrible a Tragedy struck the whole World with Horror, whence *Ferdinand*, and especially his Son *Alphonfus*, got the Character of Cruel Tyrants. The Writers of these times, particularly the *French*, abhorr'd them, and *Philip de Comines*, Lord of *Argenton*, a cotemporary Writer<sup>2</sup>, gives them the Character of Impious and Inhuman. But *Ferdinand* took Care to defend his Reputation in the Opinion of the World, and to purge himself of the Cruelty laid to his Charge. He caused the Trials of the Secretary and the Count of *Sarno* to be printed, some Copies of which are still extant; and he not only caused the

<sup>1</sup> Comin. lib. 1. de Bello Neap.

Trials of the other Barons to be printed, but sent them over all *Italy*, and even into *England*, thereby to quiet the Minds of Princes. He likewise justify'd himself by Letters directed to all the Christian Powers, telling them, that he had imprison'd the Barons, not with a Design to put them to Death, but only to secure himself against them, because they were attempting Innovations. But all these Vindications avail'd him nothing, especially with the King of *Spain*, with whom he took more Pains to excuse himself, than to all the rest.

AT this Time *John* King of *Aragon*, *Ferdinand's* Uncle, was dead, and *Ferdinand*, his Son, had succeeded him in that Kingdom, who married *Elizabeth* Princess of *Castile*, Sister to *Henry* King of *Castile*, to whom she afterwards succeeded. King *Ferdinand*, who was call'd the Catholick, and who, by Right of his Wife, had united the Kingdom of *Castile* to his own Crown, having understood that the Treaty, of which he was Guarantee, had been infring'd, began to complain of *Ferdinand*, and under that Pretence to think of conquering the Kingdom of *Naples*. King *Ferdinand*, whom this very much concern'd, hearing that the Catholick King was highly offended, sent *Giovanni Nauclerio* immediately to *Spain* to excuse himself to that King, that he could not do otherwise, because those restless Barons had begun to hatch a new Conspiracy against him, and that the Prince of *Salerno*, in concert with the Barons that had remain'd in the Kingdom, having fled to *Rome*, was contriving a new Enterprize. And finding that the Catholick King was not satisfy'd with these Excuses, in order the better to secure himself, by the Means of the Queen his Wife, who was his Catholick Majesty's Sister, he propos'd a Marriage between the Prince of *Capua*, the Duke of *Calabria's* eldest Son, and one of the Daughters of the said Catholick King; but it was the Opinion of many, that Queen *Elizabeth*, the Wife of the Catholick King, would not consent to the said Marriage, because she was then wholly bent upon the Conquest of this Kingdom: But for all that, the destin'd Time for the Ruin of King *Ferdinand's* House being not as yet come, the Island of *Sardinia* having revolted at this very Juncture of Affairs, and the Moors of *Granada* having begun to disturb the Kingdoms of *Castile*, the Matter was dropp'd for this Time.



## C H A P. II.

*The Death of Ferdinand I. of Aragon: The Laws he left us; and the Reviving of Learning and Discipline, which flourish'd among us in his Reign, and in those of his Aragonian Successors.*

**K**ING *Ferdinand* having destroy'd his Enemies, and enrich'd himself by the Ruin of so many great Families, whereby he had got a vast Treasure, during the other six Years that he liv'd, continued to reign in the greatest Peace and Tranquillity imaginable; and the Affairs of the City and Kingdom were brought to a peaceable and settled State. In order to fix himself in a more secure and lasting Quiet, he began to entertain in his Service the best Military Officers of that Time, the chief of which were *Virginio*, *Gio. Giacomo Trivulso*, *Prospero* and *Fabrizio Colonna*, the Count of *Pitigliano*, and others; and he set about fortifying a-new the Fortresses of the City and Kingdom, and to provide them with sufficient Garrisons, and by his own Prudence,



Prudence, and the Valour of the Duke of *Calabria*, he hoped to have no Reason to fear either the King of *Spain*, or the King of *France*. For which end, in concert with *Lorenzo di Medici*, he was likewise careful in preserving the Peace of all *Italy*; and though at this Time he was strongly sollicit'd by the Duke of *Calabria*, who bore it very impatiently, that *John Galeazzo Sforza*, Duke of *Milan*, now twenty Years of Age, having only the bare Title of Duke, should be kept under and oppress'd by *Lewis Sforza*, his Uncle, who, above ten Years ago, having taken upon him to be his Guardian, and under that Colour, by degrees, reduced under his own Power the Fortresses, the Troops, the Treasure, and all the Revenues of the State, continued to govern, not as a Tutor or Guardian, but by the Title of Duke of *Milan*, with all the Ensigns and Actions of a Prince; yet *Ferdinand* having the present Advantage more at Heart, than his Son's Indignation, though just, was unwilling to raise any Disturbance in *Italy*; or, as *Francesco Guicciardini*<sup>1</sup> wisely observes, having a few Years ago, to his great Danger, experienced the Hatred his Barons and People bore him, and sensible of the Affection, which many of his Subjects, mindful of what had pass'd, had for the Name of the House of *France*: He was afraid, that Disturbance in *Italy* might afford an Occasion of attacking his Kingdom; or, that he knew his Union with the other States, and especially *Milan* and *Florence* was necessary, in order to counterbalance the Power of the *Venetians*, then formidable to all *Italy*; and in this Tranquillity he liv'd for some Years.

BUT the Death of *Lorenzo de' Medici*, which happen'd in the Month of *April* 1492, and a few Months after was follow'd by that of Pope *Innocent VIII.* chang'd the Face of Affairs, and afforded many Occasions for the future Calamity of *Italy* and our Kingdom; for *Innocent* being succeeded by *Roderigo Borgia*, who took the Name of *Alexander VI.* and *Lorenzo* by *Pietro de' Medici*: And a bitter and irreconcilable Quarrel happening betwixt *Pietro*, who continued the same Alliance with King *Ferdinand*, and *Lewis Sforza*, thence proceeded the Invitation made by *Lewis* to *Charles VIII.* King of *France* to undertake the Conquest of the Kingdom, and the other Calamities and Disorders, which shall be the Subject of the following Book.

KING *Ferdinand*, who to the Year 1493. by his Prudence and Advice had endeavour'd to maintain the Quiet, not only of the Kingdom, but of *Italy*, hearing of the Motions and great Preparations for War, which were making in *France*, did not neglect to use his utmost Efforts, both with *Lewis* and King *Charles* himself to divert them from the Undertaking; but the King of *France* shewing a great Aversion to an Accommodation with *Ferdinand*, and having order'd his Ambassadors immediately to depart the Kingdom of *France*: In an Instant every Body was struck with the Terror of a new and cruel War. And in the mean Time *Ferdinand*, by being oblig'd to prepare for resisting so powerful an Enemy, fatiguing himself more than ordinary in reviewing the Army, which he was getting ready, was taken ill with a Rheum, which being follow'd by a Fever, on the twenty fifth of *January* 1504. the fourteenth Day of his Illness, he died in *Naples*, more oppress'd with the Distemper of the Mind, than with Age. A Death both very fatal and lamentable, and which drew on, not only the Ruin of his own Progeny, and of the Kingdom, but fill'd all *Italy* with numberless Miseries and Calamities; for his Prudence and known Ability were such, that it was firmly believed, had he liv'd longer, he would have found Means for preventing the *French* from entering *Italy*, and to satisfy *Lewis Sforza* would have suffer'd any Inconveniency or Indignity whatsoever, to draw him off from the Interest of the *French*, whom he invited to conquer the Kingdom.

BY his Prudence he had brought the Kingdom to a greater Pitch of Grandeur than, perhaps, any of the Kings, his Predecessors, had been possess'd of. Besides the good Military Discipline, he provided it with provident and prudent Laws, which are still in force, and the most improv'd of all the other Laws, left us by the *Anjouian* Kings, his Predecessors, and by which our Tribunals are still guided. He restored the University of *Naples*, whence it produced so many bright Men in all Sciences, so that among the Privileges and Favours, of which the *Neapolitans* sought the Confirmation from the *Great Captain*, one was, that, after the Example

<sup>1</sup> Guic. lib. 1. Hist. d' Italia.

of *Ferdinand*, his Catholick Majesty would be pleas'd to countenance this University<sup>1</sup>. He also had it much at Heart, that in his Reign Learning and good Discipline might be restor'd and recover their former Value and Reputation, and that the Kingdom might flourish, and not only be provided with famous Lawyers, but Men renown'd for all sorts of Learning; that the Jurisprudence, which for almost a whole Century had been profess'd but by few, and declining, might be restored, and appear with greater Splendor by so many celebrated Writers, as shined in his Reign: That the Laws of the Pandects and Code might be more made use of, and the *Roman* Jurisprudence with the utmost Care imbraced and recommended, whence the *Longobard* Laws came to be forgotten with us: That the Kingdom might be more improv'd, and Ignorance not prevail so much, either in our Schools or Authors.

<sup>1</sup> Capitoli del Gran. Capitano.

## S E C T. I.

### *Learning restored in Naples.*

THE restoring of Learning ought not solely to be attributed to this Prince, but chiefly to the Ruin of *Constantinople*. That City having fallen under the Dominion of *Mahomet II.* the first Emperor of the *Turks*, and the Empire of the *East* having been invaded by these Barbarians, Enemies to Learning; many learned Men, who liv'd in *Greece* and *Constantinople*, in order to shun Slavery, retired with their Books to *Italy*, and many of them to our Kingdom, as nearest them. Besides many, whose Names are now obscure, there came hither *Emanuel Crisolora*, *Bessarion*, *Constantine Lascari*, a *Constantinopolitan*, who was invited by *Ferdinand* to be Professor in the *Greek* Language in the University of *Naples*<sup>1</sup>, *Trapezuntius*, *Gaza*, *Argiopolus*, *Fletontes*, *Philelphus*, and many others, whose Encomiums are accurately written by *Jovius*.

BEFORE this time, as may be seen in the preceding Books of this History, the liberal Arts were taught in the Universities of *Italy*, but with little Purity and Exactness, nor was the Study of Human Learning much minded; and though *Petrarca* and *Boccaccio*, in the preceding Century, had reviv'd that Study, yet it had not been as yet much improv'd.

ALTHOUGH the Jurisprudence was taught in the Universities of *Italy* and in ours from the Books of *Justinian*, and many Professors were at great Pains about them, some in Writing Comments upon the Laws therein contain'd, some in glossing upon them, and others explaining them after a different Manner; yet seeing the Ignorance of *Latin* and the *Roman* History, hinder'd them from rightly understanding the Texts, they all had recourse to the Abridgments and Glosses of such, as they thought had understood them best; and those, who had not the Help of other Books, did nothing but explain one Place of the Digests, by the Help of another, comparing them together in the best Manner they were able, in which *Accursius* succeeded wonderfully upon the Pandects. The Defects of such Masters easily led the Scholars into Errors; and some abusing their Credulity, intersper'd in their Glosses ridiculous Etymologies and extravagant Follies, as, among the rest, *Accursius* and the Glossators of the Digests did in many Places<sup>2</sup>.

EITHER because they did not comprehend, that the Laws cannot be put in Practice, if they are not understood, or because they despair'd of conceiving them better, their greatest Study was to reduce them into Practice in deciding Controversies by the Consequences, which they deduced from the Texts. When afterwards they had a Mind to apply the *Roman* Law, so ill understood, and so widely different from our Customs and Institutes, to our Affairs, and at the same time to preserve our own Usages, which it was impossible to alter, the Rules of Justice became much more uncertain than before, and they involv'd themselves into Dis-

<sup>1</sup> Toppi tom. 3. Orig. Trib. pag. 307.

<sup>2</sup> V. Glos. in cap. 1. extra. de Summar. in verb. 4, 5, 6.

Diabolus. Item in Instit. de Jure Nat. & 55.

putes about the Consequences, which they deduced from the Texts. By which Means the whole Jurisprudence was reduced to School Disputes, and the Opinions of the Doctors, who, not having sufficiently dived into the Principles of the Morality, and natural Equity of the *Roman* Laws, which, they imagined, could easily be apprehended, often minded their own particular Interests, or were wedded to their ill-conceived and obstinate Opinions. Those, who had Justice at Heart, knew no other Means, whereby to procure it, but the particular Remedies against Injustice: which made them contrive so many Clauses for Contracts, and so many Formalities for the Judges.

IN the same very Centuries it did not happen so in *Greece* and *Constantinople*, either with respect to human Learning, and the liberal Arts, or the Jurisprudence; and as for human Learning, the Schools were very well preserved in *Greece*, and the Commentary alone of *Eustathius* upon *Homer* demonstrates, that even to the latter Ages there were an infinite Number of Books, and Men of great Learning remaining there. As to the Jurisprudence, the Body of the Laws and Canons, collected by *Leunclavius* and *Marquardus Freerus*, shew, that it was preserved entire in *Constantinople* till the Ruin of that City. The Works of the *Greek* Lawyers, who flourish'd in the latter Ages also demonstrate the same: The Works of *Michael Attaliota*, who flourish'd in 1077; of *Michael Psellus*, who liv'd about the same Time; of *Constantinus Armenopolus*, who flourish'd in 1143; of *Antiochus Balsamon*, of *Josephus Tenedos*, of *Eustathius Antecessor*, and other *Greek* Glossators, recorded by *Joannes Doviat*<sup>1</sup>, *Leunclavius* and *Marquardus Freerus*, who wrote a Chronology of them, from the Death of *Justinian* to the Loss of *Constantinople*<sup>2</sup>, likewise prove it.

*CONSTANTINOPLE*, therefore, having fallen, and *Greece* being subdued by those Infidels, in the Middle of this fifteenth Century a Multitude of learned Men appear'd all of a sudden in these *Western* Parts. But they came first to *Italy*: She has the Glory of having been the first Encourager of Learning: *France* had it from *Italy*, then from Hand to Hand it was convey'd to the other Countries of *Europe*.

THESE learned Men, who, with their Books, took shelter in *Italy*, induced others to study the *Belles Lettres*: These, with incredible Anxiety, apply'd themselves to the Reading of all the Books of the Antients they could find, and to write in *Latin* with greater Purity; and their being no want of Masters for teaching them the *Greek*, they set about to learn it, and, in order to make the greater Proficiency, as well in the one as the other Language, they began to translate the *Greek* Authors, of which they had great Plenty, into *Latin*. The Art of Printing, as we have said, having been found out at this very Time, was of great Advantage to them, in having Books both at an easy Rate, and very correct. Many likewise with great Care employ'd themselves in making excellent Editions of all the good Authors from the best Manuscripts, searching out the most ancient, and collecting many of them together. Others compiled most correct Dictionaries and Grammars, and wrote Commentaries upon difficult Authors, and such Treatises as serv'd for understanding them, such as their Fables, Religion, Government and Art of War. And in the following Times, for Things were not brought to Perfection all at once, these Studies were so much improv'd, that the most minute Particulars of their Customs, Apparel, Diet, and Diversions, were pry'd into, in so much that they had the desired Effect, after so long an Interval of Time, in making all the antient *Greek* and *Latin* Books, that are remaining, to be understood. But seeing it is a difficult Matter for Men to confine themselves to a just Medium, some were found afterwards to dwell too much upon these Studies; which are only Implements for the more serious Studies; for there were many curious Men, who spent their Lives in studying the *Latin* and *Greek*, and in reading all the Authors only for the Sake of the Languages, or for understanding the Authors themselves, and explaining the most difficult Passages of them, without going further, or making any other good Use of them. Among these there were some, who confin'd themselves to the Mythology and Antiquities only: Others made it their Business to search into Inscriptions, Medals, and whatever serv'd to illustrate Authors, confining themselves intirely to the Pleasure they had in these Curiosities.

SOME others going further, studied the Rules of the liberal Sciences, such as of Eloquence, and Poetry, without ever practising them, whence it comes, that

<sup>1</sup> Doviat. Hist. Jur. Civ.

<sup>2</sup> Struv. Hist. Jur. Græci, cap. 4. §. 4-

we have so many modern Treatises of Poetry and Rhetorick, though there have been very few good Poets and Orators; and so many political Treatises, written by private Men, who never were employ'd in the Affairs of State.

IN fine, the poring upon the antient Books produced such an implicit Faith in many, that they chose rather to follow the Mistakes contain'd in them, than to presume to dive into the bottom of them. Thus it was believed, that Nature was such, as she is described by *Pliny*, and that she could not act, but according to the Principles of *Aristotle*. But what was worst of all, some admir'd the Morality of them too much, without minding how far it comes short of the Religion which they had been taught from their Childhood: Others, though few in Number, run into the contrary Excess, affecting to contradict the Antients, and to be of quite different Sentiments from them.

BUT among those, who admired the Antients, the most common Failing was the wretched Imitation. They believ'd, that in Order to write as the Antients had done, they must do it in their Language, without considering that the *Romans* wrote in *Latin*, not in *Greek*; and that the *Greeks* wrote in *Greek*, not in the *Egyptian* or *Syrian* Languages. Whence it came, that the *Tuscan* Language, which by *Petrarca*, *Boccaccio*, and some others, was brought into so great Repute in the fourteenth Century, sunk in this fifteenth Century, because all the learned Men of *Italy* despised it as the Language of the Vulgar; insomuch, that if *Pietro Bembo*, and the other Men of Learning who follow'd his Example, had not put a stop to it, and both by Example and Reason demonstrated, that all Subjects whatsoever could be written upon, as well in the one Language as the other, it had been quite ruin'd; but in these Times the learned Men despised it, and were attached to the *Latin*, and some likewise to the *Greek*, writing their Compositions in Verse or Prose in *Latin*, at the Hazard of not being understood by any.

THEREFORE in this Century Learning began to be restor'd among us, which being countenanced by King *Ferdinand*, likewise a learned Prince, it made no small Progress in his Reign. *Alphonfus*, his Father, as we have said, having entertain'd some learned Men at his Court, *Laurentius Valla*, *Antonius Panormitanus*, and some others, who persuaded this Prince to protect them: Discover'd to him the Beauty, the Gravity, and the Excellency of the *Roman* History: They put him so much in conceit with the Books of *Livy*, that they were his constant Study; and they got him to educate his Son *Ferdinand*, whom he had appointed to be his Successor in the Kingdom of *Naples*, not only in the Exercise of Arms, but of Letters. For which end *Alphonfus* provided him with good Masters, for besides Cardinal *Borgia*, Bishop of *Valencia*, who was afterwards Pope, nam'd *Callistus III.* *Valla* and *Panormitan*, famous all over the World, he had likewise *Paris de Puteo*, and *Gabriel Altilio*, a famous Poet of these Times, and a great Master of the *Latin* Tongue, who was afterwards made Bishop of *Policastro*, of whom hereafter.

THIS Prince having been brought up amongst learn'd Men, he became not only a Lover of them, but most learned himself. We have still some most elegant Letters and Orations written by *Ferdinand*, which discover the good Taste he had of the *Belles Lettres*: Of whom, as well as of King *Robert*, it may be said, that the Muses were cherish'd, and exercised at the same Time. These Letters and Orations were printed in 1586. and the Book is intitled. *Regis Ferdinandi, & aliorum Epistolæ, & Orationes utriusque Militiæ, &c.*

HE did by his own Sons, as his Father had done by him: Excepting *Alphonfus* Duke of *Calabria*, who, being born and brought up among Arms, of a fierce and warlike Disposition, had not the least Inclination to Learning: *Frederick* and all his other Sons apply'd their Minds to the *Belles Lettres*: *Frederick*, the second, and *D. John*, the fourth Son, were most learn'd, insomuch that the Father design'd *D. John* for the Church, and he was made a Cardinal by Pope *Sixtus IV.* by the Name of Cardinal of *Aragon*.

HIS Secretaries, and the Officers of his Chancery, were all Men of Learning: *Antonello Petrucci*, his first Secretary, was a Scholar of *Laurentius Valla*, who taught him the Purity of the *Latin* Tongue, and the *Belles Lettres*, and he became a learned Man, and skill'd in many Sciences. *Joannes Pontanus*, his second Secretary, who, after the Death of *Panormitan*, possess'd his Place, was celebrated all over the World for his Knowledge both of the Sciences and the *Latin* Tongue.

<sup>1</sup> V. Pallavic, Arte dello Stile.

<sup>2</sup> Toppi Biblioth. lit. F.

Whence we observe, that the Statutes and Edicts of *Ferdinand I.* particularly those of the Year 1477, of which more hereafter, being penn'd by these two most polite Writers, are couch'd in pure and elegant *Latin*, which cannot be said of the Statutes of our other Kings. Whence likewise we find, that the Chancery of our *Aragonian Kings* not making use of any other Language, but of the *Latin* and *Italian*, the Charters and other Writs, that came from that Office in *Latin*, are exceeding polite, and, on the contrary, those in *Italian* (because it was a despised Language) are unpolish'd and rustick.

BESIDES those learned Men of his Chancery, we have already taken Notice, that he invited the ablest Professors of those Times to the University of *Naples*; and, as an evident Proof of this, we read in a Letter of his, printed by *Toppi*<sup>1</sup>, directed in 1465, to *Constantine Lascari* of *Constantinople*, wherein, moved by the Fame of so learned a Man, he invites him to be Professor of *Greek* in the University of *Naples*, and promises him a handsome Salary: *Decrevimus vos ad Lecturam Græcorum Auctorum, Poetarum scilicet, & Oratorum in hac Urbe Neapolis ad publicè legendum præficere, freti moribus vestris, & literis etiam confisi, per vos Græcarum Literarum Doctrina, ad frugem aliquam nostrorum dilectissimorum Studentium ingenia perventura.*

<sup>1</sup> Idem tom. 3. pag. 307. de Orig. Trib.



### C H A P. III.

*Of the learned Men, who flourish'd in the Time of Ferdinand I. and of the other Aragonian Kings, his Successors.*

**F**OR the Reasons abovementioned, Men, famous for Learning and Knowledge, flourish'd among us in the Reign of *Ferdinand* till that of *Frederick*, the last King of his Progeny. As in those times *Rome*, and the other Cities of *Italy*, boasted of a *Pico Mirandola*, *Marsilio Ficino*, *Bartolommeo Platina*, *Raffaël Volterranno*, *Ermolao Barbaro*, the *Politiani*, *Urfini*, and many others<sup>1</sup>: So *Naples* valued herself upon her own learned Men, who for Number and Erudition were not inferior to those.

BESIDES *Panormitan*<sup>2</sup>, and the others above mentioned, she had *Gabriele Altilio*, a very famous Poet, and a great Master of the *Latin* Tongue. He was born in *Basilicata*, and, on account of his Fame, was, as we have said, made by *Alphonsus* one of *Ferdinand*, his Son's, Preceptors: As well as *Pontanus*, he was employ'd in the Affairs of State, which were transacted with Pope *Innocent VIII.* in *Rome*, and elsewhere. *Pontanus*, his Cotemporary, had a vast Regard for him, dedicating to him his Book, *De Magnificentia*, wherein he extols him to the Sky: And when he died, he compos'd a most elegant Epitaph upon him, which we find in the first Book of his monumental Inscriptions. *Sannazaro*, no less than *Pontanus*, was a great Admirer of his Poetry, and in the first Book of his Epigrams, we read one: *De Natali Altilij Vatis*, and in his Elegies he does not fail to commend him for his learned Poems. Many other renown'd Writers make honourable mention of this famous Poet, as may be seen in *Toppi* and *Nicodemo*<sup>3</sup>. We still

<sup>1</sup> V. Giovio negli Elogi.

<sup>2</sup> Del Panorm. V. Nicod. nelle addiz. alla Bibliot. | del Toppi.

<sup>3</sup> Toppi in Bibl. Nicod. nel addiz.

have his *Latin Poems*, the *Epithalamium*, some *Elegies* and *Epigrams*, which were collected by *Ruscelli*, *Giovanni Matteo Toscano*, and others.

AT the same time flourish'd *Antonio Campano*, born in *Cavelli*, a Village near *Capua*, of mean Parents. His bright Parts gain'd him great Esteem with Pope *Pius II.* by whom he was made Bishop of *Teramo* in *Abruzzo*. He was a famous Orator, Historian, and Poet, and though he had not studied the Greek Learning, he was a perfect Master of the *Latin*. He left us many Works: *The History of Urbino*. *The Life of Braccio*. *Latin Epistles*, &c. of which *Nicodemo*<sup>1</sup> has made a long Catalogue. He dedicated some of these Works to *Alphonfus* Duke of *Calabria*, with whom he was in great Favour. He was very much esteem'd by his Cotemporaries, and other Writers of the following Times, for which see *Nicodemo*. He died, according to *Volterano*<sup>2</sup> in *Teramo*, about the Year 1477. before he was full forty Years of Age, *Poffevin* and *Toppi* have recorded his Epitaph, which may be seen in their Works.

*ANGELO Catoue*, his Cotemporary, a famous Philosopher, and Physician to King *Ferdinand I.* was no less celebrated. He was born in *Supino* in the County of *Molise*: On account of his Learning the *Neapolitans* receiv'd him into their City with great Respect, and had a vast value for him; and King *Ferdinand*, besides his having made him his Physician, invited him to teach Philosophy and Astrology in the University of *Naples*, where he profess'd these Sciences many Years. He corrected the Book of the System of Physick, which *Matteo Salvatico* of *Salerno* had composed, and dedicated to King *Robert*: He enlarged it, and in 1473. caused it to be printed by that *German*, who a little before had brought the Art of Printing to *Naples*, and it was one of the first Books that were printed in this City<sup>3</sup>. He dedicated it to King *Ferdinand*, wherein he directs an Oration to him, crying up the Mildness of the Air, and the Beauty of the Kingdom, and whatever is found rare in it. There were other two of the same Name, one of *Benevento*, who was a great Favourite of King *Charles VIII.* of *France*, who, for his Learning, made him Archbishop of *Vienna*: The other was of *Taranto*, a Physician, and Almoner to *Lewis XI.* King of *France*, at whose desire he wrote Commentaries upon *Philip de Comines's* History of the Affairs of *France*.

THERE was also *Pontanus*, a famous Poet, Historian, Orator, and Philosopher, as his Works, no less known, than celebrated, demonstrate. He was born in *Cerreto* in *Umbria*, or, according to some Writers, in *Spelle*, from whence, his Father having been kill'd, he came to *Naples* when a Youth: And *Panormitan* finding him to be a young Man of a fine Genius, encouraged him, and procured him an Employment in King *Ferdinand's* Court: He gave such evident Proofs of his rare Endowments, that *Panormitan* got the King to appoint him to be Preceptor and Secretary to the Duke of *Calabria*, his Son. He grew into so great Favour with *Ferdinand*, that when *Panormitan* died, he succeeded as second Secretary to his Majesty. He was afterwards made a Citizen of *Naples*, and by *Ferdinand* created President of the Royal Chamber, and the Lieutenant to the Lord High Chamberlain<sup>4</sup>. He was employ'd in the most serious and weighty Affairs of State, and by his Means, as we have said, the Peace was concluded with Pope *Innocent*. *Camillo Porzio* says<sup>5</sup>, that *Pontanus*, by Industry and Diligence, having brought about that Peace, was in hopes, upon the Fall of *Antonello Petrucci*, to have succeeded in his Place and Authority, trusting to the good Offices of the Duke of *Calabria*, which he expected he would have done him with his Father; but the Duke, who was no Friend to Learning, nor grateful for Favours receiv'd, did him no Service with his Father, as he ought, and could have done; at which the ambitious old Man being provoked, composed the Dialogue of *Ingratitude*, wherein introducing an Ass delicately fed by his Master, in return kicks at him. Nevertheless, after King *Ferdinand's* Death, *Alphonfus* shew'd him great Respect, and did him great Honour; for in the magnificent Palace, which he built near *Castello Capuano*, among the other costly and noble Furniture, and a famous Library, he caused *Pontanus's* Statue in Brass to be erected<sup>6</sup>, which *Alphonfus*, not without Encomiums, shew'd to those, who came to see the Riches of that Edifice.

<sup>1</sup> Nicodem. Addiz. ad Biblioth. Toppi.

<sup>2</sup> Volteran. lib. 21. del'Antropologia.

<sup>3</sup> Toppi in Bibl.

<sup>4</sup> Idem tom. 1. De Orig. Trib. pag. 215. & in

Bibliot.

<sup>5</sup> Camil. Porzio pag. 63. Congiura de' Baron.

<sup>6</sup> Epist. Franc. Asulan. in Edit. Pontan.

BY reason of his having been so highly exalted by these two Kings, he was very much found fault with, when *Charles VIII.* of *France*, having made his publick Entry into *Naples*, being resolv'd, before he return'd, to receive solemnly in the Cathedral Church, according to the Custom of the Kings of *Naples*, the Royal Ensigns and Honours, and the Oath usually taken to new Kings: Upon this Solemnity *Pontanus* making a Speech in Name of the People, it seems, that either to perform the Part of a true Orator, or to curry Favour with the *French*, he enlarged too much upon defaming these Kings, to whom he had been so much beholden. So that *Guicciardini*<sup>1</sup> took occasion to say of him, that sometimes 'tis hard to find himself observing that Moderation, and those Precepts, which, with so much Erudition, writing of the moral Virtues, and discovering his universal Knowledge in all sorts of Learning, he had taught all Men.

HOW remarkable and famous the Works were, which this Writer left us, both in Prose and Verse, is well known to all the World; and how many Commenders they had, both of our own Countrymen and Foreigners, may be seen in *Vossius*<sup>2</sup>, and *Nicodemo*<sup>3</sup>, who treat at large of this Author and his Works.

IT was unjustly laid to his Charge, that having found in the Library of *Monte Cassino*, which, as we have told in the preceding Books of this History, was enrich'd with many antient Volumes by the Abbot *Desiderius*, some Works of *Cicero*, he publish'd them for his own; but for that see *Vossius* and *Scotkius*.

TO *Pontanus* is owing that Glory, which *Naples* acquir'd by the so famous Academy he instituted there, into which many of the Nobility of our *Seggi*, and of the most learned Men of those Times strove who should be first admitted.

OF the *Seggio* of *Nido*, *Trojano Carvaniglia*, Count of *Troja* and *Montella*: *Ferdinando d'Avolas* Marquis of *Pescara*: *Belisario Acquaviva* Duke of *Nardo*: *Andrea Matteo* Duke of *Attri*: And *Giovanni di Sangro*.

OF the *Seggio* of *Capuana*, Cardinal *Girolamo Scipando*, though some say, that this Family belong'd to the *Seggio* of *Nido*: *Girolamo Carbone*: And *Tristano Carracciolo*.

OF the *Seggio* of *Montagua*, *Francesco Puderico*. Of the *Seggio* of *Porto*, *Pietro Jacopo Gianuario*, and *Alphonso* his Son. Of the *Seggio* of *Portanova*, *Alexander ab Alexandro* and *Sannazaro*.

OF *Neapolitans* not belonging to the *Seggi*, *Antonio Carlone* Lord of *Alife*: *Giovanni Elia*, and many more.

OF *Natives* of the Kingdom, *Gabriele Attilio* of *Lucania*, Bishop of *Policastro*: *Antonio Galateo* of *Lecce*: and *Giovanni Eliseo* of *Anfratta* in *Puglia*.

OF *Foreigners*, *Lodovico Montalto* of *Syracusa*, Secretary to *Charles V.* *Pietro Gravina* of *Catania*, a Canon of *Naples*: *M. Antonio Flaminio*, a *Sicilian*: *Egidio*, Cardinal of *Viterbo*: *Bartolommeo Scala* of *Florence*: *Basilio Zanchi* of *Lucca*: Cardinal *Sodaletto* of *Modena*: *Giovanni Cotta* of *Verona*: *Matteo Albino*: Cardinal *Bembo* and *M. Antonio Micheli*, *Venetians*: *John Peter Valerian* of *Bellesme* in *France*: *Nicholas Grudie* of *Roan*: *Jacob Latom* of *Flanders*: *Juan Pardo*, a Philosopher, of *Aragon*: *Michael Marcellus* of *Constantinople*, and many other famous learned Men, of whom *Pontanus*, as the Founder, was Head. According to the Custom of the Members of the Academy of *Rome* of changing their Names (whereby *Poggio* and *Bartolommeo Platina* suffer'd so much) these likewise changed their Names; so that *Pontanus* took the Name of *Jovianus*, *Sannazaro* that of *Aelius Sincerus*, and so of the rest.

*PONTANUS*, well advanced in Years, died in the City of *Naples* in 1503, and was buried in *S. John's* Chapel, which he had caused to be built near the Church of *S. Maria Maggiore*, where the Inscription is to be seen, which he himself had made.

IN the Reigns of *Ferdinand*, *Alphonso*, and *Frederick*, there likewise flourish'd many other famous learned Men, such as the renown'd *Michele Riccio*, both an able Lawyer and a profound Historian<sup>4</sup>. He, though originally come from *Castel a Mare di Stabia*, was a *Neapolitan* Gentleman of the *Seggio* of *Nido*, and shined not only at the Bar, but in the Chair, having been a most grave Lawyer and emi-

<sup>1</sup> Guicc. lib. 2. Hist. Ital.

<sup>2</sup> Vof. Historic. Latinis, cap. 607. & 608.

<sup>3</sup> Nicod. Addit. ad Bibl. Toppi.

<sup>4</sup> Toppi tom. 1. De Orig. Trib. pag. 183. & tom. 2. pag. 165.

nent Advocate in our Supreme Tribunals. King *Ferdinand* made him chief Professor of Law in the University of *Naples*, and his own Counsellor. Afterwards when *Charles VIII.* came to *Naples*, and made himself Master of the Kingdom, he sided with him, who in 1495, made him Advocate Fiscal of the Royal Patrimony. But the *French* being driven out, and *Ferdinand II.* restor'd, *Riccio* was much kept under, till the Kingdom being again subjected to the *French*, under *Lewis XII.* King of *France*, he was raised to the first Honours by that King<sup>1</sup>. In 1501. he was by *Lewis* created Vice-Protonotary of the Kingdom, and President of the sacred Council of *S. Clara*, and, with his Posterity, incorporated into the *Seggio* of *Nido*. He afterwards made him Counsellor of the High Council and Parliament of *Burgundy*, a Senator of *Milan*, and President of *Provence*. He grew into so great Favour with that Prince, that he was employ'd in the most weighty Affairs of State, for there having a Dispute arisen between the Catholick King and King *Lewis* upon the Division of the Kingdom, about the Province of *Gapitanata*, he alledged many Things in Favour of *Lewis*<sup>2</sup>, defending his Right with such Vigour and Vehemence, that *Zurita*<sup>3</sup> gave him the Character of a very arrogant Man. But the *French* being at last driven out of the Kingdom by *Ferdinand* the Catholick, *Michele* resolv'd to stick to *Lewis*, and abandoning all his Goods and Family, he went to live in *France*, where he was kindly receiv'd by the King, and honour'd with the highest Employments. From whence, in 1503, he sent him Ambassador to *Rome* to congratulate *Julius II.* who had been then raised to the Papacy, where he remained for some Years, in which he treated with *Julius* about recovering the Kingdom of *Naples* for *Lewis*; but tho' the Circumstances of those Times render'd all those Negotiations fruitless, yet the King order'd him to continue in *Rome*, where, having abundance of spare Time from Business, he wrote his History. He afterwards return'd to *France*, from whence, in 1506, the King sent him Ambassador to *Genoa*, and in 1508. to *Florence*<sup>4</sup>. At last, after having been employ'd by that King in the most important Affairs of his Crown, he died in *Paris* in 1515. not without Suspicion of Poison. To his Knowledge of the *Belles Lettres* was added a profound Skill in other Learning, and especially in the Jurisprudence, in which he was so eminent, that *Janus Parrasius* did not stick to put him upon a Level with the *Sulpitii*, the *Pomponii*, the *Pauli*, and the *Scævoli*. He was eloquent, and wrote his History with no less Gravity than Judgment: His Style, according to the Opinion of *Parrasius* was clear, pure and elaborate, nor did his Brevity occasion Obscurity. He wrote *De Regibus Francorum, Libri III. De Regibus Hispaniæ, Libri III. De Regibus Hierusalem, Liber I. De Regibus Neap. & Siciliae, Libri IV.* Of these Books we see many Editions, done at different times, mention'd by *Toppi*<sup>5</sup>. He was celebrated by the most famous Writers of those Times; *Janus Parrasius* dedicated a Book to him, which he caused to be printed in *Milan* in 1501. which contain'd the Paschal Poem of *Sedulius*, a Christian Poet, found by him amongst ancient Manuscripts, and the Poems of *Aurelius Prudens*, in the Epistle Dedicatory of which, with great Encomiums, he extols *Riccio's* Virtues and Learning. In the Time of our Grandfathers he wrote the Life of the learned *Carolus de Lellis*, which he prefix'd to his abovemention'd History, printed in *Naples* in 1645.

IN those Times the renown'd Poet *Giacomo Sannazaro* was no less famous, who, as well as *Riccio*, follow'd his Master's Fortune into *France*. There is no Occasion to make many Words about him, as being a Man so well known and eminent, of whom, and of his Works, there have been plenty of Writers and Admirers. As he himself says in his *Arcadia*, he was born in *Naples*, in the last Years of King *Alphonsus I.* about the Year 1458. and was a Gentleman of the *Seggio* of *Portanova*, of so genteel and polite Manners, that *Frederick*, King *Ferdinand's* second Son, had a vast Respect for him, so that *Sannazaro* never would forsake him, either in his Prosperity or Adversity: He follow'd him into *France*, where he remain'd a long Time: He afterwards return'd to *Italy*, and after having stay'd some Years in *Rome*, he came back to *Naples*, where, some write, he died in 1532. But there is a great Dispute among Writers about the Place and the Year of his Death.

<sup>1</sup> Grammat. Conf. 65.

<sup>2</sup> Afflic. decis. 463. num. 3.

<sup>3</sup> Girol. Zurita lib. 4. Chron Arag, cap. 66.

<sup>4</sup> Guicc, lib. 7. Ist. Ital.

<sup>5</sup> Toppi tom. 2. de Orig. Triō. pag. 167, & 168.



*GIOVAN Battista Crispo*, who wrote his Life with great Exactness, by the Testimonies which he relates of *Banerio Gualana* and *Costanza*, makes him to die in *Naples*, and *Eugenio* writes the same<sup>1</sup>. But their Authorities must yield to that of *Gregorio Rosso*, a cotemporary Writer, who, in two Places of his Journals<sup>2</sup>, making mention of the Death of this famous Poet, says, that he died in *Rome* in the Month of *August*, without seeing *Naples* any more, a little after the Death of the Prince of *Orange*, with which he was so well pleased, that, a little before he died, he did not fail to say, that *Mars* had revenged the Muses, alluding to the Tower of *Mergogliano*, demolish'd by order of that Prince; and that his Body was brought to *Naples*, and bury'd in his own Church of *Mergogliano*, in the following Month of *September* of that Year, which was 1530.

THE Year is also made clear by this Writer, with whom the Inscription upon his Tomb agrees, in which there is no Error, as *Crispo* and *Eugenio* believ'd; for having been born in 1458, and all agreeing with *Jovius*, that he died at seventy two Years of Age, his Death falls out exactly in the Year 1530. The Death of the Prince of *Orange*, which happen'd on the third of *August* the said Year, confirms the same, it having been a little before that of *Sannazaro*<sup>3</sup>.

*FRANCESCO Poderico*, his Cotemporary and faithful Friend, was likewise famous for Learning in those Times. He was a Gentleman of the same *Seggio*, and also of the Academy of *Pontanus*; though he was blind, not being born so, he was a Man of exquisite Judgment, inasmuch, that while *Sannazaro* was wholly intent upon making his Poem *De Partu Virginis*, he did not fail to go and wait upon him every Day, and confer with him about those Verses, in which *Poderico* was so great a Critick, that *Sannazaro*, in order to pick out one Verse to the liking of such delicate Ears, very often recited ten, all of the same Meaning, and thus, for the Space of twenty Years, following the same Method, he at last accomplish'd that Work<sup>4</sup>. *Pontanus* had so great a value for him, that he dedicated to him his fourth Book *De Rebus Cœlestibus*; he always made honourable mention of him in his Works, and in the first Book of his monumental Inscriptions, we read also that of *Poderico*. *Pietro Summonte* had also a very great Regard for him, and in one of his Epistles he extols him to the Sky, dedicating to him the Dialogue of *Pontanus*, intitled, *Altius*.

TO these two famous Men is owing the celebrated *Costanzo's* History of *Naples*, who confesses, that he was encouraged to write it by *Sannazaro* and *Poderico*, who, though he had lost his bodily Sight, was very sharp sighted in judging of ingenious Works, and of the Affairs of the World. These two good old Men, says he<sup>5</sup>, who, in the Year of our Lord 1527. had come to *Somma*, where I was, shunning the Plague, which was then raging in *Naples*; having seen so many Errors in the Abridgment of *Collenuccio*, which had been just publish'd, exhorted me to take Truth under my Protection, and to Persuasions added Assistance, for they not only gave me many ancient Manuscripts, but likewise great Light, whereby I might be able to find out others: And certainly, says he, if they had not both died about three Years after, my History would have been more copious and elegant, because I should have had more time to polish it by the Conversation of so judicious and learned Men.

AT the same Time flourish'd also the so often mention'd *Pietro Summonte*, a most learned Man, as may be seen by his Epistles; and to whom we owe the Editions of the Works of *Pontanus*, and of the *Arcadia* of *Sannazaro*, by whom in their Poems, and by *Ambrosio Leone*, surnamed the Learned<sup>6</sup>, he is highly commended. The famous *Tristano Caracciolo*, of whom *Sannazaro* sung thus:

*But like the Sun when darting purest Light  
Amongst them all appears Carocciol bright,  
And when his Flute or Cittern glads the Plains,  
Arcadia pleas'd, applauds th' unequal'd Strains.*

*Cariteo*, a famous Poet of those Times<sup>7</sup>, highly commended in the Poems of

<sup>1</sup> Eugen. Nap. Sacr.

<sup>2</sup> Rosso Giorn. pag. 17, & 79.

<sup>3</sup> Nicodem. Addiz. ad Bibliot. Toppi.

<sup>4</sup> Crisp. nella vita del Sannazaro. Nicod. Addiz. a

Toppi.

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<sup>5</sup> Costanzo nel Proem.

<sup>6</sup> Nicod. in Addiz. &c.

<sup>7</sup> Idem ibid.

*Pontanus* and *Sannazaro*: *Ambrogio di Leone* of *Nola*: *Vir*, as *Vossius* writes of him<sup>1</sup>, *Latinè, Græceque doctissimus, Philosophus idem, ac Medicus insignis*. *Erasmus* had a great Friendship for him, as may be seen by their mutual Letters; and he had such a value for him, that he even begg'd to be mention'd in his Works, of which *Nicodemo* made a long and exact Catalogue<sup>2</sup>. The famous *Alexander ab Alexandro*, upon whose Work *De Diebus Genialibus* three renown'd French Writers employ'd their Talents, to wit, *Tiraquellus*, *Colerus*, and that able Lawyer *Dionysius Gothofredus*. He was brought up in *Naples* and *Rome* amongst the learned Men of those Times, and in *Pontanus's* Academy: He was conversant with *Franciscus Philelphus*, *Georgius Trapezantius*, *Bartholomæus Platina*, *Joannes Pontanus*, *Theodorus Gaza*, *Nicholas Perotti*, *Dominicus Calderinus*, *Hermolaus Barbarus*, *Paulus Cortesius*, and *Raphael Volteranus*. He gave attention to the Lectures of some of them in *Rome*, and liv'd most familiarly with others, so that he became learned himself: While a Youth he was instructed by *Philelphus*; when old he explain'd in that University *Cicero's Tuscan Questions*: He likewise attended there to the Lectures of *Perotti* and *Calderinus*, who explain'd *Martial*. He was by Profession an Advocate, and in our Tribunals, and in those of *Rome*, exercised that Employment. Then leaving the Bar he applied himself to less severe Studies, and was wholly intent upon the *Belles Lettres*. There are some who tax him with Ingratitude, that having compos'd his *Dies Geniales*, in Imitation of the *Noctes Atticæ* of *Au. Gellius*, and the *Saturnalia* of *Macrobius*, and having purloin'd all that he wrote there from several Authors, he did not think fit to own the Plagiarism but pass'd the Work upon the World as the Production of his own Brain.

THERE flourish'd likewise about those very Times *Pietro Gravina*, a very famous Poet, *Girolamo Carbone*, *Girolamo Massiano*, and *Giuniano Majo*, a celebrated Grammarian, and Master to *Sannazaro*, and a great many other learned Men: So that the Academy of *Pontanus* was by Writers compar'd to the *Trojan Horse*, out of which came so many brave Warriors.

BUT why do I forget the famous *Andrea Matteo Acquaviva*, Duke of *Atri* and *Terano*, renown'd not only for his Skill in military Affairs, but also for his great Learning? After his Example all his Posterity, and the long Series of the Dukes of *Atri*, have constantly delighted in the like Virtues, and been Encouragers of learned Men and Learning, whereby this Family has made itself not only eminent above all the other Families of the Kingdom, but is highly commended by all our Writers. From the very beginning of this restoring of Learning in *Italy* and *Naples*, this Duke was, as *Pontanus* writes of him<sup>3</sup>, *Principem virum, & in mediis philosophantem belli ardoribus, & Philosophorum inter libros, naturæque ratiocinationes tractantem Ducum artes, muneraque Imperatoria, utrumque cum dignitate, neutrum sine suo, & decore, & laude*. And how great a value this Writer had for him may be seen by the many Encomiums he gives him, which are interspersed in his Works, and by his dedicating to him the two Books *De Magnanimitate*, and the first, *De Rebus Cælestibus*. All the learned Men of *Pontanus's* Academy in those times did him extreme Honour: *Pietro Summonte* treated him in the same manner as *Pontanus* had done, extolling him, and dedicating his Works to him: The Books of *Sannazaro's Epigrams*<sup>4</sup> are full of his Praises. *Alexander ab Alexandro* dedicated to him his Book *De Diebus Genialibus*. *Minturnus* in his Book of *Epigrams*, *Jovius*<sup>5</sup> in that of his *Panegyrics*, and many others related by *Nicodemo*<sup>6</sup>, never cease praising him. We have still remaining of this Hero his Commentaries and the four Books of Moral Disputations, which being first printed in *Naples* in 1526. were afterwards reprinted in *Germany* in 1609. *Toppi* likewise testifies, that this Book was also found in a Vellum MS. in the Librarty of the *Augustine* Monks of *S. John a Carbonara*, but we know not if after the Pillage, which that Convent underwent, it be now left amongst those poor Remains.

THE Knowledge of the best Languages, and of all the liberal Sciences, has been continued by an uninterrupted Succession in his Posterity. *Gio. Antonio Acquaviva*, his Son, according to *Atanagio*, was a very learned and good Man. *Giovan Girolamo*, his Grandchild, in the Opinion of the same Writer, was a great

<sup>1</sup> Voss. de Histor. Latin.

<sup>2</sup> Nicod. Add. ad Biblioth. Toppi. Pont. de Magnanimitate.

<sup>4</sup> Sanaz. Epigram. lib. 2.

<sup>5</sup> Jov. Elog. fol. 152.

<sup>6</sup> Toppi Biblioth. Nicod. Add.

Master of Poetry, and all the liberal Arts; to whom he therefore dedicated the Poems of *Bernardino Rota*. And lastly, *Gioſta Acquaviva XIV.* Duke of *Attri*, emulating the paternal Virtues, was moſt famous both for the Art of War and Learning, and was ſo great a Favourer of learned Men, that he choſe for the Director of his Studies the incomparable Profeſſor *Domenico Auliſio*, the Ornament of our Univerſity, and its greateſt Glory, who had ſuch an Esteem for him, that he dedicated to him his Book, intitled; *La Sfinge, or L'Interprete dell' Affrica occidentale con le ſue Iſole*, which is preſerv'd with us in MS.



## C H A P. IV.

*The State of our Jurisprudence in theſe laſt Years of the Reign of the Aragonion Kings; and the Laws eſtabliſhed by Ferdinand.*

**S**O much was human Learning raiſed in the End of this Century, and ſuch was the Number of learned Men who then flouriſhed; but though our Jurisprudence, by the Favours and Laws of *Ferdinand*, had, in thoſe times, begun to be on the Mending-hand, yet it did not make that Progreſs, as, in the following Books of this Hiſtory, we ſhall find it did in the ſubſequent Century: Hitherto the Profeſſors of Law, the Canoniſts, and Divines kept pace with one another. The other Sciences, as we have ſeen, were all reformed, and brought to Perfection: to wit, the Languages, Grammar, Poetry, Oratory, Hiſtory, Politicks, and in a great meaſure, Philoſophy and Phyſick. But the Diſputes that aroſe between the Profeſſors of theſe Sciences and the Doctōrs of Law and Divinity, made theſe laſt obſtinately follow the Tradition and Style of their Schools and Tribunals, preferring the profitable to the pleaſant. The Doctōrs of Law and Divines look'd upon theſe new learned Men, whom they call *Humaniſts*, ſuch as Grammarians, Rhetoricians, and Poets, to be trifling Fellows, who buſied themſelves about childiſh Things and vain Curioſities. On the other hand, the *Humaniſts*, charm'd with the Beauty of the antient Authors, and admiring their Inventions, deſpiſed the generality of the Doctōrs, who follow'd the Tradition of the Schools, neglecting a polite Style, in order to mind Things, and to ſpeak in the proper Language of the Schools<sup>r</sup>. They gain'd a great Reputation, both becauſe they wrote in a pure Style, and becauſe, from the reading of the antient Authors, they had learnt how to gain the Applauſe of every Body. Although theſe Endeavours of the *Humaniſts* made but ſmall Impreſſion upon the Lawyers and Divines in this Century, yet in the following they had prodigious Effects; for in the beginning thereof they began to ſtudy the Pandects, and the other Books of *Juſtinian*, after a different Method, from what had been formerly practiſed, to wit, with the help of the Languages, and the *Roman* Hiſtory. They began to explain the Laws after a different Manner, and to write Commentaries upon them in better Language, and to find out the true Senſe of them; and the firſt that broke the Ice in *Italy* was *Andrea Alciato*, Profeſſor of the Law in the Univerſity of *Milan*. From *Italy* this new Method paſſed into *France*, where *Gulielmus Budæus* and *Carolus Molinaeus* were the firſt that employ'd their Parts about it; but it cannot be deny'd, that, in proceſs of Time, the *French* out-did the Profeſſors of *Italy* in it, for ſo

<sup>r</sup> V. Pallavic. Arte dello Stile.

many notable Lawyers shin'd there, amongst the rest the incomparable *Cujacius*, that they obscured the Fame of all others.

THE *Lutheran* Heresy, which shortly after gain'd Ground, occasion'd the like Change in Divinity<sup>s</sup>. He pretended to reform both the Method and Study of Religion. *Melancthon*, his faithful Disciple, imploy'd all his Learning and Parts in that Reformation; hence the pretended Reformers apply'd themselves with great Ardor to study the *Belles Lettres*, finding that Eloquence, and the Reputation of great Erudition gain'd many over to their Opinions: They consider'd these Studies, as necessary Means for reforming the Church; and making themselves to be admired by the Ignorant, they easily made them believe, that the Catholick Divines knew no more of Religion, than of the *Belles Lettres*: Therefore they obliged the Catholicks to apply themselves to these Studies, in order to fight them with their own Weapons: For which end they applied themselves to the Study of the original Languages, and the best Editions of the antient Authors: Therefore the *Greek* and *Latin* Fathers, very little understood in the preceding Centuries, began again to be studied; as also the Ecclesiastical History, the Councils, and the antient Canons, tracing Tradition to its very Fountain, and deducing Doctrine from its own proper Source; and the literal Sense of the Scriptures was narrowly search'd into by the Help of the Languages and Criticism.

BUT in the following sixteenth Century all these Advantages were made use of, not only in the Study of the Laws and Canons, but in that of Divinity. In the Reigns of *Ferdinand* and his Sons, by the help of the *Belles Lettres* the Jurisprudence was restored to some Lustre; but in these Beginnings it was not brought to great Perfection, though the Professors of our University, who were the best of thoe times, were at a great deal of Pains about it. But though the Jurisprudence was not restored to its ancient Splendor, the Wisdom of this Prince, the Skill of his Secretaries in the Languages, and the Learning of our Professors, who began to imploy their Talents in these Studies, more than they had done in the preceding Centuries, produced Laws both prudent, and written in a polite Style. The *Roman* Law had got footing not only in the Academies, but in the Courts of Justice, whence it came that the *Longobard* Law was quite forgot.

OF our own Country Laws, those of *Ferdinand*, who was a most judicious and learned Prince, and who adorn'd his Chancery with Men of exquisite Learning, were the most prudent and polite. They were drawn up by the Advice of the ablest Lawyers, to wit, *Luca Tozzolo*, *Antonio d' Alessandro*, *Paris de Puteo*, and *Angelo Arcamone*, and, for the most Part, penn'd in *Latin* by *Antonello Petrucci* and *Johannes Pontanus*, who, as we have said, were Men of great Learning in those Times.

THE Laws of our *Norman* and *Suevian* Kings were call'd *Constitutions*: Those of the *Anjouvan* Princes, after the Custom of *France*, *Statutes*: Those of the *Aragonian* and *Austrian* Kings were call'd *Pragmaticks*, of these many Collections were made, as from time to time shall be taken Notice of.

WE have seen how few King *Alphonsus* establish'd; we shall likewise see how few *Ferdinand* II. and *Frederick* made in their short and troublesome Reigns: But of all the *Aragonian* Kings *Ferdinand* I. left us the most, the wisest, and politest Laws.

IN the first Years of his Reign were establish'd those, which we read inserted in the *Pragmaticks*, under the Title *De Offic. S. R. C.* excepting the second, which, as we have observ'd in the preceding Books, is falsely attributed to *Ferdinand*, because *Alphonsus* was the Founder of that High Tribunal: the 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37, *Pragmaticks* were establish'd by this Prince, and bear his Name in their Frontispieces; wherein many Regulations are set down concerning the Administration and Government of the Sacred Council, the Number and Quality both of the greater and lesser Officers, of which it is composed, the Method of appointing the Judges, and all other Things relating to the reforming and prudent Management of that Tribunal.

ON the ninth of *October* 1462. he put forth one, whereby the Officials were allow'd to proceed *ex Officio* in Crimes, though there were no Complaint made by the Party offended, revoking the Privilege given to some Corporations of the Kingdom, which for that end was placed in the third Tome of the *Pragmaticks*, under the Title *De Privilegiis Universitatibus concessis*.

IN 1466. he publish'd two, one dated the twenty third of *July*, which we read under the Title *De Baronibus*<sup>1</sup>, whereby the Barons were prohibited to demand Subsidies from their Vassals, excepting in such Cases as are allow'd by the Laws and Constitutions, and to hinder them to sell their Goods, as they thought fit; the other, dated the fifteenth of *August*, under the same Title, whereby the former is confirm'd under severe Penalties.

ON the nineteenth of *November* 1467. another was put forth, directed to *Renzo d'Afflicto*, Commissary of the further *Principato* and *Capitanata*, wherein is prescribed the Method of valuing or appraising every Man's Goods, in order thereby to regulate the Exchequer Payments: We find it under the Title, *De Appretio, seu bonorum estimatione*.

ON the second of *November* 1468. he publish'd another, whereby he ordained, that Criminals should be sent to their competent Judges, and that none should dare to give them Shelter or Maintenance<sup>2</sup>.

IN 1469. other six were publish'd, the first on the twenty seventh of *March*, the second on the twenty fifth of *May*, whereby the Officers are forbid to receive Gifts or Entertainments; and the Dues of the Clerks, and other inferior Officers are prescribed, and a Book of Rates is made<sup>3</sup>; three other in the same Month of *May*, and the sixth in *June* following.

IN the Months of *March*, *April*, and *October* 1470. three others were publish'd; and another in *June* 1471.

ON the thirteenth of *September* 1472. another was establish'd, whereby *Bernardo Striverio*, the Attorney General, was appointed to be Inquisitor General of the Kingdom against Usurers and others guilty of heinous Offences, which, in the modern Editions, we read under the Title, *De Usurariis*, but very incorrect as to the Date, which is made to be the ninth of *October* 1462. whereas, according to the ancient Editions, it was publish'd in the fifteenth Year of his Reign, thus: *Dat. 13 Septembris 1472. Regnor. Nostro. A. 15.*

IN *March* and *April* 1473. two others, and in *March* 1474. another.

AFTERWARDS in the Year 1477. were establish'd the great Number of Laws concerning the Manner of judicial Proceedings, of which we have made mention elsewhere; and in the following Years 1479, 80, 81, 82, 83, 84, 86, 87, 88, 90, to 1492, many others were publish'd by this Prince, which may be readily found, according to the order of Time, in the Chronology of these Laws, prefixt to the first Tome of our Pragmaticks, according to the last Edition of 1715.

IN the following Century, these Pragmaticks of *Ferdinand* were collected into one Volume, with some others of *Ferdinand* the Catholick and *Charles V.* and printed in 1558. Afterwards being join'd to the Constitutions, Usages, and Statutes of the Kingdom, they were Re-printed at *Venice* in 1590. In that Century many of our Professors employ'd their Parts upon them, some in making Notes, some in writing large Commentaries, and others in particular Treatises. *Annibale Troisio* of *Cava* wrote Commentaries upon all those that were publish'd in 1477. *Giovannangelo Pisanello*, *Marcantonio Polverino*, and *Giacomo de Bottis*, made large Notes upon them. *Orazio Barbato* wrote a Treatise upon the Pragmatick *Assistentiam*. *Gio. Barnardino Moscatello* of *Lucera* wrote his Treatise of the Practice of our Tribunals, which is now Re-printed, with the Additions of the Counsellor *Prato*, upon these Laws of *Ferdinand*, publish'd in the same Year 1477. Others wrote Treatises upon the Pragmatick, *Odia inter conjunctos*, and the sundry Disputes about Compromises. So that the Laws of this Prince were look'd upon to have been penn'd with great Judgment and Learning not only in those Times, but in the following Centuries.

<sup>1</sup> Pragm. 1. & 2. *De Baronibus*.

<sup>2</sup> Pragm. 1. *Ubi de delicto, quis conven. deb.*

<sup>3</sup> Pragm. 4. & 5. *De Aëuar.*



## C H A P. V.

*Of the Lawyers who flourish'd in those Times.*



**A**FTER *Luca di Penna* and *Sebastiano Napodano*, our Professors had in a Manner left off Writing, and our Jurisprudence was upon the declining Hand; but in the Reign of *Ferdinand* and his Sons, there were found some excellent Laywers, of whom we must here make mention.

THERE appear'd *Paris de Puteo*, who being born in *Pimonte*, in the Dutchy of *Amalfi*, two Miles distant from *Castel a Mare*, came young to *Naples*, where he studied the Law in our Univerfity. Not content with our Professors, he made a Tour through all the Univerfities of *Italy*, where he attended the Lectures of the most famous Doctors of those Times. He was in *Rome*, *Pavia*, *Milan*, *Florence*, *Bologna*, *Perugia*, and the other most renown'd Cities; and he had for Masters, as he himself declares<sup>1</sup>, *Andrea Barbatia*, *Angelo Aretino*, *Alessandro de Tartagnis* of *Immola*, and *Antonio de Pratorveteri* of *Bologna*. Being returned to *Naples*, on Account of his great Learning, King *Alphonsus*, a great Favourer of learned Men, carefs'd him much, and made him his Counsellor. Afterwards, *Ferdinand*, his Son, Duke of *Calabria*, being grown up to Man's Estate, he appointed him to be his Preceptor, and to teach him not only the *Belles Lettres*, but the Law and the other Sciences<sup>2</sup>. *Ferdinand* was his Scholar for many Years, from whom he learned the Civil Law, and the other Sciences<sup>3</sup>. *Paris* was not only an excellent Lawyer, but versed (according to the Times) in the sacred Writings and those of the Fathers, and in the Works of *Aristotle*; and, according to the Custom of those Times, he was skill'd in Astrology. He was a pretty good Historian, and had apply'd himself much to the Study of the Books of *Titus Livius*. He was therefore in great Favour with the Duke of *Calabria*, and when *Alphonsus* went from *Naples* upon the Expedition against *Tuscany*, *Ferdinand*, his Son, being appointed Lieutenant of the Kingdom, made *Paris* his Auditor General of all the Kingdom, which Office he exercis'd for two Years, that the King was absent, with univerfal Applause.

*ALPHONSUS* dying in 1458. *Ferdinand*, who succeeded him, rais'd *Paris* to the greatest Honours and Dignities; he made him Inquisitor General of all the Kingdom against all heinous Offenders: In 1459. he created him a Counsellor, and during all his Reign he took his Advice, as well in enacting Laws, as in all the other weighty Affairs of his Crown. In those Times the pleading of Causes not being reputed derogatory to the Honour of the King's Ministers, no more than it was for them to be Professors of Sciences, *Paris* likewise exercis'd the Office of an Advocate, in which he succeeded to Admiration; and as being a great Lawyer, and greatly skill'd in the Feudal Law, all the Causes of the chief Nobility of the Kingdom were defended by him, so that he acquir'd great Riches. But what above all made him the Umpire of the most powerful Lords, not only of *Naples*, but of many Cities of *Italy*, was, that in those Times the Custom of Duelling, introduced by the *Longobards*, being much in Vogue in *Italy*, there was not a Point of Chivalry, which was to be decided that way, but *Paris* was consulted in it,

<sup>1</sup> Paris de Puteo, De reint. feud in cap. Vulgaris qu. num. 11. & in cap. post hæc seq. num. 5.

<sup>2</sup> Paris Tract. de Synd. in Præfat.

<sup>3</sup> Afflict. in Constit. hac Lege, sub tit. ut post conclus. num. 4.

as the best acquainted with those Matters. Not only our own, but the most distant Princes came to him, whence he took Occasion to compose a Treatise *De Duello*, which he wrote first in *Latin*, and afterwards translated into *Italian*. Being loaded with so many Honours and Dignities, and above eighty Years of Age, in 1493. he died in *Naples*, a little before King *Ferdinand*, and was buried in *S. Augustine's Church*.

HE was the first that renew'd the Custom, left off for many Years, of favouring the Publick with Writing, so that others, moved by his Example, left so many famous Volumes of their Works upon the Laws. He wrote a Book *De Syndicatu Officialium*, a Work which gain'd great Authority in the Courts of Justice, insomuch, that the Counsellor *Matteo d'Affitto*<sup>1</sup> does not neglect to commend it in his Writings. It was the first Book that was printed in King *Ferdinand's* Time; but it being not altogether complete, the Author finish'd and corrected it, and sent it a-new to the Press. It was afterwards reprinted in *Venice* and *Lyons*, and is now to be found among the Volumes of the Law-Treatises.

HE also wrote a Book *De Reintegratione Feudorum, de finibus, & modo decidendi quæstiones confinium, territoriorum, &c.* which was first printed in *Naples*, and afterwards in *Francfort*. A Work also much commended by our Writers, though *Carolus Molinæus* wish'd it had been digested into better Order, it appearing to him to be very confused.

HE wrote another Book, *De Reassumptione Instrumentorum*; and some have believed, that that Treatise *De Liquidatione, & Presentatione Instrumentorum*, which was printed in *Venice* in the Year 1590. was likewise a Work of his, but others doubt of its being Authentick.

HE also compos'd sundry *Allegations* about the Collections before *Lusa di Penna's* Time, of which *Antonio Capece* makes mention, but these have not reach'd our Age; nor some others of his Works upon some Titles of the Pandects, *De in integrum restit. De eo, quod met. causa. De dolo malo, & de receptis arbitris.*

THE Book *De Re Militari, or De singuli certamine*, was dedicated by him to the Emperor *Frederick III.* *Matteo d'Affitto* says<sup>2</sup>, that what occasion'd his writing it, was a small Treatise *De Duello*, written long before by *Goffredus*, an ancient Doctor of the Law. This Book was first printed in *Milan* in the Year 1515. and we now find it among his other Treatises. He himself, as we have said, translated it into *Italian*, which was afterwards printed in *Naples* in 1518.

LASTLY, He wrote another Book *De Ludo*, of which *Affitto* takes notice, and commends it, and we have it printed among the rest of his Works.

AS it was disputed of what Country *Pietro delle Vigne* and *Luca di Penna* were, so the native Country of *Paris* was call'd in question. *Giulio Clara* of *Alessandro*, in the Dutchy of *Milan*, will have him to be of *Alessandria*. But as *Toppi* did us Justice in that point, with respect to *Luca di Penna*, so he demonstrated that *Paris* was ours likewise, as has been constantly affirm'd, not only by our own, but by foreign Writers, such as *Molinæus*, who calls him *Doctor Neapolitanus*, as he also calls *Luca di Penna Parthenopæus*.

ABOUT the same time flourish'd likewise *Antonio d'Alessandro*, a *Neapolitan* Knight, and a renown'd Lawyer. From his Youth he apply'd himself to the Study of the Laws in the Universities of *Naples*: Not well pleas'd with our Professors, he went in search of better in the other Universities of *Italy*. He went to *Ferrara* and *Sienna*, where he attended the Lectures of *Francesco Aretino*, a famous Lawyer of those Times, under whom he made wonderful Progress, and he was also, according to *Matteo d'Affitto*, Scholar to *Alessandro d'Immola*. He took his Degree of Doctor in *Bologna*, and then return'd to *Naples*. He was no sooner arriv'd, than *Ferdinand* invited him to read Law in our University, where he taught for many Years with so great Applause, that Scholars flock'd to him from the most remote Parts. He was of a sharp and great Wit, a plain, easy, and copious Expounder of the Laws; so that a vast Number of Lawyers were educated in his School, as well as in the Academy of *Pontanus*.

AT the same Time that he taught in the Chair, he likewise pleaded at the Bar, where he became a famous Advocate, and he was no less learned than eloquent: He defended the Causes of the principal Barons, and acquired a great Re-

<sup>1</sup> Idem, *Constit. Volumus, tit. quanto tempore,* | <sup>2</sup> *Affit. in §. si quis alium, num. 5. de pace tamen-*

putation, not only by pleading, but writing. He wrote a learned Answer in the Feodal Cause of *Antonia Tommacella*, which we now read amongst the Consultations of *Alessandro d'Immola*<sup>1</sup>, after those of *Sigismondo Loffredo*<sup>2</sup>; and by his Prudence, Learning, Knowledge of History, and grave Deportment he acquir'd King *Ferdinand's* utmost Favour and Esteem: he was therefore employ'd by him in his most important Affairs. In 1458. he sent him to *Rome*, as his Ambassador, to Pope *Pius II.* in order to get the Investiture of the Kingdom from that Pope: He surmounted the Obstacles which the Duke of *Anjou* had thrown in his way, and at last grew into so great Favour with the Pope, and the College of Cardinals, that he dictated the Bull of Investiture. He managed the Affairs of State with great Dexterity, Ease, and Prudence, insomuch that *Ferdinand* sent him Ambassador twice to *Spain*, to *John King of Aragon*, his Uncle, with whom he negotiated the Marriage between the King and *Joan*, his Daughter. He likewise sent him twice his Ambassador to the King of *France*, and as oft to *Innocent VIII.* and *Alexander VI.* Pope *Pius's* Successors, in which Embassies he behaved himself with so much Prudence and Address, that they had all happy Issues. Therefore he was by *Ferdinand* raised to the greatest Honours: Besides having dubb'd him a Knight, he made him President of the Royal Chamber; afterwards, in 1465. a Counsellor, and in 1480. Vice-protonotary and President of the Sacred Council, in which Tribunal he presided not only during *Ferdinand's* Life, but was continued in that Post by *Alphonsus II.* his Successor, by *Ferdinand II.* yea, by *Charles VIII.* and by *Frederick* the last King, in whose Reign, being now very old, he died in *Naples* on the twentieth sixth of *October* 1499. Pompous Obsequies were perform'd to him in the Church of *Monte Oliveto*, where *Francesco Puccio*, a *Florentine*, pronounced his Funeral Oration, in Presence of *Ferdinand of Aragon*, Duke of *Calabria*, and where he now lies buried.

THIS renown'd Doctor left us many Monuments of his Learning. The learn'd *Commentaries*, made upon those Laws, which he explain'd in the University, of which but few were printed. Those, that were printed, are the *Commentaries* upon the second Book of the Code, which bear this Title: *Reportata Clarissimi U. J. Interpretis Domini Antonii de Alexandro super II. Codicis in florenti; studio Parthenopeo sub aureo seculo, & augusta pace Ferdinandi, Siciliae, Hierusalem, & Ungariae Regis invictissimi.* The Book was printed in *Naples* in 1474. in the Printing-house of *Sixtus Reiffinger*, the German, who was the first, as has been said, that introduc'd the Art of Printing into this City.

*NICCOLO Toppi*<sup>3</sup> declares, that he had seen the other *Commentaries* upon the other Laws, in Manuscript, in some Libraries, and that he had observed several Volumes of them in that of the Counsellor *Felice di Genaro*. Some others upon the *Infortiatum*, and the *Jus Novum* in that of the President of the Royal Chamber *Lincenzo Corcione*. Others upon the *Jus Vetus* in that of the Counsellor *Orestio Pepe*. Some *Lectures* upon the second of the *Jus Vetus*, on Parchment, in the Custody of Doctor *Gio. Battista Sabatino*. *Gio. Luca Lombardo* had likewise a Book intitled: *Recollectæ D. Antonii de Alexandro in tit. soluto Matrimonio. De liberis, & posthumis; & de vulgari, & pupillari, &c. collectæ per Franciscum Miroballum ejus scholarem, dum idem Antonius in Neapolitano Gymnasio, anno 1460. publico Regio stipendio conductus, legeret, concurrens Domini Andreae Maricondæ in lectione extraordinaria.* *Toppi* himself affirms, that he had also in his Custody some Notes in Manuscript, made by this Lawyer upon the Works of *Bartolus*.

WE have at present some Notes made by him upon the Gloss of *Napodanus: Grammaticus*<sup>4</sup> quotes the Additions, which he made to *Bartolus* and *Baldus*: And both he and *Ant. Capece*<sup>5</sup> quote the other Additions, which this Lawyer made to *Andrea d'Isernia* upon the Constitutions of the Kingdom; and we still see these Additions to the Constitutions, printed with the Glosses and Commentaries of *Napodanus*, for which see the Epistle of *Camillus Salernitanus* upon the Usages of *Naples*.

THERE flourish'd at the same time another famous Lawyer, to wit, *Giovann Antonio Caraffa*, celebrated for his Knowledge both of the Civil and Canon

<sup>3</sup> Alex. conf. 28. lib. 5.

<sup>2</sup> Loffr. conf. 52.

<sup>3</sup> Toppi de Orig. Trib. par. 2. lib. 3. cap. 1. num. 14.

<sup>4</sup> Gram. quef. 1. post decis. num. 4. & in addit.

& decis. 68. Aff. de decis. 88. n. m. 5.

<sup>5</sup> Ant. Capece repet. cap. Imper.

<sup>6</sup> Camil. Salern. in Epist. in Consuet. Neap.



Laws. He was in great Favour with King *Alphonfus*, and yet in greater with *Ferdinand*, his Son, who made him a Counsellor. He was Professor in our University both of the Civil and Canon Laws; and at last in 1463. he was raised to the Post of President of the Sacred Council. We have many Works of this celebrated Doctor remaining. A Treatise *De Simonia*, printed in *Rome*; another *De Ambitu*, quoted by *M. d'Affitto*<sup>1</sup>, upon the Constitutions and Decisions; and one *De Jubileo*. He likewise wrote some *Prelections* upon the Code, quoted by *Affitto*. *Laurentius Valla* made this Panegyrick upon him: *Jobannes Antonius Caraffa, Jureconsultus pari Nobilitate, & Scientia proximus, Princeps Jureconsultorum*. He died suddenly in *Naples* on the twenty fifth of *December* 1486. and, according to *Giuliano Passaro* in his Journals, was buried in the Cathedral.

*LUCA Tozzolo*, a *Roman*, being banish'd his native Country, came to *Naples*, and ended his Days here. On account of his great Erudition and Knowledge of the Laws he was honourably received by *Ferdinand*. He had been a Scholar under *Giovanni Petrucci* of *Monte Sperello*, a famous Lawyer in his Time: In 1466. he was made a Counsellor, and at the same Time taught the Laws in the University of *Naples*: In 1468. he was raised to the Honour of Vice-protonotary, and for some Time presided in the Sacred Council.

*ANDREA Mariconda*, of the *Seggio* of *Capuana*, also flourish'd at the same Time, and acquired the Character of a famous Lawyer. From his Youth he apply'd himself to the Study of the Laws, and on the fifteenth of *October* 1460. took the Degree of Doctor in *Naples*. He became a renown'd Advocate in the Courts of Justice, and in 1461. he was made a Counsellor by *Queen Isabel*, then Regent in the Absence of the King her Husband. He was afterwards made President of the Royal Chamber, and Auditor of the High Court of the Mint by *Ferdinand*, and in 1477. a Counsellor: He was also famous in our University, where in 1466. he taught the Laws together with *Antonio d'Alessandro*. We find some of his Lectures, in MS. upon the *Infortiatum & Jus Novum*. He was for a long time a Counsellor, and, in the Absence of *Antonio d'Alessandro*, he often exercised the Office of Vice-protonotary in his Room. Afterwards, by reason of his great Age, he was discharged, and allow'd the half of his Salary as long as he liv'd. He died in *Naples* about the Year 1508. and left *Diomede* and *Niccolo*, his Sons, both learned and grave Lawyers.

THERE likewise flourish'd *Antonio dell' Amatrice*, a famous Canonist, and Professor of the Canon Law in 1478. in our University. *Antonio di Battimo*, a *Neapolitan*, also an eminent Doctor both of the Civil and Canon Laws. In 1475. he wrote a Volume, which *Toppi*<sup>3</sup> had seen in MS. with this Title: *Reportata, & tradita par D. Antonium de Battimo Parthenopæum U. J. D. A. D. 1475. Lallo di Tuscia*, a *Neapolitan*, of whom we have some Notes upon our Constitutions of the Kingdom. *Stefano di Gaeta*, likewise a *Neapolitan*, a famous Canonist, flourish'd in the Reign of *Ferdinand*, and in 1470. wrote a Treatise, which was very much esteem'd, *De Sacramentis*, and dedicated it to *Giovan Battista Bentivoglio*, Counsellor to King *Ferdinand*, and it is highly commended by the Abbot *Tritemius*<sup>4</sup>.

ABOUT the end of this Century, to pass over others of obscure Fame, flourish'd *Antonio di Gennara*, of the *Seggio* of *Porto*, a celebrated Lawyer: He was the Son of *Masetto* and *Giovannella d'Alessandro*, the Sister of the famous *Antonio*: He made wonderful Progress in the Study of the Law, insomuch that in the University of *Naples* he was reputed the ablest Professor of his Time. In 1481, King *Ferdinand* made him a Judge of the High Court, and shortly after his Counsellor. He was also employ'd by the King in the most weighty Affairs of State: In 1491. *Ferdinand* sent him Ambassador to the Duke of *Milan*, and the same Year, with the same Character, to King *Ferdinand* the Catholick and *Queen Isabella* his Wife, and in 1493, he was again sent to *Milan* and *Rome*. King *Ferdinand* being dead, *Alphonfus II.* his Successor, sent him the third time to the Duke of *Milan*. In 1495. King *Frederick* sent him a-new his Ambassador into *Spain* to the Catholick King, and afterwards to the Duke of *Milan*. *Ferdinand's* Progeny being extinct, in the Reign of *Ferdinand* the Catholick he was very

<sup>1</sup> Affit. in Constit. quampulurimum. Toppi tom. 2. pag. 146.

<sup>2</sup> Valla in Ant. dat. in Poggium. lib. 4.

<sup>3</sup> Toppi Biblioth.

<sup>4</sup> Tritem. de Scriptur. Eccl. Sac. 375. V. Nicod. ad Bibl. Toppi.

much in Favour with the Great-Captain, who, in 1503, made him Vice-protonotary and President of the Sacred Council, in which Offices he continued for a long time: Afterwards being full of Years, he laid down his Posts, and was content, that *Francesco Loffredo*, then a Counsellor, should exercise them, but upon Condition, that while he himself lived, he should not assume the Title of Vice-protonotary or President, but be satisfied with the exercise alone. At last, in 1522. he died in *Naples*, and was buried in the Church of *S. Peter*, the Martyr, where we may see his Statue, and read the Inscription on his Tomb.

LASTLY, the so much celebrated and renoun'd *Matteo degli Affitti*, that perpetual Ornament of our Sacred Court, brings up the Year; he, according to the Character, which the incomparable *Francesco d' Andrea* gives him, was *Omnium nostrorum quotquot ante, & post ipsum scripserunt, procul dubio doctissimus*. He was born in *Naples* about the Year 1443. but his Forefathers were of the City of *Scala*, as he himself testifies<sup>1</sup>. He had the Vanity to derive his Pedigree from the *Roman* Patricians and *S. Eustathius* the Martyr (as was said of *Sebastiano Napodano* and *Sannazaro*: The first deriving his Origin from *S. Sebastian*, and the second from *S. Nazareus*) therefore in the Invocation of the Saints, which he makes at the Beginning of his Works, amongst the rest he invokes *S. Eustathius*, his Kinsman. Therefore he could not forbear writing in the Commentaries upon the Constitutions of the Kingdom, that his Forefathers were *Romans*, who, in the decay of the Empire, came to live in the City of *Scala*, from whence they afterwards removed to *Naples*, where they were aggregated into the *Seggio* of *Nido*. However that may be, he apply'd himself in his Youth to the study of the Laws, in which he made great Proficiency, and in the Year 1468. took his Degree of Doctor in *Naples*. Then he pleaded at the Bar, and became a famous Advocate in the Courts of Justice: From the Tribunals he passed to the Chair, and in our University explain'd not only the Civil and Canon Laws, but also the Feodal and our Constitutions, in which he succeeded to admiration, and eclipsed all that had gone before him. He spent twenty Years in that Exercise with universal Applause. In the first Years he explain'd the Feodal Books and the Commentaries of *Andrea d' Isernia*, according to the order of the Titles: A Work truly great and new, which, neither before nor after him, none have ventured upon, and he brought it to a happy Conclusion. He began to write his *Feodal Commentaries* in 1475, in the thirty second Year of his Age, and finish'd them in 1480, as he himself witnesseth<sup>2</sup>: Which confutes the Error of those, who being misled by *Bartolommeo Camerario*<sup>3</sup>, who believed that *Affitto* made these Commentaries when he was old, and therefore had not well understood *Andrea d' Isernia's* Meaning; have inconsiderately written the same, thereby shewing that they had not carefully read his Commentaries, which would have undeceived them of that Mistake, and made them see, that the Work was written in his greatest Vigour, and that it was the most sublime and learned of all that ever had been written upon that Subject.

HE also interpreted the Laws of the Code, and the Books of the *Institutes*, and last of all, with unwearied Application, he explained the Constitutions of our Kingdom.

THE Fame of his Learning, his profound Skill in the Laws, and, according to the Times, his great Knowledge of the Holy Scriptures, of the Works of *S. Thomas*, and of *Nicholas de Lira*, made him exceeding famous. The Nobility of *Nido* admitted him into their *Seggio*: King *Ferdinand* I. and the Duke of *Calabria*, his Son, began to advance him to publick Employments; first, they pitch'd upon him to be Advocate for the Poor, but he would not accept of it, as he himself owns<sup>4</sup>: Afterwards, in 1489. King *Ferdinand* made him Judge of the High Court of the Vicariate: Then, in 1491, by the same King, he was made President of the Royal Chamber. As the Death of King *Ferdinand* put all the Kingdom into Disorder, so it not only lessen'd his Authority, but during the various Revolutions that follow'd, he was sadly oppress'd. His Merit was not rewarded by the succeeding Princes, as it deserved: Sometime he was re-

<sup>1</sup> Andreys Disp. feud. cap. 1. § 8. num. 42.

<sup>2</sup> Afflit. in Proemio sup. Feud. num. 6. & tit. de feud. dat. in vin. l. commif. lib. 1. tit. 22. num. 49. &c.

<sup>3</sup> Camerar. in Repetit. ad l. Imperialem.

<sup>4</sup> Afflit. in Constit. lege præfens. si, sub tit. de dand. edu. pup. num. 8.

moved to one Tribunal, sometimes to another, and under the Catholick King Fortune frown'd exceedingly upon him. In 1496. King *Ferdinand II.* made him a Counsellor, and he continued such till 1502, when he was again removed to the Royal Chamber. *Charles VIII.* turned him out, but afterwards restored him. In 1503. he was again admitted into the Council, where he sat till 1507. But afterwards, *Ferdinand* the Catholick was so much influenced by the Envy of his Rivals, who insinuating to his Majesty, that *Afflitto*, by Reason of his decrepit Age, was apt frequently to dote, that the King turned him out of the Council, and reduced him to lead a private Life; of which he makes a heavy Complaint in his Works. But in this Retirement from Business he did not leave off his Studies, and, though old, in a few Years completed his Commentaries upon the Constitutions, which having begun in 1510. he finish'd them in 1513. in the seventieth Year of his Age<sup>1</sup>.

HE was afterwards in 1512. again made Judge of the Vacariate, but for one Year only, so that that being ended, he return'd to his Studies, and to end his Days in Peace and Quiet. Whence it is, that in his Will, which he made on the twenty seventh of *September 1523*, a little before he died, he takes no other Title upon him but that of simple Doctor. And whence it likewise came, that having died this Year 1523, leaving in his Will, that his Body should be buried in the Church of *Monte Vergine: Diana Carmignana*, his second Wife, a most prudent Woman, in order to clear her Husband from the Stain, which his Enemies had thrown upon him, of his being delirious, in the Inscription which she caused to be engraved upon his Tomb, she order'd these Words to be inserted: *Ad extremam senectutem integra, & animi, & corporis valetudine pervenit.*

BY his first Wife *Ursina Carassa* he left *Marino*, his Son, who being ordain'd a Priest, was made a Canon of the Cathedral Church of *Naples*; and by *Diana Carmignana* several Children, who he appointed to be his Heirs, three of which, as has been said, he begat after he was past sixty Years of Age. He intailed the House, which he possess'd in the Quarter of *Nido*, and a Farm in the Village of *Centore* near *Aversa*, and upon Failure of all his Male Descendants, he appointed the College of Doctors *Utriusque Juris* of *Naples* (of which he was) to succeed, upon Condition that the Prior of it should convert the House into a College, where ten Students should be maintain'd and educated by the Rents of that Farm, the Election of whom he left to the Prior; and in Case the College of Doctors should happen to be abolish'd, he substituted that of the five Nobles of the *Seggio* of *Nido*, of whom the youngest was to have the same Charge as had been impos'd upon the Prior, of maintaining the College, and the ten Students, that nothing might be wanting for encouraging them to follow their Studies: The Observance of which he strenuously recommended: *Quia scit*, as the Words of the Will are, *quantum viri scientifici sint utiles Republicæ, & toti sæculo.*

SUCH were the Dispositions of the judicious and learned Men of these Times, upon failure of their Offspring, not to appoint Monasteries and Churches to enjoy their Estates; but to relieve the Poor, and promote the Arts and Sciences. His Posterity are still in being, who owe to this famous Doctor not only the Honour they enjoy as Nobles of the *Seggio* of *Nido*, but that they can value themselves upon being descended of so glorious an Ancestor, the Founder of their Family.

THE yet more illustrious Works, which he left us, are still remaining. As for his Commentaries upon Fiefs (though his Rivals *Sigismondo Loffredo* and *Camerario* had a different Opinion of them) the incomparable *FrancoESCO d'Andrea*<sup>2</sup> gives them this Character: *Inter omnes qui post Afflitum integra Commentaria in feuda edidere, parvi sunt, qui cum illo possint comparari; qui præferri certè nullus.* He had not the Pleasure in his Life-time to see his Works printed; excepting the *Decisions* and the *Commentaries upon the Constitutions*, all the rest were printed after his Death. Before he died, he had enter'd into an Agreement with *Niccolo Agnello Imperato*, a Printer in *Naples*, about the printing of them, and in his Will had allotted the Money arising from the Books for Portions to his Daughters; but Death broke his Measures. The Commentaries upon Fiefs were afterwards printed in *Venice* in 1543, and 1547. and then at different Times, and in different Places reprinted.

<sup>1</sup> Affl. in Proem. Constit.

<sup>2</sup> Andreys Disp. feud. cap. 1. § 8. num. 44.

HE was the first that thought of collecting the *Decisions*, which in the Course of many Years had been made in our Sacred Court, and that put them in that Order we now read them, in which he gives an account not only of the Decisions of that Tribunal, and of the Royal Chamber pronounced in the Time he sat there, but also of those which he thought worth recording, and had been made from the Institution of the Sacred Council, by King *Alphonfus*. A Work not only most celebrated with us, but likewise with Foreigners, in Imitation of which other Nations have collected the Decisions of their Tribunals, whence arose the new Tribe of the *Decisionanti*.

THESE were printed in *Naples* in the Author's Life-time in 1509, and were dedicated to the City of *Naples*, the Place of his Nativity. He himself tells us so in his Will, wherein he orders twenty five Ducats to be deducted from that Share of his Estate, which he had left to *D. Marino*, his Son, as the Price of twenty seven Copies of the Decisions, which he had taken. How much these were cry'd up by our Professors, may be seen by the Labours of *Tommaso Grammatico*, *Giovannangelo Pisanello*, *Marcantonio Polverino*, *Prospero Caravita*, *Cesare Urcillo*, and *Girolamo de Martino*, who illustrated them with their Notes and Additions, which are now printed with the Body of the Decisions, in which *Urcillo* exceeded them all. Nevertheless, his Rivals *Loffredo* and *Camerario* did not fail to discredit and despise them, writing in their Works, that they did not deserve so much Credit, *Ex quo*, as *Loffredo* says<sup>1</sup>, *aliter judicatum fuit, quam Afflictus dicit*: And *Camerario*<sup>2</sup>, *Nemo à sacri Consilii auctoritate commoveatur ex iis Afflicti decisionibus, cum sint Afflicti verba, qui cum homo fuerit potuit errare*. But the Malice of these did not obscure their Fame, for in the following Century they were spread all over *Europe*, and extoll'd not only by our own, but by all the ablest Lawyers of foreign Nations, and *Theaurus*<sup>3</sup> prefers them to all the Decisions that ever were pronounced in any Tribunal of the World.

HE likewise left us his *Commentaries upon the Constitutions of the Kingdom*: A Work, considering the Times, very learned and copious, which was highly esteem'd not only with us, but with Foreigners: *Jacobus Spiegellius* extols it<sup>4</sup>, and says, that *Cassaneus*, in his *Commentaries upon the Usages of France*, stole many Things from those of *Afflitto*, for which he is blam'd by many for Ingratitude, in not vouchsafing so much as to mention him. These were likewise printed in the Author's Life-time, in 1517, and afterwards reprinted in *Milan* in 1523. and elsewhere.

WHILE he was explaining in our University the Constitutions of the Kingdom made by the Emperor *Frederick II.* believing, that the Constitution *Sancimus, de Jure Prothomisios* was also that Emperor's; in 1479, he explain'd it as such. It was truly *Frederick's I.* and did not belong in the least to our Constitutions, as we have observ'd elsewhere; but this Writer, according to the times, not being well versed in History, was therefore led into that Mistake. But for all that the Commentary he made upon it was highly commended, inasmuch, that the incomparable *Cujacius*<sup>5</sup> quotes it in his Book of Fiefs. It has been often printed, and is to be found amongst his Works. *Francesco Rummo*, a *Neapolitan* Lawyer, made large Additions to it afterwards, which he having caused to be printed in *Naples* in 1654. with the rest of his Works, we have seen it reprinted in these latter Times.

DEVOURING Time has robb'd us of many others of his Works; and, as may be gather'd from his Will, he design'd to have caused many Books to be printed by *Imperato*, his Printer; but his Death, and the Pestilence that happen'd in *Naples* in 1527, to shun which *Diana Carmignola*, his Wife, was forced to fly to *Aversa*, occasion'd not only the Loss of his Manuscripts, but of the Books which he had left to his Children. In the Collection, which *Gabriele Saraina* made of the Manuscripts of several Doctors, which he caused to be printed in 1560. we read some *Lectures* of this Author upon the seventh Book of the Code.

<sup>1</sup> Loffred. in cap. 1. § quæsitum est, de capit. qui ver. vind. ver. 1. declaratio.

<sup>2</sup> Camerar. in cap. Imperialem, lit. Q. fol. 21. à ter.

<sup>3</sup> Thes. in Præf. decis. num.

<sup>4</sup> Spiegel. Lex Juris civ.

<sup>5</sup> Cujac. de Feud.

HE likewise wrote many Commentaries upon some Laws of the *Code*, and upon the *Institutes*, of which, save the mention he makes, when he quotes them in his Works, we have no other Knowledge.

IN the Inscription upon his Tomb we still see: *Multa scitissima consilia reliquit*: but they are not to be found now: But he frequently quotes these *Consilia* in his printed Works, and amongst the rest one, which he wrote in the Kingdom of *Sardinia*<sup>1</sup>.

HE likewise wrote a Treatise *De Consiliariis Principum, & de Officialibus eligendis ad Justitiam regendam, ac eorum qualitatibus, & requisitis*, which he dedicated to *Ferdinand I.* At the Desire of Cardinal *Oliviero Caraffa* he also wrote *L'Ufficio della Traslazione del Corpo di S. Gennaro*, upon the removing of the Body of that Saint in 1497. from the Monastery of *Monte Vergine*, to *Naples*; of which Works we have nothing left, but the bare mention he makes in quoting them in his other Works. He also wrote a Book *De Privilegiis Fiscii*, of which *Giovan Battista Zilletto* makes mention.

IN the Reigns of *Ferdinand I.* and his Sons, by the Favour of that Prince, and by the so many and illustrious Professors, our Jurisprudence was raised and grown into much greater Esteem than it had been in the preceding Centuries. And as in the other Universities of *Italy*, the whole Study and Attention of the Chairs were on the Books of *Justinian*, so in ours that Study was promoted by the many Professors who employ'd themselves in it; and seeing, as we have observed elsewhere, for the most part, the Professors were, besides, either Magistrates or Advocates; thence it happened, that as these Books had, many Years before, been in Force and Authority in the Chairs, so by degrees it was seen, that they acquired the same Vigour in our Tribunals. Whence it came to pass, that in this Century the *Longobard* Law was quite laid aside, not only by the Courts of Justice, but by the Chairs, and that at last it yielded to the *Roman*. The Professors, the Advocates, and the Magistrates apply'd themselves to the Study of the *Roman* Law, and of the Authors that commented upon it, quoting it not only in the Schools, but in the Tribunals. And the same *Matteo d'Afflitto* writes<sup>2</sup>, that though he had heard from the old Advocates, that in the Courts of Justice the *Longobard* Law had prevailed over the *Roman*; yet, that in his time, both when he was Judge of the Vicariate, and when afterwards President of the Royal Chamber, and Counsellor of the Sacred Council, he had never seen that, nay, quite contrary, the *Roman* prevail'd over the *Longobard* Law.

IN these times, therefore, it was, and upon this rise not only of the *Belles Lettres*, but of the other Sciences, that with us the *Longobard* Laws yielded to the *Roman*; whence it afterwards came to pass, that their Name was scarce known by our Lawyers. Behold the Period and End of the *Longobard* Laws, and from this time forward you shall not hear them any more mentioned.

BUT though these Laws were abolish'd, yet there are some Vestiges of their Usages still remaining among us. In *Abruzzo* many Customs are kept up relating to Fiefs, which are regulated according to the *Longobard* Laws, and that Province still retains the *Bona Gentilitia*. The Usages of *Bari* being for the most Part founded upon these Laws, not only their Terms, but their Customs are still preserv'd there. In the Contracts, which are drawn up in many of the other Provinces, if Women be concern'd, the Notaries, even in our Time, insert the *Mundaldum* in their Favour. The Style of inserting in Instruments the Clause *Jure Romano*, &c. still continues, to denote that the contracting Parties liv'd under that Law, and not under the *Longobard*. The Terms of *Virgines in capillis*, and many others continue to this Day, of which we made a long Catalogue in the fifth Book of this History. And that the Memory of them might not be quite lost, *Giovan Battista Nenna*, a considerable Lawyer of these Times, Author of the Treatise of *The True Nobility*, which he intitled *Nennio*, and dedicated to *Bona*, Queen of *Poland* and Dutches of *Bari*, having found amongst the Books of his Ancestors a voluminous Commentary of *Carlo di Tocco* upon the *Longobard* Laws: At the Request of many of his Friends, he abridged it, and having written some short Notes upon it, with an alphabetical Explanation of the obscure *Longobard* Words, he caused it to be printed in *Venice* 1537. which proved very useful to Lawyers,

<sup>1</sup> Afflit. De Success. feud. vers. hoc quoque, num. 32.

<sup>2</sup> Zilet. in his Judice Libror. Legal.

<sup>3</sup> Beat. Istor. di Bari, lib. 4. pag. 204.

and,

and, as *Beatillo* says, no less beneficial to the City of *Bari*, and many other Places of the Kingdom, where the *Longobard* Laws are observed even to this Day.

BESIDES our own<sup>1</sup>, foreign Writers also make mention of this Work, such as *Pignorius*<sup>2</sup>, and what is more strange, even *Germans*, such as *Lindenbrogius*<sup>3</sup> and *Burcardus Struvius*<sup>4</sup>. With the same intent *Prospero Rondella* of *Monopoli*, wrote his Treatise: *In Reliquias Juris Longobardi*, printed in *Naples* in the Year 1609. because many Places of the Kingdom still observe some of their Usages; but because the Kingdom is now generally regulated by other Laws, and the *Longobard* out of date, whoever of himself cites these particular Usages, he's under an Obligation to prove them<sup>5</sup>.

THE Laws then, whereby our Kingdom was generally governed, were those contained in the *Pandects* of *Justinian*, according to the ancient Division of *Pileus* and *Bulgarus*, of which *Accursio* and all the other Glossators made use: The Code *De repetita prælectione*: The *Institutes*, and the *Novella*, according as they are number'd by *Agilæus*. Then follow the *Constitutions* of the Kingdom, wherein are contained the Laws of our *Norman* and *Suevian* Kings. The *Statutes* of the Kingdom, which comprehend the Laws of the *Anjouvian* Kings. The *Customs* of the Royal Chamber, and of the High Court. The particular *Usages*, as well of *Naples*, as of the other Cities of the Kingdom; and lastly, the new *Pragmaticks*, which were begun by *Alphonsus* I. and were afterwards increased by the other *Aragonian* and *Austrian* Kings, to the Number we now see. With respect to the *Feodal* Law: The Books of *Fiefs*, with the *Constitutions*, *Statutes*, and the late *Pragmaticks*, establish'd afterwards, relating to them.

THOUGH in these times the Books of the Doctors of Law were not increased to that vast Number we now see; and though there were not so many Volumes of *Treatises*, *Consultations*, *Allegations*, *Debates*, *Solutions*, and *Decisions*; yet, since that by the means of the Press they began to appear more than usually, therefore it became a settled Rule among the Judges, whenever the Laws were wanting, to follow, either the Authority of decided Cases, or the most general Opinion of the Doctors, and more frequently their Commentaries, than their Consultations; so that when the Laws, the Customs, Usages, and the Method of judging fail'd, it was not left to their Discretion and Prudence to decide, but they were to follow the most approved Sentiments of the Doctors. And in that there were many Rules and Precautions prescribed. 1. If the Interpreters shall be found to clash and disagree among themselves, the judge shall follow the greatest Number, and their Precepts must be reputed the most approved Opinion. 2. The Judges shall rather follow the Opinion of those, who on purpose, and narrowly shall be found to have discuss'd, and examined the Matter, than of those, who cursorily, without having in the least examined it, follow the rest. 3. That they shall rather follow their Commentaries and Treatises, than their Consultations, or Answers and Allegations. 4. When the Matter in question concerns the ecclesiastical Court, they shall be obliged to follow the Canonists, in the same manner as they are bound to follow the Civilians in Cases belonging to the secular Court. 5. Seeing that Opinions, as well as all other human Things grow old; and that the Course of Time, long Use, and the new Experience of Things teach Men so, that they often make them forsake the old Dictates; wherefore it is fit, that the Judges should rather follow the new, than the old Opinions of the Interpreters. Our Authors give us a vast many other Rules prescribed concerning that Matter; of which, to pass over others, *Dionysius Gothofredus*<sup>6</sup>, and the most judicious *Arthur Duck*<sup>7</sup>, have written at large.

<sup>1</sup> Idem loc. cit. Toppi in Biblioth. Nicod. ad Toppi

<sup>2</sup> Pignor. Epist. Sinobol. ep. 49. pag. 217.

<sup>3</sup> Lindenbr. in Prolegom.

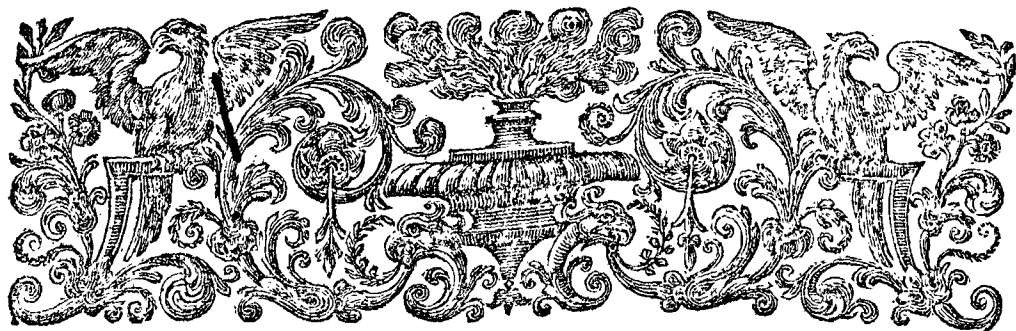
<sup>4</sup> Hist. Juris cap. 5. § 5. pag. 365.

<sup>5</sup> V. Capec. Latt. Consult. 3. lib. 1. Fab. Cap.

Galeot. tom. 1. contrav. 1, 2, 3.

<sup>6</sup> Gotho. in Prax. civil. lib. 1. tit. 2.

<sup>7</sup> Arthur Duck, De usu, & auth. Jur. Civil. lib. 1. cap. 8. per tot.



THE  
 CIVIL HISTORY  
 Of the KINGDOM of  
 NAPLES.

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BOOK XXIX.

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THE History of the War, which, at the Instigation of *Lewis Sforza*, *Charles VIII.* King of *France* waged with *Alphonfus II.* who, upon his Father's Death, with great Solemnity was immediately crown'd King in the City of *Naples* by the Hands of *Cardinal Borgia*, has been so well written by *Philip de Comines*, a Contemporary Writer, who was employ'd by *Charles* in the deepest Intrigues of that Expedition, by *Francesco Guicciardino* and *Seignior Jovius*, that we might justly refer the Reader to their Histories; but seeing that no wise Prince ever made War, but at the same time he endeavour'd to make it appear just; and our Writers not having discover'd the Reasons, wherewith the *French* represented it as such to their King, I hope, seeing occasion offers, I shall not be thought tedious in discovering them now. Before the Expedition was fully resolv'd upon, the King's Pretensions were examin'd by a solemn Scrutiny, and, in the Opinion of his Advisers, they being found sufficient, the King was by them persuaded, that he had good Grounds for uniting the Kingdom of *Naples* to the Crown of *France*. They built the Pretension upon these Foundations: *Renatus* of *Anjou*, as we have seen in the preceding Books, having lost the Kingdom, had left his Son *John* the Hopes of recovering it out of the

the Hands of *Ferdinand I.* of *Aragon*, but while *John* lived, he never could see a good Issue of that War; for though *Ferdinand*, after the Death of his Father *Alphonfus*, was attack'd both by *John*, and the chief of the Barons of the Kingdom, yet, by his good Fortune and Valour, he not only defended himself, but so harras'd his Enemies, that neither in the Life-time of *John*, nor of his Father *Renatus*, who lived many Years after his Son, had he ever more occasion to contend with, or be afraid of the *Anjouvians*. At last *Renatus* died, and not leaving Male Issue, but only a Daughter, Mother to the Duke of *Lorraine*, he made *Charles*, the Son of the Count of *Maine*, his Brother<sup>1</sup>, Heir to all his Rights. Thus *Charles* was not *John's* Son, as by a Mistake some modern Authors have written<sup>2</sup>, he was indeed *Renatus's* Nephew, by a Brother, not a Sister. *Charles* likewise shortly after died without leaving Issue, and by his Will left his Heritage to *Lewis XI.* King of *France*, who was the Son of a Sister of *Renatus*<sup>3</sup>. Many Clauses of this Will, which *Charles* made in *Marseilles* on the tenth of *December* 1481, are to be found in the first Tome of the Collection of Treatises of Peace between the Kings of *France* and other Princes, written by *Frederick Leonard*, and printed in *Paris* in the Year 1693, wherein he appoints *Lewis* his universal Heir, whom he calls his Cousin-German, and after him *Charles*, the Dauphin of *France*, *Lewis's* Son, to whom, as supreme Lord, fell not only the Dutchy of *Anjou*, in which, being a Member of the Crown, Women do not succeed, but he enter'd in Possession of *Provence*, and by Virtue of this Will he could pretend, that the Rights which the *Anjouvians* had to the Kingdom of *Naples*, were convey'd to him. But *Lewis*, always averse to concern himself with the Affairs of *Italy*, and content with *Provence*, did not disturb the Kingdom. Upon *Lewis's* Death these Rights continuing in the Person of *Charles VIII.* his Son, a Youth covetous of Glory, by the Persuasion of some, who said to him, that this was a fair Opportunity to raise the Glory of his Predecessors, he conceiv'd Hopes of conquering the Kingdom of *Naples* by force of Arms.

BUT in these Beginnings the Duke of *Lorraine* started up as his Competitor, for the King being to be crown'd at the Age of fourteen or fifteen Years, the Duke came to him to demand the Dutchy of *Bar*, and the County of *Provence*. He supported his Pretension by being born of a Daughter of *Renatus*, and consequently *Renatus* had not Power to prefer *Charles*, who was descended of his Brother, to him who was born of his own Sister. But it being reply'd on the contrary, that in *Provence* Women were excluded from the Succession, the Dutchy of *Bar* was surrender'd to him, and as for his Pretension to *Provence*, it was agreed, that within four Years both their Rights to that County were to be decided by Law. *Philip de Comines*, who was one of the Council appointed to examine these Rights, which was done before the four Years expired, in Presence of some Advocates of *Provence*, writes, that searching into certain Wills of King *Charles I.* the Brother of *S. Lewis*, and other Kings of *Sicily* of the House of *France*, by virtue of which those Advocates said, that not only the County of *Provence* belonged to *Charles*, but likewise the Kingdom of *Sicily*, and all that had been possess'd by the Family of *Anjou*; and that the Duke of *Lorraine* had not the least Pretension to *Provence*, not only because *Charles*, the late Count of *Provence*, the Son of *Charles* of *Anjou*, Count of *Maine*, and Nephew of *Renatus*, had by his Will appointed *Lewis XI.* his Heir, but also because *Renatus* had prefer'd him to the Duke of *Lorraine*, though born of his Daughter, in order to fulfil the Intents of the said Wills made by *Charles I.* of *Anjou*, and the Countess of *Provence*, his Wife. They likewise added, that the Kingdom of *Sicily* and County of *Provence* could not be separated; nor could Women succeed in them, when there were Males of the Descent. And lastly, that besides King *Charles I.* those who succeeded him in the said Kingdom, made the like Wills, as, among the rest, *Charles II.* of *Anjou*, his Son.

THE *Provençales* having thus made their Court to King *Charles*, and he having insinuated to those of the Council, to order Matters so, as he might not lose *Provence*, the four Years being expir'd, the Council, to tire the Duke's Patience, spun out their Examination, and not able to keep him longer in Suspence, at last the

<sup>1</sup> Phil. de Com. de Bello Neap. in princ. Guic. lib. 1. Istor. Ital. Jo. Sleidan. in Phil. Com.

<sup>2</sup> Lofchi in Arbor. fam. Austriac.  
<sup>3</sup> Sleid. in Phil. de Comin.



Duke, having discover'd the Intention of the King and his Council, left the Court in great Disgust, and very angry with the Council.

DURING these Transactions, four or five Months before the Duke left the Court, as has been mention'd in the preceding Book, he had an Invitation from the Pope and the rebellious Barons to come and conquer the Kingdom, of which, if he had made a right Use, he might have been able to make himself Master of the Kingdom of *Naples*; but such was his Negligence and Slowness, that the Pope and the Barons being quite tired, and out of all Hopes, came to an Agreement with *Ferdinand*; so that the Duke with great Shame return'd to his own Country, nor had he ever after any Interest with the King.

IN the mean Time the more King *Charles* grew in Years, the greater was his Desire to go into *Italy* upon the Expedition against our Kingdom; nor did his Advisers fail to spur him on, saying, that the Kingdom of *Naples* belonged to him. In this Interim the Prince of *Salerno* arrived at *Paris*, who, not trusting to *Ferdinand's* Word, as we have said, left the Kingdom, and, with three of his Nephews, the Sons of the Prince of *Bisignano*, went first to *Venice*, where he had many Friends. There he advis'd with that Republick, what Course he had best take, whether to take Shelter from the Duke of *Lorraine*, the King of *France*, or from the King of *Spain*. *Philip de Comines*, who shews in his Memoirs, that he was in great Friendship with the Prince of *Salerno*, writes, that having talk'd of this with the Prince, he told him, that the *Venetians* advis'd him to have recourse to the King of *France*, for there was nothing to be expected from the Duke of *Lorraine* no more than if he were dead. As for the King of *Spain* there was no occasion to invite him to that Undertaking, but rather to guard against him, because if he had the Kingdom of *Naples*, with that of *Sicily*, and the other Places of the Gulf of *Venice*, being already very powerful at Sea, in a short time he would be able to enslave all *Italy*; so that he had best apply to the King of *France*, from whom, and the Friendship they were in with him, a peaceable and mild Government might be expected. He did so, and being arriv'd in *France*, he was kindly receiv'd, but poorly treated. They labour'd hard for two whole Years, constantly insisting upon the Expedition to *Naples*; but seeing the Party, that dissuad'd the King, was the most prudent, and on the other hand, only a few Favourites, who, perceiving his Inclination, in order to flatter him, push'd him on, this therefore was the Reason of its being delay'd from Day to Day.

BUT what induc'd the King to undertake the Expedition afterwards was, as has been said, the Invitation of *Lewis Sforza*, who seeing, that by no other Means he would be able to wrest the Dutchy of *Milan* from his Nephew, but by ruining *Alphonfus*, who oppos'd his Designs, of which he was continually put in Mind by the Dutchess of *Milan*, the Duke's Wife, who was his own Daughter, therefore he sent Ambassadors to *France* to hasten the Expedition, so that at last, without further Delay, King *Charles* prepar'd himself for going to *Italy*.

THE King set out from *Vienne* in *Dauphiny* on the twenty third of *August* 1494, marching strait to *Asti*, from thence to *Turin*, and then to *Pisa* and *Florence* on his way to *Rome*. In the mean time *Alphonfus*, upon the News of this March, had sent one Army into *Romagnia* near *Ferrara*, commanded by *Ferdinand* Duke of *Calabria*, his Son, and another by Sea to *Leghorn* and *Pisa*, of which he made *D. Frederick*, his Brother, General; but when he understood that King *Charles* by long Marches was approaching towards *Rome*, he sent *Ferdinand* thither to treat with the Pope about the Safety of the Kingdom. But the Approach of the *French* Army to the Walls of *Rome* gave Pope *Alexander* no less Disturbance; for finding that *Charles* was accompanied by the Cardinal of *S. Peter in vinculis*, and by many other Cardinals, his Enemies, he was afraid that the King, by their Persuasions, might turn his Thoughts upon reforming the Affairs of the Church, as was already reported; a Thought exceeding terrible to him, who remember'd by what Means he had been rais'd to the Papacy, and by what Tricks and Cunning he had continued to govern\*. But the King, who had nothing so much at Heart as his March to the Kingdom of *Naples*, eas'd him of that Jealousy, sending Ambassadors to assure him, that he had no Intention to concern himself with what belonged to the Papal Authority, nor require any thing of him but what should be necessary for the Security of his March; therefore the Ambassadors desired

that the King, with his Army, might be allow'd to enter *Rome*, because it would be a Means to turn the Misunderstandings that had been between them into a most sincere Friendship. The Pope judging, that of all Dangers that was the least, granted their Desire; therefore he order'd the Duke of *Calabria*, with his Army, to leave *Rome*, and accordingly, on the last Day of *December* this Year 1494, he march'd out by the Gate of *S. Sebastian*, at the same Time that the King in Armour, at the Head of his Army, entered by the Gate of *S. Maria del Popolo*.

KING *Charles* staid near a Month in *Rome*, during which Time he was constantly sending Troops to the Borders of the Kingdom, where there was nothing but Uproars and Confusions, insomuch that, before the King left *Rome*, *Aquila*, and almost all *Abruzzo*, had set up his Standard; nor was the rest of the Kingdom much quieter; for *Ferdinand* had no sooner gone to *Rome*, than the Effects of the Hatred which the People bore against *Alphonfus*, began to appear, by exclaiming against his Cruelty and Pride, and openly shewing the great Desire they had to see the *French* amongst them.

*ALPHONSUS*, upon hearing that his Son had left *Rome*, was seiz'd with such Terror, that forgetting the great Reputation and Glory, which, by long Experience, he had acquir'd in the many Wars of *Italy*, and despairing of being able to withstand so formidable an Enemy, he resolv'd to renounce the Kingdom, and the Instrument of Renunciation being drawn up by *Joannes Pontanus*, in Presence of *Frederick*, his Brother, and the chief Nobility of the Kingdom, he renounced all the Royal Title and Authority, in Favour of his Son *Ferdinand*, in Hopes that the excessive Hatred conceiv'd against him being removed, and so promising a Youth being made King, who had never offended any Person, and was in Favour with every Body, might, perhaps, lessen the Desire of the Subjects to receive the *French* into the Kingdom. *Guicciardine* was of Opinion, that if this Renunciation had been sooner made, perhaps it might have had some Effect, but being delay'd till the Mischief was become irretrievable, it was to no Purpose.

*ALPHONSUS* having thus yielded the Possession of the Kingdom to his Son *Ferdinand* (who was not above twenty four Years of Age) and caused him to be crown'd in *Naples*; disturbed in his Mind both Day and Night, he was seiz'd with such a Fear, that he imagined every Body was crying out *France, France*; therefore he resolv'd immediately to quit *Naples* and retire to *Sicily*, which Design he imparted to the Queen, his Mother-in-Law only, but she could not persuade him to communicate it either to his Brother or Son, nor delay it so much as two or three Days to complete the Year of his Reign, but set sail with four light Gallies loaded with rich Furniture; and, at his Departure, he was in so terrible a Fright, that he imagined the *French* had already surrounded him. However, accompanied by the Queen, his Mother-in-Law, he made his Escape to *Mazara*, a Town in *Sicily* belonging to the said Queen, which had been formerly given her by *Ferdinand* King of *Spain*, her Brother.

*PHILIP de Comines*, who was the King of *France's* Ambassador in *Venice*, writes, that the News of this Flight surpris'd every Body, especially the *Venetians*. Some, with a Design to favour the Affairs of the Son, who was not so much hated in the Kingdom as the Father, gave out, that he was gone to the *Turk*. But the Person who wrote the History of the *Aragonian* Kings, full of Detraction and Bitterness, and, perhaps, more than they deserved, does not stick to say, that he was always of Opinion, that *Alphonfu*. fled out of downright Cowardice. Being arriv'd in *Sicily*, after some short stay at *Mazara*, he went to *Messina*, where he retired to lead a religious Life, attending, with the Monks of the Order of *S. John* of God, at all the Offices both of the Day and Night, and performing the Fasts, Abstinences, and Alms; and *Comines* likewise says, if he had not been prevented by Death, he had resolv'd to spend the rest of his Life in a Monastery of *Valencia*, and to wear the religious Habit. But before ten Months were it an end, after his Retirement in *Sicily*, he was seiz'd with the tormenting Distemper of the Gravel and Excoriation, which tortured him incessantly, yet he bore it with wonderful Constancy and Patience; at last sinking under the Disease, with great Remorse for his Sins, he ended his Days on the nineteenth of *November* 1495, at the Age of forty seven Years and fourteen Days, after having reign'd one Year wanting two Days. He was buried with Royal Funeral Pomp in the great Church of *Messina*, where his Tomb is still to be seen.

THIS Prince, by reason of his short Reign, and of his being wholly addicted to Arms, left us no Laws: Although he did not hinder the Progress of Learning, yet being brought up in the midst of Arms, he was not so great a Lover of learned Men as his Father; and *Joannes Pontanus*, as has been seen in the preceding Book, had no great Reason to be satisfied with him, on the contrary, he revenged himself upon him for his Ingratitude by that Fable of the Ases that kick'd his Benefactor. Nevertheless he was both Magnificent and Pious. He built two famous Palaces of Pleasure in *Naples*, one in the Ward *Nolana*, and another in *Poggio Reale*: He had a great Opinion of the *White Friars* of *S. Benedikt* of the Order of *Monte Oliveto*, to whose Monastery, as has been told elsewhere, he gave great Revenues. He likewise founded the new Church of the *Cassian* Monks of *S. Severinus*, it not seeming decent that the Bodies of two such famous Saints as *Soffius* and *Severinus* should lie in two small Churches; and if the foresaid Misfortunes had not prevented him, he would have finish'd it in that magnificent Manner we now see it.



## C H A P. I.

*Ferdinand II. is driven out of the Kingdom by Charles King of France. That King's Entry into Naples, to whom the Kingdom submits.*

**F**ERDINAND, who, after his Departure from *Rome*, had retir'd within the Borders of the Kingdom, was upon the Flight of his Father recall'd to *Naples*; and having assumed the Royal Authority and Title, he assembled his Army to stop the Enemy from advancing farther, and incamp'd at *S. Germano*. But before the King of *France* arriv'd at *S. Germano*, *Ferdinand* abandon'd the Town and the Pass in great disorder, and King *Charles* having enter'd *S. Germano*, *Ferdinand* retir'd to *Capua*, into which he enter'd with a few Followers, the Citizens refusing to admit any Body of his Troops into the City. Having stopt a few Hours there, and begg'd of the Citizens to continue in their Allegiance to him, promising to return the next Day, he went to *Naples*, afraid of the Rebellion which accordingly happen'd. The Army had orders to wait for him at *Capua*; but when he return'd the Day following they were all gone. In the mean Time King *Charles* had march'd from *S. Germano* to *Tiano*, and taken up his Quarters at *Calvi*, within two Miles of *Capua*. The *Capuans* immediately suffer'd him to enter the City with all his Army, from thence having march'd to *Aversa*, the *Neapolitans* following the Example of *Capua*, consult'd about sending Ambassadors to meet him, and offer'd to submit to him, upon Condition, that their antient Privileges should be preserv'd.

*FERDINAND* seeing these Proceedings, and that both the Commonalty and Nobility were in open Rebellion and under Arms; and finding that he was not able to withstand such a sudden turn of Fortune, resolv'd to quit the City, and having conven'd on the *Esplanade* of *Castel Nuovo*, many Gentlemen and Citizens, he absolv'd them from their Oaths of Allegiance, which, a few Days before, they had taken to him, and gave them Liberty to make their Terms with the King of *France*, which he did in a Speech full of such moving and tender Expressions, so well described by *Guicciardine*<sup>1</sup>, that it drew Tears and Compassion from many

<sup>1</sup> Guicc. lib. 1.

of the Hearers. But all the People, and almost the whole Nobility had conceiv'd so great a Hatred against the King, his Father, and such a Liking for the *French*, that the Tumults continued notwithstanding, and even before his Face the Mob began to plunder his Stables; whereupon having gone out of the Castle by the Pottern Gate, he went on board the light Gallies that were waiting for him in the Harbour, and with him imbarc'd D. *Frederick*, his Uncle, and the old Queen, his Grandfather's Wife, with her Daughter *Joan*; and with a few Followers sail'd for the Island of *Ischia*, by the Ancients call'd *Enaria*, often repeating with a loud Voice, while he was in sight of *Naples*, the Verse of the Psalms of *David*: *Nisi Dominus custodierit Civitatem, frustra vigilat qui custodit eam.*

UPON *Ferdinand's* quitting *Naples*, at the bare mention of the Conqueror's Name, every Body gave way as to an impetuous Torrent; and in the mean Time the *Neapolitan* Ambassadors having found *Charles* in *Aversa*, surrender'd the City to him, to which, with great Generosity, he granted many Privileges and Exemptions. *Charles*, according to *Guicciardino*, made his Entry into *Naples* on the twenty first Day of *February* this Year 1495, and he was received with such Acclamations and Rejoicing, that it would be in vain to attempt to express them, Men, Women and Children, all Ranks and Conditions of People, and all Parties concurring with incredible Alacrity, as if he had been the Father and Founder of that City. And what was the most surprizing of all, those very Persons, who either themselves or their Ancestors, had been rais'd by, or received Favours from the House of *Aragon*, shew'd no leis Gladness than the rest; and *Joannes Pontanus* himself, who, upon *Alphonsus's* Departure, had been restor'd to the Office of Secretary by *Ferdinand*; in the Oration which he made when *Charles* was crown'd King in the Cathedral Church of *Naples*, could not forbear running out too much in reviling the Kings of the House of *Aragon*, by whom he had been so highly exalted.

*CHARLES* was conducted to lodge in *Castel Capuano*, for *Castel Nuovo* was held out by the Marquis of *Pescara* for *Ferdinand*; and in a short time all the Provinces of the Kingdom, by Degrees, submitted to the *French*. All *Terra de Lavoro*, except *Ischia* and *Gaeta*, was reduced. *Calabria* soon yielded, whither Monseigneur d'*Aubigny* and *Peron de Basque* were sent without an Army. *Abruzzo* revolted of itself, and the first that broke the Ice was the City of *Aquila*, which had always been in the *French* Interest. *Puglia* did the same, except the Castle of *Brindisi* and *Gallipoli*, which were overaw'd by the Garrisons, otherwise the People were ready to revolt. In *Calabria* only three Cities continued loyal to *Ferdinand*. The two first were *Mantea* and *Tropea*, old *Anjouvians*, who having set up *Charles's* Standard, but afterwards finding that they had been given to the Lord de *Perse*, it was immediately pull'd down, and that of *Aragon* set up again: The third was *Reggio*, which had always been loyal to its Prince. And *Philip de Comines* says, that it was through the Neglect of sending Troops to take Possession of the Towns that any continued loyal to *Ferdinand*, for there were not so many sent to *Puglia* and *Calabria* as were sufficient to guard one single Town. The City of *Taranto*, with the Fort surrender'd. *Otranto*, *Monopoli*, *Trani*, *Manfredonia*, *Bartetta*, and all the rest did the same. The Inhabitants of these Cities went three Days Journey to meet the *French* in order to deliver themselves up to *Charles*, and then sent their Syndicks to *Naples* to surrender their Cities.

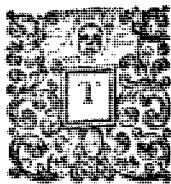
ALL the Grandees and Barons of the Kingdom flock'd to *Naples* to do him Homage, excepting the Marquis of *Pescara*, whom *Ferdinand* had intrusted with the keeping of *Castel Nuovo*, but his Brothers and his Nephews likewise went thither. The Count of *Acri* and the Marquis of *Squillaci* fled to *Sicily*, because King *Charles* had given their Estates to Monseigneur d'*Aubigny*. There was in *Naples* the Prince of *Salerno*, the Prince of *Bisignano* his Brother, with his Sons, the Duke of *Melfi*, the Duke of *Gravina*, and the old Duke of *Sora*, the Counts of *Montorio*, of *Fondi*, of *Tripaldi*, of *Celano*, of *Troja* the younger, born in *Scotland*, and brought up in *France*, and the Count of *Popolo*, who was found Prisoner there: The Prince of *Rossano*, after having been a long time Prisoner, was set at Liberty, and either willingly, or by force, went with *Ferdinand*. The Marquis of *Venafro* and all the *Caldori*, and even the Counts of *Metolina* and *Marigliano*, though both they and their Predecessors had always served the House of *Aragon*, were likewise there. In short, all the Barons of the Kingdom, except the three above mention'd, went to *Naples* to do Homage to King *Charles*.

*GUICCIARDINO* very prudently makes this Reflection, that by reason of the domestick Quarrels, whereby the so much renown'd Wisdom of our *Italian Princes* was clouded, and of the Inconstancy and foolish Love of Novelty of our *Neapolitans*, to their great Shame, to the Reproach of the *Italian Soldiery*, and to the imminent Danger and Ignominy of all, a very considerable and powerful Part of *Italy* was snatch'd from the Dominion of *Italians*, and subjected to that of *Ultramontanes*; for though *Ferdinand*, the elder, was born in *Spain*, yet because from his Childhood he had been constantly in *Italy*, either King, or the Son of a King, and because he had no other Dominions in any other Country, and his Children and Grandchildren being all born and educated in *Naples*, they were justly reputed *Italians*. And though the Dominion of the *French* disappear'd like Lightning, yet for all that, *Ferdinand* was not firmly reinstated in the Kingdom, nor *Frederick*, his Uncle, a just and prudent Prince, who would otherwise have been able to have blotted out all Memory of the Hatred which the People bore *Alphonsus*: Nevertheless thro' cruel Necessity, they were forced to have Recourse to *Ferdinand* the Catholick, King of *Spain*, for Assistance, though, I say, the Kingdom was freed from the Dominion of the *French*, yet afterwards, to their great Grief, they saw it fall under the Empire of the *Spaniards*, and hence no more acknowledge native Princes, but Foreigners, who governing it from remote Parts by means of their Ministers, it not only lost its Royal Dignity and Reputation, but was plunder'd and despis'd.



## C H A P. II.

*Charles leaves the Kingdom, and Ferdinand returns to it, who, with the Assistance of the Great-Captain, drives the French out of it; he is buzz'd by the People, and restor'd to the Kingdom. His Marriage and Death.*



**T**HE *French*, not knowing how to carry themselves in such a run of good Fortune, grew insolent and ambitious, besides having alienated the Minds of the People from them, and giving the Princes of *Italy* cause of Jealousy, they became so much the Aversion, even of those who had invited them, that at last, combining together, they drove them intirely out of *Italy*. Being now Masters of the Kingdom, and by Intelligence and tampering with the *Germans* that were in Garrison in *Castel Nuovo* and *Castello del Uovo*, having also got Possession of these Fortresses, they had nothing of any Consequence to do, but to possess themselves of *Ischia*. So that *Ferdinand* having lost all Hopes, leaving that Island to be defended by *Innico d'Avalos*, the Marquis of *Pescara's* Brother, sail'd for *Sicily*, where, on the twentieth of *March* this Year 1495, he was kindly received by the *Messinese*, where he stay'd consulting with his Father, who was still alive, by what Means, and with what Assistance they might be able to recover the lost Kingdom.

**M**EAN while both King *Charles* and his Officers, ignorant how to behave themselves in a new acquired Kingdom, and through the excessive Pride of the *French*, the Nobility being disobliged, in a very short Time that Prince's Glory, and the Fortune which had so much favour'd him, changed. *Philip de Comines*, then his Ambassador in *Venice*, writes, that from the time the King made his Entry into *Naples* to his Departure, he minded nothing but his Pleasures; and his *French*

Officers nothing but Rapine and to gather Wealth: The Nobility were neither used civilly nor in the least countenanced; on the contrary, they were with Difficulty admitted into the Court. The *Caraffa's*, though true *Aragonians*, had the least ill Treatment. They left none in Offices or Dignities, and treated the *Anjouvians* worse than the *Aragonians*. And *Matteo d'Afflitto*,<sup>1</sup> writes, that *Charles* spurr'd on by his Favourites, who solicited him to reduce the Barons of the Kingdom to the same State, with the Barons of *France*, consulted how he might deprive them of the *merum & mixtum Imperium*, which they had enjoy'd in their Fiefs ever since the time of King *Alphonfus I.* of *Aragon*. The King granted no Privileges or Warrants, but the Ministers, through whose Hands they pass'd, exacted Money for them. All Offices and Employments were bestow'd upon two or three *Frenchmen*. The Ministers were turn'd out of their Posts, and not restored to them without Money. Thus the *Neapolitans* (naturally the most inconstant People upon Earth) began to change the foolish Love they formerly had for the *French* into Hatred.

IN the mean time *Ferdinand* being still in *Sicily* consulting with his Father how to find some Remedy for their Misfortunes, they resolv'd to have recourse to *Ferdinand* the Catholick for Assistance, a Prince not only powerful, but their near Kinsman; and that as Sovereign of *Sicily*, he would take them under his Protection, not so much on Account of the Nearness of Blood, as that it very nearly concern'd his own Interest, that the Kingdom of *Naples* should not be in the Hands of the *French*, who being Masters of so rich and powerful a Kingdom, and so near *Sicily* too, it was much to be fear'd, that at last they might attempt to invade and unite it to that of *Naples*. Therefore they sent *Bernardino Bernaudo*, *Ferdinand's* Secretary, to the Catholick King, to beg of him to take them under his Protection, and assist them in recovering the Possession of their lost Kingdom. A Message, which prov'd very unhappy to the *Aragonians* of *Naples*; and if pressing Necessity had not excused them, it had been a very rash and imprudent Resolution, not only because they expos'd themselves to the Ambition of the *Spaniards*, who from the Situation of *Sicily*, might be easily tempted to make themselves Masters of the Kingdom of *Naples*, as the Event prov'd; but likewise because *Ferdinand* the Catholick, the Son of *John* King of *Aragon*, *Alphonfus I's* Brother, judg'd that the Kingdom of *Naples* had been unjustly disjoin'd from the Crown of *Aragon*, to which it belong'd; and that it was not in *Alphonfus's* Power to leave it to *Ferdinand* his bastard Son, but that *John* ought to have succeeded in it, as he did in *Sicily*, in *Aragon*, and in the other Dominions possess'd by *Alphonfus*. And what happen'd afterwards demonstrated, that it would have been much more easy for the *Aragonians* of *Naples* to have recover'd the Kingdom, if it had remain'd in the Hands of the *French*, than falling into those of the *Spaniards*, whereby all Hopes were lost of ever recovering it.

*FERDINAND* the Catholick most willingly accepted the Invitation, and undertook the Expedition, so that he immediately sent a sufficient Army into *Sicily*, under the Command of *Gonsalvo Fernandes*, of the Family of *Aguilar*, a Man of great Courage and long Experience in the Wars of *Granada*; who upon his first coming to *Italy*, being by the vain-glorious *Spaniards* surnamed the *Great-Captain*, by that Title denoting his great Authority on account of the notable Victories he afterwards gain'd, with universal Consent that Surname was confirm'd and perpetuated to him, as a Mark of his great Courage, and of his Excellency in military Discipline. *Gonsalvo* being arriv'd at *Messina* with his Troops, was received with extreme Joy by *Alphonfus* and *Ferdinand*, and having exhorted them to raise their Spirits, he landed his Men in *Calabria*, where he obtain'd signal Advantages over the *French*.

ON the other hand, the Princes of *Italy*, and even the Duke of *Milan*, concluded in *Venice* a very powerful League against King *Charles*, into which, besides the *Venetians*, the King of the *Romans*, and *Ferdinand* King of *Castile*, likewise enter'd. Pope *Alexander VI.* was also desirous of being included in it, in order to free himself from the continual Fears and Violence which he dreaded from the *French*: He had conceived a Jealousy of *Charles*, and they began to distrust one another, and the Misunderstanding was like to have broke out into an open Enmity; for King *Charles* having often demanded of the Pope to give him the

<sup>1</sup> Afflic. in Procem. Constit. Regn.

Investiture of the Kingdom, and to send a Legate to crown him, to which *Alexander* would not consent; therefore *Charles* being incens'd, threaten'd to call a Council in order to depose him; of which the Pope being afraid, lest the Threat should be put in Execution, having many Enemies among the Cardinals, and particularly the Cardinal of *Rovere*, who was afterwards Pope *Julius II.* out of mere Necessity he was forced to send him the Investiture, and a Legate to crown him, which was perform'd on the twentieth of *May* this Year 1495. with great Pomp and Solemnity in the Cathedral Church of *Naples*.

BUT the foresaid League being publish'd, and the contracting Princes having likewise declared the Motives, which had induced them to enter into it, to wit, the Defence of *Christendom* against the *Turk*: The Defence of the Liberty of *Italy*, and the Preservation of their own Dominions; the King conceiv'd such a Jealousy that it was impossible for his Officers to make him easy; a Report being spread abroad, that *Francesco Gonzaga*, Marquis of *Mantua*, was elected General of the Army of the League, and that he threaten'd either to kill him or take him Prisoner; the King therefore resolv'd to leave *Naples*, and return to *France* by the same Road he came there, though the confederated Forces were prepared to stop him on his March. Wherefore he assembled the best of his Troops to march under his own Command, and left for guarding the Kingdom only fifty *French* Cuirassiers, two thousand five hundred *Switzers*, and some few *French* Infantry. Monseigneur de *Montpensier*, of the House of *Bourbon*, was left Captain General in *Naples*: In *Calabria*, *Edward Stuart*, Monseigneur d'*Aubigny*, by Nation a *Scotsman*, whom *Charles* had made Lord High Constable of the Kingdom, and to whom he had given the County of *Acri*, with the Marquisate of *Squillace*. He left *Stephen de Vers*, Seneschal of *Beaujeu*, Governor of *Gaeta*, whom he had made Duke of *Nola* and Lord High Chamberlain, through whose Hands all the Money of the Kingdom pass'd. Monseigneur D. *Julian* of *Lorraine*, created Duke of the City of *S. Angelo*, was left to guard his own Estate. *Gabriel de Montfaucon* was left in *Mantfredonia*: *George de Seville* in *Taranto*: The Rector of *Vietri* in *Aquila*; and *Gratian de Guerra* commanded all *Abruzzo*. He left the Princes of *Salerno* and *Bisignano* very well satisfied, and in a rich and plentiful Condition.

THE King, after having made these Dispositions for the Defence of the Kingdom, in the same Month of *May* 1495. set out in such Haste, as if he had been pursued by a vast Army; and, upon his arrival at *Rome*, not finding the Pope there, who, either out of Fear, or to avoid seeing him, had retired to *Orvieto*, and then to *Perugia*; he pursued his March; till, being come to the River *Taro*, he was met by the *Venetian* Army, where, the *Venetians* endeavouring to hinder his Passage, and *Charles* to make his way Sword in Hand, a bloody Engagement ensued. Both Sides fought desperately, and it remains as yet a Question amongst Writers, whether the *French*, who at last, in spite of all Opposition, passed the River, came off Victors, or the *Venetians*, who pillag'd *Charles's* Camp and Baggage, of which, besides *Philip de Comines*, *Guicciardino* has written at large, as also *Paulo Paruti* in his Treatise.

*CHARLES's* leaving the Kingdom occasion'd such a Change in the Minds of the People, that the *French*, of whom but two Months before, they had been so fond, became their Aversion. While the Great Captain was making War with the *French* in *Calabria*, the *Neapolitans* in all haste sent to *Sicily*, and invited *Ferdinand* to return. Whereupon he immediately set sail with sixty large and twenty small Ships; and though the number of his Troops was but small, yet the Favour and Inclinations of the People for him were great; for he had no sooner arrived off *Salerno*, than that City, *Amalfi*, *Cava*, and all the Coast declared for him. Two Days after he arrived in the Bay of *Naples*, and stood in for the Shore in order to land at *Maddelona*; but *Montpensier*, with the greatest Part of the Garrison sallying out of the City to hinder his Landing, the *Neapolitans*, laid hold of the Opportunity, and rose immediately up in Arms, beginning openly to cry out, God save King *Ferdinand*; and having taken Possession of the Gates, on the seventh of *July* 1495. they brought him into *Naples*, with some of his Cavalry, and riding through the City to the unspeakable Joy of every Body, he was welcom'd with the universal Acclamations of the People; and the Ladies, not content, from the Windows, to cover him with Flowers, and sprinkle him with odoriferous Waters, many of the noblest run after him in the Streets to imbrace him, and to wipe off the Sweat from his Face. *Capua*, *Aversa*, and many other of the neighbouring Cities immediately

immediately follow'd the Example of *Naples*, and *Gaeta* began to Mutiny. In *Puglia*, the City of *Otranto* from the Time of the publishing of the League, being unprovided with Troops, and in the Neighbourhood of *Brindisi* and *Gallipoli*, had set up the *Aragonian* Standard; therefore *Frederick*, who was in *Brindisi*, immediately provided it with all Things necessary.

AT the same time that *Ferdinand* enter'd *Naples*, the *Venetian* Fleet arrived before *Monopoli*, and having landed some Troops, the City was taken by Storm, and then *Pugliano* by Capitulation. *Taranto* was gallantly defended by *George de Seville*, and held it out for *Charles*, till by Famine he was forced to surrender it, where he afterwards died of the Plague. But *Gabriel Montfaucon*, who commanded in *Manfredonia*, immediately surrender'd it for want of Provisions, although he had found the Place well provided with Necessaries. Many other Places quickly surrender'd thro' Scarcity of Provisions; and *Philip de Comines* writes, that many, to whom the keeping of the Places were committed, sold whatever they found in them, and therefore were forced to surrender them. Besides, all the Towns and Fortresses of the Kingdom were so ill provided of Money, and the Pay of the Troops arising from the Revenues of the Provinces failing, of course the Pay fail'd; and *Calabria* had been, in a manner, quite laid waste by the Great Captain. It was reported, that *Alphonfus*, a little before his Death, which fell out at this Time, having heard that the Kingdom had been again brought under the Dominion of his Son, had signified to him his Inclination to return to *Naples*, where it was thought, that the former Hatred, which the People bore against him, was converted into Benevolence; and it was said, that *Ferdinand's* (as it usually happens) eager Desire of Reigning prevailing over his paternal Respect, not only answer'd him smartly, but tauntingly, that he must wait till he had so fix'd himself in the Kingdom, that he (the Father) might not have occasion to fly out of it a second Time<sup>1</sup>.

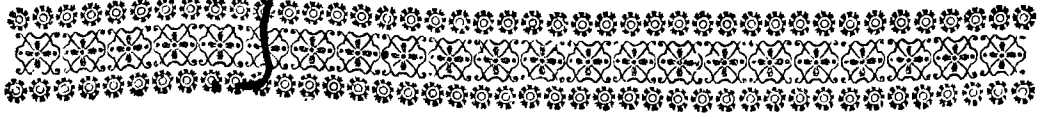
IT being an easy Matter for *Ferdinand* intirely to drive out the small Remains of the *French* that were left in *Aversa* and *Gaeta*: In order to enter into a stricter Friendship with the King of *Spain*, with the Pope's Dispensation he married *Joan* his Aunt, the Daughter of his Grandfather, by *Joan*, the Sister of the said King. And with an uninterrupted Course of prosperous Fortune continuing to drive his Enemies out of the Kingdom, no Place standing out but *Taranto* and *Gaeta*; he arriv'd at the Height of Glory, and was in a fair Way to vie with the Grandeur of his Ancestors; but nevertheless, while he was diverting himself with his new Spouse at *Somma*, a Town situate at the Foot of Mount *Vesuvius*, either by reason of the past Fatigues, or some new Disorder, he fell grievously ill, and his Life being despair'd of, he was carried to *Naples*, where he died in a few Days in the Month of *October* this Year 1496. within less than a Year of his Father's Death, and he was buried in the Church of *S. Dominick*, where his Tomb is to be seen.

ON Account of the Victory he had obtain'd, of the Greatness of his Soul, and the many Royal Virtues, wherewith he was adorn'd, he left not only in the Kingdom, but over all *Italy*, a vast Opinion of his Worth; and though he had reign'd but only one Year and eight Months, he left us some good and prudent Laws, which we find amongst the Pragmaticks of the *Aragonian* Kings. He died without Issue at the Age of twenty eight Years, and therefore *D. Frederick*, his Uncle, succeeded him, this Kingdom having seen, in the Space of three Years only, five Kings, *Ferdinand* the Elder, *Alphonfus* his Son, *Charles VIII.* of *France*, *Ferdinand* the younger, and *Frederick* his Uncle.

<sup>1</sup> Guicc. lib. 1.







## C H A P. III.

*The short Reign of Frederick of Aragon : His Misfortunes, and how by giving way to the Spaniards and French he was forced to abandon the Kingdom, and retire to France.*



**F**ERDINAND was no sooner dead, than *Frederick*, a most prudent Prince, and a great Friend to the Muses, was, to the great Joy of every Body, proclaim'd King, and the old Queen, his Mother-in-Law, immediately deliver'd up to him *Castel Nuovo*, though it was thought by many, that she would have kept it for *Ferdinand*, King of *Spain*, her Brother : Upon this Event appear'd not only the singular Affection of the People of *Naples* for *Frederick*, but also of the Princes of *Salerno* and *Bisignano*, and of the Count of *Capaccio*, who were the first in *Naples* that congratulated him upon his Accession to the Throne, being much better pleas'd with him, than with the late King, because of his mild Temper; for it was much to be suspected, that *Ferdinand* was resolv'd, so soon as his Affairs were settled, with the utmost Rigour to prosecute all those, who had shewn the least Favour for the *French* : *Frederick* therefore, to make himself still the more acceptable, very prudently restored to them all their Fortresses ; and for a greater Testimony of his good Inclinations, he caus'd a Sort of Money to be coin'd, which, on the one side, had a Book with a Flame of Fire, with this Motto, *Recedant vetera* ; and on the other a Crown with this Motto, *A Domino datum est istud* .

ON the seventh of *June* the following Year 1497, Pope *Alexander VI.* sent him the Bull of Investiture ; and to shew how well he was pleas'd with him, he sent with it a most affectionate and cordial Letter. On the ninth of the same Month he sent him another Letter, whereby he acquainted him, that he had appointed Cardinal *Cæsar Borgia*, his Son, Apostolical Legate for crowning him<sup>1</sup> ; and because *Naples* was at this time afflicted with a deadly Pestilence, he resolv'd to have the Ceremony of his Coronation perform'd in the City of *Capua*, to which he wrote an affectionate Letter, which we read in *Chioccarello*, wher'in he notified to the Magistrates the Investiture sent him by the Pope, and that he intended to be crown'd in that City by the Hands of Cardinal *Borgia*. *Camillo Pellegrino*<sup>2</sup> gives an account of a Writing extracted from the Records of the Royal Chancery, and of a Passage in the Journal of *Silvestro Guarino*, of *Aversa*, not yet printed, which he wrote at this Time, wherein he describes the Solemnity and Pomp of this Coronation. It was performed on the tenth of *August* in the Cathedral Church of *Capua* by Cardinal *Borgia* the Legate, the Archbishop of *Cosenza*, then the Pope's Secretary, with many other Archbishops, Bishops and Prelates; the Ambassadors of the King of the *Romans*, of the King of *Spain*, of *Venice*, and of the Duke of *Milan* were also present. *Prospero Colonna* Duke of *Trajetto*, *Fabrizio Colonna* Duke of *Tagliacozzo*, *Alphonfus d' Aragon* Duke of *Amalfi*, *Ferdinando Francesco* Guevara Marquis of *Pescara*, *Trajano Caracciolo* Count of *Polcino*, *Gio. Tommaso Caraffa* Count of *Maddaloni*, *Trajano Cavaniglia* Count of *Montella*, *Bellisario Acquaviva* Count of *Nardo*, *Marcantonio Caracciolo* of *Nicastro*, *Giovanni Caraffa* Count of

<sup>1</sup> Chiocc. MS. Giur. tom. 1.

<sup>2</sup> Cam. Pell. in Append. ad Castigat. in Lupum Protosp.

*Policaastro*, *Vito Pisanello* the King's Secretary, *Antonio Grifone* Lord High Chamberlain, *Roberto Bonifacio*, Knight, &c. were all present, *cum aliis Domicellis, Baronibus, & Militibus, &c.* And *Guarino*, in his Journal, writes, though none of the Barons of the Family of *Sanseverino* were at this Coronation, yet the Prince of *Bisignano* was at the Feast, which the King made the next Day for the Cardinal Legate, and all the Barons.

THE Reign of *Frederick*, so prudent a Prince, would have been longer, and more peaceable, if the Death of King *Charles VIII.* which happen'd in *April* the following Year 1498. had not put every thing in Confusion, and given rise to new Pretensions; for *Charles* being return'd to *France*, though sometimes he had Thoughts of recovering the lost Kingdom, and was constantly sollicitated to it by his Friends; yet his Youth hurried him on to his Pleasures and Diversions; and *Philip de Comines* writes, that having stopt for some time in the City of *Lyons*, he gave himself wholly to the Running at Tilts and Tournaments; and from the beginning of the Year 1496. that he repass'd the *Alps*, to 1498. he little regarded the Affairs of *Italy*. He seem'd to be desirous of nothing so much as a Peace with the King and Queen of *Castile*, who gave him great Trouble both at Sea and Land, and he sent Ambassadors to treat of entering into a League with them.

AT this time began the Treaties with the King of *Castile* about dividing the Kingdom of *Naples* in prejudice of the Princes of *Aragon*; for the same *Philip de Comines* <sup>1</sup> writes, that it was propos'd in the King of *Castile's* Name to make War against *Italy* at the common Charge, and that the Kings of *Spain* and *France* should put themselves at the Head of their Armies; and that the *Spaniards*, in lieu of all their Pretensions, were content to have that Part of the Kingdom of *Naples* which lies next to *Sicily*, to wit, *Puglia* and *Calabria*, of which they were already in Possession of four or five strong Places, whereof *Cotrone* was one; and the *French* to have the City of *Naples*, and all the rest. But it was suspected that all those Treaties were propos'd for no other End but to divert the League, and that they were nothing but Shifts of the King of *Castile*, who aim'd at greater Things; nor was it likely that he would act personally in the War, or bear an equal Share of the Expence of it with the King of *France*. Therefore nothing was concluded; and excepting a short Truce, Things remain'd as they were before. But the sudden Death of *Charles* rais'd new Commotions. On the seventh of *April* this Year 1498. being in *Amboise* looking upon some People playing at *Tennis*, he was seiz'd with a Fit of an Apoplexy, and falling backwards, he lost his Speech, and in a few Hours his Life. Having left no Children, he was succeeded by the Duke of *Orleans*, who was call'd *Lewis XII.*

IT was the Opinion of every body that the Death of *Charles* would have freed *Italy* from all Fear of *France*, because it was not believed, that *Lewis*, the new King, in the beginning of his Reign would have involved himself in a War on the other side of the *Alps*. But thinking Men were not without Suspicion, that the Evil delay'd might in time become more dangerous and fatal; considering that a King of mature Age, experienced in many Wars, frugal in his Expences, and, without Comparifon, more Master of himself than his Predecessor had been, was rais'd to so great Dominion; and to whom not only belonged, as King of *France*, the same Rights to the Kingdom of *Naples*, but he likewise pretended, that by Right the Dutchy of *Milan* belonged to himself, as Successor to the Princess *Valentina*, his Grandmother, of which *Jovius* and *Guicciardine* <sup>2</sup> have treated at large.

LEWIS therefore, being now King of *France*, had nothing more at Heart than to acquire, as his own Inheritance, both the Dutchy of *Milan* and the Kingdom of *Naples*. For which end, a few Days after *Charles's* Death, with the Advice of his Council, he intitled himself not only King of *France*, but also, with respect to the Kingdom of *Naples*, King of *Jerusalem*, and of both the *Sicilies*, and Duke of *Milan*. And to make the Interest he had in the Affairs of *Italy* more publick, he immediately intimated his Accession to those Dominions by Letters to the Pope, the *Venetians*, and the *Florentines*: And he sent proper Persons to give Hopes of new Expeditions, declaring expressly, that he would first attack *Milan*, and then *Naples*.

<sup>1</sup> Memor. Arg. lib. 8. cap. 16.

<sup>2</sup> Guicc. lib. 4. in Princ. Istoria d'Italia.

*LEWIS* found more favourable Opportunities than *Charles* had had; for besides some Princes that hated *Sforza*, and earnestly wish'd his ruin, Pope *Alexander*, spur'd on by his own Covetousness, which he knew could not be satiated while *Italy* was in Peace, wanted to fish in troubled Waters. And resolv'd to remove his Son *Cæsar* from the Cardinalship to secular Grandeur; he was big with great Expectations, and therefore had a Mind to join in Alliance with the King of *France*, hoping by ~~his~~ Means to obtain nothing less than the Kingdom of *Naples* for *Cæsar*.

*ALEXANDER* had not neglected, when the *Aragonian* Kings were in a low Condition, before he had fully resolv'd to join with the King of *France*, to use his utmost Endeavours to clear the way for setting Cardinal *Borgia*, his Son, upon the Throne of *Naples*: he demanded of King *Frederick* his Daughter for Wife to the Cardinal, who was ready prepared upon the first Opportunity, to renounce the Cardinalship, as he did afterwards; and he asked the Principality of *Taranto* as her Portion, persuading himself, that if his Son, who was a Man of Parts and Courage, were once Master of so considerable a Member of that Kingdom, he might easily, having married the King's Daughter, find an Opportunity, with the Forces and Rights of the Church, to deprive the Father-in-Law of the Kingdom, who had but few Troops and empty Coffers.

IN the mean time *Frederick*, hearing of so great Preparations for a War, which threatned his Kingdom, found himself in a very dismal Situation; but for all that, though the breaking with the Pope was like to fall heavy upon him, he still continued obstinately to reject the propos'd Marriage; and though the Duke of *Milan*, who was also much troubled at the Pope's Alliance with the King of *France*, had endeavour'd, by strong Reasons, to persuade him to consent to it; yet *Frederick* still refus'd, confessing, that tho' by losing the Pope's Friendship he put his Kingdom in danger; yet he likewise knew, that to give his Daughter with the Principality of *Taranto* to the Cardinal of *Valencia*, put it no less in danger, and therefore, of the two, he would run the Hazard of that, which was least derogatory to his Honour, and proceeded not from his own Act.

MEAN while the King of *France*, having march'd into *Italy*, drove the Duke of *Milan* out of his chief City, and made him Prisoner; and in the Year of the Jubilee 1500. he made himself intirely Master of that Dutchy.

BUT Revolutions of much greater Consequence happen'd among us in the Beginning of this new Century; for *Frederick*, quite disheartned at the News of the Imprisonment and Ruin of the Duke of *Milan*, fearing that the same Misfortune might befall him, a Prince without Support, and who had but few Troops and an empty Exchequer, he did not know to whom to apply for Assistance. He had indeed resolv'd to have Recourse to the *Turk*, to whom he had made pressing Instances for Relief, representing to him, that he was in greater Danger from the Victory of the present King of *France*, than he had been from that of the late King; but his Application proved in vain, and the expected Assistance fail'd: He had conceiv'd great Jealousy of the King of *Spain*, whose Pretensions to the Kingdom he well knew, as well as his eager Desire to make them good, which he cover'd with *Spanish* Patience and Dissimulation. Notwithstanding, cruel Necessity forced him to have recourse to that King for Assistance, who, with incredible Dispatch and Satisfaction, sent back the Great Captain to *Sicily*, in order to put his Designs in execution. Though *Frederick* was afraid of him, 'tis said, that at the same Time he sent *Bernaudo* to the King of *France* to offer to make the Kingdom tributary to him, and himself his Liege-man, provided he would permit him to reign.

BUT *Lewis* having bent all his Thoughts upon attacking the Kingdom, in which, lest the King of *Spain* should oppose him, he judg'd the best Thing he could do, was to renew the Treaty about dividing the Kingdom, which had been begun in the Time of King *Charles*.

*FERDINAND* King of *Spain*, as may be seen in the preceding Books, as well as his Father *John*, pretended that he had the same Right to the Kingdom of *Naples*, as he had to that of *Sicily*, of which he was in Possession; for though *Alphonfus I.* King of *Aragon*, had acquired it by Rights independent of the Crown of *Aragon*, and therefore as his own Property had dispos'd of it in favour of *Ferdinand*, his Bastard Son; yet *John*, his Brother, who succeeded him in the Kingdom of *Aragon*, and *Ferdinand* the Son of *John*, had still had a tacit Claim, that

*Alphonfus* having conquer'd it with the Arms and Money of the Kingdom of *Aragon*, it belong'd lawfully to that Crown. *Ferdinand* had for a long Time, with *Spanish* Cunning and Patience conceal'd this Claim, not only not neglecting to do *Ferdinand* and the other Kings, his Successors, the good Offices requisite between Relations; but even increasing them with new Ties of Alliance; for he gave his Sister *Joan* in Marriage to *Ferdinand* I. and afterwards consented to the Marriage of *Joan* her Daughter with *Ferdinand* II. yet for all that, these Princes were a long time before very sensible of his ambitious Design. *Ferdinand* and the King of *France* concurring then in the same Inclination, the one to remove Obstacles and Difficulties, the other to obtain that Part of the Kingdom which for a long time he had been gaping after, since it was not a proper Time to pretend to the whole, they easily agreed about the Division. *Jovius*<sup>1</sup> adds, that *Ferdinand* was likewise induced to agree to this Partition, because he was heinously offended, that *Frederick* should have offer'd to make the Kingdom tributary, and himself a Vassal to the *French*, his inveterate Enemies. Therefore it was concluded and stipulated between them,

THAT they should both, at the same Time, attack the Kingdom of *Naples*, which should be divided between them in this Manner.

THAT the Cities of *Naples*, *Gaeta* and all the other Cities and Lands of the Province of *Terra di Lavoro*, with all *Abruzzo*, and the half of the Revenues arising from the Duty upon the Cattle of *Puglia* should belong to the King of *France*: That he should have the Royal Titles, so that, besides being call'd King of *France* and Duke of *Milan*, he should also be call'd King of *Naples* and *Jerusalem*.

THAT the Dutchy of *Calabria* and all *Puglia*, with the other half of the Revenues arising from the Cattle, and the Title of Duke of *Calabria* and *Puglia* should belong to *Ferdinand* King of *Spain*.

THAT each should conquer his own Share, the other not being obliged to assist, but only not to hinder him; and it was particularly stipulated, that this Agreement should be kept secret till such time as the Army, which the King of *France* was sending upon the Expedition, should be arrived at *Rome*, at which time both their Ambassadors, alledging that this Convention had been made for the Benefit of Christendom, and with a Design to attack the Infidels, should jointly solicit the Pope to give the Investiture according to the Division agreed upon between them, investing *Ferdinand* under the Title of, Duke of *Puglia* and *Calabria*, and the King of *France* under that of, King of *Jerusalem* and *Naples*, but not of *Sicily*. The intire Treaty of this Peace and Confederacy between *Lewis* XII. of *France*, and *Ferdinand* and *Isabel* King and Queen of *Spain*, dated in *Granada* the eleventh of *November* 1500. may be seen in the first Tome of *Frederick Leonard's* Collection of all the Treaties of Peace, Truces, &c. made by the Kings of *France* with other Princes, printed at *Paris* in the Year 1693; and some Articles of it are likewise to be seen in *Camillo Tutini's* Treatise<sup>2</sup> of the Admirals of the Kingdom; where 'tis well worth our Observation, that these two Kings, besides their Pretensions, which they say each of them had to the Kingdom, and which could belong to no other, but to one of them, they also alledge another Reason, whereby they were induced to make the Partition, and to drive *Frederick* out of the Kingdom, which was, because it was manifest to all the World, *Regem Fredericum sæpè Turcarum Principem Christiani nominis hostem acerrimum, literis, Nunciis, ac Legatis ad arma contra Populum Christianum capessenda sollicitasse, ac in præsentiarum sollicitare, qui ad ejus maximam instantiam cum ingenti classe, ac validissimo terrestri exercitu ad Christianorum Terras invadendas, vastandasque jam movisse intelligitur: igitur tam imminente periculo, ac damno Christianæ Reipublicæ obviari volentes, &c.*

THUS Princes, when their Interest is concerned, endeavour to cover their immoderate Thirst after Dominion with the Cloke of Religion, in order to colour, and make their Undertakings seem, less blame-worthy in the Eye of the World. *Charles* likewise cloak'd his Expedition against *Naples* with the false shew of Religion, protesting, that he had no other view in conquering that Kingdom, but to cross over from thence with his Troops into *Macedonia* against the *Turk*. *Ferdinand* the Catholick excell'd all others in this, for he studied to cover, almost, all

<sup>1</sup> Jov. lib. 1. della vita del G. Capit.

<sup>2</sup> Tutin. degli Ann. pag. 171.

his ambitious Designs with a pretended Zeal for Religion, whereby he acquired the surname of Catholick, and he would also have got from the Pope that of most Christian, if the *French* Cardinals had not opposed it, as an Indignity offer'd to their King<sup>1</sup>. And *Bacon* of *Verulam*, in the History of *Henry VII.* King of *England*, writes, that when *Ferdinand* recover'd *Granada*, for many Ages possess'd by the *Moors*, he notify'd it to that King by Letters, wherein he affected so much Zeal for Religion; that he descended to the very Particulars of the Sacred Solemnities, which were celebrated on the Day of his taking Possession of that City.

THIS Agreement having been concluded between the two Kings, the King of *France* began openly to make ready his Army, and appointed *Aubigny* General, with a thousand Lancemen and ten thousand Foot, for the Expedition against *Naples*, who in great haste march'd towards that City. The unfortunate King *Frederick*, who, by reason that the Agreement had been carried on, and concluded with the utmost Secrecy, knew nothing of the Matter, hearing of these Motions of the *French*, solicited the Great Captain, who, under pretence of coming to his Assistance, had stopt with his Army in *Sicily*, to come immediately to *Gaeta*; and in the mean time, not knowing that the *Spanish* Arms, under the Cloak of Friendship, were design'd against himself, he put the *Spaniards* in Possession of some Towns of *Calabria*, which *Gonsalvo*, under colour of having them for the Security of his Men, had demanded of him; but his real Intent was, that he might the more easily secure his Master's Share. However, *Frederick* was in hopes, that being once join'd by *Gonsalvo* and his Army, and with the Assistance of the *Colonna*, though the *Turk* had fail'd him, to be able to face the *French* in the Field; and therefore, having first sent *Ferdinand*, his eldest Son, yet a Youth, to *Taranto*, more for the Security of his Person, in case of Misfortune, than for the Defence of that City, he halted with his Army at *S. Germano*, where, expecting the Assistance of the *Spaniards*, and the Men which the *Colonna* were bringing, he hoped, with better Success, to hinder the Enemy from entering the Kingdom, than *Ferdinand*, his Nephew had done, upon the coming of *Charles VIII.* Every Body judg'd, that this Expedition would be the beginning of terrible Calamities in *Italy*, because of the bitter Quarrel that unavoidably must ensue between such powerful Princes; but the *French* Army was no sooner arriv'd in the neighbourhood of *Rome*, than all Fear vanish'd; for the *French* and *Spanish* Ambassadors having enter'd the Consistory together, notify'd to the Pope and Cardinals the League, and the Division of the Kingdom between their Kings, in order to pursue, as they said, the Expedition against the Enemies of the Christian Religion, and therefore they demanded the Investiture according to the Tenor of the Convention that had been made.

POPE *Alexander*, not only on account of the Hatred he had conceived against *Frederick*, because he had rejected the proposed Marriage, but in consideration of his own Engagements with the King of *France*, immediately granted the Investiture, and on the twenty fifth of *June* this Year 1501. he dispatch'd the Bull, which may be seen in *Chioccarelli*<sup>2</sup>, whereby depriving King *Frederick* of the Kingdom of *Naples*, and dividing it into two Parts, according to the Agreement; he invested *Lewis*, King of *France* with the one, with the Title of, King of *Naples* and *Jerusalem*; and *Ferdinand* the Catholick and *Elizabeth* his Wife, King and Queen of *Spain*, with the other, with the Title of Duke and Dutches of *Calabria* and *Puglia*; and the Year following he granted to the said King and Queen of *Spain*, that neither they, nor their Heirs and Successors, should be obliged to come in Person to take the Oath to the *Roman* Pontiff for that Part of the Kingdom belonging to them, but that they might take it from the Hands of a Person, who should be appointed by the Pope<sup>3</sup>.

*GUICCIARDINE* writes<sup>4</sup>, that it being no longer doubtful what the issue of this War would be, Men of Judgment were greatly surpris'd to find that the King of *France* had chosen, that half of this Kingdom should fall into the Hands of the King of *Spain*, and to introduce into *Italy* (where, before, he was sole Umpire) a rival King, to whom his Enemies might have recourse, and besides he being in a strict Alliance with the King of the *Romans* in point of Interest, rather than to suffer King *Frederick* to continue Master of the whole, holding it

<sup>1</sup> Guicc. lib. 13. Boccacino nella Pietra di Paragone. |

<sup>2</sup> Chiocc. MS. Giurisd. tom. 1. |

<sup>3</sup> Idem loc. cit.

<sup>4</sup> Guicc. lib. 5.

of him, and paying him a Tribute for it, which by sundry Means he had sought to obtain.

ON the other hand, the World had no less Opinion of *Ferdinand's* Integrity and Faith, than of *Lewis's* Prudence, all Men being amazed, that out of Covetousness to obtain a Part of a Kingdom, he should have conspired against a King of his own Blood, and the more easily to surprize him, had always amused him with treacherous Promises of Assistance, sullyng the bright Title of Catholic King, given him a few Years before by the Pope, and that Glory, whereby he had been extoll'd to the very Sky, for having, no less out of Zeal for Religion, than his own Interest, driven the *Moors* out of the Kingdom of *Granada*.

TO which Accusations, alledged against both one and the other King, nothing was answer'd in Name of the King of *France*, but that the Power of *France* was sufficient, at any time, to remedy all Disorders. But for *Ferdinand* it was said, that though *Frederick* had given him just Grounds of Provocation, by having, to his Knowledge, carried on secret Practices with the King of *France* to his Prejudice; yet he had not been moved by that, but upon Consideration, that that King having been positively resolved to attack the Kingdom of *Naples*, he was reduced to that Necessity, either to defend or abandon it: Defending it, was to raise so terrible a Combustion, as would have been very pernicious to *Christendom*, and especially at a Time, when the *Turks* were acting so powerfully against the *Venetians*, both by Sea and Land: In abandoning it, it was known, that his Kingdom of *Sicily* would have been exposed to great Danger; and besides that, it would have been a signal Prejudice to him, if the King of *France* had got Possession of the Kingdom of *Naples*, which belong'd to him by Right, and to the Succession of which he was intitled by new Rights, in case *Frederick's* Line had fail'd: Therefore in the midst of these Difficulties he had chosen to divide it, in hopes, that if the *French* did not behave themselves as they ought, he might in a short time be likewise Master of their Share; in which Case, according as he should be guided by the Regard he had for the Publick Good, to which he had always a greater Eye than to his own Interest; he would either keep it for himself, or restore it to *Frederick*, but rather to his Children, because he could not deny but that he hated the very Name of him, because he knew, that even before the King of *France* seized the Dutchy of *Milan*, he had been treating with the *Turk*.\*

THE News of this Agreement so terrify'd *Frederick*, that though *Gonsalvo*, seeming to despise what had been declared in *Rome*, promised to come to his Assistance, he quitted his former Resolutions, and retired from *S. Germano* towards *Capua*; and *Gonsalvo* hearing that the *French* Army had pass'd *Rome*, discover'd his Orders, and sent six Gallies to *Naples* to bring from thence the two old Queens, the one the King's Sister, and the other his Niece. Then *Frederick* resolv'd to betake himself to the defence of the Cities, and hearing of the Revolt of *S. Germano*, and of the other neighbouring Places, he determin'd to stand the first brunt in *Capua*. He left *Prospero Colonna* to defend *Naples*, and he himself, with the rest of his Troops, halted in *Aversa*. But *Aubigny* not finding any Resistance in the Places he pass'd, possess'd himself of all the Towns on the way to *Capua*; whereupon *Frederick* retired to *Naples*, abandoning *Aversa*, which, together with *Nola* and many other Places, surrender'd to the *French*. *Capua* was taken by Storm, and on the twenty fifth of *July* this Year 1501. it was pillaged by the *French*, in which they gave the utmost Proofs of their Cruelty, Covetousness and Lust. With the loss of *Capua* all Hopes of being able to defend any Place was at an end. *Gaeta* surrender'd without the least delay, and *Aubigny* having come with his Army to *Aversa*, *Frederick* abandon'd the City of *Naples*, which quickly came to an Agreement, upon Condition of paying sixty thousand Ducats to the Conquerors, and retired to *Castel Nuovo*; and a few Days after he agreed with *Aubigny*, within six Days to deliver up to him all the Cities and Fortresses that held out for him, which, according to the Division, belong'd to the King of *France*, reserving to himself only the Island of *Ischia* for six Months; in which time he was at Liberty to go to any Place he pleas'd, excepting the Kingdom of *Naples*, and to send a hundred Cuirassiers to *Taranto*; to take any thing whatsoever out of *Castel Nuovo* and *Castel dell' Uovo*, excepting the Artillery belonging to King *Charles*, which had been left there: A Pardon was granted to every Body for what had been done

\* Guicc. lib. 5.

since *Charles* conquer'd *Naples*, and the Cardinals *Colonna* and of *Aragon* were allowed to enjoy the Ecclesiastical Revenues which they had in the Kingdom.

IT was truly a lamentable Sight to see all the miserable Remains of old *Ferdinand's* Progeny gather'd together in the Castle of *Ischia*; for besides *Frederick*, newly robb'd of so renown'd a Kingdom, and more grieved for the Misfortunes of so many young Children, and of his eldest Son, block'd up in *Taranto*, than for his own: There was likewise in that Castle *Beatrice*, his Sister, who, after the Death of *Matbias* King of *Hungary*, her Husband, having been betroth'd by *Uladislaus* King of *Bohemia*, with a Design to induce her to assist him in acquiring that Kingdom, had been by him, after he had obtain'd his End, ungratefully divorced, and, with Pope *Alexander's* Dispensation, he had married another: There was likewise *Isabella*, Dutchess Dowager of *Milan*, no less unfortunate than the rest, having been at the same Time deprived of her Husband, State, and her only Son.

BUT *Frederick*, out of the extreme Hatred he bore the King of *Spain*, being resolv'd to have recourse for Refuge rather to the King of *France*, sent to him for a safe Conduct, and having obtain'd it, leaving all his Family in the Castle of *Ischia*, under the Care of the Marquis *del Vasto*, he took Shipping, and with five light Gallies went to *France*. A Step, as *Guicciardine* <sup>1</sup> wisely observes, certainly most unlucky; because, if he had been Master of himself, perhaps, during the Wars that afterwards happen'd between the two Kings, he would have had many Opportunities of returning to his Kingdom; but chusing a more quiet Life, and, perhaps, thinking he did the best he could, by the King's Advice he was content to stay in *France*, where the King gave him the Duchy of *Anjou*, and such a Pension as amounted to thirty thousand Ducats a Year; therefore he order'd those, who had the Government of the Island of *Ischia*, to deliver it up the King of *France*.

ON the other hand, the Great Captain at the same time had come over to *Calabria*, where, though almost all the Country liked the Dominion of the *French* better; yet there being none to protect them, all the Cities willingly received him, excepting *Manfredonia* and *Taranto*; but having besieged *Taranto*, where there appear'd the greatest Difficulty, at last it surrender'd upon Capitulation; for *D. Giovanni di Guevara*, who had the Charge of the Duke of *Calabria*, and *Fra. Lionardo*, a Knight of *Rhodes*, Governor of *Taranto*, despairing of being able to defend it any longer, agreed to deliver up the City and Castle, if, within the Space of four Months, they were not reliev'd, taking *Gonsalvo's* solemn Oath upon the consecrated Host to leave the Duke of *Calabria* at Liberty to go wherever he pleas'd; because he had private Orders from his Father, that when he could resist no longer, he should come to *France*. But neither the Fear of God, nor Regard for Man were able to balance the Interest of the State; for *Gonsalvo* judging, that it might be of dangerous Consequence not to have the Person of the Duke in the Power of the King of *Spain*, not regarding the Oath, he would not suffer him to depart, but with the first Opportunity sent him well guarded to *Spain*, where he was very graciously receiv'd by the King, and in outward Appearance was treated, in a manner, with Royal Honours, but in reality, in a splendid and honourable Prison <sup>2</sup>.

THUS, upon *Frederick's* being dethroned; was the Kingdom divided into two Parts, and, with a new Polity, govern'd by the Ministers of the two Kings. The King of *France* left *Lewis d'Arminac*, Duke of *Nemours*, Viceroy in *Naples*, who had under his Government *Terra di Lavoro*, *Abruzzo*, and all that Part belonging to him. The Great Captain, as Viceroy, and the King of *Spain's* Plenipotentiary, commanded in *Calabria* and *Puglia*, Provinces next to *Sicily*.

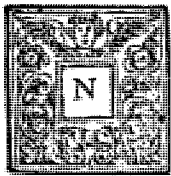
<sup>1</sup> Guicc. lib. 5.

<sup>2</sup> Thuan. lib. 1. Hist. sui temporis.



## C H A P. IV.

*The rise of the Discords between the Spaniards and the French ;  
and how at last the French being driven out, the whole King-  
dom came under the Dominion of Ferdinand the Catholick.*



O sooner, by Vertue of the Convention entred into, was the Kingdom divided between these two most potent Kings and rival Nations, than this very Year 1501. great Discords arose amongst them about settling the Limits of the Division agreed upon. The Rise of these Debates proceeded from their not having clearly express'd the Limits and Boundaries in the Division; wherein it was not declared, but in general, that *Terra di Lavoro* and *Abruzzo* were allotted to the King of *France*, and *Puglia* and *Calabria* to the King of *Spain*. There were some Provinces, such as *Capitanata*, *Contado di Molise*, and *Val di Bonevento*, *Principato*, *Basilicata*, which the one pretended were to be comprehended in his half, and the other claim'd them as belonging to his Share.

THE Disputes increased this very Year 1501. upon account of collecting the Duty upon the Passage of Cattle from *Puglia* into the Province of *Capinata*: The *French* Officers pretended, that this Province ought to belong to *Abruzzo*, founding their Pretensions on a Right, according to *Guicciardine*, altogether groundless, to wit, that they were not obliged to stand to the modern Division made by *Alphonsus*, of which enough has been said in the preceding Books, but in the present Division regard ought to be had to the antient. They alledged that *Capitanata* being contiguous to *Abruzzo*, and divided from the rest of *Puglia* by the River *Ofanto*, now call'd *Aufido*, ought to be adjudged to them; or that it ought not to be comprehended under any of the four Provinces mention'd in the Division, or that it was rather a Part of *Abruzzo*, than of *Puglia*. They insisted most strenuously upon this, not that they valued the Country so much, as that not being possess'd of *Capitanata*, *Abruzzo*, and *Terra di Lavoro* being deprived of the Corn, which grows in *Capitanata*, in the time of Dearth, these Provinces might be easily reduced to great Straits, whenever the *Spaniards* should think fit to prohibit the Exportation of Corn from *Puglia* to *Sicily*. *Guicciardine* likewise assigns another Reason for their insisting upon having that Country, because not being Masters of it, no Share of the Duty upon Cattle belong'd to them, which was a considerable Article of the Revenue of the Kingdom. But if the Writ recorded by *Frederick Leonard* and *Tutini* of this Division be authentick, as it is most certainly so 'tis plain that this Reason could not move them, for in that writ, 'tis expressly agreed, that these Duties upon Cattle were to be equally divided between them; and *Guicciardine* himself confesseth, that this first Year, in order to remove all Disputes, both Parties were content to make an equal Division of the Revenues of the Custom-house, which Division, as he believes, was by vertue of this Agreement, not of the first Convention; so that the Year following, not content with the said Division, each of them took whatever Part of the Revenues they could lay their Hands on.

<sup>1</sup> Thuanus lib. 1. Hist. sed non diu inter Victores Reges mansit in societate concordia: nam cum de pedum transitu colligitur, inter partes ambigetur, &c.  
rectigali, quod in Apulia ad fines Sannii ex quadru-



BUT on the other hand, perhaps upon better Grounds, it was alledged for the *Spanish* Officers, that *Capitanata* could not belong to the *French*; because *Abruzzo* terminating in high Mountains, it did not extend itself into the Plains; and because in the difference of Names and Confines of Provinces, the modern are not always to be regarded: To this was added, that though *Capitanata* was contiguous to *Abruzzo*, and divided from the rest of *Puglia* by the River *Ofanto*; yet *Puglia* had always been divided into three Parts, to wit, into *Terra d'Otranto*, *Terra di Bari*, and *Capitanata*, therefore this last ought to be reputed a Part of *Puglia*, one of the four Provinces mention'd in the Convention.

THERE arose new Disputes afterwards, hitherto more fomented by the Covetousness of the Officers, than by the Consent of the Kings; for the *Spaniards* pretended, that *Principato* and *Basilicata* were comprehended in *Calabria*; and that *Val di Benevento*, which was in the Possession of the *French*, was a Part of *Puglia*; and therefore they sent Judges to hold Courts in *Tripalda*, within two Miles of *Avellino*, where the *French* Judges lived.

THESE Dissensions being troublesome to the principal Barons of the Kingdom, Overtures were made by them for having Matters compounded by *Gonsalvo* and the Duke of *Nemours*, the King of *France's* Viceroy; and by their Means the Duke having come to *Melfi*, and *Gonsalvo* to *Attela*, a Town belonging to the Prince of *Melfi*, after a Negotiation which lasted some Months, in which the Duke and *Gonsalvo* were present with the Barons; not being able to come to any Agreement, it was resolved to wait the Decision of their Kings, and in the mean time that no Innovation should be attempted. But the *French* Viceroy carrying it high, because he was much superior in Force, having a few Days after made another Declaration, he denounced War against *Gonsalvo*, in case he did not quickly yield all Pretensions to *Capitanata*; and then he immediately sent his Troops to make themselves Masters of *Tripalda*, from which Incurfion, which was made on the ninth Day of *June* this Year 1502. proceeded the War, which being still prosecuted by the *French*, they began with open force to seize, in *Capitanata* and elsewhere, the Towns belonging to the *Spaniards*: Which Proceedings their King not only did not disapprove; but having Notice, that the King of *Spain* was determined not to give up *Capitanata*, wholly bent upon War, he sent by Sea a Reinforcement of two thousand *Switzers*, and caused to be taken into his Pay the Princes of *Salerno* and *Bisignano*, and some others of the chief Barons of the Kingdom. Besides, the King came to *Lyons*, in order to be nearer at hand for making the necessary Provisions for conquering the whole Kingdom, to which, not content with the Places in dispute, he openly aspired, with Intention, if need were, to go to *Italy* in Person.

KING *Lewis* having actually gone to *Milan*, all his Thoughts were turn'd upon the Affairs of *Naples*, which hitherto seem'd to go on very prosperously, and greater Things were still expected, because the Duke of *Nemours*, who had before made himself Master of all *Capitanata*, except *Manfredonia* and *S. Angelo*, had, with the Reinforcement sent him by the King, possess'd himself of many Cities of *Puglia* and *Calabria*; and except *Barletta*, *Andria*, *Gallipoli*, *Taranto*, *Cosenza*, *Gerace*, *Seminara*, and a few other Cities near the Sea, all had submitted to the *French* Dominion; so that the Great Captain, finding himself much inferior in Troops, retired with his Army into *Barletta*, without Money, and with little Provisions.

THIS Success, while the King was in *Italy*, not only made him neglect to send the necessary Provisions, which if he had carefully continued to do, he would have easily driven the Enemy intirely out of the Kingdom; but, as if the War had been at an end, it made him resolve to return to *France*, therefore, after his leaving *Italy*, the Affairs of the *French* went not on so prosperously; for *D. Hugo de Cardona*, with eight hundred *Spanish* Foot, pass'd over from *Messina*, to *Calabria*; and a little after fresh Troops, under the Command of *Emanuel Benavides*, arriving at *Messina* from *Spain*, with which pass'd over to *Italy*, *Antonio de Leva*, who, from a private Soldier having pass'd through all the military Stations, at last arrived to that of Captain General, gain'd many Victories in *Italy*: Upon this the *Spaniards* took fresh Courage, and coming to several Engagements, in which they got the better, they grew daily more bold, and on the contrary, the *French* became dishearten'd.

BUT they were much more discouraged and ashamed, when upon account of some reproachful Language that had pass'd between the *French* and *Italians*, they were so exasperated against one another, that in order to maintain the Honour of their respective Countries, it was agreed, that a decisive Battle should be fought in a Field rais'd in, between thirteen *French*, and the same number of *Italian* Cuirassiers. A Field between *Barletta*, *Andria*, and *Quarato* was pitch'd upon for the Place of Battle. Each of the Generals encouraged his own Men, but the Signal being given, and both Parties fighting with great Courage and Fury, at last the *French* were worsted, and all made Prisoners by the *Italians*: As this Defeat of the *French*, so well described by *Guicciardine*<sup>1</sup>, and *Jovius*<sup>2</sup>, animated the *Italians*, so 'tis incredible how much it dispirited the *French* Army, and elevated the *Spaniards*, every one presaging, from this Trial of a few, what would be the Issue of the War.

KING *Lewis*, by these Proceedings of the *Spaniards*, seeing, that there was no Hopes of ridding himself of this War, but by endeavouring to bring the King of *Spain* to make Peace, left no Stone unturn'd to bring it about; and while a Treaty was carrying on between the two Kings, a fit Opportunity offer'd for effecting it.

*PHILIP*, the Son of the Emperor *Maximilian*, Archduke of *Austria*, Prince of *Flanders*, and the next in the Succession of the Kingdoms of *Spain*, by *Joan*, his Wife (the only Daughter of *Ferdinand* and *Elizabeth*) having been a long time in *Spain* kindly entertain'd by his Father and Mother-in-Law, resolv'd to return to *Flanders*, and to travel by Land through *France*; and though the King and Queen advis'd him to the contrary, yet, being assur'd of King *Lewis's* Faith and Honour, he would undertake that Journey; and upon this Occasion being solicited by the King of *France* to use his good Offices with respect to the Peace, he got the King and Queen of *Spain* to give him full Power and Commission to conclude it with the King of *France* in his Passage through that Kingdom; and besides, that what he should conclude might be firm, he obtain'd, that he should be accompanied by two Ambassadors, without whose Concurrence he would neither treat, nor conclude any thing. *Philip* having left *Spain* and enter'd *France*, it was incredible with what Magnificence and Honour he was received in his Journey through the Kingdom of *France* by the King's Orders, not only with a Design to make him favourable in treating about the Peace, but for ever to gain the Friendship of that young Prince, who was next in the Succession of the *Roman* Empire, and of the Kingdoms of *Spain*, with all their Dependencies: The Persons of Quality that attended him were receiv'd with the same Generosity, and had many Presents made them: To which honourable Treatment he made a suitable return by a Greatness of Soul truly Royal; for the King, besides his plighted Faith, for his Security in passing through *France*, having sent some of the chief Nobility into *Flanders* to remain there till he should be past, *Philip*, to shew that he depended entirely upon the King's Faith, had no sooner enter'd *France*, than he order'd the Hostages to be set at Liberty. To these so great mutual Demonstrations of Friendship, so far as in them lay, the Effects that follow'd were answerable; for having met in *Blois*, after canvassing the Business for some Days, they concluded the Peace with these Conditions:

THAT the Kingdom of *Naples* should be possess'd according to the first Division, but that the Provinces in dispute, which had occasion'd the War, should be consign'd in trust to *Philip*.

THAT from this Time forth *Charles*, the Son of *Philip*, and *Claudia*, the King's Daughter, whose Marriage, formerly treated of, was now settled, should be intitled, *King and Queen of Naples*, and *Duke and Dutchess of Puglia and Calabria*.

THAT the Part, belonging to the King of *Spain*, for the future should be govern'd by the Archduke *Philip*: That of the King of *France*, by whomsoever he should appoint, but both Parts to be govern'd in Name of the two Children, to whom, upon Consummation of the Marriage, the King should give his Part as the Portion of his Daughter.

THIS Peace, according to *Guicciardine*, was publish'd in the great Church of *Blois*, and confirm'd by the Oaths of the King, and of *Philip* as Proxy for the

<sup>1</sup> Guicc. lib. 5.

<sup>2</sup> Jov. lib. 2. vita Gonsalvi,

King and Queen of *Spain*: But the Treaty of this Peace, which is to be seen at large in the second Tome of *Frederick Leonard's* Collection, is dated at *Lyons* on the fifth of *April* 1502. A Peace, if it had taken Effect, would no doubt have been of the greatest Importance, because these two potent Kings would certainly have laid down their Arms. But the King and *Philip* having immediately made it publick in the Kingdom of *Naples*, and sent orders to the Generals to forbear committing Acts of Hostility, and to let all Things remain in the Condition they were, till such Time as the King of *Spain's* Ratification should come, the *French* General offer'd to obey his King; but the *Spanish* General, either because he was confident of Victory, or that *Philip's* single Authority was not sufficient for him, answer'd, that till he had the same Orders from the King, his Master, he could not forbear carrying on the War. So *Gonsalvo*, who now seeing his Advantage, thought fit not to slip the Opportunity, hoping, before his King's Orders should come, to have made such a Conquest, that the Peace would not be ratify'd, continued to harrass the *French* more than ever, and coming to an Engagement with them, he broke and quite dispersed them, insomuch that abandoning every Thing, they retired between *Gaeta* and *Trajetto*. *Gonsalvo* having obtain'd so great a Victory, march'd strait with his Army for *Naples*, and, as he began to draw nigh, the *French* enter'd into *Castel Nuovo*. The *Neapolitans* being deserted, sent Ambassadors to meet *Gonsalvo*, and beg of him to take them under his Protection, which he very readily did, subscribed to the Privileges granted them by the former Kings, and on the fourteenth Day of *May* this Year 1503. made his Entry into *Naples*, where he was receiv'd with great Pomp and Rejoycing, and the Day following he made the City swear Allegiance to King *Ferdinand*; and at the same time *Aversa* and *Capua* did the same.

THE News of so great a Loss coming to the King of *France* at a Time when his Mind was more taken up with the hopes of Peace, than the thoughts of War, he was extremely concern'd about the loss of so noble a Kingdom, and the Danger, to which his other Dominions in *Italy* were expos'd, besides, he look'd upon it to be a great Dishonour to have been beat by the King of *Spain*, without doubt less powerful than himself; and being highly offended that he had been deceiv'd under the hopes of Peace, he resolv'd to imploy all his Might in recovering his Honour and the lost Kingdom, and with his Arms to revenge so great an Injury. But before he proceeded any further, he made a grievous Complaint to the Archduke, who had not as yet left *Blois*, bidding him take such a Course about the Matter, as was consistent with his Faith and Honour; who being innocent, most earnestly sollicit'd his Father and Mother-in-Law to find out a Remedy, lamenting exceedingly that such Things should have happen'd, which in the Opinion of the World, would turn so much to his Infamy.

*FERDINAND*, before the Victory, by several Excuses had delay'd to send the Ratification of the Peace, sometimes alledging, that he and the Queen were not in the same Place, as it behov'd them to be, for dispatching it together; sometimes that they were taken up with other Affairs. Besides, they were not pleas'd with the Peace, either because their Son-in-Law had exceeded their Commission, or, that after his Departure they had conceiv'd better Hopes of the Success of the War; or that they thought it very strange, that he should have appropriated their Share to himself, without any certainty that the Marriage would take Effect, by reason of the tender Ages of the betroth'd Couple; and though not denying, nay, on the contrary, giving Hopes that they would send the Ratification; yet spinning out the time, that they might take their Measures according to the Success of Affairs; and hearing of the Victory obtain'd by their Troops, they resolv'd to reject the Peace that had been made, yet they delay'd declaring their Intention to the Archduke; because the King of *France*, by how much the longer kept in suspense, so much the later he would be in making Provision for the Relief of *Gaeta* and the other Towns that were still in his Possession; but at last being eagerly press'd by their Son-in-Law, who otherwise was determin'd not to leave *Blois*, they sent new Ambassadors thither, who, after having treated for some Days, at last declared, that their Master and Mistress did not intend to ratify that Peace, which had been patch'd up in such a manner, as was neither honourable nor safe; and even discoursing with the Archduke, they told him, that the King and Queen were very much surpriz'd, that in the Articles of Peace he had exceeded

ceeded their Commission, because, though for his Honour the Commission was very ample, yet he ought to have acted according to his Instructions, which were limited. To which *Philip* answer'd, that his Instructions were as ample as his Commission; and that at his Departure both the King and Queen plainly told him, that they were no less desirous than fond of having the Peace made by his means; and that they had sworn upon the Books of the Evangelists, and upon the Image of our crucify'd Saviour, that they would perform whatever he should conclude; and that notwithstanding he was unwilling to make use of such ample Power, without the Concurrence and Approbation of the two Persons they sent with him.

THE Ambassadors, with the same Cunning, propos'd a new Treaty of Agreement, and shew'd an Inclination to restore King *Frederick*; but these Insinuations being found to be not only frivolous, but deceitful, because they tended to alienate the King of *France* from *Philip*, who was bent upon obtaining the Kingdom of *Naples* for his Son, the King himself, in a publick Audience, answer'd them, that he would by no means hearken to any new Proposals, till they had first ratify'd the Peace already made, and given Proofs, that they were sorry for the Mischiefs that had happen'd; adding, that it seem'd to him not only strange, but abominable, that the King and Queen of *Spain*, who glory'd so much of having acquired the Title of *Catholicks*, should make so light of their own Honour, of the Faith of Oaths, and of Religion; nor have the least Regard for the Archduke, a Prince of so generous a Soul, so great Virtue, and their Son and Heir: With which Answer, having the very same Day order'd them to depart the Court, he bent his whole Thoughts upon Preparations for War, which he intended to be greater, both by Sea and Land, than for a long time had been made by any King of that Kingdom.

THEREFORE he resolv'd to send a great Army and a powerful Fleet to the Kingdom of *Naples*; and that *Gaeta* and the Castles of *Naples* might not be lost in the mean Time, to send thither in all haste a Reinforcement of fresh Troops, and all Things necessary by Sea; and to put a stop to the sending of Relief from *Spain* (which had been the occasion of all the Misfortunes) to attack the Kingdom of *Spain* with two Armies, by sending one of them into the County of *Roussillon*, and the other towards *Fontarabia*, and the neighbouring Places; and at the same time to infest the Coasts of *Catalonia* and *Valencia*.

WHILE King *Lewis*, with great Eagerness, was preparing these Expeditions, the Great Captain did not neglect to besiege the Castles of *Naples*, and every Thing succeeding to his Wish, at last he was fully resolv'd to besige *Gaeta*, and to drive the *French* out of all the other Places of the Kingdom.

BUT what made the *French* give over all Hopes of being re-instated, was the Death of Pope *Alexander*, which happen'd at this Time, and though he was succeeded by *Pius III.* yet he held that See but twenty six Days, when *Julius II.* was elected in his Room, who, contrary to all Mens Expectation, proved the bitterest Enemy that ever the *French* had; so that the promising Expeditions begun by the King of *France* were attended with great Difficulties, insomuch that *Lewis* was little inclined to a War on the other side of the *Alps*, and Overtures of Peace being made to him, he readily gave ear to them.

THE Person who interpos'd, was our banish'd King *Frederick*, who being then in *France* at *Lewis's* Court, allur'd by the sham Promises of the King of *Spain*, who insinuated to him, that he was ready to consent to his being restored to the Kingdom of *Naples*, and hoping, that the King of *France* would likewise give his Consent, with whom the Queen of *France*, moved with Compassion, labour'd hard to bring it about, had made Overtures of Peace between the two Kings; whereupon, while the War was raging in *Italy*, Ambassadors from the King of *Spain* came to *France*, who carry'd themselves so artfully, that *Frederick* was persuaded, that the King of *France* was the only Person that oppos'd his Restoration. But while, by these foul Practices, a Peace was transacting, the Great Captain did not fail to harrass the *French* more than ever; and he happening to give them a notable Rout near *Garigliano*, so well described by *Jovius* and *Guicciardine*, besides delivering up *Gaeta* and its Citadel, on the first Day of the new Year 1504. they at last march'd out of the Kingdom, which this Year came intirely under the Dominion of *Ferdinand*, and under the Government and Administration of the Great Captain, his Plenipotentiary. AT

AT this very time the Negotiations of Peace were still carried on between the Kings of *Spain* and *France*, who hypocritically proposed, that the Kingdom should be restored to *Frederick*, or to his Son, the Duke of *Calabria*, to whom the King of *France* should yield his Right; and that the Duke should marry the Queen Dowager, that King's Niece, who had been the Wife of *Ferdinand* of *Aragon*, the younger. Now was it to be doubted, but the King of *France* would be so willing to be disengaged from the Affairs of the Kingdom of *Naples*, that for his Part he would have accepted a Peace in any Shape; but in this Offer two Difficulties occur'd to him: The one, though of least weight, was, that he was ashamed to desert the Barons, who, for having sided with him, were deprived of their Estates, and on whom hard Conditions would be imposed: The other, which touched him more was, that though the King and Queen of *Spain*, who had quite other Thoughts, with their usual Artifice, had for some end only, proposed this Restauration: He was afraid that by his consenting to it, though it should have no effect, yet he would thereby lose the Archduke's Friendship, who, being passionately bent upon having the Kingdom of *Naples* for his Son, was making pressing Instances, for having the Articles of the Peace, formerly made by him, put in execution; therefore he answer'd in general, that he was desirous of Peace, but that it was dishonourable to give up the Rights, which he had to that Kingdom, to an *Aragonian*; and on the other hand, he continued the former Negotiations with the King of the *Romans* and the Archduke: And, as he was, in a manner, certain that they would take Effect, that they might not be interrupted by the uncertain Negotiations with the King and Queen of *Spain*, he dismiss'd the *Spanish* Ambassadors, and in the Month of *September* 1504, the Peace was concluded in *Blois* with *Maximilian* and the Archduke; and first of all it was agreed, that the Marriage formerly treated of between *Claudia*, his Daughter, and *Charles* Duke of *Luxemburg*, the Archduke's eldest Son, should take effect; and as for the Kingdom of *Naples* it was stipulated, that none of the contracting Parties could treat with the King and Queen of *Spain*, without the Consent and Knowledge of the rest, giving the said King and Queen three Months time to enter into the said Peace, and be comprehended in it if they thought fit, provided however, they deliver'd up their Share of the Kingdom to *Charles* Duke of *Luxemburg*; and what belong'd to the King of *France* to *Claudia*, his Daughter, but that the King of *Castile* should have the Administration of it till such Time as the Marriage between the said Duke and *Claudia* should be consummated.

IN this State of Affairs on the ninth of *September* this Year 1504. King *Frederick* died at *Tours*, after he had given over all Hopes of recovering the Kingdom of *Naples* by Treaty; though before (as 'tis natural for Men) flatter'd by deceitful Hopes, he was persuaded, that the King and Queen of *Spain* were more inclined to it than the King of *France*, not considering, as *Guicciardine*<sup>2</sup> very judiciously observes, that 'tis in vain, in our times, to expect so generous a Restitution of so great a Kingdom, such Instances being very rare even in the Times of old, when Men were much more disposed, than at present, to do virtuous and generous Actions; nor reflecting, that those, who had made use of so much Treachery to possess the half, when they had got the whole, would be very loth to part with it out of Generosity; but seeing how Affairs were managed, he at last found, that he had as little to expect from the one as the other; nay, that he had more reason to hope, that he who was not in Possession would consent, than that they who were should restore.

THIS was the last King of the Race of *Alphonfus* I. the last too of the *Aragonians* of *Naples*, with whom our Kingdom lost the Honour of having its own native Kings; the City of *Naples* was likewise deprived of being the Royal Seat, and of that Honour wherewith so many Kings, who pitch'd upon it to be the Place of their Residence, had adorn'd it; and of the many Advantages attending a Royal Court. He died at the Age of fifty two Years, of which he had not reign'd five complete. A Prince so prudent and learned, that the restoring of Learning in *Naples* is no less owing to him, than to *Ferdinand*, his Father. We have yet remaining some of his good and prudent Laws, which may be seen in the Volume of our Pragmaticks.

<sup>1</sup> Fred. Lionard. tom. 2. *Collection of Treatises*, &c.

<sup>2</sup> Guicc. lib. 6.

HIS Offspring were no less unfortunate, though he left, by *Isabella*, his lawful Wife, five Children, three Sons and two Daughters, who were all very unhappy. *Ferdinand* Duke of *Calabria*, his eldest Son, was sent Prisoner to *Spain*, where, while *Ferdinand* the Catholick liv'd, he was kept very strict, and well guarded. At *Ferdinand's* desire he married *Mencia de Mendoza*, who proved barren. *Ferdinand* having refused to be the Head of the Conspiracy which happen'd in *Spain* in 1522. the Emperor *Charles V.* upon his Accession to the Throne, for his Fidelity recall'd him to Court, where he was kindly entertain'd; and not long after, *Mencia* being dead, by *Charles's* means he married *Germana de Foix*, the Daughter of a Sister of *Lewis* King of *France*, the same, who in 1505. was married to the Catholick King. This Lady was very Rich, but barren, for which Cause it was thought fit to marry her to *Ferdinand*, that in him, the last of the Race of *Alphonsus* the elder, King of *Aragon*, that Family might be quite extinct, as accordingly it happen'd in 1550. the Year of *Ferdinand's* Death.

HE was the last, because his two younger Brothers died before him, the one in *France* and the other in *Italy*; for *Isabella*, *Frederick's* Widow, having been banish'd *France* for having refused to put these two Children into the Hands of the Catholick King, went to *Ferrara*, where she died in the Year 1533. after having seen these her two Sons die before her. The two Daughters likewise died without leaving Issue.

SOME Writers relate, that *Frederick*, by his first Wife, *Anne* of *Savoy*, had a Daughter named *Charlotte* of *Aragon*, Princess of *Taranto*; and the French write, that she was married in *France* in 1500. to *Guido XVI.* Count de *Lavalle*, and died in 1505. The Children of this Marriage were *Katharin* and *Anne de Lavalle*: The Posterity of *Katharin* became extinct in 1605, by the Death of *Guido XX.* Count de *Lavalle* without Issue. *Anne de Lavalle* was married in 1521. to *Francis de Tremouille*, and bore to him *Lewis* Duke de *Tremouille*, so that the Family of *Lavalle* being extinct in *France*, the Rights thereof devolved to the Family of the Dukes de *Tremouille*, the Offspring of *Lewis*, *Charlotte's* Grandchild: 'Tis still pretended to this Day, that *Charlotte's* Rights to the Kingdom of *Naples* were convey'd to the Dukes de *Tremouille*; and in the time of *Philip IV.* by reason of the remarkable Revolutions that happen'd in the Kingdom, King *Lewis XIV.* of *France*, not to let slip that Opportunity, having a mind likewise to enter his Claim to it, as descended of *Lewis XII.* publish'd his Pretensions in several Manifesto's; and in 1648. a Treatise was publish'd in *French*, and translated into *Italian*, in Name of the then Duke de *Tremouille*, with this Title: *A Treatise of the hereditary Right of the Duke de Tremouille to the Kingdom of Naples.* At the same time another was printed at *Paris* in *Latin*: *De Regni Neapolitani jure pro Tremollio Duce.* The Duke pretended, that by *Charlotte's* Right the Kingdom of *Naples* belong'd to him, and he made such a stir about it then, that in the Congress for a general Peace in 1648. held in the City of *Munster*, the Duke caused the *Latin* Treatise to be presented to the Mediators in his Name by the Abbot *Bertault*, where he enter'd several Protests and publick Acts in favour of his Pretension. I had the opportunity of reading the Book translated into *Italian*, containing all these Deeds and Protests, in the Library belonging to the Family of *Branaccio*, of the *Seggio* of *Nido*, where it is preserv'd.

BY the same Right the Prince of *Condè* boasts of having a Pretension to this Kingdom, by the Right of *Charlotte Katharin de Tremouille*, the Daughter of *Lewis*, who was married to *Henry de Bourbon*, Prince of *Condè*, of which *Camillo Tutini* takes notice in his Treatise of the Admirals of the Kingdom.

IN this manner was the Kingdom of *Naples* convey'd to *Ferdinand* the Catholick, King of *Spain*, who pretended that it belong'd to him, as Successor to King *John*, his Father, who was Heir to *Alphonsus I.* his Brother, and therefore he would not be call'd *Ferdinand III.* or be obliged to confirm the Privileges and Promises given by the preceding Kings *Ferdinand I.* and *II.* *Alphonsus II.* and *Frederick.* He reputed them lawful Kings, and not unjust Usurpers or Intruders, because of the Investiture they had from the *Roman* Pontiffs, and of the Legitimation of *Ferdinand*, the bastard Son of *Alphonsus I.* which had never been objected to our *Aragonian* Kings; and the Author of the said Treatise by many Instances shews, that Bastards have succeeded not only in *Naples*, but in the Kingdoms of *Spain*; though that does not answer to what was imputed to *Ferdinand*, of his being a supposititious, and not a natural Son of *Alphonsus.*

WHEREFORE *Ferdinand* being at this very time in the City of *Toro*, on the eighteenth of *February* this Year 1505. put forth a Pragmatick<sup>1</sup>, wherein calling them lawful Kings, and his Predecessors, he confirm'd all their Deeds, Concessions and Privileges, ordering, that the Possessors of Cities, Castles, Fiefs, and of any Rights, or Goods whatsoever, whether Burgage or Feodal, which they possess'd by vertue of the Concessions of the said Kings, should not be disturbed nor molested in them, neither judicially nor otherwise, but be maintain'd and preserv'd in them. He only allow'd, that the Deeds, Decrees, and Concessions made in the troublesome Years of the Reigns of *Alphonfus II.* *Ferdinand II.* and *Frederick* might be call'd in question; but with his Licence, prescribing the Method of applying to his Viceroy of the Kingdom, who having heard the Complaints, with the Approbation and Opinion of the Vice-protonotary and Deputy of the Royal Chamber, was to draw up an Information of the Case, and transmit it to him, that according as he should think just, he might give suitable Relief; but in the mean time none were to be molested in the Possessions which they, by vertue of the Concessions, obtain'd from these Kings.

MOREOVER, by another Pragmatick, dated in the same City of *Toro*, he made void, annull'd, and revok'd all the Concessions, Privileges, Contracts, Deeds, and all other Writs whatsoever, that had been made by *Frederick* after the twenty fifth of *July* 1501, when having lost *Capua*, the Affairs of the Kingdom being, with respect to him, in a desperate State, he sent Ambassadors to the *French* Generals to capitulate about the surrender of *Naples* and its Castles, with the other Towns and Castles of the Kingdom; which, as being extorted by the Importunity of sundry Persons in that desperate State and Revolution of Affairs, he thought he might revoke, making use of that Proverb, which he quotes in that Pragmatick: *Quid importunitate concessimus, consultò revocamus*<sup>2</sup>.

WHENCE arose that Distinction among our Lawyers, that whoever alledges the Concessions of these Kings, and has been in Possession of it for a long time, he ought to be maintain'd in it, his Title being sufficient, as not faulty, but proceeding from lawful Kings, and acknowledged as such by *Ferdinand* the Catholick himself. But when the Matter in question is, either that the Privilege or Concession had never taken effect, so that the Claimer cannot shew that he had been in Possession of it; or that it had been expressly revoked by King *Ferdinand*, or by the *Austrian* Kings, his Successors: In these Cases, because they will not be bound to perform what these Kings promised or granted, because they succeeded in the Kingdom, not as their Heirs, but as Successors to *Alphonfus I.* in right of King *John*, to whom the Kingdom belong'd; therefore 'tis in their Power to do as they shall think fit, of which the Regents *Loffredo* and *Moles*<sup>3</sup>, and *Ageta*<sup>4</sup> have treated at large in their Works.

ALTHOUGH *Ferdinand* the Catholick endeavour'd not to alter the Form and Polity of the Kingdom, but to leave it in the same manner as he had found it; yet it being to be govern'd, from this time forward, not by its own Kings, residing there in their Royal Seat as heretofore, but by their Ministers, a new Form of Government was of necessity to be introduced, as will be found in the following Books of this History; where we shall see not only the Civil but the Ecclesiastical Polity chang'd, new Magistrates, new Nobility of *Spanish* Blood, and new Regulations and Customs established.

<sup>1</sup> Pragm. de Possessor. non turban.

<sup>2</sup> Prag. de revocatione gratiar. facter. per R. Ferd. &c.

<sup>3</sup> Marini lib. 2. cap. 273. num. 10. ad 17.

<sup>4</sup> Ageta ad Moles §. 23. de jur. devolut. part 57.







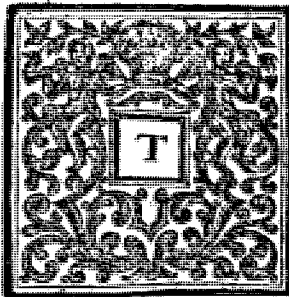


T H E  
 'CIVIL HISTORY  
 Of the KINGDOM of  
 N A P L E S.

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B O O K   X X X .

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THE Kingdom of *Naples* being transfer'd to *Ferdinand* King of *Spain*, and govern'd in his Name by the Great Captain, during his Reign was free from foreign Invasions; for *Lewis* King of *France*, unwilling to concern himself any more with the Affairs of this Kingdom, was wholly intent upon preserving the Dutchy of *Milan* alone; and though the Death of Queen *Elizabeth*, which happen'd on the twenty sixth of *November* this Year 1504. disturb'd not a little the Quiet of *Spain*, and of all others afflicted the Great Captain most, to whom he owed all his Grandeur, yet that very Death occasion'd, that there happen'd no Alteration in this Kingdom.

TO this Queen (a Lady of an excellent Life and Conversation, and highly esteem'd in her Kingdoms for her Generosity and Prudence) belonged in Property the Kingdom of *Castile*, the greatest and most powerful Part of *Spain*, which became her Inheritance by the Death of her Brother *Henry*, but not without Blood and War; for though it was long believed that *Henry* was naturally incapable of Generation, and that therefore *Beltramigia*, brought forth by his Wife, and for

many Years educated by him as his own Child, could not be his Daughter, and that therefore *Elizabeth*, in *Henry's* Life-time, had been acknowledged Princess of *Castile*, a Title given to the next in Succession; yet, upon *Henry's* Death, many Grandees of *Castile* rising up in Arms, and espousing *Beltramegia's* Interest, and being back'd by the King of *Portugal*, her Kinsman, at last they came to an Engagement; and *Elizabeth's* Army being commanded by *Ferdinand* of *Aragon*, her Husband, likewise descended of the Kings of *Castile*, the Justice of *Elizabeth's* Cause was confirm'd by the Success of the Battle; and *Ferdinand* having afterwards succeeded his Father in the Kingdom of *Aragon*, they took the Title of King and Queen of *Spain*, because the Kingdom of *Valencia* and the County of *Catalonia* being united to the Kingdom of *Aragon*, the whole Country of *Spain*, which lies between the *Pyrenean* Mountains, the Ocean, and the Mediterranean Sea, was under their Dominion; and it having been formerly in the Possession of many *Moorish* Princes, each of which being intitled King of the Part he possess'd, many Kingdoms came to be comprehended under the Title of King of *Spain*; excepting however, the Kingdom of *Granada*, (then possess'd by the *Moors*, but afterwards gloriously reduced by *Ferdinand* and *Elizabeth* under the Dominion of *Castile*) and the small Kingdom of *Portugal*, and that much smaller of *Navarre*, which had their own particular Kings.

BUT the Kingdoms of *Aragon*, *Sicily*, *Sardinia*, and the Islands belonging to them being *Ferdinand's* own Property, were govern'd by him alone, without either the Name or Authority of the Queen. It was otherwise with Respect to *Castile*, because that Kingdom being *Elizabeth's* Inheritance, and *Ferdinand's* only by vertue of his Marriage, it was govern'd equally by them both: Ambassadors were dispatch'd, the Armies commanded, and the Wars carried on in both their Names, nor did the one assume more Authority in the Management of that Kingdom than the other.

BY the Death of Queen *Elizabeth* without Male Issue, the Succession of *Castile* by the Laws of that Kingdom (which regarding the Proximity of Blood more than the Sex, Women are not excluded) belong'd now to *Joan*, her and *Ferdinand's* Daughter, the Archduke *Philip's* Wife, because the eldest Daughter, who had been married to *Emanuel* King of *Portugal*, and a Male Child born by her had been dead long before, so that *Ferdinand*, the Marriage being dissolv'd, had no more to do with the Government of *Castile*; but was to return to his own little Kingdom of *Aragon*: Little in Comparison to the Kingdom of *Castile*, both on account of the narrowness of the Country and the Revenue, because the Kings of *Aragon* not having absolute Authority in all Cases, in many they are tied up by the Constitutions and Customs of these Countries, and thereby much stinted in their Royal Authority. But *Elizabeth* on her Death-bed, left it in her Will, that while *Ferdinand* liv'd, he should be Governor of *Castile*; moved, either because she had always liv'd with him in a strict conjugal Love, she was desirous that he should preserve his former Grandeur; or, as she said, she knew, that the continuing under the prudent Government of *Ferdinand* would be of great Advantage not only to her People, but to her Son-in-Law and Daughter; to whom, seeing at last they were to succeed *Ferdinand*, it would be of infinite Benefit, that, till such time as *Philip*, born and brought up in *Flanders* (where the Government is quite different) should attain to a more mature Age, and to a greater Knowledge of the Laws, the Usages, and Customs of *Spain*, all the Kingdoms should be preserv'd under a peaceable and well regulated Government, and, in the mean Time, *Castile* and *Aragon* be govern'd as one State.

THE Death of this Queen remov'd at last all the Difficulties that had prevented the Peace between the King of *France* and *Ferdinand*; but it produced new Incidents between *Ferdinand* and *Philip*, his Son-in-Law. It removed the Respect which the King of *France* had for the Archduke, and the Fear he had of his being alienated from him; for the King of *France*, jealous of his too great Power, was desirous of interrupting his Designs; and the King of *Spain* having notice, that the Archduke, despising his Mother-in-Law's Will, had a Mind to remove him from the Kingdom of *Castile*, he was to secure himself by new Alliances; therefore he enter'd into a Contract of Marriage with Madam *Germana de Foix*, the Daughter of a Sister of the King of *France*, upon Condition, that the King should give him in Portion with her his Share of the Kingdom of

*Naples*, the King of *Spain* obliging himself to pay in ten Years seven hundred thousand Ducats in requital for the Charges he had been at, and to settle a Dowry of three hundred thousand Ducats upon his future Spouse<sup>1</sup>: This Marriage being follow'd by the Peace, it was concluded at *Blois* on the twelfth of *October* this Year 1501. thus:

THAT the *Anjouvian* Barons, and all those who had sided with the *French*, should be freely restor'd to their Liberty, their native Country, Estates, Dignities and Goods, in the same Condition they were in on the Day that the War began betwixt the *French* and *Spaniards*, which was declared to be the Day that the *French* attack'd *Tripalda*.

THAT all the Confiscations made by the King of *Spain* and King *Frederick* should be understood as annul'd.

THAT the Prince of *Rossano*, the Marquis of *Bitonto*, *Alphonso* and *Onorato Sanseverini*, *Fabrizio Gesualdo*, and all the other Barons that had been made Prisoners by the *Spaniards* in the Kingdom of *Naples* should be set at Liberty.

THAT the King of *France* should quit the Title of the Kingdoms of *Jerusalem* and *Naples*.

THAT the Homages and Recognitions of the Barons should be made according to the abovemention'd Stipulations, and that the Investiture should be demanded of the Pope agreeable thereto.

THAT Queen *Germana* dying without Children, her Portion should accrue to *Ferdinand*, but surviving him, it should return to the Crown of *France*.

THAT King *Ferdinand* should be oblig'd to assist *Gaston*, Count of *Foix*, *Germana's* Brother, in conquering the Kingdom of *Navarre*, which he pretended was his by Right, possess'd with the Royal Title by *Katherin de Foix*, and *John*, the Son of *Albert*, her Husband.

THAT the King of *France* should oblige King *Frederick's* Widow, and her two Sons that were with her to go to *Spain*, where an honourable Maintenance should be assign'd them; and in Case she should refuse to go, he should dismiss them the Kingdom of *France*, not giving them any more Subsistence or Entertainment whatsoever.

THAT both Parties should forbear acting contrary to what should be determin'd by those who should be named by each of them, who both named the Pope; and the King of *France* named the *Florentines* besides.

LASTLY, That in Corroboration of the Peace, there should be a perpetual League between the two Kings for defending their States, whereby they should be bound mutually to assist one another, the King of *France* with a thousand Lance-men and six thousand Foot, and *Ferdinand* with three hundred Lance-men, two thousand Light-Horse, and six thousand Foot.

THIS Peace being thus concluded, of which the King of *England* was Guarantee, almost all the *Anjouvian* Barons, that were in *France*, having taken leave of the King, accompanied Queen *Germana* into *Spain*: And *Isabella*, *Frederick's* Widow, being dismiss'd the Kingdom by the King of *France*, because she refused to put her Sons into the Hands of the Catholick King, went to *Ferrara*.

THOUGH this Peace, which was ratify'd by King *Ferdinand* in *Segovia* on the sixteenth of *October* the same Year 1505. had given Hopes that the Wars, which had arisen upon Account of the Kingdom of *Naples*, were now at an end, and the Quiet of *Italy* would have continued; yet on the other hand, Seeds of a future Combustion began to appear, for *Philip*, who already took the Title of King of *Castile*, not content, that that Kingdom should be govern'd by his Father-in-Law, was preparing to go to *Spain* in spite of him. He was push'd on to this by the chief Grandees of *Castile*, who imagin'd that they could enjoy their Grandeur with greater Freedom under a young King in the Flower of his Age, than under an austere (as their Words were) itingy *Catalan*<sup>2</sup>. *Philip* likewise pretended that it was not in the Power of the deceased Queen to prescribe Laws for the Government of the Kingdom after her Death; and the King of

<sup>1</sup> Thuan. lib. 1. Hist. facile in novas nuptias his legibus consentit, &c.

<sup>2</sup> Jovius lib. 3. Vita de Gonf.

the *Romans*, encouraged by the noble Spirit of his Son, began to think of going to *Italy*.

*FERDINAND*, finding that *Philip* was resolved to come to *Spain*, and it not being in his Power to hinder him, bethought himself (pretending that he was welcome to him) of proposing a Negotiation for settling the Method how they might jointly govern *Castile*; and on the other hand, *Philip*, lest his Father-in-Law, with the Assistance of the King of *France*, should oppose him, guided by the same *Spanish* Cunning, accepted of the Proposal, and pretended that the greatest Part of Affairs should be left to *Ferdinand's* Management; therefore it was agreed between them, that the Title of King of *Spain* should be common to them both, as it had been between him and the deceased Queen, and that the Revenue should be divided in a certain Manner; therefore *Ferdinand*, though not very sure of the Performance of this Agreement, sent a strong Fleet to bring him from *Flanders*. And on the tenth of *January* this Year 1506 *Philip* set out from *Flanders*, and having imbark'd with his Wife and *Ferdinand*, his second Son, he steer'd with a prosperous Gale for the Coast of *Spain*, where he had no sooner landed, than almost all the *Grandeas* of *Castile* came flocking to him; and *Ferdinand*, not able to oppose him, being in a manner deserted by every body, and with great Difficulty having seen his Son-in-Law, was forced to depart from the first Agreement, and accept such Conditions as were offer'd him.

THEREFORE it was agreed a-new, that *Ferdinand* yielding the Administration left him by his Wife's Will, and all that he could pretend thereby, should immediately leave *Castile*, promising never to return there any more.

THAT *Ferdinand* should have the Kingdom of *Naples* in Property, upon which there were great Debates; for though *Ferdinand*, without all doubt, could pretend to it, that Kingdom being his own, and fallen to him as King of *Aragon*, and afterwards conquer'd by the Troops of *Aragon*; yet it was strenuously insisted upon, that that Kingdom being last of all conquer'd by the Arms and Power of *Castile*, seeing the Expeditions had been made jointly by *Ferdinand* and *Elizabeth*, and as King and Queen of *Spain*, both the Title and Investiture were common to one as well as the other, and not in particular to *Ferdinand*, as King of *Aragon*. However, to facilitate *Ferdinand's* Departure, not only out of *Castile*, but of all *Spain*, it was granted him, that the Kingdom of *Naples* should be yielded to him as his own Property.

THAT the Product of the Islands of the *Indies* should belong to *Ferdinand* during his Life.

THAT the Masterships of *S. James*, *Alcantara*, *Calatrava* should likewise be reserved to him.

THAT he should have twenty five thousand Ducats yearly out of the Revenues of the Kingdom of *Castile*.

THIS Agreement being concluded, *Ferdinand*, whom henceforward we shall call either the *Catholick King*, or King of *Aragon*, went immediately to *Aragon*, with Intention to go as soon as possible by Sea to *Naples*.





## C H A P. I.

*The coming of the Catholick King to Naples, and his returning to Spain, on account of the Death of King Philip. His leaving the Kingdom under the Government of Viceroyes, his Lieutenants: His Death, and the pompous Obsequies made for him in Naples.*

**T**HE Catholick King having retired from *Castile* to his own Kingdom of *Aragon*, resolv'd to go immediately to *Naples*, not only out of a Desire to see this Kingdom, as the *Neapolitans* had begg'd of him, and he had promised, but for much more weighty Reasons. However, he pretended, that he came on Purpose to see it, and to put it upon a right Footing, by better Laws and Regulations, and to restore it to its antient Splendor and Dignity. And on the other hand, the Desire and Expectation of the *Neapolitans* were much greater, every Body being persuaded, that a King, so renown'd for the many Victories he had obtain'd both over the Infidels and Christians, remarkable for his singular Prudence and Justice in the Government of his Dominions, would certainly Redress the many Grievances and Oppressions, which the Kingdom of *Naples* had undergone in the Space of ten Years since the Death of *Ferdinand I.* and by the continual Wars, and the Changing of seven Kings in so short a Time, which had turn'd it upside down; that now by the Prudence of so great a King it would be restor'd to a State of Tranquillity and Happiness; and especially that he would recover the Ports in the *Adriatick*, of which the *Venetians*, on account of Money lent by them to the *Aragonian* Kings of *Naples* during the late Wars, had made themselves Masters, and kept them under Colour of a Pledge, to the great Discontent of the whole Kingdom.

BUT Reasons of much greater weight induc'd the Catholick King to undertake this Voyage. He had conceived a strong Suspicion of the Great Captain, that, since Queen *Elizabeth* was dead, he had a Mind to keep the Kingdom of *Naples* for himself, or at least, that he was more inclined to give it to King *Philip* than to him; of which he was the more suspicious, since, upon concluding the last Agreement, King *Philip* had given him, the Great Captain, to understand, that he was intirely to obey the King of *Aragon*, who had recall'd him to *Spain*; nevertheless, by sundry Excuses and Impediments, he put off his departure; therefore *Ferdinand*, afraid, that if he did not go thither in Person, there would be Difficulty in removing him from the Government, resolv'd to come; and having imbark'd at *Barcelona* on the fourth of *September* this Year 1506. he sail'd for *Italy* with fifty Vessels.

THE Great Captain, apprised of the Catholick King's Resolution, immediately sent, before he left *Barcelona*, one of his Officers to receive his Comands. The King, concealing his Intentions, treated the Officer kindly, and confirm'd to the Great Captain not only the Dutchy of *S. Angelo*, which had been given him by King *Frederick*, but also *Terranova*, and all the other Estates, which he possess'd, as well in *Calabria* as any other Part of the Kingdom, which amounted to above twenty thousand Ducats of yearly Revenue. He confirm'd

firm'd to him the Office of High Constable of the Kingdom, and by a Writ under his Hand promised him the Mastership of *S. James*; then imbarcking with his Queen, by order of the King of *France* they were honourable receiv'd in the Ports of *Provence*; and the same respect was paid them in the Port of *Genoa*. The Great Captain went to meet him, which surprized every Body, because it was not only the Suspicion of the Vulgar, but of the Pope, that being conscious of his Disobedience, and of the Opinion which the King, perhaps not without just Grounds, had entertain'd of him, to shun seeing him, he would have gone to *Spain*.

*FERDINAND* having left *Genoa*, and steering close by the Shore with the light Gallies, was detain'd for several Days by contrary Winds in *Portofino*; where he received Advice, that King *Philip*, his Son-in-Law, a Youth of twenty five Years of Age, of a robust Body and sound Constitution, in the Flower of his Age, and the height of his Prosperity, had died of a Fever in *Burgos* on the twenty fifth of *September*, leaving, by *Joan* his Wife, two Sons, *Charles* and *Ferdinand*, who were afterwards Emperors, and four Daughters.

IT was the general Opinion, that, out of a Desire to resume the Government of *Castile*, *Ferdinand* would have immediately return'd to *Barcelona*; but continuing his Voyage, he arrived at *Gaeta* on the Feast of *S. Luke*, and the Day following made his Entry into *Naples*, where he was receiv'd by the *Neapolitans* with vast Magnificence and Honour. Ambassadors from all Parts of *Italy* came quickly to *Naples* not only to congratulate, and pay the Honour due to so great a Prince, but for several Negotiations and Reasons, every Body being persuaded, that by his Authority and Greatness he would set to Rights, and keep many Things in a just Balance. But *Ferdinand* being resolv'd to return soon to *Spain*, could not answer the great Expectations that had been conceiv'd of him.

HE was induc'd by sundry Reasons to return quickly to *Spain*, being wholly intent upon resuming the Government of *Castile*, because *Joan*, his Daughter, being unfit to take such a Charge upon her, not so much on account of the Weakness of her Sex, as that by the Melancholy, contracted by the Death of her Husband, she had lost her Understanding: *Philip's* Children were incapable by reason of their tender Age, *Charles*, the eldest, being only seven Years old. Besides, his being desired and invited to that Government by many, who were mindful of his upright Administration, and of the flourishing and peaceable Estate the Kingdoms of *Spain* had long enjoy'd under him, mov'd him to return; and the Dissentions already begun amongst the Grandees, and the manifest Appearance of future Troubles heighten'd this Desire; but *Joan*, his Daughter, who, though not Mistress of herself in other Things, insisted strongly upon her Father's return, refusing obstinately, contrary to the Suggestions and Importunities of many, to put her Hand to any Dispatches whatsoever, without which Subscription, according to the Practice of those Kingdoms, no Business could be transacted.

FOR these Reasons he could stay no longer than seven Months in *Naples*, in which time, tho' in some measure he had restored the Kingdom to better Order, by introducing a new Polity, which, after his Departure, was by the Viceroys he left, and by the other Kings, his Successors, brought to Perfection, and afterwards to the State in which it still continues; yet both by reason of the shortness of the Time, and that 'tis a hard Matter to answer the Expectations of Men, for the most Part not maturely consider'd, nor duly proportion'd to the Times and Circumstances, he did not answer the vast Opinion that had been entertain'd of him.

THOSE, who believed that by his coming to *Naples* all *Italy* would have reap'd great Advantage, were disappointed, because of his Desire of quickly returning to the Government of *Castile*, the chief Support of his Grandeur; for which he was oblig'd to use all means for cultivating the Friendship of the Kings of the *Romans* and of *France*, that the one, as Grandfather to the young Children of the deceased King, and the other, as a powerful Neighbour, might not disturb him in his Return.

WITH Respect to his gratifying the Kingdom, though, as *Guicciardine* writes<sup>1</sup>, it reap'd no manner of Advantage, which was owing to his being obliged, by the Peace made with the King of *France*, to restore the *Anjouian* Barons to their Estates, which, either by Agreement, or as a Reward, had been distributed amongst those who had sided with him; and, unwilling to alienate those of his own Party from him, he was necessitated to indemnify them, either with equivalent Estates, which were to be bought from others, or with Money, to which his Income being no ways answerable, he was forced not only to exhaust the Royal Revenues, and contrary to the Custom of new Kings, to deny giving any Favours or Exemptions, or doing any generous Action, but also, to the great Discontent of every Body, to over-burden the People, who had expected to be eased, and have all their Grievances redress'd. Nevertheless, on the twenty ninth of *January* this new Year 1507. at the Request of the Magistrates of the City of *Naples*, he granted a general Pardon not only to the Inhabitants of that City, but of all the other Cities and Towns belonging to the Royal Demesnes, for the Crimes committed during the whole Month of *October*, in which he made his Entry into *Naples*; and on the thirtieth of the same Month, a general Parliament being conven'd, wherein he confirm'd the Privileges of, and granted to the City of *Naples* forty seven Articles, not derogating from the other Privileges granted by the Kings, his Predecessors, he got a new Donative of two hundred thousand Ducats.

NOT only the *Anjouian* Barons, but those of his own Party did not forbear complaining, because to those who were in Possession, besides their unwillingness to part with their Estates, through want of Money, slender and stinted Equivalents were given, and the others, when any Controversy happen'd, were, as much as was possible, retrench'd with respect to the Restitution; because when little was restored, so was the Equivalent always proportionable.

*FERDINAND* was most liberal to the *Seggio del Popolo* only, having at their Request granted them many Favours, according to the Writ of Exemption inserted at large by *Tutini*<sup>2</sup> in his Book of the Foundation of the *Seggi*, dated in *Castel Nuovo* the eighteenth of *May* this Year 1507. which afterwards in 1517. were confirm'd by Queen *Juan*, and by the Emperor *Charles V.* her Son.

AT last on the fourth of *June* this Year 1507. the Catholick King set out from *Naples*, and with him the Great Captain, steering his Course for *Savona*, where he had appointed to have an Interview with the King of *France*. He departed in disgust at the Pope, because having demanded the Investiture of the Kingdom, the Pope refused to grant it him, without the Tribute, always customarily to be paid by the antient Kings. *Ferdinand* insisted, that the same Abatement ought to be made to him, as had been made to King *Ferdinand I.* his Cousin, and to his Sons and Grandchildren: He demanded the Investiture of the whole Kingdom, as Successor to *Alphonfus* the elder, in the same manner as he had received the Homage and Oaths in *Naples*, though, in the Peace made with the King of *France*, it was agreed, that as for *Terra di Lavoro* and *Abruzzo* Queen *Germana*, his Wife, was jointly acknowledged. It was thought, that the Pope's denying to grant the Investiture, was the Reason which made the King refuse to have an Interview with him, though the Pope had waited several Days in the Castle of *Ostia*, as was said, to speak with him as he pass'd. But afterwards in 1510. the Pope granted his Desire, and the usual Tribute was paid; and in 1513. *Leo X.* confirm'd all the Privileges, Concessions, Abatements, and Immunities given him by the Popes, his Predecessors.

*FERDINAND* having landed at *Savona*, and finding the King of *France* there, they conversed together for three Days with great Marks of mutual Respect and Confidence, during which Time they had very long and secret Conferences; and, to the great surprize of every Body, the Great Captain was exceedingly honour'd, carels'd, and commended by the King of *France*, who was pleas'd to desire *Ferdinand* to order that *Gonsalvo* should sup at the same Table with themselves and the Queen; then, on the fourth Day, the two Kings left *Savona* with the same Demonstrations of Friendship: *Ferdinand*, with the Great Captain, set

<sup>1</sup> Guicc. lib. 7-

<sup>2</sup> Tutin. Orig. e fondez. de' Seggi, cap. 21.

out by Sea for *Barcelona*, and King *Lewis* return'd by Land to *France*. This was the last of the Great Captain's glorious Days, for *Ferdinand* was no sooner landed in *Spain*, than he gave him to understand, that he was not to appear at Court, but to retire to his own Estate, and not to depart from thence unless he should call him; for which Cause he never appear'd afterwards, nor ever went out of *Spain*, nor had occasion any more to make use of his Talents either in War or Peace, whence 'tis reported, that he was wonted to say, he repented of three Things: The first, Of having broken his Faith to D. *Ferdinand* Duke of *Calabria*, King *Frederick's* Son: The second, Of not having perform'd his Promise to Duke *Valentin*; and the third he kept to himself, but it was judged to be his not having consented to his being proclaimed King, when both the Nobility and Commonalty seem'd to be much in his Interest.

THE Catholick King being return'd to *Spain*, the Queen, his Daughter, immediately gave him the Government of the Kingdoms of *Castile*, and the Kingdom of *Naples* was govern'd by Viceroys, his Lieutenants, to whom were granted full Power and absolute Authority, with regard to its Government: *Naples*, formerly the Royal Seat, became the Seat of the Viceroys, and was at their beck; so that a new Polity was introduced, whereby the Authority of the chief Officers of the Kingdom was greatly diminish'd, and new Magistrates and Laws were introduced, as shall be related by and by.

*FERDINAND*, during his Life-time, which was nine Years more, govern'd the Kingdom by his Ministers, and having removed the Great Captain, who was his first Viceroy, yea, his Plenipotentiary, and who, for four Years, to the great Satisfaction of all the States, both in the Affairs of War, and in the most important Transactions of Peace, had govern'd the Kingdom; He left in his Place D. *John* of *Aragon*, Count of *Ribagorfa*, who was the second Viceroy of the Kingdom, who, for the Space of two Years and four Months, govern'd it with great Wisdom and Discretion.

AFTER the Fall of the Great Captain *Ferdinand* also gave the Office of High Constable to the famous *Fabrizio Colonna* Duke of *Tagliacozzo*, a gallant General, to whom he committed the Expedition against the *Venetians*, for recovering the Ports and Cities of the Kingdom, situate on the Coast of the *Adriatick* Sea, of which they had made themselves Masters. The *French*, as has been told, had been intirely driven out of the Kingdom; it remain'd only to bring it to its former State, to have the Cities of *Trani*, *Monopoli*, *Mola*, *Polignano*, *Brindisi*, and *Otranto* restored; for which end *Ferdinand* order'd War to be declared against the *Venetians*, and in 1509, gave the Command of his Troops to *Fabrizio*, who marched with the Army to besiege *Trani*; and he had no sooner encamp'd in the neighbourhood of that City, than the Citizens, conscious of *Fabrizio's* Valour, immediately surrender'd: All the aforesaid Cities follow'd the Example of *Trani*, so that they were reunited to the Crown of *Naples*.

THE Count of *Ribagorfa* being recall'd to Court by the King, left D. *Antonio de Guevara*, the High Steward of the Kingdom, his Lieutenant, who govern'd only sixteen Days; for D. *Raimondo de Cardona*, appointed by the King to succeed *Ribagorfa*, arriving on the twenty fourth of *October* the same Year 1509. the Kingdom was govern'd by him as long as *Ferdinand* lived.

IN the mean time *Lewis XII.* dying, *Francis I.* his Successor, gave some cause of Jealousy with respect to the Affairs of *Naples*. And on the other hand, *Maximilian* King of the *Romans*, taking it in ill Part, that *Ferdinand* had taken upon him the Government of the Kingdoms of *Castile*, in Prejudice of *Charles*, their common Grandchild, threatned new Enterprizes; therefore *Ferdinand*, that he might be the better able to put a stop to the growing Power of the King of *France*, whom he always suspected on account of his Pretensions to the Kingdom of *Naples*, resolv'd, the best way he could, to make up Differences with *Maximilian*; so that about the end of this very Year 1509. a Treaty was concluded between them, whereby it was covenanted, that the Catholick King should be Governor of the Kingdoms of *Castile*, till such time as *Charles*, their common Grandchild, should attain to the Age of twenty five Years, and that *Charles* should not take the Title of King during his Mother's Life-time, because in *Castile* the Females are not excluded by the Males.



*FERDINAND*, by this Agreement, being fix'd in the Government of the Kingdoms of *Castile*, was wholly intent upon frustrating the Designs of the King of *France* upon *Italy* and the Kingdom of *Naples*. But while this renown'd King was preparing to support the War with which the King of *France* was treating him, he ended his Days in *Madrid* in the seventy fifth Year of his Age.

*FERDINAND* died in the Month of *January* 1516. as *Guicciardine*, and other cotemporary Historians have written<sup>1</sup>, to whom more Credit ought to be given, than to any other modern Historian whatever<sup>2</sup>, who being misled by the false Date of a Letter written by *Charles*, fix the Day of his Death in *January* 1515. He died at *Madrid*, then a very obscure Village of the County of *Toledo*, near *S. Maria de Guadalupe*, having order'd his Body to be buried in *Granada*, whither it was carried. A King, according to the Encomium which *Guicciardine* wrote upon him, of a most excellent Judgment and Endowments, in whom, if he had been more a Man of his Word, it would have been a hard Matter to find a Fault, for as to his Avarice, of which he was accused, his Death demonstrated the contrary; for having reign'd forty two Years, he had treasur'd up no Money: Nevertheless it almost always happens, through the deprav'd Judgment of Men, that Prodigality is more commended in Kings, though attended with Rapacity, than Parsimony accompanied with abstaining from touching the Goods of others. To the rare Virtue of this King, was added an unusual and constant Felicity (excepting the Death of his only Son) during his whole Life; for the Death of his Wife and Son-in-Law was the occasion, that he preserv'd his Grandeur as long as he liv'd; and his being obliged to leave *Castile*, upon the Death of *Elizabeth*, proved rather a Farce than a Misfortune; in every other Thing he was happy. From being the second Son of the King of *Aragon*, by the Death of his elder Brother, he obtain'd that Kingdom; by his Marriage with *Elizabeth* he came to be King of *Castile*, and gallantly disappointed the Designs of his Adversaries that stood in Competition with him for that Kingdom. He afterwards recover'd the Kingdom of *Granada*, possess'd by the Enemies of our Faith little less than eight hundred Years: To his own Dominions he added the Kingdom of *Navarre*, *Oran*, and many considerable Places on the Coast of *Africa*: He always got the better, and was in a manner a Subduer of all his Enemies, and wherein it manifestly appear'd that Fortune concurr'd with Industry. He cover'd almost all his Covetousness with the Cloak of a commendable Zeal for Religion, and of a sincere Intention for the Good of the Publick.

ABOUT a Month before his Death (on the second of *December* 1515.) the Great Captain died in Banishment from the Court, being very much dissatisfied<sup>3</sup>; and notwithstanding the King, in Remembrance of his admirable Qualities, not only did himself, but order'd, that all the Kingdom should pay him such Honours, as were never known in *Spain*, except upon the Death of Kings, to the inexpressible Satisfaction of all the People, to whom the Name of the Great Captain was exceeding dear, as well on account of his Greatness of Soul, as also for the Opinion they had of his Prudence, and that he exceeded all the Generals of his Time in the Art of War.

UPON the News of the Death of so great a King, *D. Bernardino Villamario*, who, in the Absence of *D. Raimondo de Cardona*, the Viceroy, was his Lieutenant in *Naples*, caused most pompous Obsequies to be celebrated for him in the Church of *S. Dominick*, where all the Barons, with the Magistrates and Deputies of the City, and all the Royal Officers were present. And the *Seggio del Popolo*, mindful of the Privileges and Favours granted them, likewise caused most sumptuous funeral Solemnities to be perform'd in the Church of *S. Augustine*; and in Memory of their great Benefactor, they ordain'd, that every Year on the twenty third Day of *January* an Anniversary should be solemnized, which continues to be observed at this Day with great Solemnity and Pomp.

<sup>1</sup> Guicc. lib. 12. Jo. Vasæi Chronic. Hispan. pag. 164. Franc. Taraphæ de Reg. Hisp.

<sup>2</sup> Summonte tom. 4. lib. 6.

<sup>3</sup> Jov. vita G. Capit.

*FERDINAND* being dead, Prince *Charles*, Archduke of *Austria*, who was then in *Brussels*, though *Joan*, his Mother, was still alive, to whom the Succession of the Kingdom belong'd, did not fail immediately to write a most affectionate Letter to the City of *Naples*, in which, promising them his Friendship, he enjoin'd them, for the time to come, to obey *D. Raimondo de Cardona*, as they had done hitherto, and he confirm'd him Viceroy. Queen *Joan* govern'd the Monarchy alone for a few Months, but upon *Charles's* arrival in *Spain*, she associated him with herself in the Government, in which he behaved himself with such Wisdom and Prudence, as shall be related in the following Books of this History.

THUS *Spain* and all the Dominions, of which that vast Monarchy is composed, were convey'd to the House of *Austria*, descended of the Counts of *Hapsburg*; and, to the surprize of all the World, it was seen, that *Ferdinand*, King of *Aragon*, in order to raise the Grandeur of his Successor, very unadvisedly and unjustly deprived his own noble and illustrious Family of the Kingdom of *Aragon*, and, contrary to the general Opinion of the World, even consented to the Extinction and Annihilation of his own House.





## C H A P. II.

*A new Polity, new Magistrates and Laws, agreeable to the Spanish Customs and Principles, are introduced into the Kingdom. Of the Viceroys and their Collateral Regents, whence proceeded the Collateral Council, and the Depression of the other Magistrates and Officers of the Kingdom.*

**A**S may be seen in the preceding Books of this History, the Kingdom of *Naples*, as well at the beginning of its Establishment under the *Normans*, as in the long Reign of the illustrious Family of *Anjou*, was framed according to the Model of the Kingdom of *France*, from which it derived many Maxims and Customs. *Alphonfus I.* of *Aragon* left his hereditary Kingdoms, and transferr'd his Royal Seat to *Naples*, and conform'd himself to the Laws and Customs which he found there. The other *Aragonian* Kings of *Naples* did not alter its Polity, because having no Dominions in any other Countries, as their own and native Kingdom, they govern'd it with the same Laws and Customs; but *Naples* having now lost the Honour of being the Royal Seat, came to be govern'd by the Kings of *Spain*, who having their Residence elsewhere, and in Parts more remote, ruling the Kingdom by Means of their Lieutenants, whom they call Viceroys, a new Form of Government was introduced, and the Customs and Maxims of *Spain* came to prevail over those of *France*. Whence, therefore, proceeded no small Change, both in the Officers of the Kingdom, and in the Magistrates of the Cities.

'TIS not to be doubted, but the *Spaniards*, as to what belongs to the Art of Government, come little short of the *Romans*; and both *Bodinus*<sup>1</sup> and *Thuanus*<sup>2</sup>, though *Frenchmen*, as also *Arthur Duck*, an *Englishman*<sup>3</sup>, are of Opinion, that of all the Nations, after the Fall of the Empire, which had lorded it over *Europe*, the *Spanish* in Constancy, Gravity, and Fortitude come nearest the *Romans*. In establishing Laws no other Nation imitates the *Romans* so much as the *Spanish*. They gave us wise and prudent Laws; and there is now nothing else wanting but the due Observance and Execution of them. But as none can dispute these Advantages with them, yet they come far short of the *Romans* in this, that when the *Romans* conquer'd foreign Nations, they treated them with so much Clemency and Justice, that the Vanquish'd themselves look'd upon it as their greatest Honour to be incorporated into their Empire, and their Laws were received with so much Eagerness, that they were not reputed as the Laws of a Conqueror, but as their own. The *Spaniards* did not behave so, but treated the Kingdoms and Countries, which they added to their Monarchy, with too much Pride and Insolence. From the Memoirs left us by the Bishop of *Chiapa*, their Behaviour in the new World is well known; what they did in *Flanders* and amongst us shall be told. But what made them differ the most from the *Romans*, was their want of one Virtue, without which all States must go to Ruin, to wit, Oeconomy; for as

<sup>1</sup> Bodin. lib. 5. de Rep. cap. 1.<sup>2</sup> Thuan. Hist. lib. 1.<sup>3</sup> Arth. lib. 2. cap. 6. num. 1.

they were profuse, so to nourish that Vice, they were obliged to have Recourse to the other of Rapacity, oppressing the People with Taxes and Donatives; all which they squander'd away so immoderately, that their Armies were frequently seen to mutiny, and the Officers to be very much dissatisfied. The Gold of the new World was not sufficient; nor the many Cruelties and Barbarities they exercised upon those People in order to squeeze it out of them.<sup>1</sup> The other Defect, was their not having endeavour'd to extend Trade, and encourage Navigation, by establishing Fairs and free Ports, in order to have their many famous Harbours more frequented by Ships, as the other Nations, whose Dominions are situate upon the Sea, do; particularly the *English, Dutch, and Portuguese*.

THE constant Residence, therefore, of our Kings in *Spain*, made it necessary, that Viceroys should be created for governing this Kingdom. Formerly our Kings, though, upon some occasions, they were forced to be at a Distance from the Kingdom, left their Vicars to govern it, who, for the most Part, were of their own Blood, and such, as after their Deaths, were to succeed them; but their Absence was but short, and they soon return'd to resume the Government. Sometimes, but very rarely, the Kings were wont to leave Lieutenants, or Viceroys; but now, that their Absence was perpetual, it behov'd them to commit the Administration of it to a Minister of known Probity and Prudence, and who should have all their Authority and unlimited Power with respect to the Government and right Administration of Justice: Therefore it was necessary to give them Power of making Laws, or Pragmaticks, or other Regulations conducing to that End. So that henceforth we shall see the Pragmaticks establish'd not only by the Kings, but by their Viceroys and Lieutenants. It was likewise necessary to appoint Lawyers for assisting and advising this Minister, that his Power might be regulated by the Laws, and not be converted into Tyranny. Some of our Lawyers have written at large of their Power, and the Regent *de Ponte* compos'd a very large Treatise upon it, which is in the Hands of every Body.

<sup>1</sup> Mich. de Montaigne's *Essays*, book 3. chap. 6.

## S E C T. I.

### *Of the Collateral Council and its Institution*

**F**ERDINAND therefore, afraid of the unlimited Power of the Great Captain, which by his Valour and Generosity, and the Good-will of all Ranks of People he had acquired in the Kingdom, resolv'd to go in Person to *Naples*, in order to take him with himself into *Spain*, and to leave the Count of *Ribagorça* Viceroy in his Place: He brought with him three Lawyers, who were Regents of the supreme Council of *Aragon*, in order to establish such another in *Naples*; just as *Alphonsus* did, who, in Imitation of the Council of *Valencia*, introduced into the Kingdom that of *S. Clara*, which, when the Kings resided in *Naples*, was the Supreme, as that, in which the Prince himself sat as Judge, and was the Head of it. These were *Antonio de Agostino*, the Father of the famous *Antonio*, a noted Lawyer: *Juan Lonc*, and *Tomaso Malferito*, who in all the Treaties of Truce and Peace made in the preceding Years between *Ferdinand* and *Lewis XII.* King of *France*, recorded by *Frederick Leonard*, was, together with *Juan de Silva*, Count of *Sifuentes*, and *Fr. Juan Enguera*, Inquisitor of *Catalonia*, employ'd by *Ferdinand* as his Ambassador and Plenipotentiary, and in the said Treaties is call'd, *Doctor and Regent of the Chancery*. To these was join'd *Bernardo Terrer*, who being created a Counsellor of *S. Clara*, remain'd in *Naples*. During the seven Months that the King staid in *Naples*, he employ'd *Juan Lonc* and *Tomaso Malferito* as Regents of his Chancery, whence it is, that the Pragmaticks, which he publish'd in *Naples* are subscribed by *Malferito*, because it was the Custom of these Times, that one Regent only subscribed.

THEN the King, for the Reasons abovemention'd, being obliged to set out for *Spain*, with a Design never to return any more to *Naples*, left as we have said, the Count of *Ribagorfa*, his Viceroy, who, by the Figure of *Antonomasia*, was call'd the *Count*, and intitled himself so in all Writs; and being to carry back with him into *Spain* the two Regents *Lonc* and *Malferito*, he created two other Lawyers Regents in their Place, who were to sit by the Viceroy's side and give him their Advice, whence arose the Name of *Collateral Regents*. They were likewise call'd the King's *Auditors*; and in the Privileges of *Naples* and the Articles granted to the City by the Count of *Ribagorfa*, they are therefore indifferently call'd *Auditors* and *Regents* <sup>1</sup>.

AT the first Institution of this Council, it was composed of two Regents only, and one Secretary; and these were *Lodovico Montalto*, a *Sicilian*, who, while he was Attorney General in *Sicily*, was by King *Ferdinand* created a Regent, and *Girolamo de Colle*, a *Catalan*, who being a Counsellor of *S. Clara*, was likewise made a Regent, and these two succeeded *Lonc* and *Malferito*, who return'd to *Spain* with the King. And during the rest of *Ferdinand's* Reign, which ended in 1516. there were in this Council, of which the Viceroy was Head, only the said two Regents, with the Secretary *Pietro Lazaro Zea*.

IN the Year following 1517. the first of the Reign of King *Charles*, who was afterwards Emperor, a third Regent was added, and it was establish'd, that of the three, two should be in the King's Choice, and a third a Native of the Kingdom. This last was the famous *Sigismondo Loffredo*, who for his great Learning and Knowledge, that the King and his Court might be inform'd of the Affairs of the Kingdom, was by *Charles* call'd to his Court in *Germany*, where he remain'd for the Space of three Years. Whence it came, that on account of the long stay of the third Regent at Court, a fourth Regent was appointed, to the end that the one, who was to be a Native, might go and reside with the King, that, as best knowing in the Affairs of the Kingdom, he might inform the Court, and the other three might constantly reside in *Naples*. Thus in 1519. *Marcello Gazzella*, of *Gaeta*, was created Regent, who was President of the Royal Chamber in *Naples*, and was sent to Court in Place of the Regent *Loffredo*, who had the King's Liberty to return to *Naples*.

*GIROLAMO Zurita* writes <sup>2</sup>, that this prudent Advice of appointing a Minister of the Kingdoms of *Italy* to reside at the King's Court, was given by the Catholick King in his Will, which he made in 1516. when the State of *Milan* not being as yet annex'd to the Crown of *Spain*, but only the Kingdoms of *Naples* and *Sicily*, he likewise so order'd it, that a Minister from each of these should come to *Spain* to assist with the rest in the Council, which he had named on account of the Indisposition of Queen *Joan*, his Daughter, who were to be two Doctors, one a *Neapolitan*, and the other a *Sicilian*; whence it came, that King *Charles*, following his Example, introduced this Custom; and he having afterwards added the Dutchy of *Milan* to the Crown of *Spain*, a Minister went not only from *Naples* and *Sicily*, but likewise from *Milan* to reside at his Court.

IN these Beginnings, though a Regent was appointed for the Court, yet as the Emperor *Charles V.* did not always reside in *Spain*, but according to the Exigencies of his Monarchy, being sometimes in *Germany*, sometimes in *Spain*, *Flanders*, and *Italy*, the Regents appointed to attend the Court were to follow him whithersoever he went. But when by the Renunciation, and afterwards by the Death of that Emperor, *Philip II.* his Son, succeeded in the Monarchy of *Spain*, he, not following his Father's Footsteps, having fix'd his Royal Residence in *Spain*, resolv'd to establish a Council there, wherein the Affairs of *Italy* were transacted; which Council was to be composed, besides the *Spanish* Regents, of Ministers to be sent from *Naples*, *Sicily*, and *Milan*. Thus in 1558. was establish'd in *Spain* the supreme Council, call'd the *Italian*; and its first President was *D. Diego Hurtado de Mendosa*, Prince of *Melito*, and Duke of *Francavilla*. And in these Beginnings *Philip II.* not content with one Minister, order'd two

<sup>1</sup> Privileg. Neap. fol. 66. in cap. 9. Comitæ Ripæ Cufæ.

<sup>2</sup> Zurita de las empresas, y treguas de Italia lib. 10. cap. 99.

to come to *Spain* from *Naples*, who were *Lorenzo Polo*, and *Marcello Pignone*, who was President of the Royal Chamber.

THUS by Degrees was the supreme Council establish'd, to which two other Regents being added, it came to be compos'd of five, some of them Natives of this Kingdom, others were in the King's Choice, who were, for the most Part, *Spaniards*. The Kingdom of *Aragon* pretended, that one ought to be an *Aragonian*, because they look'd upon this Kingdom to be a Dependency of that Crown, as acquir'd by *Alphonfus* with the Forces of *Aragon*, and not without the Assistance of King *John*, his Brother. It has for its Head, as has been said, the Viceroy, who in the beginning of the Year swears them to Secrecy. And in case of his Death, until a Successor be appointed, during the Interreign, the Government is managed by them, together with the Regents of the Sword, call'd of the State, who are created by the King, because, upon Failure of the Viceroy, coming in his Room, they take the Reins of the Government with those of the long Robe, who assembling together in the Royal Palace, treat of Affairs concerning the State, and the right Administration of the Kingdom, till such time as the King appoints a Successor.

THIS supreme Council, therefore, being establish'd in *Naples*, and having for its Head the Viceroy, to whom the Charge of all Affairs was committed, it thereby came to raise itself above all the other Tribunals, which by that Means lost their antient Splendor. But by the Distance of the Royal Seat, the seven Officers of the Kingdom were much more depress'd, so that in Process of Time they were reduced to the State in which we now see them.

THE Lord *High Constable*, who had the Command of the Armies in the Field, lost much of his Power, because the Viceroy being appointed the King's Lieutenant and Captaint General of the Kingdom, all his Authority was lodged in the Viceroy's Person; he having not only the Command of the Armies in the Field, but of all the Garrisons, and over all the Governors of Provinces, and was obey'd by all the other Generals and Marshals. Only, as has been said in the eleventh Book of this History, when the Viceroy happens to be out of the Kingdom, and none other appointed, upon sudden Emergencies the *High Constable* can still resume the Command of the Armies, whence it is, that the Custom still continues, that in Case of the sudden Death of the Viceroy, the *High Constable*, when it has not been otherwise provided by the King, takes upon him the Government of the Kingdom.

BY the Erektion of this new Council, all those noble Prerogatives, wherewith the *Lord High Chancellor* was adorn'd, were absorb'd by it. In after-times it was thought very wisely done of the Princes to strip the High Chancellor of his many and eminent Prerogatives, and to bestow them upon the Regents and the Chancery. In the eleventh Book of this History we brought an Instance, to the same Purpose, of the Chancellor of the Holy See of *Rome*, whom, because in a Manner, *de pari cum Papa certabat*, *Boniface VIII.* resolv'd to remove and assume the Chancery to himself, by appointing a Vice-Chancellor only. Thus it exactly happen'd with us in the Reigns of *Ferdinand* the Catholick, of *Charles*, and of the other Kings of *Spain*, their Successors. Upon the Erektion of this new Council the King appropriated the Chancery to himself and this Council, and put it under the Administration of the Regents, for that Reason call'd also of the Chancery. Formerly the High Chancellors had the Presidency of the Council of State in the Civil Affairs of the Kingdom, the dispatching of Edicts, and of all other Orders of the King; they had the Inspection of Justice; they were the Judges of the Differences that happen'd between Officers and Offices; they regulated their Precedencies, and prescribed to each Magistrate what his Duty was, that one might not inroach upon another. At present the Regents of the Chancery subscribe the Memorials that are given in to the Viceroy, sign Privileges, interpret the Laws, and dispatch the King's Edicts and Orders. They are Judges of the Differences that happen between the other Officers, decide the Precedencies, appoint Judges, and prescribe to each Magistrate what belongs to him, as his Duty. The Chancery is lodged in them, and consequently all the Power which the High Chancellor had formerly.

THEREFORE they have a Secretary, who has under him, and under his Direction other lesser Officers who are all employ'd in the Dispatch of the Royal

Letters,

Letters, Grants, Privileges, and of the Patents of the Officers of the Kingdom. They have therefore six Writers, and four Clerks, besides one, who has the Charge of the Affairs relating to the Superintendency of *Campania*, and another for the Affairs of the Royal Jurisdiction, and six other ordinary Writers, who take care of the Registers and Seal, and other Things belonging to the Chancery: They have likewise two Clerks of the Rolls, one Taxer, one Collector, one Officer of the Seal, and four Porters. All these Offices are vendible, excepting that of the Clerk of the Jurisdiction, which being an Office of Trust, is given *gratis* to a deserving Person.

WHEREAS formerly the Fees of the Writs issued out of the Chancery were regulated by the Lord High Chancellor, *Ferdinand* the Catholick, by means of one of his Pragmaticks, which we read under this Title, *Super solutione faciendâ in Regia Cancellaria pro scripturis ibidem expediendis*, prescribed the Sums to be paid as well for the Letters of Justice, as of Favour, and for Grants of Baronies, Titles, Privileges, Captainships, Bailiwicks, Cattle-wardships, Concessions of *merum & mixtum imperium*, of the Freedom of Citizens, of Emancipation, of Legitimation; and for the Patents of Notaries, chief Physicians, chief Surgeons, Officers of the Customs, and Port-reeves; in short, for all Offices, and for many other Dispatches, of which there is a long Catalogue inserted in that Pragmatick, prescribing and taxing the Sums, which by Right ought to be exacted by the Chancery<sup>1</sup>. Formerly, according to *Tassone*<sup>2</sup>, these Fees were not exacted; but for maintaining the inferior Officers of the Chancery, the Revenue of a Fief, situate between the confines of *Lettere* and *Gragnano*, were appointed, which Fief, therefore, got the Name of Chancery. But afterwards it being sold to the *Carthusian* Monastery of *S. James* in the Island of *Cappria*, the Fees were to be exacted from the Parties, and be tax'd in the manner appointed by the said Pragmatick. The Stile of these Writs was alter'd, and whereas formerly they were penn'd in *Latin*, the *Spanish* Language came now in fashion, and even the Pragmaticks were written in that Language.

BY the Erection of this new Council, the Authority of the *Great Protonotary*, and his Lieutenant, was much diminish'd. Almost all the Pragmaticks, Privileges, and other Writs were formerly sign'd by the Great Protonotary, or his Lieutenant, at present their Subscriptions are no more required, but those of the Regents only. Indeed in the time of *Ferdinand* the Catholick, in these Beginnings the Custom was observed, that the Pragmaticks were sign'd by the Vice-protonotary, as well as by the Regents; and when the Matter in question concern'd the Royal Patrimony, and the Writs were drawn up *pro Curia*, they were sign'd by the Lord High Chamberlain's Lieutenant, as may be seen in those few Pragmaticks, which *Ferdinand* publish'd in *Naples*; yet in process of Time their Subscriptions were quite laid aside, and those of the Regents only continued. The Regents would likewise have a Hand in the creating of Judges and Notaries, and would likewise prescribe the Fees of their Patents, which are issued out of the Chancery, and are sign'd by the Regent, besides the Vice-protonotary.

THE *Lord High Chamberlain*, and his Tribunal of the Royal Chamber were made subordinate to this Council, in the most weighty Causes of the Royal Patrimony, and to which the Lieutenant and President of this Tribunal are obliged to go and report their Causes, to be decided there; and that upon account of the Superintendency it has over all the Tribunals of the City and Kingdom, without which a good and well regulated Government could not be expected.

FORMERLY the Petitions of the Subjects, that were put up to the King, whether for Justice or Favour, were carried to the *Lord Chief Justice*, who the next Day, with the Advice of a Judge of the High Court, dispatch'd such as were regular, and wanted not to be communicated to the King, and such as requir'd the King's Knowledge were seal'd up and sent to his Secretary. Now, by the Erection of this Council, all Petitions and Memorials are carried directly to the Secretary of the Collateral Council and his Clerks, who take care of them.

<sup>1</sup> Privileg. & cap. Neap. fol. 50. Pragm. 1. de Offic. Secret.

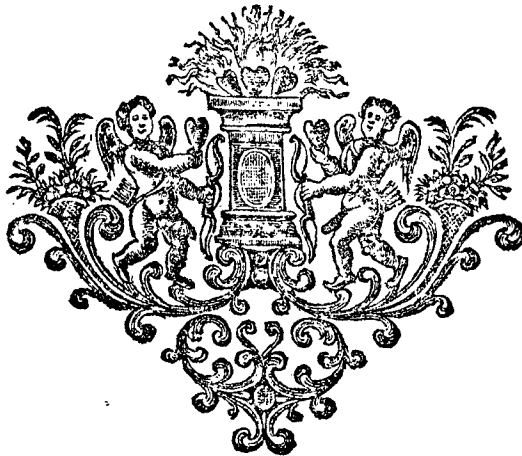
<sup>2</sup> Tasson. De Antef. vers. 7. obs. 3. num. 7.

NO less was the Fall of the other Officers of the King's Household, and of all the lesser Officers subordinate to them, not so much by reason of the Erection of this new Council, as by the Removal of the Royal Seat from *Naples* to a remote Country.

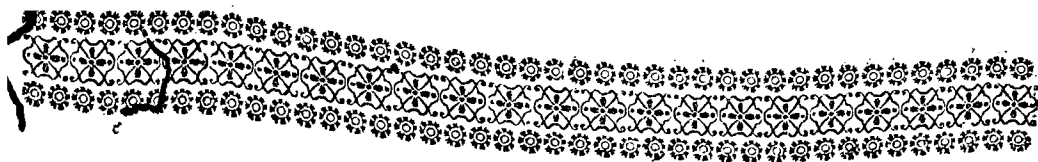
BY the creating of a General of the Gallies, and of a Tribunal of the Arsenal, the Authority of the *Lord High Admiral* was much lessen'd. This new Captain General had the Command over all the Gallies of the City and Kingdom altogether independent of the High Admiral; and in the General Parliament assembled in *Naples* in 1536. while the Emperor *Charles V.* was there, though it was desired of him, that he would be pleas'd to pitch upon a *Neapolitan* Gentleman for that Office, the Emperor answer'd, that according as Business and the Circumstances of the Times would permit, he would endeavour to satisfy them; however it was always bestow'd upon *Spaniards*, who, according to the Instructions given by King *Philip II.* recorded by *Costanzo*<sup>2</sup>, erected a separate Tribunal, independent of the High Admiral and elected an Auditor General, and other inferior Officers, from the Decrees of which, Appeals are not brought before the High Admiral, but before the Viceroy, who generally uses to refer them to the Regents of the Collateral Council, or to other Judges as he thinks fit.

THERE was likewise a new Tribunal of the Arsenal erected, which exerciseth both Civil and Criminal Jurisdiction over the Ship-builders, altogether independent of the High Admiral, and only subordinate to, and depending upon the Royal Chamber, and its Lieutenant, who appoints a President to govern it.

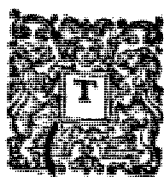
Costanzo lib. 1. C. de Clafficis, ibid, 11. num. 78.







## C H A P. III.

*A new Disposition of the Officers of the King's Household.*

THE Royal Seat being no more in *Naples*, the Office of *Lord High Steward* of the Household was in a manner extinct and abolished; and new Offices were appointed altogether independent of that Officer.

THE High Steward, as may be seen in the eleventh Book of this History, had the Superintendency of the King's Household; and though his Office related to the Government thereof; yet because his Authority was not confined to any Place or Province, it was extended over all the Kingdom, nor was it alterable upon the Change of Kings; he was said, therefore, to serve the State, and not the King's Person only, so that he was reputed one of the Officers of the Crown. He had many Officers in the King's Household under him, of which, in the twenty first Book of this History, we made a long List; some of which, while the Kings resided in *Naples*, were, as has been said, exempted from obeying the High Steward, and were immediately under the King.

BUT after the Kings quitted *Naples*, transferring their Royal Seat elsewhere, and governing the City and Kingdom by their Lieutenants, call'd Viceroy's, both the greater and lesser Officers of the King's Household, subordinate, for the most Part, to the High Steward, were suppress'd; and other new ones were erected in the Royal Palace, not subordinate to the High Steward, but solely to the Viceroy.

THE Chamberlains, Clerks of the Kitchen, Masters of the Pantry, Queries, and many other Officers were dismiss'd; and others, after the *Spanish* Fashion, were introduced, who were to have the Charge of the Royal Palace, and to serve the Viceroy and his Secretaries, without any dependence upon the High Steward.

TWO Secretaries were appointed, one of State and War, the other of Justice. Neither the one nor the other have the least dependence upon the Secretary of the Kingdom, nor upon the Collateral Council; and all the Affairs that were committed to the Collateral Council, were imparted to it by these Secretaries. Each of these two Secretaries, according to their respective Charges, whether of War or Justice, in the Name of the Viceroy dispatch the Orders given by him. All Military and State Affairs, and all such as concern the Royal Patrimony, and the Corporations of the Kingdom, and all the Revenues and Customs pass through the Hands of the Secretary of War. All Affairs belonging to the right Administration of Justice, the Election of all Governors, Judges Lateral of the Cities and Towns within the King's Demesnes, Presidents, Auditors of Provinces, Judges of the Vicariate, and of all who possess such Offices as are in the Viceroy's Gift, pass through the Hands of the Secretary of Justice. No other Language but the *Spanish* is made use of in their Offices. They have under them many Officers for dispatching the Notes and Letters, which are directed to the Heads of Tribunals, and other Ministers, both of the Sword and long Robe within the City of *Naples*, and in the Provinces to the Presidents and their Officers. Formerly they acknowledged the Great Protonotary as their

Head, but now the Viceroy, who keeps them in the Royal Palace for the quicker dispatch of Business.

IN the Royal Palace is also kept the *Office of the Commissary of Accounts*, which formerly, according to *Summonte*<sup>1</sup>, was kept in the Commissary of the Nation's own House, and which Office, in form of a Tribunal, has for its Head the *Commissary General*, who has many Officers under him. His Business is to keep Rolls of all the Soldiers of the Kingdom: Of all Pensioners, and of all the Officers, whether of the long Robe, or of the Sword, who are in the King's Pay. He keeps a Roll of all the Militia of the City and Kingdom. He keeps the Accounts of the Castles and Fortresses of the Kingdom, as well with respect to the Provisions for the Soldiers, as to the Ammunition, Works, Reparations, and all other Things done in them; nor can there be any Orders dispatch'd for paying the Soldiers, unless they are first set down in his Roll. Upon certain Occasions he has a Seat in the Collateral Council, where he sits next to the Lieutenant of the Royal Chamber, to which Tribunal he is accountable, and has the Precedency of the Treasurer, the Regent of the Vicariate, and the Secretary of the Kingdom, and is honour'd with the Title of *Excellency*<sup>2</sup>.

THE *Treasury Office* is likewise kept in the Royal Palace. Formerly, in the Time of the Emperor *Frederick II.* it was kept in *Castel del Uovo*, whither *Frederick* order'd the Treasure to be sent, and appointed three Treasurers for the keeping of it, to wit, *Angelo della Marra*, *Marino della Valle*, and *Efrim della Porta*. *Ferdinand* the Catholick, as *Zurita* writes<sup>3</sup>, abolishing the Office of Treasurer, had introduced a new Officer, call'd *Conservator General*, and had conferr'd it upon *Giovan Battista Spinelli*; but it proving hurtful, when he came to *Naples*, upon the Complaints of many who hated that Office, he quite abolish'd it, and restored that of the Treasurer as formerly. The Treasurer, of old, was altogether subordinate to the High Chamberlain, as having the Care and Keeping of the King's Treasure: Now he is subordinate to the Viceroy and the Tribunal of the Royal Chamber. He has the Precedency next to the Commissary General, with whom he keeps a close Correspondence; and though he be preceded by him, yet he precedes the first President of the Royal Chamber, when he happens to sit either in that Tribunal, or in the Collateral Council.

IN this new *Spanish* Government was introduced a new Officer, call'd, *Auditor General of the Army*, whom we may likewise call Judge of the Royal Palace. As soon as the *Spanish* Troops were brought into the Kingdom of *Naples*, a new Commander in Chief, call'd Colonel General, was appointed. He had his Auditor General, who got the Power of taking Cognizance of the Causes of all the *Spanish* Soldiers, and of calling the Captains to an account for the Pay of their non-effective Men: His Jurisdiction likewise extended over the *Italian* Officers and Soldiers, and over the fifty *Continui* (Servants) of whom mention is made in the Privileges of *Naples* granted by *Charles V.*<sup>4</sup> By a Pragmatick publish'd in 1614. by the Count *de Lemos*, and in 1622. confirm'd by Cardinal *Zapata*, the Cognizance of his Tribunal was extended over other Affairs.

HE had other inferior Tribunals, such as that of the *Terzo* (*Spagnuolo* a Regiment of three thousand Men furnish'd the King of *Spain* by the States of *Italy*), and of all the other Auditors of the Castles of the City and Kingdom. The *Terzo Spagnuolo* has its own particular Auditor, who takes Cognizance of the Civil and Criminal Causes of the *Spanish* Soldiers in Garrison in *Naples*; however this Tribunal is subordinate to that of the Auditor General of the Army, because Appeals against its Decrees are lodged in the Auditor General's Tribunal.

THE three Castles of *Naples*, to wit, *Castel Nuovo*, *Castel di S. Ermo*, and *Castel dell' Uovo*, have each a particular Auditor, a Clerk and Coadjutor, who are chosen by the Governors. These have Jurisdiction over all those, who live in the Castles; the Auditor of *Castel Nuovo* exerciseth it likewise over those who live in *S. Vincent's* Tower. Formerly Appeals were made from their Decrees to

<sup>1</sup> Summon. lib. 1. pag. 168.

<sup>2</sup> Pragm. 1. De Offic. Scr. Port.

<sup>3</sup> Zurita Histor. tom. 6. cap. 26.

<sup>4</sup> Privileg. & Capit. Neap. cap. 23. pag. 92. ad ter.

the Viceroy, who committed them to be revised by several Ministers. Afterwards in 1715, the Count *de Lemos* by his Pragmatick, confirm'd by Cardinal *Zapata* 1022. ordain'd, that the Appeals should be revised by the Auditor General of the Army, to whom they are subordinate.

HE has likewise Jurisdiction over all those, who live in, and belong to the Viceroy's Palace, and takes Cognizance of the Crimes committed there, he being Judge of the King's Household. Formerly this Jurisdiction belong'd to the Lord High Steward, as chief Officer of the King's Household, but now it belongs to the Auditor General, without any Dependence upon the High Steward, but only upon the Viceroy, to whom Appeals are made from his Decrees, which he gives afterwards to be revised by any Minister he pleases. He likewise pretends to have Jurisdiction over the Soldiers of the *German* Guard, appointed to keep the Royal Palace; but their Captain disputed it with him, and has appropriated it to himself. The Singers also of the Royal Chapel, as belonging to the Family of the Royal Palace, ought to be under his Jurisdiction; but now the Chaplain Major is in Possession of it, and they are reputed to be immediately under his Command.

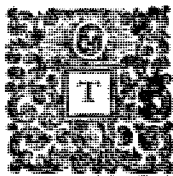
THE Chaplain Major, who is Head of the Chapel of the Royal Palace, on that account ought to be reckon'd among the Officers of the King's Household. He has Jurisdiction in the Royal Chapel, and over all the Royal Chaplains, and those of the Castles of the City and Kingdom. Of the Rise and Growth of the Chaplain Major, his Prerogatives, and Inspection of the Royal University, we have discours'd at large in the twenty first Book of this History.





## CHAP. IV.

*Of the other Officers, who serve without the King's Palace.*



HOSE we have hitherto reckon'd up are the Officers of the Royal Palace according to the new Disposition of the *Spaniards*. Formerly the *Master of the Royal Studs*, and the *Master of the Forests and Game* were number'd among the Officers of the Royal Household. But under the Reign of the *Spaniards* they were alter'd and made a quite different Figure.

THE *Master of the Royal Studs*, still call'd the King's *Master of Horse*, erected his own particular Tribunal in his own House, and had his Clerk and Auditor, where he exercised Jurisdiction over all Persons employ'd about the Royal Studs, which the King kept both in *Naples* and the Provinces: In *Terra di Lavoro*, at *Mazzone* near *Capua*, in *Puglia* and *Calabria*. Appeals from his Decrees were carried to the Royal Chamber, to which he was subordinate. In 1600. the Studs kept in *Calabria*, as too expensive, were laid aside. For the same Reason, in our Time, those in *Naples*, *Mazzone*, and *Puglia* were likewise dismiss'd; so that at present that Tribunal and the Office of the King's Master of the Horse are quite abolish'd.

THE *Master of the Forests and Game* had a quite different Fate. Formerly, as is clear from the Statutes of the Kingdom, his Jurisdiction and Office extended no further than the Forests within the King's Demesnes. Afterwards the Game being reckon'd among the *Regalia* of the Prince, they were extended over all Places, nor are they at present confined to any Bounds. He gives Licences to Huntsmen, who by vertue thereof can carry Arms over all the Kingdom: he has his particular Tribunal, his Auditor and Clerk, and has raised himself so much now, that 'tis reckon'd both an honourable and profitable Office.

BUT of all these Offices, none at present is so much exalted as that of the *Master of the Inns and Posts*, now commonly call'd the *Chief Courier*, which Office, as being of modern Institution, it was necessary to trace down to these times, and of which we must now discourse at large.

THE Office of chief Courier or Master of the *Inns and Posts*, according to the modern Institution, is quite different from the *Cursus publicus* of the *Romans*; and his Functions are not the same, as they are described in the *Theodosian Code* under that Title<sup>1</sup>. Among the *Romans*, at least towards the Close of the Empire of *Constantine the Great* and his Successors, it was not a particular Office, nor had one single Person the Inspection of it. The *Cursus publicus* was not only regulated by the Prince, but by the ordinary Officers of the Empire: The *Præfetti Prætorio*, the *Magistri Equitum*, the *Proconsules*, and the *Rectores Provinciarum* had the Charge of it. Their Office was not confined to the dispatching of Foot and Horse Couriers, Letter-bearers, *quo celerius, ac sub manum* (as *Suetonius* writes of *Augustus*<sup>2</sup>) *annunciari, cognoscique posset, quid in Provincia quaque gereretur*, or as *Aurelius Victor* says of *Trajanus*<sup>3</sup>, *noscendis ocius quæ ubique à Republica gerebantur, admota media publici cursus*<sup>4</sup>; but their chief Business was, in all Places to provide whatever was necessary for the Progresses of the Princes: For the Jour-

<sup>1</sup> Cod. Theod. De Cursu publico.

<sup>2</sup> Sueton. in August. cap. 49.

<sup>3</sup> Sex. Aurel. Vict. cap. 13.

<sup>4</sup> V. Montagn's Essays, lib. 2. chap. 21.

ties of the *Rectores, Consulares, Correctores, or Præsides Provinciarum*, when they were by the Emperor sent to their Governments, or when recall'd from them to *Rome*; for the Journies of other Magistrates, as well Civil as Military, when they had occasion to visit the Provinces: For the Ambassadors, who were sent by the Senate and People of *Rome* to the Emperor; or for those, who were sent to *Rome* by foreign Nations: In short, for the travelling of all such, as either the Laws or the Prince allow'd to make use of the *Cursus Publicus*, which private Men could not, without Letters of Permission from the Emperor, which they call'd *Evectiones* (Post Warrants.)

ALL the Charges, whether for the Men appointed for the *Cursus Publicus*, or for Horses, Oxen, or other Beasts; for Carts, Chariots, and all other Carriages, were furnish'd out of the publick Treasury. Whence it came, that for the Maintenance of the *Cursus Publicus*, some Services call'd *Angariae*, or *Parangariae*, were impos'd upon the Provinces; and often a Tribute was either demanded of, or offer'd by the Provincials in lieu thereof. Whence it was, that the use of this *Cursus* was design'd for the publick Occasions, not for private, so that private Persons, as has been said, were not allow'd to make use of it without Licence. And therefore many Laws were prescribed for the right Management of it, as may be seen in the *Theodosian Code*<sup>1</sup>, and of which *Gutherus*<sup>2</sup> has written methodically, and *Jacobus Gothofredus* more exactly upon this Title<sup>3</sup>.

BUT after the Fall of the Empire, and it being afterwards divided into so many Kingdoms under different foreign Princes, quarrelling and at War with one another, this *Cursus Publicus* could not be kept up. Travelling was no more safe: Traffick and Commerce were interrupted, so that it was quite discontinued, nor is there the least Vestige of it remaining.

IN process of Time new Dominions being settled in *Europe*, though the *Cursus Publicus* could not be altogether restor'd; yet, with respect to Traffick and Commerce, the Use of Bills of Exchange was brought to great Perfection: So the Princes, in Imitation of the *Roman* Emperors, began to re-establish that Part of the *Cursus Publicus*, which concern'd the dispatching of Foot and Horse Couriers, and at least so to regulate their Travelling on the Highways, and provide them with Necessaries (whence it is, that the chief Couriers got likewise Jurisdiction over the Inns, and therefore were also call'd *Masters of the Inns*, as in the Grants of *Charles V.* and of *Philip II.* and *III.* made of this Office to the Family of *Taxis*, they are call'd *Maestri mayores de las Ofelerias, y Postas, y Correos de nuestra Casa, y Corte, &c.*) as they might not suffer any Inconveniency upon the Roads, but make the quicker Dispatch to advise them of what was passing in their Armies and Fleets, in their Kingdoms and Provinces, and in the Courts of other Princes, where they kept Ambassadors. And *Philip de Comines*<sup>4</sup> writes, that King *Lewis XI.* appointed Posts in *France*, which had never been there before; as also in *England* Posts were settled by Royal Authority<sup>5</sup>.

THE Authors of the *Historia Augusta* differ about the Emperor that first introduced this Custom. *Suetonius*<sup>6</sup> makes *Augustus* Author of it: *Aurelius Victor*<sup>7</sup>, *Trajan*: *Spartianus*<sup>8</sup>, *Adrianus*; and *Capitolinus*<sup>9</sup>, *Antoninus Pius*. Be that as it will, for which see *Lodovicus van Hornigk*<sup>10</sup>, and *Jacobus Gothofredus*<sup>11</sup>, who endeavour to reconcile them: 'Tis certain, that, according to this new Institution, a new particular Office, unknown to the *Romans*, was erected for it, the Charge of which was committed to one single Person, and a more Difficult annex'd to it, than that of the Inspection of the Couriers, whom Princes frequently sent from their Courts to the Generals of their Armies and Fleets, to the Governors of their Dominions and Provinces, and to their other Ministers and Ambassadors; upon whose Fidelity and Secrecy the good or bad Success of a Negotiation, of

<sup>1</sup> Cod. Th. de Cur. Pub. lib. 8. tit. 5.

<sup>2</sup> Jacob. Gut. de Offic. domus August. lib. 3. cap. 14. & 15.

<sup>3</sup> Jacob. Goth. de Curf. Pub. Cod. Th. tit. 5. in paratitl.

<sup>4</sup> Memoir. de Comm. liv. 5. chap. 10.

<sup>5</sup> P. Gregor. Syntagm. Juris, lib. 17. cap. 12. n. 7. & 8.

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<sup>6</sup> Suet. Loc. cit.

<sup>7</sup> Aur. Vict. loc. cit.

<sup>8</sup> Spart. in Vita Hadrian. pag. 4.

<sup>9</sup> Capit. in Antonino.

<sup>10</sup> Hornigk. de Regal. Postar. Jure, cap. 4.

<sup>11</sup> Goth. loc. cit. in Comment. ad L. 1. in Princ.

a Battle, a Siege, or of Treaties of Truce or Peace with other Princes often depended. For which Cause this was look'd upon to be an Office of great Trust, Authority and Profit; for the chief Courier, besides his having the Inspection and appointing of all the other Couriers, the taking of their Oaths, that they should faithfully discharge their Duty, the fixing of the Rates to be paid by Travellers, of which a tenth Part, and other Emoluments came to their own Share, and of appointing the Stages: He likewise had Jurisdiction over all the Inns, as is plain from the Grants of *Charles V. Philip II.* and *III.* made to the Family of the *Taxis*, which, for a long Time, enjoy'd this Office; and though they did not make use of it over the Inns, yet, by vertue of these Grants they had Power to do it.

BESIDES the many Duties incumbent upon the chief Courier, which *Lodovicus von Hornigk* reckons up in his Treatise *De Regali Postarum jure*, he was obliged to attend the Person of the Prince, or of his Viceroy, or Lieutenant, to lodge as near the Royal Palace as possible, that there might be the less Interval between the arrival of the Messenger and the delivery of the Advice to the Prince or his Lieutenant. And if it happen'd that they went out of the City to meet at some Distance any Prince, or other great Personage, the chief Courier was obliged to attend, and prepare convenient Lodgings for them in every Place, where they were to lodge. Moreover, if they went to the War, he was obliged to follow, and provide them in Couriers, Postilions, and Horses: If the Army was to continue in the Field, he was to do the same, being always hard by the Prince, or his Lieutenant; and upon a March, to be near the Royal Standard.

IN these Beginnings, the Office of the chief Courier was only to inspect, name, and dispatch the ordinary Couriers of the Prince and State, so that like the *Cursus Publicus* of the Romans, private Persons could not make use of them, and the Cities and their Inhabitants had Liberty to transact and carry on their Traffick and Commerce by what Means or Persons they thought fit to chuse. The Cardinal *Granvela*, being recall'd by King *Philip II.* from the Government of *Naples* (where he had been four Years Viceroy) to exercise the Offices of Counsellor of State, and President of the Council of *Italy*, was the first, who in the Year 1580. instituted the common Posts in *Italy*, and afterwards in 1597. they were establish'd in *Seville*, and over all *Spain*. By which Institution, the Cities and their Inhabitants were deprived of the Liberty of Chusing the Persons and Means for carrying on their mutual Correspondence, because it was resolv'd by the Means of the establish'd common Posts, to bring the Direction of, and the Profit arising from the Intercourse of the Kingdoms into the Hands of one Person, which of course could belong to the Prince only, it concerning the the Publick, and what was got from private Persons being to be apply'd to its Service. Whence, to the Advantage which the chief Messenger reap'd from distributing the Stages, and from the tenths of the Hire paid for Horses, was added other Emoluments arising from this Establishment of common Posts.

AFTERWARDS was added the Profit arising from *Carriers*. Without doubt, the Custom of Carriers has its Rise from the *Cursus Publicus* of the Romans, and is a small Branch of it, with respect to the Carriage of Goods; but as for the rest, the present Carriers differ from it; for they have a fix'd Day for their Departure: They make use of their own Horses or Mules of Burden, and take up their Lodging in set Places, where they always find every Thing necessary for them: They were appointed not only for the Conveniency of the Prince and State, but for the good of Commerce, and for the more convenient Transportation of the Goods of private Persons, carrying Trunks, Bales, and other Merchandize.

HIS Jurisdiction being so extensive, and his Emoluments yet more; he has therefore now a Tribunal of his own, and many inferior Officers, distributed not only for the good Regulation of it, but for collecting his Emoluments; so that it is now reputed one of the great Offices, and its Riches and Utility are answerable to its Greatness.

THIS Change in the Offices happen'd in the new *Spanish* Government, with which was likewise introduced the Custom of making them, for the most Part, venal; and whereas formerly they were bestow'd but upon Persons, who, either upon Account of some warlike Exploit, or of Learning, had render'd themselves

worthy

worthy of them, by reason of the continual Demand there was of Money, they were afterwards almost all made vendible; and the Grant was not confin'd to the single Life of the Grantee, but extended to two or three Lives, and Offices were sometimes perpetuated in one Family, and were often granted as Freeholds to them and their Posterity for ever.

IN this new *Spanish* Government another Change was seen with respect to *Titles*. Whereas formerly the Title of Prince was bestow'd upon none but the Princes of the Blood, or the chief Nobility: It was now lavishly thrown away upon many, with as little Ceremony as that of Duke, Marquis, or Count; so that *Ferdinand* the Catholick, in settling the Fees of the Chancery, ordain'd that no more should be paid for the Investiture of a Principality, than for that of a a Duchy, Marquitate, or County, and the Fees of a Prince's Patent, should be the same with those of a Duke's, Marquis's, or Count's. And seeing not only the Offices, but the Baronies and Titles were made venal; these began to multiply exceedingly among us; and in the latter End of their Government that Matter was carry'd to such a height, that it was said, the *Spaniards* had dignify'd the very Stews, and created more Princes and Dukes in *Naples*, than there were Counts in *Milan*.

NEW *Spanish* Families were likewise introduced into the Kingdom, to wit, the *Sanchez's de Luna*, the *Cordova's*, the *Alarconi*, the *Mendoza's*, the *Leva's*, the *Henriquez's*, and many others, adorn'd not only with Titles, but with Estates and Lordships. New Customs and Fashions were thereby introduced, of which, in the Course of this History, we shall have occasion to discourse.

HOWEVER the Disposition of the Provinces was not alter'd. They were govern'd, as formerly, by Presidents, who, in these times, were also call'd Vice-roys. The Number was the same, but the number of the Provinces did not answer to that of the Presidents. Frequently two Provinces were govern'd by one single President, as we see practis'd at this Day with respect to the Provinces of *Capitanata* and *Contado di Molise*; and in the Reign of *Philip II.* as *Alessandro d'Andrea*, who wrote the History of the War, which that Prince had with Pope *Paul IV.* there were only six Presidents in the Kingdom, to whom the Administration of Justice in all the twelve Provinces was committed; though with regard to the Administration of the Royal Revenues, the Number of Treasurers or Collectors was answerable to that of the Provinces. Therefore the number of Presidents was always various, sometimes more, sometimes less, according to the different Dispositions and Regulations of our Princes. In like manner their Residence was not always in the same Cities, but by turns they went sometimes to one, and sometimes to another, according as Business, or the Good of their Governments required.





## C H A P. V.

*Of the Laws left us by Ferdinand the Catholick and his Viceroy.*

**F**ERDINAND left us few Laws, but those of the Great Captain, of the Count of *Ribagorça*, and of D. *Antonio de Guevara*, his Lieutenant, of D. *Raimondo de Cordona*, and of D. *Bernardino Villamarino*, his Lieutenant, were more numerous.

AMONGST *Ferdinand's* Laws, that, which at the Request of the City, he made for the restoring the University of *Naples*, is the most remarkable: by reason of the preceding Disorders and Revolutions of Affairs, our University was, in a manner ruin'd; and the publick Professors, whose Salaries were issued out of the Royal Exchequer, because of the many preceding Wars, were not paid: The *Neapolitans*, therefore, begg'd of King *Ferdinand*, that seeing the Kingdom had fallen into his Hands, and that the University, for many Ages, had flourish'd in the City of *Naples*, the Metropolis of the Kingdom, and the Royal Seat, and there having been in it most learn'd Professors in all Faculties, whose Salaries were paid by his Predecessors, it was then by the Misfortunes of the late Wars in a manner ruin'd and undone; he would be pleas'd to restore it to its former State, preferring *Neapolitan* Professors to Foreigners, and to order their Salaries to be paid out of some particular Revenue belonging to his Majesty in the City of *Naples*, or in the Province of *Terra di Lavoro*. The King most graciously consented to their Request, and order'd his Treasurer to pay every Year to the Magistrates of the City two thousand Ducats out of the best of his Revenues for the Maintenance of the Professors, as appears by his Royal Writ, dated in the City of *Segovia* on the thirtieth of September 1505. which was afterwards confirm'd by the Emperor *Charles V.* in a general Parliament held in *Naples* in 1536. wherein he was present.

HIS other Laws may be seen in the Volume of our Pragmaticks. Before he came to *Naples* he publish'd some in the Cities of *Toro*, *Segovia*, and *Seville*. After he came to *Naples* he publish'd others, which are dated in *Casel Nuovo*. Being returned to *Spain* he establish'd some others, which, according to the order of Time, are insert'd in the Chronology prefix'd to the first Tome of our Pragmaticks, printed in 1715.

IN his Absence the Viceroy, his Lieutenants, establish'd many other Laws. The Great Captain publish'd two in *February* and *June* of the Year 1504. and another in *December* 1505. The Count of *Ribagorça* likewise establish'd some good and prudent Laws, whereby he banish'd all Debauchees out of the Kingdom: He severely prohibited Gaming and Usury, and restored good Discipline, which by the late Disorders had been much decay'd. To his Intercession the Kingdom is indebted for those Prerogatives, which *Ferdinand* the Catholick granted it, compris'd in thirty seven Articles: As also during his Government, the Articles of good Living were establish'd in *Naples*, whereby, with great Exactness and Prudence, the Plenty of the City was taken care of. And in the few Days that D. *Antonio Guevara*, as his Lieutenant, govern'd the Kingdom, a very prudent Law was establish'd, whereby the Regulations, made by *Ferdinand I.* concerning the Rural Deans, were renew'd<sup>1</sup>.

<sup>1</sup> Prag. 5. De Cleric. seu Diacon. Sylvat.



D. **RAIMONDO** de Cordona, both in the Reign of *Ferdinand*, and in that of *Charles V.* who confirm'd him Viceroy, left us several Pragmaticks, as also D. *Bernardino Villamarino*, his Lieutenant, which, not to make a tedious Catalogue of them here, may be seen, according to the order of Time, in the afore-said Chronology, prefix'd to the first Tome of our Pragmaticks.

THESE were the first Laws the *Spaniards* gave us, all of them Provident and Prudent, in establishing of which the *Spaniards* were more judicious and more exact Imitators of the *Romans* than all other Nations.



## C H A P. VI.

*The Polity of our Churches during the Reigns of the Aragonian Kings to the End of the fifteenth Century, and the beginning of the Reign of the Austrian Kings.*

**W**E have observ'd in the preceding Books of this History, that the *Roman* Pontiffs, after the Schism was quite extinct, were more Intent upon the Wars of *Italy*, and favouring or opposing one of the contending Princes, than upon Expeditions against the *Turks*, or any other noble Undertaking. They were likewise, from the Time of *Callistus III.* bent upon the Interest of their own Families, and aggrandizing their Relations and Nephews: A Custom, which being continued by their Successors, produced in their private Families two great Seignories in *Italy*, that of *Florence* in the House of the *Medici*, and the other of *Parma* in that of the *Farnese*; and those who had not opportunity to raise their Families so high, at least provided them with ample Estates and vast Riches. *Alexander VI.* brought a Reproach upon the Papacy; for all his Avarice, all his Ambition, and all his other Wickedness were directed to this end, to raise *Cæsar Borgia*, his Son, from a private Man to an absolute and independent Sovereign.

THE Greediness of heaping up Riches, and drawing Money to *Rome* from all Parts, and for all Things, made them eager to extend their Jurisdiction over Temporals, receiving Appeals in all sort of Causes, and drawing all Suits at Law to *Rome*. They appropriated to themselves the Collations of almost all Benefices, Favours, Annats, and Pensions; and the greatest Part of the fat Benefices were given *in Commendam*. All the Archbishopricks, Bishopricks, Abba-cies, Priories, and Provostships were conferr'd in *Rome*. The Indulgencies, which in those Times were more frequently granted by the Popes than formerly, the Dispensations, the Tithes that were imposed upon the Clergy, and a great many other Emoluments drew vast Riches to the Apostolical Chamber.

But above all from the Spoils, particularly in *Italy*, immense Sums were raised. Although the Council of *Constance* had endeavour'd to restrain this Power; yet for all that, upon the Death of an Incumbent, before a Successor was named, whatever he left was adjudged to the Apostolical Chamber. Collectors or Sub-Collectors were sent every where, who, by severe Extorsions, reckon'd among the Spoils even the Ornaments of the Churches, and put the Heirs to great Trouble, with respect to the Goods acquired by the Deceased's Industry, or left of his own Patrimony; and if it was doubtful of what quality the Goods were, it was decided in Favour of the Chamber; and those who opposed the Execution of the Sentence, were plagu'd with Excommunications and Censures.

IN *France* and *Germany* all these Encroachments met with Opposition, and in *Spain* the Law of Spoils was restricted to the Bishops only. But in our Kingdom, as may be seen in the twenty second Book of this History, during the Reign of the *Anjouvians*, Vassals to the Popes, these and worse Things were tolerated.

THE Kingdom being afterwards convey'd to the *Aragonians*, *Alphonfus I.* and the other Kings of the House of *Aragon*, his Successors, though following the example of *Spain*, did not think fit to apply those strong and effectual Remedies, which were begun to be made use of in *France*; however they went on curing the Wounds with Ointments and Plaisters, the best way they could, that, at least, the most grievous and intolerable Abuses might be remov'd. That what their Predecessors had borne with might not be objected to them, they deriv'd their Title to the Kingdom, not from the *Anjouvians*, but from the *Suevi* and from *Conrad*, the younger, the last of the *Suevian* Kings, by vertue of the Investiture he gave of it to *Peter* King of *Aragon*, the Husband of *Constantia*, Daughter of King *Manfred*.

*ALPHONSUS I.* in the Conclave, which was held in the Year 1431. for the Election of a new Pope, got the Cardinals to promise upon Oath never to pretend any more to the Spoils; so that *Eugenius IV.* being elected, it was expressly declared in the Investiture, which that Pope gave him of the Kingdom of *Naples*, that, with respect to the Spoils and Revenues of the vacant Churches, they should be regulated in every thing *Juxta Canonicas Sanctiones*. Wherefore during the whole Reign of the *Aragonian* Kings, and even of *Ferdinand* the Catholick, till the beginning of the Reign of the Emperor *Charles V.* it became an establish'd Custom with us, that immediately upon the Death of a Prelate, or other benefited Person, not only of those Churches or Benefices that were in the Royal Gift or Presentation; but generally of all the Churches or Benefices within the Kingdom, the Chaplain Major gave notice of the Vacancy to our Kings, who by their Secretaries dispatch'd Commissions to such Persons, as were most to their liking, empowering them in name of the Royal Court to take Possession, and make an exact and faithful Inventory of the Spoils, as also of the standing Corn and other Fruits of the Earth, that they might be preserv'd for the Benefit of the Successor, without the Apostolical Chamber's intermeddling therewith. Then, the Church or Benefice being disposed of, the Bulls were presented by the Successor, and the *Exequatur Regium* being obtain'd, an order was dispatch'd to the Royal Commissary, who had the keeping of the Spoils, and of the said Fruits, to put the Successor in Possession of the Church, and at the same time of the Spoils and Fruits. The Instances of this Practice in the Reigns of *Alphonfus I.* *Ferdinand I.* and King *Frederick* are inserted in a Consultation, sent to King *Philip II.* in 1571. by the Duke *d'Alcala*, when he was Viceroy of the Kingdom; and such was the Custom till the Viceroyalty of *D. Hugo de Moncada*, in the Reign of *Charles V.* though in the time of *Ferdinand* the Catholick the Court of *Rome* did not fail, whenever an Opportunity offer'd, to make Incroachments, as it happen'd in 1528. when (*Rome* having been pillaged the Year before) *Clement VII.* in order to raise Money for his Ransom, appointed Commissaries every where, who right or wrong exacted Spoils, Annats, and whatever they could lay their Hands on for making Money, as we shall see in the following Books of this History.

*FERDINAND I.* as much as in him lay, did not fail to oppose other Incroachments, as has been seen; he regulated the Immunities and other Pretensions of the Rural Deans: He put a stop to the Incroachment of *Innocent VIII.* and much greater Things might have been expected from his Successors, if the many Troubles and Disorders that happen'd afterwards in the Kingdom, had not forced them to employ their Care and Pains about preserving it, and about their own Safety and Escape.

*FERDINAND* the Catholick, not swerving from the *Spanish* Customs, did not use much Rigour and Watchfulness. Wherefore he did not mind the Progress, which the Ecclesiasticks were daily making in extending their Jurisdiction, and enlarging their Tribunals, insomuch that they were obliged to establish diverse Rules for their better Regulation; and much less did he regard the excessive Acquisitions of temporal Estates, which were made not only by the Churches, but by the Monasteries.

## S E C T. I.

*Monks and Temporalities.*

THE *Aragonian* Kings, and among the rest *Alphonfus II.* as we have seen in the twenty fifth Book of this History, enrich'd the Monks of *Monte Oliveto* not only with Lands and great and magnificent Habitations, but provided them with rich and costly Furniture; for which these Monks were most grateful. For in their low ebb of Fortune they did not fail to supply them; and there is still to be seen a most moving Letter, written by *Alphonfus II.* while he staid in *Sicily*, to these Monks, begging of them to remember him in their Prayers, by recommending him to God, who had been pleased to reduce him to that lamentable State, that he would likewise be pleased to take Pity and Compassion of him. And in the Calamities of Queen *Isabel*, the Wife of the banish'd King *Frederick*, these Fathers out of Gratitude supply'd her, for, as we have said, having resolv'd to retire to *Ferrara*, she and her Children were reduced to so great Poverty, that if the *Olivetans* had not supply'd her with three hundred Ducats a Year, they could not have liv'd; for which that prudent Queen by her Letter, written from *Ferrara*, render'd them many Thanks<sup>1</sup>.

IN the beginning of the Reign of the *Aragonian* Kings, *Alphonfus I.* in Imitation of many Convents that had been founded in *Spain*, introduced among us the Order of *S. Mary of Mercy*, instituted for the Redeeming of Captives from the Hands of the Infidels: He was the first, who in the Year 1442. according to the Charter, recorded by *Summonte*<sup>2</sup>, founded a Monastery of that Order in *Naples*, and granted it many Privileges. Which Order, in the time of the *Austrian* Kings, was increased by many other Monasteries both in *Naples* and elsewhere.

BUT of all the Orders that were instituted in this Century, none were so famous, and increased so much as the *Minimes*, which had its rise in *Calabria*. It had for its Author *Francesco di Paola*, from the Name of the Village where he was born. They were at first call'd the *Hermits of S. Francis*, because, as *Philip de Comines* writes<sup>3</sup>, (who was then at the Court of *Lewis XI.* and had an Opportunity of discoursing with him, when he was invited to *France* by that King) that from the Age of twelve Years to forty, being his Age when he came to *France*, he had led the Life of an Hermit, living always in a Cave, under a prodigious high Rock. In all the Course of his Life he never eat either Flesh, Fish, Eggs, or Milk, abstaining in a manner from the common Food of Mankind. He was a simple and illiterate Man, and had never learn'd any Thing. Therefore, as *Comines* observes, it was very surprizing to hear him give prudent and pertinent Answers. The Fame of so great and extraordinary Austerity and Retiredness, made him to be renown'd for Sanctity all over *Europe*, for which he was call'd, *The Holy Man of Calabria*.

*LEWIS XI.* of *France* at this Time was seiz'd with such an extraordinary fit of Sickness, that it had, in a manner, deprived him of his Senses, and made him commit extravagant and foolish Things. He had shut himself up in his Castle of *Pleffis les Tours*, and being full of Suspicion, he caused the Palace to be well guarded, and would suffer none, even of the greatest Quality, to lodge in it. Desirous of recovering his Health, and mov'd by the Fame of the Holy Man of *Calabria*, he sent the Master of his Household to bring him to Court, but he being unwilling to come without Orders from the Pope and his own King, *Frederick*, then Prince of *Taranto*, King *Ferdinand's* Son, was oblig'd to accompany the *French* Messenger to take him out of his Cave, and they brought him to *Naples*, where he was receiv'd with great Honour and Respect by the King and his Children, who were very much surpris'd to find a simple illiterate Man reason with them with as much Judgment as if he had been bred up at Court. From *Naples* he went to *Rome*, where he was receiv'd with great Honour and

<sup>1</sup> V. Cappaccio nel Forastiero, wherein these Letters are recorded.

<sup>2</sup> Summ. Hist. tom. 3. pag. 5.

<sup>3</sup> Philip de Comines, liv. 6. chap. 8.

Respect by the Cardinals, and with much more by Pope *Sixtus IV.* of whom he had three private and long Audiences, and who made him sit by him in a Chair richly deck'd. The Pope was so much taken with his judicious Answers, that he gave him Power to institute a new Order, which he call'd, *Of the Hermits of S. Francis.* Having left *Rome*, and being arriv'd in *Exance*, he was receiv'd with the utmost Honour by the King, who being very solicitous about recovering his Health, went to meet him, and threw himself at his Feet, earnestly begging of him, that he would be pleased to grant him Health and long Life; but he answer'd him very prudently, and as became a wise Man. And *Philip de Comines* says, that he had heard him often reason in Presence of *Charles*, afterwards King, and of all the Great Men of the Kingdom, upon many Things with so much Judgment, that it was impossible for a simple and illiterate Man to speak so without Divine Inspiration; but seeing, while *Comines* was writing, he was still alive, and that he might alter to the better or worse, therefore he makes no more mention of him. Some of the Courtiers laugh'd at the Hermit's coming, calling him, out of Derision, *The Holy Man*; but this Writer says, that they spoke so because they were not so well acquainted with the oddness of the King's Distemper as he was, nor had seen the Things that were the Cause of it, nor knew the vehement Desire he had to be rid of it.

ALTHOUGH the Intercession of this Holy Man had avail'd King *Lewis* nothing, for the Distemper grew upon him to that Degree, that he shortly after died of it; nevertheless *Charles VIII.* his Son, who succeeded him in the Kingdom, had a vast Respect and Veneration for him, and in honour of him caused a Church to be built in the Entry of the Park of the City of *Tours*, so that this new Order began to get footing, and *Francis* having taken up his abode there, in a short Time many Monasteries were built in that Neighbourhood.

THE first that was erected in *Naples*, was in a solitary Place, where there was a small Chapel, dedicated to *S. Lewis*, King of *France*; therefore that Monastery still retains the Name of that Saint. He likewise founded in *Calabria* a small Monastery of his Order near *Paola*, the Place of his Nativity. There were also some Monasteries of this Order founded in *Rome*, from whence they were afterwards spread over all the Provinces of *Europe*, the Order having been confirm'd by *Alexander VI.* and by *Julius II.* Pope *Sixtus's* Successors; and the Monasteries of this Order multiply'd afterwards exceedingly both in the City of *Naples*, and the Kingdom; and by means of their particular Devotions, they encreas'd in Riches, and their Habitations in magnificent Buildings, indow'd with ample Revenues; and by that Means the Order was brought into the State in which we now see it.





THE  
CIVIL HISTORY  
Of the KINGDOM of  
NAPLES.

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BOOK XXXI.

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ALTHO' the Death of *Ferdinand*, King of *Spain*, derived the Succession of so many Kingdoms to such a powerful Prince, as the Arch-Duke *Charles* already was, and had a farther Prospect of being, after the Death of his Grandfather *Maximilian*, (which seem'd to secure his Dominions from new Commotions; ) yet that very Thing prompted *Francis I.* King of *France*, to form a Design upon *Naples*, and to turn this our Kingdom once more topsy-turvy. He flatter'd himself, that the Conquest of it would be an easy Task, because upon the King's Death, this Kingdom was in no good Posture of Defence, and it was impracticable for the Arch-Duke to send timely Succours to it: He believ'd likewise, that Pope *Leo X.* would, for his own Interest, favour his Enterprize, as being jealous of the over-grown Power of the Arch-Duke, already possess'd of so many Kingdoms, and in Prospect of succeeding *Maximilian* in the Empire: Besides, he hoped that the Arch-Duke himself would be slack in opposing his Design upon *Naples*, from an Apprehension that his falling out with *France* at that Juncture, would be a considerable Disadvantage to his Establishment in the Dominions of *Spain*, and especially in the Kingdom of *Arragon*.

AND indeed, had Right been seconded by sufficient Power, some of the same Family might have justly pretended to *Arragon*; for, altho' during the Life of the late King, and *Isabella* his Consort, it had been declar'd in an Assembly of the States of that Kingdom, that the excluding Females from the Succession, by the ancient Constitution, did not prejudice the Sons of such Females, unless there hap-

pen'd to be Brothers, Uncles, or Nephews of the Royal Family, or any other Relation in the Male-Line nearer, or at least as near as the Son in the Female; (which was the Reason why the Succession was adjudged to the Arch-Duke *Charles* after the Death of *Ferdinand*) alledging for a Precedent, that upon the Demise of *Martin*, King of *Arragon*, (who dy'd without Issue Male) *Ferdinand*, the Grandfather of the last *Ferdinand*, altho' descended by the Female Line, was (by Judges deputed by the States of the Kingdom to determine the Succession) prefer'd to Count *Urgelli*, and other Relations of King *Martin's* in the Male Line, but in a more remote Degree than *Ferdinand* was. Yet there was even then a secret Murmuring among the People, that this Interpretation of the Law, and settling the Succession upon them, was more owing to the Power of *Ferdinand* and *Isabella* than to Justice; for it seem'd to many Persons a straining the Law, to allow the Sons to succeed, whose Mothers had been excluded; and therefore that the Declaration in Favour of the elder *Ferdinand*, was obtain'd more by the Terror of his Arms than by Justice.

THE King of *France* being appriz'd of these Things, and knowing likewise, that the People of the Provinces of *Arragon* and *Valentia*, and the County of *Catalonia* (all these being reckon'd in the Kingdom of *Arragon*) were desirous of a King of their own, believed that the Arch-Duke would not be averse to give up the Kingdom of *Naples* to him, for a valuable Consideration, rather than run the Hazard of his Succession to so many States.

BUT whilst *Francis* determin'd to take Arms in Prosecution of this Design, new Occurrences put him under a Necessity of taking care of his own Safety. For the Emperor *Maximilian* was preparing (as he had formerly stipulated with King *Ferdinand*) to attack the Dutchy of *Milan*. The King of *France* was oblig'd, therefore, to try to make up Matters with King *Charles*, and by his Mediation, to bring the Emperor to Terms. *Charles*, (who laboured to remove all Obstacles which might stop his Passage into *Spain*, and his Settlement in those Dominions) by the Advice of Monseigneur *de Cevres*, a Native of *Flanders*, by whose Counsels he was entirely govern'd (being himself but sixteen Years of Age) stooping to the Necessity of the Time, and the present Posture of his Affairs, accepted the Offer of an Accommodation; and their Ministers by Appointment meeting at *Noyon*, the Peace was there concluded on the 13th of *August* 1516. The Deputies on the Part of *France* were the Bishop of *Paris*, the great Master of the King's Household, and the President of the Parliament of *Paris*; for his Catholick Majesty, Monseigneur *de Cevres*, and the Emperor's Great Chancellor. The Articles of this Peace, as far as it related to the Kingdom of *Naples*, were as follow.

THAT there should be perpetual Peace and Alliance between the Kings of *France*, and *Spain*, for the Defence of their Dominions against all Enemies of either Crown. That the King of *France* should give his Daughter *Louisa* (then but one Year old) in Marriage to his Catholick Majesty; giving for her Dowry all the Right which he pretended to have to any Part of the Kingdom of *Naples*, by the Partition formerly made by their Ancestors; but with this Condition, that till the young Princess should be fit for Marriage, the King of *Spain* should pay 100,000 Crowns yearly to the King of *France*, for her Maintenance. <sup>1</sup> *Giovius* says <sup>2</sup> that his Catholick Majesty paid that Sum by Way of Tribute, to shew that the King of *France* had some Right to the Kingdom of *Naples*; but the Articles of the Peace, which are to be seen at large in *Federico Lionardo's* Collection, <sup>3</sup> prove the contrary, where that Sum is promis'd, not on the Account of Tribute, but of Expences; nor to continue for ever, but till the Princess *Louisa* should be marriageable.

IT was farther stipulated, that in Case the design'd Spouse should die before Marriage, another Daughter who should be born to his most Christian Majesty, should, under the same Conditions, be given in Place of her Sister to the King of *Spain*; but if he should not have a Daughter, then *Renata* (who had been promis'd to the Arch-Duke by the Treaty of *Paris*) should be given him to Wife. And any of those Ladies dying (after Marriage) without Issue, the Part of the

<sup>1</sup> Guicciardin. lib. 12.

<sup>2</sup> Grov. lib. 18. in fine.

<sup>3</sup> Fed. Leonard. Tom. 2. p. 144.

Kingdom of *Naples*, now in Dispute, should return to *France*. In Consequence of this Agreement, they apply'd to Pope *Leo*, for a Dispensation from the Oaths taken at the Treaty of *Paris*, when *Renata* had been espous'd to the same Prince: And his Holiness gave his Bull to that Purpose, dated *September 3, 1516.*<sup>1</sup>

THE Peace being thus concluded, King *Charles*, who then resided at *Brussels*, prepar'd for his Voyage to *Spain*, where he happily arriv'd about the End of the Year following, to take Possession of those Dominions; having obtain'd of the King of *France* (between whom and him there pass'd all the Marks of Friendship, each of them dissembling his secret Animosity) a Respite for six Months, of the Payment of the first 100,000 Ducats.

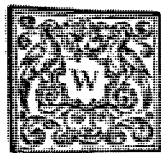
CHARLES, at his first Arrival in *Spain*, was received with incredible Joy; and Queen *Joan*, his Mother, resign'd the Administration to him, with this Condition, that her Name should be still inserted in all publick Acts along with the King's; and that the Dominions of *Spain* should be govern'd in his Majesty's Name and Queen *Joan's*. He confirm'd *Don Raimondo de Cordona*, Vice Roy of *Naples*, and wrote a Letter to the *Neapolitans* full of paternal Affection. About this Time, his design'd Spouse the Princess *Louisa* dying, the Treaty was renewed between the two Kings upon the same Terms; and the second Daughter promis'd in Marriage to his Catholic Majesty: Both the Kings solemnizing this Alliance with the greatest outward Demonstrations of Friendship imaginable. The King of *Spain* (who had already caus'd the 100,000 Crowns to be paid in *Lyons*) publickly wore upon the Feast of *St. Michael*, the Order so call'd; and the King of *France* that of the Golden Fleece, upon *St. Andrew's* Day.

<sup>1</sup> This Bull is set down by *Leonardo* in his Collection, Tom. 2. p. 149.



## CHAP. I.

*The Death of the Emperor Maximilian, and the Election of his Grandson Charles to the Empire. The Differences following upon it between Him and the King of France, which afterwards broke out into open and bloody Wars.*



WHILE the Affairs of *Italy*, and especially of *Naples*, were thus in Peace, the Emperor *Maximilian*, having at Heart the establishing the Succession of the Empire after his Death, in the Person of one of his Grandsons, in this same Year 1517. treated with the Electors to induce them to chuse one of them King of the *Romans*. And altho' his first Design was, to raise his second Grandson *Ferdinand* to that Dignity; because so many Dominions having fallen to the elder, with such Accession of Power, he thought it reasonable to support the younger with that Honour; thinking that to keep up the Splendor of his Family, and to obviate any Misfortune which might happen to *Charles*, it was more eligible to make them both great, than to unite all the Power in one alone. But being press'd to the contrary by many about him, such as the Cardinal of *Sion*, and all such as hated, and were afraid of the Power of *France*; laying aside his first Design, he endeavour'd to get the King of *Spain* elected King of the *Romans*. Those about him represented to him, that the centring the whole Power in one, was the readiest Way to aggrandize the House of *Austria*, whereas the dividing its Force, would make them less capable

pable of pursuing the Measures they were to take : That *Charles's* Greatness was built upon such solid Foundations, that if the imperial Dignity were joined to it, there was Ground to hope, that he might unite all *Italy*, and the greatest Part of *Christendom* under ONE Monarchy, which was not only requisite to the future Greatness of the House of *Austria*, but to the Quiet of his People, and (considering the Situation of the Infidels) to the common Advantage of Christianity. They shew'd him, that it was his Duty as Emperor, to consult the Dignity of the Empire, which had been so long in his Person and Family, and which could not hope to raise itself to its ancient Glory and Splendor, by any other Way, than by being united to *Charles's* Power: That it was evident by the Examples of the ancient Emperors, *Augustus Cæsar*, and others his Successors, that (not having Children of their own, or any of their own Family to succeed them) lest the Imperial Dignity vested in their Persons should fail or be diminish'd, they procur'd by Adoption, Successors either of distant Relations, or of Persons who did not at all belong to them. And the Instance was recent of the Catholick King, who altho' he lov'd *Ferdinand* as his own Son, having bred him up in his own Court; and had almost never seen his Brother *Charles*, nay had found him towards the latter Part of his Life not very obedient to his Commands; notwithstanding all this, without any Consideration of the low State of the first, he left him no Share of his great Dominions, not so much as Part of what were intirely in his Power to dispose of, as being his own Conquests, but left all to the other, whom he scarce knew but as a Stranger.

THE King of *France* oppos'd this Design of the Emperor with all the Art and Diligence possible, it being a great Trouble to him to think that the Imperial Dignity should be united to so many Kingdoms and States, belonging to the King of *Spain*; because if it should be strengthen'd by such an Addition of Power, it would become formidable to every one: For this Reason he endeavour'd secretly to crush the Project, by tampering with the Electors and the Pope: He likewise sent an Ambassador to the *Venetians*, to persuade them to unite with him to oppose it, warning both the Pope and the State of *Venice* of the Danger which might ensue by such a Power. But the Electors were in a great measure brought over to the Emperor's Side, and had as good as receiv'd the Money which the King of *Spain* had promised on Account of the Election; for he had sent into *Germany* for that Purpose, 200,000 Ducats. Nor was it to be thought that the Pope, altho' he dislik'd the Thing, would hinder the new-elected Emperor to receive the Imperial Crown in *Germany*, from the Hands of his Legates in his Name, because the going to *Rome* to be crown'd, tho' it seem'd to derive a greater Sanction from the Apostolick See, was judg'd rather a Ceremony than any Thing substantial.

WITH these Thoughts and Matters, the Year 1518 was spent; the Electors not being as yet come to a Determination, which became still more uncertain and difficult, by the Death of *Maximilian*, which happen'd at *Lintz*, in the very Beginning of the Year 1519.

AFTER the Death of the Emperor, the Kings of *France* and *Spain*, began openly to aspire to the Imperial Crown; which Contest for a Matter of such Importance, and between two such powerful Princes, was yet so dextrously manag'd by both, that there were neither reproachful Words heard, nor any Threats of Force; but each employ'd his Interest and Authority to bring over the Electors to his Party: And the King of *France* spoke with great Applause, to the Ambassadors of *Spain* about the Election; telling them, that it was a Thing worthy of Commendation for each of the contending Parties to endeavour, by all honest Ways, to adorn himself with the Splendor of the Imperial Purple, which had been so often worn by both their Ancestors; but that it would not be right for one of them to wrest it from the other by Injustice, or for the Sake of it, to diminish that Affection and Affinity already establish'd between them.

THE King of *Spain* thought he had a just Right to the Empire, because it had continued so long in the House of *Austria*; and that it was not usual for the Electors to cut off the Descendents of the deceased Emperor without their apparent Incapacity. There was no Prince in *Germany* of such Power and Interest, as to come in Competition with him in the Election; nor did it seem just, nor indeed probable, that the Electors would transfer so great a Dignity, (which had



for many Ages been possess'd by the *German* Nation) to a *foreign* Prince; and if any of them should be induc'd by the Force of Money, or from any other Consideration, to be of another Opinion, he did not doubt but he should be able to terrify them by Forces, which he should have in Readiness upon a proper Occasion, with the Help of such Electors as would oppose their Design, or at least, that the other independant Princes, and the Hans Towns in *Germany*, would never agree to a Thing so shameful to themselves, but especially to confer that Dignity upon a King of *France*, by which they might aggrandize a Prince, who was an *Enemy* to their Country, and they might assure themselves that it would never return again to a *German*: He believed he could easily procure the fulfilling of the Agreement made with his Grandfather, the Sums and Donatives to be paid to each Elector, having been already ascertained.

ON the other Hand, the Desire and Expectation of the King of *France* were no way inferior to his, being founded on his Opinion of being able to bribe the Votes of the Electors, with an immense Sum of Money, as some of them had advis'd him to attempt, by shewing him the Feasableness of it. These Hopes he conceiv'd, rather upon Appearances, than upon solid Grounds; he knew that it was generally a Grievance to the *German* Princes, to see the Emperors very powerful, from a Jealousy they had, that they would not approve (either in Whole, or in Part) of the Immunities and Imperial Prerogatives claim'd by many of them; and upon this Account he imagined, that those Princes would not consent to the Election of the King of *Spain*: He knew likewise, that it was very grating to many illustrious Families in *Germany*, that the Empire should have continu'd so many Years in one House; and that the Election to that Dignity, which ought sometimes to be in one Family, and sometimes in another, should be continued, as it were, by *Hereditary Succession*, in one alone; for to be tied down to the nearest Relation of the deceased Emperor, differ'd little from a *Lineal Succession*: Thus the Empire had pass'd from *Albert* of *Austria* to his Brother *Frederick*, from *Frederick* to *Maximilian* his Son, and now the Design was to transfer it from *Maximilian* to his Grandson *Charles*. Besides these Considerations, the King of *France* had great Confidence in the Pope's Assistance, as well on account of the Friendship which he believed he had contracted with him, as from a Persuasion, that his Holiness could not approve that *Charles*, who was already so powerful, and who, by the Neighbourhood of *Naples* to the Ecclesiastical State, and the Adherence of the *Ghibeline* Nobility to him, had an open Passage even to the Gates of *Rome*, should likewise be rais'd to the Empire; but in this *Francis* did not reflect, that this Consideration, which was truly a Bar to *Charles*, was as strong against himself: However, not seeing the Beam in his own Eye, which he saw clearly in his Competitor's, he applied to the Pope, begging his Assistance, and assuring him that he might dispose of him, and his Kingdoms, as a Father.

THE Business of this Election was a Thing of great Consequence to the Pope; for, which ever of these two Kings should be chosen Emperor, it was disagreeable to him, with Regard to the Security of the Apostolical See. But his Authority and Credit with the Electors, not being such as could encourage him to hope to do great Matters, he thought it necessary to use Prudence and Art in a Thing of so great Moment: He was persuaded, that the King of *France* (easily deceived by some of the Electors) would have no Interest in the Election; nor could he believe, that Bribery could so far prevail, even in the most mercenary Men, as to oblige them so shamefully to transfer the Empire from the *German* Nation to the *French*. He imagined, that the King of *Spain*, by being their Countryman; by the Arts used by *Maximilian*, and for many other Reasons, would easily carry his Point, unless some very powerful Opposition should be made against him, which could not be done, but by the King of *France*'s using the same Interest and Money, in Favour of some one of the Electors, which he had design'd for the promoting his own Election: But he judg'd it impracticable to persuade the King to this, whilst he was blown up with vain Hopes; however, he flatter'd himself, that the more earnestly the King labour'd that Matter (whilst his Hopes were in their Bloom) he would the more readily be prevail'd upon to concur, with the same Ardour, in the Election of a *third Person*, after he perceiv'd that his own Expectations were blasted, and his Design frustrated and disappointed: From whence it might likewise happen, that by favouring the Cause of the King of *France* vigorously amongst the Princes, the other King, finding his

Design meet with strong Opposition, and doubting lest his Competitor might gain the Victory, he might likewise concur in a *third Person*. With this View, the Pope not only assured the King of *France*, that he wish'd his Promotion to the Imperial Dignity, but alledged many Reasons to persuade him to prosecute his Design with Vigour, promising to assist him with the utmost *Plenitude* of the *Papal Power*.

WHILST these Things were carrying on with such Care and Jealousy, the two Kings did not interrupt their Friendship and Alliance; for, at the same time, the *Grand Master* of *France*, and *Monseigneur Cevres* (in which two, the Counsels, and, as it were, the very Souls of their Masters resided) went, in their Names, to *Montpellier*, to consult about concluding the Marriage of the King of *Spain* with the Second Daughter of *France*, but especially to treat of the Business of the Kingdom of *Navar*: (the Restitution of which, to its antient King, promis'd at the Treaty of *Noyon*, altho' much press'd by the King of *France*, had been delayed by the King of *Spain* upon diverse Pretences) But the Death of the *Grand-Master* happening before they could have an Interview, put a Stop to any Hopes from that Congress.

IN the mean time, the Affair of the Empire was prosecuted by both Kings, with great Eagerness. The King of *France* deceived himself every Day by the Promises of the Marquis of *Brandenburgh*, one of the Electors, who having receiv'd from him Offers of great Sums, and perhaps, some present Payments, oblig'd himself, by a Secret Treaty, not only to give him his own *Vote*, but to secure for him that of his Brother the Archbishop of *Mayence*. He flatter'd himself also with the King of *Bohemia's* Vote, by which (in case of an Equality amongst the other Six, three of which are *Prelates*, and three *Princes*) the Controversy is decided. On the other Side, the Inclinations of the People of *Germany* appear'd very plain, not to let the Imperial Dignity go out of their Country, so that even the *Swiss*, moved by their Affection to their Mother Nation *Germany*, had petition'd the Pope, that he would not favour any one in the Election that was not a *German*.

THE Electors being assembled at *Frankfort* (according to antient Custom) whilst they were engaged in sundry Disputes about fixing the proper Time for the Election, according to their different Orders, an Army appeared near *Frankfort*, sent to the Field by the King of *Spain* (who was readier to raise Forces with his Money, than to bestow it upon the Electors) under Pretence of curbing any Person who should endeavour to force the Election; by this Means, having encouraged the Electors who were of his Party, he likewise gained to his Side, those who were doubtful, and frighten'd the Elector of *Brandenburgh*, who favour'd the King of *France*; so that coming to an Election upon the 28th of *June 1519*, *Charles* of *Austria*, King of *Spain*, was elected Emperor, by the Votes of four Electors, viz. the Archbishop of *Mayence*, the Archbishop of *Cologne*, the Count Palatine, and Duke of *Saxony*: But the Archbishop of *Triers* chose the Marquis of *Brandenburgh*, who himself also concurred in his own Election. Nor was there any Doubt of the King of *Spain's* being chosen, if, by an Equality among the other Six, there had been Occasion for the Suffrage of the Seventh, for *Lewis* King of *Bohemia* and *Hungary*, had promised him his *Vote*.

THIS Election grieved the King of *France*, and troubled the Pope, with all who depended upon him in *Italy*, seeing so great Power center'd in one young Prince, who, by all Appearances, was like to be blest with Increase of Dominion, and all imaginable Prosperity: And altho' he was not so rich as the King of *France* in Money, yet it was thought of vast Importance, that he could fill his Army with *German* and *Spanish* Infantry, who had the Reputation of good and gallant Soldiers.

POPE LEO conceal'd his Dissatisfaction, with great Art and Dissimulation; nor was he yet resolv'd which Side to adhere to: But to shun all Occasion of shewing his ill Will to *Charles*, of his own proper Motion, he gave him a Dispensation to accept of the Empire, notwithstanding its being contrary to the Tenor of the Investiture of the Kingdom of *Naples*, by which (according to the antient Form) he was expressly debarr'd from accepting it, and sent him a *Bull*, by which he was render'd capable of being Emperor, notwithstanding the Stipulations to the contrary; as may be seen in *Chioccarelli* <sup>1</sup>.

<sup>1</sup> Chioc. tom. 1. MS. Giur.

IN the Year 1520. the Emperor went by Sea from *Spain* to *Flanders*, and from thence into *Germany*, where, in *October* he received the first Crown (the same, with which, 'tis said, *Charles the Great* was crown'd) after the antient Form, with the Authority of the Princes of *Germany*, in a great Assembly at *Aix la Chapelle*, a City illustrious for its Antiquity, and for the Sepulchre of *Charles the Great*.

BUT this Prosperity was disturb'd by new Accidents that happen'd in *Spain*; for King *Charles's* Promotion to the Empire, was a Grievance to the Subjects of those Dominions, knowing that he would be oblig'd, for several Reasons, to spend a great Part of his Time out of *Spain*, to the great Loss and Inconvenience of all his Subjects there: But what gave the greatest Handle to those Commotions, was the terrible Hatred they had conceived against their Governors on account of their Avarice, especially against *De Cevres*, and the rest of the *Flemings*; so that all the People being irritated against the very Names of them, those of *Valladolid* had mutiny'd upon the Emperor's Departure, and he was scarce out of *Spain*, when they were all-up in Arms (not against the King, but against the wicked Governors); and after having consulted together, without paying any Obedience to the King's Officers, they assembled the greatest Part of the Populace, who giving a new Form to the Government, they rul'd in the Name of the *Holy Junto* (for so they call'd the General Council of the People): The Officers and Ministers of the King taking Arms against them, Things came to open War, and the Disorders increased to that Degree, that the Emperor had but little Authority left there, which rais'd the Expectations of the *Italians* and others, who desir'd a Diminution of so great Power.

TOWARDS the End of the same Year, 3000 *Spanish* Foot, having been some Months in *Sicily*, refus'd to return to *Spain*, as the Emperor had order'd them, and disregarding the Authority of their Leaders, pass'd over to *Reggio* in *Calabria*, and marched (doing great Mischiefs every where) towards the Estate of the Church, putting his Holiness in great Fear; especially by their refusing the Offers made to them by the Viceroy of *Naples*, and the Pope, to lift a Part of them, and give the rest Money: But this Commotion was quell'd sooner than People imagin'd, for as they pass'd the *Tronto*, to enter *Marca d' Ancona*, whither the Pope had sent a considerable Force, who were encamp'd on the Banks of the *Tranfo*, those Forces falling with Fury upon the *Spaniards*, kill'd a good Number of them, and forc'd the rest to retire; so that failing in Courage and Reputation, they were fain to accept, from the Emperor's Ministers, Conditions much worse than those they had before despis'd.

IN the mean Time, the Animosities between the Emperor and King of *France* much increas'd; and the Pope, altho' he seem'd to affect Neutrality, yet, in effect, jealous of *Charles's* too great Prosperity, secretly treated with the King of *France*, about the Means for driving the Emperor from *Naples*; and it was agreed between them, to invade the Kingdom with joint Forces, upon this Condition, that *Gaeta*, with all the Territory which lies between the River *Garigliano*, and the Ecclesiastical State, should be given to the Church, and the rest of the Kingdom to the King of *France's* Second Son; but because he was under Age, during his Minority, both he and the Kingdom should be govern'd by the Pope's Legate, who should reside at *Naples* <sup>1</sup>.

ABOUT the same time, the King of *France* being prompted by the Troubles in *Spain*, and encouraged (as he afterwards complain'd) by the Pope, sent an Army under *Asparoth*, the Brother of *Oderic Lautrech*, into *Navarre*, to recover that Kingdom for its antient King, which he happily effected. There wanted nothing now for the *Naples* Expedition, but the fulfilling the Articles agreed upon at *Rome* between the Pope and him. But when the King was desir'd to ratify them, he began to hesitate, many Persons having put Doubts in his Mind, that, considering the Pope's double Dealings, and the Hatred he had shew'd to him ever since his ascending the Chair, he had good Reason to suspect some Deceit; because they said it was not probable, that his Holiness should desire, that the Kingdom of *Naples* should be possess'd, either by his Majesty, or his Son; because, if they should have the Kingdom of *Naples*, together with the Dutchy of *Milan* (already subject to *France*) the Pope would be afraid of himself: They assured him, that so great Friendship, so sud-

<sup>1</sup> Guic. l. 14.

denly profess'd to him, was not without some Mystery; that he had need to take great Care of his Affairs, and that he should beware, lest, thinking to gain *Naples*, he should lose *Milan*; for, by sending an Army to *Naples*, he put himself in the Pope's Power, who (having 6000 *Swiss*) by Intelligence with the Emperor's Officers, might destroy his Army, and then what could defend the State of *Milan*? These Reasons made such Impression upon the King, that continuing uncertain whether he should conclude the Articles, and, perhaps, waiting an Answer to some other Negotiations, he sent no Advices to *Rome*, leaving both the Pope and his own Ambassadors without knowing what to do.

BUT the Pope, either governing himself with his usual Dissimulation, and being a secret Enemy to the King; or else finding that all Expectation of an Answer from *France* was vanish'd, beginning to suspect the true Reason of it, and being afraid that the King might discover his Practices to the Emperor; being likewise earnestly desirous to recover *Parma* and *Placentia*, and to do some memorable Exploit; but above all, being enraged at the Insolence of *Lautrech*, and the Bishop of *Tarbes*, the King's Minister, both which, had not only refused to receive any Ecclesiastical Orders or Mandates into the State of *Milan*, but had slighted them with the greatest Pride, and the most reproachful Words: From some of these Considerations, or all of them together, I say, the Pope design'd to join with the Emperor against the King of *France*.

THE Emperor, on the other Hand, disoblig'd at the invading *Navarre*, and push'd on by many *Milanese* Exiles, whose Solicitations were also seconded by some of his own Council, that were desirous to lessen the Credit of *De Cevres*, who had always dissuaded a Rupture with *France*, resolv'd to unite with the Pope against the King; and indeed, without *De Cevres*'s Knowledge (who very opportunely died just at that time) there was a League made, for their common Defence, between the Pope and the Emperor, comprehending also the House of *Medicis*, and the *Florentines* designing, with that Addition, to break in upon the State of *Milan*, and when it should be conquer'd, *Parma* and *Placentia* was to be given to the Church, with the same Conditions upon which it was held by the Popes before; and because *Francis Sforza*, who was banish'd to *Trent*, pretended to the State of *Milan*, by Right of his Father's Investiture, and his Brother's Renunciation, it was agreed, that upon the Conquest, he should be put in Possession of it, and the Confederates were oblig'd to maintain and defend him in it; and further, that the Dutchy of *Milan* should not use any other Salt but that of *Cervia*; that the Pope should not only have full Liberty to raise Processes against the Subjects and Vassals within the State of *Milan*, but the Emperor should oblige himself to assist him against them (after the Conquest) and particularly in the taking of *Ferrara*: The Tribute of the Kingdom of *Naples* was to be increased, and a Pension of 10,000 Ducats promised to Cardinal *De Medicis*, out of the Archbishoprick of *Toledo*, newly vacant; and an Estate of the same Value in the Kingdom of *Naples*, to *Alexander de Medicis*, natural Son to *Lorenzo Duke of Urbino*.

THIS Treaty against *France*, being secretly concluded between the Pope and the Emperor, their whole Thoughts were turn'd upon the War in the *Milanese*; which being so well written by *Guicciardin*, *Giovius*, and other Writers of that Time, and not being to my Purpose, I willingly pass it over; only in a few Words, I shall say, that the Imperialists, and *Francis Sforza*, having expell'd the *French*, who were commanded by the famous *Lautrech*, took Possession of the Dutchy; of which Conquest Pope *Leo* was so fond, that *Montaigne* says, upon the News of it, he was so surpriz'd with Joy, that he was seiz'd with a Fever, and died. *Guicciardin* relates, that he died suddenly the 1st of *December* 1521; for, after receiving the News of the Conquest of *Milan*, with extreme Pleasure, he was seized the same Night with a slight Fever, and altho' his Physicians, at first, thought his Distemper of no Consequence, yet he died in a few Days, not without great Suspicion, that *Barnaby Malaspina*, his Valet de Chambre, had given him Poison instead of Drink: But altho' he was imprison'd upon Suspicion, there was no farther Search made into that Affair, for Cardinal *De Medicis* coming to *Rome*, set him at Liberty, to prevent any further Occasion of greater

<sup>1</sup> Montaigne's Essays, l. 1. c. 2.

<sup>2</sup> Guicc. l. 14.

Enmity with the King of *France*, by whose Contrivance it was whisper'd, but without any Certainty, that *Barnaby* had administer'd the Poison.

*ADRIAN*, Cardinal of *Tortosa*, a *Fleming* by Birth, succeeded *Leo* on the 8th of *January* 1522. He had been the Emperor's Preceptor in his Youth, and, at his Desire, promoted to the Purple by Pope *Leo*: Upon the News of his being chosen Pope, without changing his Name, he began his Pontificate by the Name of *Adrian* VI. His Reign was but short, being little more than one Year and a half, for he died on the 14th of *September* 1523; and to him succeeded, about two Months after, Cardinal *Julius de Medicis*, who took the Name of *Clement* VII.

MANY Revolutions happen'd in his Pontificate. The King of *France* returning to *Italy*, to recover the *Milanese*, besieg'd *Pavia*, and coming to an Engagement near that Place, was unhappily made Prisoner; many Offers were made for his Release, but he was sent to *Spain*, where he was kept, till an Agreement was made between him and the Emperor, for his Freedom, upon hard Terms.

IN that Treaty made at *Madrid* the 14th of *January* 1526, among other Things it was stipulated, That his most Christian Majesty should give up and renounce to the Emperor, all his Pretensions to the Kingdom of *Naples*, even such as he had received by Investiture from the Church, together with all his Right to the Dutchy of *Milan*<sup>1</sup>.

NEITHER the Lawyers nor Historians<sup>2</sup> have pretended, that the Right of the King of *France* to the Kingdom of *Naples*, whatever it was, ceased by Virtue of this Treaty, or that afterwards he had not a better Pretence for invading it; nor do they affirm, that any War which should afterwards be carried on upon that Account, would be unjust or unwarrantable; or, in short, that all Debates about *Naples* ought to have ceased.

NOR were the Predictions false, which Wise Men made at that Time, upon this feign'd and forc'd Treaty; for King *Francis* was no sooner set at Liberty, than judging all Obligations extorted from him whilst he was Prisoner, to be null and void, without any Regard had to his Children, whom he had given as Hostages to the Emperor, he not only did not observe the Conditions stipulated, but thinking himself ill used, by being constrain'd to make dishonourable, and impossible Concessions, he was resolv'd to be reveng'd: With this Intention, the very Day that he had sign'd the Articles, he previously made a long Protestation (which is to be seen in *Leonard's* Collections<sup>3</sup>) in which he declared, that he was induced by mere Force, as being a Prisoner, and grievously indispos'd, to sign that Treaty. He therefore bent all his Thoughts upon uniting his whole Power; and returning Home full of Rage, he resolv'd to renew the War, and carry his Arms afresh into *Italy*, with Intention not only to recover the Dutchy of *Milan*, lately lost, but likewise to invade the Kingdom of *Naples*, promising himself the Conquest of it, by Means of his famous General *Lautrech*, as shall be related hereafter.

<sup>1</sup> The whole Instrument of this Treaty is to be seen in *Leonard's* Col. tom. 2. p. 220.

<sup>2</sup> See Jo. Sleidan. ad Frossard. & Argenton.

<sup>3</sup> *Leonard's* Col. tom. 2. p. 210.





## C H A P. II.

*How the Kingdom of Naples was govern'd in the re.*

*Don Raymond de Cardona, and after his Death by Don Carlos de Lanoja his Successor.*



IN the mean time, the Kingdom of *Naples*, which had been committed to the Care of *Don Raymond de Cardona* by King *Ferdinand*, and after his Death by King *Charles*, who continued him Viceroy, although it had suffered nothing by foreign Invasions, was yet harras'd from time to time by insupportable Taxes; for, being under a Necessity of maintaining an expensive War, the Barons and the inferior People took Occasion to ask new Privileges, or a Confirmation of the old ones, or else (what they had most at Heart) the fulfilling of the Grants already made, which were not observ'd: These Things oblig'd them to give considerable Sums to the Government by way of Donatives. So many Articles, and such a Number of Grants made to them, were very slowly performed; for it having been always ask'd, and as often promis'd, that in all Offices both Civil and Military, and in Ecclesiastical Benefices, the *Neapolitans* should have the Preference of Strangers; yet the Kingdom being at that time govern'd by *Spaniards*, and many Families having come thither from all the Dominions of *Spain*, those Offices and Benefices were, for the most part, bestowed upon *Spaniards*, which made the Subjects of *Naples* often press the Observation of Articles: Upon every new Donative they had new Promises made them, but those were always broke.

WHEN these Grants, contained in the Articles before mentioned, were made to the *Neapolitans* by King *Ferdinand*, they gave a Donative of 300,000 Ducats. Not long after, in 1508, that same King being oblig'd, by Virtue of the Treaty of Peace with *Lewis XII.* King of *France*, to maintain, at his own Charge, besides Infantry, 500 Men at Arms, there was a Tax of three *Carlines* laid upon every House for the Space of three Years, to pay that Sum to King *Lewis*: On which Occasion those Articles were granted, or rather confirm'd by the Count *De Ripagorsu*, and were establish'd by a General Parliament held in the Church of *St. Lawrence* in *Naples*, in the forenamed Year of 1508<sup>1</sup>.

WHEN King *Charles* succeeded to *Spain*, and was afterwards made Emperor, to defray the great Charge he was at in procuring the Votes of the Electors, and the Expences of his Coronation, there was a Demand made by the Viceroy *Cardona* in 1520, of a Donative to be made by the Cities, the Barons and Syndicks of the Royal Demains, on Account of the King's pressing Necessities, his Coffers being empty; in return of which it was promis'd, that his Majesty would confirm the old Articles, and also grant them new ones: For which end, another General Parliament was held this Year, and 300,000 Ducats were offer'd to the King in three Years, 100,000 at each Payment; in Recompence of which, all the former Articles and Privileges were confirmed; and it was declared, that for the future, no extraordinary Taxes could be laid upon the Kingdom. All this was confirm'd by the Viceroy *Cardona*, in the said Year 1520, and afterwards ratified by the Emperor, by a special Charter, dated at *Wormes* January 1. 1521<sup>2</sup>. But notwithstanding these Concessions, whilst the same Reasons subsisted, and much more, when the Minds of

<sup>1</sup> Capit. & Privil. Neap. fol. 67.

<sup>2</sup> Cap. & Privil. Civ. Neap. fol. 83.

those two powerful Princes were become irreconcilable, and when cruel and bloody Wars were kindled between them, the Necessities and the want of Money to support the Wars were greater, therefore new Subsidies and Donatives were demanded, and Favours offered.

UPON the 10th of *March* the following Year 1522, died Don *Raymond de Cardona*, and his Corps was deposited in the Chapel of *Castel-novo*, to be transported to *Catalonia*, to the Church of *S. Maria of Monferate*. He was a Governor, according to the Times, of competent Prudence and Dexterity in Civil Affairs, a Quality which pleased King *Ferdinand*, and much more the Emperor *Charles V.* who was much troubled at his Death. He having named no Deputy, nor any having been appointed by the Emperor to enter upon the Office of Viceroy, the Collateral Council govern'd the Kingdom till the 16th of *July* after, that the Emperor sent us for Viceroy, Don *Carlos de Lanuja*, a *Fleming*. King *Charles*, in the Beginning of his Reign, having come from *Brussels* into *Spain*, and brought with him many *Flemings*, gave himself up to them, and (as we have seen) govern'd himself intirely by the Countels of Monseigneur *De Cevres*, also of that Nation; and the Occasion of all the Tumults in *Spain* was, that the King neglecting the natural *Spaniards*, employed none but *Flemings*, and particularly *De Cevres*, who being of insatiable Avarice, had by all Ways amass'd great Riches: The others did the same, selling the Offices mutually given to the *Spaniards*, for Money to Strangers; and taking Bribes for all the Favours, Privileges and Grants which they wanted from the Court.

*LANOJA*, an Officer most expert in the Art of War, arrived in *Naples*, and shew'd himself very favourable to the Inhabitants; and a few Months after his Arrival, he granted them many Privileges, which he confirm'd to them in *Castel-novo*, *October 12. 1522.* and are recorded by *Summonte* <sup>1</sup>.

HE could not govern the Kingdom much above a Year, because the War of *Lombardy* growing Daily more bloody, and *Prospero Colonna*, now crazy thro' Age, both in Body and Mind, being unable to perform the Office of General, the Emperor thought fit to commit that Charge to the Experience and Valour of *Lanuja*; and to that End sent him Orders to leave a Deputy at *Naples*, and to go to *Milan*, to take upon him the supreme Command of the Army. In this Juncture, the Necessity of the War being urgent, there was a Donative of 50,000 Ducats given to the Emperor to defray the Expences of the Army <sup>2</sup>. And some Years after, upon the Birth of Prince *Philip*, a new Parliament granted a Donative of 200,000 Ducats <sup>3</sup>; so that from time to time great Sums were raised, of which *Tassoni*, *Mazzella*, and *Costa* have drawn up long Lists.

*LANOJA* march'd from *Naples* in 1524. leaving *Andrea Caraffa*, Count of *St. Severino*, who, with great Applause, govern'd the Kingdom almost three Years. He died in *June 1526.* lamented by all <sup>4</sup>. In the mean time, *Lanuja* being return'd from *Spain* (whither he had carried King *Francis* Prisoner, as it were in Triumph; after having fought the *French* Fleet in the *Corfican* Seas) came to *Naples* to defend the Kingdom from the Treachery of the Pope, who had invited *Vaudemont* to the Conquest of it.

<sup>1</sup> Summonte, tom. 4. p. 25.

<sup>2</sup> Ibidem, p. 37.

<sup>3</sup> Ibidem, p. 42.

<sup>4</sup> Giornali di Gregorio Rosso, p. 3.





## C H A P. III.

*Pope Clement VII. invites Monseigneur De Vaudemont to the Conquest of Naples. His Progress; without Success. The Pope taken Prisoner. His Release.*

**T**HE King of *France* was no sooner at Liberty in his own Dominions, than laying aside all Consideration of the solemn Treaty made at *Madrid*, of his Faith given, the Obligation of Oaths, the Ties of the new Alliance, and, which was the strongest of all, of his two Sons given as Hostages, he turn'd all his Thoughts upon making a new and more obstinate War against his Rival *Charles*. He gloss'd this Breach of Treaty, by pretending, that when he was first carried Prisoner to Castle *Pizzichiton*, and then to the Fortres of *Madrid* in *Spain*, he had often protested against the Emperor (seeing the Injustice of his Demands) that if he should be constrain'd to yield to Terms, which were either unreasonable in themselves, or not in his Power to make good, he would not only break them, but (as thinking himself injur'd by *Charles*, for putting dishonourable or impracticable Conditions upon him) he would revenge himself if ever it should be in his Power. Nor had he fail'd to tell them often, what they might have been sensible of themselves, as being, in his Opinion, common to all Kingdoms; *viz.* That it is not in the Power of a King of *France*, to alienate any Thing annex'd to the Crown, without the Consent of the General States of the Kingdom; that the Principles of Christianity did not allow, that a Prisoner of War should be kept in perpetual Prison, a Punishment due to Malefactors, but not to one who could be charged with nothing but ill Fortune; that all the World knows, that Obligations forc'd upon Prisoners, are null and void; and the Articles themselves being of no Force, the Faith given for the Performance of them must fall of Course; that he had bound himself by former Oaths at *Rheims*, where, with great Solemnity he was anointed with the Holy Oyl, according to the Custom of *France*, never to alienate the Patrimony of the Crown: For these Reasons he declared, that he was not only at Freedom in Conscience, but ready in his Inclination to humble the Insolence of the Emperor. The King's Mother and Sister, with all the Chief Nobility of his Court, declar'd themselves of the same Mind.

**B**UT those Consultations would have signified nothing, if, at the same time, the *Venetians*, but more especially *Pope Clement*, had not added Vigour to them; for these two, considering not only the Emperor's Power, but his Ambition, fed by the *Spanish* Council, who persuaded him to make himself Master of *Italy*, were apprehensive that at last he might gain his End, by bringing under his Yoke the Church, *Italy*, and all the other Princes. The Pope was farther disgusted at the Emperor's Ministers; for the Imperial Officers quarter'd in the Territories of *Placentia* and *Parma*, committed great Disorders, and when the Pope complain'd of them, they answered, that having no Pay, they had come thither of their own accord. He was likewise moved by Things, which, perhaps, of themselves were of less Consequence, but which, being interpreted by Jealousy and Peevishness, were of the first Magnitude; for not only in *Spain*, but in *Naples*, Orders were published to the Prejudice of the Court of *Rome*: The Emperor had set forth some pragmatistical Edicts in *Spain* against the Authority of the Apostolical See, by which the Subjects were forbidden to treat about any Benefices within the *Spanish* Dominions, at the Court of

*Rome*;



and a *Spanish* Notary had the Boldness, at his coming into the *Rota* in upon the Day appointed for hearing Causes, to declare to two *Neapolitan* the Emperor's Name, that they must not have any Suit in that Court <sup>1</sup>.

POPE *Clement* for these Reasons, and likewise prompted by all his Ministers, resolv'd not only to enter into Confederacy with the King of *France*, and the others, against the Emperor, but also to hasten the Execution of their Design. He therefore absolv'd the King from the Obligation of the Oath taken in *Spain*, and the Observation of the Treaty made at *Madrid*, and at last enter'd into a League with his Majesty and the Princes of *Italy*, which they called the *Holy League*. This was concluded the 17th of *May* 1526. at *Cognac*, by Deputies from the King of *France's* Council, on the one Part, and by the Agents of the Pope and the State of *Venice*, on the other. This League consisted of many Articles, which may be seen in *Guicciardin's* History <sup>2</sup>: But what related to the Kingdom of *Naples*, was as follows;

THAT having weaken'd the Emperor's Army in *Lombardy*, they should attack *Naples* both by Sea and Land, in which, when conquered, a King should be placed at the Pope's Election: But in a separate Article, it was proved, that the Pope could not dispose of that Kingdom without the Consent of the Confederates; but the ancient Tribute, usually paid out of the Kingdom to the Pope, was to be secured to him, together with an Estate of 40,000 Ducats to be given to whomsoever he pleased.

THAT, to secure the King of *France* of the more easy Liberation of his Sons, by the Success of the Confederates in *Italy*, and the Conquest of *Naples*, it was agreed, That if the Emperor would enter into the League in four Months after he had lost that Kingdom, it should be restored to him; but upon his Refusal, the King of *France* should for ever claim a yearly Tribute out of the Kingdom of *Naples*.

IN the mean time, the Emperor had sent our Viceroy *Lanoja* into *France*, to get the Treaty of *Madrid* executed: But the King excusing himself, that it was not in his Power to give up *Burgundy*, promised to observe all the other Articles, if he would be satisfied to receive, in Lieu of that Duchy, 2,000,000 of Crowns. This Answer enraged the Emperor, who resolving not to pass from the Restitution of *Burgundy*, but rather to agree with the Pope, in putting *Francis Sforza* in full Possession of the Duchy of *Milan*, appointed Don *Hugo di Moncada*, Ambassador to *Clement*, with Commission to give his Holiness intire Satisfaction. The Emperor having espoused Donna *Isabella*, the King of *Portugal's* Daughter, in the Beginning of *March* this Year 1526, appointed the Money which he had with her, to be appropriated for paying his Army in *Lombardy*, over which he had made the Duke of *Bourbon*, a *French* Rebel, General (upon the Death of the Marquis *De Pescara*) and press'd him to march quickly into *Italy* <sup>3</sup>.

WHEN Don *Hugo* arrived at *Rome*, he propos'd the Articles of the Confederacy to the Pope, but was answered, That it was not in his Holiness's Power to accept of them, having been obliged (because the Emperor had been so slow in his Resolution) to enter into Alliance with the King of *France* and the *Venetians*, for his own Security, and the Safety of *Italy*.

THE Affairs of *Lombardy*, by this, began to be in a terrible Confusion; and the Confederates, to divert the War from thence, had made great Preparations to attack the Kingdom of *Naples* both by Sea and Land, the Apprehension of which, brought our Viceroy *Lanoja* back to *Naples*, the *Spaniards* being in great Fear of losing the Kingdom. As soon as he arriv'd, he gave Orders for fortifying many Castles and Forts, and particularly advis'd *Giovan Baptista Pignatelli*, who then was Governor of *Otranto* and *Bari*, to fortify all the Places upon the Coast of *Puglia* on the *Adriatick*, and that he should watch the *Venetians*, who had confederated with the Pope and the *French* <sup>4</sup>.

ON the other Hand, Don *Hugo di Moncada* stirr'd up the Family of *Colonna*, who were already in Arms, to join with the Imperial Officers (appointed to go to the Defence of *Naples*) that both Parties together might unawares attack the Palace of the *Vatican*, thereby to take the Pope off from the Confederacy against the Emperor;

<sup>1</sup> Guicc. l. 17.

<sup>2</sup> Ibidem.

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<sup>3</sup> Giornale del Rosso, p. 1.

<sup>4</sup> Ibidem, p. 4.

which they did, pillaging it with impious Sacrilege; but his Holiness finding self reduced to such a hard Situation, fled from the Palace of St. Peter, by a Gallery, to Castle St. Angelo, where he saved himself, but was so straitened, that he sent two Cardinals, his Relations, to Don Hugo, as Hostages for his Security in coming to the Castle to treat of an Accommodation as he proposed; which was agreed upon the next Day, being the 21st of September, the Colonna's leaving Rome, and Don Hugo departing for Naples<sup>1</sup>. But as soon as the Pope was at Freedom, resolving not to observe any Part of the Agreement which had been extorted from him by Fraud and Violence; he deprived Pompey Colonna of his Cardinal's Hat, and called Prince Vaudemont from France, that he (pretending to be Heir of the House of Anjou) might raise the Anjou Faction in the Kingdom of Naples against the Emperor.

THE Viceroy Lanoja being advised of this Invitation given to Vaudemont, and having a Mind to prevent him, immediately assembled a good Number of Forces, and resolv'd to attack the Ecclesiastical State: To that Intent, on the 20th of December 1526. he encamp'd at *Frosinone*, where he fought the Pope's Forces, who vigorously oppos'd him. After this he advanc'd to *Cesano* and *Cepperano*, infesting those and other Parts of the Ecclesiastical State. The Pope sent against him *Renza di Ceri* into *Apruzzo* with 6000 Foot, who possess'd himself of *Aquila*, and other Places thereabouts.

NOW began the Year 1527, a Year of terrible Events, the like not heard of for many Ages; Revolutions of States, Changes in Religion, Imprisonment of Popes, horrible Sacking of Towns, great Scarcity of Provisions, and the Plague through all *Italy*, but especially in *Naples*.

IN the Beginning of the Year, Vaudemont, who had been call'd by the Pope, arriv'd with a Fleet of 24 Gallies, and having got the Title of the Pope's Lieutenant, began to infest the Coast of the Kingdom, taking upon himself the Name of King of *Naples*. Upon the 1st Day of March he pillag'd *Mola di Gaeta*; and upon the 4th, having landed his Forces under *Pozzuolo*, he endeavour'd to surprize it, but fail'd in his Design. Afterwards coming within Sight of the City of *Naples*, he took *Castell a mare*, and then *Torre del Greco*; and making his Soldiers march as far as *Porta del Mercato*, the City was in such Terror that they shut the Gates in great haste.

HE likewise took *Sorrento* and other Places in the Neighbourhood; and his Army had the Boldness to go so near the City of *Naples* itself, that from the Castle they fired upon them several Cannon Shot. He took *Salerno* also, plundering the Silver Vessels from the Tomb of St. Matthew the Apostle, and had made greater Progress, if the News of the Agreement made with the Pope had not stopp'd him.

THE Pope, although he had rejected the Proposals of an Accommodation made by *Cesare Ferramosca* (who had brought submissive Letters to him from the Emperor<sup>2</sup>) and shewed himself inexorable, especially after Vaudemont's Arrival; yet upon Advice of the Duke of *Bourbon's* marching towards *Rome* with a great Army, and seeing that the great Promises of the *French* proved every Day less effectual, he began at last to yield, and gave Assurance to *Ferramosca* that he would compleat the Treaty; which he giving an Account of to Lanoja, that General came to *Rome* the 25th of March, where the Treaty was concluded, upon Condition that there should be a Cessation of Arms for eight Months, and that 60,000 Ducats should be paid to the Emperor's Army; the Pope likewise yielding up all the Places which his Army had taken in the Kingdom of *Naples*: On the other Hand, it was stipulated, that Lanoja should go in Person to meet the Duke of *Bourbon*, and prevent his coming nearer *Rome* (which the Pope was most afraid of) having sent *Ferramosca* for the same Purpose to him before.

THE Viceroy departed from *Rome* with this Intention the 3d of April, but neither *Ferramosca's* Journey, nor his, could prevail to turn that General out of his Way; he excused himself, that it was not in his Power to make his Army stop, because there being great Arrears due to them, he had no Money to pay them but by the Pillage of *Rome*: Nor could there be more grievous News to his Soldiers, than to hinder their March; and indeed, it was believed, that if the Viceroy had endeavour'd to oppose their Intention by Force, he would have run the Hazard

<sup>1</sup> Giornale del Rosso, p. 4.

<sup>2</sup> Summonte, tom 4.

Life, the Soldiers were so inflam'd, having mostly come from *Germany* with the new Herefy spread there by *Martin Luther*, in Contempt and Contumacy to the Court of *Rome*: So that being ravenously bent upon the Sacking of that City (which had been promised them) they look'd with an evil Eye upon any one that endeavour'd to disappoint them of their Prey.

THE Pope, in the mean time, trusting to the Authority of *Lanuja*, had disbanded all his Soldiers; so that when he least expected it, the Duke of *Bourbon*, following his former Courses, having wasted the Ecclesiastical State as he pass'd, appear'd before the Walls of *Rome* on the 5th of *May*. *Lanuja* refusing to be an Accomplice of so much Mischief as *Bourbon* design'd to do, would not follow him (who march'd directly to *Rome*) but retiring with the Marquis *Di Vasto* by another Rout, march'd towards *Naples*, but arriving at *Aversa*, he fell sick, and in a few Days died, in the Month of *May*. It was believed that he was poison'd, to revenge the Death of the Marquis *De Pescara*, and to make Way for *Don Hugo di Monçada's* succeeding him as Viceroy of *Naples*<sup>1</sup>. We don't find any Edicts of his, because, being for the most Part absent from *Naples*, his chief Care was War. His Corps was carried to *Naples*, where he lies in the Church of *Monte Oliveto*; and the Collateral Council govern'd the Kingdom till towards the End of the Year, that *Don Hugo di Monçada*, being a *Spaniard*, was made Viceroy.

THE Duke of *Bourbon* having enter'd *Rome* with Intent to pillage it, all the Cruelty and Barbarity imaginable was committed: All was in Disorder and Confusion; and although he himself was shot dead at the first Assault, that only serv'd to exasperate the Soldiers against the City. After some small Resistance they enter'd the Suburbs. The Pope retired to Castle *St. Angelo*, and was there besieged; and the Soldiers finding no more Resistance, enter'd the City by the Gate called *Porta Sisto*. There was no Cruelty, Irreverence, Avarice or Lust, that was not practis'd upon that Occasion: Every Place was pillaged; nor can it be imagin'd what Savageness they shew'd, what Contempt of Churches, what Disrespect to Cardinals and Prelates, and what base Usage against the Honour of the Ladies. The Army of the Confederacy finding no Way to assist the Pope, by reason of the Difficulties urg'd by the Duke of *Urbino*, concluded it was impossible to relieve the Castle; the Pope therefore, having no Hopes left, made the best Agreement he could with the Imperialists, which was, to pay 400,000 Ducats; to continue Prisoner in the Castle, with all the Cardinals that were there, to the Number of Thirteen, till the first 150,000 Ducats were paid, and then the Imperial Army was to march to *Naples* or *Gaeta*, and wait the Emperor's Commands; that Castle *St. Angelo* should remain in the Hands of the Imperialists, with the other Fortresses, as long as the Emperor should please to keep them. There were likewise other Articles, which may be seen in *Guicciardin*<sup>2</sup>.

WHEN this Treaty was concluded, Captain *Alarcon* enter'd the Castle with three Companies of *Spanish* Foot, and as many *German*, the Guard of the Castle and the Pope being committed to him; he kept his Holiness with great Caution, giving him but a very small Apartment, and less Liberty.

THE News of this horrible Fact of imprisoning the Pope, being brought to *France* and *England*, those two Kings were more incens'd than ever against the Emperor, not only out of Christian Piety, and the Respect they profess'd to the Holy See, but more for the private Hatred they implacably bore *Charles*; *Francis I.* for Reasons well known; and *Henry VIII.* King of *England*, because the Emperor, having borrowed large Sums of Money from him, gave him nothing but fair Promises when he asked it of him, and delay'd Payment: Those two therefore united together, with a firm Resolution to join their Forces, and send a powerful Army into *Italy*, not only to deliver the Pope from the Slavery of the *Spaniards*, in whose Hands he was, but to invade the Kingdom of *Naples*, with Force sufficient to wrest it from the Emperor. The Conjunction of the *Venetians* and *Swiss* seem'd to make the Undertaking the more easy; for they likewise, out of Compassion for the Pope, and the City of *Rome*, were bent upon taking up Arms, that, with joint Forces, they might free the Pope, and conquer *Naples*. The King of *France* was likewise in Expectation, that when the Emperor saw himself press'd in such wise, and his Treasury exhausted, by paying so many Forces, as would be necessary against such

<sup>1</sup> Giornale del Rosso, p. 9.

<sup>2</sup> Guicc. l. 18.

a Number

a Number of Enemies, he would be easily induced, upon his paying him a Ransom, to restore his two Sons, who had been left Hostages in *Spain*.

TO execute this Design, it was concluded, that the *Swiss* should immediately march into *Italy*; that new Forces should be levied in *France*; that the King of *England* should furnish Money, and the other Confederates Men: So that with incredible Expedition, there was a very strong Army assembled, and the Command of it given to the famous General *Odet de Foix* Monseigneur *Lautrech*, one of the ablest Captains in all *France* at that Time. He began his March from *France* towards *Italy*, in order first to deliver the Pope, and then to proceed to the Conquest of *Naples*.

ON the other Hand, when the News of the Sacking of *Rome*, and the Pope's being made Prisoner, arrived in *Spain*, it was strange to see what Grief and Trouble both the Emperor and the *Spaniards* seem'd to affect. This Advice was brought thither, at a Time when all *Spain* was in the Height of Joy, and the Court taken up with Feasting and Tournaments, on Account of the Birth of Prince *Philip*, the Emperor's eldest Son: But as soon as the News came, his Imperial Majesty put a Stop to the Feasting, and to shew his Grief, went into Mourning, with all his Court: They made frequent and solemn Processions, putting up their Prayers for the Pope's Deliverance; the Priests and Fryars deafen'd Heaven with Publick Devotions in their Churches, imploring the Divine Assistance for the Releasement of the Chief Pontiff, as if he had been at *Constantinople*, in the Hands of the Grand Signor, and not the Christian Emperor's Prisoner at *Rome*: In the mean time, *Clement* suffer'd close Confinement from *Alarcon*, who guarded him in a little Apartment, with *Spanish* Pride and Severity; and the Emperor, with the usual Slowness of *Spanish* Gravity, stood consulting whether he should ratify the Treaty made at *Castle St. Angelo*, or impose harder Terms upon him for his Freedom. He gave fair Words to many Princes, who, by their Ambassadors, press'd the Pope's Releasement, but his Resolutions appear'd various and uncertain. He wish'd that the Pope should be brought to *Spain*, thinking it would be a great Addition to his Fame, if, in the Space of two Years, two such considerable Prisoners should be transported from *Italy* to *Spain*, as the King of *France*, and the Pope of *Rome*. But hearing of so great Preparations for War, not only in *Switzerland*, *Venice* and *France*, but likewise in *England*, whose King, above all others, most earnestly desir'd the Pope's Releasement; not to disoblige that Prince, and likewise, because all the several Kingdoms of *Spain*, and especially the Prelates and Grandees, detested the Thoughts of having the Person of him, who represents CHRIST upon Earth, kept Prisoner by a *Roman* Emperor, the Protector and Advocate of the Church, so much to the Scandal and Reproach of Christianity: Besides, having (after a Month's Delay of coming to any Resolution) received Intelligence of *Lautrech's* Expedition into *Italy*, and the King of *England's* Forwardness for the War, he at last determin'd to send a Commission to the Viceroy of *Naples*, to set the Pope at Liberty, and to give him up all the Territories and Forts belonging to him. To this Effect he dispatch'd the General of the *Franciscans*, and *Veri di Migliau* into *Italy* to *Lanoja*, but he being dead before the General arrived, it was necessary to negotiate the Matter with *Don Hugo di Monçada*, to whom likewise the Commission extended: The General therefore, having consulted with *Don Hugo*, went to *Rome* with *Migliau*. This Commission consisted of two principal Articles; One was, That the Pope should satisfy the Army, by paying the great Sum of Money for which he was Debtor; the other, That the Emperor should have Security, that the Pope, having obtained his Freedom, should not join with his Majesty's Enemies; and in this Article they propos'd hard Conditions of Hostages, and Cautionary Cities.

THE Treaty was very tedious, by reason of these Difficulties, and the Pope to hasten it, often press'd *Lautrech*, by private Messages, to proceed on his March, assuring him, that whatever he should be forced to promise to the Imperialists, as soon as he was out of Prison, and in a Place of Safety, he would no longer think himself under any Obligation. At last there came a new Commission from the Emperor, who was solicitous now to set the Pope at Liberty upon the easiest Terms possible; adding, that all he wanted was, that when he was released, he should not take Part more with the Confederates than with him. It was believed, that the Fear of *Lautrech's* coming, induced the Emperor and his Party to set the Pope at Liberty, that they might, as soon as possible, march their Army to the Defence of

*Naples*;  
†

es; but as it was impossible to be done, without securing the Soldiers of their due, for they absolutely refused to allow the Pillage of *Rome*, and the rich that they had made there, as any part of their Pay; the Commissioners had only regard to provide for their Payment, without minding the Pope's future Conduct. The Treaty was at last concluded at *Rome*, by the General and *Serenon*, in Name of *Don Hugo*, upon the last Day of *October*, seven Months after the Pope's Confinement: and *Don Hugo* afterwards ratified it: The Articles were these;

THAT the Pope should not oppose the Emperor in the Affairs of *Milan* or *Naples*; that he should grant him a Crusade in *Spain*, and the Tythes of all Ecclesiastical Revenues in all his Dominions; and for Security of performing these, *Ostia* and *Civita Vecchia* should remain in the Emperor's Hands, as also *Civita Castellana*, and the Castle of *Forli*; and for Hostages, *Hyppolito* and *Alexander* his two Nephews, and till they could come from *Parma*, where they were at that Time, the Cardinals *Pisano*, *Trivulzio* and *Gaddi* supplied their Places, and were carried by the Imperialists to *Naples*.

THE Pope was to pay immediately to the *Germans* 70,000 Ducats, and to the *Spaniards* 35,000, upon Condition that he were set at Liberty, with all the Cardinals, and might go out of the Castle, and likewise out of the City, not thinking himself free till he was safely arriv'd at *Orvieto*, *Spoletto* or *Perugia*; and within 15 Days after his Departure from *Rome*, he was to pay as much more to the *Germans*; and the rest (which, with the first Payment, amounted to 350,000 Ducats, and above) was to be paid in three Months to the *Germans* and *Spaniards*, according to their several Proportions.

OF all these Conditions, the hardest was the Disbursing so much ready Money, which created great Discord, and extraordinary Scandal. To raise the 150,000 Ducats promised upon his being made Prisoner, the Pope was oblig'd, with much Difficulty, to advance some of it in ready Money, and the rest by mortgaging to *Genoese* Merchants, the Tythes of the Kingdom of *Naples*, and the Sale of *Benevento*: But the Soldiers had scarce received that Sum, when they desired other Security, and other Assignments than what they had received, by several Taxes laid upon the Ecclesiastical State, for the Payment of the rest that was promised them, which was impossible for a Pope in Confinement to give them; and therefore having several times threaten'd the Hostages, and kept them in Chains with great Cruelty, they led them ignominiously to that Market-Place called *Campo di Fiore*, where they erected Gibbets, as if they designed to hang them up. But now being, by this last Treaty, obliged to raise great Sums in order to obtain his Freedom, there was a Necessity for *Clement* to have recourse to extraordinary Remedies, which he did not care to make use of before; he created some Cardinals for Money, by exposing that Dignity to Sale, which was purchased by Persons for the most part very unworthy of that Honour: Besides he disposed of the Tythes of all the Goods of the Churches and Church-Men in our Kingdom of *Naples*, and gave a Power to alienate the Church Revenues. Thus did the Vicar of Christ convert those Things which had been dedicated to the Service of God, to the Use, and for the Maintenance of Hereticks (*so unsearchable are the Judgments of God!*) the Incomes of vacant Churches were seized, and many other Ways were invented for raising Money.

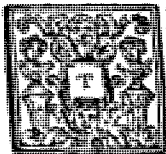
HAVING by these Methods settled and secured the Payments at the prefix'd Times, and given as Hostages and Security to the Soldiers, the Cardinals *Cesi* and *Ursini*, whom the Cardinal *Colonna* carried to *Grotta Ferrata*; the Pope being apprehensive, that the ill Will which he knew *Don Hugo*, our Viceroy, bore him, might create some new Disturbance, hasten'd his Departure; and in the Night-time, on the 8th of *December* 1527, without waiting till the next Day, which was appointed for his leaving *Rome*, he went out of the Castle in the Habit of a Merchant, and made what Haste he could to *Orvieto*, where he arrived before Day, without the Company of so much as one Cardinal; which, as *Guicciardin* observes, was an Instance that never had happen'd since the Church became considerable, that a Pope should fall from so great Power and Respect; be kept in Prison; lose *Rome*, and all the Ecclesiastical Estate; and the same Pope should, in a few Months be set at Liberty; have the Estate of the Church restored to him; and, in a short time after, recover his former Grandeur: So great was the Pontifical Authority, and the Veneration which all Christian Princes had to that Character and Dignity.

<sup>1</sup> Guicc. l. 18.



## C H A P. IV.

*Lautrech's Expedition against the Kingdom of Naples. His Conquests, Death, and the Defeat of his Army, which disappointed the whole Design. The Rigour of the Prince of Orange against the Barons accus'd of having been in the French Service.*



HE Year 1528. was most unlucky to the Kingdom of *Naples*, for it was visited with three Scourges from Heaven, War, Famine and Pestilence, and, indeed, was thereby very near reduced to utter Destruction; the Plague, which from *September 1527.* began there, now increasing, filled the whole Kingdom with Horror.

ON the other Hand, the Pope, upon his being set at Liberty, without any Regard to the Articles of the Peace, after the Ambassadors of *France* and *England* had declared War against the Emperor, hasten'd the March of *Lautrech* to the Conquest of the Kingdom of *Naples*; and the *French* Fleet under the Command of *Andrea D'Oria*, which had already join'd that of the *Venetians* to attack *Sardinia*, in order to facilitate the War of *Naples*, having by a Storm been driven upon the Coast of *Naples*, cruiz'd up and down there to give Life to *Lautrech's* Expedition, who, not waiting for the Spring, left *Bologna* the 9th of *January*, where he had past the Winter with his Army, and by Way of *Romagna* and *La Marca*, he arrived at *Tronto* (a River which divides the Ecclesiastical State from the Kingdom of *Naples*) upon the 10th of *February*, where he found no Preparations for opposing him, so that with much Ease he made himself Master of a great Part of *Abbruzzo*, and of the City of *Aquila*, where he reviewed his Army, and found it to consist of 30,000 Foot, and 5000 Horse.

HE might, with the same Ease, in a short Time, have made himself Master of the whole Kingdom, because, either from the People's Affection to the *French*, or their Hatred to the *Spaniards*, all the Cities of both the *Abruzzi* surrendered before the Army came within thirty Miles of them. But the March of the Imperial Army from *Rome* put a Stop to *Lautrech's* Career, and made him leave the direct Road to *Naples*, because he was afraid to venture to march over the Mountains with his Artillery, where the least Opposition of the Enemy would be able to stop him; therefore he was forced to go a great Way about along the Sea Coast of *Puglia*.

IN the mean time, the Imperial Army commanded by the Prince of *Orange* (whom the Emperor had made Captain-General in Place of the Duke of *Bourbon*) marched towards *Naples*, to oppose the Enemy. The Prince of *Orange* himself commanded the *Germans*, the Marquis *Del Vasto*, who was unwillingly under the Prince, had the Command of the *Spanish* Infantry, and *Don Ferrante Gonzaga*, was General of the Horse. The two Armies meeting in *Puglia* near *Troia*, although they did not engage in a set Battle, skirmish'd for several Days; but soon after, upon the 22d of *March*, *Lautrech* marching towards *Melfi*, took that City by Storm, and made Prisoner Prince *Sergianni Caracciolo*, who had bravely defended it, and the *Spaniards* retir'd to *Tripalda*. Upon the taking of *Melfi*, *Ascoli*, *Barletta*, *Venosa*,

<sup>1</sup> Giornal, del Rosso, p. 12.

all the adjacent Cities surrendered to him; *Trani* and *Monopoli* at the same time were surrendered to the *Venetians*: For, according to the last Treaty with the King of *France*, all those Sea-Port Towns were to be given to that Republick, which had been possessed of them before the Defeat of King *Lewis* in *Gbiaradadda*.

THE Imperial Generals, upon their Arrival at *Tripalda*, had a Conference with the Viceroy Don *Hugo*, the Prince of *Salerno*, and *Fabritius Matramaldo*, who had retired into that Place with 3000 *Italian* Foot, and ten Pieces of Cannon; where it was agreed, by common Consent, to retire to *Naples* and *Gaeta*, for the Defence of those Cities, which they did, abandoning all the neighbouring Country. *Lautrech* then marched his Army towards *Naples*; *Capua*, *Nola*, *Acerra*, *Aversa*, and all the Places thereabouts submitting to him. He staid four Days at *Acerra*, from whence he dispatched *Simone Tebaldi*, a *Roman*, with 150 Light Horse, and 500 *Corficans* (who, for want of Pay, had deserted out of the Imperial Camp) upon an Expedition to *Calabria*. By this Time *Philip D'Oria*, with eight Gallies of the General *Andrea D'Oria's* Fleet, and two Ships, was come into the Bay of *Naples*, and with his Guns, had obliged the Imperialists to dislodge from *Maddalena*: But his small Number of Gallies was not sufficient to keep the Port of *Naples* intirely block'd up, therefore *Lautrech* press'd to have the *Venetian* and *Genoesse* Gallies join'd; and those of *Venice*, after having been very slowly refitted at *Corfu*, were come as far as the Port of *Trani*; but (altho' *Trani* and *Monopoli* had already been surrendered to them) preferring their own particular Advantage to the Interest of others, (notwithstanding that the whole Affair depended upon the taking of *Naples*) they staid first to take *Polignano*, *Otranto* and *Brindisi*; and on the 19th of *April*, *Andrea Ciurano*, Purveyor of the *Grecian* Soldiers in the *Venetian* Service, routed the Governor of the Province of *Otranto* near *Vetrana*, who with great Difficulty saved himself, with the Duke of *St. Pietro* in *Galatina*, by escaping to *Gallipoli*; upon which *Lecce*, the Metropolis of that Province, and *St. Pietro* in *Galatina*, with all the neighbouring Cities, surrendered<sup>1</sup>.

IN the mean time, *Lautrech* having, by the happy Success of the Arms of the League, got near the Walls of the City of *Naples*, the Imperialists debated about the Manner of the Defence they were to make: The Marquis *Del Vasto* was of Opinion, that they ought to draw their Army together, and encamp without the Walls, alledging, ~~that~~ it shew'd Meanness of Spirit to shut themselves up within a Town; but the Viceroy, the Prince of *Orange*, Don *Ferrante Gonzaga*, *Alarçon*, and the other General Officers, being of a contrary Opinion, prevailed, and it was resolv'd to keep within *Naples*. There were few Inhabitants left in the City, for all who had either Estates or Money, had retir'd, some to *Ischia*, others to *Capri*, and the adjacent Islands. The Barons that staid were suspected; for although, upon the Advice of *Lautrech's* coming, many of the Richest and most Powerful of them, had offered to the Viceroy to serve the Emperor with their Lives and Fortunes, yet *Monçada* having compounded with the greatest Part of them for ready Money, in place of Personal Service; and, in case of Necessity, allow'd them to declare for *France*, without being deem'd guilty of Treason or Rebellion: Besides, there being many of the *Anjou* Faction within the City, it was thought prudent Advice to keep the Army within the Walls, to prevent any Revolution that might happen. The People, some out of Fear, and others out of Hatred to the *Spaniards*; had need to be equally encouraged and kept in Order; and, indeed, such was their Fear when the *French* Army appeared in Sight, that nothing was to be seen but Processions, nor any Thing heard but Publick Prayers, and crying for Mercy; in so much, that the Marquis *Del Vasto* was forced to have recourse to the Viceroy to get these forbidden, which was done, and the People exhorted to take Courage, and to perform their Devotions privately in the Churches and Monasteries<sup>2</sup>.

BUT those Insinuations signified nothing; for, upon the 1st *Saturday* in *May*, which happen'd, that Year, on the 2d Day of the Month, when they did not see the Blood of their Patron *St. Genaro* [or *St. Januarius*] liquify as usual upon producing his Scull<sup>3</sup>; they gave for lost both themselves and the City, and were in the utmost Conternation. But those unlucky Prognosticks were false and vain, and quite contrary Effects followed, as shall be related in its proper Place.

<sup>1</sup> Gior. del Rosso, p. 16.

<sup>2</sup> Ibidem, 17.

<sup>3</sup> Ibidem, p. 18.

THE famous *Lautrech* encamped his Army upon the 28th of *April*, between *Poggio Reale* and *Monte St. Martino*, extending it about half a Mile, and he advanc'd a little further than *Poggio Reale*, to a little Hill in the Duke De *Arma*'s Vineyard, which, from that time changed its Name, and is called *Lautrecco* seiz'd Day. The celebrated *Peter Navarr*, a *Cantabrian*, who, having been first in the Imperial Army, upon a Disgust came into the *French* Service, had his Quarters in the Hills over-against *S. Genaro's Gate*, and which extend themselves as far as *S. Martin's Mount*.

THE Prince of *Orange*, on the other Side, suddenly fortified that Mount, lest it should be possess'd by the *French*, who lay upon the little Hills adjoining: And then it was that he caused to be demolished the Tower of *Sannazaro* at *Mergellina*, a Place dedicated by him to the *Muses*; for which Cause that Poet went to *Rome* in great Disgust, where he died without ever seeing *Naples* more: Nor did he stick at lashing that Prince and the *Spaniards*, covertly, in his Poems; to the first of which he never forgave the Demolishing his Tower, and he hated the very Name of the last, for his Affection to the Kings of *Arragon*, his Benefactors, who had been Kings of *Naples*. 'Tis said of him, that being very sick at *Rome*, and past Hopes of Recovery, hearing of the Prince of *Orange's* Death, he shewed great Satisfaction, saying, that *Mars* had at last taken Revenge of him for the Outrage he had done to the *Muses*.

BESIDES, they did not fail to provide *Naples* with Corn, and all other Provision and Ammunition necessary in order to a vigorous Defence; and they began to list some of the Town's People, who were able to bear Arms, to serve in case of Necessity; but it fared with them, as with *Rome* in former Times, with respect to their Slaves; for the *Roman* Senate, to hinder any Confusion that might happen from the vast Number of Slaves, had determin'd to oblige them to wear a Mark of Distinction, that they might be known from the *Denizens* of *Rome*; but when they found that there was such a vast Multitude of them, and that by giving them a Badge, as *Seneca* says, they might come to know their own Strength, they desist'd from the Proposal: Thus did the *Spaniards* in *Naples* upon this Occasion, for observing, that by inrolling so many, the People of the City might come to be sensible of their own Force, the *Spanish* Officers advis'd the Prince of *Orange*, and the Viceroy, to put a Stop to the farther listing of them, which was accordingly done.

WHILST the Time was spent in frequent Piqueerings between the People of the two Armies, *Lautrech* would not attempt *Naples* by Assault, as well upon account of the Number of Forces within, and their known Bravery, as from the Hope he had, that in a short time the Enemy would be in want both of Money and Provisions; so that by prolonging the Siege, he believed firmly, and had given Assurance to the King, that *Naples* would be oblig'd to surrender in a short time, as he had already reduced the greatest Part of the Kingdom under his Power, and many Barons had espous'd the *French* Interest. And this Expectation he was the more confirm'd in, by the Defeat, which some Days afterwards, *Philip D'Oria* gave the Imperial Fleet in the Gulph of *Saturno*.

THE Prince of *Orange* and the Viceroy, hoping to destroy *Philip's* Fleet, hasten'd the Enterprize before there should come new Assistance to him; for *Andrea D'Oria* did not move with the Gallies which were at *Genoa*, and they heard nothing from the Fleet at *Marseilles*; as to that of *Venice*, being more intent upon private Interest than that of the League; or rather, minding the lesser and accessories more than the principal Affair, they spent their Time in besieging *Brindisi* and *Otranto*, the latter of which Cities had agreed to surrender, if in sixteen Days it were not relieved; and *Brindisi* had agreed to receive the *Venetians*, but the Forts held out for the Emperor.

BUT before the Imperialists could go upon this Enterprize against the Fleet, there was a Necessity of making up a great Dispute arisen between the Viceroy and the Prince of *Orange*, about the Command: Those two Generals were in continual Feuds. The Prince of *Orange*, as having been appointed Captain-General by the Emperor, in the Room of the Duke of *Bourbon*, pretended a Right to command all the Forces. The Viceroy, as being Captain-General of the whole Kingdom where the Armies were, refused to obey him; and this Dispute occasioned the dividing of the Forces (to the Emperor's great Disadvantage) into two Factions, some siding with the Viceroy, and

<sup>1</sup> Rosso, p. 19.



with the Prince. Much greater Quarrels happen'd between them about the Command of the Fleet; *Orange*, as being Generalissimo, claimed it, and *Monçada* refused him, because, besides being Viceroy, he was also Admiral of the Kingdom, and before all Maritime Affairs were under his Direction. The one not yielding to the other, that the Expedition might not be retarded, it was agreed, that the Execution of this Enterprize should be given to the Marquis *Del Vasto*, and crook-back'd *Giustiniano*, an old Experienc'd Sea-Officer. *Monçada*, to shew his great Zeal and Courage, would needs go a Voluntier; and after his Example, *Ascanio* and *Camillo Colonna's*, *Cesar Ferramosca*, the Prince of *Salerno*, and many others likewise went. There were in the Port of *Naples* but six Gallies, and two other Vessels, but they had more Confidence in the Valour of the Combatants, than in the Number of Ships; for they had put on Board a thousand of the best *Spanisb* Musquetiers, and to terrify the Enemy at a Distance, with the Prospect of a greater Number, they had with them a great many fishing Boats: They set sail from *Posilipo* the first of *June*, and took the Way of *Capri*, where being arrived at break of Day, the Seamen saw, coming out of a Cave, a *Spanisb* Hermit, well known by the Name of *Gonsalvo Barretto*, who having been a Soldier, had quitted the Service, and retir'd himself to that Place, to lead a solitary Life. Upon seeing the Imperial Gallies he cried out aloud, so that Don *Hugo* (to the great Prejudice of the Design) lost much time in listening to him. He giving them many Benedictions, assured them of Victory, exhorting them to fight valiantly, for according to the Visions which he had had the Night before, they should destroy the Enemy's Fleet, kill great Numbers of their Men, and by that Battle deliver *Naples* from the Oppression it was at present under. The credulous Soldiers, taking the Words of the Hermit as an Oracle, promising themselves certain Victory, with Sound of Trumpet, and all Demonstrations of Mirth and Joy, went to meet the Enemy in the Gulph of *Salerno*, near *Capo D'Orso*: But upon the two Fleets engaging, they soon found how unlucky and vain the unhappy Augury of that Fanatick proved. The Effects were just the Reverse, the Imperial Fleet was defeated and routed by that of *D'Oria*; the Soldiers almost all killed, or wounded and made Prisoners: Don *Hugo di Monçada*, fighting bravely, was first wounded in the Arm, and whilst he was encouraging his Companions, he was unfortunately kill'd by Stones and burning Matter thrown from the Enemies Gallies, and cruelly cast over-board, as was likewise *Ferramosca*. The Marquis *Del Vasto*, and *Ascanio Colonna* (being both wounded) were made Prisoners, together with the Prince of *Salerno*, *Santa Croce*, *Camillo Colonna*, *Giustiniano*, *Serenon*, *Hannibal di Genaro*, and many other Officers and Gentlemen, and all sent, by *Philip*, to *Andrea D'Oria* in *Genoa*.

THIS was the unhappy Fate of that Expedition, and such was the untimely End of our Viceroy *Monçada*, who, for the Troubles of the Times, could not enjoy the Government of the Kingdom above six Months; and therefore left no Laws of his own, nor any other Memory of himself. The *Neapolitans* celebrated his Obsequies in a solemn Manner the 8th of *June*; and *Guicciardin*, who likewise says that his Corps was cast into the Sea, makes it improbable that his Body was carried to *Amalfi*, and from thence to *Valentia*, where a stately Monument was erected for him, with an Inscription and Elogium in his Praise, as some Writers affirm: However that may be, *Philibert of Chalon*, Prince of *Orange*, took upon him the Charge of Viceroy in his Stead.

TO this good Fortune of the *French*, was added the Arrival of the *Venetian* Fleet, consisting of two and twenty Gallies, who, having made themselves Masters of those Places on the *Adriatick*, passing the *Pharo* of *Messina*, came to the Gulph of *Naples* on the 10th of this Month; and cruising continually before the City, endeavoured to hinder Provisions from being brought to it; but such was the Avarice of the daring Seamen of the Places adjacent, that every Day they brought fresh Supplies from *Sorrento*, *Capri*, *Procida*, *Ischia* and other Parts, running a thousand Hazards for the Expectation of considerable Gain.

THE *French* conceived great Hopes, by these successful Events, of accomplishing their Design in a short time: *Lautrech* now began to batter the Walls from the Hills where *Peter Navarre* was quarter'd; he likewise turn'd the Water from the Conduit which carried it to the City, on the Side of *Poggio Reale*; but the Want of

<sup>1</sup> Roffo, p. 28 & 29.

that Water was of no great Loss to the Besieged, because of the great Quantity of Spring-Water with which the City abounded; whereas the stopping of it was the most pernicious, as well to his Army, as to *Naples*; for the Water stagnating in the Neighbourhood, infected the Air, and increased the Plague, which likewise spread to the *French* Camp. The City in the mean time was miserably afflicted with Pestilence, Cannonading, and a great Dearth of Flower, Meat and Wine, the Besieged being obliged to feed upon boiled Grain. To all these Misfortunes were added, the Miseries brought upon them by the *Spanish* and *German* Soldiers, who, with intolerable Insolence, pillag'd their Goods, ravish'd the Women, killed and abused the People; which Treatment, the *Neapolitans* having been freed from a Civil War for a considerable Time, bore very impatiently.

BUT when Things were at this pass, Fortune, which had hitherto been so propitious to the *French*, gave a sudden Turn to the Emperor's Side against them. *Andrea D'Oria* being dissatisfied with the King of *France* (at the Instigation of the Marquis *Del Vasto* his Prisoner) leaving that King's Service, declared for the Emperor; upon which *Philip D'Oria* left *Naples*, with all his Gallies, upon the 4th of *July*. That which hasten'd the Ruin of the *French*, was the Sickness occasioned by cutting the Aquæduct at *Poggio Reale*, to hinder the *Neapolitans* from grinding their Corn; for the Water standing in the Valley, having no Out-let, corrupted the Air, which brought Diseases among the Soldiers, who were intemperate, and unable to bear the Heats: Besides that, the Plague had enter'd their Camp, by means of some Persons, who being infected with it in *Naples*, were sent amongst them on Purpose. Thus did the *French* begin to dwindle away every Day; so that instead of Besieging, they were besieged, whereas in *Naples* all Conveniencies daily increas'd, and consequently our People conceived fresh Hopes. But to complete the Ruin of the *French*, *Lautrech*, upon whose Conduct and Bravery all their Hopes depended, falling sick, partly through the Infection of the Air, and partly through Grief to see his Army almost destroyed, died on the 15th of *August*. He was buried in the Vineyard of the Duke of *Montalto*, where his Head Quarters were, and his glorious Remains became afterwards expos'd to the Contempt and Avarice of the *Spaniards*; of which *Gonsalvo* Duke of *Sessa*, Nephew to the Captain-General, having Notice, with great Generosity and Humanity, caus'd them to be transported to *Naples*, and buried them in his own Chapel, in the Church of *St. Maria la Nuovo*, and erected for him a magnificent Marble Tomb, where his Elegy is yet to be seen. He did the same by the famous *Peter Navarre*, who, soon after, being made Prisoner in the Defeat given the *French*, died in the Prison of *Castel-nuovo*: His Tomb, with the Inscription, remains likewise to this Day<sup>1</sup>.

BY the Death of so great a General as *Lautrech*, the Command of the Army falling to the Marquis *De Saluce*, a Person very unequal to such a Charge, the Disorder increased in the *French* Army; and *Andrea D'Oria* arriving at the same time at *Gaeta*, with twelve Gallies for the Emperor's Service, the *French* being almost without Men, and without Government, were no longer able to maintain the Siege, and therefore decamp'd in order to retire to *Aversa*: But the Imperialists having Intelligence of their Motion, defeated them in their March, where *Peter de Navarre*, and many Officers of Distinction, were made Prisoners; the Marquis *De Saluce* saved himself, with Part of his Army, in *Aversa*; but not being able to defend it, he sent Count *Guido Rangone* to the Prince of *Orange* to capitulate; who in the Beginning of *September* agreed with him upon the following Terms:

THAT the Marquis should evacuate *Aversa* and the Fort, leaving in them all the Artillery and Ammunition; that he himself, with all the General Officers (except the Count, who was to have Liberty as a Reward for making the Capitulation) should yield themselves Prisoners of War; that the Marquis should use all his Endeavours to oblige the *French* and *Venetians* to restore all the Towns and Forts which they had taken in the Kingdom; that the Soldiers, and all who were by Agreement to have their Liberty, should leave behind them their Ensigns, Arms, Horses and Baggage, allowing, however, to those of the better Sort, Horses and Mules for the March; and that the *Italian* Soldiers should not serve against the Emperor for the Space of six Months.

<sup>1</sup> See Eugeni Napo. Sacr. p. 494, & 496.

THUS the whole *French* Army was routed, all the Principal Officers being either dead, taken in their Flight, or Prisoners by Agreement. In a few Days, *Capua*, *Nola*, and all the other Towns of *Terra di Lavoro*, surrender'd. The *Venetian* Fleet separated from that of the *French*; the former sailing towards the East, and the latter Westward: Only in *Abruzzo* and *Puglia* there was still some Appearance of War; (for they made no Reckoning of some few Places in *Calabria* that held out for the *French*) but the Prince of *Orange* afterwards drove them intirely out of those Provinces; and the Towns and Ports which the *Venetians* possessed on the *Adriatick*, were restored upon the general Peace which was concluded afterwards.

BUT, although the Affairs of *Naples* seem'd to be in a peaceable and quiet State, the Plague having likewise ceased, yet the Rigour which the Prince of *Orange* us'd towards the Barons, much disturb'd the Peace of the Kingdom, and occasioned the Ruin and Reduction of some Families, and the Aggrandizing of others. His Predecessor *Monçada* having, as has been observed before, compounded with many of the Nobility, and given them Leave, in Cases of Necessity, to set up the *French* Standard, and to open their Gates to the Enemy, had by that Licence encouraged many of them to do it; but the Prince of *Orange* (now that the Kingdom was free, and intirely reduced to the Emperor's Obedience) would not admit that Agreement made with the former Viceroy, as an Excuse for the Barons; alledging, that it was not in *Monçada's* Power to remit the Allegiance due from Subjects to their Sovereign, and therefore began to punish them as Rebels, some with Death, others with Forfeitures; nay, he made some, upon bare Suspicion of their being Favourers of the *French* Interest, compound, by paying large Sums; and this with the Emperor's Connivance, who had always Occasion for Money for the Wars which he maintain'd, sometimes at the Pope's Charge, and sometimes at other Peoples; or by Contributions, Taxes and Donatives which he rais'd for that End. The Prince made use of the secret Service of *Girolamo Maroue*, a *Genoese*, for this Purpose, who was appointed *Commissary* for the Execution of these Orders, and performed his Office effectually and punctually. He first caus'd the Heads of *Errico Pandona*, Duke of *Bojano*<sup>1</sup>, and of the Count *Di Morone*, to be cut off; and would have done the same by the Prince of *Melfi*, the Duke of *Somma*, *Vincenzo Caraffa*, Marquis of *Montesarchio*, *Errico*, *Ursino* Count of *Nola*, the Counts of *Castro* and *Conversano*, *Retro Stendardo*, and *Bernardino Filinghiero*, if he had gotten them in his Power: But the Marquis of *Montesarchio*, the Count *De Nola*, and *Bernardin Filinghiero*, died before the *French* left *Naples*, and the others retired to *France*; but they were all forfeited.

THE Marquis *Di Quarata*, and other Barons, by pleading the Licence given them by *Monçada*, sav'd their Lives, but the Plea was not sufficient to secure their Estates, which, as was believed, had likewise been safe had *Don Hugo* lived. In the Number of the Barons of this Kind, were the Duke *D'Ariano*, the Count *De Montuoro*, the Baron of *Solofra*, of the *Zurlo* Family, the Baron *Di Lettere*, *Gragnano*, of the House of *Miroballo*, the Duke *Di Gravina*, and *Roberto Bonifacio*, lately made Marquis *D'Oira*; the two last of which recovered afterwards the greatest Part of their Estates by compounding; the Duke *D'Atri* also got his: These appeal'd to the Emperor, who did not re-instate them without a considerable Fine, which they could in no wise shun. Upon this Occasion the most celebrated Lawyers in *Italy* wrote in Favour of the Nobility; and *Decio* compil'd many Pleadings upon that Subject, proving, that it was not in their Power to make such Agreements so inconsistent with their own Innocence: But all their Labour was in vain, the Emperor wanted Money to pay his Troops, and to maintain the War. *Aquila* likewise having mutinied, was reduced by the Prince of *Orange*, who condemn'd that City to pay 100,000 Ducats, to raise which Sum, they were oblig'd to sell even the Church Plate, and to mortgage the Rents of *Zaffarano* to two *German* Merchants, who advanced the Money; besides having deprived the City of its Jurisdiction over several Lands, which the Prince of *Orange* bestowed upon some Officers of his Army.

AFTER the Prince had taken these Cities from their former Masters, he divided them among the Imperial Officers; he kept *Ascoli* for himself, which was afterwards possess'd by *Antonio di Leva*; *Melfi*, with the greater Part of the Prince

<sup>1</sup> Giornale del Rosso, p. 49 & 50.

of *Melfi's* Estate, was given to *Andrea D'Oria*; the Marquis *Del Vasto* had *Montesarchio*, *Airola*, *Lettere*, *Gragnano*, and *Angri*; to *Ferrante Gonzaga* was given *Ariano*; to *Ascanio Colonna*, the Duke *D'Atri's* Estate, which was forfeited by the Rebellion of the Count *Di Conversano*; but the People of *Abruzzo*, the Duke's Vassals, refusing to obey *Ascanio*, made the Cause of the old Duke to be better inquired into; and finding that there was not the least Reason to suspect him guilty of Treason, his Estate was restored to him, and an Equivalent given to *Ascanio* upon other Cities.

THE Lands of *Valle Siciliana*, which had been possess'd by *Camillo Pardi Orpino*, were given to *Don Ferrante D'Alercone*, and afterwards the County also of *Rende*, belonging to the Duke of *Somma*; to Admiral *Cardona* was allotted *Somma*; to *Don Philip de Lanoja*, Prince of *Sulmona*, and Son to the Viceroy *Don Carlos*, was given *Venasfro* belonging to the Duke *Di Bajano Pandone*; *Ottajano* to *Fabritius Maramaldo*; *Quarata*, which had been the Estate of the Marquis *Lanzialo d'Agumo*, to *Monsieur Beuri*, a *Flaman*; *Castro*, to Secretary *Gattinara*; *Monteperto*, to *Giralamo Colle*; the City of *Boiano* was given, as a Reward for his good Services, to *Girolamo Marone*, the indefatigable Executor of the Viceroy's Rigour: Other Lands were distributed to others, which cannot be remember'd. Some of those pretended Rebels obtained a Hearing of their Causes at Law, such as *Michael Costia*, Baron of *Procida*, but all that was got by that Process was, that upon the 4th of *May 1529*, the same Sentence was pronounced against them as against the Marquis of *Quarata*, viz. that they should lose their Estates, but not their Lives: So that *Procida* was forfeited, and given to the Marquis *Del Vasto*<sup>1</sup>.

<sup>1</sup> Rosso, p. 56.



## C H A P. V.

*A Peace between the Pope and the Emperor concluded at Barcelona, which was succeeded by another between the Emperor and King of France at Cambray; and afterwards a third with the Venetians, exclusive of the Florentines: The Emperor crown'd at Bologna.*

THE ill Success of the *French Arms in Italy*, made the Pope, the King of *France*, and the other Confederates think of Peace, and of the Means to procure it. The Pope was the first who applied himself towards it, and, by the Mediation of the General of the *Franciscans*, whom he made a Cardinal, with the Title of *St. Croce*, and who pass'd several times between *Rome* and the Court of *Spain*; he brought the Affair so great a Length, that in the Beginning of the Year 1529. there was Advice in *Naples* of the Prospect of an Accommodation: At last, having been negotiated by the Cardinal for some Months, it was concluded by *Giovan-Antonio Muscettola*, Ambassador for the Emperor, at *Rome*, and very favourably for the Pope; either because the Emperor was willing to remove any Impediment towards his coming into *Italy* (as he was minded to do) and thought that he might have Occasion for the Pope's good Offices in that case; or, that he would have his Holiness forget the ill Usages he had received from his Ministers and his Army, by granting him large Concessions at this Juncture.

Juncture. In Effect, he granted what the Pope most earnestly desir'd, the Re-establishment of his Family in *Florence*, promising, upon the new Marriage of his natural Daughter *Margaret*, with *Alexander de Medicis*, the Pope's Nephew, Son to *Lawrence*, to establish *Alexander* in *Florence*, in the same Grandeur which the Family had there before they were banish'd.

THE Articles of this Treaty are to be seen in *Giovius*<sup>1</sup>, *Guicciardin*<sup>2</sup> and other Writers<sup>3</sup>; the precise Words of it are set down by *Summonte*<sup>4</sup> and *Chioccarelli*<sup>5</sup>. As to what relates to *Naples*, it was agreed as follows;

THAT the Pope should allow free Passage through the Ecclesiastical State to the Imperial Army, if they had Occasion to leave *Naples*; and that upon the Emperor's coming into *Italy*, they should converse together, and treat of the general Peace of *Christendom*, receiving one another with the usual Honours and Ceremony.

THAT the Emperor should take care, as soon as possible, by Arms or otherwise, as should be most proper, to put the Pope in peaceable Possession of *Cervia*, *Ravenna*, *Modena*, *Reggio*, and *Rubiera*, without Prejudice to the Rights of the Empire and the Apostolical See.

ON the other Hand, the Pope agreed (upon the Delivery of the Lands mentioned) to grant to the Emperor, as a Recompence of his Favours, a new Investiture of the Kingdom of *Naples*, with a free Discharge of all past Tribute, and reducing the Tribute of the former Investiture to a White Horse, in Acknowledgment of the Fief, to be presented to the Pope upon the Feast of *St. Peter* and *St. Paul*. The Tribute which the Popes had claim'd for the Investiture of *Naples*, was uncertain, sometimes less, and at other times rising to considerable Sums, which not being paid, the Popes, not to lose their Title, used, by new Bulls, to remit the Arrears, ordaining the King for the Time being, to pay it from that Time; and if afterwards it happened not to be paid, they remitted it afresh.

BY this Treaty, all pecuniary Tribute was taken off, and the White Horse substituted in Lieu of it, which has continued to this Time. *Thomas Campanella* composed, for this Purpose, a *Consultum de Censu Regni Neapolitani*, never printed<sup>6</sup>. *Paul IV.* notwithstanding this Treaty, claimed the Tribute-Money of *Philip II.* and went so far as to declare, that he had forfeited the Kingdom for failing to pay it: But of this we shall speak in its proper Place.

IT was further granted to the Emperor by this Treaty, to have the Nomination to four and twenty Cathedrals in the Kingdom (about which there had formerly been a Dispute) the Pope retaining the Disposing of the other Churches, where no Patronage was pretended, and also of all other Benefices: Of which we shall have Occasion to speak at large, when we come to treat of the Ecclesiastical Polity of the Kingdom during this Century.

THE last Article (not to mention those which have no relation to *Naples*) was, That neither of the Parties should have Power to enter into any Alliance (as to *Italy*) with any other State, nor observe any League already made in Prejudice of this Treaty: But it was allowed to the *Venetians* to accede to this Confederacy, upon leaving to the Emperor what they now possess'd in *Naples*.

THIS Peace was concluded and signed at *Barcelona*, June 29. 1529. and solemnly sworn to in the Name of the two contracting Powers, before the great Altar of the Cathedral Church of *Barcelona*, by *Mercury Gattinara* and *Lodovico de Flandes*, the Emperor's Ambassadors, and by Bishop *Girolamo Sceto*, the Pope's Master of the Household.

THE Emperor being willing to re-instate *Alexander de Medicis* in *Florence*, according to the Treaty, resolved to make use of our Viceroy the Prince of *Orange* in that Expedition, to whom he sent Orders to march with his Army from *Abruzzo*, where he then was, towards *Florence*, and to pass by Way of *Rome*, to receive the Pope's Orders.

AT the same time, Negotiations for bringing about a Peace between the Emperor and King of *France* went on with no less Vigour; and *Cambray*, a City destined for ending great Controversies, was pitch'd upon for the Place of Congress.

<sup>1</sup> Giov. l. 26, 27.

<sup>2</sup> Guicciard. l. 19.

<sup>3</sup> Tarcagnota, l. 2. Vol. IV. Panvinio in vita Clem. VII. Burgatto, l. 6. Bellay, l. 3,

<sup>4</sup> Summonte, tom. 4.

<sup>5</sup> Chioc. MS. Giurisd. tom. 1.

<sup>6</sup> Toppi Biblioth. Let. T.

THE Management of this Peace was committed to two great Ladies, *Margaret of Austria*, the Emperor's Aunt, and *Madame the Regent*, the King of France's Mother, to which the King of England consented, who, for that Purpose, had sent an Ambassador to *Cambray*. King *Francis* used all his Art with the Ambassadors of the League of *Italy*, to persuade them that he would not make Peace without their Concurrence and Satisfaction: He laboured to induce them not to depend upon Peace, but rather to turn their Thoughts to warlike Preparations; this he did, lest the Confederates, suspecting his Design, might prevent him, by making up the Matter with the Emperor: For this Reason, he seemed to be wholly intent upon military Preparations, and sent the Bishop of *Tarbes* into *Italy*, with Orders to go to *Venice*, *Milan*, *Ferrara* and *Florence*, to treat about Matters relating to the War, promising them, that upon the Emperor's marching into *Italy*, he would likewise be there with a powerful Army. These were his Pretences, but, in reality, his earnest Desire to have his Children restored, who had been given as Hostages by the Treaty of *Madrid*, made him continually press for an Agreement; to which End, the two Princesses enter'd *Cambray* at different Gates, with great Magnificence, upon the 7th of *July*; and being lodged in two Houses contiguous to one another, and having a Communication one with the other, the two Ladies had an Interview that very Day, and by their Agents began to treat of the Articles of Peace: The King of France (to whom the *Venetians*, frighten'd at this Familiarity, made large Offers) had retir'd to *Compeigne*, to be near at Hand to remove any Difficulty that might arise.

TO this Place, came not only the two Princesses, but likewise, on the Behalf of the King of England, the Bishop of *London*, and the Duke of *Suffolk*; for the Negotiation was carried on with that King's Advice and Consent: The Pope sent thither the Archbishop of *Capua*, and the Ambassadors of all the other Confederates were also there; but to these last the French Ministers gave account of Things quite different from what was really transacting; and the King always promised them, that no Peace should be made without their Consent and Approbation. Mean while, upon the 23d of *July*, Advice was brought of an Accommodation between the Pope and the Emperor, upon which, the Treaty (being in great Forwardness) had like to have been disturbed, by certain Difficulties about some Territories in the *Franchie Comté*; but by the Mediation of the Pope's Legate, and the Archbishop of *Capua*, it was at last concluded.

THIS Peace was proclaimed, with great Solemnity, in the great Church of *Cambray* on the 5th of *August*: A Copy of the Instrument is to be seen in *Leonard's* Collection<sup>1</sup>. The Principle Articles, and such as relate to *Naples*, were as follow;

THAT the King's Sons should be set at Liberty, upon his paying the Emperor, for their Ransom, 1,200,000 Ducats, and 200,000 more (upon his Account) to the King of England<sup>2</sup>.

THAT the King should give up to the Emperor, six Weeks after the Ratification of the Treaty, all that he possess'd in the Dutchy of *Milan*, as also *Asti*, with all his Pretensions to it.

THAT, as soon as he could, he should evacuate *Barletta*, and all that he held in the Kingdom of *Naples*. That his most Christian Majesty should declare to the *Venetians*, that according to the Articles of *Cognac*, they must restore the Places they had taken in *Puglia*, and upon their Refusal, he should denounce War against them, and assist the Emperor in the Recovery of them, with 30,000 Crowns a Month, 12 Gallies, 4 Ships, and as many Brigantines, and six Months Pay.

AND, to name no more, it was agreed, that the King should disannul the Process against the Duke of *Bourbon*, and restore the Deceased to his Honour, and his Heirs to the Estate, and likewise give back all Confiscations made upon Account of the War, either to the Persons forfeited, or to their Heirs: Which Article the King made no Account of after he had got his Sons set at Liberty, for he took the Estate from the House of *Bourbon*, and did not restore to the Prince of *Orange* what had been taken from him, of which the Emperor complained much.

IN this Peace, the Pope was comprehended as a Principal, and the Duke of *Savooy* was included: There was also an Article, that the *Venetians* and *Florentines* should be comprehended, upon Condition that they made up all Differences with the

<sup>1</sup> Leonard. tom. 2. P. 346.

<sup>2</sup> Guicc. 1. 19. Bellay, 1. 3.

Emperor in four Months; which was, in effect, a tacit Exclusion: The like was done with respect to the Duke of *Ferrara*, but no mention was made of the Nobility and Exiles of the Kingdom of *Naples*.

WHEN this Peace was made publick, it is inexpressible how the *Venetians*, and much more the *Florentines*, cried out against it, seeing themselves, by their not being included, at the Mercy of the Emperor and the Pope; which last, received the Prince of *Orange* (who was arrived at *Rome*, on his March to reduce the *Florentines*) with great Joy, and gave him a good Reinforcement to facilitate the Undertaking, which he wish'd might have a good Issue.

IN the mean time the Emperor, after the Peace made with the Pope, set out for *Italy*, where he was desirous to go, not for the bare Ceremony of receiving the Imperial Crown from the Pope's own Hands, but for Reasons of greater Consequence; having a Mind, in his Conferences with his Holiness, to settle many Things in *Italy*, which yet remain'd doubtful: So that leaving *Barcelona* upon the 28th of *July*, on Board *Andrea D'Oria's* Gallies, he arrived at *Genoa* the 12th of *August*, where the Articles of Peace, concluded at *Cambray*, were presented to him, which he very readily ratified. In Execution of which, the King of *France* recall'd his Forces from *Naples*, giving Orders to his Officers, to put *Barletta* and all other Places possess'd by them in the Kingdom of *Naples*, in his Name, into the Emperor's Hands, which was accordingly done <sup>1</sup>.

FROM the Time that this Peace of *Cambray* was made, the Kings of *France* never made an Attempt upon the Kingdom of *Naples* in their own Names, nor pretended to the Conquest of that Kingdom for themselves: It is true, they join'd upon Occasion with the Enemies of the Kings of *Spain*, in order to annoy them, but for other Reasons, as shall be shew'd in the Progress of this History.

THERE were still some Remains of War in *Puglia*; for the *Venetians*, not being included in the Peace, obstinately resolved to keep that Country, and the Ports of the *Adriatick*, of which they were possess'd: And although the Marquis *Del Vasto* had Orders to beat them out, he being call'd by the Prince of *Orange* to *Flouence*, the reducing of which was more tedious and difficult than was believed at first, the Charge of the *Puglian* Expedition was given to *Alarçon*, newly made Marquis *Della Valle Siciliana* <sup>2</sup>.

WHEN the Emperor was arrived at *Bologna*, upon the 5th of *November*, where, according to Agreement, the Pope also was; the first Thing that was treated of in their Conferences together, was the Restitution of the Dutchy of *Milan*, and the Peace with the *Venetians* and other Christian Princes. To facilitate which, *Alonzo Sauches*, the Emperor's Ambassador at *Venice* did good Service: It was also of great Use to *Francis Sforza*, his presenting himself to the Emperor as soon as he arriv'd at *Bologna*, where the Difficulties of the Accommodation with him and the *Venetians*, having taken up a Month, at last (the Pope being much fatigued) the Agreement with both was concluded upon the 23d of *December* this Year. It was stipulated, that the Dutchy of *Milan* should be restored to *Sforza* upon his paying to the Emperor 400,000 Ducats in one Year, and 300,000 in ten Years more; and till the first Payment should be made, *Como*, and the Citadel of *Milan* were to remain in the Emperor's Hands: So *Sforza* got the Investiture, or rather had that confirm'd to him which he had received before <sup>3</sup>.

THAT the *Venetians* should restore to the Pope *Ravenna* and *Cervia*, with all its Territories, but without giving up their Pretensions to them.

THAT they should deliver up to the Emperor, before the End of *January* next, all that they possess'd in the Kingdom of *Naples*.

THAT in case any Christian Prince, of whatever Rank, should attack the Kingdom of *Naples*, they obliged themselves to assist the Emperor with fifteen light Gallies well arm'd.

AND, to name no more Articles, it was stipulated, that if the Duke of *Ferrara* should make an Accommodation with the Pope and the Emperor, he should be understood to be included in this Peace.

THIS Peace was solemnly publish'd in the Cathedral Church of *Bologna*, on the first Day of *January* 1530. from which the *Florentines* alone were excluded.

<sup>1</sup> Giorn. del Rosso, p. 61.

<sup>2</sup> Ibidem.

<sup>3</sup> Guic. l. 19.

IN Execution of the Treaty, the Emperor restored to *Francis Sforza* the Dutchy of *Milan*, and withdrew his Forces out of it, except such as were necessary for garisoning the Castle and *Como*, both which he evacuated at the Time agreed upon: But because the Emperor's Generals were dissatisfied with the Peace, and particularly the Marquis *Del Vasto*, and *Antonio di Leva*, the Emperor, to please them, persuaded the Duke of *Milan* to condescend to give them some Lands in his Dutchy.

THE *Venetians* gave up to the Pope the Territory of *Romagna*, and to the Emperor they restored, in the same Month, *Trani*, *Molfetta*, *Pulignano*, *Monopoli*, *Brindisi*, and all other Places which they had taken on the Coast of *Puglia*.

THUS the Kingdom being freed from the Invasion of Foreigners, and Peace restored to it, had need of Ease and quiet Repose to make up the past Losses.



## CHAP. VI.

*The Government of Cardinal Pompeo Colonna, who was made Viceroy in the Room of the Prince of Orange, becomes grievous to the Subjects, not so much by his own Rigour, as by Taxes and Donatives exacted from them upon account of the Emperor's Coronation, his Journey into Germany, the Birth of a new Prince, and the War against the Turks.*



THE Prince of *Orange* being appointed for the *Florentine Expedition*, Cardinal *Pompeo Colonna*, in the Beginning of *July 1529*. was made Viceroy of *Naples* in his Stead. This was the first Cardinal, who being likewise Archbishop of *Monreale*, that, as Viceroy, and Captain-General, had govern'd the Kingdom. Formerly (when those who had dedicated themselves to the Church, could not meddle in Secular Affairs) this Promotion would have been esteemed a horrible Thing; but in the Pontificates of *Alexander VI.* *Julius II.* (of whom *John Owen* \* says, that having laid aside the Keys, and taken up the Sword, he was more intent upon the Arts of War than the Sacerdotal Function) *Leo X.* (who, as *Guicciardin* observes †, having no Regard to Religion, had his Mind intirely bent upon Splendor and Magnificence, as if he had been descended from a long Race of Kings, encouraging, not only learned Men, but Musicians and Buffoons, with a Royal Profuseness); and in this Pontificate of *Clement VII.* (in whose Reign, the Abuses of the Court of *Rome* were come to such a Height, that a General Council was much wanted for putting an End to them) I say, in such Times, this Promotion of Cardinal *Colonna* did not seem strange: It was no Blemish then, for a Cardinal and an Archbishop, to leave his Diocese, and govern Kingdoms as Viceroys and Captain-Generals; and, indeed, it was less wondered at in Cardinal *Colonna*, who, not minding Religion, gave himself intirely to Arms and Love Intrigues, according to the Genius of those Times.

IN his Youth he had been brought up to Arms by his Uncle *Prospero Colonna*, and fighting under that Great Captain, he gave good Proof of his Courage. Afterwards, chusing to leave the Army, and retire to *Rome*, he gave himself to the Study of Human Learning, and made such wonderful Progress in Poetry, that he was

\* *Jo. Oweni Epigram. l. 1. Epig. 77.*

† *Guicc. l. 14.*



much esteemed by *Minturno*<sup>1</sup>, and other *Virtuosi* of his Time. And as it was the Custom of Poets to chuse a *Heroine*, by whose Influence their Poetical Vein being inspired, they versified with more Life and Vigour; *Colonna* follow'd the same Practice, and being taken with the Beauty and Gracefulness of *Donna Isabella Villamaring*, Princess of *Salerno*, he loudly sung her Praise, and made many Copies of Verses upon that Subject, which are yet extant: He was likewise very much in the good Graces of the celebrated *Donna Vittoria Colonna*, his Cousin, whom he also extolled to the Skies. And to shew how fond he was of the Ladies, he compos'd a whole Volume of *the Vertues of Women*, giving them excessive Praises, and defending them from all the Faults commonly laid to their Charge<sup>2</sup>.

AS a Recompence for all this Labour, upon the Death of his Uncle Cardinal *John Colonna*, *Julius II.* made him Bishop of *Rieti*; *Leo X.* who was better pleas'd with his Behaviour and Learning, rais'd him to greater Honour; for besides his translating him to greater and better Bishopricks, he made him Vice-Chancellor of the Apostolick See, and at last Cardinal. But *Clement VII.* hated him for being attach'd (as indeed all the *Colonna* Family was) to the Imperial Interest, and for that Reason oppos'd him in all his Designs: And the Cardinal being supported by the Emperor's Favour, did not stick to talk publicly against the Pope, as having obtained the Papacy by base Means, and magnifying what the House of *Colonna* had done against other Popes, added, that the Hatred of intruding Popes had been fatal to their House, but that such had often been restrained and kept under by the Power of the *Colonna's*. The Pope, enraged at these Discourses, published a severe *Monitory* against him, citing him to *Rome* under great Penalties, in which he pointed directly at the Viceroy of *Naples*, and obliquely at the Emperor himself. Cardinal *Pompeo* did not fail to revenge himself when the *Colonna's* entered *Rome*, and pillaged the Pope's Palace, and *St. Peter's Church*; for which, as soon as the Pope was in Safety, by the Truce made with *Don Hugo di Monçada*, he excommunicated the whole *Colonna* Family, as Hereticks and Schismatics, and deprived the Cardinal of his Hat. The Cardinal was then at *Naples*, and hearing of his Degradation, slighting the Pope's Censure, he publish'd an *Appeal* to a future Council, and cited *Clement* to it, giving, as his Reason, the Injustice and Nullity of his *Monitories*, *Censures* and *Sentences* against himself and the *Colonna* Family; and the Partisans of the *Colonna* Family, caus'd many Copies of this *Appeal* to be affixed in the Night-time, upon the Doors of the chief Churches in *Rome*, and upon many other Publick Places, and dispersed them thro' *Italy*. These sharp Disputes continued between them till the Treaty of *Barcelona*, by Virtue of which, all those who had offended the Pope, in *Rome* or elsewhere, being absolv'd, the Cardinal was restor'd to his former Dignity, but never to the Pope's Favour: But these Things having render'd him much more acceptable to the Emperor *Charles V.* he made him Archbishop of *Monreale*, a rich See in *Sicily*, and then upon the Departure of the Prince of *Orange* to *Florence*, the Cardinal being in *Gaeta*, he made him Viceroy.

UPON the Cardinal's Arrival at *Naples*, he found the Kingdom no less drain'd of Money, than full of Lewdness and Debauchery, occasioned by the late Calamities and Disorders; his Predecessors having been oblig'd, by reason of the Wars and Revolutions, to mind rather the military Affairs, than the Distribution of Justice; and the Prince of *Orange* had, more by his own Example, than the Negligence of his Government, introduc'd an intolerable Licentiousness and Debauchery among the young Nobility, to the great Contempt of Law and Justice: Not only the Chief Men of the Kingdom, but even private Gentlemen, openly rescu'd Offenders from the Hand of Justice; oppress'd and abus'd the Common People; kept the poor Tradesmen out of the Money which they had earn'd by their Labour, and even beat them as often as they came to demand it. The Great Men kept in their Houses, Miscreants [call'd *Bravo's*] to execute their unjust Orders; nor could the Ministers of Justice find any Remedy against that abominable Practice: The Palaces of the Nobility were become so many Places of Refuge, and those who fled to them, although they had been guilty of a thousand Villanies, were secure there; and if they were at any time drawn from thence by the Officers (whom they call *Sbirri*) those Officers were beaten, and the Delinquents rescu'd, or else they were prosecuted for Breach of Privilege, and oblig'd to restore the Prisoners.

<sup>1</sup> Lettere de Minturno, char. 9.  
VOL. II.

<sup>2</sup> Nicod. Biblioth. in Pompeo Colonna.  
5 R.

THE Cardinal in the Beginning of his Government, following the Example of his Predecessors, let the Disorders go on as usual; but at last seeing Things grow to such a Pitch of Wickedness, he rouz'd himself: He made his Valet de Chambre *Gio. Battista d' Alois di Caserta*, lose a Hand, for having given another of his Servants a Blow in the Face, in his Antichamber; and although Donna *Vittoria Colonna* came from *Ischia* to intercede for his Pardon, she lost her Labour; and all that the Princess of *Salerno* (so much celebrated by the Cardinal in his Poetry) could obtain, was, that instead of the Right-Hand, he allow'd the Left to be cut off<sup>1</sup>. He caused to be hang'd in the Market-Place, *Cola Giovanni di Monte*, who, in  
 \* *A Sort of Magistrate.* 1525. had been *Eletto del Popolo*\*, and was actually then *Maestro datti* of the Court of the Vicariate, together with his Brother *Julio*, who was Partner in his Office, and likewise his Accomplice in innumerable Frauds, Falshoods, and other enormous Crimes, of which they were convicted. A Malefactor having made his Escape from the Captain of the *Sbirri*, and taken Shelter in the Prince of *Salerno's* Palace, he threaten'd to confiscate the Prince's Estate unless he was given up, which was instantly done: And towards the End of his Government, his Rigour towards *Paul Poderico*, slightly suspected to have had a hand in Assassinating the Count *De Policastro*, would have turned to Cruelty and manifest Injustice, if it had not been stopp'd by *Tommaso Gramatico*, our Civilian who was at that Time Judge of the Vicariate. These Severities kept many in Order but did not altogether restore Justice to its due Vigour; that Honour was reserved for *Don Pietro de Toledo* his Successor, who (as we shall have Occasion to shew afterwards) almost at his first entring upon the Government, raised it to so high a Pitch, that in a Medal struck in his Time at *Naples*, representing Justice a falling and supported by him, he justly deserved the Motto put upon it, *Erecteri Justitia*.

BUT Cardinal *Colonna's* Government became grievous to the *Neapolitans*, by reason of the Occasions which the Emperor had, during his Viceroyship, for repeated Taxes and Donatives. Whilst the Emperor was at *Bologna*, there came Advice from *Spain*, that the Empress was brought to bed of a Prince; so that about the End of *January* 1530. at the same time that they were making Feasts and Tournaments in *Naples*, they were obliged to think of a new Donative to his Majesty for the Birth of his Son: Besides, the Day was appointed for his Coronation, which was the Feast of *St. Matthias*, a Day very lucky to him, as being both his Birth-Day, and that on which he made the King of *France* Prisoner, he therefore chose it for his Coronation. He had been crown'd before at *Aix la Chapelle* with *Charles the Great's* Crown, and now he sent to *Monsa*, from *Bologna*, for the Crown of Iron, which he also received from the Pope's Hand with great Solemnity and afterwards, on *St. Matthias's* Day, *February* the 24th, he was crown'd with another Crown of Gold, and proclaimed *Augustus*, with Sound of Trumpets, and firing of Cannon. *Guicciardin* says<sup>2</sup>, This Coronation was perform'd with a vast Concourse of People from *Naples*, and other Parts of *Italy*, but with little Expence or Pomp; but although it cost little, yet the Prince of *Salerno* carried from *Naples* 300,000 Ducats for defraying the Charge of it.

THIS Solemnity was the sooner over, because the Emperor had resolv'd to go immediately to *Germany*, as well for quelling the Disturbances occasioned there by *Luther's* Heresy, as for electing a King of the *Romans*, to which Dignity he endeavour'd to raise his Brother *Ferdinand*. He had received pressing Letters from thence to hasten his going thither: The Electors, and other Princes of the Empire press'd his coming, upon Account of the Dyet; his Brother wanted his Presence that he might be elected King of the *Remans*; and others were earnest for his coming, because they thought, that so many Revolutions that had happen'd in *Germany*, on the Account of Religion, could not be quieted but by a Council.

THE Emperor therefore left *Bologna* in the End of *March*, to go to *Germany* (at the same time that the Pope took his Journey to *Rome*;) At his Arrival at *Ausburg* he found the Princes of *Germany*, who waited his coming to hold the Dyet against the *Lutheran* Heresy. The Prince of *Orange* being kill'd in Battle on the 3d of *August* this Year, Cardinal *Colonna* was no longer Lieutenant-Governor, but absolute Viceroy of *Naples*.

<sup>1</sup> *Giorn. del Rosso*, p. 63.

<sup>2</sup> *Guicc.* 1. 20.

IN the mean time, the Emperor during his Stay in *Germany*, was intent upon settling the Commotions begun in these Provinces, and to get his Brother chosen King of the *Romans*, which last he happily effected, *Ferdinand* being elected in the Beginning of the Year 1531, and crowned at *Aix la Chapelle*.

BUT it must be allowed, that the Kingdom of *Naples* has always been very unhappy, and much to be pitied; for whilst it was governed by little Kings, such as the *Arragon* Family were, those having no other Dominions from whence they could draw Money, the Subjects of *Naples* were obliged to defray the Charges of their Wars; yet that was reasonable and supportable: But who would have believed, that when this Kingdom came under the Dominion of so powerful a Prince as *Charles V.* Master of two Worlds, to whom not only the Gold of *Spain*, but that of the New *Indies* was brought, he should be always in want of Money, so that his Troops often mutiny'd for want of Pay, and nothing was heard but continual Demands of new Taxes and Donatives?

ANOTHER Misfortune for this Kingdom was, that as soon as the War with *France* was over, the *Turks* began another; so that we were always harrass'd and forced to be at intolerable Charges, by the War with the first, and by Fear of the latter, which was worse than War. *Solyman* Emperor of the *Turks*, prepared to invade *Austria* this Year with a great Army, and to lay close Siege to *Vienna*; and the Year following he march'd with a powerful Force into *Hungary*, which obliged the Emperor to prepare himself for a vigorous Defence: But he wanted Money and Men to resist so formidable an Enemy; and therefore he intimated to the Cardinal Viceroy, that he should endeavour to procure larger Donatives from the Kingdom, to supply the Necessities of the War. The Cardinal summon'd a *Parliament* according to Custom, to meet in *St. Lawrence's* Church on the 11th of *July*, where declaring the Emperor's Mind, and exaggerating the Necessity of his Demand, he labour'd to persuade the Nobility and Commons to give a Donative of at least 600,000 Ducats. The Representatives on the other Hand, although they declared themselves willing to comply with his Majesty's Desire, yet they represented to the Viceroy their Inability, the Kingdom having been quite drain'd by the late Scourges of War, Famine, and Pestilence; they put him in Mind of the 300,000 Ducats which they had sent to his Imperial Majesty by the Prince of *Salerno*, for the Expence of his Coronation, by which they were in such a miserable State that they were to be pitied; notwithstanding which, to shew their Readiness to serve their Prince, they offered to give him 300,000: But the Cardinal being inflexible, and obstinately adhering to his first Demand, they were under a Necessity to offer at last the 600,000 Ducats, but to be paid in four Years, and levied by a Tax laid upon every House. They appointed the Prince of *Salerno* to carry the Donative; and upon this Occasion they asked a new Confirmation of the Old Privileges, and likewise new Grants, which they obtained the Year following, the Emperor being at *Ratisbon*, where he sign'd them on the 28th of *July* 1532, as they are to be seen among the Privileges and Grants of the City and Kingdom of *Naples*<sup>1</sup>: But this Money was employed to pay the Army in *Tuscany*, and to levy more Forces in *Naples* and elsewhere, to recruit the Armies.

ABOUT this Time the Cardinal receiv'd five Edicts made by the Emperor in *Germany*, some of which related to this very End of raising Money. The Cardinal only proclaimed them, so that we may truly say, that he made no Laws in *Naples*.

BY the first Edict, sign'd at *Inspruck* *July* the 5th, 1530. and publish'd in *Naples* *January* the 2d, 1531<sup>2</sup>, it was declared, That any Alienations made, either by private Persons, or by the Court, from the first of *March* 1528, to the End of *February* 1530, should be no Hindrance to the Seller, but that they might recover their Lands by paying the Money stipulated: The Period therein mentioned, having been a Time full of Revolutions, War, and other Calamities.

BY the second, dated at *Ghent*, *June* the 4th, 1531. published at *Naples* the 27th of *July* following, it was allow'd to all the *Neapolitans* to arm Ships against the Infidels, and to scour the Seas in Defence of the Coasts of the Kingdom<sup>3</sup>.

THE third, dated at *Brussels*, the 13th of *March* 1531, published by the Cardinal the last Day of *September* in the same Year, recalled all Grants, Rewards, Provisions, Immunities and Exemptions made by former Viceroys; confirming only

<sup>1</sup> Capitoli e Graz di Nap. in tempo di Card. Colonna, fol. 87.

<sup>2</sup> Pragmat. 1. de Pacto de retrovend.

<sup>3</sup> Prag. 2. Quod Regnicoli possint armare.

such as had been made by the Prince of *Orange*; and charged the Treasurer, the Great Chamberlain, and his Lieutenant, with the exacting of the Revenues of the Exchequer, prescribing, in strong Terms, such Laws by which the Treasury might be augmented and frugally administer'd<sup>1</sup>.

BY the fourth, bearing Date likewise at *Brussels*, the 20th of *December* 1531, published at *Naples* February the 17th 1532, severe Laws were prescribed to the Collectors, and all other Officers who receive or give out the King's Money, ordering them to keep an exact Account of the Quality, Weight and Value of it, and to make a just Account of it to the Ministers of the Court of the Royal Chamber<sup>2</sup>.

THE last, dated at *Cologne*, *January* the 28th 1532, published at *Naples* the 17th of *February* following, declares, That the Viceroy had not Power to bestow any Office in the Kingdom worth above One hundred Ducats a Year, because it belong'd to the King to dispose of such; and in those of a hundred Ducats, are comprehended not only Officers Salaries, but Perquisites and all other Dues<sup>3</sup>.

A FEW Months after the publishing this Edict, the Cardinal finished his Government and Life together. It was his Custom this Summer 1532, to go often to his Garden at *Cbiaia* for his Diversion, and going thither in the Morning in the Beginning of *July*, with his great Friend the Count *De Policastro*, and having eaten Figs, a little after Dinner he was taken with a slow Fever, which took him off in a few Days, in the 53d Year of his Age: It was reported, that the Figs were poison'd by one *Philipetto* his Butler, who knowing that it was his Master's Custom often to eat Figs in that Garden, had poison'd them. *Gregorio Rosso* a contemporary Writer, relates<sup>4</sup>, That it was thought strange that the Cardinal should die, and not the Count *De Policastro*, who had likewise eaten Figs that Morning with him. There were various Reports about the Author of the Villany; some said that *Philipetto* was hired to do it by a great Person at *Rome*, who was the Cardinal's mortal Enemy; others pretended that it was done by some Relations of that Lady so much extoll'd in the Cardinal's Poems, being affronted that he should have made choice of their Relation to be the Subject of his Muse, and have treated her as *Petrarch* did his *Laura*. But *Agostino Niso*, a famous Phylician of that Time, who was called to prescribe a Remedy to him, and was present at opening the Body, declared that there was no Sign of Poison in his Bowels. *Paul Giovio*, who wrote the Cardinal's Life, is of the same Opinion, attributing his Death to the immoderate Use of Ice-Water, which he used (after the *Roman* Custom) to drink mix'd with Wine, two Hours after Dinner, to refresh himself. His Body was buried in the Church of *Monte Oliveto*, where, not many Years ago, his Sepulchre was; but afterwards his Bones were transported to the Chapel of the Princes of *Sulmona*, of the *Lanoja* Family. After his Death the Collateral Council undertook the Government till another Viceroy came; the Chief of which Council was Don *Ferdinand* of *Arragon*, Duke of *Montalto*. As soon as the Pope, to his great Joy, heard of the Cardinal's Death, he gave his Office of Vice-Chancellor, with the greatest Part of his Benefices, to his own Nephew, Cardinal *Hyppolito de Medicis*, who was gone to *Germany*<sup>5</sup>.

AS soon as the Emperor had an Account of the Cardinal's Death, he made Don *Pedro di Toledo*, Marquis of *Villa-Franca* (who was then with him in *Germany*) Viceroy of *Naples*; who leaving *Ratisbon*, where the Emperor was, upon the first Day of *August*, arrived at *Naples* the 4th of *September*, and took Possession of his Charge the next Day.

BUT because his Government was of the longest Continuance of all the Viceroy's we ever had, having kept it for the Space of 21 Years and a half, in which Time there happened many notable Occurrences; and that from him *Naples* began to take that Form and Polity, of which it retains a great Resemblance at present, it will be more proper to refer the relating of those memorable Events to the following Book of this History:

<sup>1</sup> Pragm. 2. De Rovocat. & Suspensione.

<sup>2</sup> Ibid. 1. De Offic. Quæst. Cæsar.

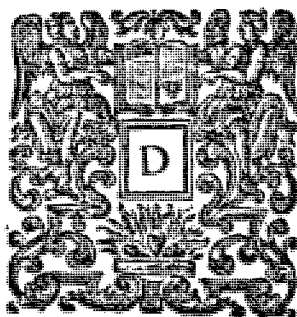
<sup>3</sup> Ibid. 1. De Offic. ad Reg. M.

<sup>4</sup> Giorn. del Rosso, p. 83.

<sup>5</sup> Ibidem, p. 84.



THE  
 CIVIL HISTORY  
 Of the KINGDOM of  
 NAPLES.  
 BOOK XXXII.



ON *Pedro di Toledo*, was born at *Alva di Tormes*, in the Kingdom of *Castile*, in the Year 1484. of Don *Frederick di Toledo II.* Duke *D'Alva*, and Donna *Isabella Zuniga*, Daughter to the Duke of *Bedmar*, a Lady no less accomplished in Mind than in Body: She was tall and well-shap'd; so that she used pleasantly to say, That she came to mend the Breed of the House of *Alva*, who were low of Stature. Don *Pedro* was, in his Infancy, put into the Hands of good Masters, to be instructed in Literature; but the Duke his Father, finding that he made no great Progress that Way, and that he was more inclined to Exercises of the Body, than the Speculations of the Schools, sent him to Court, and made him Page to the King of *Spain*; and Don *Pedro*, although but a Boy, taking diligent Notice of the Actions and Words of that wife King, learned both Judgment and Prudence; and applying himself to Horsemanship, he piqued himself in out-stripping all the Courtiers of his own Age in that Exercise, as well in the Service of the King, as in making a handsome Appearance in Tilts and Tournaments, and all other Diversions of the Court; so that he became a greater Favourite of the King's than any other, and most expert in the Feats of Chivalry, so that he was call'd in *Spain* the great *Bull-fighter*: And after he came to be Viceroy of *Naples*, he introduced Bull-Feasts, and many other Tiltings and Tournaments, which he often made the *Neapolitans* practise during his Government.

HAVING, by these Accomplishments, ingratiated himself with the King, his Majesty was pleased to make a Match for him, with Donna *Maria Osoria*, Marchioness of *Villa-Franca*, the Count of *Benevento's* Grand-Daughter, a Lady of

thirteen Years of Age, handsome, and sole Heiress to her Grandfather's Estate; and although Don *Pedro* was only a Cadet of his own Family, and not the eldest Son, yet both the King and the Count, with whom Donna *Maria* had been brought up, made Choice of him, before many others of great Estates and Titles, that courted her. By this Marriage he took the Title of Marquis of *Villa-Franca*, together with Possession of the Estate, to the great Joy of the Vassals, who soon found the Sweets of his prudent and just Management: So early did Don *Pedro* give Proof of his knowing well how to Rule. Not long after, the King gave him a Benefice, in *Commendam*, of the Order of St. *James*, of 6000 Ducats a Year; to which Order he was attach'd all his Life. The Duke his Father, being afterwards sent Captain-General of the King's Army, in the Expedition against the King of *Navarre*, the Marquis, entering himself in the King his Master's Service, accompanied his Father in that War, where he served till *John Alibert* was driven out, and the Kingdom conquer'd by the Duke: In that Expedition he gave Proof, that he was as well skill'd in the Art of War, as in that of Government.

UPON the Death of the Catholick King, as hath been related in the preceding Book, there arose some Troubles in *Spain*; some *Grandeos* refusing to accept *Charles* Archduke of *Austria*, his Grandchild, for their King, whilst Queen *Jean* his Mother was alive, although they were willing to receive him as Prince, and Successor to her: But that Matter being made up upon certain Conditions; and *Charles* being afterwards made Emperor upon his Grandfather's Death, there happen'd other Stirs (as has been said) amongst the *Spaniards*, by reason of the illegal Exactions of the *Flemish* Ministers, whom the Emperor had brought with him from *Flanders*: The People mutinied and took Arms; but being routed, and the Chief Leaders of them punished, the Tumults ceased. In these Confusions, the Marquis, following the Example of the Duke *D'Alva* his Father, did the Emperor good Service, which made him a great Favourite, and highly honour'd and esteem'd by that Prince above all his other Courtiers; insomuch that he would never part with him, but carried him to *Flanders*, *Italy*, and *Germany* with him. He was in *Ratisbone* this Year 1532. with the Emperor, when *Solyman*, with 300,000 Men, had enter'd *Servia*, in order to subdue *Hungary*, and threatening likewise the other Imperial Dominions; and the Emperor, intent upon driving him back, had written to *Andrea D'Oria*, lately made Prince of *Melfi*, to get together as great a Fleet as he could, and to sail to the *Levant*, to the *Grecian* Coasts, in order to attack the Maritime Towns of the *Turks*, thereby to divert them from their Enterprize upon *Hungary*.

BUT, as the *Turks* began to disturb *Naples* after the *French* were gone, as we observed before, the Emperor having Intelligence of the Sailing of the *Turkish* Fleet, was apprehensive of their Design upon *Naples*, and having Advice, at the same time, of the Death of Cardinal *Colonna*, he immediately dispatch'd the Marquis of *Villa-Franca*, with the Character of Viceroy and Captain-General of the Kingdom, not only to do him Honour, but for the better Defence of the Kingdom against the Attempts of the *Turks*, being perfectly satisfied of his Prudence and Courage. He set out immediately, and made long Journies, accompanied by *Nicolo-Antonio Caracciolo*, Marquis of *Vico* (then likewise at *Ratisbone*) who said, that by the Conversation which they had together upon the Road, about the Affairs of *Naples*, he had found out, that the Marquis of *Villa-Franca's* Government would be a severe one. He pass'd thro' *Rome*, where he was received by *Clement* with great Honour. He was, at his Arrival in *Naples*, welcomed with great Acclamations, the People being persuaded, by his Reputation, that he would govern them with Prudence and Justice, and reform the many Abuses and Corruptions which had crept in, as also that they should now be freed from the Insolence of the Nobility.

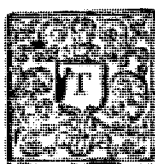
HE found the Kingdom, as we said, in a miserable State, by reason of the preceding Calamities; the City emptied, both of Men and Money, by the Plague; the Houses ruined; the Fields a Desert; but above all, Justice depress'd; and therefore he thought fit to begin by re-establishing the last.

<sup>1</sup> Giorn. del Rosso, p. 85.



## C H A P. I.

*Don Pedro di Toledo reforms the Courts of Judicature in Naples, from which Justice began to flourish.*



HIS wife Minister, knowing that the chief Fountain from whence the People's Repose is derived, is the equal Distribution of *Justice* to all; and this (being impossible to be done directly by Kings in Person) must be trusted with their Ministers; the first Step he took was, to call before him all the King's Council, and all the Magistrates and Officers of Justice, charging them to have the right Administration of it always before their Eyes; to make it their principal Study to distribute Justice to all, without Respect of Persons; and to have no other View in their several Charges, but the Honour of GOD, and the Service of their Prince.

TO gain his End in these Admonitions, and to be sure of the Fruit he expected from them, he trusted no-body, but gave Audience to all, without Exception, every Day, with the greatest Patience, being intent upon hearing and knowing every Thing, one after another. By which Method he came quickly to be acquainted with the Faults of the Officers, who, soon finding that there was nothing that could be hid from the Viceroy, some of them reform'd themselves of their own accord, others neglecting to do it, were admonished, some sharply reprov'd, and some others turn'd out of their Offices.

HE found, that in punishing Delinquents, the Favour of the Nobility was a great Obstruction to Justice; for they, either with too great Importunity run immediately to beg them off, or made use of their Power to threaten the Judges to acquit them: But the Viceroy forbid such Practices, assuring them, that neither Intercessions nor Threats should have any Weight with him. And to shew them that he was in Earnest in his Resolution, he gave them a great and signal Instance of it, in the Execution of Commendator *Giovan-Francesco Pignatelli*, who, though he had been guilty of many Crimes, yet being of a great Family, and protected by many of the Nobility, had staved off the Execution of Justice; the poor People who were wrong'd, and complain'd, being crush'd by his Interest: The Viceroy being informed of the Matter, gave Encouragement to the Plaintiffs and Judges to proceed with all Freedom against him; and the Sentence of Death passing upon him, his Head was cut off in the *Piazza of Castel-novo*, the usual Place of Execution of Noblemen, in extraordinary Cases. The same Fate had the second Count of *Policastro*, and also a rich Citizen, well allied, called *Mazzeo Pellegrino*, who, by Force of Money, had long smother'd the Complaints against him, and still persisted in his wicked Courses; but though he had offered vast Sums to compound the Matter, his Offers were rejected, and he condemn'd to die, which was executed with the utmost Rigour.

TO take away the very Occasion of their Offences, he publish'd an Edict, forbidding every one, of what Quality soever, to keep (as it was become common) in their Halls and Porches, Spears, Javelins, Halbards, Guns or Musquets, or to carry in the Streets either Pistols, Daggers, or any other Arms, but a Sword only. He ordained, that from the second  
\* Hour of the Night, till the next Morning, none should go Abroad with any Arms whatsoever; and that he might prevent any Dispute that might arise about the Hours, or any Excuse of not hearing the Clock strike, he ordered the great Bell of *St. Lawrence's Church*, which could be heard all over the City, to be tolled every Night when

\* [i. e. Two Hours and a half after Sun-set.]

when the Clock struck Two. He likewise ordained, that Night Robberies in the City should be punish'd with Death. And because there were in *Naples* many Porches, where, as in dark Vaults, the Villains surprized unwary People, he caused them all to be demolish'd; of which Number were those of *St. Martin* at the *Capuan* Gate, and *St. Agatha*, Old Buildings, which were frightful even in the Day-time: For the same Reason he made the Bulk-Heads, and Benches of the Artificers, upon which they expos'd their Wares in the Street, to be taken away, as being a Shelter for the Rogues by Night, from whence they bolted out to assault those that pass'd. And there being a Rock in the Sea, near *Castel del Uovo*, called *Fiatamone*, where were many Caves or Grotto's, in which dissolute young Fellows committed horrid Wickedness, he caused them all to be destroyed to the very Foundation: And he order'd the lewd Women, who were dispers'd through the City, without being distinguish'd from the Modest ones, to leave their Habitations, and confined them to the publick Stews. And he never gave over prosecuting a Sort of Men call'd *Compagnoni* (forbidding, by Proclamation, any to associate in Troops) till he had effectually banish'd them out of the City.

HE took away the Sanctuaries from Delinquents, which they had in the Palaces of the Chief Nobility: And being informed that there were many Houses in *Naples*, where Outlaws were received and supplied with Food and Money, that their Protectors might make Use of them to serve their bad Purposes, he caused the Houses to be pull'd down, so that none afterwards had the Boldness to encourage them. The Tradesmen were punctually paid, and no longer insulted; and the Ministers of Justice were duly respected: And that the City might be the better guarded, he made new Captains of the Watch, and distributed them through all the Quarters of the City, for the greater Safety of it. He also made new *Bargells* for the Country, that so the Rogues might be less secure there than in the City.

AND finding that many other Abuses had crept in, he abolished them all. There was a Custom in *Naples* at that Time, that when Widows married again, the Mob us'd to assemble and getting under the Windows of the married Couple at Night, sung injurious Songs, and obscene Ballads, which they call'd *Ciambellarie*, from which Custom proceeded much Strife, and frequent Murders; and often the Bridegroom, not to be plagued with such Impertinence, compounded for Money, or some Consideration, to be free of the Mob. There was a Custom still in Use in his Time, taken from the old Heathen Practice, which was, that during the Vintage, all Licentiousness and Immodesty were indulged. The Grape-Gatherers, when they met with any Woman, though never so Virtuous and Noble, or Fryars, and grave Men, did not stick to accost them with the most obscene Ribaldry, and vile Country Jest, with as great Freedom as *Luegi Transillo* represents them in his *Vendemiatore*. There remained among us likewise, the superstitious Custom of doleful Lamentations, and other indecent Demonstrations of Sorrow at Funerals; the Women accompanying the Horses through the Streets, and even in the Churches, as if they had been seized with a Frenzy, tore their mourning Habits, howled and cried, scratching their Faces, and filling the City with Horror and Grief. All these Abuses *Toledo* abolished, reducing Funeral Mourning to decent and suitable Bounds; and as he publish'd an Edict for the better preserving Womens Portions, so he suppress'd their Extravagance in Apparel.

HE published a severe Edict against Duelling, from which many Disorders, and frequent Mischiefs in the City had proceeded: He ordained, that the Challenger should be punished with Death, and took care, that such as refused to accept a Challenge, should not be charged with Cowardice.

HE afterwards remedied a most pernicious Custom which had crept into the City, to the Ruin of many young Women, and from which the Chastest, and the most sacred Places were not secure. This Abuse increased under the Prince of *Orange's* Government; for in his Time the young Nobility were guilty of a thousand Insolences, the Ravishing of Ladies of Quality and Vertue was not punished, because that Prince went Shares with them in their Wickedness: And that they might proceed with the greater Security, and have Access to the most close and retir'd Places, they made use of Ladders of Ropes, even to scale the Walls of Convents. Cardinal *Colonna* being too remiss with regard to such kind of Abuses, had not sufficiently guarded against this Practice: But *Toledo*, abhorring such corrupt and scandalous Doings, published a most severe Edict, condemning to Death, without  
Mercy,



Mercy, every one who should be found at Night, with a Ladder of Wood, Ropes, or of any other Matter whatsoever. Of this Edict (although there be no Mention made of it in our Laws) the President *De Franckis* gives an Account. Afterwards, in the Year 1560. Don *Parafan de Rivera*, Viceroy under King *Philip II.* published a Law, which is yet to be seen, with this Title, *De scalarum Prohibitione noctis tempore*; where, that Minister, for Decency's Sake, concealing the principal Design of the Edict, declares, that those who were found with Ladders by Night, should be punished with Death, or other Pains and Penalties, at his Pleasure, to prevent Thieves and others from scaling Walls by Night, and committing Robberies, which was judg'd to be levell'd against the abovementioned wicked Practice.

BUT Don *Pedro's* Edict was more severe than this, and was put in Execution with more Rigour, of which there was an unhappy Instance in 1549. of a Nobleman, who being catch'd scaling a Lady's Window by Night, was beheaded, although the Princesses of *Salerno* and *Sulmona*, and almost all the Nobility of *Naples* interceded in his Behalf. The like would have happen'd to *Paul Poerico*, a Gentleman much esteem'd in the City, who being taken as he had just fix'd his Ladder under his Mistress's Window, was condemn'd to die; and the Viceroy, although he was his intimate Friend, would not obstruct the Course of Justice; but yet he allow'd his Relations to sue for a Pardon for him from the Spiritual Court (he being in Holy Orders) to which they made Application, and by that Means saved his Life.

## S E C T. I.

### *The Reform of the Tribunal of the Vicariate.*

BESIDES what is already mentioned, *Toledo* made many more Regulations with Regard to the exact Administration of Justice; and to that End he reform'd the Court of the Vicariate. He ordained, That the Deputy, and all the Judges and other Officers should meet together in their Court at certain fix'd Hours, to administer Justice: And because the Judges were but four, it was impossible for them, according to his Regulations, to hear such a Multitude of Causes, he join'd to them two others, and established the Number to six, four Criminal, and two Civil Judges. He appointed, that such as brought in Complaints, or enter'd false or calumnious Suits, should be punished as *Forgers*; that Contumacy in Delinquents, should be no Bar to the Rights of the Exchequer; that the Opinions of the Judges should not be made publick till they were heard by the Exchequer; that the poor Prisoners should every Day be supplied with Bread; and he made Hospitals for sick Prisoners near the Gaols, where they were cured at the King's Charge, for which he obtained the Emperor's Allowance: And that those poor Wretches might be more carefully protected, he augmented the Salaries of the Advocate and Proctor of the Poor.

HE ordained, That the Compositions should be moderate; that such as were set at Liberty should pay no Fees; that in the Summer Vacations, all Prisoners for civil Debts should be released, giving Security, either to agree with their Creditors, or to return to Prison.

HE ascertained the Fees of the *Mastrodatti*, Clerks, and other Under-Officers of that Court; giving Orders, at the same time, that they should give Tables of their Fees, which they did: He extirpated the Shoals of false Witnesses, and made *Perjury* a Capital Crime. He likewise made many other wise Regulations, which, with those mentioned, are set down in the *Annales* prefix'd to the first Tome of our Laws

## S E C T. II.

### *The Reform of the Tribunal of the Royal Chamber.*

HAVING reform'd the Vicariate, he proceeded, with the same Success, to that of the *Royal Chamber*. He saw the Straits, which the War between the Emperor and the *Turks* daily occasioned; the bad Oeconomy in the Charges of it; the frequent Contributions and Donatives, which impoverished the Kingdom; and

that the Government was always obliged to demand Money to prevent a Mutiny in the Armies: To contribute in some measure to so great Demands, he resolved to reform this Tribunal as well as he could, because to it belong'd the Care of the *King's Patrimony*; to raise the Reputation of it; to prevent Disorders in it, and all purloining usually committed by the Under-Officers; and to take care that the *Revenues* and *Taxes* should not be imbezzled.

TO this End, he procured from the Emperor, many Ordinances concerning the good Administration of this Court; all which he published in *Naples*, commanding an exact Obedience to them: He afterwards himself made many other Regulations, and laid down Rules to this Court, about their Vigilance and Care in the Collection of the Revenues.

HE ordained, That the Causes belonging to the Exchequer, or where it had any Concern, should be tried in the Royal Chamber, and that all the other Tribunals should, as Occasion served, give Assistance to that Court; that there should be no Time limited to the Exchequer for recovering what belonged to it; that no Gold or Silver should be carried out of the Kingdom; that the Money should be of a just Weight, and a new Coinage to be made, in order to make up what had been consumed; and besides his many other Regulations, which are printed with our Statutes, he took care that the Judges of this Tribunal were Men of the greatest Learning and Integrity, and the most indefatigable of his Time: For in his Administration, *Bartolomeo Camerario* was made Lieutenant of this Court, and *Antonio Baratucci* Treasurer, the most eminent Lawyers of that Time, and Men of singular Learning and Diligence, as we shall have Occasion to take notice of hereafter. And so great was the Viceroy's Zeal and Care to have this Court well regulated, and the Ministers of it diligent, that one of the Reasons why *Camerario* lost his Favour, was, That whilst he was Lieutenant of this Court, he used too often to take his Pleasure in the Country at *Somma*; and *Toledo* representing to him, that it was not proper that a Minister, who was trusted with such a laborious Charge, should be so often absent from the Court to which he belonged; he answered, That it was yet more improper for a Viceroy to leave the City, and divert himself at *Pozzuolo*, as *Don Pedro* often used to do: By this indiscreet Repartee, he so disoblged the Viceroy, that he brought him in Disgrace with the Emperor, which, as shall be related, was the first Step to his Ruin. In fine, to give the greater Lustre to this Tribunal, in the Year 1537. he removed it from the Marquis *Del Vasto's* House, who kept it there, as being *Great Chamberlain*, and settled it, and all other Courts, in *Castel Capuano*.

### S E C T. III.

#### *The Reform of the S. C. of Santa Clara.*

THIS great Minister took care, not only to have Justice administer'd with Equity and Expedition, in Criminal and Exchequer Causes, but also in Civil and Private, and to the Honour of the Ministers, as well as the Dignity of the Court. This Tribunal had been hitherto kept in the Cloister of *Santa Chiara*, and being confin'd to one Chamber, made but one Bench; and therefore, we often read in the *Decisions of Matteo degli Afflitti*, that when any Cause was decided by unanimous Votes, it was said to be determined *per totum S. C.* not that they were all obliged to concur in their Votes, as they do now, and have the Suffrages of the Counsellor of all the other Benches, but because they all sat on one Bench. But *Toledo*, for the greater Ease and Expedition in hearing and determining Causes, ordained, That there should be two different Benches made out of the whole Counsellors, who before made up this Tribunal, that each Bench, after this Division, might have Cognizance of Causes, and the President might sit sometimes in one, and sometimes in the other, according to the Importance of what they had in Hand.

THIS Tribunal made a bright Figure in *Toledo's* Time, by having for President of it the famous *Cicco Loffredo*, and for being composed of so many eminent Counsellors, amongst whom the Chief Men were, *Giovanni Marziale*, *Antonio Capece*, *Antonio Baratuccio*, *Giovan-Tomaso Minadoi*, *Scipione Capece*, *Marino Freccia*, and some others, of whom *Toppi* makes a long Catalogue<sup>1</sup>. In short, it

<sup>1</sup> Toppi de Orig. Tribun. tom. 2. l. 4. cap. 1. num. 83, 87, & seq.

became more glorious and splendid, by being removed from the narrow Bounds of the Cloister of *Santa Chiara*, and kept with the other Courts, in a more decent and stately Place in *Castel Capuano*.

## S E C T. IV.

*The Uniting of all the Courts in Castel Capuano.*

ALTHOUGH many of the Ordinances and Regulations already mentioned, as also the removing all the Courts to one Place, were not effected by *Toledo* in the Beginning of his Government, but in the Progress of it; as this Translation of the Courts was made in 1537. after he had beautified and enlarged the City, and done many other great Works, as shall be related hereafter: Yet, not to be obliged to turn back, to give an Account of all that he did towards the Reforming the Courts of Justice, I thought it more proper to speak of them in this Place, that, at one View, the Reader may see the Value of this Great Man, and how much he exceeded the other Viceroys his Predecessors.

AFTER his Return from *Puglia*, where he had provided against the frequent Incurfions of the *Turks* upon that Coast, of which by-and-by, he began to build a *Palace*, which he dedicated to *Justice*, in the same Place where *Castel Capuano* once stood, but was then reduced to be a private House of Pleasure, from having been a *Royal Palace*. He ordered the Rooms to be made in the Form of *Great Halls*, with many and spacious Chambers, for the Conveniency of the Courts which he designed to remove to that Place.

IN this Palace he assembled all the Courts of Justice; the *S. C.* of the *Royal Chamber* of Accompts; the *H. C.* of the *Vicariate*; those of the *Bailywick*, and of the *Mint*: He was at great Pains to finish this great Design, to which some thought he was the more prompted by the small Friendship which he had for the *Marquis Del Vasto*; for by this new Enterprize, he removed the Court of the Chamber of *Accompts* from his House, where it was kept before, on the Account of his Post as Great Chamberlain.

HE ordered, in the Vaults under that Palace, Prisons to be made, and the Prisoners who were shut up in the old *Vicariate*, and all other Prisons in the City, to be brought thither by a Hundred, or Two hundred at a time.

HE ordained, That the *President* of the *Sacred Council*, the *Lieutenant* of the *Chamber of Accompts*, the *Deputy* of the *Vicariate*, and one *Judge Criminal*, should lodge in that new Palace.

IT is incredible what Ease this Translation of the Courts brought to People of Business; for being, before, obliged to drudge up and down the different Parts of the City where the Tribunals were kept, now that they were all held in one Place, they could attend there without Loss of Time. Another Advantage was, That that Part of the City which was unpeopled and desolate, was become well inhabited and frequented.

BESIDES, that by this uniting of the Courts in one Place, he could appoint two ordinary Counsellors of the *S. C.* to preside as Criminal Judges in the *Vicariate*, to hear Causes, that Justice might not be delayed, when Men of such Experience had the Management of it. He likewise ordained, That the Tribunal of the *Vicariate* should be visited every *Saturday* by one of the Deputies who lived next to it; and for the more ready and quick Determination of Causes, and doing Justice, he limited the Festivals and Days of Vacation, restricting them within as narrow a Compass as he possibly could.

## S E C T. V.

*Of the restoring Justice in all the Provinces of the Kingdom, and of the Courts there.*

THIS wise Minister, not content with having restored Justice in the *Metropolis* of the Kingdom, set about to do the same in all the *Provinces* of it, and to reform their Courts.

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THIS Design he began by regulating the Officers who had the Charge of them; and therefore he ordered, that not only the *Judges*, but the *Presidents* of the Provinces, should every forty Days send him an Account of their Proceedings. He prohibited all Provincial Officers, under the highest Penalties, to live at *Free-Cost* as they travelled through the Provinces upon their Duty.

THAT no Order should be put in Execution in the Provinces, till they had first notified it to the *Governors*. That what was ordained by the Provincial Courts, had no need of the *Exequatur* of the Regal Courts.

THAT those who had the Privilege of Citizens of *Naples*, whilst they lived in the Provinces, should not be exempted from the Taxes paid in those Places.

THAT no Writs drawn up out of the Kingdom, could be put in Execution within it, without the Viceroy's Consent. And he made many other Regulations, which are contained in the forementioned *Chronology*, among the Laws which were made during *Toledo's* Government.



## C H A P. II.

*The Emperor Charles V's Expedition to Tunis. His Arrival in Naples: What happen'd during his Stay there: His Return; and how much he was importun'd by some of the Nobility, to remove Toledo from the Government of the Kingdom.*



IN the mean time, the Emperor *Charles V.* having settled all Things in *Germany*, if not to his Wish, at least as well as he could, with regard to the new *Lutheran Heresy*; and finding that *Solyman's* Army, having left *Hungary*, was retir'd to *Constantinople*, and that there was nothing to be afraid of in that Kingdom, resolv'd to quit *Vienna*, where he had resided for some time, and to go through *Italy* into *Spain*, purposing to have an Interview with the Pope as he pass'd, of which he sent him Notice. He began his March therefore on the 4th of *October* 1532. with his *Spanish* Infantry, and all his Horse, leaving his *Italian* Foot under the Command of *Fabrizio Maramaldo*, for any Occasion that his Brother, the King of the *Romans*, might have for them<sup>1</sup>. Upon the 8th of *November* he arriv'd at *Mantua*, and had a Conference with the Pope in *Bologna* (where he discovered that his Holiness had enter'd into strict Alliance with the King of *France*); from thence, having call'd back *Andrea D'Oria's* Fleet from the *Levant*, he embark'd for *Spain*, and landed in *Barcelona* in the Month of *April* 1533. where he staid.

BUT here he had little Rest, for the Emperor *Solyman*, having made the famous Pirate *Barbarossa* Admiral of his Fleet, had given him the Command of a Fleet of eighty Gallies, in order to restore *Ariendino Barosso*, by some called *Molirefetto*, to the Kingdom of *Tunis*, and to chase *Muleasser* his Brother from thence; and in his Passage to attack *Sicily* and *Calabria*. And at last, *Barbarossa* getting ready his Fleet, in the Spring of the Year 1534. set sail, and passing the Fare of *Messina* about the End of *July*, burnt some Ships, landed in *Calabria*, and pillaged *St. Lucido*, not leaving so much as one Person in it. He burnt *Cetraro*, belonging to the Monks of *Cassino*, together with six Gallies which *Toledo* had ordered to be built there; and passing in the Sight of *Naples* (which was more afraid than hurt)

<sup>1</sup> Giorn. del Rosso, p. 89.

he landed some of his Men in the Island of *Procida*, and pillaged it. And not content with that, he attack'd *Sperlonga* unawares, making many of the Inhabitants Slaves; and sent some Men as far as *Fondi*, in order to seize *Donna Giulia Gonzaga*, with a Design to make a Present of her to *Solyman*, who had a great Desire to have her, the Fame of her Beauty having reach'd his Ears: *Fondi* was pillaged, and the Lady had just time to save herself by getting a Horseback in her Smock<sup>1</sup>. The *Neapolitans*, in order to put a Stop to *Barbarossa's* Insolence, and free the Coast of *Naples* from the Invasion of the *Turks*, met in Parliament on the 20th of *August*, in the Convent of *Monte Oliveto*, and gave the Emperor a Donative of 150,000 Ducats, of which the Nobility paid 50,000, and the rest of the Kingdom the 100,000<sup>2</sup>.

THE same Misfortune happened to *Terracina*, which so frightened the Court and City of *Rome*, that it was believed, if the *Turks* had proceeded farther, that City had been deserted. Pope *Clement*, who was at that time grievously afflicted with a Pain in his Stomach, being no longer able to support his Infirmities, finish'd his Days on the 25th of *September* 1534.

UPON his Death, the Cardinals, the very first Night that they enter'd the Conclave, with one Consent, elected *Alexander Farnese*, by Birth a *Roman*, in his Room. He was then 67 Years of Age, the oldest Cardinal of the College, and the most respected, both for Learning and a seeming good Life. Great Rejoycings were made in *Rome*, the People being overjoy'd to see a Pope of *Roman* Extraction, after 103 Years that the See had been fill'd with foreign Popes, to the Number of Thirteen. He was elected the 11th of *October*, and crown'd the 1st of *November*, by the Name of *Paul III*.

IN the mean time, *Barbarossa* tacking about, steer'd his Course for *Tunis*, and having surprized that City by Stratagem, chased *Muleaffer* out of it, settled *Barosso* on the Throne, and strengthening his Party there, he fortified *Goletta*, and left in it a good Garrison of *Moors*.

THE Emperor considering, That if *Solyman* were Master of the Kingdom of *Tunis*, its being subject to so formidable a Prince might occasion the Destruction of *Sicily*, *Naples*, and all the Sea-Ports of the *Mediterranean*, even to *Hercules's Pillars*, resolv'd to break his Measures, and therefore determin'd to go in Person upon that Expedition. He dispatch'd Orders throughout all his Dominions for levying Soldiers, and the whole Winter was spent in making Preparations for the *African* War. *Toledo*, to encourage others, built a Galley at his own Charge, and many followed his Example. The Princes of *Salerno* and *Bisignano*, the Dukes of *Castro-villaro* and *Nocera*, the Marquis of *Castelvetero*, and *Alarcone* Marquis *Della Valle*, did the same. Many Noblemen and Gentlemen, hearing that the Emperor was to go in Person, prepared for the Expedition<sup>3</sup>.

IN the Beginning of the Year 1535, the Marquis *Del Vasto*, who, by the Emperor's Order, had gone to *Genoa* to treat with Prince *D'Oria*, return'd to *Naples* with many Gallies, a good Number of large Ships, and a great many Soldiers. The Pope likewise gave his Assistance, and made *Virginio Orsini*, General of the Ecclesiastical State, and sent him to *Naples*, where he arrived in *May* with two and twenty Gallies.

MANY *Neapolitans* embark'd in this Fleet. *Toledo* sent his two Sons, *Don Federico* and *Don Garcia*, whom he had by his Wife the Marchioness of *Villa-Franca*. The Marquis *Del Vasto* likewise went aboard, with the Prince of *Salerno*, *Don Antonio d'Arragona*, Son to the Duke of *Montalto*; the Marquises *De Laino*, *Vico*, and *Quarata*; the Counts of *Popoli*, *Novellara*, *Sarno*, and *Auverfa*; *Scipione Caraffa*, Brother to the Prince of *Stigliano*, *Don Diego de Cardines*, Brother to the Marquis *De Laino*, *Cesare Berlingero*, *Baldassar Caracciolo*, *Biafe di Somma*, *Cola Toraldo*, *Costanzo di Costanzo*, and others<sup>4</sup>. They set out from *Naples* the 17th of *May*, and steer'd for *Palermo*, and being there join'd with more Men and Ships, they set sail for *Sardinia*, and anchored at *Cagliari*. Upon the 11th of *June* the Emperor arrived at that City with the Gallies commanded by *Andrea D'Oria*, and those of *Don Alvaro Bazan*, Admiral of the *Spanish* Squadron, in which were almost all the *Spanish*

<sup>1</sup> Giorn. del Rosso, p. 103.

<sup>2</sup> Sumonte, tom. 4. Tasson de Antef. v. 4. obf. 3. n. 25.

<sup>3</sup> Giorn. del Rosso, p. 105.

<sup>4</sup> Ibid. p. 107.

Nobility: This combin'd Fleet, consisting of 300, sail'd from *Cagliari* for the Coast of *Africk* on the 13th of *June*, and with a prosperous Wind reach'd it in three Days.

THE Emperor having landed at *Porto Farina*, made the Marquis *Del Vasto* his General, and order'd all to obey him. *Goletta* was first attacked, and, after much Toil and Slaughter, was taken the 4th of *July*. The *Neapolitans* behaved with great Courage, and particularly the Prince of *Salerno*, General of the *Italian Foot*, signalized himself much to his Honour. The Count *De Sarno*, *Cesare Berlingiero*, the Count *D' Auversa*, *Baldassar Caracciolo*, *Costanzo di Costanzo*, *Ottavio Monaco*, and other *Neapolitans* were kill'd at this Siege. *Tunis* was likewise taken, *Arendino Barosso* turn'd out, *Barbarossa* put to Flight, and *Muleassar* restor'd to his Throne by the Emperor, who made him his Tributary, and took his Promise, that he should send him as a yearly Tribute, 20,000 Crowns of Gold, and six *Barbary* Horses.

THERE were many who thought that this Expedition, for which such vast Preparation had been made, and so much Money expended, had turned to very small Account by the Emperor's Imprudence, in leaving in *Muleassar's* Hands, for a small Tribute, a Place of such Importance, capable of hindering the Incurions of the *Turks* upon *Sicily* and *Naples*, and all the Coast of the *Mediterranean Sea*, when he might have made himself absolute Master of the whole Kingdom. And *Thomas Campanella*, in his whimsical Discourses on the Monarchy of *Spain*, blames the Emperor's Conduct: And indeed, the Event shew'd, that this Expedition proved altogether fruitless; for in Process of Time, the People of *Tunis*, dissatisfied with the Government of *Muleassar*, sided with his Son *Amida*, who aspiring to the Crown, lost no Opportunity of laying Snares for his Father, which the King suspecting, very imprudently resolv'd to leave *Tunis*, and go to *Naples*, to ask Assistance of the Viceroy. He was scarce gone, when *Amido*, with the Help of the *Arabians* and some of the principal *Moors*, took Possession of the Kingdom; of which *Muleassar* being advis'd, he made the greater Haste for *Naples*, where he arriv'd in 1544, and was received by *Toledo* with the Honours due to a King, and he immediately began to levy Men; but not being able to raise a sufficient Number, *Toledo* did not fail to tell him, that his Design would prove very dangerous; for, said he, since the Emperor, in order to recover that Kingdom, was lately oblig'd to go in Person with a great Army, what Hopes could he have to recover it with a small Force of 2000? But that King, being deceived by his relying on the Fidelity which he expected in some of his Governors, would needs try his Fortune; and therefore departing from *Naples*, he arriv'd at *Goletta*, and trusting to some *Moors*, who falsly told him that *Amida* had fled from *Tunis*, he made great haste thither, where he no sooner appeared, than he was attacked and routed by his Son, who made him Prisoner, and barbarously caus'd his Eyes to be put out. Thus all was lost, to the great Grief of our Viceroy, who wisely foresaw the Detriment which the Kingdom of *Naples* would suffer by this Loss, as indeed it happen'd, for it was perpetually expos'd to the Incurions and Depredations of those barbarous Pirates.

## S E C T. I.

*The Emperor arrives in Naples.*

THE Emperor having put an End to the *Tunis* Expedition, left a *Spanish* Garrison in *Goletta*, and fix'd *Muleassar*, his Tributary, upon the Throne, on the 17th of *August*, with his whole Fleet, set sail for *Sicily*. The Marquis *Del Vasto*, and the Princes of *Salerno* and *Bisignano*, were very pressing with his Imperial Majesty to go to *Naples*, to see the Beauty of that City, and to honour it with his Presence. What prompted them to desire to see the Emperor there, among other Things, was, That being disgusted at *Toledo's* severe Government, by which he kept the Nobility under, they were in Hopes of persuading his Majesty to remove him. The Emperor consented to go, and arriv'd at *Trapani* the 20th of *August*, a Month after he came to *Palermo*, and then to *Messina*; and having pass'd the *Pharo*, he came to *Reggio*: And in his Progress through *Calabria* and *Basilicata*, he was treated with great Magnificence by the Princes of *Bisignano* and *Salerno*, and by all  
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the other Nobility through whose Estates he pass'd, and on the 22d of November he arrived at *Pietra Bianca*, a Place three Miles distant from *Naples*.

UPON *St. Catherine's Day*, November the 25th, he made a solemn and triumphal Entry into *Naples*, being met by a Procession of the Citizens, Clergy, and Nobility in great Numbers, and a vast Concourse of the common People. The Solemnity of this Entry, with the Order in which it was performed, has been described by many Authors, with an Exactness and Particularity more than was sufficient. *Gregorio Rosso*, who being the Peoples Delegate upon that Occasion, had a great Share in the Ceremony, gives a particular Account of it in his Journals. *Summonte* and many others, have filled Volumes with it, to whose Accounts we refer the Reader.

BUT we must not pass over in Silence one Thing, which *Rosso* takes notice of upon this Occasion, *viz.* the Privilege pretended to by the chief Nobility of the Kingdom, of being cover'd before his Imperial Majesty.

THIS Privilege is reckon'd the greatest that is allowed in *Spain*; the Nobles, who keep on their Hats in the King's Presence, are *Grandeos*, and all those to whom it is granted, become *Grandeos* of *Spain* by that Concession, which is the greatest Honour that can be conferred upon any Subject. The Grandeur of the Barons of our Kingdom of *Naples*, did not consist in being cover'd before our Kings, but in the Titles of Princes and Dukes, and in the Offices of the Crown; and those who got such Titles and Offices, had the Privilege to be cover'd in the Presence of our Kings.

WHEN the Emperor, some Years before this, was crown'd at *Bologna*, where many of our chief Nobility were, his Majesty allowed some of them to be cover'd, but not all of them; that Honour was granted to the Prince of *Salerno*, the Marquis *Del Vasto*, and the Marquis *Di Laino*<sup>1</sup>. But this being in a foreign Country, he might grant or refuse that Privilege at Pleasure.

BUT his Imperial Majesty being now in *Naples*, where he was received as King of this Kingdom, all who had Titles pretended to this Honour, and to all other Privileges granted by the other Kings of *Naples*, *Charles's* Predecessors, alledging the Example of the Catholick King, who had allowed all such to be cover'd in his Presence when he was in *Naples*.

BUT the Emperor would not grant it, because it being a Thing introduced in his own Time, that the *Spaniards* had rais'd this Privilege so high, that in it alone consisted the making a *Grandeo* of *Spain*, which was the greatest Dignity of all others, and was never confer'd on any but the first Quality, and the most famous Generals; for this Reason he would not allow all who had Titles in *Naples* to be cover'd, that he might not debase the Dignity of *Grandeo*.

ROSSO says, that the first who submitted to stand uncover'd before the Emperor, was the Marquis *Di Tripalda*, whose Example was follow'd by many others, as not thinking it proper to insist on a Privilege which their Patron had given up.

BUT what disgusted the Nobility was, the Emperor's Partiality in allowing some to be cover'd, and others not, both in *Naples* and other Parts of the Kingdom. They who had this Privilege granted them, were the Princes of *Squillace* and *Sulmona*, the Dukes of *Castrovillari* and *Nocera*, the Marquises of *Castelvetero* and *Vico*, and the Count *Di Conza*: Perhaps others had the same Honour allow'd them, but *Rosso*, who was an Eye-witness, says, he did not know any other, except the Duke *De Montalto*, who was of Royal Extraction, the Prince of *Bisignano*, to whom the Emperor likewise gave the Order of the *Golden Fleece*, and those who had been allow'd to cover in *Bologna*, and other Places out of the Kingdom.

IT was the Custom of *Spain*, that whoever once put on his Hat in the King's Presence, did so always; but *Rosso* says, That he does not know whether the Nobility of *Spain* had that Privilege out of the Kingdom.

AFTER the Solemnity of the Entry, and of the Emperor's taking the Oath in the Great Church, to observe the Privileges and Grants formerly given by his Predecessors to the City and Kingdom, his Majesty retir'd to *Castel-nuovo*, the Palace appointed for his Residence, where, with great Humanity, he began to give Audience to all, hearing every one's Complaints and Grievances against the Barons, and especially those of the Provinces. And a Dispute arising, on *Sunday*, November the 28th (as the Emperor was going to the Royal-Chapel of the Castle) about

<sup>1</sup> Giorn. del Rosso, p. 67.

Precedency, the Grandees of *Spain*, and those who were cover'd out of the Kingdom, pretending a Right to take Place of the rest; whereas, on the other Hand, the Nobility of *Naples* insisted on the Custom of their own Kingdom, where they were to have the Precedence of all others: The Emperor, in order to prevent all Dispute, order'd, that there should be no Seats in the Chapel, but that all who came there should stand <sup>1</sup>.

HIS Majesty was entertained in *Naples*, by the Viceroy, with continual Feasting, Plays, Tiltings and Tournaments. The City, at this Time, was full of most noble Personages; for (besides the *Spanish* Nobility, the Duke *D'Alba*, the Count of *Benevento*, and other Nobles of the Kingdom of *Naples*) the most famous Captains, and other Strangers of great Rank, came thither to pay their Court to the Emperor; the Dukes of *Urbino* and *Florence*, *Pietro Luigi Farnese*, Pope *Paul III's* Son; four *Venetian* Ambassadors, and *D. Ferrante Gonzaga*, Prince of *Molfetta*; the Pope's two Legates, Cardinals *Siena* and *Cesarino*; as also the Cardinals *Caracciolo*, *Sabviati*, and *Ridolfi*, were all in *Naples*, together with *D. Francesco d'Este*, Marquis of *Padula*; and Cardinal *Hyppolito de Medicis* designed to have been there, but died by the Way at *Itri*: But that which made our Court most famous and splendid, was an Assembly of the finest and most celebrated Ladies, both for admirable Beauty, and rare Accomplishments; such as *Donna Maria d'Arragona*, Marchioness of *Vasto*, a Lady of incomparable Beauty, fine Presence, and singular Judgment and Wit; and, little inferior to her, was her Sister *Donna Giovanna d'Arragona*, Spouse to *Ascanio Colonna*, *Donna Isabella Villamarino*, Princess of *Salerno*, *D. Isabella di Capua*, Princess of *Malfetta*, and Wife to *Don Ferrante Gonzaga*, the Princess of *Bisignano*, *D. Isabella Colonna*, Princess of *Sulmona*, *D. Maria Cardona*, Princess of *Padula*, and Spouse to *D. Ferrante d'Este*, *D. Clarice Ursina*, Princess of *Stigliano*, the Princess of *Squillace*, *D. Roberta Caraffa*, Dutches of *Maddaloni*, Sister to the Prince of *Stigliano*, *D. Dorothea Gonzaga*, Marchioness of *Bitonto*, *D. Eleonora de Toledo*, the Viceroy's Daughter, and many great Ladies of Quality of the Kingdom; and there was likewise the fam'd *Lucretia Scaglione*, who (although she had no Title) was esteem'd and commended above all the rest, for her extraordinary Beauty, Vivacity and Vertue.

BUT while the Emperor was diverting himself, in constant Games and Feasting in *Naples*, he had an Account of the Death of *Francesco Sforza*, Duke of *Milan*, who having left no Issue, the Dutchy devolved to the Emperor, who immediately dispatch'd *Antonio de Leva* to take Possession of the Dutchy, and the Government of the State. This gave Occasion of fresh Disgust, and renew'd the War with *Francis I.* King of *France*; who, having also Intelligence of the Duke's Death, sent immediately Orders to his Ambassador, who was then with his Imperial Majesty, to demand the Investiture of the Dutchy of *Milan*, for the Duke of *Orleans*; at which the Emperor being troubled, and not giving an agreeable Answer to the Demand, he soon after got Intelligence, that the most Christian King was preparing to make War against him; and that, besides his Pretensions to the Dutchy of *Milan*, that King had declared War against his Brother-in-Law the Duke of *Savoy*, with a Design to invade *Piemont*. And although the Emperor seem'd not to give over his Feasting and Jollity, yet he prepared in good Earnest for War, which he saw he should very soon be obliged to enter into against the King of *France*, and made ready to leave *Naples*, and march into *Lombardy*, or elsewhere, as Occasion should require.

<sup>1</sup> Giorn. del Rosso, p. 122.

## S E C T. II.

*The Marquis Del Vasto, and the Prince of Salerno, endeavour the Removal of Toledo from the Government of Naples.*

ABOUT the End of this Year, the Practices and Intrigues of the Marquis *Del Vasto*, the Prince of *Salerno*, and others of the Nobility, for having the Viceroy removed from the Government, which had hitherto been kept very close, began to appear above Board. This Concert was begun to be carried on, from the Time that



that the Emperor was in *Sicily*, and all the Way as he came to *Naples*; the Marquis and the Prince labouring all they could to make their Party good against *Toledo*, by representing his Government as too rigid and severe, and not agreeable to the Genius and State of the Kingdom; insinuating, that his Majesty would do well to remove him. But these bad Offices had no Weight with the Emperor, he being well apprized of the Reason of the Hatred which the Lords bore the Viceroy; nor was *Toledo* himself a Stranger to their Designs. It is said, that upon the Emperor's Arrival in *Naples*, when the Viceroy came to wait upon him, his Imperial Majesty received him with this Compliment; *I am glad to see you, Marquis, and I find you are not so fat as I was told you were*: To which the Viceroy pleasantly answer'd with a Smile, *Sir, I don't doubt but I have been represented to your Majesty as a Monster, but I am not such*. They did not fail to move the Populace also, to beg of the Emperor to remove him, on the Account of two new Taxes, and his other Severities; and they had also drawn *Gregorio Rosso* (the Peoples Deputy) to their Party, and therefore we find him, in his Journals, not very favourable to *Toledo*. This *Rosso* knew how to manage his Part well; for he says himself, that being call'd to the Emperor, on the 16th of *November 1535*, and ask'd his Opinion of the Inclinations of the Citizens of *Naples*, and what he (the Emperor) could do that would oblige them; his Answer was, *That they were faithful, and devoted to his Person and Government, and that there was nothing wanting to keep them contented and easy, but to maintain them in Plenty, without being over-taxed, that every one may be able to live under his own Vine with Safety*: And he added, *That they had lately been much disgusted on account of the new Taxes imposed upon them by the Viceroy*. This Answer was the Occasion, as himself says, of his being removed, the very next Day, from being Deputy, and *Andrea Stinca*, Accomptant of the Chamber of Accompts, and a Creature of the Viceroy's, put in his Place.

BUT the Viceroy's Enemies did not stop there; for the Emperor, that he might reap some Advantage by his coming to *Naples*, summoned a Parliament to meet in the Church of *St. Lorenzo*, on the 8th of *January 1536*, where, the Barons being assembled, with the Officers of the Kingdom, he made a Speech to them, representing the Necessities of the Crown, and that for the Security of the Kingdom, and the new Wars with which he was threaten'd by the *Turk* and the King of *France*, a Subsidy was absolutely necessary. The next Day the Parliament met again, and resolv'd, That in Honour of the Emperor, they would Compliment him with a Million and a half of Ducats: This they did out of Pride and Vanity, without considering their Ability. And indeed, this Donative was so extravagant, that neither in *Naples*, nor any where else, was there ever such a Thing heard of; and the Emperor seeing the Impossibility of raising it, was obliged to remit the 500,000, and content himself with the Million<sup>1</sup>.

THE Deputies met often in *St. Lorenzo*, to find out Ways and Means for levying this Sum; and they agreed, that the Barons should pay Three-fourths, and the People the Remainder. They likewise met to consult what new Grants and Privileges they should demand in Recompence of so profuse a Donative. They debated about many Demands, but as those Meetings were managed by the Nobility, they resolv'd to take this Opportunity to desire the Removal of *Toledo*; but to ask it above Board, was against all Decorum due to such a Minister, and not likely to be obtained; they therefore propos'd, amongst the chief Articles, to beg the Removal of the whole Ministry, high and low, that the Viceroy might be included, without naming him. Although the greatest Part of the Nobility concurred in this foolish and indiscreet Proposal, yet the Duke of *Gravina*, the Marquis of *Tripalda*, *Cesar Pignatelli*, and *Scipio di Somma* oppos'd it; but it was most vigorously contradicted by *Andrea Stinca*, the People's Elect, and by *Dominico Terracina*, who having been Elect some Years before, was now made Deputy: So that nothing was concluded, and there were great Debates between *Del Vasto* and *Scipione di Somma*, which came to high Words, and even to Reproaches and Injuries<sup>2</sup>.

WHILST these Things were in Agitation in Parliament, the Emperor diverted himself during the Carnival, with Feasting, Plays, and Masquerades; and one Night, as the Marquis *Del Vasto* attended him in his retiring to the Castle, coming

<sup>1</sup> Privil. & Capit. di Nap. fol. 103. à ter. | <sup>2</sup> Gior. del Rosso, p. 129, 130.  
Taffon de Antef. v. 4. obf. 3. n. 25.

up close to him, he urged many Reasons to his Majesty, to shew how much it was for his Service to remove *Toledo* from the Government of *Naples*: But finding, by the Emperor's Answers, that he was not at all inclined to listen to that Proposal, he took a Resolution to absent himself from the Parliament, and only to attend his Majesty at his Diversions. This Behaviour of the Marquis was of great Service to *Toledo*, because *Del Vasto* coming no more to the Parliament, his Party flagged; and *Stinca* the Elect, and *Terracina* the Deputy, being informed of the ill Offices the Marquis did *Toledo* with the Emperor, desired an Audience of his Majesty; and being introduced, *Stinca* began to represent to him, that the Reason why the Nobility were eager to have the Viceroy removed, was, because it had been always their Custom to oppress and despise the People; and that their Pride had increased to such a Pitch, that they not only maltreated the People of *Naples*, but even the Officers of the Guard, and the Ministers of Justice; that they used to keep Villains in the Porches of their Houses, to insult and abuse People, and sometimes to commit Murder; that it had been a Custom among them to rescue the greatest Delinquents from the Hands of Justice, and to protect Rogues in their Houses; that they never used to pay the Tradesmen they employed, but to abuse and beat them for demanding their Money: And because *Toledo* had put a Stop to such wicked Practices, and given Justice its due Force, the Nobility were earnest to have him remov'd, which, if his Imperial Majesty should consent to, the old Abuses and Oppressions would soon be renewed, and put in Practice again.

THIS Representation meeting with a favourable Reception from the Emperor, confirm'd him in his Resolution to continue *Toledo*; and being assured of the Truth of what the Deputies had told him, to take off the least Blot from *Toledo's* Reputation, he did every Thing in *Naples* by him, and made his most weighty Affairs pass through his Hands, and heap'd new Favours upon him every Day: And not long afterwards (being intent upon leaving *Naples*, to return to his other Dominions) at his Departure for *Rome*, he left *Toledo* greater Authority than he had been vested with before. The Parliament breaking up, there was no more of that Affair; but having concluded and drawn up One and thirty Heads of Grants and Privileges to be laid before the Emperor, in Favour of the City of *Naples*, and Four and twenty more for some of the Provinces, and particular Persons; those Grants were confirmed by his Majesty, in a new Parliament held in his Presence in *St. Lorenzo*, February the 3d, as may be seen at this Day, annexed to the Articles and Grants given from time to time to the City and Kingdom of *Naples*, by the Kings, the Predecessors of *Charles V.*<sup>1</sup>

<sup>1</sup> Capit. & Privilegia di Nap. p. 102, & seq.





## C H A P. III.

Toledo beautifies the City, and makes many more Regulations. His Care to make it stronger, more healthy and rich. He pursues the same Design with regard to other Parts of the Kingdom, and especially the Sea-Coasts, causing many Towers and Castles to be built to prevent the Inroads of the Turks.



THE Emperor left *Naples* on the 22d of *March* 1536, intending to go, by the Way of *Rome*, to *Lombardy*, and from thence to *Spain*, and having left *Toledo* with full Authority, and greater Power than formerly, the Viceroy undertook the Government, with a Greatness of Mind and Confidence, equal to his Trust.

HE prosecuted with more Vigour the great Designs he had proposed for aggrandizing and beautifying the City of *Naples*, that it might deserve the Title of the Metropolis of so great a Kingdom; and which he perform'd in a magnificent and splendid Manner. Those Works of his were indeed at different Times; but not to interrupt the Thread of this History, I shall here give them at one View. He had at first proposed to make strait, and pave the crooked and dirty Streets, and to repair the Walls; but the Income of the City not being sufficient to defray that Expence, there was a Necessity to raise a new Tax to carry on the Work; so that having held several Councils in the City for that End, and it being concluded in 1533, to lay a *Livre* on every *Rotolo* \* of \* 33 Ounces English. Fish, Salt Flesh, and Cheese; a Mutiny ensued, by the Instigation of *Fucillo Micone*, a Wine Merchant, on account of this new Tax; and though *Toledo*, with great Intrepidity and Vigour, quelled the Mutiny by the Death of *Fucillo* and the other Mutineers, yet he did not think it convenient to prosecute his Design at that Time. But having new Occasion in 1535. for Money to defray the Expence of the Preparations which were necessary against *Barbarossa*, who infested the Coast the 20th of *March* the same Year, he laid a Tax of a Penny on the *Rotolo*; and being obliged to have that Money immediately raised, to supply the present Necessity, he took care to levy both this new Tax, and the other of 1533, for paving the Streets (which had not been exacted when it was imposed) and that without any new Tumult. From that Day, as *Rosso* says<sup>1</sup>, they began to take up the Flint Stones which were in the Streets, and to put Bricks in their Place.

THE Emperor's coming interrupted the Work, but after his Departure it was prosecuted with the greater Diligence. The Viceroy, in order to make the City more healthy, as well as beautiful, caused many under Porches or Sheds to be taken away, because they made the City dark, as also the Pent-houses before the Dwelling-Houses and Shops; he repaired the Common Sewers, giving them a more declining Course towards the Sea; he order'd the Streets to be made straiter and plainer, and so encouraged the Citizens, that every one strove who should signalize himself most in beautifying his House and Palace. He made the City larger and stronger, by carrying the Walls further out, as well towards the Sea, as on the

<sup>1</sup> *Rosso*, p. 92.<sup>2</sup> *Ibid.* p. 105

Land Side, and with such wonderful Expedition, that in less than in two Years, he surrounded the whole City with a very thick Wall, with a Terrace on the Inside; and towards the Sea, he caused the Wall to be built a good Way into the Water, insomuch, that by this new Work, there was no Vestige of the old Walls and Gates built by King Charles II. and the other Kings of the House of Anjou. The Names of *Porta don Orso*, the old *Porta Reale*, *Porta Petruccia*, *Porta del Castello*, and of that of *St. Giovanni a Carbonara* were forgotten. He inclosed many Houles, and Part of *Monte S. Eramo* and *Ecchia*, call'd at present *Pizzisfalcone*, within these new Walls; so that the City was beautified and enlarged, twice as much as it had been formerly<sup>1</sup>.

HE rebuilt Castle *S. Eramo*, making it (according to the Fortifications of those Days) impregnable; for, besides a good Garrison, and Store of Ammunition, the greater Part of it was cut out of the solid Rock; the Palace only, and the Citadel, were built of square Stone; and he likewise caused a Cistern of a vast Diameter to be cut out of the Rock, not inferior to the famous *Piscina Mirabilis* of *Baja*, a magnificent Monument still remaining of the Greatness of the antient Romans. The Ditches were cut likewise out of the Rock, with such Art and Sumptuousness, that they might deservedly be compared to the Buildings of *Old Rome*.

BESIDES the famous Edifice of the Palace of Justice, where, as we have said, he assembled all the Courts; he built also a Royal Palace near *Castel-nuovo*, with pleasant Gardens for the Dwelling Place of the Viceroy: This at present is called the *Old Palace* (because the Viceroy, the Count *De Lemos*, since that Time, built a new one, greater and more magnificent, not far from the other) at the Side of which, to make it more stately, he made a wide Street, which stretcheth to the new *Porta Reale*, at present called the Gate of *Spirito Santo*: This Street to this Day retains his Name, being called *Strada di Toledo*, or *Toledo's Street*.

HE enlarged the Arsenal to above twice the Bigness it was before, making it so large, that sixteen Gallies may be built in it all at once; and he found out a Contrivance for bringing the Wood to it, with more Ease, and less Charge.

HE adorn'd the City with many Fountains of Marble, and particularly he erected one in the *Piazza di Sellaria*, which he called *Atlante*, from the Statue of *Atlas* carrying the Globe of the World upon his Shoulders, carv'd by *Giovanni di Nola*, the most famous Sculptor of that Age<sup>2</sup>.

HE likewise adorn'd the City, by building new and magnificent Churches and Hospitals, to which he was prompted, not only by his natural Greatness of Mind, but likewise by his great Devotion and Piety towards Things sacred. He founded the Hospital and magnificent Church dedicated to *St. James* the Apostle, the Patron of *Spain*, for the Conveniency of that Nation; in the Quire of which, in his own Life-time, he erected a stately Tomb of Marble, cut with Figures, in *Basso Relievo*, by the above-named *Nola*. He rebuilt and beautified the Church of *St. Nicholas*, near the Custom-House. He erected, from the Foundation, the Hospital of *Santa Maria di Loretto*, for Orphan Boys; and another, called *St. Catarina*, within *St. Eligio*, for Girls: But that which gave the greatest Lustre and Decorum to the City, as well as to Religion, was his Care in seeing that the Churches should be well look'd after, and the old Churches repaired; that their Incomes should not be imbezzled; that the Priests should attend Divine Service, and all Holy Offices; and as far as was in his Power, he reform'd the exterior Ecclesiastical Polity. He order'd, that the Churches, where the *Jus Patronatus* obtained, should be kept clean and decent, and well served, and all their Revenues, which had been usurp'd by those who had no Right to them, to be restor'd. He made the Priests go decently, in their proper Garbs and Tonsure, under the Penalty of being punished for any Fault, as Laicks. He introduced the Custom (in Use to this Day) that when the Sacrament was carried thro' the City to sick Persons, it should be carried under a Canopy, with lighted Torches, and with Solemnity; and, by his own Example, to make it the more venerable, if he happen'd to meet it, he, with all his Retinue, accompanied it to the very Place whither it was to be carried.

IN a Word, after the Viceroy had beautified and imbellished the City, he made many other Provisions for making it more healthful and opulent. *Naples*, in his Time, was subject to many Diseases in the Summer; the chief Occasion of which

<sup>1</sup> Tutin. Orig. de Seggi.

<sup>2</sup> Giorn. del Rosso.

was the Corruption of the Air by the standing Waters, which took their Rise from the Territories of *Nola*, and run towards the Sea through *Marigliano*, *Aversa*, *Acerra*, and *Fragola*: The Corruption was sometimes so great, that it infected all *Terra di Lavoro*, or the greatest Part of it. *Toledo*, to give a seasonable Remedy to his Mischiefs, ordered a large and deep Canal to be made in the Middle of these Plains, with high Banks, and contriv'd the Canal in such a manner, that all the Water of the Lakes run into it; and, as if it had been one great River, was by it carried into the Sea: And thus the Lakes being drained, *Naples* became the most wealthy City in the World; and for that End, he made all the Country round about to be ploughed and kept cultivated; and he established a Fund, the yearly Income of which was sufficient to keep the Canal constantly clear. Our Forefathers called this Canal *Lagno*, and at present it is named the *Lagni*, and the Court of the Royal Chamber takes care of it, and appoints an *Overseer* to keep it clean and in Order.

HE made likewise many Regulations concerning the Necessaries of Life, and for keeping the City well stored with all Sorts of Grain, and prohibited the Exportation of it, and that none should keep Magazines or Granaries, either of Wheat or barley, within thirty Miles of *Naples*; and he introduced the Custom of making Contracts with the Merchants for supplying the City with Corn.

AND, indeed, the Splendor and Magnificence at which the City of *Naples* has arrived since, must be attributed to him; for it was owing to his good Example, that the other *Spanish* Viceroy's, his Successors, laid it down as a Rule to themselves, not to quit the Government without leaving behind them a Memorial of their Viceroyalty, by some great and magnificent Structures; in which the Dukes *D'Alva*, the Counts of *Lemos*, the *Medina's*, and many others, signalized themselves, as shall be related in the Course of this History: So that by the glorious and splendid Monuments left by those Governors, and by the stately Buildings erected by the new Religious Orders brought since into the City, such as the *Theatins*, the *Jesuits*, the *Hieronymites*, and many others, which having grown excessively Rich, raised magnificent Churches, and vast Palaces rather than Monasteries, and sumptuous Castles instead of Convents, *Naples* may at present vie with the greatest Cities in *Europe*, and does not yield to *Rome*, *Constantinople*, *London*, or *Paris*.

THIS Greatness of *Naples*, and its being so well inhabited, is owing to *Toledo*, who by his Magnificence, and his Regulating the Courts of Justice, raised it to the Height it is in at present; although, in some measure, its being so populous, is owing to the ordinary Residence of the Nobility, occasioned by the frequent Landing of the *Turkish* Pirates in those Times upon the Coasts of the Kingdom, which made them abandon their Estates, and come to *Naples*, to shun the Barbarities and Slavery, which must have been their Fate, if they had fallen into the Hands of those Barbarians. Thus many from the Coast of *Amalfi*, *Citara* (a Castle in the Sea-Coast near *Salerno*) *Cilento*, *Cava*, the Island of *Capri*, and from *Calabria*, retired to *Naples* <sup>1</sup>.

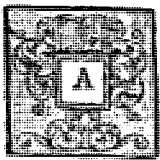
<sup>1</sup> Summ. Part 4. l. 7. cap. 4.





## C H A P. IV.

*Toledo takes the same Care of the Provinces, and the Towns of the Kingdom, occasioned by Solyman's designing to invade it with a formidable Fleet.*



ALTHO' the Kingdom, during Don *Pedro de Toledo's* Government, had not suffered those Miseries in its Provinces, which are the constant Concomitants of open War; yet the Apprehension of the Danger they were in, being threaten'd by two such powerful Enemies, as *Solyman* and *Francis I.* King of *France*, who were confederated together to depress the over-grown Power of *Charles V.* was worse than War. *Solyman*, enraged at the Emperor for having defeated his Designs at *Tunis*, and to revenge his having put his Army to flight, and chased them out of *Hungary*, fitted out a formidable Fleet in 1537. to conquer the Kingdom of *Naples*. He was likewise spur'd on to this Attempt by the *French* Ambassador, and by *Troilo Pignatelli* <sup>1</sup> who being disgusted at the ignominious Death to which *Toledo* had put his Brother the Com-mendator, had left the Kingdom full of Revenge, together with many others, who taking Refuge in *Constantinople*, solicited that Emperor, with much Earnestness, to hasten the Undertaking, representing it as an easy Matter, because *Charles* being obliged to turn his Arms against the King of *France* in *Lombardy*, for the Defence of the State of *Milan*, it was impossible for him, at the same time, to resist *Solyman*. The Sultan therefore determined to move with all Expedition, and getting 20,000 Men in Order, he marched from *Constantinople*, and on the 13th of *July* the same Year, arrived at *Velona*; at the same time he had given Orders for fitting out a Fleet of 200 Sail, what Transports, what well-mann'd Ships of War, under the Command of *Barbarossa*, who was almost as soon at *Velona* with his Fleet, as *Solyman* was by Land.

THE Viceroy, who watched the Steps of the *Neapolitan* Fugitives that had taken Shelter at *Constantinople*, had received Advice, some Months before, from *Scipione di Somma*, Lieutenant of the Province of *Otranto*, of the Intrigues of *Pignatelli*, and what was doing at the *Ottoman* Court, and *Solyman's* Designs; therefore he began speedily to fortify the Sea-Coast of the Kingdom, as well as he could: He wrote immediately to the Emperor an Account of the *Turk's* Design, desiring him to send him, as soon as possible, some *Spanish* Infantry for re-intorcing the Garrisons, in order to make Resistance; and in the mean time, he himself had taken care to store them with Ammunition and Provisions. He gave Orders to the Soldiers to repair to their Colours, and being assembled, they incamp'd in the *Low Puglia*, from whence they could easily send Assistance to all the Coast. He divided the Militia through the different Parts of the City of *Naples*, to guard the Place; and because it was only to defend themselves against the common Enemy, he made no Difficulty to trust the Citizens with Arms, that they might use them if there should be Occasion: And they, on the other Hand, with much Courage, offered to encounter any Danger, in opposing the implacable Enemy of Christianity. Then he summon'd all the Barons of the Kingdom to assemble, in a Parliament to be held in *Castel-nuovo*, where he told them the Occasion of their Meeting, the great Danger they were in, and that *Solyman* having already march'd from *Constantinople*,

<sup>1</sup> Giorn. del Rosso, p. 142.

with a Design to invade the Kingdom, they were under a Necessity of arming themselves for a vigorous Defence. All the Nobility offered their Concurrence with equal Chearfulness; and the Parliament breaking up, every one prepar'd for War, with the utmost Expedition and Diligence.

IN the mean time 24 Ships arrived at the Port of *Naples*, full of *Spanish* Troops; and, not long after, Prince *D'Oria*, with 25 Gallies, and two Galleons; and these were followed by five other Gallies sent by Pope *Paul III.* who was very intent upon frustrating *Solyman's* Designs. This Fleet, being provided with all Things necessary, sail'd towards *Messina* (having on Board *D. Garcia de Toledo*, the Viceroy's Son) and steering towards the *Levant*, *D'Oria* put the Enemy's Fleet in Disorder. Upon *D'Oria's* leaving *Naples*, the Viceroy sent the *Spanish* Infantry, with some Pieces of Cannon, to *Puglia*; and having Intelligence of *Solyman's* Arrival at *Velona*, he march'd in Person from *Naples* the 28th of *July*, accompanied by the Nobility, and a good Body of Horse, and made a General Review of the whole Army at *Melfi*. Here he received Advice, that the *Bassa Luffibeo*, landing unawares at *Castro*, had pillaged that City, and made the Women and young Men Slaves, and killed the rest: And then having attack'd *Urgento*, had burnt it, with many Villages thereabouts. At the same time *Barbarossa*, with 70 Gallies, having come to the Coast of *Otranto*, had landed both Foot and Horse for invading that Province; but *Scipione* the Lieutenant, being well provided both with Horse and Foot, tho' he would not have been long able to resist so great a Force, yet he made many Skirmishes, and defended himself gallantly. Upon these Advices *Toledo* march'd his Forces from *Melfi* to *Tarento*, to the Assistance of *Scipione*, where he was no sooner arrived, than he had an Account, that the Enemy had retir'd and re-imbark'd; and some *Turkish* Prisoners assured him likewise of *Solyman's* having left *Velona* to attack the Island of *Corfu*, and take it from the *Venetians*.

THE Reason of *Solyman's* unexpected Retreat, was his having had Intelligence, that all the Coast of the Kingdom was well provided and garrison'd with gallant Soldiers, and that the Viceroy was in the Field with 30,000 Men, and that the Pope was raising Men for re-inforcing him. He had also heard, that *D'Oria* had destroyed many of his Gallies; and he was afraid that the *Venetian* Fleet (although there was a Truce betwixt him and that Republick, yet, by his having detained twenty of their Gallies that Year in the *Levant*, they might look upon it to be broken) might have Orders to keep a Correspondence with *D'Oria*, and to unite against him: So that being obliged to retire, that he might not shew Cowardice, and hazard his Reputation, he resolv'd to attack *Corfu*.

THE Enemy being thus retired, the Viceroy, after having given Thanks to the Nobility, and those who had accompanied him in this Expedition, gave them all Leave to return to their own Homes, which they did. But wisely considering that *Solyman* had not given over his Design upon the Kingdom, and knowing what an Advantage had accrued to it, by being well provided with Men, he resolv'd to fortify all the Places upon the Coast; and, to that End, he visited them himself, taking with him good Architects and Ingincers: He gave Orders for building the Castle of *Reggio*: He inclosed the City of *Cotrone*, with Walls and Bulwarks; he caused the Castles of *Otranto*, *Lecce*, *Gallipoli*, *Trani*, *Barletta*, *Brindisi*, *Monopoli*, and *Manfredonia* to be built; and *Vesti*, a City situated on the furthest Point of *Monte Gorgano*, to be fortified: And having in this Progress discovered, That the greatest Part of the Kingdom, and especially the Cities of *Puglia*, were grievously oppress'd with Debts, so that many of them, by being dispeopled, were render'd incapable of paying the Taxes; he took such effectual Care to remedy that Evil, that in a few Years those Cities were out of Debt, and in full Possession of all the Revenues belonging to them, and were better Peopled than ever, and many more Houses built in them than before: So that by this means *Barletta*, *Trani*, *Bisceglia*, *Monopoli*, *Manfredonia*, *S. Severo*, *Rutigliano*, *Minervino*, and many others, discharged their Debts, and redeemed and augmented their Revenues. Then the Viceroy, after the happy Success of this Expedition, having sent the Army to their respective Garrisons and Quarters, return'd himself to *Naples*; where, at his Arrival, the City, in Gratitude for the signal Service he had done, presented him with a Chain of Gold of curious Workmanship, done at the Publick Charge, and gave him Thanks with great Ceremony, as their Deliverer from so dreadful and potent an Enemy.

BUT

BUT the Viceroy, not thinking he had done enough for the Defence of the Kingdom, did not fail afterwards to fortify the other Cities and Places, till he had made the whole Coast capable of repelling the Incurfions of the *Turks*.

IT was *Toledo* who prevailed with the Emperor to cause to be built upon the Coasts of the Kingdom, high Towers at small Distances from one another, with a constant Salary for those that had the Charge of them, to the End, that the News of the Landing of any Pirates being quickly communicated from one Tower to another, the Country People being advertis'd by them, might save themselves. He likewise caus'd a great Tower to be built upon the Confines of the Kingdom, towards the Estate of the Church, call'd *Porta di Martino severo*, for the Security of honest People, and the Punishment of Rogues. And in *Abruzzo* he rebuilt a Castle, and another in *Terra di Lavoro* at *Capua*, as also the old Castle of *Baja*.

TO him the City of *Pozzuolo* owes its Preservation; for, without his Care, it had not been remaining upon the Earth, but had been a desolate Field of Sand or Grass, as *Cuma*, *Baja*, and *Miseno* are at this Day: For the Stones, Fire, and Clouds of Smoak and Dust, which, in a most terrible manner, burst out of those Gulphs that open'd in the Plain between *Monte Barbaro*, and the Lake *Averno*, during the frequent Earthquakes in 1538, so frighted the Inhabitants of *Pozzuolo*, that they all fled from the City, with their Families, some by Sea, and some by Land, leaving it quite desolate. Whereupon the Viceroy went directly thither, and halting upon the Hill of *St. Genaro*, saw the miserable City quite cover'd with Ashes, so that there was scarce a Vestige of a House to be seen; the Inhabitants being determin'd to abandon the Place, the Viceroy refus'd to give them Leave to desert so antient a City, and so famous of Old, and therefore he issued a Proclamation, ordering them immediately to return, and exempted them from all Taxes for many Years; and, to encourage them the more, he caus'd a magnificent Palace, with a strong Tower, and publick Fountains, to be built there. And to make their Commerce the easier with *Naples*, he repaired the Road between the two Cities, making it larger and smother: He also enlarg'd the stupendous *Grotta* (that wonderful Monument of the *Roman* Greatness) and made it so light, that People could go through it without Torches. He repaired the Baths as well as possible at that Time, and rebuilt the City Walls; and to make it more populous, instead of staying there (as he us'd to do) only in the Spring Season, he made it his Residence for one half of the Year: And in 1544, when *Barbarossa* return'd to make new Incurfions upon that Coast, and had sack'd the Islands of *Ischia* and *Procida*, designing to serve *Pozzuolo* in the same manner, having already begun to cannonade it from his Ships; *Toledo's* keeping a good Garrison in the City, and marching expeditiously in Person, with all his Cavalry, and a great Multitude of People from *Naples*, and the adjacent Cities, forc'd *Barbarossa* to give over his Design, and immediately set sail towards the *Levant*, and the Viceroy having thus deliver'd *Pozzuolo*, return'd to *Naples*. Such was his Care in defending all the Cities of the Kingdom against so powerful and troublesome Enemies.

## S E C T. I.

### *The Jews banish'd the Kingdom.*

THE provident Care of this Minister, in banishing the *Jews* in the Year 1540, was thought a Matter of great Importance both to the City and Kingdom: They came first among us in 1200, and increased so much, especially in *Calabria*, that they peopled large Streets in many Cities, so that they got the Name of the *Jewish Cities*; and they multiplied to that Degree, and became so rich, that when the *Jews* of *Asia* perswaded the Grand Seignor to take Possession of King *David's* Tomb, under the false Pretence of Treasure hid in it, as had been done before, to the great Loss, and intolerable Charge of the Christians, *Martin V.* was so exasperated against the *Jews* of the Kingdom, that he prevail'd with Queen *Jean II.* to punish them for it; therefore, on the 18th of *October* 1429, she gave Orders to *Lewis* of *Anjou*, Duke of *Calabria*, to exact from every *Jew* in the Kingdom, Men and Women, the third Part of a Crown, which amounted to such a Sum as

was



• was sufficient to defray the Charge of recovering the Holy Sepulchre <sup>1</sup>. The second Coming of the *Jews* was in 1492, upon their being banished from *Spain* by the Catholick King *Ferdinand*; and here mixing with the *Jews* who inhabited those *Jewish* Cities, they multiplied exceedingly, and became immensely Rich, for they gave themselves to their usual Trade of buying and selling old Cloaths, and other second-hand Goods, and of lending Money upon extravagant Usury <sup>2</sup>. The Conveniency of that kind of Commerce was very great, but the Advantage which the Traders made of it, was insupportable. *Gregorio Rosso* says <sup>3</sup>, That during the Time that *Charles V.* staid at *Naples*, many Citizens, and even the Nobility, and Men of Estates, were ruined; for, to support their Grandeur upon that Occasion, they had pledged almost all their Plate and Goods to the *Jews*, who taking excessive Usury for the Money they advanced, became vastly Rich, and had the Emperor staid longer in *Naples*, their Gain would have been much greater. Although they had been banish'd out of *Spain* by King *Ferdinand*, yet *Charles V.* suffer'd them in *Naples*; but to distinguish them from his other Subjects, he ordained that they should all live in one Street, and wear a particular Mark of Distinction upon their Heads, both Men and Women <sup>4</sup>: But their Usury increasing in *Toledo's* Time, and the City being full of Complaints against their Extortions, the Viceroy thought proper to represent the Matter to the Emperor, who gave him an Order for their Banishment, so that in 1450, he issued out a Proclamation, ordering them all to leave the Kingdom <sup>5</sup>. In fine, they left *Naples*, and a great Part went to *Rome*, and the rest to other Places; the Streets where they lived at *Naples*, are called to this Day the *Jewish Streets*, and those who follow their Trade, are called still by the Name of *Jews*.

BUT the Remedy used by *Toledo*, to prevent this Mischiefe, would have proved worse than the Disease, if his Care, and the Charity of some well-disposed People had not prevented it; for the Conveniency of raising Money upon Pledges given to the *Jews* failing, People that were in Streights had recourse to the Christians, who being allured by so great Gain, began to grow greater Usurers than the *Jews* had been: And therefore, that the Needy might not want the Conveniency of borrowing Money, and that the Citizens might not have an Opportunity of imitating, and, perhaps, exceeding the Rigour of the *Jews*, the Bank call'd *Monte della Pietà* was appointed, to recover Pledges from the *Jews*, and to relieve the Wants of the Poor. In this Bank, to this Day, Money is lent upon Pledges, at moderate Interest, and, as far as ten Crowns, without any Interest at all <sup>6</sup>.

HITHERTO *Toledo* had govern'd the Kingdom with such Prudence, to the general Satisfaction of the People, excepting some discontented Nobility, who hated him for his Severity, that he was belov'd, obey'd, and had in great Esteem by all.

BUT a new unhappy Accident troubled all our good Order, and disturbed the Peace of the Kingdom; and if the Love of the *Neapolitans* towards their Princes, and their Fidelity towards the Emperor, had not put a Stop to the Mischiefe, worse Calamities, and inevitable Ruin had ensued. This was occasioned by the Viceroy's designing to settle an Inquisition in *Naples*, during his Government, according to the Custom of *Spain*. The History of which, as containing one of the most remarkable Events, and as being a signal Instance of the Constancy and Resolution of the *Neapolitans*, we shall give distinctly, as in its proper Place, and not delay it till we come to treat of the Ecclesiastical Polity, because the Design and Management of that Affair, had more of *Policy* and *Temporal*, than of *Spiritual* and *Ecclesiastical* Views.

<sup>1</sup> P. Fiore, Calabr. Illustr. l. 1. p. 1. ch. 5. num. 3.

<sup>2</sup> Summ. p. 4. l. 7. c. 4. Rosco Hist. l. 1.

<sup>3</sup> Giorn. del Rosso, p. 135.

<sup>4</sup> See Pramm. de Judeis of the old Edit. printed at *Naples* 1570 and at *Venice* 1590.

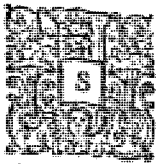
<sup>5</sup> Toppi de Origine Trib. par. 2. l. 1. c. 4. num. 34.

<sup>6</sup> Eugenio, Nap. sac. p. 334.



## C H A P. V.

*The Inquisition constantly opposed by the Neapolitans, and their Reasons for so doing.*

OME People wonder very justly, how it comes to pass, that the *Neapolitans*, who are naturally so Religious, as to fall rather into Superstition, and too great Credulity, than to keep a just Medium in Matters of Faith, should all along have shew'd such Horror and Aversion to the Inquisition: How they could, from time to time, suffer such Abuses and Incroachments introduced into the Kingdom by the Court of *Rome*, and yet never be brought to endure this, which was propos'd under such plausible and specious Colours; such as the preserving intire and inviolable their antient Religion, and not suffering it to be corrupted by new Errors and Heresies, which would be attended with irreparable and eternal Perdition. Under the Reigns of *Alexander VI. Julius II. Leo X. and Clement VII.* they had suffered Abuses from that Court of the grossest Nature. *Rome*, by her Authority in granting Indulgences, her Prodigality in granting Dispensations, by the Spoils, Reservations, *gratia expectativa.* and exacting the Annats of Benefices, which she bestowed, and by the Charges People were at in getting the Bulls dispatch'd, through the Multitude of Offices belonging to that Court, had no other View but to drain the Kingdom of Money, as she did other Parts of *Christendom* by such Arts. The People of *Naples* had suffer'd grievous Taxes and Decimations to be laid upon the Clergy, the Monasteries, and all Ecclesiasticks within the Kingdom; all which center'd in *Rome*. The Election of Bishops, the Collation of the greatest Part of Dignities and Benefices, great and small, even to the meanest Arch-Priestships and Canonships, were usurp'd from the Clergy, the People, and the Ordinaries of the Dioceses, and transferr'd to *Rome*. Nor would these Grievances have been so insupportable, had they been designed for the Salvation of Souls, and the good Government of the Church; but it was quite otherwise, for one Person enjoy'd Benefices which were incompatible; and, without any Consideration of the Merits of the Person, Livings were given by Favour, either to Persons incapable by their Age, or utterly void of Learning, and, which was yet worse, of most scandalous Lives<sup>1</sup>. The Benefices within the Kingdom of *Naples*, which by the Canons could not be bestowed but upon Natives, were given to Strangers and Foreigners. There was no care taken, even of the Incroachments surreptitiously made upon the Regal Jurisdiction by the Ecclesiastical Courts, and the Abuses and Corruptions of exorbitant Fees and Taxes, which they exacted from the poor People who had any Suits there. There was no Opposition made to the immense Acquisitions of Real Estates, for the Use of Churches and Monasteries, tho' they saw that all tended to their Ruin; nor to the Violence offer'd them, in being forc'd to sell their Houses to make those Monasteries more magnificent, and very often to make way for a stately Fortico or Gallery. They did not mind their being obliged to bear the whole Weight of the Publick Taxes, by the Ecclesiasticks being exempted from them. How the *Neapolitans* could suffer these and many other Hardships (which I don't mention) and yet boggle so at the Inquisition, that the very Name of it struck them with Horror, is a Thing very strange; and, which is more surprizing, the Abhorrence is so rooted in their Minds, by having been deriv'd

<sup>1</sup> Guicc. l. 18.

from Father to Son, by a Succession of many Years; that neither the Course of many Ages, nor the Endeavours of some of their Kings, who had different Inclinations from them, nor the Intrigues and Arts of the Court of *Rome*, could ever remove it: Infomuch, that at present, under the benign Influence of a more mild Government, their Resolution being stronger, and better fortified, they don't fear that the strongest Efforts will ever be able to make them stoop.

BUT who would believe that so great a Privilege should be owing, first to the *Spaniards*, and then to the very Court of *Rome*? But in order to evince the Truth of this Position, it will be necessary to recapitulate what was said in the XIXth Book of this History, concerning the Origin of the Inquisition, that thereby we may see how it was managed under the Kings of the Family of *Anjou*, to the Time of *Ferdinand* the Catholick, in whose Reign they began to abhor it, for the Reasons which shall be assigned; which Abhorrence came to its Height under *Charles V.* and *Philip II.* his Son, and continues so to this Day.

AFTER the Emperor *Frederick II.* by his terrible Constitution *Inconfutilem*, published against the *Patareni* and *Arnaldisti*, and many other Hereticks, which, at that Time, had set up against the Church, because of the Depravity and wicked Lives of the Clergy, had given the greatest Proof of his Rigour to extirpate them; some of them being pertinacious in their Errors, rather than to renounce them, chose to fly to foreign Princes for Protection; and others, affecting a pure Apostolical Life, strict Vertue, and unshaken Constancy, not regarding Prison or Death, resolved to suffer the greatest Punishment and Torments, and even the most cruel Death: And for this Reason they chose to be called *Patareni*, looking upon themselves to be equal to the Martyrs of the Primitive Church. Their Number much increased, and there was not a City in *Italy* that was not infected with their Errors. The others, among whom the most considerable were the *Albigenses*, spread themselves further; for being favoured by the Count of *Toulouse*, and other Persons of Distinction, they had broach'd their Heresies in many Parts of *France*.

ABOUT the same time, those two Great Men, *Dominick* and *Francis*, very opportunely appeared in Favour of the Church; these, by their Sanctity, made themselves famous every where, and founded the two Orders, of *Preaching Fryars*, and *Fryars Minors*; and indeed, they came in a very lucky time to lay the Storm that was like to overset *St. Peter's* Ship: But they took different Methods. *Francis*, in Opposition to the *Patareni*, was resolved, by his own Example, to shew what was the true Apostolical Life, and the right Imitation of Christ, by founding his Order on a rigid Poverty, Humility, and a holy Life and Conversation, that thereby he might bring back into the right Way, those that had gone astray.

DOMINIC, by Birth a *Spaniard*, of the noble Family of the *Gusmans*, undertook, with his Fraternity, to run down the rest, especially the *Albigenses*, against whom he disputed, preached and declaimed with great Zeal, and, by his Sermons, endeavoured to convince them of their Errors, and to warn the People not to let themselves be impos'd upon by them. But finding that his Disputes and Preaching, had little Effect upon those obstinate People, he thought the best way to extirpate them, was to have recourse (as they had done) to the Assistance of Princes; and being made Inquisitor General by Pope *Innocent III.* for that Purpose, he made Application to the Count of *Montfort*, and to many of the *Spanish*, *German*, and *French* Nobility; who, being join'd by a great Number of Prelates, and some Troops, enter'd into a Crusade against them, and scow'r'd the Country in order to destroy them; and in passing through *Narbone*, and other Places, they defeated many of them, and put them to Death. And *Dominic*, not content with that, came to *Rome*, and in many Sessions of the *Lateran* Council, declaimed against the *Albigenses*, and got their Doctrine to be condemn'd as Heretical.

FROM this Beginning came the Custom of sending Inquisitors from the Pope, into Places suspected of Heresy; at least in peaceable Provinces, where the Hereticks did not assemble in Troops, and where there was no Occasion for Cruisades: And because *Dominic's* way of Management was more agreeable to the Court of *Rome*, than that of *Francis*, the Office of the Inquisitors was given to the *Dominicans*, who, being join'd with the Secular Magistrate, inquired into all Errors, and those who were convicted of them, were by their Sentence pronounced Hereticks, and then delivered over to the Secular Power, to be burnt, or otherwise punished.

IN the Reign of the *Suevian Race*, *Frederick II.* and *Manfred* would not allow the Pope to send Inquisitors; but (as we have related in the XIXth Book) they made use of the Prelates of the Kingdom to take Cognizance of the Matter of Right, and as to the Fact and the Punishment, they were tried by the ordinary Magistrates.

THE Kings of the House of *Anjou*, as Vassals to the *Roman Pontiffs*, admitted Inquisitors from *Rome* into this Kingdom, who, though they did not keep any fix'd Court, yet they went through the Provinces by Leave from those Kings, who also bore their Charges.

THE Kings of the Family of *Arragon*, began to limit their Concession, and but very rarely allowed them to come into the Kingdom, and when they did, they obliged them to give an Account of their whole Proceedings; nor were they suffer'd, without a *Special Licence* from the King, and the *Approbation* of the *Civil Magistrate*, to execute any *Sentence*.

AND although they endeavoured, in the Beginning of the Reign of *Ferdinand the Catholick*, to establish their Authority better, and to shake off the *Dependance* they had been under before; yet the *Neapolitans*, to obviate every Insinuation of that Kind, obliged the *Great Captain* to consent to their Demands, inasmuch, that when he took Possession of the Kingdom in the Name of *Ferdinand*, who had given him most ample Authority, he promised that there never should be either *Inquisition* or *Inquisitor* in the Kingdom: So that the *Great Captain* was very watchful in guarding against the Incroachments of the Court of *Rome*, which was very ready to lay hold of all Opportunities. And therefore, in 1505. he wrote to *M. Foces*, giving him an Account, that the Bishop of *Bertinoro*, the Pope's Commissary and Inquisitor, had applied to him, in his Holiness's Name, to have some Women put in Prison, who were accused of Heresy, and had fled from *Benevento* to *Manfredonia*, in order to make their Escape to *Turkey*; the Captain therefore gave *Foces* Orders to secure them, and when they were in Custody, to let him know, that he might give him farther Instructions about them. In like manner, the Count of *Ribagorfa*, in 1507. wrote to *Francis Vicenzo*, of *Ferrandina*, quarrelling him for going to *Barletta*, to hold an Inquisition upon some Persons without his Knowledge, or shewing his Commission; charging him, at the same time, to stop all Proceedings, and to come to him forthwith, and shew his Authority, otherwise, he assured him, that he would take such a Course with him, as should not be to his Honour.

THIS was the Method of Proceeding in the Beginning of *Ferdinand's* Reign, with relation to such as were accused or suspected of Heresy; and such an Inquisition was not frightful, because the Inquisitors had no fix'd Tribunal; their Commissions were laid before the King's Council, and they could not put them in Execution without the Royal Assent; they went but seldom through the Provinces, and did nothing without the King's Permission, and the Assistance, Advice, and Favour of the Secular Magistrate; nor did they occasion any Noise or Tumult: Besides, there were no Remains of the old *Pataveni* in *Italy*, much less in our Kingdom; and there was not the least Suspicion of any new Doctrine contrary to that of the Church of *Rome*: So that the Inquisition of *Rome*, not to be thought idle, began to take Cognizance of some Crimes which did not require an extraordinary Tribunal, but might have been tried, as formerly, by the ordinary Tribunals. For the most Part the Inquisitors made themselves Judges of Blasphemy, which they brought into their Court under the Notion of Heresy, although it had been uttered through bad Habit, Rage, or Drunkenness, or even through Ignorance and Folly. Thus one, who to commend his Wine, had said, *That even Christ might drink of it*, did not escape their Clutches; whoever cursed the Bells, for the Noise they made, was sure to incur their Censure: If any Person presum'd to declaim against the Immoralities of Priests or Monks, or mock'd, ridicul'd, or cursed them, he did not escape unpunish'd. And that they might not want Work, they took under their Cognizance, *Fortune-telling*, *Conjuring*, and many other foolish Arts, practis'd by filly old Women, rather to trick People of their Money, than out of Disrespect to Religion. They brought likewise into their Court, Crimes proceeding from the Frailty of Human Nature; as also Bigamy, Night Assemblies, in which a thousand

\* Chioc. MS. Giaris, tom. 8.

Lewdnesses were committed, under Colour of Religion: These, and many other Crimes, committed rather through Frailty, than Contempt of Religion, were by them deemed to be Heretical. In short, they did not trouble themselves about correcting Opinions and false Doctrine, but all their Business was to correct Manners and Discipline; so useless was the Inquisition become, that there was no Reason to be afraid of it, nor was there any Occasion for it, either in *Naples* or elsewhere.

BUT although *Italy* was very easy with respect to this Tribunal, it made a terrible Noise in *Spain*. King *Ferdinand*, after having banish'd the *Moors*, and conquer'd the Kingdom of *Granada*, had erected there a frightful Inquisition, in order to purge *Spain* of all Remains of *Moors* and *Jews*, and to extirpate them intirely. This Court was managed by the *Dominicans*<sup>1</sup>, who, under pretence of Zeal for Religion, exercised the greatest Cruelties imaginable; banishing, imprisoning, putting to Death, and confiscating, without Mercy: And what raised the greatest Horror, were the tragical Methods, the lugubrious *Apparatus*, the so many Crosses, the terrible Invectives, Imprecations, Conjurations, Exorcisms, and the lighted Piles of Wood for burning the Guilty: So that Death itself was not so terrible as the hideous *Apparatus*. When any Person was accused, even upon the smallest Suspicion, he was clapt into a dark Dungeon, seen by no-body, and fed with Bread and Water, and very often without knowing what he was accused of. They were not told who had been Evidences against them; for after they were once accused, they were not allowed to exculpate themselves: Their Goods were immediately confiscated, and if they were convicted (according to the severe Laws of that Court) or confess'd the Facts laid to their Charge, as some did, to avoid the grievous Torments they were put to, although they had never been guilty of the Crimes, then they were condemn'd to be burnt alive. Others were sentenced to perpetual Exile; but all of them forfeited their Estates, and both the Guilty, and also their Heirs, were branded with perpetual Infamy, and doom'd to Beggary<sup>2</sup>.

THESE terrible Proceedings in *Spain* against the *Jews* and *Moors*, coming to the Ears of the *Italians*, and especially the *Neapolitans*, gave them an incredible Abhorrence for the Inquisition. It happen'd, that King *Ferdinand* suspecting that many *Moors* and *Jews*, who had escaped his Hands, had taken Shelter in the City of *Naples*, and in other Parts of that Kingdom, resolv'd to erect an Inquisition there, dependant on that in *Spain*, in order to exterminate those Infidels: And if any Credit is to be given to some Letters of that King's, taken notice of by *Ludovico Paramo*<sup>3</sup>, and said to be written in 1504, it appears, that he recalled the Grants and Privileges given in his Name by the Great Captain, when he took Possession of the Kingdom for *Ferdinand*, with a Design to settle the Inquisition amongst us; but that the *Neapolitans*, frighten'd at the very Proposal, from an Apprehension of the Misery and Ruin which such a Tribunal must introduce, were it once received, determin'd firmly to oppose it, even at the Hazard of forfeiting their Lives and Fortunes at the King's Pleasure; to whom they got it represented, that there was no great Occasion for such a Court in *Naples*, where the People were so devout and religious; and as to the few *Moors* and *Jews* who had taken Shelter there, other Methods might be taken to get rid of them: In short, they protested, that they would not, upon any Account, accept of that new Court; and when King *Ferdinand*, not rightly apprized of their Obstinacy, sent some Inquisitors from *Spain* to *Naples*, they were at first very ill received by the *Neapolitans*, and afterwards expell'd the Kingdom with Ignominy<sup>4</sup>.

AT last, *Ferdinand*, seeing them so head-strong, that he might not engage himself in greater Quarrels, and run the Risque of losing the Kingdom, gave over his Design,

<sup>1</sup> Ubert. Foilet. Tumult. Neapol. Thuan. l. 3. Hist.

<sup>2</sup> Ibid. Augebat horrorem perversa, & præpostera Judiciorum Forma, quæ contra Naturalem Æquitatem, & omnem legitimum Ordinem in Jurisdictione illa explicanda observatur; tum etiam immanitas tormentorum, quibus plerumq; contra veritatem quicquid delegatis Judicibus libebat, à miseris & innocentibus reis, ut se cruciatibus eximerent, per vim extorquebatur: Quo fiebat, ut non tam pietatis tuendæ causâ eam

inventam dicerent, cui alia via satis ex antiqua Ecclesiæ Disciplina prospectum esset, quam ut eversis ista ratione etiam omnium Fortunis, liberis capitibus periculum crearetur.

<sup>3</sup> Param. de Orig. Inquisit. l. 2. tit. 2. c. 10.

<sup>4</sup> Ubert. Foilet. Tumul. Neap. Thuan. loco cit. Itaq; nec Ferdinandus cum eo tempore Neapolim venisset, id impetrare potuit, & Inquisitores illuc tunc missi, à Neapolitanis male accepti, ac postremo Regno ejecti sunt.

and contented himself with publishing an Edict against the *Jews*<sup>1</sup>: On the ~~contrary~~, he promised the *Neapolitans*, that for the Future, he never would suffer an Inquisition to be introduced amongst them, as two very grave Authors, *Zurita*<sup>2</sup> and *Mariana*<sup>3</sup> testify. This Declaration of his was approved by the Pope, so during the rest of *Ferdinand*'s Reign, the Name of the Inquisition was not so much as mentioned. The *Neapolitans* were now as much satisfied, as they had been before terrified at this Tribunal; and their Abhorrence to it was such, that they transmitted it down to their Posterity, like an Heritage, by their last Wills, which still keeps up the Aversion and Abhorrence to the very Name of it.

<sup>1</sup> See Prammatic. 2. De Judæis, of the *Naples* Edition, 1570.

<sup>2</sup> *Zurita* Annal. d'Arragon. lib. 5. cap. 70. & lib. 9. cap. 76. In the Preamble of the Proclamation issued on this Occasion, 'tis said, That the King being sensible of the antient Loyalty and Religion of that City and Kingdom, and of their Zeal for the Holy Catholick Faith,

had taken care, that for the general Good of all, the Inquisition should be laid aside.

<sup>3</sup> *Mariana*, l. 30. Hist. cap. 1. Totius Provinciæ in veræ Religionis constantia & animorum pietate satis perspectam Inquisitionis rem, & nomen minus videri necessarium, proinde cessare & amoveri fancitum.

## S E C T. I.

*The Inquisition attempted anew under the Emperor Charles V. but constantly rejected.*

THE new Heresy of *Martin Luther* being broach'd during the Reign of *Charles V.* occasion'd new Jealousies, and fresh Attempts. In the Year 1520. new Doctrines were spread abroad in *Germany*, especially in *Saxony*, first against the Pope's Authority, and then against the Church of *Rome* itself. What had given Occasion for these Novelries in *Germany*, was the licentious Use of the Papal Authority practis'd by *Leo X.* who, by the Advice of Cardinal *Santiquatro*, had dispersed through all Parts of *Christendom*, without Distinction of Time and Place, Plenary Indulgences, not only for the Benefit of the Living, but also for delivering the Souls of the Departed out of Purgatory: Which Indulgences were known to be granted for no other Reason but to raise Money<sup>1</sup>; and being distributed with much Imprudence by the Commissaries employed for that Purpose (the greatest Part of which purchas'd from the Court of *Rome* the Power of selling them to the People) gave such Scandal, especially in *Germany*, where they were sold at low Rates, and the Power of freeing Souls out of Purgatory, stak'd at Game in the publick Inns, that in many Places these Practices rais'd the Indignation of the People. But the Reason why these new Doctrines began in *Germany*, and no where else, was, that *Leo* having bestowed the Profits of the Indulgences granted in *Saxony*, and that Part of *Germany* which extends itself to the Sea, upon his Sister *Magdalena*, she, in order to reap the more Advantage by the Pope's Gift, gave the Charge of preaching up Indulgences, and exacting the Money for them, to Bishop *Aremboldus*, a fit Minister for such a Commission, who exercised it with great Avarice and Extortion, giving Power to publish the Indulgences, to such as undertook to raise the most Money. And though it had been the Custom, that the *Augustin* Friars had the Dispensing of the Pope's Indulgences in *Saxony*, *Aremboldus*'s Delegates would not employ them, because they were too well us'd to that Trade to answer the Bishop's Expectations, or pay more than ordinary for them; they therefore chose the *Dominican* Order for their Tools: These preach'd up many Novelties in publishing the Indulgences, and gave great Scandal by extolling the Value of them to the People, above what had ever been said of them before; on purpose to raise their Desire of purchasing them.

THESE Practices stirr'd up *Martin Luther*, a Friar of the Order of *S. Augustin*, to inveigh, first against the Collectors, reproving their new Excesses; and afterwards, being provok'd by them, and engaging in Dispute upon the Subject of Indulgences (a Matter but little examined into in the preceding Ages) he found, that his Adversaries did not use any other Argument in Defence of them, but the Pope's Authority, therefore he began to despise those Concessions, and to call in question the Pope's Power of granting them; and, in the Heat of Dispute, the Papal

<sup>1</sup> Guicc. 1. 13.

Authority was as much debas'd by him, as it was rais'd too high by the others: And his Audience still increasing, by the Inclination the People had to his Side of the Question, by Degrees he proceeded openly to deny the Pope's Supremacy.

IN a short Time his Doctrine spread, and was favourably received, so that being encouraged by the Applause of the People, and the Favour of the Duke of *Saxony*, he not only rail'd immoderately against the Pope's Power, and the Authority of the Church of *Rome*, but falling into the Errors of the *Bobemians*, in process of Time he began to remove the Images out of the Churches, and plunder sacred Places of what had been dedicated to them; he allow'd profess'd Monks and Nuns to marry, supporting the Practice, not only by the Strength of his Authority and Arguments, but likewise by his Example. He denied Purgatory, and consequently Prayers for the Dead; he asserted that the Pope's Authority did not extend beyond the Limits of the Bishoprick of *Rome*, and that every other Bishop had the same Authority in his own Diocese, as the Pope had in his; he despis'd the Decisions of Councils, the Writings of the Doctors of the Church, all the Canon Laws, and Decrees of the Popes, appointing all Things to be decided by the *Old Testament*, the *Gospels*, the *Acts of the Apostles*, and what is comprehended under the Name of the *New Testament*, and the *Epistles of St. Paul*; but even to these he gave new and suspicious Glosses, and unheard-of Interpretations.

NOR did his Folly, and that of his Followers, end here; for, almost all *Germany* adhering to him, they fell every Day into more abominable and dangerous Errors. He proceeded to strike at the Sacraments, to despise Fasting, Penances, and Confession; and his Followers (in some respect disagreeing with him) began to invent Diaboleal Opinions concerning the Eucharist, which being founded upon rejecting the Authority of Councils, and the Doctors of the Church, made way for every new Invention, and perverse Interpretation.

THIS new Doctrine increased in many Places, even out of *Germany*; for by it People being freed from the Obligation of many Austerities, were allowed a more easy and libertine Life. *Ulric Zuinglius*, a Canon of *Zurick* in *Switzerland*, having embraced this Doctrine, had, by his Preaching, spread it over all that Country, and being in great Credit there, he was heard by great Numbers, and made wonderful Progress.

THUS whilst the Princes of *Europe* were engaged in War, the Affairs of Religion suffer'd many Changes in several other Places: In some, by the publick Decrees of the Civil Power, and in others by the Mob. In *Bern* they called a publick Assembly of their own and foreign Divines; and after a Debate of several Days, they accepted the Doctrine set up at *Zurick*: And in *Basil*, all the Images were burnt and destroyed, and the new Religion was established by popular Sedition. The Example of *Bern* was followed by *Geneva*, *Constance*, and other neighbouring Places; and in *Strasburgh*, after a publick Dispute, Mass was forbidden by a publick Decree.

THIS Poison began to spread, though secretly, in *Italy*, as it did openly in *France*; for the *Italians* seeing such Corruptions in the Ecclesiasticks, and the Court of *Rome*, believed that these Innovations were so many Judgments from Heaven, to punish such gross Abuses as they saw every Day committed, and therefore many embrac'd the Reformation; and in private Houses in many Cities, especially in *Faenza*, a City belonging to the Pope, the Papal Authority was preach'd down, and the Number of *Lutherans* increased daily, who took the Name of *Evangelists*.

WHAT contributed much to the Spreading of this new Doctrine, was the Learning of *Philip Melancthon*, a faithful Disciple of *Luther*, who, finding that his Eloquence, and his Reputation for polite Knowledge, got him many Followers, he employed all his Talents and Learning in exposing and ridiculing the Scholastick Divinity; and being admired by the Ignorant, he made them easily believe, that the Doctors of the Church of *Rome* understood neither Religion nor polite Learning: By these Arts many were taken, particularly some Preachers of these Times in *Italy*, who set up for Masters of Eloquence, and had got a Smattering of Learning.

THE Emperor *Charles V.* seeing that the Doctrine of *Luther* had not only got footing in *Germany*, but had also infected *Italy*, being then at *Naples*, on the 4th of *February* 1536, published a severe Edict, and ordered it to be proclaimed in all his other Dominions, forbidding all his Subjects, upon Pain of Death and Forfeiture,

feiture, to have any Dealing, or Communication, with any Person infected or suspected to be tainted with the *Lutheran* Herefy<sup>1</sup>. And before his Departure, he recommended to *Toledo*, above all Things, to take Care that it might not be suffer'd to enter the Kingdom committed to his Charge.

BUT the very Remedy that was applied to this Mischiefe, occasioned the Growth of it. One *Barnardino Occhino*, a *Capuchin* Friar of *Sienna*, had at this Time the greatest Reputation, both for Learning, Eloquence, and Austerity of Life, and was the most celebrated Preacher in *Italy*; this Friar had a new Method of Preaching, for he did not use the Scholastick Divinity, and other Extravagances (as was the general Practice) but his Discourses were full of Spirit and Life, and delivered with Earnestness and Zeal, which procured him not only great Applause from the People, but made him very acceptable to the *Italian* Princes: But he was in his Heart a *Lutheran*, and secretly spread that Doctrine, but so cunningly veiled, that no-body suspected him. The *Neapolitans* hearing of the Fame of this *Fra' Bernardino*, sent to invite him to come and preach in *Naples* during the *Lent* 1536. He came thither to the great Satisfaction of the City, where the Emperor residing at that Time, his Admirers had a great Desire that so great a Prince should hear him. He preached at *St. Giovanni Maggiore*, with such Applause and Admiration, that he drew all the Audience from the other Preachers, the whole City flocking to hear him. And *Gregorio Rosso*<sup>2</sup>, who was an Eye-witness, says, That in those Days of *Lent*, whilst the Emperor staid (for he left *Naples* before the End of it) his Majesty went often to hear him preach at *S. Giovanni*, with great Satisfaction; for, as he said, *he preached with such Spirit, and so much Devotion, that he made the very Stones weep.*

AFTER the Emperor's Departure, *Fra' Bernardino* continued to preach, and to sow some Seeds of *Lutheranism*, with so much Dexterity, that it could not be discover'd but by the Learned, and those of good Judgment. The Viceroy, who as a *Spaniard*, was a great Admirer of the Scholastick Divines, who did not much relish this new way of preaching the Gospel, being advised by them, that *Fra' Bernardino* was secretly instilling the *Lutheran* Herefy; ordered the Vicar of *Naples* to inform himself dextrously of the Truth of this Accusation, and to guard against the Consequences of it. The Vicar afraid, in order to secure himself, sent the Friar an Order not to preach any more, without declaring publickly in the Pulpit his Opinion concerning those Errors which were laid to his Charge, but the Friar being a Man of Learning and Eloquence, defended himself so well, that he was allowed to preach during that *Lent*, and he not only removed all Suspicion of his Doctrine, but gained great Reputation, and many Followers, who having imbibed his Doctrine, taught it privately to others after his Departure.

BUT the *Neapolitans* had been so much taken with him, that about three Years after he had been gone, they very earnestly sollicited him to return and preach in the Cathedral of *Naples*; and being come, it was observed by the Judicious, that in his Discourses he was more cautious, and made use of ambiguous Words, that he might be able to defend himself in case he was attack'd. The new way of preaching upon the Holy Scriptures, gave a Handle to many to dispute about them, to study the Gospels, and to argue about Justification, Faith, and Works; about the Pope's Power, Purgatory, and such like Difficulties, as before had only been handled by great Divines, and in the Schools; but by his Sermons, being become familiar to the People, they came to be the common Discourse of Laicks, and talk'd of by Men of little Understanding, and less Learning: Every Cobler in his Stall took the Liberty to discourse of *St. Paul's* Epistles, and of the most difficult Passages in them; and, which was worse, at his Departure, he left some faithful Disciples behind in *Naples*, and many infected with his pernicious Doctrine, as he had done through all *Italy* where he had preached.

THERE were at the same Time in *Naples*, some Divines and famous Preachers of other Orders, who were Favourites of the Viceroy, and no way tainted with this new Doctrine; on the contrary, they opposed it, and used all their Industry to let others see the Poison of it, that they might abhor it. Amongst others, *Fra' Angelo di Napoli*, of the Reform'd *Franciscan* Order, a Man well read in Divinity, and the *Platonick* Philosophy, but above all, an eminent Preacher. This Man was in

<sup>1</sup> Giorn. del Rosso, 133 fol.

<sup>2</sup> Ibid. fol. 135.



great Credit with *Toledo*, who chose him for his Confessor, and would have raised him to greater Dignities, had not Death prevented his Design; but he order'd a handfom Monument to be erected for him in the Monastery *Della Croce* (where he staid) with an Inscription, which is yet to be seen. There was likewise in great Reputation, *Fra' Girolamo Seripando*, a Nobleman of the *Seggio Capuana*, of the Order of *St. Augustin*, a learned and good Man, a great Preacher, and of consummate Wisdom and Prudence, insomuch, that at a general Chapter held in *Naples* in 1539, he was made General of his Order, and being much esteem'd by *Toledo*, was by his Interest made Archbishop of *Salerno*, and afterwards had the Dignity of Cardinal conferr'd on him by Pope *Pius IV.* This was he, who, out of Love to his native Country, at his Death, left his great Library, furnished with famous, rare, and foreign Manuscripts, to the Convent of *St. Giovanni à Carbonara*<sup>1</sup>; which was one of the greatest Ornaments of this City, long since pillaged by the very Monks who had the Care of it; and lately (to the Grief of all good Men) by others from whom it was little expected. There likewise flourished at this Time, *Frate Ambrogio di Bagnoli*, of the Order of *Preaching Friars*, a notable Orator, and afterwards Bishop of *Nardo*, whose Statue in Marble, with an Inscription, is yet to be seen in the Church of the Holy Ghost: *Fra' Teofilo di Napoli*, a great Disputant, and eminent Preacher, who pronounced the Funeral Oration for the Death of the Empress, which happen'd this Year; *Fra' Agostino di Trivigi*, and many others, who by Disputing, Preaching and Teaching, being favoured by the Viceroy, were at great Pains to hinder the new Doctrines, which were secretly planted, from taking Root.

ON the other Hand, there were not wanting many, who, with great Dexterity, and in Sheep's Cloathing, endeavoured, both by Disputing and Teaching, to establish them in *Naples*. Some, according to the new Scheme, had begun to read publicly *St. Paul's* Epistles, in the Exposition of which, they foisted in the new Doctrine; of which Number the most famous were, *Giovanni Montalcino*, a Friar Minor, *Lorenzo Romano*, a *Sicilian*, an Apostate *Augustin* Monk, and *Pietro Martini Vermiglio*, a Priest and Canon Regular, a Native of *Florence*, on whom *Tibuanus* in his History, does not forget to make an Elogium.

*FRA' GIOVANNI* had already caused himself to be suspected of Heresy, not only by his expounding the Epistles, but by his disputing whole Days together with Father *Teofilo di Napoli*, his Antagonist and Rival, whom he used ill, with sharp and biting Repartees; and the Event shew'd his being guilty, for some Years afterward, being seized at *Rome*, he was convicted and put to Death. *Peter Martyr*, much more famous, expounded the Epistles of *St. Paul* in the Church of *St. Peter ad Ara*, in *Naples*, with great Learning and Eloquence; where he had such Reputation, and so great an Audience, that whoever did not attend his Lectures was reckon'd no good Christian. He had drawn many into his Opinions, among the rest a certain *Catalan* called *D. John Valdes*, who was also an intimate of *Fra' Bernardino da Siena*; but by the Vigilance of the Viceroy, and of others, who were jealous of *Peter*, his Discourses were strictly and nicely examined; which put a Stop to his Progress; for one Day, explaining that Passage in *St. Paul*<sup>2</sup>, *Si quis autem superædificat*, &c. although he did it with much Art, and many Proteftations and Reserves, he gave great Jealousy that his Doctrine was not found with respect to Purgatory; which coming to the Viceroy's Ears, he was prohibited to preach any more: So that finding he was disappointed of Success in *Italy*, and at last being informed that they were lying in wait for him in *Rome*, he made his Escape out of *Italy*, and took Sanctuary among the *Lutherans* in *Strasburgh*, where he became a famous Promoter of that Doctrine, as is well known to the World. *Lorenzo Romano* staid in the Kingdom, first in *Caserta*, where, and in the neighbouring Cities, he secretly instill'd the Errors of *Zuinglius*; afterwards he went to *Germany*, where having been better instructed, in 1549 he return'd to *Naples*, and began privately to teach *Melancthon's* Logick: He expounded the *Psalms*, and *St. Paul's* Epistles, and a Book published in those Days, called *The Benefits of Christ*. But soon after he was discovered, and being cited by the Inquisitors, he fled, but in the Year 1552, he went of his

<sup>1</sup> Toppi Biblioth. Lit. G.

<sup>2</sup> 1 Cor. iii. 12. But if any Man build upon this Foundation, Gold, Silver, precious Stones, Wood, Hay, Stubble, every Man's Work shall

be manifested; the Day of the Lord shall declare it, for it shall be revealed by Fire: And the Fire shall try every Man's Work of what Sort it is.

own accord to *Rome*, and presented himself to Cardinal *Teatino*, to whom he confess'd his Errors, and likewise discovered, that he had many Disciples in the City and Kingdom of *Naples*, amongst whom were many Persons of great Rank, Ladies of Quality and Condition, who studied Human Learning; and being sentenced to make a publick Recantation in the Cathedrals of *Naples* and *Caserta*, he was order'd (after his performing that) to return to *Rome* to do further Penance.

NOTWITHSTANDING all this, *Toledo's* Watchfulness, and the Care that was taken, there was still Fear that *Naples* might be corrupted by their Followers, who propagated their Doctrine with much Art and Secrecy; and many other Preachers came thither, who endeavoured to spread the same Errors which were imbib'd by great Numbers, some out of Ignorance, others out of Malice: So that they began to form Congregations and Conventicles; the Head of which was *Valdes* the *Spaniard*, who pretended to understand and explain the Scriptures, giving out that he was enlighten'd by the Holy Ghost for that Purpose. By this Pretence he drew many after him, so that he had not only instill'd his Poison into the Hearts of some of the Nobility, but had infected some of the greatest Ladies in *Naples*; and it was thought that the famous *Vittoria Colonna*, Widow of the Marquis *Di Pescara*, and *Julia Gonzaga*, were poison'd with *Valdes's* Doctrine, by the strict Intimacy they had with him.

WHILST the Affairs of Religion were come to this Pass in *Naples*, about the Year 1541 and 42, News was brought that Father *Occbino* had declared himself a *Lutheran*, and fled from *Italy*, and taking Shelter in *Geneva*, had join'd that Party. This Apostacy of *Occbino* created much Uneasiness, not only in *Naples*, but over all *Italy*; for he being look'd upon to be a Man of Probity and sound Doctrine, now that they saw the contrary, they began to be afraid that his Preaching had done more Harm than Good, and the Disciples he had left in *Naples*, and over all *Italy*, were the more suspected; to whom, that they might continue stedfast in his Doctrine, he wrote some Homilies in the Vulgar Tongue, which, by a particular Letter, he dedicated to his native Country *Italy*, in which he declared, *That in Italy, hitherto he had preach'd Christ masked, but now, since he could not preach him by Word of Mouth naked, as the Father had sent him to us, and as he was crucified, he did it by his Pen, in these his Writings*; many Copies of which were dispers'd through *Italy* and *Naples*, and were in the Hands of many.

AT the same Time came out some printed Books, without any Author's Name, one of which was called, *The Seminary of the Scriptures*, and the other, *The Benefits of Christ*; and there appeared likewise some Works of *Melancthon* and *Erasmus*. At first no notice was taken of those Books, and for some Months they were dispers'd every where: But the Viceroy, being inform'd of the Mischiefs they did, prohibited them all, and order'd them to be burnt publickly; and being all put into a Heap by Father *Ambrogio di Bagnoli*, they were burnt before the great Gate of the Archbishop's Palace, in the Sight of the People; and he published a severe Edict against all such as should keep them, or other heretical Books, or read or procure them. This Rigour quieted Matters so, that there was no more Noise about such Books; and although many spoke of the Scriptures, it was with more Modesty and Reserve than before.

FOR this End the Viceroy *Toledo*, on the 11th of *October* 1544. published an Edict, whereby he ordained, That the Books of Divinity, and of the Holy Scriptures, which had been printed Twenty-five Years before that Time, should not be reprinted; and those that were printed, should not be kept nor sold, before they had been revised by the Chaplain Major, whose Business it was to see if they were fit to be published. He likewise prohibited all the Books of Divinity, and of the Holy Scriptures, that should be printed without the Author's Name, and all those whose Authors were not approved of.

THIS Apprehension of introducing the *German* Heresy into *Naples*, and the Viceroy's Care to prevent it, made all Sort of Learning suspected, and was the Reason that Literature did not make such Progress with us, as in *France* and other Places, either with respect to the Law or other Sciences. There were only some Remains of the Academy of *Pontano*, which was supported by a few: But this did not proceed from want of Inclination in the *Neapolitans*; for if they had not been hinder'd

<sup>1</sup> Thuani Hist. l. 39. p. 779.

By *Toledo's* Jealousy, many noble Genius's would have encouraged Learning, by founding new Academies, as they had begun to do; for in the Year 1546. the Nobility of the *Seggio di Nido*, in imitation of what was doing in *Sienna*, and other Cities of *Italy*, erected an Academy in *Naples*, of *Latin*, and *Italian* Poetry, of Rhetorick, Philosophy, and Astronomy; for which, under the Name of the *Sireni*, they prepared a handsome Apartment on a Level with the Court-yard of *St. Angelo a Nido*, and made *Placido di Sangro* the Principal of it, and the Members were the Marquis *Della Terza*, *Trojano Caraniglia*, Count of *Montella*, the famous *Antonio Epicuro*, *Antonio Grifone*, *Mario Galesta*, *Giovan-Francesco Brancalone*, a celebrated Physician, a good Philosopher, and an eloquent Orator, and other Lovers of Learning. In imitation of *Nido*, the *Seggio Capuana* founded another, under the Name of the *Ardenti*; and another was erected in the Court-yard of the *Annunciata*, by the Name of the *Incogniti*. But these were scarce begun when they were suppressed; for *Toledo*, unwilling at that Time, under Colour of advancing Learning, to suffer so frequent Meetings and Assemblies of Learned Men, ordered the Collateral Council to forbid them. The Reason why these Academies were so suddenly suppressed, was a Rule laid down, That every Member should read a Lecture, in Disputing, upon which afterwards (although the Subject were Philosophy or Rhetorick) they often dropt the Subject, and fell into Questions of Scripture and Divinity, and therefore all those Schools were forbidden and abolished.

WHENCE it came, that the Middle and End of this Century, did not produce such Learned Men as the Beginning of it, and the End of the preceding: Of Philosophers and Physicians, only *Agostino Nifo*, and *Antonio* and *Bernardino Telesio*, two *Calabrians*, were famous, who therefore yet were not able to make a Stand against the Scholasticks, or discredit their Master *Aristotle*. There were some few Poets, but those not to be compared to the Poets of the preceding Age.

HENCE likewise it came, that all Literature being suspected, our Civilians could not imitate the *French* (who taught the Laws in their Schools, with Purity and Politeness) but went on in the old Form and Manner. Besides the Courts of Justice were raised so high, that the Number of Lawyers increased, who gave no manner of Jealousy, being more intent upon gaining Money, than upon improving in Learning, or the Study of Letters.

THIS was the State of Affairs in 1546, and it seem'd by the Viceroy's Care, and the Precautions taken, that there was no Occasion for any other Thing to remove all Apprehensions of introducing new Doctrines, contrary to the old Religion. But *Toledo*, thinking what had already happen'd was a Business of the last Importance, had given the Emperor a distinct Account of the whole, advising him to provide effectual Remedies for such dangerous Evils. The Emperor, who was an Eye-witness of the Disorders and Revolutions occasioned in *Germany*. by the new Doctrine, thought it necessary (lest the same Disturbances should happen in his other Dominions depending on the Monarchy of *Spain*) to apply an effectual Remedy; and the best he could think upon for putting an End to the Mischiefs, was to erect a Tribunal of *Inquisition* in his other Dominions, like that in *Spain*, that thereby, the People being terrified, might think of living as formerly; therefore he wrote to the Viceroy, to use his utmost Endeavour to introduce the *Inquisition* into *Naples*, but he injoin'd him to manage it with all the Art and Dexterity imaginable, so as not to provoke the People, and to cover his Design with fair Pretences, and mild Methods. The Emperor had already experienc'd how dangerous it was to force it upon the People; for having endeavoured to settle the *Inquisition* in *Flanders*, in a short time he saw that Country turn'd topsy-turvy, and almost dispeopled; for many had such Abhorrence to that Tribunal, that they left their native Country, and chose rather to be Fugitives elsewhere, than submit to it: So that he was forc'd to give over his Design, and there was no more mention of the *Inquisition* in *Flanders*. The Viceroy had bethought himself of this Remedy before he received these Instructions; but knowing that the Name of the *Inquisition* had always been odious to the *Neapolitans*, and that neither the former Viceroy, nor King *Ferdinand* himself, had been able to effect it, although it had often been attempted; his Answer to the Emperor was, That the Enterprize was very difficult, but that he would employ all his Art, and greatest Cunning to bring it about; and in such a manner as it should not be thought to proceed, either from his Imperial Majesty, or from himself.

ABOUT this Time, Pope *Paul III.* finding that the Infection was still spreading in *Italy*, added fresh Vigour to the Inquisition of *Rome*, and, by the Emperor's Connivance, sent Deputies from that Tribunal through all the Provinces of *Italy*, but they were received, upon Condition, that they should proceed by the ordinary Course of Justice, in producing Witnesses; and above all, that they should not proceed to the Confiscation of Goods.

*TOLEDO* thinking, that by making it appear as if the Attempt had been contrived in *Rome*, and not by him, and that under that Colour he might cover his own Design, by means of Cardinal *Borgia*, his Relation, one of the Inquisitors of *Rome*, procured, that, as had been done in other Provinces of *Italy*, a Deputy should be sent to *Naples*, with the Pope's Brief, empowering him to proceed by way of Inquisition, against the Clergy both Regular and Secular: The Brief was sent, and communicated to *Toledo*, who was very much puzzled how to put it in Execution.

IT is said, that the Pope willingly granted the Brief at the Request of the Cardinal, not that he much minded the settling an Inquisition in *Naples*, since he found that the Emperor and the Viceroy designed to have it after the Model of that of *Spain*, and not of *Rome* (which Competition was of great Use to the *Neapolitans*); but that knowing how odious the Inquisition was to that People, and bearing the Emperor a secret Grudge, he believed that the Attempt to introduce it into that Kingdom would occasion Revolutions, Tumults, and Seditions in that City.

*UBERTO FOGLIETTA*<sup>1</sup>, a *Genoese* Writer, followed by the President *Thuannus*<sup>2</sup>, says, That when the Deputies of the Inquisition of *Rome* desir'd, according to Custom, that the Viceroy would give the Royal *Exequatur* to the Brief, *Toledo* made Answer, that they ought not to be too hasty in that Affair, but might keep the Brief by them; for although he could not then give the *Exequatur*, without giving Umbrage to the People, who hated the Inquisition mortally, yet they needed not despair, but keep the whole Matter a Secret, for he would find Means to get it put in Execution.

BUT our *Neapolitan* Writers, Co-temporaries, as well as *Foglietta*, with these Occurrences, and although they yield to him in Majesty and Elegancy of Style, yet in the Truth of Facts, and minute historical Relation, they must be preferr'd to a Stranger, as having been present, and concern'd in the Management of these Affairs, at the Hazard of their Lives and Fortunes: Our Writers, I say, affirm, That the Viceroy, after some Days, gave the *Exequatur* to the Brief in the Collateral Council but would not suffer it to be published through the City by Sound of Trumpet, nor from the Pulpit, for fear of an Insurrection, but caused it to be affixed upon the Door of the Cathedral; and at the same time, retiring himself to *Pozzuolo*, where he used to pass the Winter, he gave Orders to *Dominico Terracina*, who was a odious to the People, as he was obsequious to him (besides his making him his Companion about four Months before, he got him to be chosen anew the *Elect* of the People) and to the other Officers of the City, whom he confided in, that they should insinuate, after the mildest Manner, to the People of their several Districts that they ought not to make so great a Noise about this Ediçt of Inquisition, nor be so much alarm'd, since it was not after the *Spanish* Model, but came provisionally from the Pope, who was a competent Judge of that Matter; and therefore the City had no reason to complain of the Viceroy, since neither he, nor the Emperor had any Intention to force the Inquisition upon them; but that the Pope had don it of his own Motion, that if the City should be found to be in the least infected with Heresy, it might be purged of it, and if not, it might be preserv'd from Infection by this Fright.

ON the other Hand, the *Neapolitans*, to whom the Viceroy's Artifices were well known, became extremely Jealous, and therefore had elected Deputies, who had often had recourse to the Viceroy, on Account of the Rumours they had heard of the Inquisition, and were as often assured by him, that he would not suffer any Novelty; nevertheless the Report still continuing, that the Inquisition would soon be established, their Fear and Jealousy was as great as ever; and when afterwards one Day in *Lent 1547*, they saw the Ediçt affixed upon the Door of the Cathedral Church, which being read by many, and represented to be worse than it really

<sup>1</sup> Ubert. Fol. Tumult. Neap.

<sup>2</sup> Thuani Hist. 1. 3.

As they began to mutiny, make a great Noise, and run to the Archbishop's Vicar (who hearing the Tumult, had hid himself for Fear) and made the Edict be torn to pieces. The Report of this Riot coming to *Toledo*, he sent for *Terracina*, and other Officers of the City, upon *Palm Sunday*, and saying nothing of the Inquisition, but only exaggerating the tumultuous Proceeding of the People, he urged them to punish the Murineers with the utmost Severity. Whatever Inclination these Officers had to obey the Viceroy's Orders, yet their Fear of the Populace (already suspicious and enraged) hinder'd them from giving a resolute Answer, only they made fair Promises, and cautiously said, that they would represent the Matter to their *Seggi*. Therefore having assembled the Deputies, as well of the Nobility as Commons, and finding the Matter very ticklish, it was concluded to send a Deputation to *Pozzuolo* to the Viceroy; and having chosen some of their Number for that Purpose, who were thought most capable to manage the Affair, they sent them in a Body to the Viceroy, to whom *Antonio Grifone*, a Gentleman of the *Seggio di Nido*, spoke with great Resolution and Energy, representing the constant Abhorrence which the *Neapolitans* had always shewed to the very Name of an Inquisition, and especially, because there were always to be found Villains, who for Hire, or out of spite, were ready upon all Occasions to bear false Witnesses, as he (the Viceroy) well knew, having been obliged to make an Edict against such Evidence, and to punish it with Death: So that if the Business of the Inquisition were not laid aside, he told him, that he would very soon see the whole City and Kingdom in Confusion, and brought to Ruin; he therefore begg'd, in the Name of all the rest, that during his Government, under which they had received so many Benefits, he would not suffer their City to be subjected to such a grievous Yoke, and stain'd with Shame and Reproach.

THE Viceroy, with much Civility answer'd, That they needed not to have taken the Trouble to come to *Pozzuolo*; that he loved their City better than they imagined, for he looked upon it as his native Country, not only for his having lived so many Years in it, but for having married his Daughter to one of their Nobles; that it was never the Emperor's Intention to impose an Inquisition upon them; and for his Part, he would sooner lay down the Government, than suffer such an Innovation to take Place in his Time; and that they might rest secure, that they should not so much as hear an Inquisition mention'd hereafter: But he added, That since they knew very well, that many ignorant obscure Persons took intolerable Liberty in speaking, by which they had given just Cause to suspect that they were corrupted, it did not appear improper, nor ought the City to take it amiss, that if any such were found, they should be prosecuted in the ordinary Way, and according to the *Canons*, lest those who were tainted with Herefy should infect others; and for this End only he believed the Edicts had been affixed. The Deputies gave him infinite Thanks for this gracious Answer, and with great Joy returning to *Naples*, they reported the same to their *Seggi*. But although it was received with general Applause, yet many took Exception at the last Words, viz. prosecuting Offenders according to the *Canons*; by which they conjectur'd, that the Viceroy was not averse to the Inquisition, but that he had a Mind to introduce it by specious Pretences, till by Degrees it might grow and gather Strength, and at length be settled in good Earnest, after the Model of that in *Spain*.

BUT what increased their Jealousy afterwards was, that *Terracina* and his Partisans were seen constantly going about among the Populace, insinuating to them, that they ought not to trouble themselves, and make such a Noise about the Matter: But they were convinc'd of the Truth of what they only suspected before, when, on the 11th of *May* 1547. they saw affixed upon the Door of the Cathedral another Edict, by much more plain and frightful than the first, mentioning the Inquisition openly. Then the City was all in an Uproar, and nothing was heard in the Streets but a great Cry *To Arms, To Arms*; the Edict was torn to pieces, and the People tumultuously ran to *Terracina*, bidding him immediately to assemble the Ward, in order to dismiss the old Deputies, whom they suspected to be of Intelligence with the Viceroy, and elect new ones. *Terracina's* Unwillingness to comply with their Request, increased their Jealousy, whereupon in great haste they went to *St. Augustin's* Church, assembled the Ward, and having expos'd the Difficulty of the Matter, and the Danger they were in, and how inconsistent the Viceroy's Actions were with his Promises; it was agreed upon, with common Consent, to deprive *Terracina* of his

his Office of *Elect*, and his Associates of that of Counsellors (for at that Time the Officers were made by the People.) In *Terracina's* Place, they made *Giovanni Pascale Elect*, a bold and popular Man, and for Counsellors, they chose Persons zealous for the Publick, and Enemies to *Terracina*.

UPON these vigorous Proceedings of the Commons, the Nobility likewise bestir'd themselves, and greedily embrac'd this favourable Opportunity to be reveng'd upon the Viceroy, whom they secretly hated; and being no less averſe to the Inquisition than the People, they joined with them, calling them Brethren, and advising them to be watchful, because the Viceroy certainly intended to introduce the Inquisition, and not to trust him in the least, but to resist him openly, to avoid all Tricks and Ambiguities, and to tell him in plain Terms, that they would have no Inquisition, either after the *Spanish* or *Roman* Model, but with all due Respect to their Prince, would oppose it to their last Breath. *Terracina* and his Associates became extremely odious to the People and the Mob, even to the very Children, who called them in the Streets, *Traytors to their Country*. They hated likewise the *Marquis Di Vico Vecchio*, the Count *Di S. Valentino Vecchio*, *Scipione di Somma*, *Federico Caraffa*, the Father of *Ferrante*, *Paolo Poderico*, *Cesare di Genaro*, and many others of all the *Seggi*, who were the Viceroy's Creatures.

THE Viceroy hearing of this Insurrection and Tumult, and that, without his Leave, *Terracina* and his Associates, in an imperious Manner, had been turn'd out of their Offices, and that the People gave no Credit to his Words or Promises, was in a terrible Rage, and came immediately to *Naples*, threatening to chastise severely the Authors of the Tumults; and although Deputies were sent to him to soften his Indignation, he gave severe Orders to the Vicarial Court to proceed against the Ringleaders, not only of the Insurrection, but of the new Election of the *Elect* and Counsellors: Among others who were brought before this Court, as Heads of the Tumult, there was one *Tommaso Anello*, a *Sorrentine*, of the Street *Del Mercato*, one of the most considerable Men in *Naples*, and of great Interest. This Man had distinguish'd himself above all the rest, as well in the Elections as in the Tumults, and it was he that took the Edict from the Door of the Cathedral, and tore it. He having been summoned to appear before the Tribunal of the Vicariate, after long Deliberation whether he should go or not, at last he went, accompanied by an infinite Number of People, who placing themselves round the Vicarial Palace, waited impatiently for *Anello's* safe Return. *Girolamo Fonseca*, Deputy of the Vicariate seeing such a Multitude, thought it more fit, for the present, to dismiss him after short Examination, than to keep him Prisoner; and having delivered him to *Ferrante Caraffa*, Marquis of *St. Lucido*, a Person much in Favour with the People, the Marquis took him up behind on Horseback, and carried him through many Streets of the City, to quiet the Mind of the People, who were afraid of the Life of their Fellow Citizen. The Viceroy being thus frustrated of his Design, full of Indignation return'd to *Pozzuolo*; and soon after *Cesare Mormile*, a Nobleman of *Porta-nuova*, and a Favourite of the People, being summoned to the Court likewise for the Tumult, went thither with much Caution, and so well attended, that the Deputy thought fit also to dismiss him as he had done the other. This Proceeding very much vexed the Viceroy, but he dissimled it, and resolv'd to be revenged another more proper Time.

BUT a new Accident increased the Tumults and Disorders. The Viceroy had during these Troubles, brought into the City from the Out-Garrisons, some Companies of *Spaniards*, to the Number of 3000, and lodged them within *Castel-nuovo*. One Day, whatever the Occasion might be, they were seen, all of a sudden, come out of the Castle; whereupon the People immediately rose in Arms, shut up the Houses and Shops, and ran towards the Castle. The *Spaniards* fir'd upon them and pursued them as far as the *Catalan* Street, pillaging Houses, and killing Men, Women, and Children. The *Neapolitans* ran to the Steeple of *St. Lorenzo*, and rung the Alarm-Bell, at the Sound of which, as the Citizens assembled, the Roy Ports began to fire Cannon against the City, but with little Execution. Wherever any *Spaniards* were found within the City, they were kill'd and torn to pieces. The Courts of Justice were shut up, and there was nothing but Disorder and Confusion, till Night came, when the Fury was something abated.

THE Viceroy in great Rage alledged, that the City was guilty of open Rebellion, by taking up Arms; on the other Hand, the Deputies complaining of his

That in order to be reveng'd of the City for what had pass'd, he had brought *Spanish* Soldiers to pillage it, and that he had caus'd it to be cannonaded from the Forts and Castles, as if it had belong'd to the *French* or the *Turks*, and not to the Emperor; and they declared they would give an Account of the Whole to his Imperial Majesty: And in the mean time, having assembled the most celebrated Advocates and Doctors of the Law, the Chief of which was *Giovan-Angelo Pisanello*, who was of Opinion, and was seconded by all the rest, that the City could not be accused of Rebellion, for they might arm themselves against an incensed Minister, to preserve to their lawful King, the City and Kingdom. Then they resolv'd to raise Soldiers for the Guard of the City; and that Charge was given to *Giovan-Francesco Caracciolo*, Prior of *Bari*, a Gentleman of the *Seggio Capuana*, to whom was joined his Brother *Pascale*, *Cesare Mormile*, the Viceroy's Enemy, and *Giovanni di Sessa* the *Elect*; but the Prior and *Mormile* had the chief Direction of all.

A NEW Incident exasperated the People much more. Some young Noblemen of the *Seggio* of *Portanova* being together in that *Seggio*, some Under-Officers of the Vicariate pass'd by with a Prisoner for Debt, and, as the City was in Arms, People having little Regard for the Ministers of Justice, the young Noblemen stop't the Officers, and ask'd for what Reason they carried that Man Prisoner; the Rogue with a loud Voice said, *Gentlemen, they are carrying me to Prison on account of the Inquisition*: Upon which Words the young Men, without more ado, did what they could to rescue him. The Deputy of the Vicariate being inform'd of the Fact, five of them were seized, three of which being found Guilty, he immediately advertised the Viceroy of it, who presently came to *Naples*, and on the 23d of *May* gave Orders that they should be brought to the Castle, and calling a Collateral Council, contrary to the Advice of the famous *Cicco di Loffredo* the President, at that Time Deputy, would by all Means have them condemn'd to die by the Sentence of a Court Martial, thinking thereby to humble the Nobility, as the People had been in the Case of *Focillo*. This Sentence being therefore pass'd upon them, they were brought from the Castle the next Day; being the 24th of *May*, about Ten a Clock, and carried to the usual Place of Execution; and because the Affair required Expedition, they were made to kneel down, and had their Heads cut off after the military Manner.

As soon as the Execution was over, the Viceroy, flattering himself, that by shewing Intrepidity, would abate the Pride of the Seditious, made a Cavalcade through the City, accompanied by many *Spanish* and *Neapolitan* Gentlemen, and some Companies of Foot Soldiers. In the mean time the Populace having shut up their Houses and Shops, were all in Arms, and run through the Streets, bawling, blaspheming and threatening, as if they had been all drunk; therefore the Deputies, hearing of the Cavalcade, sent to the Viceroy, begging of him to defer it for the present, lest some desperate Fellow should be so bold as to offer him Violence, the People being all in Arms: But the Viceroy would not stop, thinking, that if he did, the Mutineers would grow more insolent upon it; therefore the prudent Deputies sent *Cesare Mormile*, and some other Gentlemen, before the Cavalcade, to restrain the People, who stood arm'd in great Multitudes in the Streets, from attempting any Thing against the Viceroy. But it was surprizing to see, that although they offer'd no Violence to him, yet through all the Streets as he pass'd, there was not one single Person that shew'd him the least Sign of Respect, either with Hat or Knee; whereas formerly, when he rode through the City, every one run to salute him with the most cordial Affection. So much were they chang'd by their Abhorrence to the Inquisition.

THIS severe Execution, and the Cavalcade made by the Viceroy with an Air of Contempt, produced greater Insurrections and Tumults; for the People being afraid that the Viceroy would revenge himself upon all who had oppos'd him in establishing the Inquisition, as he had done upon the aforesaid three young Noblemen, were in the utmost Despair; and in order to convince them that such was the Viceroy's Design, *Mormile* and the Prior of *Bari* industriously gave out, that the Viceroy was to send a Detachment of his *Spaniards* to seize *Mormile*, and all who had oppos'd him in establishing the Inquisition. Upon this Report the Bell in the Steeple of the Church of *St. Lorenzo* was rung to Arms, where Multitudes came arm'd ready to die for the Liberty of their Country: Then the Heads of the Faction taking hold of the Opportunity, and seeing the People in a manner distracted, called

called a General Meeting, wherein many Things were resolv'd upon. First, it was determined, That the Viceroy should be no longer obey'd. 2dly, That for that End the Nobility and Commons should enter into an Association, with a firm Resolution, either to live or die together. 3dly, That they should dispatch Ambassadors to the Emperor.

THE Association was drawn up and sign'd with great Solemnity, and a Trumpet sent to intimate it to all the Gentlemen who were shut up in the Castle with the Viceroy, with a Protestation, that unless they appeared to sign the Association with them, they would burn their Houses, and destroy their Estates, whereupon the Viceroy gave them all Leave to go, to preserve their Houses and Estates. The Association being solemniz'd, the Nobility and Commons, great and small, rich and poor, went promiscuously in Procession through the City, with a Crucifix before them, crying out, *The Association, the Association, for the Cause of GOD, of the Emperor, and of the City.* And that every one might be brought to join with them, it was resolv'd, that whoever did not enter into the Association should be deem'd a *Traitor to his Country*, which had such Effect, that all Men, great and small, enter'd into it, as an honourable Society; so that the Viceroy used to say with a Smile, That he was sorry he could not enter into that *Holy Association*.

FERDINANDO SANSEVERINO, Prince of *Salerno*, an Enemy to the Viceroy, was pitch'd upon to be the City's Ambassador to the Emperor, and he being a vain Man, and full of Levity, instead of excusing himself, accepted the Employment with great Joy, and to him was join'd *Placido di Sangro*. The Prince went immediately to take Leave of the Viceroy, who told him, that if his Business with the Emperor was about the Inquisition, he might save himself the Fatigue of his Journey, for he would give his Word to procure the Emperor's Edict for laying it aside for ever; but he answered, That he must of Necessity go, because he had given his Promise to the City, and so made haste to *Salerno*, to get Things in order for his Departure. The Viceroy stood that whole Day at the Gate of the Castle, to learn what passed in the City, and hearing that they had thrown off their Obedience to him, calling him no more Viceroy, but *Don Pedro*, he turn'd to those about him, and said smiling, *Come, Gentlemen, let us go and divert ourselves, for now I have nothing to do, since I am no longer Viceroy of Naples.*

PIETRO SOAVE<sup>1</sup>, in his History of the Council of *Trent* (though the *Neapolitan* Writers mention no such Thing) says, That the City likewise sent Ambassadors to Pope *Paul III.* and that the *Neapolitans* offered to give the Kingdom up to him if he would accept of it; but that his Holiness contented himself with fomenting Sedition, which he did with great Dexterity, and refused the Offer of the Kingdom, as not thinking himself able to defend it, although Cardinal *Teatino* Archbishop of *Naples* promised to stand by him with all his Relations, who were many and powerful, offering to go in Person to the City, and use all his Interest for him, and therefore press'd the Pope not to let slip so fair an Opportunity to serve the Church, by the Conquest of so great a Kingdom.

BUT of this Fact, which would have been downright Rebellion, there is not one *Neapolitan* Writer that makes the least Mention. And although the Duke *D'Alba*, and the *Spaniards* took it for granted, yet Pope *Julius III.* in a Letter of his to *Charles V.* recorded by *Cbioccarelli*, praying him not to defer giving Cardinal *Teatino* Possession of his Archbishoprick of *Naples*, denies the Fact positively, as shall be told hereafter. Every Body would have expected, that Cardinal *Palavicino*<sup>2</sup>, *Soave's* great Antagonist, would have taken him to Task for this Assertion: But although this Author seems to be intirely contrary to *Soave*, and contradicts him as to the Intent of the Actions, yet they agree in the Truth of the Facts, and there seems to be very little Difference between them, except in some Circumstances of small Importance, particularly in the Fact abovementioned; *Palavicino* confesses, that the *Neapolitans* made large Offers to the Pope for his Protection<sup>3</sup>, but that he, out of his great Piety and Wisdom, gave no Ear to them, knowing, that the Acquisition of that Temporal Kingdom, in such ticklish Times, would indanger his whole Spiritual Dominion, of which the Temporal was only an Accessory, and could not be supported without the other.

<sup>1</sup> Hist. Council of *Trent*, l. 3. ann. 1547.

<sup>2</sup> *Palavicini*, Hist. Con. *Trid.* l. 10. c. 1.

<sup>3</sup> *Gio. Battist. Adriano*, Hist. l. 6.



IN the mean time the Viceroy, lest this Association should breed a Rebellion, especially when he found that they pursued the *Spaniards* to Death, doubled the Garrison of *Castel-nuovo*. The next Day, which was the 26th of *May*, the Heads of the Sedition spread a Report, that the Viceroy design'd to attack them, and punish them as Rebels, for having rung the great Bell to Arms; therefore in all haste they barricadoed the Street *Dell'Olmo*, and all the other Streets fronting the Castle, they put Soldiers in *Santa Maria della Nuova*, and ran with great Fury to attack the *Spaniards* in their Quarters: Whereupon the Viceroy ordered the Cannon of the Castles to be fired upon all Places where any Number of Men were seen in Arms, and he sent *Spanish* Soldiers to attack the Barricadoes. Thus, without Intermision, did they skirmish for three Days and three Nights, in which many of both Sides were killed and wounded.

WHILE Matters were in this Situation, the Deputies, being extremely careful not to run into any rebellious Action, held continual Consultations; and to shew their Loyalty towards the Emperor, they set up a Standard, with the Arms of the Empire, upon the Steeple of *St. Lorenzo*; and as the *Spaniards* cried out, *The Empire and Spain*, they made the People likewise to cry out, *The Empire and Spain*: Besides, they sollicited the Prince of *Bisignano*, and other Persons in Favour with the Viceroy, to treat with him about a Cessation of Arms, and that he should not attempt to punish any Person for what had pass'd, till he had first acquainted the Emperor. To which the Viceroy agreed, and it was resolv'd, that the City should send one Deputy, and the Viceroy another, to inform the Emperor of the Matter of Fact. The Viceroy sent the Marquis *Della Valle*, Governor of *Castel-nuovo*, by whom he wrote to his Imperial Majesty, telling him, amongst other Things, that the Inquisition would never go down with the Subjects of *Naples*; as it was settled in *Spain*, for many Reasons; so that in order to extinguish the Name of the Association now enter'd into, it was absolutely necessary never to mention the Inquisition again. The City sent on their Part, the Prince of *Salerno*, and *Placido di Sangro*, who took Post from *Naples* the 28th of *May*; but the Prince staying at *Rome*, and spending his Time in visiting the Cardinals, the Marquis *Della Valle* got the Start of him, and was first at *Nuremberg*, where the Emperor resided at that Time.

DURING the Truce, both Parties stood upon their Guard, and kept Centries in their Forts, but the Soldiers and Citizens conversed with one another, although the People, being still in Arms and Commotion, had no Regard to the Ministers of Justice, nay they often affronted and abused them. The Deputies seeing this, and fearing lest some Rebellion should ensue, went to the Viceroy on the 15th of *June*, accompanied with one of the Judges, and a Notary, to desire that he would take Care to see Justice administred as formerly, for they were as ready to obey as ever, and protested that they would never depart from their Duty, and they offer'd him Hostages for the Security of his Officers. But the Viceroy, who saw that all this was only done out of Cunning (for in Effect, no Officer durst appear in the Streets for the Insolence of an arm'd Mob) refused to do it, telling them, that their Obedience was only in Words, but not in Facts; whereupon, by a publick Decree of the City, it was resolv'd, that a Guard should be appointed to patrol Day and Night through the Streets, to seize all Delinquents, and imprison them in the Vicariate, to be tried and punish'd by the Deputy and the Judges, who were shut up in that Palace, and a Company of Soldiers was placed about the said Palace, that none might dare to break Prison, or offer Violence to the Officers: But this Care signified nothing, for the Insolence of the Mob was such, that they did not regard even the Officers of the City.

IN the mean time, the Viceroy found Means to divide those of the Association, and discover whether there was a Rebellion hatching in the City, by sending a written Order to all the Barons, under the Pain of Rebellion, to come and lodge in the *Spanish* Quarters, because his Majesty's Service required it; upon which there was a Council held in the City, where it was concluded, that they might go if they thought fit: Whereupon they all went to the Viceroy, and had Apartments and Necessaries assign'd them. The next Day the City, to make up that Breach, confirm'd anew the Association, and dispatch'd a Message to the Viceroy, desiring, that there might be Lodgings for them all, because not only the Nobility, but they were all ready, for his Majesty's Service, to come and lodge in those Quarters; to

which the Viceroy jestingly answered, That although it was Summer-time, the Message sent him from the City was too cold.

AFFAIRS being in this Posture, all good Men, not able to live under such a vile Government, left the City with their Families, and none would have staid if the Deputies had not posted Guards at the Gates. It was lamentable to see the City void of Nobility and honest Citizens, and only filled with an arrogant Mob, and Shoals of Banditi, who running from Place to Place, committed a thousand Insolences, and whoever reprov'd them were insulted, call'd Traytors to their Country, and forced to take Arms and join them; but whoever appear'd swaggering in the Streets in their Doublets, or Arms in their Hands, boasting of their Willingness to die for their Country, and threatening the Giant of the Castle (for so they call'd the Viceroy) were honoured, stiled Patriots, and deemed worthy to be made Deputies of the City: And now the Government of the Deputies began to dwindle away, and the whole Authority devolved to a few of the most powerful, till it became a Triumvirate, compos'd of *Mormile*, the Prior of *Bari*, and *Giovanni di Sessa*, leaving the Deputies only the Name, for the Reputation of the City.

WHILST Things were at this Pass, there came Ambassadors to the Viceroy from his Son-in-Law the Duke of *Florence*, from the Republick of *Sienna*, and from other Powers of *Italy*, offering to assist him both with Men and Money, for which he gave them Thanks, but only accepted the Duke of *Florence's* Offer, to whom he sent Word to have 5000 Foot in Readiness, and to send them by Sea to *Naples*, in case there should be Occasion. This being known in the City, the Deputies fearing to be attack'd unawares, resolv'd to levy 10,000 Men, which, out of the great Number of Peasants and Exiles that had come into the City, were quickly raised. They also muster'd all the People, and there were found 14,000 fit to bear Arms, the greatest Part Musquetiers. This Army, raised in this Manner, was without a Head, because the Deputies would not trust a Captain-General with it, lest he should make himself Master of the City, and overturn their Government, but commanded it themselves the best Way they could, and only made use of it to guard their Barriers in case they should be attack'd: But this Army, being under no Restraint, attack'd the *Spaniards* in their Quarters, and on the 21st of *July* a bloody Scuffle ensued, and the great Bell was rung to Arms; whereupon the whole People attack'd the *Spaniards*, and drove them to the *Catalan Street*, where they kill'd a great Number of them, and particularly sixteen poor Soldiers who were eating in a Publick House. Upon Notice of this, the Viceroy likewise order'd his Men to take their Arms, and having drawn up the *Spanish* Infantry in order of Battle, he sent them under the Command of *Bali Urries* to beat them back, which was quickly done, for they were so pelted with small Shot, that they retired from the Quarter *S. Giuseppe* and the *Catalan Street*, to the Head of the Street *Dell'Olmo*; but the *Spaniards* being gall'd from the Houses, forc'd the Doors and Walls, and entering them, pillag'd and set them on Fire: When Night came on, the *Spaniards* were posted in the Custom-House and other strong Houses. They took also by Force the Convent of *S. Maria la Nuova*, in which were many *Italian* Soldiers, and Captain *Orivoela*, with a Company under his Command, got the Charge of it. The City on the other Hand, fortified *Santa Chiara*, the Palaces of the Prince of *Salerno*, the Duke of *Gravina*, *Monte Oliveto*, and of Secretary *Martirano*, and posted many Musqueteers, and some Pieces of small Cannon within them. This being done, the Viceroy gave Orders that the Soldiers should not stir out of their Forts, but keep upon the Defensive: But the People, on the other Hand, being without a Head, and void of Fear, never rested Day nor Night, but were always under Arms, attacking the *Spaniards*, and killing them with great Cruelty, as also the *Italians* of the Viceroy's Party, whose Houses they pillag'd, and destroyed their Vineyards; sometimes they run out as far as *Pozzuolo* to plunder the Viceroy's Goods, and at *Chiaja* they attack'd those Gentlemen who were quarter'd there by the Viceroy's Orders. This cruel War lasted fifteen Days, during which Time it was carried on both Day and Night, the Artillery of the Castle and the Gallies fir'd into the City where-ever they perceived arm'd Men; and now the People began to cry out, that the Cannon ought to be put in Order, and planted against *Capitolano*, and the other Forts, but the Deputies would by no Means consent to that, as thinking it open Rebellion. This War ought to be call'd a Civil War, and for that

that Reason the Number of the Slain ought to have been conceal'd, after the Example of *Julius Cæsar*, who would never mention the Number of those kill'd by him in the Civil Wars; but there are Authors, who, without that Caution, have given Lists of their Names.

BUT in the Heat of this War, the Marquis *Della Valle*, and *Placido di Sangro*, return'd from their Embassy. There was immediately a Cessation of Arms, that the Emperor's Pleasure might be known, which *Placido di Sangro*, in a publick Council declared to the City, which was, That his Imperial Majesty commanded them to deliver their Arms to the Viceroy, to whom he would afterwards send full Instructions concerning what had pass'd. Although this Order appear'd very hard to the City, being oblig'd, without Security, to lay down their Arms, and put themselves in the Power of their Enemy, who continued arm'd; yet, to shew that what had pass'd was done without any Design of disobeying the Emperor, they resolv'd to obey, and they all willingly, without Delay, went and delivered their Arms to the Deputies in *S. Lorenzo*, who afterwards, in the Name of the City, deliver'd them to the Viceroy in the Castle; and although many Arms were wanting, yet the Viceroy, satisfied with this Obedience, resolv'd not to be too severe in obliging them to bring all their Arms, only he insist'd upon the Delivery of the Cannon; and being desirous to have Tranquility restor'd, he wisely distinguish'd many Things in which he might have shew'd Rigour. This being over, the Viceroy applied himself diligently to restore the Exercise of Justice, and to reform the Government of the City. The Tribunals were open'd, and every one began to follow his own Business as formerly; and the Viceroy, to secure the Citizens, and quiet their Minds, forgave them all, telling them, That he knew they had been impos'd upon by some People, who, to carry on their own bad Designs, and gratify their Passions, had endeavour'd to make an Insurrection, and to bring about a Revolution under Colour of the Inquisition, and that he was heartily glad that GOD Almighty had deliver'd them out of the Hands of such People; and therefore the Emperor forgave them all, as he himself did, and was ready to do all that was in his Power for their Ease and Relief.

BUT the City being still in Suspence, and desirous to know the Emperor's full Pleasure, begg'd of the Viceroy to signify it to them, because they were ready to obey his Commands; therefore the Viceroy, on the 12th of *August*, sent for the Deputies to come to the Castle, and as soon they had enter'd, the Bridge was drawn up, which struck Terror into those without; but the Viceroy received them very graciously, and declared the Emperor's Pleasure to them, which was, That there should be no Inquisition; that he pardon'd their rising in Arms, because he knew that it was not done out of Rebellion; and that if *Cesare Mormile*, the Prior of *Bari*, and *Giovanni di Sessa*, in the Name of the City, had gone to the Emperor, he would have done them Justice to the utmost of his Power. The Deputies overjoy'd at this Declaration, return'd to give an Account of what had pass'd to the City; but soon after Thirty-six were publickly excepted out of the Emperor's Indemnity, and condemn'd to die: The Prior of *Bari*, *Mormile*, and the rest, upon the News of this fled, only *Placido di Sangro* was taken and brought Prisoner to the Castle; but after some time many of them were pardon'd, except *Mormile* and such as had enter'd into the *French* Service, who were all forfeited, and their Effects sold; and the unhappy *Giovan-Vincenzo Brancaccio*, one of the Excepted, was taken and beheaded.

AFTER this the Emperor sent a Letter to the City of *Naples*, in which he called it his most faithful City, pardoning all the past Excesses and Disorders; but to indemnify himself of the Charges he had been obliged to be at on that Account, he fined them in 100,000 Crowns. He farther added, That whatever the Viceroy had said or done, had been by his Consent and Approbation, ordering them, for the future, to respect him as they would his own Person.

THE City had now in some measure recovered itself, and was at Ease, but still kept a Correspondence with the Prince of *Salerno*, who continued by their Order at the Emperor's Court, but was not well look'd upon, nor in much Credit there: On the contrary, he was blam'd for having undertaken the Office of Ambassador

<sup>1</sup> Ubert. Fol. de Tumul. Neap. fol. 24. | Phil. II. Paramo de Origine S. Inquisitionis, Thuani Hist. lib. 2. fol. 195. Bentivog. Hist. | 1. 2. cap. 10. tit. 2. Card. Palavicino Hist. di Fiand. par. 1. l. 3. in Oratione Duc. Feriæ ad Conc. Trid. l. 10. cap. 1. num. 4.

from the City whilst it was in Arms, and likewise because it was said, that he was not a lawful Ambassador, as not having been chosen by all the Wards; and therefore he advised the City by Letters to be upon their Guard, and not to think themselves secure, and that they ought to send new Ambassadors to represent to the Emperor what he had insinuated to them; whereupon *Julio Cesare Caraccioli* was sent from the Nobility, and *Giovan-Battista del Pino* from the People, who left *Naples* the 2d of *December*, and were graciously received by his Imperial Majesty. Not long after the Prince of *Salerno* returned from Court, and secretly persuaded such as were so weak as to believe him, that the Emperor had promised to remove the Viceroy from the Government; but the Viceroy, who was better inform'd of the Truth, stood his Ground, and kept the Government, with the same Authority as before, during his Life.

AFTER this Manner did the *Neapolitans* constantly oppose the *Inquisition*, a Tribunal so much hated and abhorred by them. From the Time that they receiv'd the aforesaid Letter from *Charles V.* there never was more mention made of the *Inquisition*: And, as the Animosity and Hatred increased afterwards between the Emperor and the Pope, it was the more hush'd; for *Pier Louigi Farnese*, the Pope's Son, having been killed in his own Palace on the 10th of *September* this Year, by a Conspiracy hatch'd against him, the Pope was exceedingly afflicted, not so much for the violent and ignominious Death of his Son, as for the Loss of *Placentia*, and because he plainly saw that it had been done with the Emperor's Approbation. And Pope *Paul III.* dying, his Successor *Julius III.* at the Sollicitation of *D. Juan Manriquez*, the Emperor's Ambassador at *Rome*, and at the Request of the City of *Naples*, dispatched a Bull, dated *April 7. 1544*, directed to Cardinal *Pacecco*, at that Time Lieutenant of the Kingdom, by which, in order to gratify the Emperor, the said Cardinal, and the City of *Naples*, he ordained that there should be no more Confiscation of the Goods of Hereticks in the Kingdom, annulling all such as had been done before that Time<sup>1</sup>.

IN the mean time the Viceroy, to root out the Poison which had remained in some Persons, gave the Assistance of the Secular Power, without any Difficulty, to the Vicar of *Naples*, who proceeded therein after the ordinary Way prescribed by the Canons. But 'tis true, there was an Abuse which was not then eradicated, but, as we shall see, continued for many Years after, *viz.* the sending Persons that had been tried, Prisoners to *Rome*, to the Officers of that *Inquisition*, or else requiring Bail of them, that they should go and present themselves there before those Officers; for that was practis'd as well in *D. Pedro's* Time, as under the Government of his Successors, *viz.* That those, who were tried for Heresy in the Kingdom of *Naples*, went to *Rome*, made their Recantation, did the Penances enjoined by the *Inquisition* there, and then returned.

<sup>1</sup> Chiocc. MS. Giur. tom. 8.

## S E C T. II.

*The Inquisition again attempted under Philip II. but still rejected.*

TO follow the due Order of Time, we should here make an End of speaking of the *Inquisition*, and proceed to the other Occurrences of the Reign of *Charles V.* and *Toledo's* Government; but I judge it more Methodical to prosecute that Subject even to our own Times, that, without interrupting the Thread of the History, or being obliged to treat of it anew, the whole may be laid open to the Eyes of every Body, to the End, that at one View, my Countrymen may distinctly see the Horribleness of the *Inquisition*, and may judge, with how much Reason our Ancestors always detested it, and may thereby know, what Thanks we owe our present most August Prince, who has freed us intirely from it.

THE Abhorrence of our Ancestors to the *Inquisition*, has been found to have proceeded from the horrible Method of proceeding of the *Inquisition* of *Spain*, in the Time of *Ferdinand the Catholick*, against the *Moors* and *Jews*; now we shall see, that the Aversion increased by the new and more terrible Methods made use of by

by the Roman Inquisition under Pope *Paul IV.* our Countryman: The other Popes, his Predecessors, endeavour'd, or at least pretended to extinguish the *German* Heresy by calling a General Council; but *Paul* was no sooner advanced to the Chair, than he thought the Inquisition the strongest Bulwark against Heresy, and the best Fence of the Apostolick See, insomuch, that he was wholly intent upon making that Tribunal more terrible by rigorous Constitutions<sup>1</sup>. Thus by a new Constitution published on the 15th of *February 1558.* which he made all the Cardinals subscribe, he renewed all the Censures and Penalties against Hereticks made by his Predecessors, all the Decrees of Councils, all Canons or Sentences of Fathers pronounced at any Time against Heresy, and revived such as were in Desuetude, and declared, That all Prelates, Princes, and even Kings and Emperors, tainted with Heresy, should be reputed as deprived of their Benefices, States, Kingdoms and Empires, without any other Process or Declaration, and incapable of being restored to them, even by the Apostolick See; and that their Effects, States and Dominions, should be understood to be taken from them, and might lawfully be possessed by such Catholicks as could seize them. And the President *Thuanus*<sup>2</sup> relates, That when the Pope, some Years before his Death, saw himself free from the Trouble of War, his whole Care was to aggrandize the Power of the Inquisition, to which he gave the Name of *The most Holy Office*, ordering the greatest Rigour to be exercised, and which was put in Execution (to name no more) upon *Pompeo Algieri of Nola*, who was burnt alive as a Heretick<sup>3</sup>. To this End, he set over it as President, *Michael Gisleri* a *Dominican*, whom he had made a Cardinal, for the Austerity and Ruggedness of his Temper, that he might exercise the greater Rigour, as he did, not only whilst he was Inquisitor-General, but also when he afterwards came to be Pope by the Name of *Pius V.* who, during his Pontificate, used such Severities against those that were suspected of Heresy, that *Thuanus* does not stick to say, that he could not relate them without Horror<sup>4</sup>. *Paul IV.* not only made Cases of Heresy to be brought before this Tribunal, but also other Crimes, which before were always tried by the ordinary Judges<sup>5</sup>.

ABOUT this Time the Order of the *Theatines* started up among us, who, following the Foot-Steps of their Founder, employed themselves as Spies upon the *Neapolitans*, and thought they could not do a more acceptable Service to the Pope, than to inform the Inquisition of all such as they suspected of Heresy, however slight the Grounds were upon which they were accused, which occasioned terrible Disorders and Tumults in the City, and in private Families; and if their Rivals and Competitors the Jesuits, who started up at the same Time, had not opposed them, they would have occasioned greater Troubles: Hence it came, That the Aversion to the Inquisition, not only in *Naples*, but in *Rome*, increased to that Degree, that on the 8th of *August 1559,* Pope *Paul* dying, and while he was scarce cold, the common People of *Rome*, out of Hatred to him, demolish'd his Statue in the Capitol, broke open the Prisons, and set the Prisoners at Liberty, set fire to the Place of Inquisition, and burnt the Processes, and all the Records and other Writings kept there; and they were very near burning the Convent of *Minerva*, where the Friars, who had the Direction of this Tribunal, lived<sup>6</sup>.

BUT at this Time the Dread increased, not only by the Terror of the *Roman* Inquisition, but much more by that, which by the Means of *Philip II.* in the Year 1559, was done by the Inquisition of *Spain*, as we shall now relate.

KING *Philip*, after the Death of his second Wife *Mary* Queen of *England*, resolving to leave *Flanders*, and retire to *Spain* by Sea, was overtaken by such a Storm, that he lost almost his whole Fleet, with much rich Furniture which he had on Board, and with great Difficulty escap'd himself. When he arrived at *Cadiz*, he said he had been saved by the particular Providence of GOD, that he might extirpate the *Lutheran* Heresy, which he immediately set about; for as *Thuanus* says<sup>7</sup>, he was scarce landed in *Spain*, when he gave Orders, That a strict Inquiry should be made after all Sectaries, and all such as were suspected of Heresy, and that they should be severely punished: And whereas formerly, when one or more Persons

<sup>1</sup> Paolo Soave Hist. Con. Trid. l. 5. p. 417.

<sup>2</sup> Thuan. Hist. l. 22.

<sup>3</sup> V. G. Dict. V. Algerius.

<sup>4</sup> Thuan. l. 39.

<sup>5</sup> Thuan. lib. 39.

<sup>6</sup> Ibid. l. 23.

<sup>7</sup> Ibid. V. Paolo Soave Hist. Conc. Trid. p. 425.

were condemn'd for bad Principles of Religion, it was the Custom to deliver them to the Executioner to be put to Death; after this Order of the King's, all condemn'd Persons were from all Parts of *Spain* conducted to *Seville* and *Valladolid*, where they were kept Prisoners till his Arrival in those Cities, where they were to be executed with theatrical Pomp. The first Act of this dreadful Tragedy was performed in *Seville* on the 27th of *September* 1559, where, to give a signal Instance of Punishment in his auspicious Reign, and to leave no room for any to expect Mercy or Pardon, he made *John Pontio*, Count of *Baileno*, be brought first of all from a Tower where he had been imprison'd for a *Lutheran*, and carried in great Pomp to the Theatre, where he was burnt by the devouring Flames; and with him was likewise burnt *John Gonsalvo* a Preacher: These were follow'd by four noble Ladies, *Isabella Venia*, *Maria Virvesia*, *Cornelia* and *Boborquia*; and what made the dismal Spectacle the more lamentable, was the tender Age and Intrepidity of *Boborquia*, who was not 21 Years complete, when, with the greatest Constancy, she suffered so cruel a Death. *Isabella Venia's* Houses, where the Sectaries met for Worship, were razed to the Foundation.

AFTER these were likewise burnt *Ferdinando de Fano*, *John* and *Julian Ferdinando*, who, from his little Stature, was commonly called *El Pequeno*, and *John de Lione*, who having in his Youth been a Taylor in *Mexico* in *New Spain*, and returning to his native Country, enter'd into the College of *S. Isidor*, where he privately profess'd the new Religion. The Number of the Sufferers was increased by *Francesca Chaves*, a Nun of the Convent of *S. Elizabeth*, who had been instructed by *Giovanni Egidio*, preaching Friar of *Seville*; and *Christophoro Lojada*, a Physician, had the same Fate. Out of the same College of *S. Isidor* were brought to the Stake, *Christopher Arellanio* and *Garzia Arias*, who having been the Introducer of this new Doctrine into the College, there was a larger Pile made for him, and he was burnt alive. The College was likewise set on Fire, and intirely burnt, and with it a good Part of the City.

TO complete the Tragedy, there remained *Egidio* the preaching Friar of *Seville*, and *Constantine Pontio*. *Egidio* was in such Favour with *Charles V.* for his Learning and Piety, that he design'd to have made him a Bishop; but being afterwards accused of Heresy, either out of Cunning, or at the Instigation of *Domiuico Soto*, having publicly renounced his Error, he was released, and only suspended from Preaching, and other sacred Offices, for some Time by the Inquisitors, and he died a little before this Tragedy was finished: But the Inquisitors, being now sorry for their former Mildness, re-examined his Process, called his Corpse to account, and although Dead, pronounced Sentence of Death; but not being able to burn him alive, they made his Effigy, which was burnt on that frightful Theatre. The other, *Constantine Pontio*, had been Confessor to *Charles V.* in his Retirement, in which Office he served him to his Death, and that Prince breathed his Last in *Pontio's* Arms; but upon the Emperor's Demise he was put in Prison on Suspicion of Heresy, where he died a short while before this lugubrious Scene. The Inquisitors likewise re-examined his Case, and, though dead, was condemn'd to the Flames; for which End his Statue was immediately made in a preaching Posture, a Spectacle which at first drew Tears from some, and Laughter from others, but at last Indignation from all the Spectators, who seeing an inanimate Statue used in such a manner, concluded, that there was little Hopes of Mercy or Indulgence from him, who did not think fit to shew some Respect towards a Person whose Infamy reflected Dishonour upon the Memory of the deceased Emperor his Father.

IN *October* the King went to *Valladolid*, where using the same Rigour, in his own Presence, with the like lugubrious Apparatus, he caused Eight and twenty of the chief Nobility of the Country to be burnt, and kept in Prison *Fr. Bartolomeo Caranza*, so famous in the first Reduction of the Council to *Trent*, afterwards made Archbishop of *Toledo*, and Primate of *Spain*, from whom were likewise taken all his Revenues<sup>1</sup>.

THESE cruel and horrid Executions coming to the Ears of the *Neapolitans*, it is easy to imagine what Detestation and Fear they created in them. But a few Years afterwards two Accidents happened which gave a greater Alarm, and filled their Minds with greater Apprehensions, continual Jealousies and Distractions.

<sup>1</sup> Thuan. l. 23. Paolo Soave, loc. cit. p. 426.

THE new Doctrine having pass'd the *Alps* by the Way of *Savoy* from *France*, began to creep into the Dutchy of *Milan*, and there infect People with new Opinions with respect to Religion. The Duke of *Savoy*, being obliged by the Necessity of the Times, had suffered in his Dominions some hidden Protestants<sup>1</sup>; but the *Spaniards* finding the Poison had reached the *Milaneses*, thought the best Way to crush it in the Bud was, to use their wonted Severity. King *Philip II.* earnestly desired Pope *Pius IV.* by his Authority, to erect an Inquisition in *Milan* after the *Spanish* Model; but the Pope having consulted the Affair in the Consistory, found many Cardinals against it, and he himself was very unwilling to disoblige the City of *Milan*, the Place of his Birth; but being overcome with the strong Sollicitations of *Philip*, he granted his Request, and this Year 1563. dispatched a Bull for that Purpose: The *Milaneses*, who detested this Tribunal as much as the *Neapolitans* did, upon the News of this were exasperated to that Degree, that if the Prudence of the Duke of *Sessa*, their Governor, had not prevented it, there would have happened the same Tumults and Disturbances in *Milan*, as had been in *Naples* under the Government of *Toledo*. *Ferdinando Gonzalvo de Cordova*, Duke of *Sessa*, who had then succeeded the Marquis *Di Pescara*, lest the State should be disturbed with Seditions in the Beginning of his Government, sent some Citizens to the King, and others to the Pope, to divert them from the Undertaking; and he himself insinuated to the King by Letters, that to establish the Inquisition in *Milan*, after the Manner of *Spain*, was the Way to turn the whole State into Disorder and Confusion. Upon this Representation, both the King and the Pope were satisfied, and the Inquisition was dropt.

*NAPLES* was soon after struck with the same Fear, upon an Occasion which we shall trace from its original Cause. In the Reign of *Frederick II.* they endeavoured to extirpate the Hereticks of those Times, especially the *Waldenses* and *Albigenses*, with an armed Force, after the same Manner that had been used against the *Saracens* with *Crusades*. Those People being routed and banished, their Effects confiscated, and Honours forfeited, dispersed themselves in different Parts; and continuing obstinate in their Opinions, when they could no longer defend themselves by Force, they retired to private and obscure Places, where, not being minded, they kept up their Opinions. Some took Shelter in *Provence*, in that Ridge of Hills which join the *Alps* to the *Pirenees*, where there were Remains of them in the Pontificate of *Julius II.* and afterwards. Others retir'd to *Germany*, and took up their Residence in some Corners of *Bohemia*, *Poland*, and *Livonia*, who, by the *Bohemians* were called *Piccardi*. And some others, as very grave Authors relate, especially *Thuanus*<sup>2</sup>, fled for Refuge (who would have thought it?) to our *Calabria*, and lived in that Province till the Pontificate of *Pius IV.* and the Reign of *Philip II.* when under the Viceroyalty of the Duke *D'Alcalà*, they were intirely exterminated<sup>3</sup>.

THESE People lived in the *Hither Calabria*, in some Towns near *Cosenza*, called *Guardia*, *Baccarizzo*, and *S. Sisto*, of their own Founding, and for that Reason called *Guardia Lombarda*, as being inhabited by People that came from beyond the Mountains, and from *Lombardy*<sup>4</sup>: Here they lived a long Time not observed or minded. At first they were so stupid and ignorant, that there was no Danger of their communicating their Opinions to others; their Number was so inconsiderable, and being altogether illiterate, they neither cared to spread their Doctrine, nor that others should have the Curiosity to learn it. But after the *Lutheran* Heresy sprang up in *Germany*, and spread itself, as has been said, among the *Switzers*, *Piemontese*, and some *Lombards* living upon the *Po*, from whence they had their Rise, and with whom they had a Correspondence, they were the first amongst us who had an Account of the pretended Reformation, and in order to be better informed, they sent to *Geneva* to invite some of that People to their Towns to instruct them in that Faith; for that Purpose there came into *Calabria* two Ministers from *Geneva*, Followers of *Luther*, who publickly preaching up the pretended Reformation, and teaching it by particular Instructions and Catechisms, not only spread it through *Calabria*, but in the neighbouring Cities, and from

<sup>1</sup> Thuan. l. 36. Anno 1563.

<sup>2</sup> Idem Epist. Dedic. ad Hen. IV.

<sup>3</sup> Id. loc. cit. Pars in Calabr. concessit, in eaq;

diu, atque adeo usque ad Pii IV. Pontificatum continuit.

<sup>4</sup> Summont. tom. 4. l. 10. cap. 4.

thence infected the adjacent Province; for *Faito*, *Castelluccia*, and *Celle*, Towns in *Basilicata*, were corrupted. Father *Fiore*, a *Capuchin*, says <sup>1</sup>, That the first Discoverer of this Infection, was one *Giovan-Antonio Anania*, of *Taverna*, a Priest, Brother of *Gio. Lorenzo*, the famous Author of the Book *De Natura Dæmonum* <sup>2</sup>. This Priest was Chaplain to the Marquis *Fuscaldò Spinelli*, to whom *Guardia* belonged; so that by his being in the Neighbourhood of that Place, and perhaps, by Conversation with that People, he found, that unless a speedy Remedy was applied the Evil would quickly spread, therefore in 1561. he wrote about it to Cardinal *Alessandrino*, Inquisitor-General in *Rome*, who was afterwards Pope *Pius V.*: The Cardinal knowing *Anania's* Zeal, committed the Conversion of that People from their Errors to him. *Anania*, laying aside other Business, and calling to his Assistance some Jesuites lately come into *Calabria*, with great Earnestness set about to exhort them, and preach the true Faith to them: But whatever Pains he and his Companions took, they had small Success in their Labours; for those People being obstinate in their Errors, and not fearing either Menaces, or the severest Punishment, grew more insolent and numerous, therefore it was found necessary to have recourse to a stronger and more effectual Remedy, which was, to apply to the Duke *D'Alcalà*, then Viceroy of *Naples*; he, thinking it sufficient at first to proceed against them with a little more Earnestness and Care, wrote to the Vicar of *Cosenza* (as may be seen in his Letter published by *Chioccarelli* <sup>3</sup>) that with respect to those of *Guardia Lombarda*, imprisoned for Heresy, he should proceed by the Advice of Doctor *Bernardino Santa Croce*, who was then in those Parts, and at the same time he wrote to the Doctor, recommending the Matter to him: But finding that ordinary Remedies were not sufficient for so inveterate a Disease, and it being represented, to him that the Hereticks in *Calabria* daily increased, and being regardless of Punishment or Threats, were likely to occasion great Disorders; the Viceroy, in order to suppress their Insolence, sent thither *Annibale Moles*, a Judge of the Vicariate, with a good Number of Soldiers, some from *Naples*, and some from the adjacent Places; but the Judge met with a bad Reception, for those People, refusing Obedience to any Magistrate, took the Field, and assembling in such Numbers as look'd like a form'd Army, made a vigorous Defence, being resolved to die rather than quit their Errors: On the contrary, as it usually happens in religious Wars, fearing nothing, they ran with Joy to encounter Death, fully persuaded, that by dying in that Quarrel they went directly to Heaven, there, in Company with the Angels, to enjoy God. Upon this Occasion, the Duke *D'Alcalà* made use of *Scipio Spinelli*, Lord of *Guardia*, for re-inforcing his Troops; because, in order to disperse these Hereticks, there was a Necessity to engage them in the Field: The Battle was vigorously fought, and although many of them were killed upon the Spot, yet those that were left alive would not yield, but, full of Courage, finding that their Number was so small that they were not able to stand their Ground in the open Field, they retired within the Walls of *Guardia*, which (besides the natural Strength of its Situation, which render'd it able to resist any Attack) they fortified after such a manner, that they made it a secure Sanctuary. *Spinelli* despairing of Success by open Force, had recourse to Deceit, and under pretence of bringing in Prisoners, sent some bold Men, well arm'd, into the Castle; these discovering themselves, and fighting bravely, routed the Head Men, and made a great Slaughter among the rest; some fled, and many were made Prisoners: All their Effects were confiscated, and the most obstinate were condemned to the Flames, at the same Time that their Head, *Lewis Pascate*, a *Piedmontese*, was burnt by Order of the Inquisition in *Rome* <sup>4</sup>. Thus were they at last extirpated; and *Anania* wrote an accurate Piece upon the Subject in *Latin Verse*, but (as *P. Fiore* says) the Author not suffering it to be printed, we are now depriv'd of that Poem. The greater Part of those People being destroyed, as we have said, they endeavoured by all Means to convert the few that remained, and to extinguish their Errors by severe Catechisings, and constant Preaching, whilst the Duke *D'Alcalà*, on the other Hand, did not stick to punish them with Rigour, giving Orders to the Royal Chamber, to proceed to the Sale of the confiscated Goods of those of *Guardia* and *S. Sisto*, that had been put to Death <sup>5</sup>; he forbid all Communication with them,

<sup>1</sup> P. Fiore Calab. Illustr. l. 1. p. 1. c. 5. n. 6.

<sup>2</sup> Nicod. ad Biblioth. Top. p. 124.

<sup>3</sup> Chiocc. tom. 8. De S. Inquis. Offic.

<sup>4</sup> Spondan. ann. 1561. num. 31.

<sup>5</sup> Chioc. loc. cit.



and prohibited Marriage with them, till such Time as the true Faith should flourish amongst them, and their false Doctrines were intirely rooted out; and at present the Inhabitants of those Places, who are very numerous, live juft like the other Subjects, and profess the true Faith in its Purity.

THE Duke *D'Alcalà* was obliged to use the same Severity in the City of *Naples*, as in *Calabria*. There were in that City many Seeds of false Doctrine remaining; the Conversations kept up in *Toledo's* Time at the Houses of *Vittoria Colonna*, and *Julia Gonzaga* (both suspected of Heresy) had infected many; therefore the Duke keeping a more strict Watch over them than formerly, many were discovered, and summoned, under the Penalty of having their Goods confiscated, to appear before the Archbishop's Vicar: But two of them underwent a more severe Punishment, *viz. Giovan-Francesco d'Alois*, of *Caserta*, and *Giovan-Bernardino Gargano*, of *Aversa*, who having been imprisoned, and condemned as Hereticks, were, upon the 24th of *March* 1564. publicly beheaded in the Market-Place, and afterwards their Bodies were burnt in the Sight of the whole City<sup>1</sup>. Then they proceeded to the Confiscation of their Goods, but not without Opposition, because the *Neapolitans* insisted upon *Julius III's* Bull, agreed to by the Emperor, by which, as has been said, no Goods of Hereticks could be confiscated in the Kingdom of *Naples*. This Debate is yet to be seen in the Accounts given of *D'Alois's* Trial by the Deputies *Salernitano* and *Revertera*<sup>2</sup>.

THESE severe Punishments, and the Harmony that was seen between the Ecclesiastical and Secular Courts, not only struck Terror into the *Neapolitans*, but they were likewise afraid, that under that Cloke, it had been concerted to establish in *Naples* the Tribunal of Inquisition, so much abhorr'd by them: So that it being rumour'd about the City, that the Duke had a Mind to introduce it after the *Spanish* Manner, and the Citizens being frighten'd at so many Citations from the Vicarial Court, upon pain of Confiscation of Goods, many Families left the City, with all their Effects: And the Inhabitants beginning to murmur on account of the Execution of *D'Alois* and *Gargano*, lest an Insurrection should follow, the whole *Catalan* Street and Ward was deserted<sup>3</sup>. The City continued many Days in this unsettled Condition, during which Time, there were frequent Meetings of the Wards; at last, it was determined to send some Persons to the Viceroy, plainly to tell him, that they would never suffer any Tribunal of Inquisition, any more than their Ancestors had done. The Duke being a Man of great Probity and Wisdom, and knowing how odious such a Novelty was to the *Neapolitans*, the great Difficulties that must attend the introducing of it, and the dismal Consequences which the like Attempt had produced under *Toledo's* Government, prudently laid aside all Thoughts of it.

BUT the City, not content with this, resolved to dispatch an Ambassador to the King in *Spain*, to beg of his Majesty that he would never impose an Inquisition upon the City and Kingdom of *Naples*; and that according to the Agreement made in the Pontificate of *Julius III.* there might be no more Confiscation of the Goods of Hereticks: For this Embassy they made Choice of the celebrated *Paolo d'Arezzo*, once the Ornament of the Council of *Santa Chiara*, afterwards of the Order of *Theatines*, and at last Archbishop of *Naples* and Cardinal. Although he had thrown off the long Robe, and put on the Monks Habit, he refused the Office; but being encouraged by Cardinal *Charles Borromeo*, and by the Pope himself, he at last accepted of the Embassy<sup>4</sup>. The City gave him (besides the Letters address'd to the King) sufficient Instructions, together with the Bull of *Julius III.* containing the Agreement abovementioned<sup>5</sup>. With these he departed in 1564. and arriving at the Court of *Madrid*, he was graciously received by the King, and having represented to his Majesty the Request of the People, and delivered their Letters, the King freely granted all that they desired, ordering that *Naples* should never be troubled with the Inquisition, and that in Cases of Religion, no other manner of Proceeding should be practis'd but the ordinary Way; for which End, he wrote three Letters, two to the City of *Naples*, dated the 10th of *March* 1565. and another to the Viceroy of the same Date; and all three containing the same Declara-

<sup>1</sup> Summ. tom. 4. l. 10. cap. 4.

<sup>2</sup> Saler. Decif. Revertera, Vol I. Decif. 27.

<sup>3</sup> Summ. loco cit.

<sup>4</sup> Chioc. in Arch. Neap. & in MS. Giurisd. tom. 8. de S. Inquis. Of.

<sup>5</sup> Jo. Ant Cangian. in Hist. vit P. de Arcio, cap. 16.

tion. These Letters are recorded by *Chioccarelli*<sup>1</sup>, in which, amongst other Things, are these Words; *By the Tenor of this Letter we say and declare, that it was not, nor is our Intention to establish the Inquisition, after the Manner of Spain, in the said City and Kingdom; but that the ordinary Way of Proceeding be continued as it was, and shall be observed and practised as formerly, without the least Alteration: And elsewhere; so that the Ordinaries may do their Duties as they ought.*

P. *ARÉZZO*, returning from his Embassy, stopt at *Rome*, from whence he sent to *Naples* an Account of the good Success of his Negotiation at *Madrid*, which gave intire Satisfaction to the *Neapolitans*, and removed all Jealousy of the Inquisition, the People being overjoyed at the great Bounty and Clemency of the King.

BUT this was not sufficient to put a Stop to the Abuses of the *Roman* Inquisition. By Virtue of these Royal Letters, the Ordinaries could only proceed against Delinquents in Matters of Religion in the ordinary Way; but *Rome* went on prosecuting them as formerly, taking Information against the Subjects of this Kingdom, and often arresting them, and carrying both them and their Processes to *Rome*. It is true, nothing was done without the Viceroy's Approbation, nor had the Commissions from *Rome* any Force till the Royal *Exequatur* was first obtained, in which the Duke of *Alcalà* was very exact. But as the Viceroy was very severe where Commissions were put in Execution without the *Exequatur Regium*, by disannulling all their Acts, and setting at Liberty all their Prisoners, of which *Chioccarelli* gives some Instances<sup>2</sup>, so he was ready to favour and assist the *Roman* Inquisitors, when the Royal *Exequatur* was obtained, allowing their Commissaries to form Processes, to imprison the Accused, to sell their Goods for defraying their own Charges, and even to carry to *Rome* Prisoners of all Ranks and Conditions

THE Proceedings of the Inquisition of *Rome* against the Marquis *Di Vico* are very famous. Ever since the Year 1560. that Tribunal had appointed an Apostolick Commissary to take Information against him in the City of *Benevento*, where Witnesses were summoned, *per Edictum*, from the neighbouring Places, and examined against him. And the Process being sent to *Rome*, and in a Meeting of the Inquisition, held in the Presence of the Pope, it being determined to imprison the Marquis, on the first Day of *November* 1564. Cardinal *Alessandrino* wrote a Letter to the Duke of *Alcalà*, begging of him, that he would either send the Marquis, with a strong Guard, Prisoner to the Holy Office, or take sufficient Bail of him to present himself before it, because it had been so ordained by the Cardinals his Collegues in the Pope's Presence. The Viceroy was obliged to give Orders to the Court of the Vicariate to take Bail for 10,000 Crowns that he should present himself before the Inquisition in *Rome*<sup>3</sup>. And afterwards, the Cardinal *Granvela*, in the very Beginning of his Viceroyalty, suffer'd two old *Catalans*, who had refused to abjure *Judaism*, to be carried to *Rome*, and, continuing obstinate, they were there put to Death.

LIKEWISE in the Duke *D'Offuna's* Government, that Viceroy, on the 14th of *November* 1583, wrote to the Governor of *Calabria*, telling him, that he had received a Letter from Cardinal *Savelli*, in the Pope's Name, signifying, that he must secure the Person of *Giovan-Battista Spinelli*, and send him to *Rome*, to answer to what was laid to his Charge by the Inquisition; and therefore, being willing to give all Satisfaction and Assistance in what concerns the Holy Office, he ordained, and commanded the said Governor, to send the Prince Prisoner to the Royal Chamber, or take Bail for him in 25,000 Crowns, to present himself within a Month before the Inquisition of *Rome*, and not to depart from thence without the Leave of that Tribunal: And in case he gave that Bail, he might set him at Liberty, if not, keep him Prisoner, and send him (the Viceroy) an Account.

THE same Viceroy, having received Letters from the said Cardinal *Savelli*, telling him, that the Holy Office, for Matters concerning Religion, wanted to have the Person of *Francesco Conte*, Captain of the Island of *Capri*, to be secured; wrote to the Deputy of the Vicariate ordering him to seize the said Captain, and to take Bail of him for 10,000 Crowns, to present himself before that Tribunal in *Rome*, otherwise to keep him Prisoner till further Orders. On the 8th of *March* 1586. he dispatch'd such another Order to *Carlo Spinelli*, Deputy of the Vicariate, to

<sup>1</sup> Chioc. ubi supra.<sup>2</sup> Ibid. tom. 4.<sup>3</sup> Ibid.

send *Francesco Amoroso*, late Captain of *Pietra Molara*, under a safe Guard to the Inquisition in *Rome*.

THE Count of *Miranda* followed the said Duke's Example; for provided that Licence, or the *Exequatur Regium* was demanded, which was easily obtained, he did not fail to shew all the Favour, and give all the Assistance he could to the *Roman* Inquisition, to the great Detriment of the Kingdom, and of the Subjects thereof: Whence proceeded greater Disorders afterwards; for the Court of *Rome* pretending, that their Commissions did not want any *Placitum Regium*, endeavoured to execute them without asking Leave: So that the Commissaries of the *Roman* Inquisition, being for the most part Bishops, imprisoned Laicks without consulting the Viceroy, and sent them to *Rome*.

<sup>1</sup> Chioec. ubi supra.

### S E C T. III.

*The Court of Rome endeavoured by Stealth to introduce the Inquisition into Naples during the Reigns of Philip III. and IV. and of Charles II. but was always rejected, and at last, by an Edict of the Emperor Charles VI. altogether abolished.*

IN those Times the Inquisition of *Rome* was arrived at such a Pitch of Arrogance, that they pretended, that even the greatest Monarchs of the Earth were not exempted from their Jurisdiction; therefore they introduced two Ways of proceeding, one open, known to every body, which they made use of against the meaner Sort of People, whom they condemned to Death; the other secret and hidden, by which Kings, and others of the highest Rank were privately condemned; and Means were found out for putting their Sentences against them in Execution, by declaring them to have forfeited their Kingdoms and Dignities, and allowing the Seditious and Malcontents, nay encouraging them by Indulgences, and easing their Consciences, to chase them from their Thrones, or to lay Snares against their Lives: Which hidden Way of proceeding, *Francesco Suarez*, a *Spanish* Jesuit, has revealed to us <sup>1</sup> in his Book called *Defensio Fidei*. And *Richerius* says <sup>2</sup>, that this hidden Way of proceeding has often been put into Practice by Means of the Jesuites; and 'tis probable that this was the Method practised in *France* against *Henry III.* There was published in *Rome* in 1585. a Book intitled *Directorium Inquisitorum*, which contained so many Impertinencies as made it detested by all the World: Such as these; That the Inquisition had Power to pronounce Sentence, *Capitaliter in Hæreticos, & Fautores Hæreticorum*: that the Pope had both the Spiritual and Temporal Sword, to punish all, even Kings: that the Holy Office ought to proceed, *per Delationem, aut Denunciationem & Inquisitionem*, laying aside all Proceedings *per Accusationem*, because that Method was *multum periculosus, & multum litigiosus*; that all Persons should be allowed to bear Witness, even Enemies, People of infamous Characters, perjured Persons, Ruffians, Whores, and all Persons whatsoever; that no Account ought to be given either who the Witnesses were, or what they said; and that there should be no Appeal from that Tribunal: In short, that the Inquisition ought to proceed without any Regard to the Laws of Defence, or the Rules of Justice; that it should not be tied up to any Order, or be in the least dependant. Whence proceeded in *Rome*, towards the End of this Century, most terrible Executions of People suspected of Heresy; and amongst others in 1600. *Giordano Bruno*, a *Dominican* of *Nola*, was burnt in *Rome*, being accused of having taught the *Plurality of Worlds*; that the Jews were the only Descendants of Adam, and that *Moses* was a great Magician <sup>3</sup>.

WHENCE in our Kingdom, the *Placitum Regium* was no more sought to their Commissions, but they proceeded with the same Independance as the Bishop of *Molfetta* did, when, during the Government of the Duke *D'Alba* in 1628. he was

<sup>1</sup> Suarez Def. Fidei, c. 4. l. 6. n. 17, 18.

<sup>2</sup> Rich. Apol. pro Jo. Gerfon, p. 117, &c.

<sup>3</sup> Nicod. ad Bibl. Toppi. V. Dist. Critic.

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Commissary of the Roman Inquisition, and the Popes Legate in *Naples*; and they obstinately insisting, that they had Power to proceed in that manner, there was a Necessity for our greatest Lawyers to exert themselves in demonstrating the Abuse, and at last the King himself was obliged to interpose his Authority, and forbid it. Upon this Occasion, *Fabio Capece Galcotta*, the King's Counsellor at that Time, and Advocate of his Royal Patrimony, published a *Discourse* inscribed to the Duke *D'Alba*, and also some *Allegations*. *Vincenzo Corcione*, President of the Royal Chamber, likewise published some other *Instances*, shewing that it was not only contrary to Law, but also to the antient Custom of the Kingdom, to imprison any Subject on account of Heresy, without first acquainting the Viceroy for the Time being, and having his *Licence*.

THIS occasioned a Letter from King *Philip III.* forbidding the Orders of the Inquisition to be put in Execution in the Kingdom without the Viceroy's Knowledge; declaring at the same Time, that this Prohibition did not comprehend the Tribunals of the Holy Office of the Courts of the Archbishops and Bishops of the Kingdom, which had no Occasion for the *Exequatur Regium*, whilst they proceeded in their ordinary Course in Matters of Religion; but that they were not to execute any Commission sent them from the Holy Office of *Rome*, or from the Pope, without acquainting the Viceroy<sup>1</sup>.

BUT this Letter of *Philip III's* did not sufficiently remedy the Grievance, because the Bishops of the Kingdom were not thereby prohibited to receive Commissions from the Roman Inquisition, and to proceed as Delegates thereof; but they, thinking it sufficient if they got the *Exequatur*, favour'd the said Inquisition in every Thing, drew up the Processes, put People in Prison, and sent them to *Rome*; whereas by *Philip II's* Letters, the Bishops had only Power to proceed in religious Matters, as Ordinaries, but not as Delegates of the Roman Inquisition.

AN Instance of this Abuse happened in 1614. in the famous Cases of *Julia di Marco da Sepino*, a Nun of the third Order of *S. Francis*, of *P. Aguello Arciero Crocifero*, and of Doctor *Giuseppe de Vicariis*; which Three, making an ill Use of mystick Divinity in *Naples*, had fallen into a thousand ridiculous and vile Practices, and had given Rise to a most abominable Society, into which they had received many Disciples of both Sexes: *Fr. Diodati Gentile*, Bishop of *Caserta*, who, living in *Naples*, charged with the Affairs of the Inquisition, by Commission from the Holy Office of *Rome*, had Orders from the said Tribunal to shut up *Julia* in the Convent; and afterwards, by another Order from the same Roman Inquisition, she was transported to another Convent in *Cerreto*. *P. Aguello* was called before the Holy Office of *Rome*, where he appear'd, and was sentenced to hear no more Confessions, and never to return to *Naples*. The Bishop of *Caserta* being made Nuncio of *Naples* by *Paul V.* *Fr. Stefano de Vicariis*, Bishop of *Nocera*, was made Inquisitor, and got Leave from *Rome* to transport *Julia* to *Nocera*. This Nun had very powerful Advocates, of which *Fabio di Costanzo*, Marquis of *Corleto*, and Deputy Dean of the Collateral Council, was one, who obtained Leave of the Inquisition of *Rome*, the Chief of which was then the Cardinal of *Arragon*, for *Julia* to return to *Naples*, and *D. Alphonsus Suarez*, Deputy of the Royal Chamber, gave her a convenient Apartment in his Palace, whither the Fame of her feign'd Sanctity drew a great Concourse, not only of the chief Nobility, especially *Spaniards*, who are naturally addicted to the like *Enthusiasms*, but likewise of Ladies and Gentlewomen. But the *Theatin* Fathers, by Means of the Confessions which some of *Julia's* unwary Disciples made to them, discovered the abominable Practices committed by that Society, and prevailed upon them to give Information against their Accomplices to the Bishop of *Nocera*, and they undertook to let him see the shameful Copulations of Men and Women in *Julia's* Apartment; but these Fathers suspecting that the Bishop of *Nocera* inclined to favour *Julia*, wrote to the Cardinals of the Holy Office of *Rome*, giving them an Account of what had pass'd, whereupon the Cardinals sent a Commission to *M. Maranta*, Bishop of *Calvi*, to proceed in that Affair as their Delegate.

THE *Theatines* were thwarted in this Cause by their old Antagonists the *Jesuites*, who favoured *Julia*, and had admitted *Giuseppe de Vicaris* into their Society, and they undertook the Defence the more vigorously, that they saw the Count of *Lemos*,

<sup>1</sup> Chiocc. loco cit. tom. 8. in fin.

then Viceroy, by the Persuasions of *Julia's* Friends, had taken her under his Protection, for when the Bishop *Maranta* was about to examine the Witnesses, the Viceroy sent immediately for him, and asked him, if he proceeded by Virtue of a Commission from the Holy Office of *Rome*. *Maranta* not only shew'd him the Commission from *Rome*, but discover'd to him all the Wickedness committed by this new Society, not sticking to tell him, that he ought not to suffer the Vicequeen his Wife, to have any Communication with *Julia's* Disciples. The Viceroy, surpriz'd at this Account, believed what the Bishop said, and gave him leave to put *Julia* and *Giuseppe de Vicariis* in Prison, who were accordingly sent to that belonging to the Archbishoprick.

THIS sudden Imprisonment put the City in great Consternation; for *Julia's* Friends, who were for the most part Noblemen, Officers, and Religious of the most conspicuous Orders, made a terrible Bustle, and murmuring loudly at such a manner of Proceeding, went to the Viceroy, and told him, that what was alledged against them, was pure Calumny, and proceeded from the Rancour and Malice which the *Theatines* bore the *Jesuites*, because *Julia's* Disciples frequented their Churches. This Remonstrance, so warmly urged, stagger'd the Viceroy, who then began to believe that it was all a Trick of the *Theatines* in order to discredit the *Jesuites*; so that he sent again for Bishop *Maranta*, and check'd him severely, who, in his own Vindication, and to shew the Viceroy that it was no Calumny, delivered him the Process which he had drawn up against the Offenders, to the End he might no longer protect them. The Viceroy gave the Process to be consider'd by his Ministers, by which means *Julia's* Favourers came to know the Accusation and the Witnesses, and therefore they made ready for a vigorous Defence, and chose for their Advocate the famous *Scipio Rovito*.

ON the other Hand the *Theatines*, who had been unjustly reproached, sent an Account immediately to the Inquisition of *Rome*, of the Disorders occasioned by *Maranta's* exposing the Process, which gave such Disgust there, that they sent Orders to that Bishop to meddle no more in that Affair, and even called him to *Rome* to give an Account of his Proceedings; and at the same time they charged the Nuncio with the whole Affair, and order'd him to proceed with all Rigour, according to the Rules of that Tribunal.

THE Nuncio proceeded in the Cause as Delegate, without the least Opposition, according to the Orders sent him by the Inquisition. He took new and more exact Information; he removed *Julia* and *Giuseppe* from the Archbishop's Prison, to his own Palace; and upon his advising the Inquisitors of *Rome* of what he had done, they commanded him to send them both with a strong Guard to *Rome*, where *P. Agnello*, *Julia's* Confessor, was likewise in close Prison. The Nuncio perform'd their Orders with much Secrecy in the Night-time, and they were arrived at *Rome* before it was known in *Naples* that they had been sent thither. *Julia's* Friends were no sooner appriz'd of this, than they sent *Girolamo Martino*, and *D. Giovanni Salamanca*, to plead their Cause; but these, upon their Arrival in *Rome*, were likewise put in Prison by the Inquisition, though some Months after, on the 14th of *March* 1615. *Salamanca* was set at Liberty upon giving Bail of 3000 Crowns for his Appearance, when call'd for by the Inquisition, and *Martino* was likewise dismissed on the 11th of *April*, but by giving a greater Bail, and upon the same Terms.

*PAUL V.* with particular Attention, made the Inquisitors examine into this Cause with much Exactness and Diligence; and *P. Agnello*, *Julia*, and *Giuseppe de Vicariis*, being found Guilty of Heresy, they were condemn'd, first to make publick Recantation, and then to perpetual Imprisonment; and accordingly, upon the 12th of *July* 1615. a Scaffold and Seats being made in a most solemn Manner in the Church of *Minerva*, before the College of Cardinals, many of the principal Nobility, and a vast Crowd of People, they all three abjur'd their Errors, confessing their vile Practices, and mystical Phrenzies: And that *Julia's* Friends in *Naples* might be undeceiv'd in their Opinion of her pretended Sanctity, the Pope order'd an Abstract of their Process to be read in the Cathedral of *Naples* on the 9th of *August*, to the Amazement and Wonder of all People.

THE great Dexterity and Vigilance of the Court of *Rome* on the one Hand, and the Negligence, or rather Connivance of the King's Ministers in *Naples* on the other, were the Occasion, that, notwithstanding the Edicts of our Kings, Inquisitors sent from *Rome* were suffered in the City and Kingdom of *Naples*, and often

proceeded as Delegates against such as were accused of Heresy or *Judaism*, and even imprison'd them, and sent them to *Rome*, where they were condemn'd to abjure in the *Minerva*; of which many Examples might be given, if it were not out of Respect to many Families yet extant.

BUT in the Reign of *Philip IV.* the indiscreet Behaviour of *M. Piazza*, Deputy from the *Roman* Inquisition, occasioned a new Uproar in the City; so that the *Neapolitans*, being now grown wiser, applied themselves in good Earnest to root out all Remains of the Inquisition. *Piazza* having come to *Naples* in 1661. whilst the Count *De Penaranda* was Viceroy, took up his Residence in the Convent of the *Hieronymites* of *St. Peter of Pisa*, where he received Informations, and proceeded by Commission from *Rome* against such as were suspected of Heresy. It happen'd that Year, that a Friar had given a certain Book to a *Bolognese* residing in *Naples*, who, fancying that he found in it some Things not Orthodox, without any more ado went to *Piazza* to accuse the Friar of Heresy, and deliver'd him the Book. After some Days, the Friar ask'd his Book of the *Bolognese*, but, under several Pretences, he put him off, so that the Friar seeing himself thus made a Mock of, and being in great Friendship with the Duke of *Noci's* Barber, he desired his Assistance. The Barber went immediately, accompanied by some of his Friends, to the *Bolognese*, and threatening him severely, obliged him to promise to return the Book the next Day. The *Bolognese* went directly to *M. Piazza*, and desired that he would be pleas'd to return him the Book, telling him the Perplexity he was in, and that he was insulted for not returning the Book to the Owner. But *M. Piazza*, instead of returning him the Book, sent some of his Tip-Staffs, with Orders, to apprehend not only the Barber, but all those that had insulted the Accuser, and they were accordingly put in Prison.

THIS imprudent and scandalous Imprisonment being told the Duke of *Noci*, put him in such a Passion, that having made a grievous Complaint of it to many of the Nobility, he immediately assembled the *Seggi*, and in great Fury went to the Viceroy, and, not able to bridle his Passion, spoke to him with too much Freedom, and little Respect; the Viceroy, surpriz'd at his Boldness, but foreseeing the Mischief that might ensue, wisely dissembled his Resentment, and to pacify him, sent immediately a Message to *M. Piazza* to set the Prisoners at Liberty, which was accordingly done.

BUT that was not sufficient to quiet the City now in Commotion, and jealous, that by these Overt-Acts, and conceal'd Processes, it had been resolv'd to introduce a real Inquisition, contrary to the gracious Concessions of *Ferdinand the Catholick*, of the Emperor *Charles V.* and of King *Philip II.* and that therefore it was necessary to remove all Remains of that Tribunal, since by Right the Cognizance of all Religious Matters belong'd to the Bishops, who, without any Delegation from *Rome*, ought to proceed by their own Authority in the ordinary Way, without hidden Judgments and Processes, but as they used to do in other Spiritual Causes: For this Purpose, the Wards being assembled, Deputies were chosen to represent to the Viceroy the Sentiments of the City, and to manage this important Affair with the utmost Care and Diligence. The Deputies declared to the Viceroy, That the City was determin'd to suffer no more Inquisitors, and they also put him in Mind of the past Inconveniencies, and the Aversion of the *Neapolitans* to the Name of the Inquisition. The Count, seeing them so resolute, very prudently thought fit to give them Satisfaction; and having at large represented the Matter to the King, he in the mean time gave *M. Piazza* to understand, that he must instantly depart the City and Kingdom, which he did: And at the same time, being offended with the Duke of *Noci*, and some of the Deputies, who, too boldly, and with too much Warmth, had push'd on this Affair; he order'd the Duke to be put in *Castel-nuovo*, and afterwards sent him Prisoner to *Spain*, where having clear'd himself from the Crimes laid to his Charge, he was set at Liberty, and, in *November* 1663. return'd to the Kingdom. Some of the Deputies were made Prisoners, others of them were confin'd to their Houses, and *D. Tiberio Caraffa*, Prince of *Chiusano*, *D. Rinaldo Miroballa*, and *D. Andrea di Genaro*, in order to avoid the first Sally of the Viceroy's Passion, took Sanctuary in a Church; but a most gracious Answer to the Representations made to the King being arriv'd, in which his Majesty declared, That they had no Reason to be under any new Apprehensions, for that all the Ordinances made in Favour of the City and Kingdom of *Naples* by the Kings his Ancestors,

cestors, and especially by his Grandfather *Philip II.* should be inviolably observed: The Viceroy, by a particular Letter <sup>1</sup>, signified this Answer to the Magistrates and Deputies of the City, who, being restor'd to his Favour upon account of the Birth of *Charles II.* went to return him Thanks. By this, it was thought, that the Court of *Rome* would never send to this Kingdom any more Inquisitors, Delegations, or Commissions to its Bishops concerning Matters of Religion.

*M. PIAZZA's* being chased out of *Naples*, put a Stop for some time to the coming of Inquisitors from *Rome*, but they did not give over their Pretensions, nor did they fail to make new Attempts when a proper Occasion offer'd, and which appeared plainly in the Reign of *Charles II.* by reason of a new Philosophy introduced into *Naples*, which, running down the *Scholastick* Philosophy professed by the Monks, was very unacceptable at *Rome*.

THE Academy set up at *Naples*, under the Name of *Investiganti*, of which the Marquis *D'Arca* declared himself Protector, quite removed the Slavery commonly borne with hitherto, of swearing *in verba Magistrum*; and having laid aside the *Scholastick* Philosophy, left its Members at more Freedom to philosophize according to the Dictates of Reason. These Academists were all Learned Men, and the brightest Genius's of the City, which gained them great Reputation amongst Men of Knowledge, and especially among the Youth, to whom it was an easy Matter to demonstrate the Errors and Dreams of the Monkish Philosophy. The Works of *Petrus Gassendus* had acquired great Fame in *France*, as well upon the Account of his great Learning and Eloquence, as for his having restored the *Epicurean* Philosophy, which, compar'd to that of *Aristotle*, and especially as taught in the Schools, had the Reputation of being more solid and true. These Books were brought to *Naples*, and when they were read there, the Youth was infinitely pleased with them, not only upon the Account of the Principles which they taught, but for the Variety of good Learning they contained: So that in a short Time they all became *Gassendists*; and this Philosophy was profess'd by the new Philosophers. And although *Gassendus* had adapted his *Epicurean* System to the Catholick Religion, which he himself professed, yet *Titus Lucretius* being the greatest Supporter of it, many were induced to read that Poet, hitherto known but to very few; however, the *Investiganti*, as well as *Gassendus*, having discovered the Errors of *Lucretius*, made the Youth abhor them; and demonstrated, that his Philosophy was inconsistent with our Religion, and therefore ought not to be studied. What made them likewise afraid of it, was the Fate of *Galileo de Galilei*, who, notwithstanding his reverend gray Hairs, was obliged in *Rome* to abjure his Opinion concerning the Motion of the Earth.

BUT a few Years after, the Works of *Renatus des Cartes* were likewise brought to *Naples*; and 'tis said, that *Tommaso Cornelio*<sup>2</sup>, a famous Physician and Philosopher at that Time, was the first Introducer of them. The Youth therefore, and especially the Physicians, were very intent upon studying them, and very soon abandon'd the *Epicurean* Philosophy, and applied themselves to that of *Renatus*; and those who formerly were *Gassendists*, at last became most zealous *Cartesians*.

THE Monks seeing, that by these new Studies, their Schools were not only forsaken, but themselves ridiculed for the many Fooleries which they taught, contracted such an implacable Hatred against the new Philosophers, that they ascribed many Errors in Religion to them, cavilling at all their Propositions, and treating themselves as Hereticks.

THIS was sufficient to give a Handle to the Inquisitors of *Rome* to arm themselves anew, and again endeavour to introduce their Commissaries into *Naples*, in order to watch the Proceedings of the new Philosophers. And they not only attempted, but actually establish'd an Inquisitor, who received Informations, put People in Prison, and, which was more, had his own Prison in the Convent of *S. Dominico Maggiore*. This Inquisitor was *M. Gilberto*, Bishop of *Cava*, who exercised this Office by secret Processes, and with such Rigour and Insolence, that he often forced many ignominiously to abjure, for no other Crime, but their holding Opinions in Matters purely Philosophical, contrary to those of the Schools, although

<sup>1</sup> This is said to be *Charles II's* in his Diploma which is to be seen, tom. 2. *Cap. e Grazie di Napoli*, fol. 217. | <sup>2</sup> Tom. 2. De' Capit. e Grazie di Napoli, p. 217.

there was nothing of Religion in them; which occasioned many Complaints and Disorders in *Naples*.

THE Deputies of the City, moved by these Proceedings, had recourse to the Count of *S. Stefano*, then Viceroy, and having represented to him, that the City was determined to have no Inquisitor, even with a limited Power, but that all Religious Matters within the Kingdom, ought to be decided by the Bishops in the ordinary Way; they intreated him to order the Bishop of *Cava* immediately to depart the City and Kingdom, to suppress the Prison he had erected in *S. Dominico*, and to remove the Prisoners to the Archbishop's Gaol, in order to be punished by him in the ordinary Way, and as the Canons directed.

THE Viceroy having proposed the Matter in the Collateral Council, with Advice thereof, ordered the Inquisitor to depart the City and Kingdom, the Prison of *S. Dominico* to be suppressed, and the Prisoners to be removed to that of the Archbishop, which was accordingly performed; and the Count, in order to make the City easy, by a Letter, dated the 27th of *September* 1691. acquainted the Deputies that he had complied with their Request.

THE Count at the same Time laid the Matter before King *Charles II.* who, by his Royal Letters, dated in *Madrid* the 25th of *March* 1692, not only approved of all that the Viceroy had done, but likewise ordained, that for the future, all the Privileges granted to the City and Kingdom, with respect to the Inquisition, should be inviolably observed, and that the Cardinal Archbishop of *Naples* should proceed to take Cognizance of the Crimes of those Prisoners, and that the Pope's Nuncio should not meddle in any thing relating to the Inquisition, and that the said Nuncio might acquaint the Pope (as he had also done by the Duke of *Medina Cæli*, his Ambassador at *Rome*) that the Aversion of the *Neapolitans* to the Inquisition, was not the particular Humour of some few, as the Clergy had made his Holiness believe<sup>1</sup>, but the general Bent of the whole City.

TWO *Neapolitans*, Doctor *Basilio Gianelli*, and *Giovan-Battista Menuzio*, having also been imprisoned in *Madrid*, at the Instance of the *Roman* Inquisitors; and *Francesco Sernicola*, Envoy from the City to the King, running the same Risque, the Deputies had recourse to the King, representing the great Discontent of the City at this Way of proceeding of the *Roman* Inquisitors, praying him to order the said Gentlemen to be set at Liberty; the King most graciously dispatched his Royal Letters, dated the 27th of the same Month of *March*, to the Viceroy; in which, having confirm'd his former Orders, he quieted the City, by letting them know, that *Menuzio* was already at Liberty; and as to *Gianelli*, he had sent pressing Instances to the Inquisitor-General for releasing him also, which was accordingly done soon after<sup>2</sup>.

BUT neither the frequent bold Repulses, nor the pressing and vigorous Orders of our Kings, nor the Care and Vigilance of the Deputies, were sufficient to quiet the Inquisitors of *Rome*. They, not being able to proceed openly as before, went another Way to work, by making use of secret, under-hand, and subtle Dealings. In the Year 1695. they published an Edict in *Rome*, whereby, according to the Method of that Tribunal, they prescribed sundry Rules to the Bishops and Inquisitors how to perform their Offices; and seeing they take it for granted, that their Edicts stand in need of no *Exequatur Regium* in any Part of *Christendom*, but that their being published in *Rome* is binding every where, therefore they secretly attempted to have this Edict published in any one Diocese of the Kingdom, without the Royal *Exequatur*.

THEY likewise found an Expedient for sending their Commissions to the Bishops themselves, ordering them to proceed, not as Ordinaries, but as their Delegates; and besides, they created Officers (for the most part Monks and Friars) who depended upon them, and had their Commissions from the Holy Office, to act in the very Courts of the Bishops.

IN order therefore to root out all Vestige and Remains of an Inquisition, there was a Necessity of having recourse anew to the King. This Work was begun in the Reign of *Charles II.* but was not perfected till the Time of our most august Emperor *Charles VI.*; for no sooner had his Victorious Arms entered

<sup>1</sup> Capit. e Graz. di Carlo II. tom. 2. p. 217, 218.

<sup>2</sup> Ibid. p. 219.



our Kingdom, than the City solicited him to extirpate the Inquisition Root and Branch, as the most important Service that could be done them.

TO put a Stop to the first Inroad, he dispatched Letters from *Barcelona*, dated the 28th of *August* 1709. directed to Cardinal *Grimani*, Viceroy, whereby he positively and expressly ordered, that no Bull, Brief, or other Writ from *Rome*, relating to the Inquisition, or that had the least Tendency to introduce it, should be executed in the Kingdom <sup>1</sup>.

THE Viceroy took care to remove the second Inroad, viz. the appointing Officers in the Courts of the Bishops, depending upon the Inquisition of *Rome*; for the *Neapolitans* having discovered, that a certain bare-footed *Teresian* Friar, named *F. Maurizio*, frequented the Archbishop's Court in *Naples*, with a secret Delegation from the Inquisition of *Rome*, and boasted that he was Commissary of that Tribunal, sent their Deputy immediately to the Viceroy, to beg of him to order the said Friar to depart the Kingdom, and to intimate to the Archbishop's Court, that they should proceed in the ordinary Way in Causes relating to the Inquisition, without having any thing to do with extraordinary Officers; whereupon the Viceroy having called an extraordinary Collateral Council, with their Consent, agreed to the City's Request, and ordered *F. Maurizio* to leave the City in two Days, and the Kingdom in eight, which he readily complied with; and the Cardinal, for the Satisfaction of the People, by a Letter under his own Hand, dated the 2d of *August* the same Year <sup>2</sup>, acquainted the *Eletto* with it.

NEVERTHELESS, the Deputies in *Barcelona* did not fail to petition the King, that, in order to deprive the Clergy of all Pretence of imposing upon, or oppressing them by their subtle Inventions, he would be pleased, by his Royal Letters, to ordain, that for the Future, *All Causes concerning Faith should be tried by the Bishops in the ordinary Way, as they used to do other Crimes, and according to the Canons.*

THE King consented to the Request, and confirmed all the Privileges granted to the City relating to that Matter by the Kings his Predecessors, and especially those of *Philip II.*; and sent an express Order to the Viceroy Cardinal *Grimani*, *By no means to suffer any Person to proceed, within the Kingdom of Naples, in Causes relating to our Holy Faith, except the Archbishops and Bishops, as Ordinaries, in the usual Manner, as is practised in other Crimes and Causes purely Ecclesiastical, as may be seen in his Letters, dated in Barcelona the 15th of September the said Year 1709* <sup>3</sup>. The last Words of this Order, which were not in that of *Philip II.* left the Ecclesiasticks no room for cavilling at the antient Privileges, and inventing new Quirks.

THUS were all Remains of the Inquisition altogether suppressed amongst us; but still the Deputies continue upon their Guard, and have a watchful Eye upon the Clergy for fear of new Surprizes: And indeed they have Reason, because the Ecclesiasticks are so artful and diligent, that they slip no fit Opportunity for compassing their Ends, and at unawares making fresh and unexpected Attempts.

<sup>1</sup> Capit. e Graz. di Carlo VI. tom. 2. p. 231.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid. p. 232.





## C H A P. VI.

*Solyman, in Conjunction with the King of France, at the Instigation of the Prince of Salerno, who had rebell'd, makes a new Attempt upon the Kingdom of Naples. New Donatives made for Supporting the War, which at last is dropt.*

**A**FTER the *African Expedition*, and after the War which the Emperor had carried on in 1551. against *Maurice Duke of Saxony* (for supporting of which 50,000 Ducats had been sent from *Naples*) and the Comotions occasioned by the Inquisition being likewise at an End, when it was thought that the Kingdom would have enjoyed Peace and Tranquillity, News was brought of Preparations for a new War, much more frightful than any that had ever been heretofore; for the Princes, who jointly had undertaken it, were the most powerful and formidable of all *Europe*. *Francis I.* King of *France*, being dead, *Henry II.* his Successor, inherited not only his Kingdom, but his Hatred and Enmity to the Emperor: And, in order to facilitate his Design upon the *Milanese*, had entered into a League with *Solyman* against him; in which it was agreed to attack *Naples* by Sea with their joint Fleets, that of *France* being to set Sail from the West, at the same Time that *Solyman's* was to put to Sea from the East. These Princes were yet more incensed, and prompted to undertake the Expedition, by the Prince of *Salerno*, who, by reason of a private Enmity between him and the Viceroy, believing, that a Musquet Shot, fired at him as he passed from *Naples* to *Salerno*, by which he was slightly wounded, had been done by Order of *Toledo*, and the Accusation meeting with little Credit at the Emperor's Court, the Viceroy having been before-hand with him, by representing the Matter, he became much disgusted; and therefore, as soon as he was recovered of the Wound, he left the Kingdom under Colour of going to *Padua* to be cur'd of a pretended Disorder in the Nerves, proceeding from his Wound; and when he was called to Court by the Emperor, if he had obeyed, he might have been able to clear himself from the Crimes and Suspicions with which *Toledo* had charged him; but instead of complying, he sent *Tommaso Pagano*, who very impertinently desired the Emperor to give him his Parole for the Prince's Security when he should come to Court, at which the Emperor being much offended, gave him a fuitable Answer, which so disgusted the Prince, that he very imprudently and rashly determined not to go; and therefore, revolting from the Emperor, he resolved to go and serve *Henry King of France*: So that having had an Interview with the Cardinal *De Tournon*, in all haste he went to *France*, where he was honourably received by the King; to whom having represented the Conquest of *Naples* as an easy Matter, the King was so eager upon it, that he immediately ordered some Gallies to be fitted out, and gave the Prince the Command of them, in order to join the *Turkish Fleet*. To excuse this Step, the Prince published a Manifesto, wherein he endeavoured to shew, that he had done great Service to the Emperor, both in his Wars and otherwise, for which he had been very ill rewarded by him and his Ministers. The Viceroy, who was overjoyed at the foolish Proceedings of the Prince, hearing of this Manifesto, said, That he had forgot to mention in it the greatest Piece of Service he had ever done the Emperor, which was this last, in leaving to him so fine a Principality

Principality as that of *Salerno*. However, this Rebellion did not surprize either the Emperor or *Toledo*, for they had always suspected him of being in the Interest of the King of *France*, whose Valour and Generosity he used constantly to extol: In the mean time he was declared a Rebel, condemned to die, and the Principality of *Salerno*, with the rest of his Estate, were confiscated.

THE Viceroy hearing of the Preparations, not only of the King of *France*, but of the *Turk*, and considering, that the League between two such powerful Enemies, would occasion great Trouble and Disorders in the Kingdom, lost no Time in preparing for a vigorous Defence; and knowing that the most effectual Means, was to have a good Store of Money, therefore having assembled the Barons, and represented to them, that it was not to be expected that the League between those two powerful Enemies, would be soon dissolved, because they wanted neither Will nor Power to prosecute their Design of conquering the Kingdom; therefore it was necessary to provide for the Remedy before it should be too late, which was, to lay up 300,000 Ducats for maintaining 30,000 Men for the Defence of this Kingdom only, in case it should be attack'd by the Enemies at unawares; and that this Money should be kept in a publick Chest by Men appointed by the City: Adding, that the very Noise of such a Preparation, would make their Enemies think well before they attack'd them, and, perhaps, frighten them from the Design. The Viceroy's Proposal was applauded by the whole Assembly; so that in all haste the Money was laid up in a publick Chest: And although the same was not made use of at this Time, yet it was afterwards a Means of saving the Kingdom against the League between the King of *France*, Pope *Paul IV.* and the Princes of *Italy*; of which hereafter.

WHILST these Preparations were making in *Naples*, News was brought, that the *Turkish* Fleet, at the earnest Sollicitations of the King of *France*, and the Prince of *Salerno*, had set Sail from *Constantinople*; and some Days after, on the 15th of *July 1552.* a Fleet of a hundred and fifty large Gallies, under the Command of *Sinam Bassa*, and of which *Draut Rais* was Pilot, appeared in Sight of *Naples*, and anchor'd near the Island of *Procida*, which struck a terrible Consternation in the City; and almost every Day, while they continued there, some Gallies came as far as the Cape of *Posilipo*, to skirmish with some *Genoese* Gallies that lay there. The *Turkish* Fleet rode at Anchor near *Procida*, from the 15th of *July* to the 10th of *August*, when, all of a sudden, they weigh'd and sail'd towards the *Levant*. It was reported, that this Departure was owing to the Management of *Cesare Mormile*, who coming in Competition with the Prince of *Salerno*, and being dissatisfied with the King of *France*, for preferring the Prince to him, had left *France*, and taken Shelter in *Rome*, where he treated with the Imperial Ambassador, and Cardinal *Mendoza*, about his being restored to the Emperor's Favour; and having got full Assurance, not only of the Emperor's Pardon, but likewise of having his Estate restor'd him, with the Viceroy's Passport he came Incognito to *Naples*, in order to treat with the Bassa about his Departure; and in the Viceroy's Name, having offered him 200,000 Ducats, provided he would leave the Coast, the Bassa was satisfied, and the Money was no sooner paid down, than he set sail with his Fleet towards the *Levant*, which freed the whole Kingdom from great Troubles. *Mormile* was very much caress'd by the Viceroy; but the former Enmity between them not being quite effaced, many Objections were started in passing the Pardon, so that he not only could not recover his Estate, which had been already sold, but he had great Difficulty in getting a bare Equivalent.

IN the mean time the Prince of *Salerno*, who had been sent by the King of *France* to join the *Turkish* Fleet with his Gallies, though upon his Arrival at *Genoa*, he heard that they were sail'd for the *Levant*, yet he was resolv'd to follow them, and eight Days after the *Turkish* Fleet had left the Gulph of *Naples*, he arriv'd at *Ischia* with 26 Gallies, and getting certain Information from *Rome* of the Agreement made with *Mormile*, full of Rage he pursued the *Turkish* Fleet, and having pass'd the *Phare* of *Messina*, and not finding them, he went on his Course till he join'd them; but the Bassa would by no means return without a new Order from his Master, but persuad'd the Prince to go to *Constantinople*, and that *Solyman* would give him more powerful Assistance the next Year. The Prince went to *Constantinople*, where he remained all the Winter expecting that *Solyman* would perform his Promise; but his staying in that City, discover'd both his Vanity and Levity; for having given himself up to Amours and Lewdness, he lost all Credit and Reputation

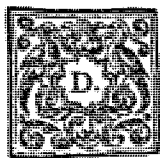
tation with that Prince, and being become the Town-Talk, he was despised by every Body: So that he was disappointed of the promised Assistance for the Conquest of the Kingdom, for the Fleet was given to *Peter Corsius*, in order to subdue the Island of *Corfica*; whereupon he returned to *France*, where, as long as *Henry* lived, he was handsomely treated, but after his Death, the Civil Wars breaking out in that Kingdom, and he siding with the *Hugonots*, was reduced to great Misery, and in 1568. in the 71st Year of his Age, he died in *Avignon*, not only a Rebel to his King, but to the Catholick Religion which he formerly professed.

THUS did this terrible Storm, which threatned *Naples*, blow over, but the following Years the famous *Corsair Dragut* did not fail to make Incurfions; for he being sent by the Grand Seignor in Favour of the King of *France* to harrass the Kingdom in order to vex the Emperor, continually infested our Seas and the Maritime Towns: From which Mischiefs they were never free, because there being an eternal and irreconcilable War between the Kings of *Spain* and the Emperors of the *Turks*, there never was any Truce, but an implacable Hatred, and we were the greatest Sufferers, because many Millions yearly were not sufficient for ransoming our Captives, and nothing was to be expected from the *Turks*, who never redeem theirs; nevertheless, out of Zeal for Religion, the vast Losses which our Kingdom suffered were not minded. But *Naples* being now dismember'd from the Monarchy of *Spain*, and govern'd by the Emperors of *Germany*, it has the good Fortune to be comprehended in the Treaties made with the Empire, so that Hostilities are ceased, and Commerce open'd with the *Turks*, to the great Advantage of the Kingdom.



## C H A P. VII.

*D. Peter de Toledo's Expedition against Sienna, in which he died. Philip the Prince of Spain's second Marriage with Mary Queen of England; and a Resignation of the Kingdom of Naples in his Favour by the Emperor, who retires from the World into Estremadura, where he ended his Days in the Convent of S. Justus.*



*PETER DE TOLEDO*, having put an End to the Troubles of *Naples*, governed the Kingdom with full Authority, but as he was obeyed by all, so he had many secret Enemies; for the Prince of *Salerno's* Rebellion being discovered, and suspecting that there were others who intended likewise to revolt, he proceeded against the Suspected with great Rigour; and the putting *Antonio Grifone* to Death, and the Information taken against others on the same Account, had rendered his Government both terrible and odious. Amongst the many Revolutions that happened in *Italy* this Year 1552. *Sienna* likewise revolted.

THIS Republick was under the Emperor's Protection, who had sent *D. Diego Urtado Mendoza* to be Governor of it: *Mendoza* having built a Citadel in *Sienna* of such Strength, as to be able, with a small Number of *Spaniards*, to defend itself against the City, made the *Siennese* suspect that he had a Mind to deprive them of their Liberty; therefore they were resolved to have recourse to the King of *France*, who, taking them under his Protection, ordered his Ministers in *Italy* to consult with them about what was necessary to be done. It was concluded amongst them, that

that the Count of *Pitigliano*, and the two Counts of *Santa Fiore*, should privately raise Six thousand Foot, and a good Number of Horfe, which was immediately done: The Count of *Pitigliano* entered the City, and crying out *Liberty, Liberty*, and, with Three thousand Foot, joining the Inhabitants, he forced *Otto di Montea-guto*, who had been sent by *Cosimo de Medici*, Duke of *Florence*, to assist the Imperialists, to retire under the Citadel, with some Slaughter on both Sides. Duke *Cosimo* was preparing to send a strong Reinforcement to *Otto*, but the Republick dispatched Ambassadors to give him to understand, that they had no Mind to renounce their Allegiance to the Emperor, but only to recover their Liberty, of which, by Degrees, they had been deprived by *Mendoza*: The Duke giving Credit to what the Ambassadors said, concluded a Treaty with the Republick, that the *Spaniards* should march out of *Sienna*, and that *Otto* should return in Safety to *Florence*; but the *Spaniards* had no sooner left *Sienna*, than the *Siennese* levelled the Citadel to the Ground, received a *French* Garrison, and took care to fortify themselves against the *Spaniards*. The Emperor, who was then at the Siege of *Metz*, being informed of what had pass'd, wrote to *Toledo*, ordering him to raise an Army, and make War upon *Sienna*; and at the same Time D. *Francisco de Toledo*, the Emperor's Minister residing at *Florence*, came to hasten the Preparation for War. Although it was a very severe Winter, yet the Viceroy, with the utmost Application, began privately to put the Army in Order; and while he was thus employed, he was seized with a Rheum and Fever, with which he was wont to be troubled every Winter, and for which his Physicians had always advised him to reside at *Pozzuolo* during that Season; but notwithstanding the Viceroy's Illness, the Preparation was not slackened, and it began to be rumour'd abroad that a War was designed upon *Sienna*, and that the Viceroy was to command the Army in Person, who therefore was to go and have an Interview with Duke *Cosimo* his Son-in-Law. The March of the Army being made Publick, many Barons offered to accompany the Viceroy, who accepted of a few, and thanked the rest; and having made D. *Garcia* his Son Lieutenant-General of the Army, he sent him by Land with Twelve thousand gallant *Spanish*, *Italian*, and *German* Soldiers. In the Beginning of this Year 1553. D. *Garcia* marched peaceably through the Ecclesiastical State, and by the Way went to *Rome* to kiss the Pope's Foot, and at last arriving in the Territories of *Sienna*, without Loss of Time, he took many Castles. In the mean while the Viceroy caused the rest of the *Spanish* Soldiers, with his own Court, to be imbark'd in the Prince of *Doria's* Gallies; and leaving D. *Lewis*, his second Son, Lieutenant of the Kingdom, he took shipping, and set sail towards *Gaeta*, where he staid three Days, and then steer'd for *Civita Vecchia*; in which Voyage, by the Roughness of the Sea, his Distemper increased, and having afterwards landed at *Leghorn*, he immediately sent the *Spaniards* to join D. *Garcia's* Army, and he himself being so ill of the Rheum and Fever, was forced to stop there. But the Disease increasing, and his Physicians finding that the Air of *Leghorn*, situate in the Midst of Water, was quite different from that of *Pozzuolo*, and prejudicial to his Distemper, he went to *Pisa*, and from thence, in order to be farther from the Sea, he went to *Florence*, where he was very affectionately and magnificently received by Duke *Cosimo* his Son-in-Law. At this Time *Ascanio della Cornia*, and other Colonels of the Army, came to wait upon him, and receive his Orders how they were to carry on the War; and the Disposition being already made, and his Illness something abated, he sent forward his Court, and was preparing to follow the next Morning himself; but he was again so violently seized with the Rheum, that he got no Rest the whole Night, and the Fever likewise returning, all Remedies proved ineffectual.

UPON the News of his Danger D. *Garcia* his Son came to visit him, and give him an Account of what he had done; but the Viceroy ordered him, without waiting for the Issue of his Distemper, to return to his Command of the Army, and blessed him; and not long after, his Illness still increasing, on the 12th of *February* 1553. he breathed his last in the Arms of his Daughter and Son-in-Law. It was reported, that his Death was hastened by Poison given him by Duke *Cosimo*, out of Suspicion that he had laid Snares for his Life: Moreover, that the Emperor, in order to remove him from the Government of *Naples* (which he had determined ever since the Commotions of that City) had taken the Opportunity of the War of *Sienna*. Some believe neither the one nor the other, and refer to a Letter of the Emperor's arrived at *Florence* before he died, in which, without knowing that he

had as yet left *Naples*, he wrote, that by no means he should go upon that Expedition, because he had heard he was Valetudinary, but that he should send his Son *D. Garcia*: However that may be, he govern'd the Kingdom twenty Years, five Months, and eight Days, with so much Prudence, that he excelled all the preceding Governors, and deservedly got the Title of the *Great Viceroy*.

BY his first Wife *D. Maria Ossorio Pimentel*, he left several Children, but being old when he married his Second, he had none by her. *D. Frederick* his eldest Son; *D. Garcia*, whom, at his Death, he left Lieutenant-General in the War of *Sienna*, and *D. Lewis*, who was Lieutenant of the Kingdom when he left *Naples*. He had likewise four Daughters; he married *D. Isabella*, the Eldest, to *D. Giovan-Battista Spinelli*, Duke of *Castrovillari*, and Count of *Cariati*; *D. Eleonora* the Second, in 1539. was married to *Cosimo de Medici*, Duke of *Tuscany*; *D. Giovanna* the Third, was the Wife of *D. Ferrante Ximes d'Urrea*, the eldest Son of the Count of *Aranda*; and *D. Anna* the Youngest, was married to *D. Lopes Moscoso*, Count of *Altamira*.

*D. LEWIS* being left Lieutenant in *Naples*, had not Opportunity to display his noble Talents in the Government of the Kingdom, because he held it only for a few Months; for the Emperor, upon the News of *D. Peter de Toledo's* Death, sent the Cardinal *Pacecco* to succeed him, and the Cardinal being then at *Rome*, in the Month of *June* this same Year, went immediately to *Naples*.

CARDINAL *Pacecco*, no less famous for his illustrious Family in *Spain*, possessed of the Marquisate of *Villena*, and Dutchy of *Escalona*, than for his great Learning, and the signal Service he did in the Council of *Trent*, while he was Bishop of *Faen*, at the Desire of the Emperor was promoted to the Purple, and likewise declared Bishop of *Saguntum* by Pope *Paul III.* and that Council being removed to *Bologna*, he had the Charge of the Emperor's Affairs in *Rome*, and upon *Toledo's* Death, as we have said, was sent to be Viceroy of the Kingdom.

*NAPLES*, out of a Notion that he was a severe Man, was at first alarm'd, but the Event proved the contrary; for being of a calm and sweet Disposition, he not only treated the *Neapolitans* with the greatest Humanity, but did them most signal Service with the Emperor, from whom he obtained a Confirmation of their Privileges, which, at the Request of the famous *Girolamo Seripando*, *Charles V.* by his Patent, dated at *Brussels* the last Day of the Year 1554. had granted them. Sudden Imprisonments, Tortures, and criminal Punishments inflicted upon Delinquents on bare Information, were no more heard of. Provident Orders were given, and Rules laid down to be observed in the Collation of the Chaplain Majorship, Royal Prelatures, the chief Doctorship of Physick, and in appointing the Officers of Justice, and the Castellains of the Kingdom; and during his Government, many new Favours and Privileges were granted by the Emperor both to the City and Kingdom<sup>1</sup>.

IN the mean time *Mary of Portugal*, *Philip* Prince of *Spain's* first Wife, dying, a Door was opened for uniting the Kingdom of *England* to the Monarchy of *Spain*; and if *Queen Mary of England's* Death, without leaving Children of this Marriage, and the many Revolutions that happened in that Kingdom, had not frustrated so noble a Design, that Union would have been completed; for on the 20th of *July* 1553. *Mary*, the eldest Daughter of *Henry VIII.* being proclaim'd Queen of *England*, and on the first of *October*, in the Thirty-seventh Year of her Age, being crown'd, in order to secure the Succession, the Barons of the Kingdom requested her to marry: She therefore pitched upon *Philip* Prince of *Spain* to be her Husband; and in *Jan.* 1554. she sent Ambassadors to notify her Intention to the Emperor, who with incredible Joy accepted the Proposal, and, without Loss of Time, the Marriage was immediately concluded, and the Prince called from *Spain* in order to go to *England* to consummate the Marriage: The *English* Barons, both out of Hatred to the *Spaniards*, and that they did not like to have that Kingdom fall to the Emperor's Off-spring, were not satisfied with the Queen's Choice.

HOWEVER, on the 16th of *July* 1554. *Philip* set sail from the *Groyn*e with a great Fleet, and a most splendid Court, and having arrived at *Southampton*, where the Queen expected him, the Marriage was celebrated there with great Pomp and Magnificence.

<sup>1</sup> Capit. & Grazie del Regno di Car. V.

BUT the Emperor, thinking it was not fuitable to fo great a Queen to marry *Philip*, who was not as yet a King, ſent *Figurino*, Deputy of *Naples*, to *England*, to deliver him a Reſignation of the Kingdoms of *Naples* and *Sicily*, and of the Dutchy of *Milan*: Thus *Philip*, being render'd more Majeſtick by theſe Royal Titles, added Mirth and Jollity to the Marriage Feaſt. The new-married Couple having paſſed many Days in Feaſts and Tournaments in *Wincheſter*, on the 19th of *Auguſt* ſet out, and, with a double Court, and almoſt all the Nobility of *Spain* and *England*, in great Pomp and Magnificence made their Entry into the City of *London*; and the Mal-content Barons, finding that *Philip* was a Prince of a ſweet and courteous Diſpoſition, were ſatiſfied.

*PHILIP* having received his Father's Reſignation of the Kingdom of *Naples*, immediately ſent the Marquis of *Pefcara*, in his Name, to take Poſſeſſion of it, which, with publick Solemnity and great Rejoycing, on the 25th of *November* the ſame Year, was given him by Cardinal *Pacecco* the Viceroy: At the ſame time, that the Emperor *Charles V.* his Father, either wearied of worldly Anxieties, or that he imagined Fortune began to frown upon him, reſolved to retire into a Cloiſter.

THE Emperor was then in *Flanders* continually afflicted with the Gout, and unable any longer to bear the Burden of the Empire, he reſolved to retire from worldly Cares; therefore he ſent to *England* for his Son *Philip*, and upon his Arrival in *Bruffels*, firſt of all he made him Head of the Knights of the Order of the *Golden Fleece*, then, on the 25th of *October* 1555. in a great Hall, in Preſence of all the Counſellors of State, of all the Knights of the Orders, and of the Nobility, he made a general Reſignation to the King his Son of all the Low Countries, with the States, Titles, and Rights of *Flanders* and *Burgundy*: He reſign'd the Kingdoms of *Spain*, *Sardinia*, *Majorca*, and *Minorca*, and the new-diſcovered Countries in the *Indjes*, with all the other Iſlands and States belonging to, and depending upon the Crown of *Spain*.

WITH the ſame Solemnity he reſigned the Government of the Empire to *Ferdinand* his Brother, already elected King of the *Romans*, and three Years after, a few Months before he died, he ſent the Reſignation of the Empire to the Electoral Collegè, which, on the 14th of *March* 1558. elected in his Room the ſame *Ferdinand*.

*CHARLES* having afterwards retired to the City of *Ghent*, the Place of his Nativity, diſmiſſed all the Ambaſſadors of Princes who were then reſiding at his Court, and all the Officers of the Army; and on the 14th of *September* 1556. having taken ſhipping, he ſet fail for *Spain*, and retired into *Eſtremadura*, where he remain'd all his Days in a Convent of Monks of the Order of *S. Hierom*, called *S. Juſtus*. He led there a ſolitary Life, and died on the 21ſt of *September* 1558. in the 59th Year of his Age.





## C H A P. VIII.

*The State of our Jurisprudence during the Empire of Charles V.  
and of the most famous Lawyers who flourish'd in his Time.*



THE Emperor *Charles V.* or rather his Viceroys, who during his Reign governed this Kingdom, left us many Laws, of which there being an exact Chronology, according to the Times in which they were established, inserted in the last Edition of our Statutes, there is no Occasion to swell this Work by repeating them here.

OUR Tribunals having been so much favoured, and brought into a more ample and magnificent Form by the Viceroy *Toledo*, if in this Reign the Jurisprudence was not improved, at least it was in more Splendour by the great Number of learned Professors.

FOR the Reasons formerly alledged, it could not be brought to that Neatness and Purity of Stile in this Century, with us, to which it had attained in *France*. The *Spaniards* were jealous of all Learning, and were very much upon their Guard against introducing Novelties in the Sciences, or in the Method of teaching and professing them; therefore the antient Stile was continued: But notwithstanding the want of Learning, and the Knowledge of the *Roman* History, whereby the Sciences were improved in *France*, we had excellent Lawyers, not inferior to those of other Nations.

IT seems very strange, that the Jurisprudence having been first illustrated in *Italy* by *Andrea Alciati*, a *Milanese*, who was the first that taught the Law with Erudition and Elegancy, this Study should be forsaken in *Italy*, and that *Andrea* should have so many in *France* that imitated, and even excelled him, and none in *Italy*. *France* at this Time boasted of the famous *Gulielmus Budeus*, a *Parisian*; *Franciscus Duarenus* his Disciple, and Professor of Law in *Bourges*, who died in the Year 1559. at the Age of Fifty; the celebrated *Carolus Molmeus*, who died in 1566; the never-enough-to-be commended *Jacobus Cujacius*, a Native of *Toulouse*, who was Professor in *Bourges*, *Toulouse*, *Cabors*, *Valencia*, and *Turin*, and who was a Prodigy in this Science, for which *Thuanus* very justly calls him the First and Last amongst the best Interpreters of the Law; *Antonius Contius*, a Native of *Noyon*, Cotemporary with *Duarenus* and *Cujacius*, and likewise Professor of Law in *Bourges*, who died in 1576; *Franciscus Hottomanus*, *Petrus Piteus*, and many others, of whom the President *Thuanus* makes honourable mention in his History.

ON the contrary, as to Professors, for the abovementioned Reason, and others that shall be given in the following Books of this History, I confess we could not pretend to have Lawyers equal to those of *France*; but as to those that were employed in the Courts of Justice, and the Magistracy, we might compare with theirs, both as to their Skill in the Law, and Number.

THERE flourished at this Time in our Tribunals, many notable and renowned Lawyers. *Antonio Capece* became first famous in the Courts of Justice as an Advocate, and afterwards, in 1509, was made a Counsellor by King *Ferdinand the Catholick*, and at the same time read Law in our University, where he possessed the first Evening Chair of the Civil Law; and in 1519, he likewise taught the Feodal Law there, and *Bartolomeo Camerario*, *Sigismondo Goffredo*, and many other famous Lawyers were his Scholars. On account of the Commotions in *Sicily*, raised during the Government of *Ettore Pignatelli*, Count of *Montelione*, by the King's Command



he went to that Island, and the Count made use of him for curbing the Authors of those Tumults, where he collected some of his Decisions. He returned afterwards to *Naples*, and notwithstanding that his Office of Counsellor allowed him very little Leisure, yet he wrote an Explanation upon the *Cap. Imperialem, de probib. feud. alien. per Feder.*; and he had begun another famous Work, intituled, *Investitura feudalis*, which he could not bring to Perfection. He collected sundry Decisions, which in his Time had been made in the *S. C. of St. Clara*, which being added to those he had collected in *Sicily*, are now made use of by our Professors. At last he died in *Naples* in 1545. and was buried in the Chapel of his Family, within the Church of *S. Dominico Maggiore* of that City<sup>1</sup>.

*BARTOLOMEO CAMERARIO*, of *Benevento*, distinguished himself above the rest in the Study of the Laws, and in 1521. he published in *Naples* an Explanation upon the *§. Equè de Actionibus*; but he became eminent above all others by his great Application to Feodal Matters. He undertook to amend the Feodal Commentaries of *Andrea d'Isernia*, which, through the Fault of the Transcribers, having been sent to the Press very incorrect, he restored to the true Reading; and he laboured so hard for the Space of three Years, in bestowing sixteen Hours every Day upon that Work, that, as he himself<sup>2</sup> says, he lost an Eye. He read Lectures upon the Feodal Books in our University Twenty-four Years; from the Professor's Chair, in 1529. he was advanced to be President of the Royal Chamber, in the Room of *Giorgio Pisanello*. Afterwards, in 1541. the Emperor *Charles V.* made him Lieutenant of that Tribunal: But falling under the Displeasure of *D. Peter de Toledo*, for the Reasons elsewhere related, and because of the Inclination he always shew'd for the *French*, he was much suspected, whence *Toledo* took the Opportunity to put him in Disgrace with the Emperor; of which being sensible, he went to *France*, and accepted the Honour offer'd him by that King, who made him his Counsellor, and took him under his Protection. The Viceroy *Toledo*, having immediately put *Francesco Revertero* in his Place, ordered him to be impeached; he was declared a Rebel, and in 1552. all his Goods were confiscated. While he was in *France*, the Affairs of Religion being in great Confusion, and the Works of *Luther* and *Calvin* doing much Mischiefe in that Kingdom, he, as one well skilled in Divinity, undertook to confute them: So that in 1556. he printed a Treatise in *Paris*, *De Jejunio, Oratione, & Eleemosina*; and that same Year he likewise published another Work, written by way of Dialogue between himself and *Calvin*, which he intituled, *De Prædestinatione, ac de Gratia, & libero Arbitrio, cum Johanne Calvino disputatio*; and in 1557. having gone to *Rome*, he published there another Treatise, *De Purgatorio igne*.

BUT finding that his Merit was not rewarded in *France* according to his Expectation, he retired to *Rome*, where Pope *Paul IV.* a bitter Enemy both to the Emperor and King *Philip* his Son, received him very graciously, and admitted him into his Councils; and 'tis said, that *Paul's* not publishing the Sentence pronounced against King *Philip*, depriving him of his Kingdom, of which hereafter, was owing to *Camerario*: And in the War which was then vigorously carried on between the Pope and King *Philip*, the Duke *D'Alba* having besieged *Rome*, the Pope made him Commissary-General of his Army, and Overseer of the Markets of *Rome*; so that in order to shew his Gratitude to the Pope, in the Year 1558. he published his Commentary *Ad L. Imperialem de probib. feud. alien. per Feder.* and dedicated it to him, promising in the Epistle Dedicatory, that if he should have Leisure, he would likewise dedicate to him seven other Feodal Books which he had composed. He spent the rest of his Days in *Rome*, where he died in 1564. and was buried in the Church of the Holy Apostles of the Fathers Conventuals of *S. Francis*, where his Tomb, with an Inscription, is to be seen. Besides the abovementioned Works, there are some Dialogues of his concerning Feodal Matters, which, for want of that Grace and Comeliness peculiar to that way of Writing, are looked upon to be dull and insipid.

*SIGISMONDO GOFFREDO*, Disciple of *Antonio Capece*, of the *Seggio Capuana*, after he had made wonderful Progress in the *Belles Lettres*, applied himself to the Study of the Laws, and in 1512. on account of his Learning was

<sup>1</sup> Toppi de Orig. Tribun. par. 2. lib. 4: cap. 1. lum. 87. | <sup>2</sup> Camer. conf. 371. post Canner. <sup>3</sup> Toppi de Orig. Trib. tom. 3. p. 187.

made President of the Royal Chamber by *Ferdinand the Catholick*; and in less than five Years he was advanced to be Head of the Chancery, and was afterwards sent for to *Spain* to assist in the Supreme Council of *Arragon*, as Deputy of *Naples*. He died in 1539. leaving a shining Monument of himself in his learned Discourses and Commentaries upon *L. Jurisconsultus de gradibus*, which were printed in *Venice* in 1572.

AT the same time with him flourished the famous *Cicco Loffredo*, a renowned Advocate, who in the Year 1512. was made one of the King's Counsellors. On account of his great Abilities, he was sent Ambassador to *Flanders* by the City of *Naples*, to do Homage to King *Charles* in Name of the said City, and to ask a Confirmation of its Privileges. He was afterwards, in 1522. raised to the high Honour of President of the *S. C.* which he officiated till 1539. in which Year he was removed to the Collateral Council, of which he was made Head. He died in *Naples* in 1547. and was first buried in the Cathedral Church of that City, in the Chapel of his Family; but *Ferdinando Loffredo*, Marquis of *Trivico*, his Son, removed his Bones to the Church of the Holy Ghost, which he had founded, where his Tomb, with an Inscription, is to be seen; and from this famous Lawyer the present Marquis of *Trivico* is descended <sup>1</sup>.

ABOUT the same time flourished likewise *Girolamo Scverino*, *Tommaso Salernitano*, *Giannandrea de Curte*, *Scipion Capece*, and *Marino Freccia*, all of them most famous Lawyers.

*GIROLAMO SEVERINO*, of the *Scggio of Porto*, while a Youth, in 1516 was appointed to be Advocate for the Poor; then in 1517. he was made Judge of the Vicariate. On account of his Learning and Eloquence, when *Charles V.* came to *Naples*, the City made him their Spokesman to welcome that Prince; and in 1536. they created him *Syndick*: In a general Parliament begun the 8th of *January* the same Year, there being a large Donative granted to the Emperor by his good Management, as a Reward of his signal Services, the Emperor put him at the Head of the Chancery, and of the Supreme Council of *Italy*, which obliged him to go to *Spain* with the Emperor; but afterwards, in 1541. he was raised to the high Honour of President of the *S. C.* and in 1549. he was made Viceprotonotary of the Kingdom; and having exercised the Office of President for fifteen Years, being unable, by reason of his great Age, any longer to undergo so great a Charge, in 1555. he returned to the Collateral Council, which his Decrepitnels forced him likewise to leave, reserving only the Office of Viceprotonotary, which he exercised as long as he lived. At last, in 1559. he died in *Naples*, and was buried in *S. Maria della Nuova*, in the Chapel of his Family, where his Tomb, with an Inscription, is to be seen <sup>2</sup>.

*TOMMASO SALERNITANO*, at the Age of Eighteen, gave such evident Proofs of his surprizing Knowledge in the Laws, that he was admitted to explain them in the University of *Naples*; he afterwards pleaded at the Bar, and succeeded so well, that in a short time he was made President of the Royal Chamber. In the Reign of King *Philip II.* he was employed in the most weighty Affairs of State, and was sent to *Germany* about the famous Cause of the Dutchy of *Bari*; so that in 1567. he was made President of the *S. C.* and afterwards in 1570. Director of the Chancery. He left us a shining Monument of his Learning by the Decisions collected by him, which, being now printed, are highly esteemed by our Professors. He died in *Naples* in 1584. and was buried in the Church of *S. Maria delle Grazie*, in the Chapel of his Ancestors, where his Tomb and Inscription remain. *Paolo Regio*, Bishop of *Vico Equense*, and a famous Preacher in these Times, composed his Funeral Oration, wherein he very much extols his Virtues and notable Actions <sup>3</sup>; and our celebrated Poet *Bernardino Rota* did not fail to commend him highly <sup>4</sup>.

*GIOVAN-ANDREA DE CURTE*, on whom *Ulerto Foglietta* <sup>5</sup> bestows great Encomiums, according to that Writer, was originally of *Pavia*, but ours <sup>6</sup> will have him to be of *Carva*. He was the Son of *Modesto*, Judge of the Vicariate, who, applying himself to the Study of the Laws, became a most famous Lawyer; and after having been some Years in the Vicariate, the Emperor *Charles V.* made him

<sup>1</sup> Toppi de Orig. Trib. tom. 2. lib. 3. cap. 1. num. 22.

<sup>2</sup> Idem, num. 23.

<sup>3</sup> Idem, loc. cit. n. 25.

<sup>4</sup> Rota Epigram. fol. 59.

<sup>5</sup> Foilet. Tumul. Neap.

<sup>6</sup> Toppi loc. cit. num. 26.

a Counsellor of *S. Clara*. In the Tumults that in 1547. happened in *Naples* on account of the Inquisition, both he and his Sons narrowly escaped being torn in pieces by the Mob; for seeing the City all up in Arms, he resolved (like all other peaceable and worthy Men) with his Family to leave the City, which being whispered to the Populace, who always looked upon him to be one of *Toledo* the Viceroy's Creatures, they pursued him furiously, and though he had taken Shelter in a Convent of *Monks*, they broke open the Gates, and used the Monks very roughly, in order to make them discover where he was; but they constantly denying that he was in their Convent, and affirming that he had fled by another Way, after having searched all the hidden Places of the Monastery, in great Rage they ran as far as *Torre del Greco*, whither they heard his Sons had fled, and those innocent Youths had certainly been murdered, if the Peasants of the Place had not taken Arms and curbed their Fury. One of those Sons was *Mariuo* so much commended by *Foglietta*, with whom, while *Foglietta* was in *Naples*, he had contracted an intimate Friendship, who afterwards proved a great Divine, and one of the most famous Preachers about the Court of King *Philip II.* who, as a Reward of his Learning and signal Services, raised *Giovan-Andrea* to be President of the Council. He died in 1576. and was buried in the Church of *S. Severino*, in the Chapel of his Family, where his Tomb, with an Inscription, is extant. *Bernardino Rota* in his Poems highly commends him<sup>1</sup>, and the President *De Franchis*<sup>2</sup> did not fail to make honourable mention of him.

BU T *Scipion Capece*, the Son of *Antonio*, excelled all these, both in the Knowledge of the Law, and in being an universal Scholar. In his Youth he applied himself to the Study of the *Belles Lettres* and Philosophy, and succeeded so well in Poetry and Oratory, that he was reputed one of the greatest Poets of the Age. He wrote two Books *De principiis Rerum*, which he dedicated to Pope *Paul III.* so much commended by Cardinal *Bembo* and *Paulus Manutius*, that they did not stick to compare them to the Books of *Titus Lucretius Carus*. He likewise wrote the Life of CHRIST in heroick Verse, and the Praises of his Fore-runner *John the Baptist*, in Three Books, which he intitled, *De Vate Maximo*, which were dedicated to Pope *Clement VII.* by *Giovan-Francesco di Capua*, Count of *Palena*. And some of his Elegies and Epigrams were cried up by the most famous learned Men of these Times, of which *Nicodemo*<sup>3</sup> has made a long Catalogue.

HE was no less successful in the severe and rigid Study of our Laws, than in those of Poetry and Oratory; he bore away the Bell, not only in the Courts of Justice, but in the Chair: He was looked upon to be the first Advocate in our Supreme Tribunals, and in the Year 1534. he possessed the first Evening Chair of the Civil Law in the University, which he held till 1537. When the Emperor *Charles V.* came to *Naples*, he was pitched upon to congratulate him upon his Arrival; whereupon the Emperor, as a Reward of his Learning and bright Parts, made him a Counsellor of *S. Clara*. He wrote many Commentaries upon sundry Titles of the Pandects, which he explained in the University, of which that only is printed which he wrote upon the Title *De acquirenda possessione*, which he dedicated to *D. Lewis de Toledo*, the Son of *D. Peter* the Viceroy, in which he promised in a short Time to publish another upon the Title *Soluto Matrimonio*. He likewise wrote a short Treatise, intitled, *Magistratum Regni Neapolis qualiter cum antiquis Romanorum conveniant, Compendiolum*, which was first printed in *Salerno* in 1544. and afterwards in *Naples* in 1594. This celebrated Writer died in 1545. and was buried in the Church of *S. Dominico Maggiore*, in the Chapel of his Family, where his Tomb is to be seen<sup>4</sup>.

TO *Capece* we must add *Marino Freccia*, who, besides his Skill in the Law, had a good Taste of History, and was the first among us that found Fault with our Writers, who, having neglected History, have fallen into a thousand Errors; he was a great Admirer of our antient Records, and to him we owe some Fragments of *Erchempertus*, which were afterwards printed by *Camillo Pellegrino* in his History of the *Longobard* Princes. The Book which he wrote *De Subfeudis*, and which he dedicated to Cardinal *Pacecco* while he governed the Kingdom, demonstrates how

<sup>1</sup> Rota loc. cit.

<sup>2</sup> Franchis dccif. 470. num. 4.

<sup>3</sup> Nicod. Addit. ad Biblioth.

<sup>4</sup> Toppi de Orig. Trib. tom. 2. lib. cap. 1. num. 98.

much he had the Illustration of the Affairs of our Kingdom at Heart, and what Pains he had bestowed upon our Antiquities. He derived his Origine from *Ravello*, and for his singular Skill in the Laws, and especially the *Feodal*, which he formerly expounded in our Univerſity, the Emperor *Charles V.* in 1540. made him a Counſellor of the *S. C.* of which he was afterwards Vice-President. He alſo wrote another Treatiſe *De formulis Investiturarum*, but being prevented by Death, he could not finiſh it; and while he was yet a Youth of twenty Years of Age, he wrote a Treatiſe *De præſentatione Instrumentorum*, which is at preſent made uſe of by our Profeſſors. He died in 1562. and was buried in the Chapel of his Family in the Church of *S. Dominico Maggiore*, where his Tomb and Inſcription remain<sup>1</sup>.

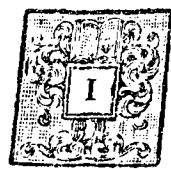
ABOUT the ſame time flouriſhed *Jacobuzio de Franchis*, *Antonio Baratuccio*, *Giovan-Tommaſo Minadoi*, *Tommaſo Grammatico*, and many others, who may be found in *Toppi's Bibliotheca Neapolitana*, and his Books *Dell'Origine de noſtri Tribunali*, wherein he has given a long Catalogue of them.

<sup>1</sup> Toppi loc. cit. num. 101.



## C H A P. IX.

### *The Polity of our Churches during the Reign of the Emperor Charles V.*



IN this ſixteenth Century the Authority of the *Roman Pontiffs* received one of the greateſt and moſt fatal Blows that ever it had got ſince its firſt Riſe. By the Heresy of *Luther* it ſuffered lamentable and irreparable Loſſes in *Europe*. Many Provinces of *Germany* withdrew their Obedience; *Flanders*; *England*, which was once moſt obſequious and profitable to the See of *Rome*; *Scotland*, and the Kingdoms of the North were intirely loſt; *France* was likewise in great Danger, and *Italy* gave much Ground of Suſpicion: Loſſes which were but ill made up by the Acquiſitions made in the *Indies* and *America*; Acquiſitions which were both barren and uſeleſs to *Rome*. The *Roman Pontiffs* were likewise alarmed at the Thought of calling a new Council, looked upon then to be abſolutely neceſſary for ſettling the diſtracted State of Religion, whereby all *Europe* was in a great Fermentation; but for all that they did not ſtoop in the leaſt, nor were they a whit more indulgent to the Princes that were the greateſt Sticklers for them (whoſe Buſineſs it likewise was to prevent the Alteration of Religion in their Dominions) in remitting the leaſt Title of the Pretenſions which they imagined they had upon the Churches, or any other Thing within their States. After that the Emperor *Charles V.* had received thoſe exorbitant Sums from *Clement VII.* for his Ransom, he was very eaſy about the Court of *Rome's* beginning again to exact the Incomes of the vacant Churches with greater Severity than ever: *Tythes* were frequently impoſed upon the Clergy and Monafteries, of which he only remitted his Part; and becauſe of the Profit which he (as all the Kings his Succeſſors have done ever ſince) by Permiſſion from the Popes, reaped in the Kingdoms of *Spain*, he little minded his own Rights, and much leſs our Advantage, or that of our Churches.

IN the Treaty of Peace, which, as we have ſaid, in the Year 1532. was concluded between the Emperor and *Clement*, there were long Diſputes about the Preſentation to the Cathedral Churches of our Kingdom, to which our Kings claim a Right

a Right of Patronage, because the most remarkable Cathedrals were founded, and with rich Revenues endowed by their Predecessors. The *Normans*, as may be seen in the preceding Books of this History, erected many of them from the very Foundation; and their having withdrawn many of them from the See of *Constantinople* to that of *Rome*, was no small Advantage. The Kings of the Family of *Anjou* likewise founded others of them: So that as the Cathedrals of *Spain*, for the same Reason, are in the King's Gift, so ours likewise ought to be so too; and consequently all the Archbishopricks and Bishopricks, when they are vacant, ought to be in the King's Nomination. And although in the Reign of the Family of *Anjou*, the *Assent* which formerly was sought in the Election of Prelates, was taken away, yet as the *Exequatur Regium* was still reserved (as we have shewed elsewhere) so much less could that Agreement, foisted into the Investiture, comprehend the Churches of Royal Patronage, from which they were expressly excepted: Whence it is, that very many Churches and Benefices, in all the Provinces of the Kingdom, are still of Royal Collation and Presentation; of which *Chioccarelli* and *Tassone* have made long Catalogues.

DEPUTY *Muscettola*, at that Time *Charles V's* Ambassador at *Rome* for that Affair, maintained the Pretension of our Kings; but (as 'tis the Custom of that Court, that whenever they can but once bring an Affair to be referred to a Treaty, then, under Pretence of preventing Quarrels and tedious Debates, they offer to come to a Composition) it was agreed with *Clement VII.* that Twenty-four Cathedral Churches, *viz.* seven Archbishopricks and seventeen Bishopricks should continue to be in the King's Gift, and the rest to be at the Pope's Disposal. In the Province of *Terra di Lavoro*, the Bishopricks of *Gaeta*, *Pozzuolo*, and *Cerra*, were declared to be in the Royal Gift. In the County of *Molise*, the Bishoprick of *Trivento*. In the *Hither Principato*, the Archbishoprick of *Salerno*, and the Bishoprick of *Castellamare*. In the *Further Principato*, the Bishoprick of *Ariano*. In the *Hither Calabria*, the Bishoprick of *Cassano*. In the *Further Calabria*, the Archbishoprick of *Reggio*, and the Bishopricks of *Cotrone* and *Tropea*. In *Basilicata* (according to the present Disposition of the Provinces) the Archbishoprick of *Matera*, to which the Church of *Cerenza* is now annexed, and the Bishoprick of *Potenza*. In *Terra d'Otranto*, the Archbishopricks of *Otranto*, *Taranto*, and *Brindisi*, to which the Church of *Oira* is now annexed, the Bishopricks of *Gallipoli*, *Mottula*, and *Ugento*. In *Terra di Bari*, the Archbishoprick of *Trani*, the Bishopricks of *Giovenazzo* and *Monopoli*. In the *Hither and Further Apruzzo*, the Bishopricks of *Aquila* and *Lanciano*, which last Church is now Archiepiscopal; but not Metropolitan, because it has not one Suffragan. In *Capitanata* there is not one Bishoprick in the King's Gift, although in the Church of *Lucera*, all the Dignities, and the half of the Canonships are of Royal Collation, as we have said elsewhere.

THIS was the Division that was then made of the Cathedral Churches, which continues to this Day, and was inserted in the Articles of that Peace, in which the other Benefices, and Churches not Cathedral of Royal Patronage, of which there are many, are expressly excepted, of which our Kings are in Possession, and provide them when vacant, and during the Vacancies appoint Stewards for collecting the Revenues, part of which is applied towards Repairing and Supporting the *Fabricks*, and the rest is reserved for the future Successors.

THE Emperor *Charles V.* for the abovementioned Reasons, was likewise very easy about the Court of *Rome's* laying new Burdens upon our Kingdom, the greatest of which in his Time was, that finding it impracticable to introduce the Tribunal of the Inquisition here, they established another new one, called the Tribunal of the *Fabrick of S. Peter*, of which, as in its Place, we must here give an Account of the Origin and Introduction.

## S E C T. I.

*The Origin of the Tribunal of the Fabrick of S. Peter, and how, and upon what Conditions it was introduced amongst us; and afterwards in our Time suspended.*

POPE Julius II. having a mind to imitate the Magnificence of King Solomon, resolved to build a Temple in Rome in Honour of St. Peter the Head of the Apostles, that should be the most magnificent and surprizing of any that ever had been in the World; judging, that as Rome was become the Head of the Spiritual Church, and was exalted above all the other Churches of the Earth, so it was fit that her Material Church should overtop all others, in the same manner as S. Peter, to whom it was dedicated, was more eminent than the other Apostles, and all the Faithful that believed in Christ; but not having Solomon's Riches, he employed his whole Thoughts about finding out Mines, out of which to dig Gold and Silver for this Work. He began first with Plenary Indulgences, granting them with a liberal Hand to all those who left or gave any Thing towards the Building of that Temple: But seeing that these did not answer his Design, he contrived a new Method, and by his Constitution published in the Year 1509. besides granting them Privileges, he ordained, that all pious Legacies that should be found left to Places incapable of receiving them, or that were not fulfilled by the Heirs, should be applied to this Building; therefore he instituted a Tribunal in Rome, whose Ministers were not only to have the Inspection of the Building of the Temple, but likewise to receive the Money arising that way over the whole Catholick World by Means of their Commissaries.

THIS Bull was afterwards confirmed and much enlarged by Leo X. Clement VI. and the other Popes their Successors. But in order to its producing a plentiful Crop, it behoving it to have Force in the Dominions of others, many Princes opposed its being put in Execution, some altogether refusing to receive it, others moderating and reforming it. Leo X. endeavoured to introduce the Commissaries of this Tribunal of Rome into our Kingdom; and in the Year 1519. dispatched a Brief directed to them, giving them Power, for the Space of three Years, to receive all the pious Legacies, and for that Effect to force the Debtors to pay them, and also the Notaries to exhibit the Protocols, Instruments and Wills. The Brief being produced to D. Raimondo de Cardona, then Viceroy of the Kingdom, for his giving it the Exequatur, he granted it, but with this Clause, *Præter quam contra laicas personas*; so that the said Commissaries, resolving to force the Laicks, had recourse anew to Cardona, who ordered the King's Officers to do them Justice, by obliging the Laicks to pay the pious Legacies, and the Notaries to exhibit the Protocols and Instruments<sup>1</sup>.

CLEMENT VII. prolonged these Commissions, and in 1532. dispatched another Brief, to which D. Peter de Toledo, then Viceroy, gave the Exequatur, with some Restrictions, which however did not prevent the great Losses which the Kingdom suffered by the Extortions and Disorders committed by the Commissaries appointed in the Provinces; so that in the Parliament held in Naples in 1540. Toledo was requested, in Behalf of the City and Kingdom, to treat with the Pope about suppressing this Tribunal altogether, because of the many Grievances and Extortions occasioned by it<sup>2</sup>: And the Viceroy having afterwards in 1547. treated of this Affair with Pope Paul III. many Abuses were redressed, the Tribunal was in a great measure reformed, and new Regulations were made, so that for some Years after it was in a manner suspended. But in 1557. the Duke D'Alba then Viceroy, ordered this Tribunal to be put upon its former Footing, according to the Agreement made in 1547. between Pope Paul III. and Toledo; for which End it was ordained, that the Commissary of the Fabrick residing in Naples, which was usually the Nuncio, could not take Cognizance of the Causes of this Tribunal, nor decide them without the Votes of the Laick Assitants, who should be appointed by the King, or his Vice-

<sup>1</sup> Chicoc. MS. Giurisd. tom. 12.

<sup>2</sup> Capit. e. privileg. di Napoli fol. 138. à ter.

roy, to be present at all the three Hearings; whence proceeded the Custom, that for the first and second Hearings, the King's Counsellors, or the Presidents of the Royal Chamber were generally appointed, and for Assistant or Judge of the Third, a Deputy of the Collateral Council; and likewise, that the Commissaries appointed for the Provinces, could not by themselves take Cognizance, or decide, but were to have Laick Assistants, to be named by the Corporations of the Places: So that Cardinal *Granvella* in 1574. according to this Appointment, ordained, That the Officers of the Kingdom should not hinder the Orders of this Tribunal to be put in Execution, whenever they came from the King's Counsellors appointed by him and his Collateral Council, and that they should give all Assistance in seeing them obeyed.

BUT notwithstanding all this, the Disorders and Extortions of the Commissaries were not redressed, nor was there a Stop put to the vast Damages which the Kingdom suffered by this Tribunal; for, although by Virtue of this Appointment, the Tribunal of the Fabrick of *S. Peter of Rome* could not meddle in Causes depending before the Tribunal of *Naples*, but only appoint the Commissary, the Manager, and other inferior Officers of it; nevertheless, as Cardinal *De Luca* himself testifies<sup>2</sup>, the Tribunal of *Rome*, by way of Reference, and extrajudicial Information, took upon them to revise the very same Causes, which in all the three Hearings had been debated, and already decided in *Naples*. The Tribunal of *Rome* had likewise appropriated to themselves all the Causes that were not in Dispute, that is to say, all Compositions, to which the Parties desired to be admitted without going to Law; and likewise, with respect to that Matter, restricted the Nuncio, or Commissary-General residing in the Kingdom, and stript the Manager of the Power of transacting in Causes of Consequence, whereby great Compositions were expected: And in order, as well to draw more Money to *Rome*, as to reduce the Causes in the Tribunal of *Naples* to a small Number, Compositions were made easy to every Body that paid Money, little minding whether the Will of the Testator was fulfilled or not, or the pious Legacies rightly applied; for they said, that the pious Works made amends by the inexhaustible Treasure they have in *Rome*, which they call *Mare Magnum*, one Drop of which was sufficient to counterballance all the pious Legacies in the World; and by this means Compositions in *Rome* being made easy by ready Money, the Wills of the pious Testators were not in the least executed.

BUT what most of all rendered this Tribunal odious, were the Extortions and Disorders which the Commissaries committed both in the City and Provinces, of which Extortions Cardinal *De Luca*<sup>3</sup> bears witness. The Commissaries, according to an Account given in the Year 1587. which we read in the *M. S. Giurisdizionali*<sup>4</sup>, immediately upon their entering any Town or Village of the Kingdom, though never so little, they posted up their Bills, and rung the Bells, and with a dreadful and awful Voice, threaten'd with Excommunication, the Notaries, and all Persons that had the keeping of last Wills, wherein pious Legacies were left, and did not bring the Wills to them. As soon as they were brought, the Commissaries summoned all the Heirs of the Testators, altho' they had been dead a hundred Years before, to shew how they had applied the pious Legacies; and upon their not appearing, they were declared Contumacious, and then publicly excommunicated; and when any did appear in order to clear themselves, they were not heard till first they had paid for their Contumacy, and then they were not absolved till they produced their Vouchers, and paid anew; and those who could not appear, or came too late, when the Commissaries were gone from the Place, were obliged to go to *Naples* to be absolved; and many, who on account of their extreme Poverty, had not wherewithal to bear their Charges in going to *Naples*, continued excommunicated, and when they died were denied a Christian Burial. Greater Extortions were practised in *Naples*, for even though an Executor immediately answered the Summons, and made it appear that he had performed the Will of the Person deceased, yet that did not clear him, but he must pay down the Fees of the Decree (though neither sought nor wanted) in order to get free of Trouble; and a few Years being over, they began afresh

<sup>1</sup> Card. de Luca Relat. Cur. Rom. disc. 20. num. 36.

<sup>2</sup> Idem, loc. cit.

<sup>3</sup> Idem, loc. cit. num. 23.

<sup>4</sup> Chioc. tom. 12.

with new Demands and new Decrees; and if, by Misfortune, written Vouchers could not be produced, but only Witnesses, a voluminous Process must be drawn up, and thereby the Party put to vast Charges before he could be cleared: Whence People, being frightened, forbore to leave pious Legacies, or they expressly ordered that this Tribunal should not in the least meddle with their Wills.

IN order to shun these and many other Disorders which we pass over here, this Tribunal having become odious and burthensome to our Forefathers, the City and Kingdom had still recourse from time to time to our Kings to have it quite abolish'd, till at last our present most august Prince, moved by the Complaints of his Subjects, by his Royal Writ dated in *Vienna* in the Year 1717. ordained, That both the Nuncio and Commissary should depart the Kingdom, and their Tribunals be shut up; and upon the Arrival of this Order in the Month of *October* the same Year, it was immediately put in Execution, and not only the Nunciature, but the Tribunal of the Fabrick was suppressed: And by another Imperial Writ, dated in *Vienna* the 8th of *October* 1718. Count *Dann* then Viceroy, was ordered to take a particular Account of the Extortions and Abuses committed by the said Tribunals, and how they might be remedied, as was accordingly done; and altho' the Nuncio returned in the Month of *June* 1719. and the Tribunal of the Nunciature was restored, yet the Restitution was attended with many Restrictions and Declarations, as shall be told hereafter; and the Tribunal of the Fabrick was not restored, but continues to this Day suspended and abolished.

## S E C T. II.

### Of Monks and Temporalities.

IF ever at any time new Religious Orders implied new Riches, and Temporalities ought to be joined together, in this Century there started up two, which made it evident, that Monachism and worldly Riches are synonymous Terms; for notwithstanding that the fundamental Laws of their Institution forbid it them, yet the Devotion of the People being captivated by that very Prohibition, and Men thereby the more readily induced to give, it was afterwards easy for the Monks to obtain from *Rome* (where their Wealth generally centers) Dispensations and Explanations for rendering them capable of receiving.

IN this Century there started up many Societies of Regular Clergy; but one of the Principal was that of the *Theatins*. They were so call'd from *Gian-Pietro Caraffa*, Bishop of *Chieti*, by the *Latins* called *Theate*, who before he was translated to other Churches, and to the Papacy, together with *Marcello Gaetano Tiene*, a Gentleman of *Vicenza*, and Apostolical Protonotary, instituted this Order. *Clement VII.* in the Year 1524. approved of it; and it was afterwards confirmed by its Founder when Pope, by the Name of *Paul III.* and in 1567. by Pope *Pius V.* and by other succeeding Popes. From *Venice* (according to *Giorgio Rosso*<sup>1</sup>, a cotemporary Writer) they came to us in the Month of *May* 1533. when they were greedily received by the *Neapolitans*, and especially by *Antonio Carracciolo*, Count of *Oppido*, who entertained them in a Place belonging to him, without the Gate of *S. Januarius*, but shortly after being received into the City, they were lodged by *Maria Francesca Longa* (famous for her having founded the Hospital of Incurables) in some Houses belonging to her. But on account of the Narrowness of their Habitation, they were upon the Point of returning to *Venice*; but *D. Peter de Toledo*, the Viceroy, gave them the antient Parish-Church of *S. Paul* for a Habitation, whither they removed in 1538<sup>2</sup>.

ALTHO' they professed a strict Poverty, and that by their Institution they could not so much as seek Alms, but were wholly to rely upon Divine Providence, which, as it takes care of the Lillies of the Field, and the Birds of the Air, so it was to provide for them; yet, in spite of their Teeth, the *Neapolitans* bestowed so much Riches and large Revenues upon them, that they have since erected such magnificent and stately Monasteries, that they vie with the most sumptuous Edifices in the World. They distinguished themselves above the rest, by their Vigilance in pre-

<sup>1</sup> Giornal. del Rosso, p. 95.

<sup>2</sup> Eugen. Nap. Sacr. p. 85.



venting the Errors that at this Time had been broached in *Germany*, from creeping into *Naples*; so that, as we have said, they were the most faithful Ministers of the *Roman Inquisitors*: And in process of Time, the Veneration of the *Neapolitans* for *B. Gaetano Tiene*, one of their Founders, came to that Height, that they erected a Statue of Brass to him in the *Piazza di S. Lorenzo*, and likewise placed one upon each Gate of the City, as a Token of the particular Devotion they had for him above all their other Patrons.

BUT about the same time there started up an Order, that in Time became much more famous, and spread more than all the rest; *viz.* that of the *Jesuits*, which has made so great a Noise in the World. It had its Rise in *France* from the famous *Ignatius Loyola*, a *Spaniard*; and the Introduction of this new Order into that Kingdom met with great Opposition, of which the History written by President *Thuanus* is full. The *Jesuits* were at last admitted there; and although in the Reign of *Henry IV.* in the Year 1594. they were obliged to leave that Kingdom, yet in 1603. they returned. They made wonderful Progress and Acquisitions in the other Dominions of *Europe*, and especially in *Rome* and the other Parts of *Italy*; and although in the Pontificate of *Paul V.* the *Venetians* forced them to depart their Territories, yet in the Pontificate of *Alexander VII.* they were again received.

BUT in our Kingdom they met not with the least Opposition; on the contrary, in 1551. having come under the Guidance of *P. Alfonso Salmerone*, the *Neapolitans* received them with no less Pleasure than they had the *Theatins*. In a short time they gained the Friendship of the Nobility, and particularly of *Ettore Pignatelli*, Duke of *Montelione*, who lodged them in a House in the *Vicolo (Lane) del Gigante*, where there was a little Chapel; there they began to instruct the Youth in the Christian Doctrine, which put the Secular Priests upon doing the same. The *Neapolitans*, delighted with these their pious and charitable Labours, gave them a more commodious Habitation, and bought the House of the Count of *Maddaloni*, near the Church of *Monte Virgine*, where they built a Church, and call'd it the *Name of Jesus*, where the Fathers began to teach Children without any Reward, and to preach and perform other Spiritual Exercises; so that their Auditory growing so numerous, that that Church was not able to contain them, Cardinal *Alfonso Caraffa*, the Archbishop, gave them the Church of *S. Peter* and *S. Paul*, which in the Year 1564. the *Jesuits* pulled down, and re-built much larger: But afterwards they began to build a magnificent Structure for their famous College, which now takes up many Streets of the City; for the Sumptuousness of which, they induced the Prince of *Rocca* alone, to lay out Twenty thousand Ducats<sup>1</sup>. The other immense and surprizing Acquisitions, which, in less than a Century, they made in the City and Kingdom, are too well known; the other stately and stupendous Edifices of their other Colleges and professed Houses, in the choice Places of the City and Kingdom, have exceeded all those of the most numerous and rich Orders that have hitherto appeared.

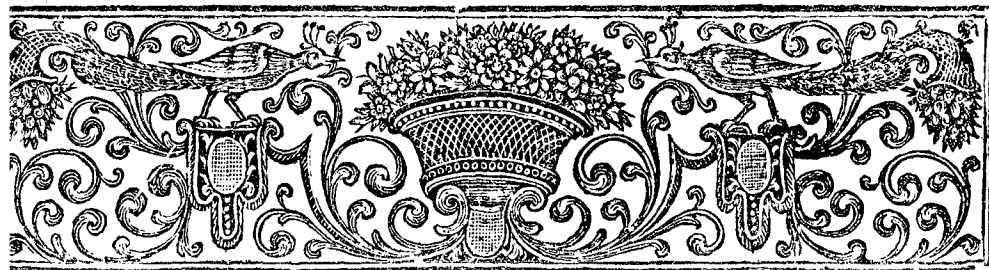
IT may, perhaps, seem very strange how they came by so great Riches, since they did not regard the ordinary Method of acquiring them; but they considered, that the Mendicants had no sooner obtained from *Rome* a Power of acquiring, than they lost their Credit, and the Devotion of the People, so that they made but small Progress afterwards: That those Orders that persisted in a downright and constant Poverty, kept up both their Credit, and the good Opinion the People had conceived of them, but did not acquire Riches; so that it behoved them to think of a Medium between Poverty and Plenty; by Poverty to gain the Credit and Devotion of the People, and by other Hands to receive what was offered and given to the Society: For which end they instituted the profess'd Houses and Colleges. The profess'd Houses by no means can acquire or possess Immoveables; in these they profess Poverty, and 'tis the chief Aim of all their Labours; but the Colleges, where they receive and instruct the Youth, by bringing them up to Vertue, that they may afterwards be fit to live in Evangelical Poverty, they can acquire and possess Immoveables. By this means Poverty comes to be their Scope and essential Design, but accidentally they receive Possessions and Riches. Nevertheless, from what has since happened, and from the great Number of Colleges, and from the few profess'd Houses, every Body may conclude what their Essential is, and what

<sup>1</sup> Eugen. Nap. Sacr. pag. 308.

their Accidental. From the Beginning of the last Century, it has been reckoned, that the Jesuits had no more than Twenty-one profess'd Houses, but the Number of Colleges amounted to 293. Add to that, the other Colleges and vast Acquisitions which they have made since, during the Course of another Century to this Time, and it will be seen, that there has been no other Order, that in a Century and a half, ever acquired so much Immoveables, and heaped up so great Riches and Treasure as this.

IN these Times the antient Orders underwent many Reforms, such as the *Capuchins* and *Recollechts*, or *Zocolanti*, both of the Order of *Friars Minors*, and the *Penitents*; the Reform of the *Carmelites* introduced by *S. Theresa*, who began with the Women, and afterwards extended it likewise to the Men, whence arose the *Unshod Theresians*; and the Reform of the *Hermits of S. Austin*, for the Monks of that Order. There were likewise new Orders founded, such as that of the *Brothers of Charity*, instituted by *S. John of God*, and that of the Regular Clerks, called *Sommofchi*, instituted by *Girolamo Miano*, or *Emiliano*, a noble *Venetian*, for the Education of Orphans; and in 1540. confirmed by *Pope Paul III.* who afterwards, in 1568. were by *Pope Pius V.* admitted to make monastick Vows; and some others. But all these Reforms and new Orders were not introduced into our Kingdom upon their being first instituted, they came among us much later, so that as Occasion offers, we shall give an Account of them in the following Books of this History.





THE  
 CIVIL HISTORY  
 Of the KINGDOM of  
 NAPLES.  
 BOOK XXXIII.



ING *Philip II.* in the Government of his Kingdoms, did not follow the Foot-steps of the Emperor *Charles V.* his Father, who travelling over all his vast Dominions, adapted himself to the Humours of the different Nations, and was not only acceptable to the *Spaniards*, but to the *Flemings*, *Germans*, and *Italians* : On the contrary, *Philip*, upon the Death of *Mary Queen of England* his second Wife, left *Flanders*, and resolving to fix in *Spain* for good and all, he shut himself up in *Madrid*, and giving himself over intirely to the *Spaniards*, he began to govern the *Monarchy* according to their Maxims ; and being flattered by them as the most prudent and wise King of the Earth, full of himself, he took upon him to govern the World from his Cabinet. Some have attributed the Decline of the Monarchy of *Spain* to him, at least, that such Seeds were sown by him, as in Time produced nothing but Disorder, Losses, and Confusion ; for the *Spaniards* governed so imperiously, that they gained the Hatred of the foreign Nations ; whence they lost *Flanders*, and afterwards, in the Reign of *Philip IV.* his Grandchild, *Catalonia*, *Naples*, and *Sicily* were in Danger : *Portugal* revolted, and the Monarchy was at last reduced to that deplorable State in which it was seen in the Reign of *Charles II.* the last of his Male Posterity.

THERE has been so much written of *Philip II.* that it would be mispending of Time to repeat the same Things here ; in this History therefore, we shall only recount some signal Events relating to the Polity of our Kingdom, whereby the Reader may be acquainted, as well with the Civil and Temporal, as the Ecclesiastical

affical State thereof, during the Forty-four Years that he reigned, from 1554, when his Father resigned to him the Kingdoms of *Naples* and *Sicily*, to the 13th of *September* 1598. when he died. In that Space of Time he sent hither eight Viceroyes, besides six Lieutenants, who governed the Kingdom in their Turns. And 'tis surprizing to find what immense Sums were drawn out of it during that Time, by the Donatives which were made him upon various Occasions, of which our Writers have made long Catalogues<sup>1</sup>; but there being so many, it was not possible to keep an exact Account of them: Therefore in the Volume of the Statutes there are a vast Number of Favours and Privileges granted by this Prince to the City and Kingdom of *Naples*, but always ill executed, and worse observed.

AS we have said, he took Possession of this Kingdom in his Father's Life-time, by the Marquis of *Pescara*, in the Vicerealty of Cardinal *Pacecco*, and Pope *Julius* III. gave him the Investiture of it, in which his Holiness declared, That he did not in the least derogate from the Right of Queen *Joan* his Grandmother, *Charles* V's Mother, who was still alive. The Bull is dated the 3d of *October* 1554. and recorded by *Chioccarello* in the first Tome of his MS. *Giurisdizionali*.

WHILE Pope *Julius* lived, and during the few Days that *Marcellus* II. his Successor sat in the Chair, our Kingdom enjoyed Peace and Tranquility. Cardinal *Pacecco* being confirmed in the Government of the Kingdom by the new King, pursued his prudent Conduct, in taking care to see Justice rightly administered, of which we have flagrant Instances in his eight Edicts inserted in the Volumes of our Laws<sup>2</sup>. His Prudence is likewise conspicuous in the History of the Council of *Trent*, written by Cardinal *Pallarvicino*, in which Assembly he was at great Pains till 1560 the Year of his Death. But Pope *Marcellus* being scarcely seated in *S. Peter's* Chair, died on the 30th of *April* 1555, and the Election of a new Pope, deprived us of Cardinal *Pacecco*, who was obliged to go to *Rome*, leaving *Bernardino de Mendoza* his Lieutenant, who governed the Kingdom only six Months.

BUT the Election of Cardinal *Giovan-Pietro Caraffa*, who took the Name of *Paul* IV. disturbed the Peace of the Kingdom. This Pope being an Enemy to the *Spaniards*, and ill-pleas'd with the Emperor *Charles*, who had thwarted his Election in the Conclave, brought that War upon the Kingdom which we are now going to give an Account of.

<sup>1</sup> Mazzella Descriz. del Reg. di Nap. Costo in | <sup>2</sup> Chronologia Prag. tom. 1.  
Apolog. Taffone de Autef.



## C H A P. I.

*War made by Pope Paul IV. upon King Philip, in order to deprive him of the Kingdom: The Occasion, Pretence, and bad Success of it.*



ALTHOUGH there be many Writers who have given us the History of the War made upon the Kingdom of *Naples* by Pope *Paul* IV. yet it having been so accurately written by *Alessandro d'Andrea*, a *Neapolitan*, who was present, and served in it under Colonel *Mardones*, we shall follow him preferable to all the rest; so much the rather, that the President *Tbuanus*, in describing it in his History, has likewise followed the same Writer: In the mean time, it will be necessary here to give an Account of the Grounds of this War, and the Pretences for entering into it.

†

GIOVA

*GIOVAN PIETRO CARAFFA*, Son to the Count of *Montorio*, in his Youth having applied himself to the Study of Literature, and especially Divinity and the Languages, owed his Rise to the famous Cardinal *Oliviero Caraffa*, who entertained him in his own House in *Rome*, when he was only a simple Canon of the Cathedral Church of *Naples*<sup>1</sup>. Cardinal *Oliviero* having resigned the Bishoprick of *Chieti* in 1505, Pope *Julius II.* made him Bishop of that See; and on account of his Knowledge in the *Latin*, *Greek*, and *Hebrew* Languages, he became a great Favourite of Pope *Leo X.* who sent him Nuncio to *England*, to receive, as was customary then, *S. Peter's Pence*. King *Ferdinand the Catholick*, out of Regard to *Leo*, did him great Honour at his Court, by making him one of his Privy Counsellors, and Vicar to his Chaplain Major, in which Dignities he was confirmed by *Charles V.* who likewise offered him the Archbishoprick of *Brindisi*<sup>2</sup>, of a much greater Revenue than the Bishoprick of *Chieti*<sup>3</sup>; but being then seized with heavenly Raptures, and professing Piety, he not only refused it, but likewise resigned the Bishoprick of *Chieti* into the Hands of *Clement VII.* then Pope, and shunning the Conversation of Men, he retired to *Monte Pincio*, where he led an austere and solitary Life: But that City being afterwards pillaged, he was forced to quit it and go to *Verona*, and from thence to *Venice*, where, being joined by *Gaetano Tiene*, *Bonifacio del Colle*, and others, he instituted the Order of Regular Clerks, who, from the Name of the Church he formerly had, as we have said, called themselves *Theatins*, which Institution being afterwards approved of by *Clement VII.* rendered him very famous, not only for Learning, but for the Sanctity of his Life and Manners, insomuch, that *Paul III.* in that remarkable Promotion of new Cardinals, which he made on the 22d of *December 1536.* advanced him to the Purple, and then obliged him to accept of the Church of *Chieti*, which about that Time was made an Archbishoprick.

POPE *Paul III.* had a vast Esteem for him, not only on account of the Sanctity and Austerity of his Life, but because he was a great Stickler for the Apostolick See, and a terrible Persecutor of the Hereticks, which in his Time swarmed in many Countries of *Europe*. It was he that put *Paul III.* upon raising the Tribunal of the Inquisition in *Rome*, and rendering it terrible by so many rigorous Laws and new Methods; which afterwards in his Pontificate grew to that Height<sup>4</sup>, that, as may be seen in the preceding Book, that Tribunal was abhorred, not only by foreign Nations, but by *Italy*, and even *Rome* itself; insomuch, that he was no sooner dead, than the *Romans* burnt the Tribunal and the Prisons, and set the Prisoners at Liberty: Whence it came, that with us the *Theatins* rendered themselves famous by preaching up the Inquisition; and it was they that often informed against those that were suspected of Heresy, and got them to be put in Prison.

WHILE this Cardinal staid with *Paul III.* in *Rome*, it was discovered, that both he and the Pope were Enemies to the Emperor and the *Spanish* Nation, and great Favourers of the King of *France*, then *Charles's* Enemy. The Hatred which the Cardinal bore the *Spaniards*, proceeded from an old Cause, which was, that many of the Family of *Caraffa*, during *Lautrecb's* Invasion, having sided with the *French*, as soon as the Invasion was over, some of them were severely punished; on the other Hand, the *Spaniards* were firmly persuaded, that during the Commotions in the Year 1547. occasioned by the Inquisition, he had used his utmost Endeavours (promising not only his own Assistance, by going in Person to *Naples*, but likewise that of his Relations) to persuade the Pope not to slip so fair an Opportunity of making himself Master of the Kingdom, and that God would call him to a strict Account if he should neglect to make so great an Acquisition to his Church; with which the Duke *D'Alba* did not fail to upbraid him after he was Pope, in a Letter he wrote him before the War broke out, which is recorded by *Summonte*<sup>5</sup>: Wherefore the *Spaniards* having acquainted the Emperor with the Cardinal's being in the

<sup>1</sup> Thuan. lib. 15.

<sup>2</sup> Chiocc. Archiep. Neap. Anno 1549.

<sup>3</sup> Thuan. loc. cit.

<sup>4</sup> Ibid. lib. 22. Hist. Tum a Curis belli vacuus, totum se Inquisitionis muneri, quod Sanctissimum vocabat, mancipavit, quam in omnes severè admodum exercuit. Huic ut præ esset Michaellem Gisserium Alexandrinum

nuper a se in Cardinalium Collegium coopratum summa austeritate, ac morum asperitate virum delegit: Et in hoc Tribunali non Hæreticos solum, sed aliquot etiam crimina, quæ aliorum Judicium sententiis definiti solent, agitari voluit.

<sup>5</sup> Summ. tom. 4. p. 273.

French Interest, and of his Aversion to the Spanish, the Emperor scored him out of the List of his Counsellors. And besides that, the same Pope Paul III. at the Request of the Cardinal, having given the Priory of S. Hierom in Naples to Carlo Caraffa, his Nephew, Toledo, who was then Viceroy, hindered him from taking Possession of it.

BUT in 1549. by the Resignation of Ranuccio Farnese, the Church of Naples being vacant, Paul III. immediately gave it to the Cardinal, who, having got the Bulls to be dispatched, without any more ado thought to have been put in Possession of it, but the Viceroy Toledo refused to give the *Exequatur Regium* to the Bulls; and a few Days after Pope Paul dying, and on the 10th of February 1550. Julius III. being elected in his Room, wrote a very pressing Letter to the Emperor Charles V. begging of him not to delay any longer the giving Cardinal Caraffa Possession of the Church of Naples; among other Things in this Letter, which we read in *Chioccarelli*<sup>1</sup>, he insists much upon the Cardinal's Innocence, and that what had been reported of him was nothing but Calumny; for it had never entered into his Mind, *in proximo Neapolitano tumultu, illud tuum Regnum nostro prædecessori tradere: Nec vero nos quid tale de hoc viro audivimus, &c. Nec is tantam rem moliri, tantos motus concire, pertenuibus ipse facultatibus, ausus esset.* Therefore he intreated him to give the Cardinal Possession, and for that End sent a Nuncio to negotiate the Affair.

THE Emperor, having no Grudge against Julius, as he had had against his Predecessor, hearkened to his Request; and the Affair being taken into Deliberation, not only in Rome, but in Spain and Naples, after a long Consideration, according to the usual Slowness of the Spaniards, at last the Cardinal obtained the *Exequatur Regium* to his Bulls, and an Order came from the Emperor to put him in Possession.

BUT the Cardinal knowing, that if he should go to Naples, he would be but coldly received by the Spaniards, sent Bishop Amicleo, who, as his Proctor, on the 2d of July 1551. took Possession for him, and was made his Vicar. In this manner did he govern the Church of Naples four Years by this Vicar, and never came to reside himself; wherefore the Spaniards frequently thwarted his Vicar, and started Difficulties about his Jurisdiction.

JULIUS III. was succeeded by Marcellus II. who living but a short time after his Election, on the 23d of May 1555. Cardinal Caraffa was elected in his Room, who took the Name of Paul IV. It was very surprizing to find this Man, who had led a holy and austere Life, no sooner advanced to the Papacy, than he became proud and insolent; for being asked after what manner he would be pleased to live, he answered, *As it becomes a great Prince*<sup>2</sup>. The Spaniards were very ill-pleas'd with the Election; so that King Philip thought fit to order Cardinal Pacecco not to return to his Government of Naples, but to remain in Rome, that by his Prudence and Management he might find Means, either to soften the new Pope, or to look narrowly into all his Proceedings, and give him an Account of his Designs, that he might be upon his Guard to prevent any Insult.

IT was not long before it was found out that the Pope was resolv'd to be revenged of the Spaniards, and to enter into a new League with Henry King of France for attacking the Kingdom; of which Philip being advis'd, very opportunely sent to be Viceroy of Naples D. Ferdinando Alvares de Toledo, Duke D'Alba, who, being then Governor of Milan, had the chief Command of the Spanish Troops in Italy: This was that famous General, who, by his many renowned Actions, rendered himself glorious, not only in Germany and Italy, but likewise in Flanders and Portugal.

THE Duke D'Alba arriving in Naples about the End of the Year 1555. began narrowly to observe all the Proceedings of the Pope; who, as well in order to raise his Nephews, as to strengthen himself for the Expedition he design'd against the Kingdom of Naples, under Pretence, that Marcantonio Colonna kept a secret Correspondence with the Spaniards, had divested him of the Lordship of Palliano in Campagna di Roma, and given the Investiture of it to Giovanni Caraffa, Count of Montorio his Nephew, with the Title of Duke of Palliano; and at the same time had invest'd Antonio Caraffa, another Nephew, with the County of Bagno, and

<sup>1</sup> Chiocc. de Archiep. Neap. loc. cit.

<sup>2</sup> Thuan. lib. 15. Hist.

given him the Title of Marquis of *Montebello*; and had made *Carlo Caraffa*, another Nephew, Knight of *S. John of Jerusalem*, a Cardinal. He depressed all those that were in the Interest of *Spain*, and raised those of the contrary Faction; yea, he cared all the Exiles and Malcontents of our Kingdom, and protected them in *Rome*; and among the rest he received *Bartolomeo Camerario* our famous Lawyer. And he went so far, that there being some Letters intercepted, he caused *Giovan Antonio de Tassis*, the Post-Master, to be put in Prison, and cruelly tormented, depriving him of that Office which the Kings of *Spain* were always wont to keep in *Rome*; and besides that, he caused *Garcilasso della Vega*, *Philip's* Ambassador as King of *England*, to be imprisoned, and ordered all the Friends and Servants of the King, and his Ministers, that were in *Rome*, to be narrowly looked after.

SUCH was his Imprudence, that, not able to conceal the Malice and Hatred he bore the King and the *Spaniards*, he publickly threatened to deprive him of the Kingdom, as being devolved to the Holy See. *Paul IV.* according to *Bacon* of *Verulam*<sup>1</sup>, was proud and imperious, and naturally rough and severe, which led him frequently to speak very reproachfully of the King and the Emperor, in Presence of all Sorts of Persons; and once a *Spanish* Cardinal being present, he spoke the more freely, and even commanded him to write what he had said of them. And one Day, in a publick Consistory, he ordered his Attorney-General, and *Silvestro Aldobrandino*, the Consistorial Advocate, to plead, and insist upon it, that the Kingdom ought to be declared devolved to the Holy See; to which he answered, That he would take care of that in due time<sup>2</sup>. With which the Duke *D'Alba* did not fail to upbraid him, as an indiscreet Attempt, in that Letter he wrote him<sup>3</sup>, in these Words; *Your Holiness has suffered the Attorney-General, and Solicitor of the Holy See, in a Consistory wherein you was present, to make so unjust, unreasonable, and inconsiderate a Demand, that the King my Master should be deprived of the Kingdom, to which your Holiness consented, by saying, That you would take care of that in due time.* But this Affair was carried beyond a simple Demand, for an Action was commenced, and Sentence pronounced.

THE President *Thuanus*<sup>4</sup>, and *Soave* write, that the Reason that moved the Pope to declare the Kingdom devolved, was because *Philip*, according to him (the Pope) had committed High Treason, by having countenanced and received under his Protection the *Colouni* his Rebels. But the Pretence which was made publick, and upon which the Sentence was founded, was the Non-payment of the Arrears of the Quit-Rent. King *Philip*, before he had received News of *Cardinal Caraffa's* being elected Pope, had written a Letter, dated the 25th of *June 1555.* to his Ambassador in *Rome*, in which he gave him in Charge to treat with the Pope that should be elected, about remitting the yearly Quit-Rent of Seven thousand Ducats claimed by the Apostolick See; because in the Agreement made between *Clement VII.* and the Emperor *Charles V.* his Father, among other Things it was stipulated, that upon the Emperor's getting the *Venetians*, and the Duke of *Ferrara*, to restore to the Holy See some Cities and Lands which had been taken from it, of which they were in Possession, neither he nor his Successors should be bound to pay the said yearly Quit-Rent of Seven thousand Ducats, but only to send to the Apostolick Chamber a white Nag in lieu thereof; and seeing the Emperor had fulfilled the said Promise, and got the *Venetians* and the Duke of *Ferrara* to deliver up those Cities and Lands belonging to the Apostolick See, the Quit-Rent ought to be remitted: Moreover, ordering him, that if the new Pope was not as yet elected, and while the See was vacant, he should deposite the Quit-Rent of that Year, since the Term of Payment was drawing near, with a Protest, that it ought to be returned, as not due<sup>5</sup>.

IF any other of the Cardinals had been elected, he would have thought the Demand reasonable, but *Paul IV.* laid hold of it as a fit Pretence for carrying on his Designs; for rejecting it as unjust, he not only claimed the Arrears, notwithstanding the Agreement of *Clement VII.* but these Arrears not being paid at the Time appointed, he ordered his Attorney-General, as we have said, to insist upon *Philip's* having forfeited the Kingdom, and its being devolved to the Holy *Roman* Church for Non-payment of the said Quit-Rents, and a

<sup>1</sup> Bacon. Hist. vitæ & mortis: Alios gerens spiritus, & imperiosus.

<sup>2</sup> Thuan. lib. 17. Hist.

<sup>3</sup> Summon. tom. 4. lib. 10. cap. 1.

<sup>4</sup> Thuan. lib. 17. Hist.

<sup>5</sup> Chioc. MS. Giur. tom. 1. in fin.

Bull was accordingly drawn up<sup>1</sup>: However the Sentence was never published, because, as we shall see, the Duke *D'Alba* hemmed the Pope in so close, that he was fain to humble himself, and by the Mediation of the *Venetians*, to accept of Peace. *Alessandro d'Andrea*<sup>2</sup> writes, that his not publishing the Sentence was owing to the Advice of *Bartolomeo Camerario*, who, as we have said, being an Exile, staid at *Rome* under the Protection of the Pope.

BUT, by some intercepted Letters, it was discovered, whence the Pope's great Vanity and Arrogance proceeded, not only in speaking, but acting so publicly and openly both against the King and Kingdom: In fine, the Treaty and League, which, by the Means of the Cardinals *Tournon* and *Lorrain*, he had made with the King of *France* in order to invade the Kingdom, was discovered; and what is more, it was then found out, that the Prince of *Salerno*, who had gone from *France* to *Constantinople*, having had a Hand in that Alliance, the Pope, by means of King *Henry* and the Prince, had likewise made a League with the *Turk*, that he by attacking, or at least infesting the Kingdom by Sea, the Conquest of it by Land might be the more easy. It was also reported, that the Pope, in order to aggrandize his Nephews, had concerted with the King of *France* to marry his Niece *Maria*, the Cardinal and the Duke's Sister, to one of his Sons, who was to be invested with the Kingdom, according to the Articles, which shall be related, and that the Investiture should be her Portion; and it was then thought, that the Marriage would have taken Effect, if the Design upon *Naples* had succeeded, and if *Maria*, who was only nine Years of Age, had not been snatched away by an untimely Death.

THE Articles of the League concluded in *Rome* on the 15th of *December* 1555, recorded by *Summonte*<sup>3</sup>, were these:

THAT the most Christian King, with all his Forces, should be obliged to defend his Holiness Pope *Paul* IV. against all Persons whatsoever that should offer to offend him; and if he should be attacked, to come himself, or send Armies into *Italy* for his Defence.

THAT he should take under his Protection the Cardinal *Caraffa*, the Count of *Montorio*, and *D. Antonio Caraffa*, his Holiness's Nephews, and their Offspring, and make up what Losses they might happen to suffer, either in their Titles or Estates upon account of this League, by giving them other Titles and Estates in *Italy* or in *France*, suitable to their Nobility, and his Royal Generosity.

THAT the King should send into *Italy* Ten or Twelve thousand foreign Foot, more or less, according as should be judged necessary, and 500 *French* Lance-Men, with 500 light Horse.

ON the other Hand, That the Pope should furnish out of the State of the Church, or otherwise, 10,000 Foot, more or less, as Occasion required, with their Generals and other Officers, and 1000 Horse.

THAT he should give Passage, Victuals, Artillery, Ammunition, and other Necessaries, which the Army of the League should stand in need of in the State of the Church, they paying for the same.

THAT the War may be begun either in the Kingdom of *Naples*, or in *Tuscany*, as shall be found most expedient for the common Cause.

THAT upon conquering the Kingdoms of *Naples* and *Sicily*, the Pope shall give the Investitures of them to one of the most Serene Sons of his most Christian Majesty, provided it be not the Dauphin, when, and as often as it shall be required by King *Henry*, reserving the City of *Benevento*, and its Territories and Jurisdiction; and with this Condition likewise, that the Limits of the State of the Church be enlarged and extended on this Side of the *Appenines*, as far as *S. Germano* inclusive, and to *Garigliano*; and on the other Side of the *Appenines*, as far as the River *Pescara*: So that all that Tract of Land lying within the said Limits of the Province of *Abruzzo*, as far as *Pescara*, and of the Province of *Terra di Lavoro*, as far as *S. Germano* inclusive, and to the River *Garigliano*, may be understood to be within, and belong to the Jurisdiction of the Church; and the Borders of the Kingdom shall be confined within the said Rivers, and a strait Line cross the *Appenines* from *S. Germano* to the Head of the River of *Pescara*, within which Bounds are comprehended the City,

<sup>1</sup> Chioc. loc. cit.

<sup>2</sup> *Ales. Andrea della Guerra di Campagna di*

*Roma, e del Regno di Napoli nel Pontificato di Paolo IV. Ragionamento 1.*

<sup>3</sup> *Summ. par. 4. lib. 10. cap. 1.*



Fort, and Harbour of *Gaeta*, which were to belong to the Church, as well as all the other Lands and Places contained within the aforesaid Bounds.

THAT the Quit-Rent shall be increased to 20,000 Ducats of Gold, besides the usual Nag.

THAT the Apostolick See shall have a free Estate in the Kingdom of the yearly Rent of 25,000 Crowns of Gold, in a convenient Place at the Pope's Choice.

THAT there shall be given to the most illustrious Lord, the Count of *Montorio*, an Estate likewise free, & *pleno jure*, at the Pope's Choice, and which shall yield a Revenue of 25,000 Crowns, and belong to him and his Heirs whatsoever, Male or Female, as he shall think fit to appoint, with Power, by his last Will, to give or sell it, as he shall judge most convenient; and if he should happen to die Intestate, the nearest Heirs shall succeed.

THAT such another Estate, or at least of 25,000 Crowns Revenue, shall be given to *D. Antonio Caraffa*.

THAT the King, as soon as possible, shall send his Son to be invested with the Kingdoms, and to reside and be brought up in one of them, and both to be governed in his Name. The Council, with respect to the Administration and Government of the State, shall be composed of faithful Men, devoted to the Pope and the Holy See, and be chosen with common Consent, till the said young King shall be of Age to govern by himself the said Kingdoms; that the most Christian King shall chuse Governors for taking care of his Person, and that the Captain-Generals of the Army shall be Men well affected to the Pope and the Holy See, and chosen by common Consent.

THAT the most Serene Prince, who is to be invested, his Heirs and Successors, shall not be elected or named King or Emperor of the *Romans*, or King of *Germany* or of *France*, or Lord of *Lombardy* or *Tuscany*.

THAT till he who is to be invested, shall arrive in these Kingdoms, they shall be governed and managed with common Consent, and according to the Liking of the Pope and the King, by one or more; and those who shall be pitched upon, whether Ecclesiasticks or Laicks, shall be obliged to take an Oath to his Holiness and the most Christian King, faithfully to administer and govern to the Satisfaction of both.

THAT if the most Serene Son, who is to be invested, be not of a proper Age for taking the Oath, and doing Homage to the Pope and the Holy See, the King, as his Father and Tutor, at the giving of the Investiture, shall be obliged to swear and do Homage for him: Which Oath shall be exactly of the same Form with the Oaths formerly in use to be taken to the preceding Popes and the Apostolical See, especially to Pope *Julius III.* to which Form shall be added and altered, all that which by the present Articles is added and altered.

THAT as an Acknowledgment of this first Investiture, he is hereby bound to build in the Church of *St. Peter* in *Rome*, one of the great Chapels; and when the said King shall be of lawful Age, he himself shall take Oath, and do Homage to the Pope and his Successor.

LASTLY, That by Virtue of the Investiture to be given, he shall be obliged to allow 10,000 *Tomoli* of Grain to be exported from the Kingdom of *Sicily ultra Pharum*, as often as the City of *Rome* shall have Occasion for it, without paying any Duty.

THESE Articles, so well contrived by the Pope, made him speak with so much Boldness and Disdain; and in the Interim he lost no Time in strengthening himself before-hand, which made the Duke *D'Alba* suspect him the more; for Cardinal *Caraffa*, and his Brother the Duke, were openly, with all Diligence, fortifying *Palliano*, and had carried thither *Pietro Strozzi*, an Officer in the King of *France's* Service, who was then in *Rome*, in order to take his Advice about the Fortifications proper to be made there; and News was Daily brought to *Naples* of Commissions given by the Pope for levying Soldiers. He had likewise taken into his Service *Camillo Orfini*, an experienced Officer of those Times, and had sent *Paolo* his Son with a thousand Foot to *Perugia*, besides Twelve hundred *Gascoigne* Foot, which the King of *France* sent him from *Corfica* to his Assistance: They were hard at Work building Bastions in *Rome*, and adding new Fortifications to many Places of the State of the Church.

THE Duke *D'Alba*, seriously considering all this, at last, like an experienc'd General, resolv'd to prevent the Pope, and in order more securely to defend the

Kingdom, to attack the Ecclesiastical State, and make it the Seat of the War. In the mean time he did not neglect, by Messengers and Letters, to complain to the Duke of *Palliano* of these Innovations made by the Pope his Uncle, and to offer him Peace; but instead of an Answer, the Preparations for War were continued with greater Vigour, and News brought, that Cardinal *Caraffa* was gone to *France* to solicit that King's Assistance in the Expedition.

THEN this gallant and prudent General, unwilling to wait till the Storm should fall upon the Kingdom, after having sent a particular Account to King *Philip* in *Spain* of the impending War which the Pope was preparing to make for possessing himself of the Kingdom, assembled the best Way he could 12,000 Foot, 300 Men at Arms, and 1500 Light Horse, with twelve Pieces of Ordnance, and on the first Day of *September* 1556. marched towards the State of the Church, and upon his Arrival at *S. Germano*, took Possession of *Pontecorvo*<sup>1</sup>. Before he advanced further, he was resolved to found the Pope anew, and for that End sent *Pirro Loffredo*, with Letters directed<sup>2</sup> to him and the College of Cardinals, wherein he offered him Peace, and roundly protested, that all the bad Consequences of a War ~~should be imputed~~ to him.

BUT the Pope, altogether averse to Peace, trusting to the League with *France*, and more insolent than ever, slighted the Letters; whereupon the Duke pursuing his Conquests, made himself Master of *Frisolone*, *Veruli*, *Bauco*, and other Places in that Neighbourhood. The Pope highly enraged, caused *Pirro Loffredo* to be imprisoned in Castle *S. Angelo*; and if the College of Cardinals had not hindered it, he would have made him be put to a cruel Death; and the Duke in the mean time pursuing his March, made himself Master of the important Cities of *Anagni*, *Tivoli*, *Vicovaro*, *Ponte-Lucano*, and of almost all the Cities belonging to the *Colonna*, as far as *Marino*, and threatened to besiege *Veletri*, making Incurfions to the very Gates of *Rome*.

THIS General left us an excellent Lesson, and a noble Example, that the best Way to carry on a War against the Pope for the Defence of the Kingdom, is to attack him in his own Dominions. The Duke, besides his former respectful Behaviour to the Pope, in taking Possession of the Cities belonging to the State of the Church, that it might not be said that he made these Conquests in order to rob the Church, caused the Arms of the Sacred College to be painted upon the Gates of the Cities, from time to time as they surrendered, with a Protestation, that he kept them in Name of the said College, and of the future Pope: Although, as *Alessandro d' Andrea*<sup>3</sup> writes, there were some who took this to be an artful Contrivance of the Duke, to create Jealousy and Discord between the Pope and the College.

ON the other Hand King *Philip*, according to his usual Custom, and the *Spanish* Sagacity, caused this Affair to be taken into Deliberation, and as in the Conquest of *Portugal* he consulted the greatest Lawyers of those Times, and the most famous Universities of *Spain* and *Europe* to make it more plausible; so in this Affair with *Paul IV.* he consulted the Divines how he was to behave, and what was fit to be done against a Pope, who, on many Occasions, both when he was Cardinal, and now being Pope, had been a professed Enemy to the Emperor his Father and to himself, and who had entered into a League with the King of *France* for attacking the Kingdom of *Naples*. He seemed to be very much troubled at this new League, and with great Difficulty was drawn into this War; he considered that the Truce made with the King of *France* was now broken by means of the Pope, who ought rather to have made it his Business to keep Peace among Christian Princes; he looked upon it as a very scandalous Thing that the Pope, having caused Cardinal *Caraffa*, in his Name, to promise the King of *France*, that in the new Promotion, he should make such a Number of Cardinals, Favourers of *France*, and Enemies of *Spain*, that he should always have a Pope in his Interest, had absolved that King from his Oath in order to break the Truce, and make War upon the Kingdom of *Naples*, notwithstanding that the Princes of the Blood, and the Nobility of *France*, abhorred the Infamy of breaking the Truce, and receiving Absolution of the Oath. He considered, that in the very first Year of his Reign, it was his Misfortune to be obliged to take up Arms against the Vicar of Christ: Therefore he ordered the following Heads to be taken into Consideration.

<sup>1</sup> *Alessandro Andrea Rag.* 1.

<sup>2</sup> *Summonte loc. cit.*

| <sup>3</sup> *Alef. Andr. loc. cit.*

W H E T H E R the King could order, that none of the Subjects of his Kingdoms should go to, or remain in *Rome*, even although they were Cardinals; that all Prelates should come and reside in their Churches, and that the beneficed Clergy should come and serve in their own Churches, and upon their refusing, if they could be deprived of their Temporalities?

W H E T H E R, during a War with the Pope, he could hinder Money from being sent to *Rome*, either by Bills of Exchanges, or any other Way, directly or indirectly; for obtaining Bulls, Briefs, &c.?

W H E T H E R he could call a National Council in *Spain*, or in any other of his Majesty's Dominions, for reforming and redressing Ecclesiastical Matters, and what Method ought to be taken for calling it?

W H E T H E R, supposing the State in which the Council of *Trent* is at present, and what was determined in the last Session of it, a Continuation of the said Council, and a Reformation in its Head and Members might be demanded, and the End for which it was called prosecuted; and in case the Pope should forbid it, whether he might be resisted, and, notwithstanding his Dissent, the Prelates of his Majesty's Dominions might be sent to hold it, and what Method should be taken for carrying on the said Continuation, in case the Prelates of other Kingdoms should absent themselves?

PAUL IV. not having been Canonically elected, but having intruded himself into that See, whether his Election may be said to be void, and what is fit for his Majesty to do in that Case?

W H E T H E R, after so much Trouble, Charges, and Inconveniencies, which the Subjects and Natives of his Majesty's Dominions of *Spain* have suffered, in going to the Court of *Rome* on account of Suits at Law, and other Affairs, it may be demanded, that the Pope should appoint a Legate in the said Kingdoms for dispatching Affairs *Gratis*, and establish a Rota (Court) in *Spain* for deciding Suits at Law, that the Subjects may not be obliged to go to *Rome*; and if that should not be granted, what is proper to be done?

I T having been seen, that so many Abuses are practised at *Rome* in the Provision of Benefices, Prebends, and Dignities; and it being evident to every Body, that the King may require the Provision to be left to the Ordinaries, and suppress the other Abuses, what Remedy can be now applied for removing so many Disorders and Excesses resulting from such Provision of Benefices?

W H E T H E R it be just, that the Pope should have the Fruits and Revenues of the vacant Churches within his Majesty's Kingdoms; and whether it ought to be suffered, and what he is to do in that Matter, since 'tis known, that he forbears to take them in other Kingdoms, and that such a Custom has been but lately introduced into his Majesty's Dominions?

W H E T H E R it may be lawfully demanded and claimed, that the Apostolical Nuncio, residing in his Dominions, should dispatch Business *Gratis*, and no otherwise? and what can or ought to be done in that Matter?

T O each of the aforesaid Heads, an eloquent *Spanish* Divine gave King *Philip* suitable and affirmative Answers<sup>1</sup>; so that the King being thereby encouraged, wrote to the Duke *D'Alba* to go on vigorously with the Expedition, and to make use of all proper Expedients for bringing the Pope to Reason, for that he himself on the other Hand would not fail (if he did not amend) in his Dominions of *Spain*, to make good his Pretensions deduced in the said Heads.

T H E Duke therefore, during the remaining Part of the Year 1556. having made great Progress in the Ecclesiastical State, which occasioned so great Terror and Confusion in *Rome* itself, that a vast Number of Families left the City, believed that he had sufficiently humbled the Pope; but he sticking close to his Purpose, and because of the Duke's Success, more passionately bent upon Revenge, ordered the Marquis of *Montebello* to attack the Kingdom on the Side of *Tronto*, hoping thereby to foment a Sedition in *Abruzzo*, and to remove the Seat of the War from his own Dominions into the Kingdom. But *D. Ferrante Loffredo*, Marquis of *Trivico*, the Governor of that Province, to whom the Viceroy had sent a Re-inforcement, having marched against the Marquis of *Montebello*, not only

<sup>1</sup> The Answers made by the said Divine, dated in *Valladolid*, the 15th of November 1555. are recorded by *Chioccarelli*, in tom. 18. of his *MS. Giurisd. in fm.*

forced him to shut himself up in *Ascoli*, but took him Prisoner, and pillaged *Maltignano*.

THE Pope pressed the King of *France* to send him the promised Succours, and exclaimed against the Duke *D'Alva*, cursing and excommunicating him. On the other Hand, the more the Pope exclaimed, so much the more did the Duke pinch him; for having marched towards *Grottaferrata* and *Frescati*, he took Count *Baldassare Rangone*, with a hundred and fifty of his Men lying in Ambush; then he halted under *Albano*, from whence he sent *Ascanio della Cornea*, to take Possession of *Porcigliano* and *Ardea*<sup>1</sup>. From thence he marched towards the Sea, and with small Opposition made himself Master of *Nettuno*; from thence he marched to *Ostia*, which having surrendered, he began to batter the Castle, which after some Resistance likewise surrendered, and was garrisoned by the Viceroy: And now his Cavalry sowed the Country, without Opposition, to the very Gates of *Rome*.

CARDINAL *Caraffa*, who was returned from *France*, by Means of the Cardinal of *S. James*, the Viceroy's Uncle, proposed an Interview, in order to set on Foot a Treaty of Peace: Accordingly the Duke and Cardinal *Caraffa* met in the Island of *Fiumicino*, but nothing was concluded, excepting a Truce of forty Days, more for giving time to deceive one another, than for concluding Peace<sup>2</sup>. Both Parties seemed to find their Advantage in this Truce: The Cardinal had a Mind to gain Time, because he had had an Account, that the King of *France* had already sent the Duke of *Guise* with 12,000 Foot, 400 Men at Arms, and 700 Light Horse, with a great many Knights, to his Uncle's Assistance, and was expecting his Arrival, being only detained in *Piemont* by the Roughness of the Season. On the other Hand, the Viceroy having certain Intelligence of the coming of the *French*, was willing to have Hostilities cease, not only to get together Store of Provisions for maintaining the Army, since by contrary Winds the Gallies were stopt from bringing them, but likewise to have time to go to *Naples*, in order to make what Preparations were necessary for making Head against the Duke of *Guise*.

THE Duke therefore having left his Army at *Trivoli*, under the Command of the Count of *Popoli*, whom he made his Lieutenant, returned to *Naples* to make the necessary Preparations for so important an Expedition: The first Thing he did was to call a General Parliament of the Barons and Commons; and having laid before them the urgent Occasion the King had for Money, he got a Donative of a Million of Crowns for the King's Use, and 25,000 for himself. By this Means he formed a Scheme of an Army proportionable to the Occasion, and gave the necessary Orders for assembling it, which amounted to 30,000 *Italian* Foot, 12,000 *Germans*, and 2000 *Spaniards*, besides the Cavalry of the Kingdom, which came to 1500<sup>3</sup>. Besides he made all necessary Provision, both for the Maintenance of so great an Army, and the Defence of the most important Places, particularly those in *Abruzzo*, which were recommended to the Fidelity and Care of the Marquis of *Trivico*.

BUT that in which he discovered his provident Care most, was his preventing the Pope's drawing Money out of the Kingdom; and on the contrary, his taking care that the King, in case of Necessity, might make use of the Ecclesiastical Revenues for the Defence of it against an unjust Invader: Therefore, on the 15th of *January* 1557. having assembled the Collateral Council, in his own Name, and that of the said Council, he dispatched a Royal Letter directed to the Tribunal of the Royal Chamber, representing, That his Majesty's Service required, that the Fruits and Revenues of some Archbishopsricks, Bishopsricks, Abbeys, and other Benefices of the Kingdom, should be sequestrated and collected in the Name of the Royal Chamber; therefore he commanded them to dispatch Orders to the Treasurer-General, and all the Collectors of the Provinces of the Kingdom, to demand the said Revenues, and to keep them sequestrated in the Name of the Royal Chamber, and to send him a List of the said Archbishopsricks, Bishopsricks, Abbeys, and Benefices that were to be sequestrated, and of the Prelates and Ecclesiastical Persons that were in Possession of them. And since the Pope, by a new Ecclesiastical Discipline, refused to name a Successor to the Archbishopsrick of *Naples*, vacant by his Advancement to the Papacy, but said, that he would govern that Church himself, altho' he was Pope, and having sent a Vicar, took all the Revenues of the said Church, therefore the Revenues of the Archbishopsrick of *Naples* were likewise sequestrated.

<sup>1</sup> Aless. Andrea Rag. 1. <sup>2</sup> Idem. Thuanus lib. 17. Rag. 1. Hist.

Aless. Andr. Rag. 2.

THE Viceroy also in his own Name, and that of the Collateral Council, on the 21st of *January* the same Year, sent another Royal Letter to all the Governors of Provinces in the Kingdom, telling them he had heard, that the Pope had imposed two Tenths upon the Kingdom, and that they were exacted without his Leave, and the Royal *Exequatur*; therefore he commanded them to order the Officers of their Provinces to give Injunctions to all the Churches, Monasteries, Archbishops, Bishops, and other beneficed Persons, under Pain of losing their Temporalities, not to pay the said Tenths to the Pope's Collectors, nor any other way to send, or cause to be paid in *Rome* any Sum of Money, under any Pretence whatsoever, without express Licence from the Viceroy.

HE likewise wrote in the same manner, on the 22d of *February* the same Year, to *Christoforo Grimaldo*, Commissary of *Terra di Lavoro*, that his Majesty's Service, and the Good and Preservation of the Kingdom, required, that it should be known what Gold and Silver was in the Kingdom belonging to the Churches of whatsoever Dignity, Abbeys and Monasteries; therefore he ordered him to take an Account and Inventory, by the Hands of a publick Notary, of all the Gold and Silver that was in the Churches, Monasteries and Abbeys, setting down in Writing each Piece, the Quantity and Value; and after they are inventoried, to leave them in the Possession of the same Prelates and Keepers, with a Caution not to send any of them out the Kingdom, but to have them ready at the Viceroy's Command, to be employed in the King's Service, and for the Defence and Preservation of the Kingdom; and that he was to use his utmost Diligence in finding out all the Gold and Silver, that it might not be imbezzled, and to give him a speedy Account of his having put this Order in Execution.

THE Necessities of the War still pressing, and the Preparations of the Enemies being daily found to be greater, the *Turk* being likewise invited to infest the Kingdom with his Fleet, on the first Day of *March* the same Year, the Viceroy was obliged, in his own Name, and that of the Collateral Council, to write to all the Governors of the Provinces of the Kingdom, telling them, That on account of the Steps the Pope had taken, and the great Preparations for War he had made, and was making in Conjunction with other Princes, by having invited the *Turkish* Fleet to come and attack the Kingdom, it was necessary for the Defence and Preservation thereof, to provide both Horse and Foot for reinforcing and supporting the Army, and to march and attack the Enemies without the Kingdom, and likewise to provide the Maritime Places with sufficient Force for defending them against the *Turkish* Fleet; all which being for his Majesty's Service, the Preservation and general Good of the Kingdom, a great Store of Money was requisite for defraying the Charges; and seeing the Barons and People of this Kingdom are oppressed with the great Payments they have made, and the last Donative of two Millions of Ducats, of which they advanced a Third of the *Easter* Payment, he had determined, that the Archbishops, Bishops, and other Prelates and Abbots, shall lend the Royal Court out of their Revenues, the other Two Thirds of the *Easter* Payment, according to the Proportions marked and sent them, of which they may be reimbursed out of the Payment of the said Donative due at *Christmas* next to come: And in case the said Prelates, Monasteries and Abbots, shall refuse to advance the said Two Thirds, the Governors of Provinces are immediately to exact the same out of their Revenues, according to the said Proportions.

A FEW Days after, the Necessities of the War being more pressing, on the 4th Day of the same Month of *March*, he gave Orders to several Commissaries, in his own Name, and that of the Collateral Council, to go in all haste, and put in Execution that which before had been committed to the Governors of the Provinces, and to force those who had the keeping of the Gold and Silver belonging to the Churches and Monasteries of the Kingdom, to deliver it up by Inventory and Weight, to be sent to the City of *Naples*, and there kept in the Archbishop's Palace in the Name of the Owners, till the Viceroy shall have Occasion to call for it; and likewise to oblige the Debtors of the Archbishopricks, Bishopricks, Abbeys, and beneficed Persons, to pay the Two Thirds of the Third Part of their Revenues, by way of Loan to the Royal Chamber.

AND seeing this Order was general, it also included the Chalice and Cups, therefore on the 9th of the said Month, the Viceroy dispatched Letters to the Governors of the Provinces, who were to execute his Order concerning the Gold

and Silver, wherein he excepted the Chalices and Cups, and such as had been taken he ordered to be restored. Since this Carriage of Gold and Silver to *Naples* made a great Noise, on the 18th of *March* he ordered, that from that Time forth no more Gold and Silver should be taken from the Churches, but only sequestrated, and what had been taken restored to the Ecclesiastical Persons, to be kept by them till his further Orders.

HE likewise ordered, that for the Occasions of the present War, all the Bells of the Churches and Monasteries of *Benevento*, and all the Eras Cannon in the said City, should be coined into Money, and valued, in order to be paid when the War is over.

AFTER having made all these Provisions for so great an Expedition, on the 11th of *April* 1557. the Duke set out from *Naples* for *Abruzzo*, in order to make Head against the *French*, leaving his Son D. *Federico de Toledo* Lieutenant-General, who, till his Return in the Month of *September* the same Year, after the Peace had been concluded with the Pope, governed the City of *Naples* and the Kingdom.

ON the other Hand, Cardinal *Caserta* went from *Rome* to *Lombardy*, in order to have an Interview with the Dukes of *Ferrara* and *Guise*, and to consult about the Method of carrying on the War, and the Seat of it. They were of different Opinions, some were for attacking *Milan*, others for setting *Sienna* at Liberty, and others for attacking the Kingdom of *Naples*; but the Cardinal protesting, that if any other Resolution was taken, than that of attacking of the Kingdom of *Naples*, it would not be approved of by the Pope his Uncle; the Duke of *Guise*, who had Orders from the King to obey the Pope, being furnished with some Pieces of Cannon by the Duke of *Ferrara* his Father-in-Law, marched with his Army into *Romagna*, and passing through the State of *Urbino*, advanced by *La Marca* to the Neighbourhood of *Tronto*.

IN the mean time, the Truce between the Pope and the Viceroy being expired, Hostilities were renewed, and in a Trice the War was kindled both in *Abruzzo* and *Campagna di Roma*. The Duke of *Palliano*, with *Pietro Strozzi*, took the Field with Six thousand *Italian* and *Gascoigne* Foot, 600 Light Horse, and seven Pieces of Cannon, marched to *Ostia*, and retook the Castle and the Bastion raised by the Viceroy. He recovered *Marino*, *Frascati*, and the other neighbouring Places. *Nettuno* was abandoned by the *Spaniards*, and if the Pope's Troops, in the Heat of their Victory, had advanced further, they might likewise have retaken *Frosolone* and *Anagni*. *Giulio Orsini* was also wholly bent upon driving the *Spaniards* out of the Duchy of *Palliano*; but *Marcantonio Colonna* coming there, and being assisted by the Inhabitants, Friends to the *Colonna*, he was forced to give over the Undertaking.

BUT the Duke of *Guise* was resolved to besiege *Civitella*, and halted at *Ascoli* waiting for the Artillery, which had a great Way to come, of which Delay he made a grievous Complaint to the Marquis of *Montebello*; and that he might not seem to be idle, he ordered 1500 Foot, and a Troop of Horse to enter the Kingdom under the Command of the said Marquis and *Giovan-Antonio Toraldo*, who pillaged *Campoli*, took Possession of *Teramo*, and ravaged the Country as far as *Giulia Nova*. The Artillery at last arriving, he besieged *Civitella*, whither, upon the News of the Approach of the Enemy, *Carlo Loffredo*, the Son of the Marquis of *Trivico*, and the Count of *Santa Fiore* had gone: The City was battered without Intermision by the Duke of *Guise*, but with equal Valour defended by the Besieged; and the *French* wanting Necessaries for repeating the Assaults, the Duke complained to the Marquis of *Montebello* of his Brother the Cardinal, who had put his King upon such an Expedition, and then did not perform his Promises; the Marquis having answered him haughtily, there passed such high Words betwixt them, that the Marquis left the Camp without so much as taking Leave<sup>1</sup>. In order to make up this Breach, the Duke of *Palliano* and *Pietro Strozzi* came with a Reinforcement, whereby it seemed, that the Pope in some measure had performed his Obligation; but the Reinforcement being but very small, and many Things still wanting, that were necessary for carrying on the Siege, the *French*, impatient, began to curse, not only those who had advised their King to join in a League with Priests, who

<sup>1</sup> Aleff. Andrea Rag. 2.

<sup>2</sup> Idem.

knew nothing of the Art of War, but likewise to inveigh bitterly against Cardinal *Caraffa*, who had imposed upon their King <sup>1</sup>.

IN the mean time the Duke *D'Alba* with 20,000 Foot, 2000 Horse, and a great Store of Ammunition and Artillery, marched to relieve *Civitella*, and having entered *Giulia Nova*, he halted twelve Miles distant from the Place; upon the News of this General's coming with so powerful an Army, *Pietro Strozzi* advised the Duke of *Guise* to raise the Siege: So that after Twenty-two Days Labour, about the Middle of *May* it was raised, and the Duke retiring to *Ascoli*, was followed by the Viceroy, who having entered the Lands of the Church, took Possession of *Angarano* and *Filignano*.

DURING these Transactions in *Abruzzo*, *Marcantonio Colonna* had the like good Success in *Campagna di Roma*; for the provident Viceroy having sent him a Reinforcement of 3000 Germans, out of six that had come in *Doria's* Fleet, he took the Tower near *Palliano*, *Valmontone*, and *Palestrina*, and at last laid Siege to *Palliano*. The Pope's Troops endeavoured to relieve it, and for that End the Marquis of *Montebello* and *Giulio Orsini* marched out of *Rome* with 4000 Italian Foot, 2200 Swiss, that had been hired by the Bishop of *Terracina*, some Troops of Horse, and many Waggon's loaded with Provisions for the Place; but *Colonna* having got a new Reinforcement of Germans, Spaniards, and Cuirassiers, that after the Relief of *Civitella* the Viceroy had sent him, marched to find out the Enemy; from small Skirmishes at last they came to an Engagement, in which the Pope's Troops were worsted and put to the Flight, and *Giulio Orsini* being wounded, was made Prisoner <sup>2</sup>. *Marcantonio* knowing well how to make Advantage of the Victory, advanced further, and made himself Master of *Rocca di Massimo* and *Segna*, without quitting the Siege of *Palliano* <sup>3</sup>.

THE Pope being terrified at this Success, and seeing the Enemy advance too near *Rome*, called the Duke of *Guise* to come and defend the City; but the Duke *D'Alba* having left the Frontiers of the Kingdom well provided, and some Troops with the Marquis of *Trivico* for covering them, marched likewise into *Campagna di Roma*. He incamped the whole Army under the Walls of *Valmontone*, from whence he marched to *Colonna*; and being resolved to put *Rome* in a Fright, on the Night between the 25th and 26th of *August*, he sent 300 choice Musqueteers, under the Command of *Ascanio della Cornia*, with a Guard of Horse, and good Store of Scaling Ladders, in order to attack the Walls of *Rome* near *Porta Maggiore*, and to make themselves Masters of that Gate, and he himself was to follow them with the whole Army to favour the Undertaking. But a drizzling Rain falling, hindered the Foot from getting to the Walls that Night, which disappointed the Design; so that the next Morning they were forced to make a hasty Retreat, that they might not be exposed, after the Fatigue of the Night March, to engage with the *French* that were quartered in the neighbouring Places.

WHEN the Romans saw the Danger so near, they began to exclaim against the Pope, and threaten him if a Treaty of Peace was not set on Foot, and the Mediation of the neighbouring Princes obtained; therefore the Duke of *Florence* and the Republick of *Venice* were employed, who used their Interest with King *Philip II.* to induce him to Peace. King *Philip*, who, on account of the Victory he had obtained over the *French* in the Battle of *S. Quintin*, was at this Time very well pleased and delighted with having been revenged of them, like a pious Prince, and who unwillingly had entered into this War, notified his Victory to the Republick of *Venice*, and at the same Time answered them, and declared, that it was not his Intention to continue the War against the Church, and that he very willingly accepted of their Mediation for making Peace between the Pope and the Viceroy, adding, that if any Dispute should happen in concluding it, they might freely take upon them to decide it, since he was resolved to stand to whatever they should determine: He likewise wrote to the Viceroy to the same Purpose, injoining him to satisfy the Pope in whatever he could desire, provided it were not prejudicial to his own Interest, and that of his Servants and Friends. On the other Hand, the Pope seeing the War had proved very unsuccessful, and that the great Defeat the King of *France* had received near *S. Quintin*, obliged him to recall the Duke of *Guise* with his Army from *Italy* <sup>4</sup>, seeing the Design of invading the Kingdom

<sup>1</sup> Thuan. lib. 18. Hist.

<sup>2</sup> Aless. Andrea Rag. 2.

<sup>3</sup> Idem, Rag. 3.

<sup>4</sup> Thuan. lib. 18. Hist.

frustrated, and the Ecclesiastical State again made the Seat of the War, did not seem so averſe to conſent to Peace as formerly he had been; however, he would have it concluded to the Reputation of the Apoſtolical See, and that by all Means the Duke *D'Alba* ſhould come in Perſon to *Rome* to beg him Pardon, and receive Abſolution, ſaying, that he would rather ſee all the World ruined, than ſee a Part of his Due; that it was not his own Honour that lay at Stake, but CHRIST'S, which he could neither derogate from, nor give up.

THE Cardinal of *Santa Croce*, finding the Pope's Inclination, immediately diſpatched *Coſtanzo Taſſoni* to the Duke of *Florence*, and *Aleſſandro Plas* to the Viceroy, to the End that the Treaty might be begun, and he likewiſe ſent to the Viceroy the Propoſals made by the Pope, which, beſides the Duke's coming to beg him Pardon, conſiſted in demanding Reſtitution of what Places had been taken from him; he promiſing on his Part to diſmiſs the *French*, and pardon the Injuries that had been done him.

THE Duke *D'Alba*, who had not as yet had Experience of the great Difference that is between making War with other Princes, and with the Popes, ſoon ſaw, in the End, nothing is to be got, on the contrary all Charges are loſt, hearing theſe Propoſals, was very much offended, and ſaid, that they were ſo extravagant, that a Conqueror could not have made greater to the Conquered. But the Republick of *Venice*, who in good Earneſt had undertaken the Mediation, in order to perſuade the Duke to hearken to Peace, ſent one of their Secretaries to him for that End; on the other Hand, the Cardinals *Santa Fiore* and *Vitellozzo Vitelli* went from *Rome* to treat about it with the Viceroy. Cardinal *Caraffa* likewiſe went, and was with great Honour received by the Duke in the Town of *Cavi*, where the Matter being debated for ſome Days, at laſt the Peace was concluded on the 14th of *September*, upon theſe Conditions.

THAT the Viceroy, in the Name of the Catholick King, ſhall go to *Rome* to kiſs his Holineſs's Foot, and perform all the neceſſary Submiſſions in Atonement for the paſt Offences; and that the Pope on his Part ſhall receive him with the Bowels of a moſt clement Father.

THAT the Pope ſhall diſſolve the League made with the King of *France*, by diſmiſſing the *French*, and for the Time to come to act the Part of a Father and common Paſtor.

THAT *Anagni*, *Frofolone*, and all other Cities and Lands taken from the Church, ſhall be reſtored, and that both Parties ſhall return to each other all the Artillery taken during the Courſe of this War.

THAT both Parties ſhall remit all the Punishments and Cenſures incurred by whatſoever Perſon or Community, excepting *Marcantonio Colonna*, *Aſcanio della Cornia*, and the Count of *Bagno*, who are to continue under Centure, and to be dealt with as the Pope ſhall think fit.

AND laſtly, That *Palliano* ſhall be put in to the Hands of *Giamberardino Carbone*, a Nobleman of *Naples*, as Tritelce for both Parties, to be kept by him with 800 Foot, who are to be maintained at the common Charges; and the ſaid *Giamberardino* ſhall ſwear to keep it in Truſt till it ſhall be diſpoſed of by the joint Conſent of the Pope and the Catholick King.

THESE Articles were received in *Rome* with univerſal Joy; ſo that upon the Departure of the *French*, the Duke *D'Alba* with his Son went to *Rome*, and were graciously received by the Pope, and abſolved from the Cenſures which he imagined they had incurred by their late Conduct, and at the Duke's Interceſſion he likewiſe pardoned all the King's Friends and Dependants, and ſent the Golden Roſe to the Dutcheſs *D'Alba* in *Naples*, a Preſent, in theſe Times, uſually made to great Princes, which, with great Pomp and Reſpect, was received in the Cathedral Church of *Naples* by that moſt religious Lady.

THE Duke, accompanied by Cardinal *Caraffa* and the Duke of *Palliano*, left *Rome*, and ſent an Account of all that had paſſed to King *Philip*, who gladly accepted the Peace, and bountifully rewarded all thoſe that had diſtinguiſhed themſelves in the War. He gave the Title of Duke to the Count of *Popoli*, with a Penſion of 3000 Ducats, and Power to diſpoſe of his Eſtate, which would have

<sup>1</sup> Thuan. lib. 18. Hiſt.  
<sup>2</sup> A. M. Andrea Rag. 3.

<sup>3</sup> Thuan. lib. 18. in fin.



devolved to the Crown for want of Issue<sup>1</sup>. To *Ascanio della Cornia*, he gave a yearly Pension of 6000 Ducats, till he should recover his Estate possessed by the Pope, besides a thousand Crowns given to his Mother, and many Ecclesiastical Revenues to the Cardinal of *Perugia* his Brother. The Inhabitants of *Civitella* obtained many Privileges, as a Reward of their Loyalty. And the Lordship of *Rossano*, in *Calabria*, was offered to the Duke of *Palliano*, provided he would part with *Marcantonio Colonna's* Estate, to which the Pope refusing his Consent, the Duke lost both, for when the See became vacant *Marcantonio* recovered his Estate.

WHEN the Duke *D'Alba* returned to *Naples*, the *Neapolitans*, justly looking upon him as their Deliverer, received him with Acclamations and Rejoycing. But while he was making Preparation for driving the *French* out of *Piemont*, King *Philip*, for more weighty and pressing Affairs of the Monarchy, ordered him to go to *Spain*, whither he went in the Spring of the Year 1558. to the great Grief of the *Neapolitans*, who had enjoyed his Presence but a short Time, the Cares of War having obliged him to be elsewhere: During these few Years he made four Statutes, and at his going away left his Son *D. Federico* his Lieutenant, but his Government was very short; for when King *Philip* called the Duke to *Spain*, at the same time he ordered *D. Juan Manriques de Lara*, then his Ambassador in *Rome*, to go and take the Government of *Naples* upon him, till he should appoint a new Viceroy, and his Government lasted only five Months, being succeeded by the Cardinal *De Cueva*, whose Lieutenantcy was not much longer; for *Paul IV.* dying, he was called to *Rome* to the Election of a new Pope. At last King *Philip*, an excellent Judge of the Abilities and Merits of Men, sent *D. Parasfan de Ribera*, Duke *D'Alcala*, to be Viceroy, as knowing a Minister as any that ever had been in that Office, of whose long and prudent Government we shall discourse by-and-by.

THUS ended the War so unjustly<sup>2</sup> begun by Pope *Paul IV.* and which brought great Distraction upon the Kingdom, and cost vast Sums for maintaining it. Such is the Advantage of the Popes in making War, that besides the Restitution of what is taken from them, there is not the least Mention made of the great Damage and irreparable Losses suffered by the People, which they ought to be in some measure obliged to make good. The Kingdom of *Naples* not only laid out two Millions, but for supplying the Necessities of this War, and paying the Debts contracted during the Lieutenantcy of *D. Federico de Toledo*, the City of *Naples* made two other Donatives, one of 400,000 Ducats, and another of 200,000 Ducats. Besides the Price of the Bells taken from *Benevento* being now to be paid, the Royal Chamber was obliged to make up the Accounts and clear it, and the Artillery taken from that City was likewise restored<sup>3</sup>.

BUT all this is nothing in Comparison of the terrible Mischiefs that happened afterwards, as a Consequence of this War; for though it was at an End by this Peace, yet the *Turk* having been invited by the King of *France* and the Pope to infest the Kingdom by Sea, and though his Fleet had not come at the Time they expected it, and notwithstanding the Peace, he did not fail to harass it for some time; for the Duke *D'Alba* was but just set out for *Spain*, and that unlucky Minister entered upon the Government, when, on the 5th of *June* 1558, the *Ottoman* Fleet appeared in our Seas, consisting of 120 Gallies, under the Command of *Mustafa Bassa*, which, after having pillaged and depopulated the City of *Reggio* in *Calabria*, entered the Gulph of *Naples*, and landing in the Night-time, pillaged and destroyed the Cities of *Massa* and *Sorrento*; in which last Place it made a terrible Havock, carrying off almost all the Inhabitants into Slavery, for whose Ransom the miserable remaining Inhabitants were forced to sell their Fields and Possessions at a very low Price, and send the Money to *Constantinople*<sup>4</sup>: A Disaster, of which to this Day *Sorrento* bears the Marks, being still poor, and thin of Inhabitants.

BUT it was not long before the revenging Hand of God lay heavy upon the Pope, his Nephews and Relations, Authors of so much Mischiefs; for the Pope, before he died, underwent great Affliction for the so many wicked Actions of his Nephews, and he had near died of Grief, when, after having been forced to banish them out of *Rome*, he heard of so much Villany as had been committed in the House of the Duke his Nephew, which occasioned cruel and violent Deaths, and deplorable

<sup>1</sup> Aless. Andrea Rag. 3.

<sup>2</sup> Thuanus, lib. 17. & 18. Hist. calls it *Bel-lum injustum*.

<sup>3</sup> Chiocc. tom. 18. MS. Giurisd. in fin.

<sup>4</sup> Thuan. lib. 20. Hist.

Tragedies. And on the 18th of *August* 1559. when he was breathing out his last, out of the Hatred which the People and Commonalty of *Rome* had conceived against him and his Family, there arose so great Tumults in the City, that the Cardinals were more put to a puzzle with these Commotions, as near at Hand and pressing, than with those in which all *Christendom* was then involved. The City was all in an Uproar; the Head of the Pope's Statue was struck off, and dragged through the City; the publick Prisons were broke open; the Place where the Inquisition was held, set on Fire, and the Processes, and Writs kept there were burnt, and the Convent of *Minerva*, where the Monks who had the Inspection of that Tribunal lived, was near being burnt by the People. *Paul V.* having afterwards mounted the Chair, the *Caraffa's* were imprisoned, and Process being taken out against them, they were sentenced to die for their Wickedness. The Cardinal strangled, and the Duke beheaded, and as for their Relations and Adherents, they were as severely punished, and reduced to as lamentable a Condition as ever was read in History.



## CHAPTER II.

*A Treaty with Cosmo Duke of Florence, whereby the Garisons of Tuscany were reserved to the King, and the Duke invested with the State of Sienna, yielded to him by King Philip. The Dutchy of Bari, and the Principality of Rossano, by the Death of Bona Queen of Poland, devolve to the King. The Death of Mary Queen of England, and King Philip's third Marriage, who fixes his Residence in Spain for good and all.*



**A**T this very Time King *Philip* fixed his Dominion more firmly in those Islands contiguous to the State of *Sienna*, about which he was in perpetual War with the *French*, by providing them with strong and settled Garisons, whence they were called the *Garisons of Tuscany*, which Name they retain to this Day; so that it was afterwards found by Politicians<sup>1</sup>, that the *Spaniards*, what with the State of *Milan*, what with these Garisons, and the Kingdom of *Naples*, like so many Links, had made a Chain to bind *Italy*, and keep it at their Devotion. *Charles V.* as we have seen, looked upon the State of *Sienna* to be his own, as being devolved to the Empire<sup>2</sup>, and sent *Spanish* Governors to take the Command of it: And while the Viceroy *Toledo* governed the Kingdom, the *Siennese*, displeas'd with *Mendoza's* severe Government, revolted; so that a War being kindled, *Toledo* was forced to go in Person for extinguishing it: An unlucky Expedition to him, for, as we have seen in the preceding Book, he lost his Life in it. *Charles V.* afterwards yielded *Sienna* to his Son *Philip*, who ruled it by his Governors: Whence it came, that our *Neapolitans* learned many Institutions and Customs from *Sienna*, a City at that Time very polite. The Academies for improving Arts and Sciences were introduced into *Naples* in Imitation of those of *Sienna*. We had not only Theatres and Comedies, at that Time unknown in our Kingdom, from *Sienna*, but the Comedians themselves.

<sup>1</sup> Nani Histor. Venet.

<sup>2</sup> Thuanus, lib. 15. in fine: Ditionem Se. | nensium, jure Imperii ad se devolutam, Philippo filio concessit.

BUT the Possession of the State of *Sienna* by the *Spaniards*, occasioned cruel and obstinate Wars betwixt them and the *French*, who were jealous of their too great Power in *Italy*: In the mean time *Cosmo* Duke of *Florence*, who sometimes sided with the Emperor, sometimes to make a Ballance of Power, took part with the *French*, slight no Opportunity of raising his State; by his Industry and great Cunning he took Care to keep King *Philip* still jealous, inasmuch, that by seeming to be in the *French* and the Pope's Interest, he at last induced him, upon the Conditions which we shall relate, to yield *Sienna*. The King owed the Duke prodigious Sums, partly lent to *Charles V.* his Father, partly laid out by the Duke in the Expences of the War, when he was Auxiliary of the *Spaniards*; for which, although he had *Piombino* in Pledge, yet, as Occasion offered, it was often taken from him: Therefore he exclaimed against the King for not paying back his Money, and the Charges of the War; but *Philip* still putting him off with fair Words, at last *Cosmo* seeing himself deluded, in order to induce the King to yield up *Sienna* to him, seemed as if he had a Mind to join with the Pope and the King of *France*. President *Thuanus* describes the Stratagems made use of by *Cosmo*, not only to impose upon King *Philip*, but likewise upon the Pope and the King of *France*, and how all succeeded to his Mind; for it being of great Importance to *Philip*, that *Cosmo* should not join with his Enemies at a Time when he stood most in need of him, lest he should leave him in the Lurch at this Pinch, contrary to the Advice of all his Friends, he yielded up *Sienna* to him.

IN the mean time King *Philip* pretended to make this Resignation purely out of Love to the Duke, but at the same Time (having reserved the adjacent Islands) he was determined, by new Garisons, to strengthen himself much more in *Italy*, that he might be able to resist any foreign Enemy whatsoever, and in that Manner hem in *Italy*; therefore, with the Consent of the Emperor his Father, he resolved to yield up the State of *Sienna* to the Duke, and invest him with it; for which End he appointed D. *Juan Figueroa*, at that Time Governor of the Castle of *Milan*, his Proxy, who, on the 3d of *July* 1557. entered into an Agreement with the Duke, whereby the State was yielded to him upon many Conditions, amongst which it was stipulated, that *Port' Ercole*, *Orbitello*, *Talamone*, *Mont' Argentario*, and *Porto di S. Stefano* were not comprehended in the Surrender. From that Time these Islands were garisoned by *Spanish* Soldiers at the Charge of the Kingdom of *Naples*, and from thence an Intendant was sent to administer Justice to the Inhabitants, who nevertheless are governed according to the Laws and Customs of the *Siennese* their Neighbours, and therefore that Minister still retains the Name of the Intendant of the Garisons of *Tuscany*.

*PIOMBINO* was likewise comprehended in this Treaty, which was faithfully executed, as both *Chioccarelli*<sup>2</sup> and *Thuanus*<sup>3</sup> testify.

AMONGST these Islands there is one called the Island of *Fanuti*, about which there was a long Dispute at that Time, whether it belonged to King *Philip*, or was comprehended in the Surrender of the State of *Sienna* to the Duke of *Florence*. For maintaining the King's Right there were two Decisions made by the Royal Chamber, the one dated the 1st Day of *June* 1573. and the other the 26th of *August* the same Year, which we read in the 18th Tome of the *MS. Giurisdizionali* of *Chioccarelli*.

SINCE that the Emperors of *Germany* pretended, that the State of *Sienna* belonged to them; the Emperor *Rodolphus II.* in order more firmly to establish what King *Philip II.* had done, on the first Day of *January* 1604. sent a Writ to King *Philip III.* whereby he not only confirmed to him the Vicariate of *Sienna*, *Port' Ercole*, *Orbitello*, *Talamone*, *Mont' Argentario*, and *Porto di S. Stefano*, with

<sup>1</sup> Chiocc. MS. Giurisd. tom. 18.

<sup>2</sup> Thuan. Hist. lib. 18. Tandem in eas leges conventum, ut Cosmus, ac liberi ejus, Philippi beneficio Senensem ditionem acciperent, uti eam ipse a Cæsare parente acceperat, exceptis Herculis portu, Talamone, Monte Argentario, Orbitello, & Plombini Arce, quem sibi Philippus servabat; & ita æs omne alienum tam Cæsari olim a Cosmo commodatum, quam in belli sumptus factum, quod ipsi Philippo F. debebatur, dissolutum intelligatur, icæto item

fœdere, quo uterque vicissim hinc ad Principatus Mediolanensis, ac Neapolitani, inde ad Etruriæ defensionem teneatur, &c. Milus vicissim Carolus Dozza cum aliquot Hispanis, qui Arcem Plombinensem à Cosmo instauratum reciperet, qua excepta, & urbe ex suo nomine in Ilva à Cosmo ædificata, ac Portu ejus, quæ ex pactis in potestate ipsius remanebat, tota ditio Plombinensis Jacobo Apiano ejus Domino a Bernardo Bolea Albani jussu restituta est

<sup>3</sup> Chiocc. loc. cit.

the Title of Duke and Prince of the Empire, but likewise confirmed the Surrender<sup>1</sup> and Investiture of the State of *Sienna* made and given by King *Philip II.* to *Cosmo di Medici*, Duke of *Florence*: Thus were the Garisons of *Tuscany* annexed to the Crown of *Spain*.

## S E C T. I.

By the Death of *Bona Queen of Poland*, the Dutchy of *Bari*, and the Principality of *Rossano* devolve to King *Philip*.

AT this very Time the Dutchy of *Bari* and the Principality of *Rossano* devolved to King *Philip*, which, excepting the Sovereignty, had for a long time belonged, either to the Dukes of *Milan*, or the Kings of *Poland*.

AFTER that *Ferdinand I.* of *Aragon*, had divested the Prince of *Taranto* of his Estate, of which the Dutchy of *Bari* was part; in Requital of the Succours which *Francesco Sforza*, Duke of *Milan*, had sent him, and in Regard of the Marriage of his Daughter *Eleonora* to *Sforza Maria Visconte*, the said Duke's third Son, in 1465. he invested the Duke with the City of *Bari* and its Dutchy: But the Duke dying in 1466. with *Ferdinand's* Permission and Consent, he left the Dutchy of *Bari*, not to *Galeazzo* his eldest Son, who succeeded him in the State of *Milan*, and was afterwards married to *Isabella* of *Aragon*, the Daughter of *Alphonfus II.* but to *Sforza Maria Visconte*, and his lawful Children. Duke *Sforza* immediately sent a Lieutenant to *Bari*, with the Title of Vice-Duke, to govern that City and Dutchy; but though, on account of Duke *Sforza's* many and great Infirmities, the Marriage betwixt him and *Eleonora* of *Aragon* being dissolved, insomuch that she was afterwards married to *Ercole* Duke of *Ferrara*, yet the Dutchy was left to Duke *Sforza* during his Life, but he dying in 1479. it devolved to the King; and on the 14th of *August* the same Year, together with the Principality of *Rossano*, it was given to *Lodovico Moro*, the deceased Duke's Brother, and to his lawful Issue: *Lodovico* possessed these States, but when it was afterwards known, that he had invited *Charles VIII.* King of *France*, to conquer the Kingdom of *Naples*, *Alphonfus II.* besides having recalled his Ambassador residing in *Milan*, and dismissed *Lodovico's* residing in *Naples*, caused all the Revenues of the Dutchy of *Bari* and the Principality of *Rossano* to be sequestrated, that they might not come to the Hands of his declared Enemy. The Kingdom afterwards, upon the King of *France's* quitting it, returning to the King of *Aragon*, and Peace being made with *Lodovico*, he demanded a new Investiture of the Dutchy of *Bari* and Principality of *Rossano* from King *Frederick*, who generously granted it, and the Writ is dated the 6th Day of *December* 1496. The Year following *Lodovico* made a new Request to the King, desiring him to invest with the said Dutchy and Principality his second Son, named *Sforza*, a Child of three Years of Age, to whom he yielded them up; and the King having granted his Request, on the 20th of *June* 1497. the Child was created Duke of *Bari*, and Prince of *Rossano*, upon Condition, that *Lodovico* the Father should govern these States till the young Duke should be of Age.

IN the mean time, *D. Isabella* the Daughter of King *Alphonfus II.* being left *Giovanni Galeazzo's* Widow, with 130,000 Crowns Dowry, and the new King of *France*, *Lewis XII.* having made a new War in *Italy*, with a Design to be revenged of *Lodovico* his mortal Enemy, and to strip him of the Dutchy of *Milan*; *Lodovico* being frightened, fled to *Germany*, and, before he went, had assigned to the said *D. Isabella* the Dutchy of *Bari* and the Principality of *Rossano*, in lieu of her 130,000 Crowns: *D. Isabella* took Possession of these States, and kept it as long as she lived; for when *Frederick* was forced to leave the Kingdom, and when it fell into the Hands of the *French* and *Spaniards*, and at last of *Ferdinand the Catholick*, she enjoyed these States without the least Disturbance. In 1501. she came and took up her Residence in *Bari*, where she left many Marks of her Generosity, by enlarging and beautifying that City with stately Edifices<sup>1</sup>.

<sup>1</sup> Beatil. Istor. di Bari, lib. 4.

SHE had by *Galeazzo* her Husband one Son named *Francesco*, and a Daughter named *Bona*, but *Francesco* dying while a Child, *Bona* was left sole Heiress, who was brought up by her Mother in *Bari* with great Care and Tendernefs; being grown up to Woman's Estate, she resolved to marry her; the Emperor *Charles V.* at *Isabella's* Request, took that upon him, and for that End set a Treaty of Marriage on Foot with *Sigismund* King of *Poland*, who was then a Widower, and had no Male Issue: The Marriage was concluded in the Year 1517. and *Sigismund* sent for his Bride, who, on the 3d of *February*, 1518. having embarked at *Manfredonia*, with great Pomp and Magnificence was received in *Poland*. *D. Isabella* having afterwards retired from *Bari* to *Naples*, and soon after falling ill of a Dropsy, in 1524. died, and was buried in the Church of *S. Dominico*, where her Tomb is still to be seen.

BY her Death there arose a Dispute about the Succession of the Dutchy of *Bari*, and the Principality of *Rossano*, betwixt *Bona* her Daughter and Heiress, and *Sforza* the Son of *Lodovico Moro*. *Sforza* pleading the Investiture given him by King *Frederick*, claimed the said Dutchy and Principality, and said, that *Lodovico* his Father being only a simple Guardian, could not assign them to *D. Isabella* for her Dowry. The Emperor *Charles V.* likewise pretended, that *Lodovico* not only had not Power to dispose of them, as not being his own, but also, because when he assigned them to *D. Isabella* he did not ask the Assent of *Frederick* King of *Naples*, to whom, and his Successors, upon the Failure of Heirs, these States were to devolve. At last, after various Deliberations and Treaties, it was decided, that the Castle of *Bari* should be assigned to *Charles V.* as having the *Dominum directum*, and being lawful Heir of the Kingdom; and that the City of *Bari* with its Dutchy, and the other Estates in *Calabria*, should be assigned to Queen *Bona* during her Life, without Prejudice to, or derogating from *Sforza's* Rights. This being settled, the Emperor immediately sent *Colamaria di Somma*, a *Neapolitan* Knight, to be Governor of the Castle of *Bari*; and the Queen, who accepted the Conditions, sent thither as Vice-Duke, *Scipione di Somma* to govern the City and Dutchy.

THIS Affair continued in this State till the Year 1530. when *Sforza*, who with the Assent of the Emperor *Charles V.* was become Duke of *Milan*, gave up to the same Emperor, all the reserved Rights and Pretensions which he ever had to the said Dutchy and Principality: So that the Emperor being intirely Master of them, gave the Investiture of them to Queen *Bona*, for her Life only, and in 1536. he invested her likewise with the Castle of *Bari*; so that they were afterwards governed by her and her Husband King *Sigismund* <sup>1</sup>.

QUEEN *Bona*, by the Death of King *Sigismund*, which happened in the Year 1548. being left a Widow, although she had had four Children by him, one Son, who succeeded him in the Kingdom, named *Augustus*, and three Daughters, yet a few Years after, the Queen and the King her Son came to an open Rupture. The King was not pleased with his Mother's licentious Manner of Life: On the other Hand she, in order to live as she thought fit, pretending to be disgusted at the King's having married one of his own Subjects, though of noble Birth and great Beauty, resolved to abandon the Kingdom and her Children, and retire to *Bari*. *Augustus* allowed her to go; so that in 1555. having set out with a great Retinue, she travelled by Land to *Venice*, where she was received by that Republick with Royal Pomp, and great Demonstrations of Respect; and amongst the Orations of *Cieco d'Adria*, there is one made by him in *Venice* on this Occasion <sup>2</sup>. From *Venice* she took Passage in the Gallies of the Republick to *Bari*, where she was received with great Honour, and much Feasting.

SHE did not live quite two Years in *Bari*, and during that Time she bought from different Barons, *Capurso*, *Noja*, and *Trigiano*, in the Neighbourhood of *Bari*, and fortified the Castle with some new Bastions. At her Death she made a Will, wherein she left the said Cities which she had purchased, to *Giovan-Lorenzo Pappacoda*, her favourite Courtier, who for many Years had served her faithfully both in *Poland* and *Bari*, by whose Advice she declared in her Will, that the Dutchy of *Bari* and the Principality of *Rossano*, by her Death were devolved to King *Philip II.* to which she therefore appointed him Heir. She died in the Month of *November* 1557. and was buried in the Cathedral Church of *Bari*, where many Years after,

<sup>1</sup> Martin. Cromer. in orat. funebr. Sigif. Polon. Regis.

<sup>2</sup> Orat. del Cieco d'Adria.

*Anne* Queen of *Poland*, her Daughter, and Wife to *Stephen Bator*, caused a stately Monument, with an Inscription, to be erected to her, which is to be seen at this Day.

KING *Augustus*, upon Advice of the Death of the Queen his Mother, and of her Will, was highly vexed, and made his Complaint to the Emperor *Ferdinand* his Father-in-Law, pretending that it was not in his Mother's Power to deprive him of the Dutchy of *Bari* and the Principality of *Rossano*, by disposing of them in Favour of King *Philip*, and that the Investiture comprehended him also. In the mean time *Philip* had already adjudged them as devolved to himself, and as a Reward for *Pappacoda's* good Office, he had given him the Title of Marquis of *Caprijo*; and having had Advice from the Emperor his Uncle of the Pretensions of the King of *Poland*, he was willing, that as well those as his own might be discussed before the Emperor, and decided according as those skilled in the Law should think fit. The Proposal was agreed to; so that both Parties sent to *Germany* famous Lawyers to support their Rights. King *Philip* was pleased to send from *Naples* *Ieaerico Longo*, an excellent Doctor of these Times, and who was then Attorney General of the Royal Chamber; but he having set out for *Vienna*, upon his Arrival at *Venice* was taken ill, and on the 24th of *October* 1561. died there: His Corpse was brought back to *Naples*, and honourably buried in the Church of *S. Severino*. To supply his Place, *Tommaso Salernitano*, a renowned Doctor, and President of the Royal Chamber, was pitched upon, who having gone to *Germany*, and been graciously received by the Emperor, defended his King's Rights so well, demonstrating, that Queen *Bona's* Investiture became void at her Death, and that her Children were not comprehended in it, that Sentence was pronounced in King *Philip's* Favour, which put an End to that Dispute for ever. King *Philip* was so well pleased with *Salernitano*, that in 1570. the Presidency of the Collateral Council being vacant by the Death of *Francesco Antonio Villano*, he made him President thereof, in which Post he continued to the 10th of *June* 1584. the Year of his Death<sup>1</sup>.

IN this manner, by Degrees, became extinct those vast Principalities and Lordships in our Kingdom, which often made the Possessors to be suspected by, and in a manner equal to the Kings, particularly in the Reign of the little Kings of the House of *Aragon*, who had no other Dominion but that of *Naples* only, therefore they were frequently subject to the Conspiracies and Treachery of the powerful Barons, and continually afraid of the Malcontents inviting the *French*, their constant Rivals, and who, either by intestine Commotions, or external Wars, still disturbed the Kingdom. The *Spaniards*, whenever any Estate devolved to them either by Death or Felony, suppressed the great Lordships; they did not erect others in their Places, but annexing the principal City to the King's Demains divided the Remainder into small Shares, and invested different Persons with the other Cities of which the Estate was formerly composed: instead of one who had been a Prince, Duke, or Marquis, they made many, by granting separate Investitures; infomuch, that in their Reign, beginning from the Emperor *Charles V.* and *Philip II.* to this Time, we shall find the Nobility so much multiplied, that their Number has glutted the Kingdom. Thus became extinct the Principalities of *Taranto* and *Salerno*, the Dutchy of *Bari*, the Counties of *Lecce* and *Nola*, and many other Dutchies and Counties; and by the provident Care of the *Spaniards*, the principal Cities being annexed to the Royal Demains, and different Persons invested with the other Cities and Towns, the petty Barons were multiplied, and the great suppressed.

<sup>1</sup> Summont. par. 4. lib. 10. cap. 4.

## S E C T. II.

*The Death of Mary Queen of England, and King Philip's third Marriage, who retires to Spain, where he continued all the rest of his Days.*

WHILE these Things were transacting in our Kingdom, the Death of the Emperor *Charles V.* (which, as we have said, happened this Year 1558.) occasioned no small Grief to King *Philip* his Son; so that not only in *Brussels* (where King *Philip* then was) *Germany* and *Spain*, but in all the Dominions of that vast Monarchy, pompous Funeral Obsequies were celebrated. But this Prince was much more afflicted, when, a little after the Emperor's Death, on the 17th of *November* the same Year, he saw the irreparable Loss of *Mary* Queen of *England* his Wife, by whom he had no Children<sup>1</sup>. A Death which broke all the Designs that he had contrived upon that Kingdom; for though in her Life-time he had despaired of her having Children, yet in order to keep a Footing in *England*, he had treated about a Match between *Elizabeth*, *Mary's* Sister, who was to succeed in the Kingdom, and *Charles* his Son, by his first Wife *Mary* of *Portugal*<sup>2</sup>; or, as *Thuanus* says<sup>3</sup>, had agreed with his Uncle *Ferdinand*, that *Ferdinand* one of his Sons, should be married to her; and that afterwards, there being little Hopes of *Mary's* living, he had dropt some Words as if he intended to marry her himself: Nevertheless the new Queen, like a prudent Woman, having discovered these Designs, and the Inclination of the *English*, who being ill-pleas'd with the late Government, were for having no more to do with the House of *Austria*, had no sooner mounted the Throne, than by an Oath she assur'd the Kingdom that she would never marry a Foreigner<sup>4</sup>. And from her Accession there having arisen such Misunderstandings between her and the Pope, as at last ended in a total Separation; the King of *France*, left by the Pope's Dispensation, the Marriage between her and King *Philip* should take Place, fomented the Difference, insinuating to the Pope, that he ought not to trust Queen *Elizabeth*, but abhor her, as one that was brought up in the Doctrine of the Protestants, and profess'd it openly; by which Means he gain'd his End, and put a Stop to all Commerce between the new Queen and the Court of *Rome*: So *Philip*, out of all Hopes, rested satisfi'd, and all his Thoughts were afterwards turned upon concluding the Peace with *Henry II.* King of *France*, for which a Treaty had been set on Foot in the City of *Cambray*, the 14th of *February* 1559.; and on the Part of King *Philip* it was managed by the Duke *D'Alba*, the Prince of *Orange*, the Bishop of *Arras* (afterwards Cardinal *Cranville*) and the Count of *Melito*; and on the Part of the King of *France*, the Cardinal of *Lorraine*, the Constable, the Marshal, and the Bishop of *Orleans*: At last, on the 13th of *April* the same Year, it was concluded and confirm'd by two Marriages; the one of King *Philip* to *Isabella* King *Henry's* eldest Daughter, and the other of the Duke of *Savoy* to the said King's Sister<sup>5</sup>. A Peace which rejoyc'd all *Europe*, and the Cardinal *De Cueva* the Lieutenant, entertained the *Napolitans* with noble Feasts and Tournaments. But in *Paris* their Mirth ended in a lamentable Tragedy; for King *Henry* in Justing in a Tournament, received a mortal Wound whereof he died, and was succeeded by *Francis II.* In the mean time King *Philip* left *Flanders*, and took shipping for *Spain*, where he fix'd himself with his new Spouse, and resolv'd never to wander any more<sup>6</sup>, and shutting himself up, he govern'd the Monarchy from his Cabinet.

<sup>1</sup> Thuan. lib. 21. Hist.

<sup>2</sup> P. Soave Hist. Conc. pag 419.

<sup>3</sup> Thuan lib. 20. Hist.

<sup>4</sup> Idem.

<sup>5</sup> The Instrument of this Peace is set down

by *Fredrick Leonard* in his Collections, tom. 2.

pag 525.

<sup>6</sup> Thuan. lib. 27. Hist. In ea certum domicilium, quod sub Carolo Parente quodam modo vagum fuerat, in posterum fixurum.



### C H A P. III.

*Of the Government of D. Parafan de Rivera, Duke D'Alcala, and of the remarkable Events, and the Disputes which he had with the Ecclesiasticks during the twelve Years of his Viceroyalty; and in the first Place about the Acceptation of the Council of Trent.*



ING Philip being fixed in *Spain*, with a Resolution never to wander any more, and having celebrated the Marriage of his new *Q. Isabella* with sumptuous Feasts, soon after made the People of *Castile*, by a solemn Oath, acknowledge *Don Carlos* his Son as Prince of *Spain*, and his Successor to the Crown; and then made the People of *Naples*, and of the other Kingdoms of his Monarchy, take the same Oath successively: In the mean time the Cardinal *De Cueva* Lieutenant of *Naples*, on the 12th of *June* this Year 1559. went to *Rome* in order to be nearer at Hand to watch the Steps of *Paul IV.* but the Pope dying the 18th of *August*, he was obliged to remain there for the Election of a Successor, and he was very near being elected himself; but his being a *Spaniard*, and a great Stickler for that Crown, standing in the Way, *Giovan-Angelo di Medici* was chosen, who took the Name of *Pius IV.* In 1562. the Cardinal *De Cueva* died in *Rome*, where his Tomb is to be seen in the Church of *S. James* belonging to the *Spanish* Nation.

BUT King *Philip*, who always shewed himself a Man of great Judgment in the Choice of his Ministers, had long before designed *D. Parafan de Rivera*, Duke *D'Alcala* for the Government of *Naples*, who was then Viceroy in *Catalonia*, a Man of great Probity, Prudence, Courage and Piety'. He arrived in *Naples* the very same Day that the Cardinal set out for *Rome*, and was received with Demonstrations of Joy suitable to the great Opinion the *Neapolitans* had conceived of his Prudence and Justice. In the Beginning of his Government he had many Difficulties to struggle with, which required no less than his Courage to surmount. The Kingdom was reduced to that Extremity for want of Grain, that the People went pale and famished begging Bread through the Streets; the frequent Earthquakes, which were felt not only in the City of *Naples*, but in the Provinces, especially in *Principato* and *Basilicata*, struck Terror in the People, and destroyed the Cities and Country; the Plague, grievous Diseases, and in fine, all the Judgments of God were poured down upon the Kingdom: Nevertheless by his Wisdom and Piety he provided proper and seasonable Remedies.

HE had not only Fate to wrestle with, but the Frowardness of Man; for besides the *Turks*, who in his Government more frequently than ever, invaded the Kingdom on all Sides, and ventured to pillage the *Chiaja*\*, and carry off the very *Neapolitans* into Slavery, some *Mitcreants*, who being infected with *Calvin's* new Doctrine, disturbed the State: And in 1563. many Out-Laws, who, assembling in great Numbers, chose one *Marco Beradi*, of *Cosenza*, their Leader,

\* One of the Suburbs of *Naples*.

1 Thuan. lib. 20. Hist



made War upon him, and infested *Calabria*. This Adventure made so great a Noise in *Europe*, that *Thuanus* thought it worth his while to relate it in his elaborate History <sup>1</sup>. He says, that the Boldness of this Man was such, that having assumed the Title of King *Marco*, he usurped the Regal Ensigns, and Royal Authority over his own Men; and then having gathered together a competent Army, he pillaged the neighbouring Countries, and with the Booty maintained it. He likewise endeavoured to surprize *Cotrone*, but in vain. The Duke *D'Alcala* seeing that the ordinary Remedies were not sufficient against so great a Number, ordered *Fabrizio Pignatelli* Marquis of *Cerchiara*, President of that Province, to go and attack them with 600 Horse, and if need were, to employ the Regular Troops for destroying them; but that not being sufficient for doing it all at once, the Marquis was forced to make use of Stratagems for ruining them by Degrees, which had the desired Effect: In which Pope *Pius* likewise concurred, by ordering such of them as should come within the Ecclesiastical State for Shelter, to be taken and delivered up to the King's Ministers.

BUT in these ticklish and hard Times, he had Enemies to deal with, who, as they were very pernicious to the King's Authority, were as cautious and cunning. These were the Ecclesiasticks, and the Ministers of the Court of *Rome*, who, by most extravagant Pretensions endeavoured to make dangerous Incroachments upon the King's Temporal Authority, and found out a thousand Ways for injuring him in his Royal Prerogatives, upon the Occasions which in several Chapters we are now going to relate.

<sup>1</sup> Thuan. lib. 36.

## S E C T. I.

*Of the Disputes about receiving the Council of Trent in the Kingdom of Naples.*

AFTER that in the Pontificate of *Pius IV.* the most famous Council of *Trent*, which for so many Years, sometimes had been adjourned, sometimes set agoing, according to the different Ends of the Court of *Rome* and of the Princes, had been brought to Perfection, at last, at the pressing Instance of that Court, in *December 1563.* it broke up. The Princes, contrary to their Expectations, found that it came far short of answering the Ends for which they had been at so much Pains to get it called; for when they expected that the Ecclesiastical Discipline should have been reformed, the overgrown Power of the Court of *Rome* moderated, and the Authority of the Ecclesiasticks, which had exceeded the Bounds of the Spiritual Power, restricted, they saw, that the Deformation (according to the Designs of *Rome*, and the Method concerted for putting the Decrees of Reformation in Execution) would prove much greater, as the Event demonstrated; and it began to appear in the very Pontificate of *Pius IV.* who, according to *Thuanus* <sup>1</sup>, the very next Year 1564. when the Council was just ended, contrary to the Decrees of it, in order to enrich *Annibale Altemps*, and Cardinal *Marco Stittico*, dispensing with the Decrees, turned all his Thoughts upon heaping up Money, and it appeared more plainly under the Popes his Successors. It was found, that their Power, in Opposition to that of Princes, had taken too deep Root; for which Cause, all Princes having a watchful Eye over them, to prevent their doing them Prejudice, when the Question was to receive into their Dominions the Decrees of the Council, new Difficulties and Debates arose in the Catholick Kingdoms, not only about *Doctrine*, but likewise *Discipline*.

THE Decrees of Reformation were not in the least regarded by the Catholick Princes of *Germany*; on the contrary, the Emperor, the Duke of *Bavaria*, and the other Catholick Princes demanded, that the Laicks should receive the Communion in both Kinds, and that the Priests should be allowed to marry <sup>2</sup>.

THE publishing of the Council was forbid in *France*, and the King alledged for his Excuse to the Pope, that according to the State in which *France* was at that

<sup>1</sup> Thuan. lib. 36. p. 737.  
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<sup>2</sup> Idem, lib. 36.  
6 S

Time, the Publication of it was very dangerous<sup>1</sup>. At last the Doctrine of the Council was received, as being the antient Doctrine of the *Gallican Church*, but such of the Decrees concerning *Discipline*, as were repugnant to the Common Law, were by the Authority of the King and Clergy rejected, although the Court of *Rome* made pressing Instances to have them received and published<sup>2</sup>; and the Decrees were no sooner printed, than the Parliament of *Paris* made it their Business to examine those relating to *Discipline*, of which they took Notice of very many, especially those established in the two last Sessions in great Hurry, as most prejudicial, no less to the Good of the Publick, than to the King's Power and Sovereign Authority<sup>3</sup>. They observed, that the Council had established the Ecclesiastical Immunity according to the Decretals of Pope *Boniface VIII.* in order to ingage the Prelates of *France* to use all their Interest, as they did, to have the Council received; but the Parliament having always vigorously opposed it, it was to no purpose<sup>4</sup>. They observed, that the Ecclesiastical Power had been enlarged beyond its Bounds, to the lessening of the Temporal, by giving Power to the Bishops to proceed against Laicks in exacting pecuniary Mulcts, and seizing their Persons: That Emperors, Kings, and other Princes had been incroached upon, by subjecting them to Excommunication if they suffered Duels in their Dominions. They looked upon excommunicating Kings and Sovereign Princes as unfufferable, it being a constant Maxim in *France*, that neither the King, nor his Ministers, can be excommunicated for any Thing relating to the Execution of their Offices. That the depriving Princes of their Dominions, and confiscating the Fiefs and Estates of Noblemen and private Persons, was an Usurpation of the Temporal Authority, an Authority not given by Christ to his Church over Things of that Nature. That there was great Wrong done not only to Princes, but to private Persons in their Rights of Patronages. They by no means approved, that the Mendicants should be allowed to possess Immoveables; that the Parishioners, by Collections, First Fruits, or Tythes, should be obliged out of their own Goods to furnish the Bishops and Curates wherewithal to erect new Parishes. In short, all the new Discipline, excepting what was consonant to the Common Law, was not received, but openly rejected: So that the Publication of this Council, for which the Court of *Rome* was so earnest, was stiffly disputed in *France*; and although (it being still stayed off) at last, in the Year 1614. in the Reign of *Lewis XIII.* not only the Ecclesiastical State, but that of the Nobility requested it, yet being vigorously opposed by the third State and the Populace, their Sollicitations had no Effect<sup>5</sup>. In the said Year 1614. a great deal was written upon this Subject in *France*, among the rest one Piece with this Title, *Sylloge complurium articulo- rum Concilii Tridentini, qui Juri Regum Gallia, libertati Ecclesie Gallicanae, privilegiis, & immunitatibus Capitulorum, Monasteriorum & Collegiorum repugnant.*

IN *Spain* King *Philip II.* was much displeas'd to hear that the Council had ended in such a Hurry, and that in the two last Sessions many Things had been established derogatory to the Temporal Power of Princes<sup>6</sup>, but with the wonted *Spanish* Cunning, accommodating himself to the Times, in outward Appearance he seem'd to be pleas'd that the Council was at an End, and that he would immediately cause it to be published and received in *Spain*, and all the other Dominions of his Monarchy; and being told by his Ministers, that there were many Things in the Decrees of Reformation most prejudicial to his Authority, the Laws of his Kingdoms, and the general Good of his People, he resolv'd, with great Circumspection and Caution, to convene before himself the Bishops and Agents of the Clergy of *Spain*, in order to find out a Method how these ought to be put in Execution, and with what Modification: So that not only all that which was done this Year 1564. in *Spain*, with respect to the receiving and putting in Execution the Decrees of the Council of *Trent*, was by Order of, and Resolution taken in the King's Council, but the King sent his Presidents to be present in the Synods which the Bishops of *Spain* held in *Toledo*, *Salamanca*, *Saragosa*, and *Valencia* (for the Council of *Trent* being over, almost all the Metropolitans of *Europe* began to hold Councils, and valued themselves upon it, for the most part adapting their Regulations and Decrees to those of that Council) left in these Meetings his Royal Prerogatives, and Sovereign Power

<sup>1</sup> Thuan. loc. cit.

<sup>2</sup> P de Marca, lib. 2. De Concor. Sacerd. & Imp. cap. 17. num. 6.

<sup>3</sup> Probat. Libert. Gall. cap. 14.

<sup>4</sup> Richer. Apolog. pro Jo. Gerf. pag. 194.

<sup>5</sup> See the Continuator of Thuanus, tom. 4. lib. 7. pag. 462.

<sup>6</sup> P. Soave, pag. 838.

and Authority might be prejudiced, allowing only such Things to be proposed as suited with his own Interest.

IN *Flanders*, King *Philip* making use of the same Artifice, this Year 1564. wrote to *Margaret of Parma*, then Governess, to whom he only signified, that his Intention was, that the Council of *Trent* should be published and received in all his Dominions; but *Margaret* foreseeing, that by reason of the Tumults which were then begun to be stirred up in *Flanders*, the Publication and Receiving of it might occasion Disorders and Inconveniencies, consulted that Matter, not only with the Bishops, but with the King's Council and Magistrates, who, observing in the Decrees of *Reformation* many Things prejudicial both to the King's Prerogatives and his Subjects, and contrary to the antient Customs, Privileges, and Usages of these Provinces, so that by publishing them great Disturbance and popular Commotions were to be feared, advised her not to suffer them to be published without an express Restriction, and a Protestation to each of the Articles they had already taken Notice of, that the Publication of them should in no manner be derogatory to the said Customs, Privileges and Usages, but that they should remain safe and untouched. King *Philip* having been advised by the Governess of all that had past, ordered her to cause the Council to be published and received in the Provinces of *Flanders*, but at the same Time signified to her, that the Publication should be made with the Restrictions and Conditions mentioned by the Royal Council, which accordingly was done; for on the 12th of *July* 1565. she allowed the Bishops to publish it, with inserting this express Clause, that it was the King's Intention, that by the said Publication nothing should be altered, nor any Thing innovated concerning his *Regalia*, his own, or the Privileges of his Subjects, and especially concerning his Jurisdiction, Laick Patronages, Rights of Nomination, Administration of Hospitals, the Cognizance of Causes, Benefices, Titles, nor any Thing else contained in the Articles marked by his Council. The Governess likewise wrote Letters, dated the 24th of *July* the same Year, directed to the Supreme Councils and Magistrates, containing the same Clause<sup>1</sup>; whence the *Flemish* Writers<sup>2</sup>, having made a Catalogue (by observing the Order of the Sessions, and Chapters of the Council) of all those prejudicial Articles, such as that made by *Antony Anselm* in his *Tribonian. Belgic.*<sup>3</sup>, give us to understand, that the Council of *Trent*, with respect to the said Articles, had not been received in their Provinces.

THESE were the Artifices and Cautions made use of by King *Philip* and his wary *Spanish* Counsellors; they got the Pope seemingly to be satisfied, by soothing him up, and managing him with Dexterity, shewing at the same Time all Respect and Regard both to the Holy See and his Person, but they took Care to preserve the *Regalia* and their own Privileges untouched: On the contrary, the *French* openly rejected those Canons, and had immediately recourse to Fire and Sword for crushing those growing Mischiefs. Whence that famous Archbishop of *Paris*, *Peter de Marca*, took Occasion to say, that the *Spaniards* had cured these Wounds with Plaisters and Ointment, but the *French* with Fire and Sword; Medicines much more effectual and proper for intirely rooting out the Distemper, it having been found by Experience, not only in *Spain*, but in our Kingdom of *Naples*, that, according to these *Spanish* Maxims, by endeavouring to cure those continual Wounds and Blows which the Royal Jurisdiction received by such Plaisters and Ointments, tho' the Controversies lay dormant for a while, yet they were not quite extinguished: On the contrary, the Ecclesiasticks being always vigilant and cunning, revived them whenever they found a favourable Opportunity, when not only Fire and Sword, but even the Plaisters could not be applied; whereupon they seldom failed to break in upon the Temporal Authority of our Princes. Whence *John Bodin*<sup>4</sup> calls the Kings of *Spain*, most obsequious Servants of the Roman Pontiffs.

SO it happened exactly to us with respect to this Affair of the Council of *Trent*, for by having made use of these Methods, what was out of the Question in *France* and other Countries, became controverted Points with us.

KING *Philip* therefore, in order seemingly, as we have said, to shew his Subordination to the Pope, by giving a Sanction to the said Decrees of this Council in

<sup>1</sup> Van-Espen, Traët. de promulg. Ll. Eccl. par. 2. cap. 2. §. 2.

<sup>2</sup> Berthrand. Loth. in Resolut. Belgic. traët. 2. art. 9.

<sup>3</sup> Ant. Anf. Trib. Belg. cap. 32.

<sup>4</sup> Bodin. de Rep. lib. 1. cap. 6. Hispanos Reges excipio, servos Pontificum Romanorum obsequentissimos.

all his Dominions, as soon as they were published in a printed Volume, sent to *Naples* a general Order, dated the 27th of *July 1594.* and directed to the Duke *D'Alba* the Viceroy, in which he signified to him, that he having accepted the Decrees of the Council which the Pope had sent him, his Will was, that they should be published, observed, and put in Execution in the Kingdom of *Naples.* But at the same Time he sent the Viceroy a particular Letter of the same Date, signifying to him, that tho' by his Order he had commanded that the Decrees of the Council of *Trent* should be obeyed and put in Execution in the Kingdom of *Naples,* as in all his other Kingdoms and Dominions; nevertheless he did not thereby intend, that his Prerogatives and Royal Authority should in the least be diminished, or his *Jus Patronatus Regium,* the *Exequatur Regium* to Bulls that come from *Rome,* or any of his other Rights and Regalia should suffer any Prejudice: That therefore he ordered him to guard against all Novelties, and to send him an Account of every Thing in these Decrees that shall be found to be prejudicial to his Prerogatives and Royal Authority. He likewise enjoined him not to let the Court of *Rome* know any Thing of this Order, but to pretend the contrary, by saying, that he had received an Order commanding the said Decrees to be observed <sup>1</sup>.

THE Duke *D'Alcala,* in consequence of these Royal Orders, gave out publicly, that the King had ordered the Observance of the Council, but at the same Time gave it in Charge secretly to the President *Francesco Antonio Villano,* to set down in Writing all the Articles of the Council that were prejudicial to the Royal Jurisdiction, in order to be sent to the King. The President readily obeyed, and made a Report of them; but having afterwards discovered others, he made a second, in which he took notice of many Articles that were prejudicial to the Temporal Authority of his Majesty, and many others, which, relating to Laicks, in-croached upon his Royal Jurisdiction<sup>2</sup>: However, President *Villano* was not so very exact but some escaped his Observation, so as to leave Room for others to glean after him. We in this History, so far as is consistent with our Purpose, shall take Notice of the most important Articles, which are not to be suffered without vast Prejudice and Injury to the Supreme Authority of our Princes.

THAT which we read in many Decrees, whereby the Spiritual Authority is extended beyond its Bounds, in giving the Bishops Power to impose pecuniary Mulcts upon Laicks, and seize their Persons, is intolerable. In the fourth Session<sup>3</sup>, besides Excommunication, a pecuniary Mulct is laid upon the Printers of the Scriptures, or other such holy Books, who shall print them without the Licence of the Ordinaries, or without the Name of the Authors, according to the Tenor of the Canon of the last *Lateran* Council, held in the Pontificate of *Leo X.* In the 25th Session<sup>4</sup> Power is likewise given to the Bishops (that they might not proceed too hastily to Excommunication) to inflict the same Penalty and pecuniary Mulct, and to imprison the Guilty, whether Ecclesiasticks or Laicks, by their own or other Officers; that when they had a mind to imprison Laicks, and their own Officers not being able to put their Orders in Execution, they might have recourse to the Assistance of the Civil Magistrates. In the 24th Session<sup>5</sup> Power is also given to the Bishops to banish out of their Cities or Dioceses a Concubine, who, after the Expiration of a Year under Excommunication, does not leave off Concubinage, and in case of Necessity only, they may call for the Assistance of the Secular Power.

WHEN the Fathers of the Council heard these Penalties at first proposed, some of them were scandalized, and among the rest the Bishop of *Astorga,* and the Archbishop of *Palermo,* both *Spaniards,* opposed them strenuously, saying, that our Saviour had given no other Authority to his Ministers but what was purely Spiritual, and that therefore they could not impose pecuniary Mulcts upon the Laicks, the Penalty then ought to be merely Spiritual, such as Excommunication; but Cardinal *Pallavicino*<sup>6</sup> writes, that these Prelates were severely rebuked by the Bishop of *Bitonto,* an *Italian,* who told them, that the Majority of the Council was of a contrary Opinion, being persuaded (as the Cardinal's Words are) that the Church had all that Power which was necessary for the Government of all Christendom; and that it was found by Experience, that Temporal Punishments were more effectual than Spiritual

<sup>1</sup> Chioe. MS. Giurisd. tom. 17.

<sup>2</sup> Idem, ibid.

<sup>3</sup> Conc. Trid. Sess. 4. Decret. de edit. lib.

<sup>4</sup> Sess. 25. De Reform. cap. 3.

<sup>5</sup> Sess. 24. De Reform. Matr. cap. 8.

<sup>6</sup> Pallavic. Istor. del Conc. lib. 6. cap. 12.

for preventing outward Crimes, because Punishment is designed for a Curb to the Wicked, whereas the Unlawfulness of the Action, though unpunished, is sufficient to make good Men repent, but the Wicked are such, because they prefer the Good of the Body to that of the Soul. At that rate, the Ecclesiasticks being persuaded that the Church has all the Power requisite for the good Government of Christendom; in order to obtain that good Government, she may make use of all Means that can conduce to it; and because it is found, that to obtain that End Temporal Punishments are more effectual than Spiritual, she can lay aside the last, and take hold of the first: Whence, if she shall judge Banishment and Confiscation of Goods more effectual than Imprisonment and pecuniary Mulcts, she will have Power to put them in Execution, as often as they tend to the good Government of Christendom. And even if these shall not be thought sufficient, she may likewise condemn to Banishment, the Gallies, Mutilation of Members, Death, and the Gallows, because whenever they conduce to that good Government, every Thing may be done, and every Thing is lawful. Who ever heard of such monstrous and stupendous Things! This same Writer, as we have observed upon another Occasion, elsewhere adds another Reason why the Ecclesiasticks may impose these pecuniary Mulcts; for otherwise, says he, *it would be the same as to unbinge Discipline; because as Money is virtually every Thing, so a pecuniary Mulct, through human Weakness, is of greater Weight than all the other Punishments that a Court purely Ecclesiastical inflicts; which, like the Secular, not having Power to bridle Dissoluteness with Iron, 'tis fit they should do it with Silver.* All prudent Princes therefore, being sensible of these pernicious Maxims, did not suffer them to take Root in their Dominions; so that with us a Stop was put to them, nor did the Duke D'Alcala ever suffer these Decrees to obtain in the Kingdom, as his Successors did, of which hereafter.

THERE are likewise Articles in the other Decrees of this Council no less prejudicial. In the 5th Session<sup>1</sup>, with a great Flourish of Words, 'tis said, that the Teachers of Grammar, and Professors of Divinity, ought to be examined and approved of by the Bishops, comprehending likewise the publick Schools and Universities, the Professors whereof are sufficiently authorized, either by the Universities or the Prince, to teach whatsoever Faculty, either sacred or prophane, without the Examination or Approbation of any Bishop: Whence it came, that some of our Bishops, who in their Synods, for the most part convened and guided by the same Spirit with the Council of Trent, have had the Assurance to enact, That the Teachers of Grammar, and all other Professors of Sciences, under Pain of Excommunication, shall not presume, either in Private or Publick, to teach without their Licence or Approbation; so that it behoved the Tribunal of Jurisdiction to suppress that Abuse, which was done not without great Opposition and Wrangling.

IN the 21st and 24th Sessions<sup>2</sup> it is ordained, that if the Bishop thinks fit to erect new Parishes, and the Incomes and Fruits of the Mother Church not being sufficient, he may force the People, by laying on Tythes, Collections, and otherwise as he shall think fit, to furnish wherewithal to maintain the necessary Priests and Clergy. Moreover, if the Revenues of the Parish Churches shall not be sufficient for maintaining the Parish Priests and the other Clergy, when a Plurality of Benefices cannot be obtained, the Bishop may force the Parishioners by Collections, First-Fruits or Tythes, to supply what shall be wanting. These Decrees were neither received in France nor in our Kingdom, as being most prejudicial to the Power of Princes, and making it lawful for Bishops to lay Burdens and Collections upon the People at a Time when the Clergy had acquired so much, that there was little left to the Laity, and when the new and poor Parishes might have been well supported by the Rich, and when the Church abounded with such great Revenues, that they were not only sufficient for Things necessary, but for Pomp and Luxury.

IN the 22d Session<sup>3</sup> there are many exceptionable Things. In the 8th Article all Hospitals and Laick Societies are subjected to the Visitations of the Bishops; all the *Monte Pii*\*, and other pious Foundations erected and managed by Laicks, as being pious Works, excepting only those which are immediately under the Royal Protection: So that although these be mere Laick Societies, yet they were to give Account of their Administration to the Bishops;

\* Charitable Corporations for lending Money to the Poor on small Interest.

<sup>1</sup> Sess. 5. De Reformat. cap. 1.

<sup>2</sup> Sess. 21. cap. 4. De Reformat. Sess. 24.

De Reformat. cap. 13.

<sup>3</sup> Sess. 22. De Reform. cap. 8, 9, 10, 11.

any Custom, Privilege, or Statute to the contrary notwithstanding. And in the 9th and 10th Articles of the 24th Session<sup>2</sup>, all Secular Churches are subjected to the Visitation of the Bishops. In Article the 9th, all Laick Overseers appointed for the Building of whatsoever Church, Hospital, or Convent, are obliged to be accountable to the Ordinary. In Article the 10th, the Royal Notaries are obliged to be examined by the Bishops, and made liable to be suspended from the Exercise of their Offices, either for ever, or a certain Time, *etiam si Imperiali, aut Regia autoritate creati fuerint*. In Article the 11th, the Laicks, and those who have the Right of Patronage are injured, by being made liable to be deprived of their Rights if they shall make a wrong Use of the Revenues, Fruits, Rights, and Jurisdictions of their Churches.

IN the 23d Session<sup>3</sup>, Article the 6th, the Privilege of Immunity is granted to the Clergy of the first Tonsure, and to married Clerks at their Choice, and according to the Circumstances prescribed, as if it did not belong to Princes to exempt their Subjects from their Jurisdiction when they think fit; and in the 17th and 18th Articles, the Goods of the Secular Societies are ordered to be taken and employed in founding and erecting new Seminaries. Likewise in the 11th Article of the 24th Session<sup>4</sup>, the Privileges of the Royal Chaplains, and their Exemption from the Ordinaries are incroached upon; and in the last Session held in a Hurry, many remarkable Injuries were done, some of which we shall pass over.

IN the 3d Article of the 25th Session<sup>5</sup>, all Secular Magistrates whatsoever, are prohibited to stop the Ecclesiastical Judges from fulminating Excommunications, or to cause them to retract those already fulminated, contrary to the Custom, not only of our Kingdom, but of other Dominions, where, when the Censures are null or unjust, or emitted contrary to the Prescription of the Canons, the Ecclesiastical Judges are stopt from emitting them, or if emitted, are forced to revoke them. In the 8th Article, the Hospitals under the Direction of Laicks are incroached upon, by giving the Bishops Power to alter the Will of the Founders, apply the Revenues to other Uses, punish the Inspectors by depriving them of their Administration and Government, and to appoint others. In the 9th Article, the Patronages of Laicks are freely disposed of, by laying down a Rule concerning the Acquisitions, Prescriptions, and Suppressions. In the 19th Article, Emperors, Kings, Marquises, Counts, or any other Lords whatsoever, that shall suffer Duels in their Dominions, besides being excommunicated, are to be looked upon as deprived of their Dominions, and if they hold them in Fief, they are immediately to devolve to their Superiors; as for the Combatants, and their Seconds, besides Excommunications, the Penalty of confiscating all their Goods, and perpetual Infamy is imposed, and they are to be punished as Murderers. All Usurpations upon the Temporal Authority, that, as we have said, given by Christ to the Church, not extending to Things of this nature.

THESE and the like Articles, prejudicial to the Power of the Prince, and his Supreme Regalia, being found in the Decrees of Reformation; and two Reports of them being made by the President *Villano*, and delivered to the Viceroy, he sent them into *Spain* to King *Philip*, who, having caused them to be carefully examined, and being convinced of the Prejudices they contained, wrote a Letter dated the 3d of *July* 1566. wherein he told the Viceroy, that it was not the Intention of the Council in the least to do any Prejudice to his Majesty or his Royal Prerogatives (as he had been assured in *Spain* by some Prelates who were present in the Council) and charged him not to suffer any Novelty to be introduced in Prejudice of his Royal Authority.

THEREFORE, although the Duke *D'Alcala* suffered printed Copies of the Decrees of the Council to be dispersed over all the Kingdom, and did not openly oppose the Publication of them; yet being required to give the *Exequatur Regium*, both he and the Collateral Council refused to grant it: And that the Bishops of the Kingdom, who had accepted the Council, and together with the other Decrees were putting in Execution those we have mentioned, might not prejudice the King's Jurisdiction, the Viceroy gave Orders to the Presidents and other Officers of the

<sup>1</sup> Sess. 23. De Reformat. cap. 6, 17, & 18.

<sup>2</sup> Sess. 24. De Reformat. cap. 11.

<sup>3</sup> Sess. 23. De Reform. cap. 6, 17, & 18.

<sup>4</sup> Sess. 24. De Reform. cap. 11.

<sup>5</sup> Sess. 25. De Reform. cap. 3.

Kingdom, not to suffer any Innovation to be made, but to send him an Account of the Proceedings of the Bishops.

- AT last, the Bishop of *Tricarico*, under Cover of what is ordered in the 4th Article of Reformation of the 21st Session, and the 13th of Session the 24th above-mentioned, imposed some Tythes upon the Laicks of his Diocese, contrary both to Custom and Reason, and the Citizens of *Salandra* refusing to pay them, he excommunicated them, and interdicted their City; whereupon the Viceroy, on the 30th of *November* 1564. wrote a sharp Letter to the said Bishop, injoining him upon no Account whatsoever, to demand the Payment of any Thing from the said Citizens but what they had formerly used to pay; and if he had any Thing to object to the contrary, to apply himself to the Viceroy, who would do him Justice, it not being reasonable that he should act as he thought fit: And in the mean time the Viceroy ordered him to revoke the Excommunication, and take off the Interdiction, otherwise he might come to repent of what he had done.

SO likewise the Archbishop of *Capaccio*, pretending to exact some Tythes from the Laick Citizens of *Polla* besides the Ordinary, the Viceroy wrote him a very serious Letter, dated the 10th of *August* 1565. wherein he exhorted him, by no means to exact them, or cause them to be exacted, it not being reasonable that he should act in so arbitrary a manner; and if he had any Thing to object to the contrary, to apply to the Viceroy, who would do him Justice. The Count of *Miranda*, and the Viceroy's his Successors, followed this Example<sup>1</sup>.

- MOR EOVER the Bishops of the Kingdom pretending, not only as a *Casus mistus*, but by Virtue of the said 8th Article *De Reform. Matrim. Sess. 24.* to proceed against Concubinage with Temporal Punishment, Banishment and Imprisonment, the Viceroy opposed them vigorously; and the Bishop of *Gravina* having a Mind to imprison one that kept a Concubine, on the 20th of *June* 1567. the Viceroy wrote a Letter to Doctor *Troilo de Trojanis*, Commissary of *Gravina*, to take care to have him remitted immediately to his competent Laick Judge. And the Archbishop of *Cosenza*, who likewise pretended to imprison Laicks on account of Concubinage, and that the Secular Magistrate ought to assist him in it, was vigorously opposed by the Viceroy, who on the 13th of *November* 1568. first wrote to the Auditor *Stairvano*, and afterwards, on the 17th of *April* 1569. to the Count of *Sarno* Governor of *Calabria*, that if the Archbishop would not deliver up one imprisoned on that Account, to break open the Prison, and carry the Prisoner to the Prison of the Royal Audience, signifying to them that the Ordinaries could only proceed to Excommunication against such Persons. In like manner the Vicar of *Bojano* (the Boldness of the Ecclesiasticks still increasing) having had the Assurance to condemn a Laick to the Gallies for the Space of two Years on account of Concubinage, on the 10th of *July* 1569. the Viceroy wrote an angry Letter to the Governor of *Capitanata*, charging him immediately to take the said condemned Person, and put him in the Prison of the Audience.

BUT this prudent Minister perceiving, that the Abuses with respect to Concubinage daily increased in all the Provinces of the Kingdom, where the Bishops, without Controul, imprisoned and inflicted Temporal Punishments upon such as were guilty of this Crime; so that a strong Remedy was necessary to be applied to so stubborn an Evil, on the 15th of *July* the said Year, he wrote a Letter to the King in *Spain*, giving him an Account of the Excesses of the Prelates, and desiring to know what he should do for putting a Stop to them. The King answered him, that he ought to proceed with Vigour and Courage, as was done in *Spain*; that he should admonish the Bishops once, twice, or thrice, that they had no Power to proceed against Concubinage, but by Excommunication only; and if that did not serve them, he was to drive them out of the Kingdom, and take Possession of their Temporalities, by sequestrating the Revenues of their Churches. The Duke *D'Alcala* no sooner received this Order from the King, than he wrote a Royal Letter to all the Governors of the Provinces and Cities, to whom he intimated the King's Order, commanding them, that as oft as the Prelates of the Kingdom had a Mind to proceed to Ecclesiastical Censure against Laicks on account of their Sins, not to hinder them, but rather give them all Assistance; but whenever they offered to proceed against them with Temporal Punishment<sup>2</sup>, to oppose them. This Order was still kept up by his

<sup>1</sup> Chiocc. tom. 5. De Casib. Mistis, & Decimis. | <sup>2</sup> Idem, tom. 5. De Casib. mist de Concub.

MS. Giurisd.

Successors, so that whenever the Ecclesiasticks offered to exceed the Bounds of the Censures, they were constantly opposed.

THE same Remedy was always applied, whenever the Bishops, by Virtue of the abovementioned Articles of the Council, pretended to visit and examine the Accounts of Laick Societies, and other pious Places governed by Laicks. The Duke *D'Alcala* never suffered the Ordinaries to visit these Places during his Government; so that amongst the other Grievances which the Pope ordered Cardinal *Giustiniano*, his Holiness's Legate at King *Philip's* Court, to complain of, this was one, that the Viceroy hindered the Prelates from visiting the Churches governed by Laicks, and taking an Account of their Administration.

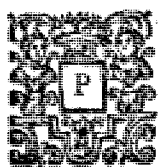
THE Duke *D'Alcala* not only prevented the Council from taking Effect in the Kingdom, with respect to these, but to all the other Articles abovementioned. The Bishops were amazed how, notwithstanding the Council had been published through all the Kingdom, and that many Copies of it had been printed and dispersed every where, a Stop came to be put to the Execution of its Decrees; therefore they began to complain loudly, and to solicit Pope *Pius V.* who was wholly intent upon having the Decrees of the Council punctually observed, to apply a Remedy; whereupon, in Consideration of this and other Rubs which the Bishops met with upon other Accounts, that shall be taken notice of hereafter, the Pope sent two Legates to the King, to wit, *Giustiniano* and *Alessandrino*, of which Legation we shall discourse by-and-by.

<sup>1</sup> Chiocc. tom. 5. De Extauritis.



## CHAP. IV.

### *Of the Disputes about accepting the Bull of Pius V. In Cœna Domini.*

 POPE *Pius IV.* lived but a short time after the Conclusion of the Council of *Trent*, dying on the 9th of *December 1565*. On the 7th of *January 1566*. Cardinal *Michele Ghislieri*, surnamed *Alessandrino*, because in 1504. he was born in the Village of *Bosco* near *Alessandrina*<sup>1</sup>, was elected in his Place. He was a Monk of the Order of *S. Dominick*, and, by the good Offices of Cardinal *Caraffa*, was made Commissary of the Inquisition, and because he exercised that Office with great Severity and Boldness, when *Caraffa* came to be Pope, in 1517. he made him a Cardinal. *Ghislieri* being raised to the Papacy, took the Name of *Pius V.* and having imbibed the Maxims of *Paul IV.* he was a terrible Enemy to the Sectarians; and in the Beginning of his Pontificate, he caused *Giulio Zoanneto*, and *Pietro Cornesecco* to be burnt, only because it had been discovered that they kept a Correspondence with the Sectarians in *Germany*, and in *Italy* with *Vittoria Colonna* and *Giulia Gonzaga*, who were suspected of Heresy. The most learned *Anio Paleario* had the same unhappy Fate, who, when he heard his Sentence, said, *Inquisitionem esse sicam districtam in Literatos*<sup>2</sup>. *Pius* had conceived too high an Opinion of the Papal Dignity, and, on the contrary, too low of the Imperial; and, like *Paul IV.* he was persuaded, that he could exert the Authority of the Holy See over Princes, more than was

<sup>1</sup> Thuan. lib. 39. Hist.

<sup>2</sup> Idem, loc. cit.



• consistent with Spiritual Power. He looked upon himself to be superior to them in every Thing, and made it a Matter of Conscience to keep up that Authority ; therefore whatever he did was out of pure Zeal for Religion and Discipline : So that by this Severity of Manners, and his having furnished such great Sums for carrying on the War against the *Turks*, he acquired the Reputation of Sanctity, and in our Time we have seen him canonized by Pope *Clement XI.*

NOT content with having used his utmost Endeavours to have the Decrees of the Council observed, in order more firmly to establish the Papal Monarchy, a Work begun by the Decretals of *Innocent III.* and *IV. Gregory IX. Boniface VIII.* and of the other Popes his Predecessors, in the Beginning of the second Year of his Pontificate he issued out that so famous and remarkable Bull, *In Cæna Domini*, which every Year on *Holy Thursday* is published in *Rome* ; whence that Day takes its Name. He published it in the Year 1567. The Year following he published another, wherein he added many Things, and made it much more terrible <sup>1</sup>. He commanded that all the Christian World should obey it, without any other Publication but that made in *Rome* ; that every Year on *Holy Thursday* it should be read from the Pulpit in all Parishes to the People ; that Copies of it should be affixed on the Doors of all Churches and Confessionaries ; and that it should be the Rule of Discipline and Conscience, not only to the Bishops, but to the Penitentiaries and Confessors. It contains many Articles, for that which is handed about, and is seen upon the Confessionaries, is curtailed and very much abridged. Some Writers have given us a full Account of it in their Works, among the rest *Francisco Toledo* <sup>2</sup> ; and *Lionardo Duardo* gives a Copy of it with large Commentaries, which in 1619. he caused to be printed in *Milan*, in the Metropolitan Church of which City he had been a long time Penitentiary <sup>3</sup>.

THIS Bull, besides an infinite Number of Extravagancies, intirely overthrows the Power of Princes, deprives them of the Sovereignty of their Dominions, and subjects their Government to the Censure and Correction of *Rome*. Besides those from the 19th Article to the 29th, we read in *Toledo's Summa de Instruct. Sacerdotum*, eighteen Articles all tending to that End.

IN the 19th Article, all Favourers of Hereticks are excommunicated, thereby putting it in the Pope's Power to excommunicate Christian Princes, who, either for the Defence of their Dominions, or other Reasons of State, should make Leagues with Hereticks or Infidels ; giving the People to understand, that the Prince that does so, has not a sound Faith, and may be dethroned, as *Henry III. of France*, a Catholic Prince, was served, only because he took the People of *Geneva* under his Protection, which gave the Jesuits a Handle to teach, that the People might rebel against him <sup>4</sup>.

IN the 20th Article, all those are excommunicated who appeal from the Decrees, Sentences, and other Orders of the Pope to a general Council. All Universities, Colleges, and Chapters, that hold or teach that the Pope is subject to a general Council, are excommunicated and interdicted ; so that, not only all the Articles established in this Bull, but all the Constitutions, Decrees and Sentences of the Court of *Rome* are to be obeyed and received under Pain of Excommunication and Interdiction.

IN the 21st Article, all Princes are excommunicated, who in their Dominions lay on new Tolls, Taxes and Customs, or augment the Old, excepting in Cases where they are allowed by Law, or by a special Licence obtained from the Apostolical See ; therefore, agreeable to this Article, *Martin Becan* <sup>5</sup> taught, *That a Prince becomes a Tyrant, if he loads his Subjects with unjust Taxes, sells the Offices of Judges, makes Laws for his own Conveniency, &c.* Thus by Virtue of this Excommunication, it shall be in the Pope's Power, whenever he thinks fit, to declare a Prince a Tyrant, and stir up his Subjects against him, in order to dethrone him, if he shall offer to lay on Taxes without having first obtained his Licence. And thus Christian Princes must lay the Secrets of their States and their Necessities before the Pope, in order to obtain Liberty to impose new Taxes, or augment the old. *Boniface VIII.*

<sup>1</sup> We find both these Bulls in tom. 4. of Chioccarello's MS. Giurisd.

<sup>2</sup> Fran. Toleti Summa de Instruct. Sacerdotum, lib. 1.

<sup>3</sup> Lione Allacci. In Sannio, lib. 5. cap. 23.

Toppi in Bibl. Neap. lit. Lion. Duardo.

<sup>4</sup> Richer. Apolog. Jo. Gerson, pag. 194.

<sup>5</sup> Martin. Becan. Opusc. quo respondet ad Aphorismos falsò Jesuitis impositos, resp. ad 9 Aphorismum.

made use of this Pretence against King *Philip the Fair of France*, reproaching him with having oppressed his Subjects with unjust Taxes, and diminished the Value of the Money in his Kingdom. And if the provident Care of the Duke *D'Alcala* had not intervened, it might have had bad Effects in our Kingdom, for the People had already begun to murmur on account of the Imposition of Taxes, which they looked upon as unjust, because they were laid on without a Licence from the Pope, and therefore they thought they were not bound to pay them, as we shall see by-and-by. And in 1582. in the Government of the Duke *D'Offuna* the pernicious Effects of this Doctrine too manifestly appeared; for it having been resolved by all the *Seggi* of the City of *Naples*, excepting those of *Capuana* and *Popolo*, to lay on a new Duty of a Ducat upon each Hoghead of Wine that should be drunk, the People in a tumultuous Manner declared that they would not pay it, in which they were encouraged by many Spiritual Fathers, who openly declared, all those that had had a Hand in laying on that Duty, were guilty of a mortal Sin; and among the rest, there was a *Spanish* Capuchin, named *Fra' Lupo*, who, with great Fervency, declaiming in all the Corners of the City, and preaching and protesting to all, that the Judgments of God would light upon them if that Duty should be paid; the Viceroy was forced to turn him immediately out of the City. But notwithstanding the People could never be brought to consent to it, and the Duty was laid aside; and the Year following all Means possible were used, in order to dispose them to give a new Donative of 1,200,000 Ducats: Whence proceeded among us that pernicious Doctrine of the *Casuits*, with which they direct the Consciences of Men, and insinuate to them from their Confessionaries, that it is lawful for the People to cheat the Custom-House of the Duties, because they are imposed without the Papal Licence.

IN the 27th, 28th, and 29th Articles, the Ecclesiastical Immunity is established absolutely, and independently from any Prerogative of the Prince whatsoever; and consequently, all Presidents, Counsellors, Parliaments, Chancellors, in fine, all Magistrates and Judges appointed by Emperors, Kings, and Princes are excommunicated, who, in any manner, shall hinder the Ecclesiasticks to exercise their Ecclesiastical Jurisdiction *contra quoscunque*. By this Article all the Political Authority of the Prince is overthrown and transferred to the Episcopal Court; for the Ecclesiasticks are not only declared exempted from the Political Jurisdiction both in Civil and Criminal Causes, but whenever they have a Mind they can draw the Laicks to their Courts, nor can the Magistrates oppose them, because if they hinder the Exercise of the Ecclesiastical Jurisdiction, *contra quoscunque*, they incur Excommunication.

IN this Bull all those are excommunicated who shall hinder the Exportation of Provisions and other Necessaries out of their Dominions, in order to be carried to *Rome* and the Ecclesiastical Dominions, for the Subsistence and Necessities of that City and State.

IN the 13th Article, all those are likewise excommunicated who shall hinder the Execution of the Apostolical Letters, under pretence that they must first have their Assent, Good Will and Approbation; whence the Ecclesiastical Doctors were very ready to insert in their Works, as, to pass over others, *Reginaldus* did<sup>2</sup>, that Magistrates incur the Censures contained in the 13th Article of this Bull, when, without their Assent and Examination, they hinder the Execution of the said Letters, even though they should confine themselves to examine them only, without putting a Mark or Note to them, but returning them as intire and untouched as they were presented to them. And by this in our Kingdom the *Exequatur Regium* fell to the Ground, and very many important Prejudices followed, insomuch, that to receive the Bull was to ruin the Kingdom.

ALL the Catholick Princes on the other Side of the *Alps* by no means would receive it in their Dominions, nor at any Rate suffer it to be published; and *Thuanus* writes<sup>3</sup>, that the Princes of *Italy* themselves looked upon it as a too heavy and insupportable Yoke, and especially our King *Philip* and the Republick of *Venice*.

Tom. Costo par. 3. del Compendio al  
Collen. lib. 3.

<sup>2</sup> Reginald. Prax. for. pœnit. lib. 8 cap. 21.  
num. 325.

<sup>3</sup> Thuan. lib. 44. pag. 852.

IN *France*, the Publication of the Bull was forbidden by many *Arrêts* of Parliament, under most severe Penalties, as, in many Articles, repugnant to the King's Rights, those of his Officers, and the Liberty of the *Gallican Church* <sup>1</sup>.

IN *Germany*, the Emperor *Rodolphus II.* vigorously opposed the Publication of it. Yea, the Archbishop of *Mentz* himself, one of the Electors of the Empire, forbade the Publication of it in his Territories and Dioceses <sup>2</sup>.

IN *Spain*, King *Philip II.* likewise opposed the Publication of it. And *Zypeus* <sup>3</sup> and *Van-Espen* <sup>4</sup> testify, that it was never received in *Flanders*; and though *Bentivoglio* the Nuncio did his utmost Endeavours to get it received and published, by sending Copies of it to the Bishops, yet it was not published there, nor would the Bishops obey him in that.

WHEN this Bull was published in *Rome*, the Duke *D'Alcala* our Viceroy, with the Advice of those two famous Regents of the Collateral Council *Villano* and *Revertera*, having been informed of the great Prejudices it contained, and that all the other Catholick Princes had quite rejected it, and were using their utmost Diligence and Rigour to prevent its being published, punishing those that dispersed it, by practising the same Rigour in our Kingdom, prevented its being received.

THE Bishops had immediately recourse to *Rome*, by complaining to the Pope of the Viceroy's doing all he could to have the Bull rejected; the Pope perceiving that it would be in vain to endeavour to have the Viceroy removed, making use of the wonted Arts of *Rome*, with the Favour of Princes not well informed, to compass his End, ordered the Bishop of *Ascoli*, his Nuncio in *Spain*, to make pressing Instances with King *Philip* to induce him to write to the Duke to cause the Bull to be received in the Kingdom; and the Nuncio managed the Matter so dexterously, complaining that the Ecclesiastical Jurisdiction was thwarted in *Naples*, that the same Year 1567. he persuaded the King, not well informed, to write a Letter to the Duke, in which he ordered in general, that a particular Regard should be had to the Ecclesiastical Jurisdiction, and that it ought not to be thwarted; but with his wonted Prudence added, that he might favour it in so far as it should not be prejudicial to his Royal Prerogatives; and therefore, that he might be able to satisfy the Pope upon good Grounds, he wanted to have particular Information of all that had been taken notice of in the Kingdom, therefore he charged him, that after he had consulted with Men of Learning, Skill, and undoubted Probity, to send him an Account of all, together with his own Opinion.

THE Viceroy returned an Answer to this Letter, with two particular Consultations, one of them dated the 31st of *July*, and the other the 22d of *December* the same Year, wherein he related all the Articles of the Bull, which chiefly struck at the Royal Jurisdiction, and told him, that this Affair being of the greatest Importance, it behoved him to be very circumspect, and that he was resolved to send to his Holiness in *Rome*, one of his Majesty's Council, a Man of Learning, and well skilled in the Pragmaticks, Statutes, Customs and Usages of the Kingdom, who, together with his Majesty's Ambassador in *Rome*, might treat with the Pope about an Affair of so great Consequence, in order to prevent so many Prejudices.

BUT while they were about examining the Duke's Report of the Articles in *Spain*, in order to come to a Resolution about what was fit to be done, the Archbishop of *Naples*, and the Bishops of the Kingdom, encouraged by the Pope, laid hold of the Opportunity, published the Bull, and dispersed it over all their Dioceses, whence, particularly with respect to the Collection of the Taxes, and the *Exequatur Regium*, great Inconveniencies followed. King *Philip's* Ambassador residing in *Rome*, complained to the Pope, *That the Bull In Cœna Domini, had been published in his Master's Dominions, and particularly in the Kingdom of Naples, without the Exequatur Regium*; but Pope *Pius* answered, according to *Catena* <sup>5</sup>, "That tho' the very antient Bull *In Cœna Domini*, was only published by the Popes in *Rome*, yet, like all other General Constitutions, it had Force over all the World; and that in all Times past, such Princes and People as have been found to contravene any of the Prohibitions contained in that Bull, have asked Absolution

<sup>1</sup> Probationes libert. Eccl. Gallic. per Pytheos, cap. 7. num. 50, & 55. & Comment. in eisdem libert. art. 17.

<sup>2</sup> Addit. ad num. 57. d. cap. 7.

<sup>3</sup> Zypeus in Jure novo tit. de Ordinandis, n. 14.

<sup>4</sup> Van-Espen Tract. de promulg. LL. Eccles. par. 1. cap. 3. §. 4.

<sup>5</sup> Girolamo Catena, vita di Pio V. fol. 98. & 101.

“ from the Popes: That it had been always mentioned in all Jubilees and Indulgences, and in the Bulls of Crusade, sometimes granted at the Desire of the Kings of *Spain*. Therefore he had ordered the Archbishops and Bishops to publish it; so much the rather, because he had heard, that in several Provinces it had not been done, to the End that the People might not be involved into Excommunications, under pretence of Ignorance, &c. that it became the true Pastor to teach the Confessors their Duty, that they may be able to distinguish one Sin from another, and especially to know what Sins are reserved to the Pope.”

THE Viceroy being informed by the Ambassador, of the Pope's Obstinacy, and with his own Eyes seeing the Disorders which on that Account happened both in the City and Kingdom, on the 15th of *May* 1568. sent the King a third Consultation, in which he gave him an Account of the daily Inconveniencies occasioned by this Bull, of the Innovations and Doubts in collecting the Taxes, by some Bulls being published and executed in the Kingdom without the *Exequatur Regium*; and that both the Apostolical Nuncio and the Bishop of *Strongoli*, newly elected, and sent by his Holiness to be Visitor in the Kingdom, had in general sent to all the Confessors in the City of *Naples*, and in particular his own, and those of the Auditors, confirming to them the Bull *In Cæna Domini*, and ordering them not to absolve those who in any manner contravened the said Bull. And moreover, that the City of *Naples*, in order to prevent the raising the Price of Bread higher than it is at present, having fallen upon an Expedient to give the Corn to the Bakers at a lower Price than it cost the City; in Consideration of which the Bakers were to pay a

\* About Six-pence.

*Carlino* \* for each Bushel they should bake, whereby the City would have gained more than 60,000 Ducats yearly; and a Proclamation having been issued for the Payment of the said *Carlino* per Bushel, 108,000 Ducats had been offered for two Years, and some were resolved to offer 120,000, which would have made up the City's Loss in the Price of the Corn: And a Day being appointed for entering into a Contract with whoever should offer most, the *Seggio* of *Nido* retracted on account of the Bull *In Cæna Domini*, whereby all those are excommunicated who impose Taxes or Customs in their Dominions, saying, that they were likewise liable to the Excommunications contained in the said Bull; and those who were about to enter into the said Contract, were also under the same Apprehension, although the Churches, Clergy, and Ecclesiastical Persons were exempted from this Tax, because they had begged to be excused till they had consulted with learned Divines upon this Point.

THE Viceroy sent the King another Consultation of the same Date, wherein he acquainted him, that the Injuries done, and which were still a doing by the Bishops of the Kingdom on account of the said Bull (if he by main Strength did not prevent them) would become irremediable; and what was of the greatest Importance to his Majesty's Service, was to preserve in Force the *Exequatur Regium* given to Provisions, Briefs, and Apostolical Letters, since by the said Bull that most ancient Custom is quite abolished; and some Prelates have already published and executed some Briefs and Apostolical Letters without the *Exequatur*, and that he had been forced to wink at it till he should have his Majesty's Answer and Resolution, that he might not incur the Censure contained in the said Bull. He likewise told the King, that the Pope had sent the Bull to the Archbishop of *Naples*, with a particular Brief, ordering him to cause it to be published, under the Pain of Holy Obedience; besides, by his Holiness's Order, Cardinal *Alessandrino* his Nephew, had likewise written to the Archbishop, commanding him immediately to cause it to be published, and accordingly it has been published by the said Archbishop and the Nuncio in all the Churches of *Naples*, both without his (the Viceroy's) Consent, and the *Exequatur*. Moreover, that in the new and last Bull *In Cæna Domini*, published this Year 1568. there are many other Articles added most prejudicial to the Royal Jurisdiction; therefore he begged his Majesty to apply a speedy Remedy to an Affair of such Consequence, and so destructive, because both he and the Regents were in Danger of being excommunicated for having refused the *Exequatur* to some of his Holiness's Briefs.

BY these Insinuations of the Duke, King *Philip* judging the Affair to be of the greatest Consequence, and having caused the Bull to be examined in *Spain* by his Council, and the most famous Divines of the Universities, at last, on the 22d of *July* the same Year 1568. he wrote to the Viceroy a very long, serious and pathetick Letter, by which he encouraged him stedfastly to oppose the Bull, and all that should be attempted

attempted against his Royal Prerogatives. In the first Place he gave him to understand, that he was very much grieved to hear that Matters had been carried so far as he represented, and that he must needs tell him that he was heartily sorry for having dissembled so much, and suffered Things of such pernicious Consequence to pass so easily; that he (the Duke) had a very just and lawful Excuse to make to the Pope, for not suffering or giving way to such Innovations as were pretended to be introduced in his Time, by telling him, that as he was Lieutenant of the Kingdom, and being intrusted to govern it with those Privileges and Prerogatives it had for so many Years enjoyed, he could not but preserve them in the same State he had found them; that therefore his Holiness ought not to take it in ill part, nor think it Disobedience in him, that he first consulted his Majesty, and performed his Duty and Office; that he ought to tell the Nuncio, that while he governed the Kingdom he would not suffer any Thing to be done in prejudice of its Prerogatives and Privileges, but would leave them as he had found them; and that if his Holiness pretended to introduce any Thing into it, he might apply to the King his Master, whose Business it was to command, as it was his to obey.

WHEREFORE he expressly commanded that the Duke, by the best Means he could devise, should restore the Kingdom to the same State in which he had found it, without suffering his Jurisdiction and Royal Prerogatives to be prejudiced in the least Part, and as he confided intirely in him, he would admit of no Excuse.

THAT he should give the Nuncio *Odescalchi* to understand, that while he had the Charge of the Kingdom, he would not suffer Innovations in it so prejudicial to his Majesty.

THAT he should severely and exemplarily punish those who shall dare to make use of any Brief, Bull, or Apostolical Concessions, without having first obtained the *Exequatur Regum*, which for so long a Time, and for so necessary and just Reasons, has been practised in the Kingdom. And that (approving of his Resolution to send a well qualified Person to *Rome*) he should expostulate with the Pope about those Injuries and Prejudices occasioned by these Novelties: In the mean time, he ordered him to send him immediately Advice of his having punctually put his Orders in Execution; likewise adding (to shew his Earnestness) that having given him Liberty, on account of his bad State of Health, to come to *Spain*, if, peradventure, he may have left the Kingdom, he ordered him, upon Receipt of this Letter, immediately to return and settle the Kingdom, and reinstate it in its antient Privileges, so as to leave it in the same Condition, and with the same Jurisdiction and Prerogatives it had when he entered upon the Government.

HE likewise answered what the Duke had written concerning the Scruple which those of the City had with respect to the Tax, that he should be at Pains to undeceive them of their Mistake; for he having consulted his ablest Divines about that Matter, it was found to be an Error and a Trick, therefore he ordered him immediately to lay on the said Tax, that the Court of *Rome* might be undeceived, and find, that such indirect Means would be of no use to them in Things of that Nature.

THE King likewise, on the 31st of *July* the same Year, wrote very pressingly to the Great Commendatory, to whom he committed the Management of this Affair with the Pope, and sent his Instructions, and all the Writs and Consultations relating to it, charging him to manage it with such Vigour and Efficacy as the Nature of so serious and important a Matter required. Besides, the King with his own Hand added at the Bottom of this Letter, that he had this Affair so much at Heart, that he would not have intrusted any other with it but him, being assured of his Ability and Fidelity in managing it. And *Thuanus* writes, that King *Philip* was so highly offended that the Bishops and Parish Priests had had the Assurance to publish this Bull in his Dominions of *Spain* and *Italy*, that he forbid it under a Penalty suitable to their Boldness, saying, as *Thuanus* has it, *Nolle se committere, ut ignava sua patientia Majestatem Imperii a majoribus acceptam, atque adeo aerarium imminuisse videatur; videre se, nec invidere, quod Regi Francorum, qui Regnum Sectaria peste infectum habeat, nova quotidie subsidia à sacro ordine emungere concedatur, id vero ferre non posse, sibi qui Regna ab eadem peste incontaminata servet, interdicti, quominus jura ab omni ævo ad hunc diem ab eodem sacro ordine*

<sup>1</sup> Thuan. lib. 44. pag. 893.

*in suis ditionibus pendit solita, exigere liceat.* The Venetians made the same Complaints, and by no means would suffer these Novelties in their Republick.

ALTHO' the Duke *D'Alcala* had got Liberty from the King to return to *Spain*; yet he had not left *Naples* when the King's Letter arrived, which obliged him to stay; and being now assured of the King's resolute Intentions, he began more boldly and vigorously to oppose the Bishops, and, in his own Vindication, was wholly intent upon repairing the past, and preventing new Injuries; he caused the Regents of the Collateral Council to make a Report, that the publishing of the Bull by the Archbishop of *Naples*, and the other Bishops in their Dioceses, had not prejudiced the King's Royal Jurisdiction and Prerogatives; that Matters were in their former State, and ready to be amended as Occasion offered: And in fine, notwithstanding that the Great Commendatory was negotiating this Affair in *Rome*, as the Bishops, whenever they had an Opportunity, never failed to attempt Innovations, so the Viceroy was as ready to oppose and prevent them.

THE Bishop of *Venafro* had taken upon him to forbid the paying of Taxes in his Diocese, but the Viceroy immediately wrote to the Commissary *Barbato*, ordering him to cause them to be collected notwithstanding the said Prohibition; and having heard that the Syndicks and Magistrates of *S. Germano* had sent to *Rome* to obtain a Bull, and the Assent of the Apostolical See, in order to enable them to go on in collecting the Taxes they had imposed upon the said City by Virtue of the King's Licence and Decree; and that when they began to collect the said Taxes they had been publicly prohibited in the Church by the Vicar, intimating, that these Taxes were declared unlawful by the Bull *In Cæna Domini*, and not to be collected under the Pain of Excommunication: He commanded the said Commissary *Barbato* to take Information against the Syndicks and Magistrates, and likewise against those who had advised them to send to *Rome*, and finding them guilty, to bring them to *Naples*, together with the Information, and in the mean time to continue the Collection.

THE Archbishop of *Chieti*, and the Bishops of *Bitonto*, *Lavello* and *Venosa*, had likewise the Boldness, by Virtue of the said Bull, to prohibit the Taxes; but the Viceroy, besides having severely reprimanded the said Prelates for intermeddling in that Affair, and ordering the Collection to be continued; on the 3d of *October* 1568. gave the King a particular Account of the Outrages committed upon the Laws.

THE Bishop of *Melfi* had also proceeded against the Laicks, by prohibiting the Collection of the Taxes of that City; whereupon the Viceroy vigorously opposed him, and on the 11th of *December* the same Year wrote to the King, begging of him that he would be pleased to order proper Remedies against the Usurpation of his Royal Jurisdiction by the said Prelates.

THE Bishop of *Cava* had likewise put a Stop to the Collection of the Taxes of that City, and published Excommunication against those who collected them. But on the 6th of *February* 1569. the Viceroy sent the Bishop a severe Reprimand, ordering him to revoke the Excommunication, and not to hinder the Collection; he likewise sent a Royal Letter to the *Capitano* and City of *Cava*, ordering them to go on in the Collection of the Taxes imposed by Royal Decree, excepting from the Churches and Ecclesiastical Persons, notwithstanding any Prohibition whatsoever, made, or to be made by the Bishops; and he likewise gave the King an Account of what had passed.

THE Viceroy, as we have said, having sent a particular Account to the King of all the Incroachments of the Bishops, and of what he himself had done in Opposition to them, in order to obtain his Majesty's Commands how he should act in so weighty an Affair; the same Year 1569. the King answered him by another Royal Letter, by which he not only approved of his Vigilance, but charged him vigorously to oppose the Outrages of the Bishops, and not to suffer them to incroach a Hair's breadth upon his Royal Jurisdictions and Prerogatives: Wherefore the Duke, assured anew of the King's Pleasure, wrote a severe Mandate to all the Bishops and Archbishops of the Kingdom, intimating to them, that they were not to publish, or cause to be published, the Bull *In Cæna Domini*, nor any other Bull without the *Royal Exequatur*, otherwise he would proceed against them as Incroachers upon the Royal Jurisdiction. At the same time he likewise wrote to all the Governors of Provinces, ordering them to send Messengers on purpose to deliver the said Mandate

to all the Prelates, and in their Absence to their Vicars, and to be careful in preventing the Publication of the Bull *In Cæna Domini*; and for that End to order all the *Capitani*, both of the King's Patrimonial and Baronage Cities, that whenever they understand it is to be published, immediately to snatch it out of the Hands of the Prelate, or of any other Person designing to publish it, or in case they should affix it upon the Doors of the Cathedrals, or upon any other Place, to pull it off, and directly to send it by an Express to the Viceroy; besides, immediately to sequestrate both the Patrimonial and Temporal Estates of such Bishop as shall presume to publish the said Bull.

- THESE Orders had their designed Effect, for some Prelates, who, notwithstanding the Mandate, presumed to publish the Bull, had their Estates confiscated. The Archbishop of *S. Severino* having caused it to be published in that City, the Viceroy wrote to the Count of *Sarno* Governor of *Calabria*, to sequestrate both his Patrimonial and Temporal Estate. The Viceroy having likewise heard, that the Vicar of the City of *Cedogna* had published it, wrote to the Governor of the *Further Principato* to send an Auditor to take Information, and if it should be found that he had published it, to sequestrate his Estate, and if the Bull was affixed upon the Doors of the Church, or elsewhere, to pull it down. The like Orders were sent to the said Governor against the Arch-Priest of *Eboli*; to the *Capitano* of the Town of *Caveli*, against the Bishop of *Bojano* and his Vicar; to the Governor of the *Hither Principato* against the Arch-Priest of *Casale dell' Acqua*; to the Governor of *Capitanata* against the said Bishop of *Bojano*, and to many others; and some of these having come to *Naples* and waited upon the Viceroy, and making it appear that they had not published the Bull after they had received his Mandate, their Estates were restored to them. Of all which, and of the general Mandate sent to the Bishops and Archbishops, and of the Orders sent to the Governors of Provinces, and of the Sequestrations, the Viceroy sent a distinct Account to the King in *Spain*.

IN order to put a Stop to the Dispersing of this Bull, there was one Thing yet wanting to be done, which was, to order the Printers and Bookfellers not to print or sell it, therefore the Viceroy having been informed that some Bookfellers in *Naples* sold Copies of it; and although the Printers had been prohibited to print any Thing without Licence, yet some of them had printed it, ordered their Houses and Shops to be searched, all the Copies seized, and themselves put in Prison, which was accordingly done. And the Count of *Sarno*, Governor of the Province of *Calabria*, having acquainted him, that the Bookfellers of *Cosenza* had many Copies of this Bull, and sold them, he ordered the said Count to search their Houses and Shops, seize all the Copies, and imprison the Bookfellers; with which he likewise acquainted the King, by a Letter dated the 7th of *May* the same Year 1569.

BUT the more careful the Viceroy was in putting a Stop to the Publication of this Bull, that the Ecclesiasticks might not make use of it in the Kingdom, so much the more pressing was the Court of *Rome* with the Prelates to oppose him, and to leave no Stone unturned in order to have it take Effect. The Pope exclaimed against these Expedients taken by the Viceroy, calling them Violences; and if we may give Credit to Cardinal *Albitius*<sup>1</sup>, he threatened to excommunicate both him and the Collateral Council, and to put the City of *Naples* under Interdiction. But looking upon this Remedy then to be worse than the Disease, the Court of *Rome* fell upon a cunning, malicious, and scandalous Shift (not minding how they injured Mens Consciences, particularly those of the Weak, who are most numerous) which was, to order the Confessors, both Regular and Secular, to deny Absolution to their Penitents; so that finding they had reaped but small Advantage by sending the Bull to the Prelates, they resolved to send it to the Generals of Orders, to be distributed amongst all the Confessors of their particular Orders, with an Injunction not to absolve any Person that had contravened it.

IT being known in *Rome*, that the Viceroy had for his Confessor a Monk of the Monastery of the Cross, they began with him. The Pope ordered the General of the *Franciscans* to send the Bull to all the Confessors of his Order; and besides to write a particular Letter to *Fr. Michele*, the Guardian of the Monastery of the Cross, who was the Viceroy's Confessor, to take care not to absolve the Viceroy when he found he had acted against the Bull. The Viceroy got a Copy of this Letter,

<sup>1</sup> Card. Albitius, de inconstant. in Fide, cap. 30. num. 404, 405, & 413.

and sent it to the King, together with another Consultation, dated the 15th of *May* the same Year, begging of him to take a vigorous Resolution in an Affair of so great Consequence.

THEN it came to the Regents of the Collateral Council's Turn, particularly *Villano* and *Revertera*, the Viceroy's Advisers. Regent *Villano*, some Days before *Whitsunday* having gone to confess to his ordinary Confessor, who, unluckily for him, was a *Franciscan* of the Monastery of the Cross, by no means could persuade his ghostly Father to absolve him, because he had contravened the Bull; telling him besides, that the Nuncio had secretly reprimanded the Guardian of the Convent, because he sent every Day one of the Monks to say Mass in the Chapel within his (the Regent's) House, when he knew that he had been excommunicated for opposing the Bull. Wherefore the Regent was forced to go to another Monk, who absolved him for that Time, and gave him the Sacrament on *Whitsunday*; but the Monk told him, that he would not adventure to absolve him any more till he had atoned for his Proceedings with the King.

THE Case of Regent *Revertera*, who had to do with the Jesuits, was more lamentable; on the Vigil of the Ascension the Regent went to confess to his ordinary Confessor; the Jesuit would not so much as hear him, but bawling out, said, that he could not absolve him, because he had been excommunicated for having forbidden the Publication of the Provisions and Briefs of *Rome* without the *Exequatur Regium*; that he had consented to the Imprisonment and Punishment of those who had published the Bull *In Cœna Domini*; and that he had ordered the Collection of the Taxes to be continued: Therefore he must not expect to be absolved by him, nor by any other Priest; and that Regent *Villano* had been absolved by that Monk, because the Order for not absolving the Regents was not then come to the General of his Order; so that poor *Revertera*, all in Confusion, and blushing, was forced to sneak away. By this Means it was found out that such an Order had been sent from *Rome* to the Confessors of all the Orders, and that Cardinal *Savelli*, the Pope's Vicar, in Name of his Holiness, had commanded the General of the Jesuits to give strict Injunctions to all the Confessors of his Order, not to absolve the Viceroy, nor the Regents, and that the same had been given to all the other Orders.

THE Example of the Court of *Rome*, by their Insinuations, was followed by the Bishops of the Kingdom; for the Bishop of *Bojano* had likewise taken upon him to give Orders to the Confessors of his Diocese, and particularly to those of the City of *Ferrazzano*, not to confess nor absolve the Citizens, and those who had the Government of the said City, who continued the Collecting of the Taxes; and although the Viceroy sent a Mandate to the Bishop to revoke the Orders, otherwise he would proceed against him as he thought proper, the Bishop would not obey; therefore the Duke, on the 29th of *January* 1570. wrote to the King, begging of him, that he would be pleased to allow him to turn the Bishop out of the Kingdom, and sequestrate his Revenues: In the mean time he wrote to the Governor of *Capitanata*, immediately to cause the Mandate to be presented to the Bishop, and returned to him; and he also wrote to the *Capitano*, and University of *Ferrazzano*, to take care to see that the Taxes were collected notwithstanding the Bishop's Orders.

THE Duke being well informed of all the Proceedings at *Rome* and in the Kingdom, on the 10th of *June* the same Year 1570. wrote a full Account of them to the King, earnestly begging of him to order a speedy Remedy, likewise laying before him, that he himself was already sixty Years of Age, Regent *Villano* above Seventy, and Regent *Revertera* little less, and that it was very likely some of them might come to die of the Fear and Scruples which the Ecclesiasticks exaggerate, and which in the End disturb the Peace of the Mind, especially in old Men, who have one Foot in the Grave<sup>1</sup>.

IT was not long before the Regent *Villano* fell ill, and the Confessors would not absolve him, nor even when he came to be at the very Point of Death, had they any Compassion of him; at last the Nuncio, after having made very narrow Inquiry, being assured that he was breathing out his last, gave Liberty to confess and absolve him, but upon Condition, that if he should recover, not to side with the Viceroy when Matters of Jurisdiction should come to be treated of, nor meddle with

<sup>1</sup> Chiocc. tom. 4. MS. Giurisd. de Bulla In Cœna Domini.



them: So he was absolved, and thus died the so famous Regent *Villana*, a Minister no less learned, than a zealous Defender of the Jurisdiction and Prerogatives of his King, whose Tomb is to be seen at this Day in the Church of *S. Lorenzo* in *Naples*.

ALL the Confessors protested that they would not, upon any Consideration whatsoever, absolve the Regents, till they had first promised not to meddle with the Bull *In Cæna Domini*, but to observe and execute it. The Bishop of *Nola* had likewise ordered, that the Magistrates of that City should not be absolved by the Confessors, because they exacted the Taxes upon Bread, laid on by the Royal Decree and Assent, whereby the Clergy, Churches, and Ecclesiastical Persons were excepted; and the Viceroy having sent him a Mandate to revoke the Orders, he would not obey.

MORE OVER, the Pope having this Year 1570. published a Jubilee, in order to exclude from it the Regents and other Ministers and Officers belonging to the King, caused a Clause to be added, that those could not partake of it who had violated the Ecclesiastical Immunity; and the Confessors said, that by these Words the Regents and other Ministers were pointed at, and the Nuncio likewise declared the same.

THE Viceroy sent the King a full Account of all these Disorders in two different Letters, one of them dated the 29th of *January*, and the other the 10th of *May* this same Year 1570. begging of him, that he would be pleased to apply a Remedy to them, since he could not resist the pressing Instances of the Regents and other Ministers, who were in the greatest Perplexity on that Account<sup>1</sup>.

IN the mean time King *Philip*, by the Means of *Vincenzo Giustiniano*, and Cardinal *Alessandrino*, at this Time sent to *Madrid* by Pope *Pius* as his Legates (of which Legation we shall discourse by-and-by) and by the good Offices of his own Ambassador, and the Great Commendatory in *Rome*, had in some measure softened the Pope; and *Thuanus*<sup>2</sup> writes, that *Pius V.* had cooled, and laid aside his former Passion for Religious Wars, which were then carried on with more Heat in *Flanders* and *France* than ever: So that the King, by a Letter dated the 17th of *July* 1569. assured the Duke, that, by what had been transacted in *Rome*, he foresaw that his Holiness would be pacified, and proceed no further; and that at present he had only to let him know, that his Nuncio in *Spain* had told in great Secrecy, that the Pope had given an Order not to publish the Bull *In Cæna Domini* till his further Orders; therefore he desired to be advised if that Order continued, or if another contrary had been sent<sup>3</sup>.

MATTERS continued in this State during the Government of the Duke *D'Alcala*, who died soon after in *Naples*; nor was there ever a decisive Resolution taken in this Affair, but Things went on afterwards according as the Times would allow, the *Spaniards* still applying their wonted Remedies. They on the one Hand never failed to oppose the Prelates whenever they had a Mind to put the Bull in Execution, though they did not much trouble themselves about their causing it to be read every Year. On the other Hand, the Bishops and Ecclesiasticks never failed to publish it from the Pulpits every *Holy Thursday*, and to affix it upon the Confessionaries, and the Doors of the Churches; nor did they much mind whether it were afterwards put in Execution or not. In the Viceroyalty of the Duke *D'Alcala*, by the pressing Instances of King *Philip*, they found great Opposition and Vigilance. His Successors, according to the Times and Opportunities, sometimes made weak, sometimes strong Opposition.

CARDINAL *Granvela*, the Duke's Successor, shewed no less Courage than his Predecessor; for King *Philip* being terribly vexed, that notwithstanding the Nuncio's Promises made in *Spain* in the Pope's Name, yet the Court of *Rome* never left off insinuating to the Bishops of the Kingdom to publish and affix the Bull, wrote a very serious Letter to *Granvela*, complaining, and shewing his Indignation at the Manner of proceeding of that Court, and among other Things said: "'Tis a hard Case, that because I alone, and my Kingdoms, have the greatest Respect and Veneration for the Apostolical See, in place of a thankful Acknowledgment as they ought to make, they take Advantage of it, in order to usurp the Authority so necessary, and adapted to the Service of God, and the good Govern-

<sup>1</sup> Chiocc. loc. cit.  
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<sup>2</sup> Thuan. lib. 44.  
6 Y

<sup>3</sup> Chiocc. loc. cit. " ment

“ment of the Kingdoms with which he has intrusted me, and 'tis very probab...  
 “that they may force me to take another Course; and I must confess to you, I am  
 “very weary of them, and they do what they can to wear out my Patience, great  
 “as it is, and if they carry Matters to that Extremity, they, perhaps, may all  
 “come to repent of it<sup>1</sup>. For which Cause *Granvela* exerted himself with Vigour  
 and Vigilance; insomuch, that the Archbishop of *Rossano* having published the Bull,  
 and it appearing, that a Laick Servant belonging to the Archbishop was present, he  
 caused him to be put in Prison, where, after having been many Months, he died.

THE Duke *D'Offuna*, by the Memoirs that are left us, which we owe to the  
 most careful *Bartolomeo Chioccarello*, endeavoured, as far as the Times would permit,  
 to imitate him; for having heard, that the Bishop of *Ugento*, one Sunday in Time of  
 Mass in the Year 1583. had published the Bull in the said City, on the 12th of *October*,  
 the same Year, he wrote a Royal Letter to *Francesco Caraffa*, Governor of *Tenta*  
*d'Otranto*, ordering him to inform himself if it was true, that the said Bull, or any  
 other had been published without the *Exequatur Regium*; and that if any Laicks  
 had been present, to imprison them, and to send him a Copy of the Information,  
 that he might consult what further was fit to be done: But there having been no  
 Laicks present, and it appearing by the Information taken and sent to the Duke,  
 that the Bull had not been affixed, but only published by Word of Mouth, and that  
 the Bishop had no Patrimonial Estate in the Kingdom; on the 23d of *January* the  
 same Year, the Duke wrote to the King, giving him an Account, that it was not in  
 his Power to act in this Case as the Duke *D'Alcala* and Cardinal *Granvela* had  
 done, because the Bull had not been affixed, nor had there been Laicks present, so  
 that he was resolved to call the Bishop to *Naples*, and to sequestrate the Revenues  
 of the Bishoprick; but before he had received his Majesty's Answer, he did not  
 think it fit to proceed farther than to summon him, and order the Count  
*D'Ugento* to send an Account of the Revenues of the Bishoprick, and their Qualities,  
 that he might be able, in the Name of the Exchequer, to send an Order *Ad Osten-*  
*dendum titulum*, and by that Means to punish him for his Fault.

THESE Events, which are collected from the Accounts sent by the Duke  
*D'Alcala* to King *Philip* in *Spain*, and from the King's Letters which are registred in  
 the Chancery of *Naples*, and from the Testimony of *Thuanus*, a grave, faithful,  
 and cotemporary Writer, are convincing Proofs of the impudent Flattery of Car-  
 dinal *Albitius*<sup>2</sup>, who did not stick to say, that this Bull had been received in all the  
 Dominions of the Monarchy of *Spain*, and especially in the Kingdom of *Naples*,  
 giving the Lye not only to *Salgadus*, who writes, that it was not received in the King-  
 dom of *Spain*, but to our *Toppia*, who, in his Treatise *De Contrabandis Clericorum*,  
 very justly writes, that it was never received in our Kingdom: These are the Words  
 of *Albitius*, *Totum enim contrarium apparet ex consultationibus, & literis directis ad*  
*Regem Catholicum Philippum II. à Duce de Alcala Prorege Neapolis de Anno 1567.*  
*videlicet, Bullam hanc fuisse, non solum in Civitate Neapolis, sed per totum Regnum*  
*publicatam*; for these Consultations, or Accounts and Letters, as we have seen, are  
 so far from proving that it was received, that they prove that the Bishops, who had  
 the Boldness to publish it, were punished. The Bishops, 'tis true, spurred on by  
 the Court of *Rome*, had the Arrogance, in Spite of the King, to publish it, but  
 their Designs always proved vain, and never took Effect; the Collection of the  
 Taxes was continued, and new ones were imposed without a Licence from the  
 Apostolical See; the *Exequatur* was maintained; the Magistrates were not disturbed  
 in the Exercise of their Offices; the Exportation of Corn was forbidden as formerly;  
 nor was there any carried to *Rome* without a Royal Licence.

WHAT this Author adds is yet more fabulous, that King *Philip* II. had yielded  
 this Point, and that in the Instructions given to the Marquis *De las Navas*, who in  
 the Year 1578. was sent to *Rome*, he had confessed, that the Bull had been pub-  
 lished and received in all his Dominions; for *Thuanus* tells us the contrary, that the  
 Pope had abated of his Ardour, and King *Philip* wrote to the Duke *D'Alcala*, that  
 the Pope had ordered not to publish the Bull till his further Orders; and after the  
 Marquis *De las Navas* was sent to *Rome*, Cardinal *Granvela* and *D. Pedro de Giron*,  
 Duke *D'Offuna*, who was Viceroy from the Year 1582. to 1586. opposed the At-

<sup>1</sup> Van-Espen de placito Regio, in Appendice  
 Monum. fol. 1, 25.

<sup>2</sup> Card. Albit. de inconstantia in fide, cap. 30.  
 à num. 403. ad num. 414.

tempts of the Bishops, as their Successors likewise did, though not with the same Vigour and Courage as the Duke *D'Alcala* had done.

IF the *Spaniards* had applied the Remedies practised in *France* for curing these Wounds, instead of Plaisters and Ointments, the Flatterers of the Court of *Rome* would not have had Room for writing these and greater Extravagancies, to the great Reproach of the Power and Jurisdiction of our Kings; but having neglected to punish the Bishops and Parish Priests for publishing the Bull, and only withstanding particular Cases, such as preventing the Bishops from putting it in Execution: The Ecclesiastical Authors, by finding it published by the Bishops and Parish Priests, and seeing it affixed upon the Doors of the Churches and Confessionaries, have written that the Bull was published and received in the Kingdom, as, among the rest, Cardinal *Albitius* did, who therefore, as an Eye-witness, says, *Et ego, qui per triennium exercui officium Auditoratus Nunciaturæ Neapolis, sub fel. rec. Urbani VIII. Pontificatu, testor acceptationem, & ejus usum in prædicta Civitate, & Regno.* But he ought likewise to have known, that when the Bishops had a Mind to put it in Practice, they were immediately opposed and prevented by the Collateral Council, and the Judge Delegate of the Jurisdiction: That in his Time new Taxes were laid on without a Licence from the Apostolical See; that it was prohibited to send Corn to *Rome* and the Ecclesiastical State, without a Royal Licence, although by the Bull such a Prohibition could not be made, yea the Ecclesiasticks desired Liberty of Exportation every Year, and nothing was altered that had been in use to be done before the Bull.

WHENCE likewise proceeded, that the Bishops of the Kingdom, in establishing Decrees in their Diocesan Synods, made use of the Bull, and quoted it; but for all that, they were not received, but a Stop was put to the Execution of them. Our Provinces are full of such Synods, but none dares to put them in Practice.

WHENCE likewise proceeded, that the Ecclesiastical Writers, and particularly the Casuists (for through supine Negligence they are not much minded) have stuffed their Works with Maxims as false as they are prejudicial to the King's Jurisdiction, by maintaining, as, not to mention others, *Marta, Diana, del Bene*, and many others have done, that the Bull *In Cæna Domini*, like all other Bulls, has Force, and is binding upon the Consciences of Men, even in Kingdoms where it has not been received, Publication and Acceptation not being necessary to the Pope's Bulls, but that it is sufficient, if they be published *In acie Campi Floræ, ad Vatroas Basilicæ D. Petri*, and other usual Places of *Rome*, to bind all Princes and all Nations of the Christian World: That the Pope having his Authority immediately from God, his Laws stand not in need of Publication or Acceptation; that the Bull *In Cæna Domini* itself decides the very same: And many other Extravagancies; as if, though the Pope should exceed the Limits of his Spiritual Power, by foisting into his Bull whatever he thinks fit, Princes were obliged blindly to obey, though by these Bulls they were to be deprived of their Authority and Jurisdiction, which they likewise have from God. And, as if the Prince, for the Safety of his Dominions, was not under an Obligation to have a watchful Eye over whatsoever may be introduced into them by *Rome*, and to guard against any Prejudice, that either his own Rights, or his Subjects might suffer thereby; for which see *Van-Espen*<sup>1</sup>, a learned Priest, and famous Professor of the Canon Law in the University of *Louvain*, who upon this Subject has written a particular Treatise confuting the Errors of those Authors, printed in *Brussels* in the Year 1712. Yea, these Flatterers of the Court of *Rome* have not stuck to say, that whoever thinks otherwise may be suspected of Heresy, and accused before the Holy Office; and besides (which cannot be heard without raising Laughter and Indignation at the same time) they have had the Assurance to write, that to controvert the Fact, that is to say, whether in such a Province this Bull be received or not, is incurring the same Suspicion; and Cardinal *Albitius* says<sup>2</sup>, that in his Time, by Order of Pope *Alexander VII.* this Proposition, *Bulla, quæ promulgatur in Cæna Domini, non est in Belgio usu recepta, juxta probabilem multorum Opinionem*, was by all the Members of the Holy Office, *nemine excepto*, called false, rash, erroneous, injurious to his Holiness's Authority, and that it opens a Door to Schism; and he quotes the Decree pronounced on the 20th of *September*

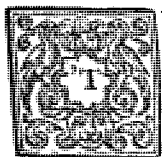
<sup>1</sup> Van-Espen Tract. de Promulg. Ll. Eccl. | <sup>2</sup> Albit. loc. cit. num. 404, 405, & 413.  
par. 1. per totum.

1657. And what better Document can they have of the Non-observance of this Bull, than the Bull itself, whereby Princes are prohibited to lay on new Taxes or Duties without a Licence from the Apostolical See; whereby their Officers, who shall hinder the Ecclesiastical Judges to exercise their Jurisdiction, *contra quoscumque*, are excommunicated; in fine, whereby Empire is subjected to the Priesthood, and the Pope makes himself Monarch over all the Kings and Princes of the Earth.



## C H A P. V.

*Of the Disputes about the Exequatur Regium to the Pope's Bulls and Rescripts, and other Provisions that come from Rome to the Kingdom.*



IS truly worthy of Observation, how, in the Pontificate of *Pius V.* God, out of his infinite Providence, was pleased to set in Opposition to the excessive Zeal and Boldness of that Pope, the Vigilance and Courage of the Duke *D'Alcala*, that what he had from his own Mouth ordered, might be executed in our Kingdom, to give unto *Cæsar* that which is *Cæsar's*, and to God that which is God's. The Bull *In Cæna Domini*, as we have seen, forbids Subjects to pay Tribute to Kings, if imposed without Licence from the Apostolical See; but the Duke did not mind the Bull, but collected the Taxes and Duties lawfully imposed by the Royal Decree and Assent. By this Bull Princes were deprived of the Supreme Rights of their Royal Authority; but so scandalous and prejudicial an Incroachment was not suffered: In short, it was endeavoured to subject Empire to the Priesthood, but since God had said otherwise, his Divine Will was executed. But the Court of *Rome* not stopping there, and being always vigilant and upon the Catch, used their utmost Endeavour to bereave our Kings of a Prerogative so dear to them, that they value it as the Apple of their Eye, and the chief Foundation of their Royal Jurisdiction, *viz.* the *Exequatur Regium* given to the Pope's Bulls and Rescripts, and all other Provisions coming from *Rome*, without which they are not suffered to be put in Execution. Pope *Pius V.* above all his Predecessors, hated it so much, that he laid it unhooked the Apostolical Dignity and Authority, and did his utmost to have it laid aside and abolished: His Successors following his Footsteps, as well as the Bishops of the Kingdom, have left no Stone unturned in order to have it suppressed. On the other Hand, our Kings have been commended for their Constancy, in always vigorously opposing their Incroachments, insomuch, that 'tis now more firmly established than ever. Therefore, pursuant to our Purpose, we shall relate its Origine, how it has been maintained in the Kingdom under all the Princes that have governed it; the Disputes had upon that Account with the Court of *Rome*, which sought to abolish it, and particularly in the Viceroyalty of the Duke *D'Alcala*, and for what Reasons, and how at last it always stood its Ground.

THE Ecclesiasticks, in order, the best Way they can, to support the Pretension of the Court of *Rome*, besides the general Reasons abovementioned, that the Pope's Bulls and Rescripts stand not in need of any other Acceptation or Publication than what is made at *Rome*, alledge a particular one for this Kingdom; and confounding the *Royal Assent*, which our Kings formerly gave to the Elections of all the Bishops of the Kingdom, with the *Exequatur Regium*, which is given to all the Pope's Bulls and Rescripts, and to whatever other Provision comes from *Rome*,

they pretend, that as by the Investitures that were begun to be given to the Kings of the Family of *Anjou*, and since continued to this Time, the Assent was suppressed, so likewise ought the *Exequatur* to be abolished. Thus Cardinal *Alessandrino* being sent Legate to *Madrid* by Pope *Pius V.* his Uncle, to King *Philip II.* among other Things which he set forth in the Memorial given him, said by way of Complaint, That in very many Articles the Council of *Trent* was not observed in the Kingdom, and that innumerable Ways were taken for hindering the Execution of the Apostolical Letters and Dispatches; which Abuses, and particularly that of the *Exequatur Regium*, your Majesty, by your own Oath, is obliged to remedy and remove, as may be seen in the Clauses of the Investiture given by Pope *Julius II.* to *Ferdinand* the Catholick, and of *Julius III.* to your Majesty, to which you swore.

FOR this End they gave a very fabulous Rise to the *Royal Assent*, saying, that it was introduced into the Kingdom, and began to be practised in the Collation of Prelates to Cathedral Churches, only to know, before the Collation took Place, whether the elect Prelates were Enemies and Disaffected to the King, that no Person might be received into the State, who could be suspected of contriving Plots, Comotions, and Revolutions; and that it was introduced when the Kingdom was involved in Troubles on account of the Disputes betwixt contending Princes, and when every Day there was fighting, and one of them turned out the other. This very Rise did Pope *Clement VIII.* give it in a Letter dated the 5th of *October 1596.* written with his own Hand to Count *Olivares* our Viceroy, whereby he pretended to have it abolished in those peaceable Times, when there was no War, nor any suspected Persons<sup>2</sup>.

BUT to confound two Things of quite different Natures, and of as different Origines; to give the same Rise to the *Exequatur Regium*, which has its Beginning in the Dominions of Christian Princes at the same Time with Principality and their Royal Power, favours either of too much Ignorance, or subtle Malice.

THE *Royal Assent*, which was formerly required in all the Elections of the Prelates of the Kingdom, did not chiefly arise on the Occasion abovementioned, but proceeded from another Cause, to wit, from the Princes having formerly had a Share in the Elections of the Prelates; or, as *Duareno* says<sup>3</sup>, because the Prince representing the People, to whom they transferred all their Power; and, as formerly the People, as well as the Clergy, had a great Share in Elections, so that was transferred to the Prince; or from their having erected Churches from the Foundation, or rebuilt or enriched them with ample Revenues, reserving to themselves, not only that Right, but likewise the Power of investing the Prelates with the Staff and Ring, not for the Spirituality of their Office, which does not belong to them, but for the Temporality, which they, or their Predecessors had given to the Churches. Thus in the Reign of the *Normans*, who were so liberal and profuse in endowing Churches, there was not an Election made without their Consent. Thus was it likewise practised in the Reign of the *Suevi*, till that *Charles I.* of *Anjou*, who, by the Invitation and Favour of the Pope, having conquered the Kingdom, made no Objection to the Investiture given him by the Pope, but was content that for the Future his Assent in the Election of Prelates should not be sought: However, that did not abolish the *Exequatur Regium*, nor the Check upon Provisions sent from *Rome*, in case the Elect was an Enemy to the King, or a suspected Person, because this Right proceeds from another Principle; yea, Pope *Nicholas IV.* declared in a Bull, dated the 28th of *July 1288.* in the Time of King *Charles II.* of *Anjou*, that no Person, who was suspected by the King, could be raised to the Dignity of Archbishop, Bishop, or other Prelature of the Kingdom<sup>4</sup>. Nor was the Right of presenting and naming Persons to the Churches founded and amply endowed by our Kings, or their Predecessors, taken away, but they continued to be of Royal Patronage; whence afterwards, in order to put an End to the continual Debates with the Court of *Rome* about Cathedral Churches, proceeded that Agreement made between *Clement VII.* and the Emperor *Charles V.* of which we have discoursed at large elsewhere.

<sup>1</sup> Archiv. Cast. S. Ang. cal. 14. 9. num. 22.  
<sup>2</sup> Chiocc. fol. 15. à ter. & tom. 4. MS. Giurisd.

<sup>3</sup> Duar. de Sacr. Eccl. Min.

<sup>4</sup> Chiocc. tom. 4. de Regio Exequatur.

THE *Exequatur Regium*, which is given in the Kingdom, not only to Collations of Prelatures, and other Benefices of the Kingdom sent from *Rome*, but to all the Pope's Bulls and Rescripts, even to the Briefs of Jubilees and Indulgences, and to whatsoever other Provision comes from *Rome*, does not proceed from this Principle, nor did it begin in the troublesome Times of War, when the contending Princes were frequently driving one another out, and therefore had reason to be cautious in receiving Bishops. Its Origin is more antient, it had its Beginning not only in the Kingdom of *Naples*, but in all the Dominions of Christian Princes, with Principality itself, and belongs to them *Titulo sui Principatus*, or *Jure Regalia*, as the abovementioned *Van-Espen*<sup>1</sup> fully proves. It was contrived for the Preservation of the State, and to prevent an Inlet to Commotions and Disorders from foreign Parts; therefore it has always been lawful for Princes, and commendable in them, that whenever foreign Writs came within their Dominions, whereby it was pretended to exercise Jurisdiction, either Spiritual or Temporal in them, to examine such Writs before they were put in Execution; so much the rather, that the Court of *Rome*, for a very long time, had assumed an Authority far exceeding the Bounds of a Spiritual Power, and often took upon them to decide Points belonging to the Temporal Power of Princes, and not within their Province: Whence the Custom was introduced, that if Writs from *Rome* are to be executed against Laicks, they cannot be put in Execution without applying to the Secular Magistrates for their Concurrence, who, not as bare Executors, but after having considered and examined the Affair, if they find it just, they give their Concurrence, otherwise they put a Stop to the Execution. If the Writ concerns Ecclesiastical Affairs only, or if it relates to Things merely Spiritual, and that its being put in Execution will not be prejudicial to the King's Prerogatives, the State, or his Subjects, or does not clash with the Usages and Customs of the Country, it gets the *Exequatur Regium*: So that it is not pretended thereby to add Force to, or undo what the Pope has done, as if in Ecclesiastical and Spiritual Matters he stood in need of the Authority of Secular Princes<sup>2</sup>; but it is required only, that the Prince, who ought to be careful and vigilant that the Government of his Dominions be not disturbed, may know what is contained in Writs that come from Abroad into his Territories, that under that Colour or Pretence, nothing be introduced that may disturb the Peace and Tranquillity of his State; and this is all that is intended by the *Exequatur Regium*, as *Van-Espen*, in his Treatise *De Placito Regio*<sup>3</sup>, has at large demonstrated, which was very well understood by Bishop *Covarruvias*<sup>4</sup>, *Belluga*<sup>5</sup>, and the Cardinal *Di Luca*<sup>6</sup>, the last of which wrote, that for this End the *Exequatur Regium* was practised in our Kingdom.

WHENCE it comes, that no Bull, Brief, Rescript, Decree, or any other Writ whatsoever that comes to us from *Rome*, is exempted from it; and even the Bulls of Jubilees and Indulgences must have it<sup>7</sup>: Yea *Van-Espen*<sup>8</sup>, by many Arguments, proves, that it must likewise be obtained to the very Dogmatical Bulls: Not that it belongs to the Prince to decide or reason upon Matters of Faith; but because the Clauses, which are usually inserted in them, and with which, according to the Modern Style of *Rome*, they are generally coloured, the Manner, Time, Juncture, and the Occasion of publishing such Bulls ought to be known by the Prince, perhaps, to see, if, besides the Doctrine and the Spiritual Punishments therein defined, the Temporal be incroached upon; perhaps, for other weighty Reasons of State, it may not be proper to publish them at that Time, but to wait till a more fit Opportunity, and for other Motives and Reasons at large discussed by that Writer: Whence it likewise comes, that the *Exequatur Regium* is sought to all Decrees of the Tribunals of the Inquisition of *Rome*, and of the *Index Expurgatorius*, of which we have elsewhere discoursed at large. And whence it also comes, that the Manner of proceeding in such Cases, is not by the ordinary Way of taking Cognizance, but by an extrajudicial Method, and according to the Rules of State and Government, not of the Courts of Justice; so that we see how little this Matter

<sup>1</sup> Van-Espen. Tract. de Promulgat. Ll. Eccl. par. 2. cap. 3.

<sup>2</sup> Salgad. in Tract. de Retent. Bull & Reg. protect.

<sup>3</sup> Van-Espen. loc. cit. cap. 3. per tot.

<sup>4</sup> Covar. Pract. qq. cap. 10. num. 56.

<sup>5</sup> Belluga in speculo Principis, rubr. 13. verb. restat.

<sup>6</sup> Card. de Luca Relat. Rom. Cur. disc. 2. num. 36.

<sup>7</sup> Van-Espen. loc. cit. par. 3. cap. 1. §. 1, & 2.

<sup>8</sup> Idem, loc. cit. par. 5. per tot.

is understood by the Casuists and Canonists, who, thinking that these Examinations ought to be made according to the Methods of the Courts of Justice, prate and write<sup>1</sup>, that the Popes Bulls and Rescripts can neither be stopt nor examined by Laick Judges, because they have no Jurisdiction over Spiritual and Ecclesiastica Matters, handling this Subject after their own manner, and making use of Law Terms foreign to the Purposè.

WHENCE likewise proceeded, that all Tribunals of Justice, though Supreme, have not Power to grant this *Exequatur Regium*, but that Power is reserved to the King's Supreme Councils and Countessors only; so with us, it belongs solely to the Collateral Council, of which the Viceroy is Head, to grant it, but to no other Tribunal of Justice, be it ever so Supreme<sup>2</sup>. And in the Dominions of the other Christian Princes of *Europe*, such as *France* and *Spain*, it is reserved to the King's Supreme Councils only: As in *Flanders* to the Supreme Council of *Brabant*, and the other Supreme Councils of those Provinces<sup>3</sup>; therefore in 1551. the Regent and Judges of the Vicariate were deservedly reprimanded by the Viceroy *Toledo*, for having taken upon them to grant the *Exequatur Regium*, by admonishing and ordering them to do so no more for the future, because that Prerogative belonged solely to the Viceroy and his Collateral Council, not to the Tribunals of Justice<sup>4</sup>.

NOR is this Prerogative peculiar to our Kings and Kingdom only, as some have believed; it is common to all Princes, who in their Dominions practise the same. In *Spain*, as *Covarruvias*<sup>5</sup>, *Belluga*<sup>6</sup>, and *Cevallos*<sup>7</sup> testify, the Bulls and all other Provisions that come from *Rome*, before they are published, are examined in the Royal Council, and often, when they have no Mind they should be executed, they retain them; so that *Salgado*, in order to justify that Custom and constant Practice, wrote that Treatise *De Retentione Bullarum*, and that other, *De Supplicatione ad Sanctissimum*, &c. and *Agostino Manuel*, in his History of *John II.* witnesseth, that the same is practised in *Portugal*<sup>8</sup>.

IT is well known, that in *France* and *Flanders*, nothing that comes from *Rome* is published till it be first examined by the King's Officers; yea, they don't so much as make use of the humble and respectful Word *Exequatur*<sup>9</sup> (although they once designed to have changed it into *Obediatur*) or, as is practised in *Milan*<sup>10</sup>, of *Pareatis*, but of *Placet*; and when the Provisions don't please them, they are rejected<sup>11</sup>. The same, according to *Argentreus*<sup>12</sup>, is practised in the Dutchy of *Bretaigne*, and in the Dutchy of *Savoy*, as *Antonio Fabro*<sup>13</sup> witnesseth. In *Sicily* the same is practised; and *Mario Cutello*<sup>14</sup> gives us the Form and Custom made use of in that Kingdom concerning it. *P. Servita* declares it to be the Practice of *Italy* and *Venice*: *Angelo*<sup>15</sup> writes the same of the Dutchy of *Florence*; and *Antonio Amato* gives the same Account of all the other Countries of *Italy*<sup>16</sup>.

IT was unalterably practised in our Kingdom of *Naples*, not only under the *Norman* and *Suevian* Princes, but likewise under the Kings of the Family of *Anjou* themselves, who were very submissive to the *Roman* Pontiffs, and who in their Investitures gave up the *Assent* in the Elections of Prelates; which is a very convincing Proof, that the *Assent* formerly required, has nothing in common with the *Exequatur Regium* always retained, and never interrupted.

#### *Instances of the Kings of the Family of Anjou.*

*MANFREDI DI GEFUNI*, a Canon of the Church of *Melito*, having been elected Bishop of that City, *Charles II.* of *Anjou* by no means would give the *Exe-*

<sup>1</sup> Marta de Jurisdic. par. 4. cap. 4. Tomaso del Bene de Immunit. c. 3. dub. 10. num. 4, 6, & 16. Diana p. 4. tr. 1. resol. 9. §. igitur. Accosta in Bull. Cruciat. q. 69. per tot. Bellet. Disquis. Cler. par. 1. de Exempt. Cl. §. 3. num. 26 & 27.

<sup>2</sup> Camil. Eorrel. in Comm. ad Stat. Neap.

<sup>3</sup> Van-Espen. de Plac. Reg. par. 2. cap. 3. §. 3.

<sup>4</sup> Chiocc. tom. 4. MS. Giur. de Reg. Exequatur.

<sup>5</sup> Covar. Pract. q. cap. 25. num. 4.

<sup>6</sup> Belluga in Speculo Princ. rubr. 13. verb. restat.

<sup>7</sup> Cevallos Comm. contr. Com.

<sup>8</sup> Manuel. Ist. di Gio. 11. lib. 4.

<sup>9</sup> Reg. de Ponte MS. Giur. de Reg. Exequatur, num. 22.

<sup>10</sup> Menoch. Tract. de Juris. lib. 1. cap. 19.

<sup>11</sup> Van-Espen de Placit. Reg. par. 2. §. 1 & 2.

<sup>12</sup> Argentr. lib. 2. Hist. cap. 14.

<sup>13</sup> Fabro Cod. lib. 7. tit. de Appellat. abusu.

<sup>14</sup> Cutello ad L. Federici, not. 46. & L. Mar-

tin. not. 64.

<sup>15</sup> Angel. conf. 23.

<sup>16</sup> Amato tom. 2. resolut. 28 & 82. num.

28. Jac. de Graffis, lib. 4. decis. aurearum, &c.

Super. explicat. Bul. in Can. Dom. cap. princ. 18. num. 20.

quatur to his Bulls, but hindered him from taking Possession, because he suspected him of Disloyalty; and the King's Writ for that Purpose dated in *Naples* in the Year 1299. is recorded by *Ughello*<sup>1</sup>. When the other Princes of this Family had no Objection, they gave it, and the Bulls and Briefs, or other Provisions coming from *Rome*, were no sooner presented, than they not only granted it, but gave all Assistance to their being put in Execution.

THE Archbishop of *Siponto* having presented to *Charles* Duke of *Calabria*, King *Robert's* eldest Son, and his Vicar-General, some Apostolical Letters from Pope *John XXII.* concerning a Cause depending in *Rome* about annexing the Monastery of *S. John* in *Lamis* in the Diocese of *Siponto*, to the Monastery of *Casanova* in the Diocese of *Penna*, he not only gave the *Exequatur*, but on the 1st Day of *August* 1321. wrote to the Justices and other Officers of the Province of *Capitanata* to see them put in Execution.

POPE *Urban VI.* having bestowed the Abbey of *S. Philippo de Gerito*, in the Diocese of *Reggio*, upon *Fra' Girolamo di Ponte Datilo*; King *Charles III.* did the same, and on the 28th of *November* 1382. wrote to the *Capitani* of that City to assist him in taking Possession of the said Abbey.

A CERTAIN *Fra' Elia* having been made Abbot of the Monastery of *S. Adrian*, in the Diocese of *Rossano*, by *Benedict IX.* King *Ladislaus* inquired into his Life and Conversation, and finding them good, gave the *Exequatur* to the Bull, and on the 6th of *January* 1403. ordered his Officers in *Calabria* to assist him in taking Possession; and the same King, particularly in the Time of the Schism, hindered others from taking Possession.

THE Pope having bestowed the Abbey of *S. Mary of Molocco*, in the Diocese of *Reggio*, upon *Cicco Guassarano*, who having presented the Original Bulls to Queen *Joan II.* which being seen and read, she gave her Assent, and on the 20th of *April* 1419. ordered her Officers in *Calabria* to see them put in Execution<sup>2</sup>.

#### Of the Kings of the House of Arragon.

THIS was practised not only by the Kings of the Family of *Anjou*, but likewise by those of the House of *Arragon*. After that King *Alphonfus I.* had received the Investiture with the usual Clauses from *Eugene IV.* he represented to that Pope, that it was the Custom of the Kingdom, not to receive Prelates collated by *Rome* without the Good Will of the King, and the Pope made no Objection why that Prerogative should not be still continued; therefore, in 1451. the Bishoprick of *Maturano* in *Calabria* being provided, King *Alphonfus* gave the *Exequatur* to the Elect, as may be seen in the Writ recorded by *Ughello*<sup>3</sup>. Pope *Callistus III.* having given the Abbey of *S. Peter* in *Pariete*, without the Walls of the Castle of *Cilenza*, of the Order of *S. Benedict* in the Diocese of *Vulturara*, to *Baldassare di Montauero*, a Monk of the Monastery of *S. Peter della Canonica*, without the Walls of *Amalfi* of the *Cistercian* Order, the same King gave the *Exequatur* to the Bulls, and on the 29th of *July* sent Orders to the Count of *Termuto* to see them put in Execution. The Great Master of *Rhodes*, of the Order of *S. John of Jerusalem*, having given the Priorship and Government of the Church of *S. Euphemia* of the said Order to *Philippo Ruffo*, the natural Son of *Carlo Ruffo*, Count of *Sinopoli*, the same King gave the *Exequatur* to the Grant, and ordered his Officers to assist him in taking Possession and receiving the Revenues.

KING *Alphonfus* being dead, was succeeded by *Ferdinand I.* his Son, who, in the Pontificate of Pope *Sixtus IV.* following the Footsteps of the Kings his Predecessors, none called this Prerogative in Question; on the contrary, he established a Pragmatick concerning it, after whose Example the Duke *D'Alcala* published another in 1561. of which hereafter<sup>4</sup>; therefore, when he found that no Inconveniencies attended the Bulls and other Provisions sent from *Rome*, he gave the *Exequatur*: And the said Pope having bestowed the Bishoprick of *Capaccio* upon *Lodovico Fonellet*, Archbishop of *Damascus*, the Bulls were no sooner presented to him, than he gave them the *Exequatur*, and on the 13th of *May* 1476. wrote to the *Capitano* of *Capaccio*, and his Officers, to see them put in Execution.

<sup>1</sup> Ughel. tom. 1. in Episc. Militenf. n. 16.

<sup>2</sup> All these Instances are recorded by Chiocc. tom. 4. de Regio Exequatur.

<sup>3</sup> Ughel. tom. 9. in Episc. Marturan. n. 24.

<sup>4</sup> Chiocc. loc. cit.



AT the Accession of *Innocent VIII.* to the Papacy, the Depravation of Manners was such, that *Rome* was arrived at the highest Degree of Corruption; in him was seen (but more in the Popes that succeeded him) so immoderate an Ambition, that his only Study was, by all Methods, to render himself absolute Monarch over all the Princes of the Earth; he began to be displeas'd with this *Exequatur* or *Placet*, which was practis'd in the Dominions of all the Christian Princes in *Europe*.

*INNOCENT VIII.* was the first, who, by means of a Constitution <sup>1</sup>, sought to take it away from them, and first of all disput'd it with our King *Ferdinand*; but as his Bull had no Consequence, and was look'd upon in other Kingdoms to be impertinent and chimerical, it had the same Fate in ours; the *Exequatur* therefore was continued: And the same Pope having confer'd the Bishoprick of *Sessa* upon a certain *Fr. Ajossa*, the Bull was not execut'd till it was first present'd to *Ferdinand*, who, on the 3d of *April* 1487. gave it the *Exequatur* <sup>2</sup>.

*ALEXANDER VI.* *Innocent's* Successor, a Pope indu'd with so many fine natural Gifts and Virtues, as is known all the World over, for the Reasons related in the 20th Book of this History, being a great Enemy to our good King *Frederick*, among other Things, impugned the *Exequatur* with all his Might; and seeing all his Attempts prov'd fruitless, he was so far led by his Passion, that on the 25th of *June* 1500. he did not stick to depose him; and amongst the other Faults which he laid to his Charge, this was one, that he had, on many Occasions, impeded the Apostolical Provisions, even when made in Favour of Cardinals, and would not suffer the Bulls from *Rome* to take Effect without the *Exequatur Regium* <sup>3</sup>. But the Misfortunes of this unhappy Prince proceeded from another Cause than Pope *Alexander's* Wrath and haughty Disposition; *Frederick*, during all the Time that he reign'd among us, never suffer'd the Bulls to be received without the *Exequatur*; but now he exerted himself more vigorously than ever, for on the 3d of *July* the same Year 1500. he wrote a very serious Letter to the Bishop of *Carniola*, telling him, that in the Time of the Kings his Predecessors, and especially of King *Ferdinand* his Father, it had been the antient Custom continually observ'd, never to suffer any Provision coming from *Rome*, or any other foreign Part, to be admitted, read, or published in the Kingdom without the King's Licence: And thus it was likewise observ'd by *Ferdinand's* Successors, and the preceding Popes bore it patiently; but it appearing now, that some, through length of Time, excus'd themselves on the Score of Ignorance, therefore he was resolv'd to make it known to all his Subjects, by ordering, that no Bull, Brief, Excommunication, or any other Provision whatsoever coming from Parts without the Kingdom, be read, admitted, or published by any Person whatever, without his Letters of Licence, and that none presume to act otherwise upon Pain of his Displeasure. Pursuant to this Order, having heard, that a prohibitory Writ from *Rome* had been present'd to the *Maestrodatti* of the Vicariate of *Capua* without the *Exequatur*, on the 3d of *December* the same Year, he wrote to the *Capitano* of *Capua* to procure the said prohibitory Writ, and send it to him, that he might consider what was fit to be done.

BUT the Observation of the *Exequatur* was never so rigorously inforc'd, as in the Reign of *Ferdinand the Catholick*, and while the Kingdom was govern'd by the *Great Captain*, and after him, by the Viceroy's his Successors.

IN the Viceroyalty of the *Great Captain*, we read in *Chioccarello* <sup>4</sup> many Orders of his against giving Possession to Bishops and Abbots without the *Exequatur*; and if Possession was taken without it, he sequester'd the Revenues; and the same was likewise practis'd with respect to Abbays bestow'd upon Cardinals, who were not so much as exempted in that, and therefore they made no Difficulty to seek it, as the Cardinal of *Arragon* did for the Abbey of *S. Maria dello Mito*, situate in the Province of *Terra d'Otranto*, given him by Pope *Julius II.* in 1505.: So likewise when the said Pope, by the Resignation of Cardinal *Oliviero Caraffa*, Archbishop of *Naples*, gave the Bishoprick of *Chieti* to *Gianpietro Caraffa*, afterwards Cardinal and Pope, named *Paul IV.* the Bull was dispatch'd on the 30th of *July* the same Year, and being present'd to the *Great Captain*, on the 22d of *September* following he gave it the *Exequatur*.

<sup>1</sup> Inn. Confit. 17. num. 2, 3.

<sup>2</sup> Chiocc. tom. 4. de Reg. Exeq.

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<sup>3</sup> Idem MS. tom. 4. de Exeq. Reg. fol. 77.

<sup>4</sup> Idem de Reg. Exeq. tom. 4.

THE Great Captain likewise proceeded with much Rigour against those who presumed to make use of any Writ, even of Excommunication or Interdiction, coming from *Rome*, without the *Placitum Regium*. So having with great Concern heard, that Excommunication or Interdiction had been posted up on the Door of the Metropolitan Church of *Cosenza*, against Sister *Arcangela Ferrara*, a Nun of the Order of *S. Bernard*, without having first obtained the *Exequatur Regium*, on the 23d of *December* the same Year 1505. he wrote to the Governor of *Calabria*, ordering him to take Information of it; and if he should find that the said Censures had been posted up by a Laick, to punish him severely and exemplarily, if by an Ecclesiastick, to advise him of it, that he might proceed as he should see Cause. And the *Placitum Regium* was not only sought to Provisions of Benefices, or Censures coming from *Rome*, but likewise to Commissions from the Apostolical See. So the Pope having sent a Commission to *D. Nicolo Panico*, Apostolical Commissary, together with the Bishop of *Melito*, to examine and punish some delinquent Priests of the Church of *Melito*, the said Commission was presented to the Great Captain, and on the 20th of *June* 1506. he gave it the *Exequatur Regium*.

UPON *Gonsalvo's* going from *Naples* to *Spain* with *Ferdinand the Catholick*, the King left in his Place the Count of *Ribagorza*, Governor of *Emposta*, an *Arragonian*, and gave him a Commission dated in *Castelnuovo* the 5th of *June* 1507. wherein he calls him his Nephew<sup>1</sup>. There remained likewise in *Naples* Queen *Joan*, the Widow of *Ferdinand I.* King of *Arragon*, Sister of *Ferdinand the Catholick*, the other Queen *Joan* the Younger, who was the Wife of King *Ferdinand II.* *Beatrice* Queen of *Hungary*, the Daughter of King *Ferdinand I.* and *Isabella* Dutches of *Milan*, the Daughter of King *Alphonsus II.* who, by the Death of Duke *John Galeazzo* her Husband, having succeeded at the Time that *Charles VIII.* King of *France* came to *Italy*, was turned out of that Dutchy by *Lodovico il Moro.* *Ferdinand the Catholick* gave Orders that these Princesses should not in the least be disturbed in the Possession of the Cities and Lands which they possessed, and had been assigned to them in the Time of the *Arragon* Kings for their Dowries and Appenages, and confirmed by the Treaty of Peace concluded between *Ferdinand* and the King of *France* when they divided the Kingdom, in which, amongst other Conditions, we read, that these Queens were to hold, and quietly possess, during their Lives, all the Dominions, Lands and Revenues, which, on account of their Dowries, they possessed in the Kingdom, as well in the City of *Naples*, *Terra di Lavoro*, and *Apruzzi* (the Boundary assigned to the King of *France*) as in the Dutchies of *Calabria* and *Puglia*, the other Boundary belonging to King *Ferdinand*<sup>2</sup>. Pursuant to which, *Ferdinand* always treated Queen *Joan* his Sister, and Widow of King *Ferdinand I.* with the utmost Respect, and maintained her in the Possession of her Estates with all the Royal Prerogatives, as if she had been free and independant Mistress of them.

THIS Queen possessed the City of *Lucera* in *Puglia*, called *De' Saracini*, the City of *Nocera*, called *De' Pagani*, the Cities of *Sorrento*, *Cava*, and, as Princess of *Sulmona*, the City of *Sulmona*, with their Appurtenances. The Count of *Ribagorza*, the new Viceroy, respected this Queen as his Mistress, and did not meddle with the Government of these Cities, where she exercised absolute and independant Authority. In these Times we find many *Placita Regia* given to the Writs coming from *Rome*, not only by the Count of *Ribagorza* in the Kingdom, but by Queen *Joan* in the aforesaid Cities belonging to her. All which are clear Demonstrations of the constant Practice of the *Exequatur Regium*, and that the Neglect of it was looked upon then as a great Crime.

BUT the most convincing Proof of the strict Observance required in this Practice, is a Letter written by King *Ferdinand the Catholick* to this Viceroy, full of Threats, and very severe, because the Count, perhaps out of Regard to Queen *Joan*, had been something remiss with respect to Rigour, upon an Occasion which we are going to relate. There having a Controversy arisen in the City of *Cava*, in which the Queen, as her City, was concerned, the Pope had sent an Apostolical Messenger with a Brief, who had the Boldness to make use of it without the *Placitum Regium*, and to notify it to the Viceroy himself, which occasioned great Disorders. The Count of *Ribagorza* wrote an Account of it to King *Ferdinand*,

<sup>1</sup> Lib. de' Priy. di Nap.

<sup>2</sup> Lionard. tom. 1. Rac. de' tr delle Paci, &c. ann. 1500.

who then resided in *Burgos*. The King answered him with so much Resentment and Passion, that, among other Things, he wrote to him, that he was very much dissatisfied with him for not having proceeded in an Affair of so great Consequence with such Rigour as it deserved, having suffered so flagrant a Prejudice to be done to his Royal Dignity and Prerogatives, without immediately hanging the Apostolical Messenger for the Action; that it was an Incroachment upon his Right, and that there was no Instance of any such Thing having been attempted either against a King or Viceroy of this Kingdom; that he was resolved to have his Right maintained in the Kingdom of *Naples*, as it was in the Kingdoms of *Spain*, and as was practised in that of *France*; that, as was found by Experience, these Incroachments of the Pope tended to nothing else but the Augmentation of his Jurisdiction, therefore he had written in very strong Terms to his Ambassador residing in *Rome*, to complain of it to the Pope in home Expressions; for he was determined, if he did not revoke the Brief, and make void all the Acts following thereupon, to withdraw from his Obedience all the Dominions of the Crowns of *Castile* and *Arragon*; that he, the Viceroy, was to acquaint the Queen with this his firm Resolution, and to take care that no Bull, Brief, or other Apostolical Writ containing Interdictions, or other Provisions concerning that Affair, directly or indirectly, should enter the Kingdom, and not to suffer any other Writs of what nature soever to be presented or published.

THIS Letter, though not recorded by *Chioccarello*, was printed in the Original *Spanish* by the Author of the Treatise *De Jure Belgarum circa Bullarum receptionem*<sup>1</sup>; and it is likewise in *French* by *Van-Espen* in his Treatise *De Placito Regio* in the Appendix<sup>2</sup>, where he alledges this Practice as constant and never interrupted.

THE Count of *Ribagorfa*, frightened at the King's Resentment, all the Time of his Government was more watchful than he had been before, that no Writ from *Rome* should be received without the *Placitum Regium*; and he punished the Transgressors, as he had already done upon the Possession of a Rectorship being given without the *Exequatur*, by imprisoning many, and among the rest a Priest, whom he obliged to find Bail to present himself, and then set him at Liberty.

HAVING been likewise advised, that a prohibitory Writ from the Pope had been presented in the Court of *Civita Ducale*, whereupon the Judge would not proceed in that Cause, on the 7th of *April* the same Year 1508. he wrote to the Governor of that City, that he was very much surprized at it, because he ought to know, that in this Kingdom no Apostolical Provisions can be presented without the *Exequatur*; and that inhibitory Writ having been presented without it, he ought to have no Regard to such a Writ, therefore he ordered him to cause the Judge to proceed in that Cause notwithstanding the said prohibitory Writ, and upon the like Occasion to continue to act so for the future. And on the 30th of *June* the same Year, he ordered the Archbishop of *Nazaret*, the King's Chaplain Major, not to give Licence for summoning to *Rome* the beneficed Clergy, without knowing the Cause, and till he, the Viceroy be acquainted. And the following Year 1509. he caused a certain D. *Felice*, of the Diocese of *Nola*, to be imprisoned in *Naples*, for having made use of certain Provisions from *Rome* without the *Exequatur Regium*<sup>3</sup>.

QUEEN *Joan* of *Arragon* acted in her Territories, as the Count of *Ribagorfa* did in the Kingdom. On the 1st of *June* 1510. as Mistress of *Nocera de Saraceni*, she gave her *Exequatur Regium* to an Order from *Rome* against the Patriarch of *Antioch*, Bishop of that City. On the 8th of *June* 1512. as Princess of *Sulmona*, she gave her *Placitum Regium* to *Prospero de Rusticis*, for the Bishoprick of the City of *Sulmona* bestowed upon him by Pope *Julius II.* by Apostolical Bulls dated the 30th of *April* 1512. As Mistress of the City of *Nocera de Pagani*, on the 3d of *June* the same Year, she granted the *Exequatur* to *Dominico Jacobaccio* for the Bishoprick of the said City, conferred upon him by the same Pope; as also on the 12th of *February* 1515. she granted it to D. *Pietro Jacopo Veneto* for the Parish-Church of *S. Matthew* in the said City of *Nocera*, conferred upon him by the Pope. As Mistress of

<sup>1</sup> Auctor. de Jure Belgar. circa Bull. recept. cap. 2. n. 2.

<sup>2</sup> Van-Espen Tract. de Promulg. Ll. Eccles. par. 2. de Placito Regio, cap. 1. §. 2. & in Append. fol. 178. Lit. A thus: Epistola Ferdinandi Regis Catholici die 22 Maii 1508. ad Vice-

Regem Neapolitanum, occasione Brevis, quod Papa miserat in Regnum Neap. nolens ibidem observari, non obtentis literis Placiti, sive Pareatis.

<sup>3</sup> Chiocc. MS. Giurisd. de Reg. Exeq.

the City of *Sorrento*, on the 8th of *October* 1514. she gave it to the Reverend *M. Alberto*, Brother to the Cardinal of *Sorrento*, for the Archbishoprick of that City, given him by the Pope upon the Resignation of it made by the said Cardinal his Brother. And lastly, as Mistress of the City of *Cava*, she gave the *Exequatur* to a Bull of *Leo X.* <sup>1</sup>, who had published a terrible Constitution <sup>2</sup> against all Emperors, Kings, and Princes, that pretended their *Placitum* or *Exequatur* ought to be obtained to the Provisions of *Rome*; but that had not been accepted by any Prince, but proved useles, and had no Effect.

*Instances of the Kings of the House of Austria.*

IN the Beginning of the Reign of *Charles V.* the same Practice was constantly kept up by the Lieutenants which he sent to govern this Kingdom. The Viceroy *D. Carlos de Lanoja* gave the *Exequatur* to the Bulls sent by Pope *Adrian VI.* to *Gianpietro Caraffa*, Bishop of *Chieti*, for the Archbishoprick of *Brindisi*. And the Count of *S. Severina*, when he was Viceroy, wrote to the *Capitano* of the City of *Aquila*, that his Majesty's Service required, that the Cardinal of *Sienna* should not take Possession of that Church without his express Orders, and that he was to take special Care to prevent it: So that no Person whatever was to have Possession of it without his express Orders <sup>3</sup>.

THIS Custom was inviolably observed without the least Opposition in the Reign of *Charles V.* till the Pontificate of *Clement VII.* who used his utmost Endeavours to have it taken away. He following the Footsteps of his Predecessors, on the 1st Day of *January* 1533. published a Constitution like to that of Pope *Leo X.* <sup>4</sup>, and in order to have it obeyed in the Kingdom of *Naples*, he made *Antonio Montalto*, Attorney-General of the Kingdom of *Sicily* write to the Emperor, to order the *Exequatur Regium* to be abolished in *Naples*; in which Letter, dated the 20th of *December* 1533. are these Words, *His Holiness desires that your Majesty would take off that Slavery of the Exequatur Regium put upon the Apostolical Letters, as your Majesty is bound to do by the Conditions of the Investiture you received of that Kingdom, and by the Oath taken when you got it, &c.* <sup>5</sup>.

BUT neither the Emperor, nor *D. Pedro de Toledo*, who was then Viceroy, took any notice of that Letter, and the same Custom was continued as formerly; on the contrary, *Toledo*, that his Prince's Constancy might be known to all, on the 3d of *April* 1540. wrote a Royal Letter to all the Governors of the Provinces of the Kingdom, in which he put them in mind of this antient Custom of the Kingdom, that whatsoever Provision came from Abroad, could not be put in Execution without his Knowledge and Licence; that therefore he ordered them to act accordingly in their Provinces; and if any Thing was done to the contrary, to take Information of it, and dispatch it immediately to him; and if Notaries and Laicks were concerned in it, to imprison them; and if Ecclesiasticks, to order them betwixt that and a certain Time, to come and appear before him in *Naples*, that he might proceed in that as he should see Cause.

AND on the 16th of *June* 1557. the Viceroy *Francesco Paesecco* wrote to the Governor of *Benevento*, ordering him not to suffer any Provision from *Rome* to be published in the said City without his Licence in *Scriptis*, and the *Exequatur Regium* <sup>6</sup>. Thus were *Clement VII.*'s Designs baulked, nor did the Court of *Rome* make any other Attempt till the Pontificate of *Pius V.*

BUT of all these Popes, none impugned this *Exequatur* more strenuously than *Pius V.* He by all means would have it abolished in the Kingdom; and King *Philip II.*'s Ambassador in *Rome* having endeavoured to dissuade him from it, his Answer, according to *Girolamo Catena* <sup>7</sup>, was, "That the pretended *Exequatur Regium*, or other Secular Licence, had nothing to do with the Execution of any Ecclesiastical Order. That it has clearly been so decided by the Sacred Canons and Councils, and such Orders are put upon the same Footing with preaching the Word of God, which requires no Secular Licence, &c." And he concluded with

<sup>1</sup> All these Instances are recorded by Chiocc.

<sup>2</sup> Leo X. Constit. 20.

<sup>3</sup> Chiocc. loc. cit.

<sup>4</sup> Clem. VII. Constit. 39.

<sup>5</sup> Ex Archiv. Vatic. Cod. 668. Ezov. tom. 19. A. 1512.

<sup>6</sup> Chiocc. loc. cit.

<sup>7</sup> Girolamo Catena, vita di Pio V. fol. 101. this,

this, " That he was resolv'd not to suffer an Abuse so much to the Dishonour of God and the Holy Faith. That the Offices were distinct, and therefore Princes might preserve theirs, and leave to the Church what is God's, repeating frequently these Words, *Reddite quæ sunt Cæsaris, &c.*

AMONG the other Instructions given to Cardinal *Alessandrino* his Nephew, whom he sent to *Madrid*, this was one; and his Request to King *Philip II.* was this, " To which Abuse many more were added in *Naples*, where in many Articles the Council of *Trent* was not observed, and a thousand Methods were fallen upon for impeding the Execution of the Apostolical Letters and Dispatches; which Abuses, and particularly that of the *Exequatur Regium*, your Majesty, by your Oath, is obliged to remedy and remove, as may be seen by the Clauses of the Investiture given by Pope *Julius II.* to *Ferdinand the Catholick*, and by *Julius III.* to your Majesty, to which you swore" <sup>1</sup>.

THE Duke *D'Alcala* our Viceroy, whom kind Fate brought to the Government of *Naples* exactly at this Time, when there was most need of his Courage and Vigour to withstand the Efforts of Pope *Pius*, in order to oppose him, was not content with following the Example of the Viceroys his Predecessors, but imitating King *Ferdinand*, and the Custom of other Nations, where the Princes by constant and perpetual Laws and Edicts, had published this in their Dominions by way of written Law, he was resolv'd to do the same in the Kingdom of *Naples*.

'TIS well known, that there are many such Edicts in *France*, particularly of *Lewis XI.* in 1475. and of his Successors, which may be seen in the Treatise of the Proofs of the Liberty of the *Gallican Church* <sup>2</sup>. We likewise find many such Edicts in the Provinces of *Flanders* of *Philip the Good*, Duke of *Brabant* in 1447. of the Archdukes *Maximilian* and *Philip* in 1485. and 1495. and others recorded by *Van-Espen* <sup>3</sup>. And, as *Salgado* witnesseth, in *Spain* likewise, which the Duke *D'Alcala* imitated.

THEREFORE, on the 30th of *August* 1561. he put forth a Pragmatick, whereby it was ordained, that no Rescripts, Briefs, or other Apostolical Provisions should be published without the *Exequatur Regium*, and his Licence *In Scriptis obtenta*, to the End that those, who should be so bold as to act otherwise, might be punished.

WE see this Pragmatick printed in the vulgar Editions under the Title *De Citationibus* <sup>4</sup>, which was subscribed by the famous Regents *Villano* and *Revertera*; and we likewise find it in the fourth Volume of the *MS. Guirisd.* of *Chioccarrello*: It was also printed in the antient Editions, and is cited by many Writers. In the *Consultum* made by the Council of *Brabant* in the Year 1652. to the Archduke *Leopold*, which is related by *Van-Espen* in the Appendix <sup>5</sup>. This Pragmatick of the Duke *D'Alcala* is quoted in these Words, *As for the Kingdom of Naples, there is an express Statute in Pragmatica Regni Neapolitani, Tit. De Collation. prag. 6.* (It should have been *De Citationibus, prag. 5.*) It is likewise quoted by *Van-Espen* <sup>6</sup>; and Regent *Rovito*, in his Commentaries, has made a long Catalogue of *Italian* Writers that have quoted it <sup>7</sup>.

IN Pursuance of this Law the Duke *D'Alcala* put forth several Edicts for the more exact Observance of it. In 1566. he wrote a Letter to all the Archbishops of the Kingdom, and also to the Archbishop of *Benevento*, on account of a Bull sent into the Kingdom by the Pope, seriously exhorting them, that since they knew, that such Bulls or Provisions from *Rome* could not be published and executed without the *Placitum Regium*, they ought by no means to publish it; and therefore they were to advertise the Bishops their Suffragans, and other Prelates not to do it. And in the following Years, particularly in 1568. he imprisoned and punished more severely those, who by transgressing this Law, presumed to make use of Writs from *Rome* without the *Exequatur*.

ON the other Hand Pope *Pius* made a grievous Complaint to the Great Com-mendator of *Castile*, then King *Philip's* Ambassador in *Rome*, that these were intolerable Abuses, to the Dishonour of God and the Holy Faith, and that he could

<sup>1</sup> Ex Archiv. Cast. S. Ang. cas. 14. 9. n. 22.

<sup>2</sup> Probat. libertat. Eccl. Gall. cap. 10.

<sup>3</sup> Van-Espen De Placito Regio, par. 2. cap. 2.

<sup>4</sup> Pragm. 5. De Citationibus, tit. 29.

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<sup>5</sup> Van-Espen tract. De Plac. Regio in App. fol. 218. Lit P.

<sup>6</sup> Idem Ibid. par. 2. c. 1. §. 2.

<sup>7</sup> Rovit. super cit. Pragm. 5.

not bear them; and at last, the same Year 1568. he ordered Cardinal *Alessandrino* his Nephew, in his Name, to write a Letter to all the Bishops and Prelates of the Kingdom, in which he told him, that his Holiness's Will was, that they should not subject the Bulls and other Rescripts which he sent into the Kingdom, to any *Exequatur Regium*, but put them immediately in Execution. But the Duke *D'Alcala* being advised of this by the Great Commendator, who sent him a Copy of this Letter, went still on in the old manner, and having given the King an Account of what had passed, he was punctually careful that no Writ should be received or published in the Kingdom without being first presented to him, examined, and the *Exequatur* obtained.

AND his Vigilance is both remarkable and commendable, that even to the Bulls of Jubilees the Nuncios required the *Exequatur Regium*; so that on the 14th and 15th of *December* the same Year, he sent Circular Letters to all the Governors of Provinces, and of some principal Cities of the Kingdom, giving them to understand, that his Holiness's Nuncio residing in *Naples*, had presented a Memorial to him, desiring the *Exequatur Regium* to a Bull of Jubilee sent into the Kingdom by the Pope, that it might be published, and that he had granted it; therefore he ordained, that upon this Intimation they might suffer it to be published in their Provinces and Cities.

THE Court of *Rome* seeing, that neither Flattery nor Threats had any Effect upon the Duke *D'Alcala*, with their usual Cunning, had recourse to the Court of *Spain*, giving it in Charge to the Nuncio residing in *Madrid*, to apply directly to the King for an Order to the Duke not to hinder the Execution of three Briefs about the Reformation of the Friars Conventuals of *S. Francis*, which they had a mind should be published in the Kingdom. But though the King wrote to the Duke, that it was his Will, that what was contained in the said Briefs should be complied with, yet at the same Time, in a Postscript written with own Hand, he ordered the Briefs to be put in Execution in the ordinary Form with the *Exequatur*<sup>1</sup>.

THE Nuncio in *Spain* likewise endeavoured to have this Custom laid aside in *Naples*, as well because the Occasions of it were removed, because formerly in those troublesome Times of War, when one Pretender was driving out another, it was, perhaps, necessary, as because at present it served for no other End than to extort Money for granting it. The Year following 1569. the King wrote an Account of this to the Duke, desiring to be informed how much Money was exacted for granting the *Exequatur*, and to whom the Money belonged, that a Way might be found out for giving it *Gratis*, and by that Means to stop their Mouths. The Duke wrote to the King, giving him to understand, that the Nuncio had given him a false Information of the Matter; that this *Exequatur* was the greatest Prerogative the Kings of *Naples* had; that by most antient Custom, invigorated by a Pragmatick made by King *Ferdinand I.* in 1473. it had been in all Times observed; that no Money was extorted for granting it, except some small Dues, of which (by his own Appointment) and to whom they were paid, he had sent inclosed a particular and distinct Account; that, to remove all Grounds of Complaint, he had ordered, that the Dues belonging to the Chaplain Major, and his Counsellor, should not be exacted from the Parties, but be placed to the Account of the Royal Court during the Lives of those who held these Offices; and besides, he had ordered quick Dispatch to be made, that the Parties might not complain of Delay<sup>2</sup>.

IN fine, 'tis owing to the Duke *D'Alcala*, that King *Philip II.* then doubtful and wavering, by the continual Sollicitations and false Informations of the Pope's Nuncio residing at *Madrid*, stood his Ground, and at last rejected so fulsome and insolent a Pretension. The Duke did not fail, by frequent Consultations, to advise him not to yield in this Point, which was the Foundation of his Royal Jurisdiction, and the greatest Prerogative he had in this Kingdom; for which cause the King took care always afterwards, whenever Application was made to him in *Spain*, to suspend his Judgment, and not to determine any Thing, but remit the Affair to the Viceroy of *Naples* and his Collateral Council.

THERE was an Instance of this in the Publication of the Bull *De Censibus*, established about this Time by Pope *Paul V.* whereby he regulated that Contract

<sup>1</sup> Chiocc. loc. cit.

<sup>2</sup> Idem.

as he thought fit, and pretended that it ought to be observed, not only in the State of the Church of *Rome*, but in all the Dominions of Christian Princes. The Court of *Rome* did not think it convenient to apply directly to the Duke of *Alcala* about this, but ordered the Archbishop of *Naples* to send the Bull directly to the King, desiring that he would order it to be implicitly executed in the Kingdom. But the King, suspecting what the Matter was, and looking upon the Thing to be of great Importance, would not of himself determine any Thing, but on the 3d of *March* 1569. he wrote a Letter, and directed it to the Viceroy, his Collateral Council, and the President of the *S. C.* in which he acquainted them with the Request made him by the Archbishop; and thinking that it was an Affair that required mature Deliberation, and of great Consequence, therefore his Will was, that they should examine and discuss this Bull, and that not only the Regents of the Chancery, but *Gianandrea de Curtis*, *Antonio Orefice*, and *Tommaso Altomare*, then Royal Counsellors, should likewise be present at the Discussing of it, to the End, that it being examined, they might advise him if there was any Inconveniency in it, that he might take a suitable Resolution; repeating the same in another Royal Letter, dated the 13th of *July* the same Year.

THE Duke *D'Alcala*, in Pursuance of these Royal Orders, caused the Bull to be examined, and it was found, that in it the Pope arrogated to himself many Things which exceed his Spiritual Power, and took upon him to decide many Questions that did not belong to him, but to the Temporal Power of Princes; that it contained some Articles, which, if put in Execution, would be attended with Inconveniencies, and particularly if it should obtain in the Kingdom, the Subjects might bid farewell to free Contracts; therefore, though the Archbishop of *Naples* had at the same time given in another Memorial to the Viceroy, requiring the *Exequatur Regium* to the said Bull, yet he thought fit not to grant it, and therefore it was not to be received nor executed, as prejudicial to the Publick Good and Commerce. But the Archbishop of *Chieti* having given the Governor of *Abruzzo* to understand, that Cardinal *Alessandrino* had written to him, ordering him to cause the Bull to be published in his Diocese, and that therefore he was resolved to publish it; the Governor advised the Duke of it, who, on the 7th of *April* 1569. wrote him a Royal Letter, charging him to speak to the Archbishop, and tell him, that as that Bull contained some Articles, which, if put in Execution, would be the same as to abolish all Contracts, therefore it was under Examination in order to form a Resolution, and when that was done in *Naples*, Notice should be given over all the Kingdom; and in the mean time to exhort him, in his Name, by no means to publish it, or cause it to be published, and to take care himself not to consent to the Publication of it, or of any other Bull or Provision from *Rome*, without the usual *Exequatur*, and to advise him of what should happen<sup>1</sup>. This Bull got no Footing in the Kingdom during his Government; and Cardinal *Granville*, *Alcala's* Successor, on the 31st of *July* 1571. wrote to the King, advising him, that the Execution of it in the Kingdom would occasion many and great Inconveniencies: Whence it came, that it was never received nor put in Execution with us, as at present it is not minded in the Tribunals, nor elsewhere<sup>2</sup>. And the Bull of Pope *Nicholas V.* is observed because it was inserted by King *Alphonsus I.* in one of his Pragmaticks, in order to give it the Force of Law, otherwise it would never have been binding upon us; for to lay down a Rule and Method to Contracts, belongs to the Temporal Power of Princes, and is peculiar to Empire, but not to the Priesthood; and such Bulls will have all Authority within the State of the Church of *Rome*, but not without it, nor in the Dominions of the Princes of *Europe*.

THE Order of Time would require, that an End should be made here of speaking of this *Exequatur Regium*; but, that I may not be obliged to resume this Subject, I chuse rather to prosecute it after the Death of the Duke *D'Alcala*, during the Times of the other Viceroy's his Successors, to this Day, that the Extent of it may be laid before the Eyes of all, particularly of those who shall have a Share in the Government of this Kingdom, that knowing by what has happened, how odious this *Exequatur* has always been to the Court of *Rome*, and that they have left no Stone unturned in order to overthrow it; they may likewise be informed, that such strong Attempts were made, for no other End, but to strike at the chief Foundation of the

<sup>1</sup> Chiocc. loc. cit.

<sup>2</sup> Rovit. aliique passim sup. Prag. 1. De Censib.

Royal Jurisdiction, and the greatest Prerogatives that Princes have in their Dominions, which they ought to take for a Warning to be always watchful that it be not in the least touched, but, minding the Vigour and Constancy of the Duke not in the least touched, but, minding the Vigour and Constancy of the Duke *D'Alcala*, to take care to act so, as it may always remain intire and firm, that no Storm whatsoever may be able to shake it.

POPE *Pius V.* being dead, his Successors, as for the most part it commonly happens, following the same Footsteps, impugned the *Exequatur* as much as he; among the rest, the greatest Sticklers against it, were Pope *Gregory XIII.* and *Clement VIII.*

POPE *Gregory*, like *Pius V.* looking upon it to be the unbinging of the Authority of the Apostolical See, had always an Abhorrence to it, and did his utmost with *King Philip II.* to have it quite abolished in the Kingdom. But finding the King obstinate, by good Management he got the Matter to be referred to a Treaty, and the King to appoint his Ministers to go to *Rome*, in order to fall upon, at least, some moderate Temperament, seeing to abolish it quite, was found to be an Undertaking not only hard and difficult, but altogether desperate and impossible. Among other Differences about Jurisdiction, this Point was long debated in *Rome* between the King's and the Pope's Ministers; but, excepting that our Ministers promised that a more quick Method should be taken in giving the *Exequatur*, without nicely examining into the Cause, or putting the Parties to great Charges, the Pope's Ministers gained nothing else: Whatever Bull, or other Provision came from *Rome*, was examined, nor was it put in Execution without the Royal Permission. This Pope, to whom we owe the Reformation of the Kalendar, likewise found, that *D. Juan de Zuniga*, Prince of *Piedra Persia*, who was then Viceroy, would never suffer the said Kalendar to be accepted and published in the Kingdom, till the King, by a particular Letter, dated the 21st of *August 1582.*, ordered him to allow it to be done; nor was it executed absolutely, but with some Restrictions and Modifications, as shall be told in the following Book, when we shall have Occasion to discourse more at large of this new Reformation of the Kalendar made by *Gregory*.

IN 1584. the Duke *D'Ossuna* checked the Arrogance of the Bishops of *Gravina*, *Ugento*, and *Lecce*, the first of which had had the Boldness to publish some monitory Letters sent him from *Rome* without the *Exequatur*; and the other two had likewise published two Bulls without this indispensible Requisite. He called them all three to *Naples*, and sent two Consultations about the Matter to the King, representing to him, that these were pernicious and wicked Attempts, to which he ought to apply a quick and effectual Remedy in order to obviate greater Prejudices and Disorders; for the Court of *Rome* had presumed to send a Messenger to intimate a monitory Letter to the Princess of *Austria*, without the *Exequatur*.

THE Count *De Miranda*, the Duke *D'Ossuna's* Successor, was no less vigilant in this Point, to whom the Ambassador at *Rome* in 1587. having written about giving the *Exequatur* to a Bull, whereby the Pope, designing to erect in *Rome* a Place for keeping publick Writings, pretended, that Inventories of all the Writs of the Estates, Revenues, and Jurisdictions of all the Churches and Hospitals of the Kingdom ought to be sent to *Rome*; the Count answered him, that it could not be granted, and told him, that the putting of that Bull in Execution would be of dangerous Consequence.

IN the Pontificate of *Clement VIII.* when Cardinal *Gesualdo* was Archbishop of *Naples*, the Dispute grew as warm as ever, the Occasion of which we shall relate. In 1586. this Pope had directed a Brief to the Cardinal, by which he ordered, that all the Monasteries of Nuns of the Order of *S. Francis*, should be no longer under his own immediate Protection, but should acknowledge the Ordinaries, by removing the Monks that were there and performed Divine Offices, and putting Priests in their Places; in which Brief were likewise included the Monasteries of *S. Clara*, of *Eggizziaca*, and of *Mary Magdalen* in *Naples*, which are of Royal Patronage: The Cardinal had caused the Brief to be intimated to the Monks and Nuns without the *Exequatur*; whereupon Count *Olivares*, the Viceroy, sent the Secretary of the Kingdom with a Message for putting a Stop to the Execution of the Brief, and ordered a Guard to be put upon the Monasteries, and at the same time he advised the King of what had passed, and wrote likewise about it to the Duke of *Sessa*,

<sup>1</sup> Chiocc. loc. cit.

<sup>2</sup> Idem, loc. cit.



Ambassador in *Rome*, and even to the Pope himself. The Count might easily have guessed what *Clement's* Answer would be, who, no less than his Predecessors, hated the *Exequatur*. The Pope's Answer, besides expatiating upon the depraved Manners of those Monks and Nuns, contained, 'That the *Exequatur* was an Abuse, introduced into the Kingdom in the troublesome Times of War, when one Pretender was frequently turning out another; that now there was no more Occasion for it; therefore he commended the Cardinal's Conduct, who, without requiring it, had intimated his Brief. The Viceroy replied to the Pope, shewing him, that the Use of the *Exequatur* in the Kingdom was no less just than antient and uninterrupted; that it being one of the King's greatest Prerogatives, and the chief Foundation of his Royal Jurisdiction, he would not suffer it to be prejudiced in the least. He likewise wrote to the Duke of *Sessa*, that he was resolved to apply more effectual Remedies for repelling all other Attempts, and in *January* the following Year 1587. he sent the King an Account of what had passed.

CARDINAL *Gesualdo*, like a prudent Prelate, foreseeing, that to go on in the Way they had taken, would occasion greater Mischiefs, thought upon an Expedient for putting an End to all Dispute; he got the Monks to resign the Government of these Monasteries into his Hands, as the Ordinary, excepting however the Monasteries that were of Royal Patronage: This Resignation being made by a publick Instrument, the Cardinal wrote a Letter to the Viceroy, wherein, giving him an Account of what had been done, he declared, that he, as Ordinary, without standing in need of the Pope's Brief, and consequently of the *Exequatur*, intended to govern these Monasteries; and therefore, excluding the Monasteries that were under the Royal Protection, in which he did not intend to make any Innovation, having a Mind to visit in Person the Monasteries of *Jesus*, *S. Francis*, *S. Girolamo*, and *S. Anthony* of *Padua*, he begged of the Viceroy, that he would be pleased to order him all Assistance and Favour, that, as Ordinary, he may do his Duty without any Impediment: The Viceroy, upon Sight of this Letter, ordered the Regent of the Vicariate immediately to dismiss the Guards, which, by his Order, had been posted upon these four Monasteries, that the Cardinal might freely enter them. Thus ended this Affair, to the great Commendation both of the Viceroy and the Cardinal.

THIS Course was constantly, pursued by the Viceroys that succeeded Count *Olivares*; and as long as *Philip II.* reigned, he maintained this Prerogative as it had been by all his Predecessors.

IN the Reign of *Philip III.* no Innovation was suffered with respect to this *Exequatur*, which, being now become famous on Account of the many Disputes that had arisen about it, was constantly kept up; and it being looked upon to be so precious a Jewel, it was judged, that to yield it up voluntarily, would have been one of the most valuable Presents that the Kings of *Spain* could ever make the Court of *Rome*; which would have put an inestimable Value upon it. Infomuch, that *Tommaso Campanella*, in his whimsical Treatise upon the Monarchy of *Spain*, which is handed about in Manuscript, designing, by new and strange Methods, to regulate the Monarchy, says, that in order to remove all Ground of Jealousy, the King of *Spain* should, in some measure, yield the Point of the *Exequatur* to the Pope, and send Bishops and Cardinals to govern *Flanders* and the New World, and by that Means every Thing would succeed to his Heart's Desire; *for* (subjoins he) 'tis seen, that the Pope's Indulgence of the *Crusade* yields him more Money than he spends in entertaining Cardinals, Bishops, and other Ecclesiasticks, and instead of being a Loser, he would be a Gainer. And elsewhere, in the same Treatise, he says, that there might be an Exchange made between the King and the Pope: Let the King give up the *Exequatur* to the Pope; and, on the other Hand, let the Pope give him the Power of giving final Judgment without further Appeal, so as there may be a Tribunal composed, where the King, as being of the Clergy, may be Head, and being joined with two Bishops, they may be Judges of all Appeals. But laying these Dreams aside, in our Kingdom, not only in the Reign of King *Philip III.* (when, to pass over other Instances, the *Exequatur* was not given to the Pope's Briefs of Counts Palatines and Knights, but with this Restriction, that they could only wear the *Torquem, seu habitum Equitis aurati* <sup>1</sup>) but in the Reigns of *Philip IV.* his Son,

<sup>1</sup> Chiocc. loc. cit. in fin.

and of *Charles II.* the last of the *Austrian* Kings of that Race, there was not a Writ that came from *Rome* to which the *Exequatur* was not sought. They were all subjected to Examination, whether they were Commissions or Patents of Apostolical Nuncios and Collectors; whether they were Briefs, Decrees, or Edicts concerning the Holy Office, or the Tribunal of the Fabrick of *S. Peter*; whether they were for prohibiting Books, or for Indulgences and Jubilees: In fine, whether they were monitory Letters and Citations; and in short, whatsoever Provision came from *Rome*, was not suffered to be published, much less put in Execution, without this indispensable Requisite. The Viceroy, with his Collateral Council, commits the Examination of the Writ to the Chaplain Major and his Counsellor, who makes a Report of it to that Tribunal; and if there be no Inconveniency or Harm found in it, the *Exequatur* is granted, and even frequently denied. This is the inveterate and antient Custom, introduced into the Kingdom when Principality was first settled in it; maintained by a Series of so many Ages, by all the Princes that have governed it, and in our Days more firmly established by our most august Prince, who, in the Years 1708 and 1709, residing in *Barcelona*, by many of his Royal Writs<sup>1</sup> directed to Cardinal *Grimani* our Viceroy, ordered it to be inviolably observed with respect to all Provisions coming from *Rome*; so that at present it is more firm and stable than ever.

<sup>1</sup> Graz. e Privileg. di Nap. tom. 2. pag. 230 & 231.



## CHAP. VI.

*Disputes about Apostolical Visitors sent by the Pope into the Kingdom; and on account that Laicks were forbid to go to Rome when cited by that Court.*

**T**HE Custom of sending Apostolical Visitors by the *Roman* Pontiffs into these our Provinces, as *Suburbicarian*, is very antient; we have related in the Tenth Book of this History, that Pope *Nicholas II.* gave that Charge to *Desiderio* the famous Abbot of *Monte Cassino*, that, as Legate of the Apostolical See, he should visit all the Churches and Monasteries of the Provinces of *Campagna*, *Principato*, *Puglia*, and *Calabria*<sup>1</sup>; and the same was practised in the other Provinces of *Europe*. But what Damage these Legates occasioned in the Provinces committed to them, we have at large related in the said Book; so that they were so abhorred in *France* and other Kingdoms, that they were chased out of them, and by severe Edicts prohibited ever to return.

OUR first *Norman* Kings, with respect to the Kingdom of *Sicily*, found an easy Remedy; for by the famous Bull of Pope *Urban II.* the Foundation of that Monarchy, the King being declared Legate of the Holy See, they were no more received into that Island. But our *Puglia* and *Calabria*, under which Names all the other Provinces, of which the Kingdom of *Naples* is now composed, were then comprehended, continued in their former State. Whence it came, that in the Peace made in *Benevento* 1156. between King *William I.* and Pope *Adrian IV.* about these Legates, it was agreed for *Sicily*, that the Church of *Rome* had the Power of

<sup>1</sup> Lion. Ostiens. lib. 3. cap. 17.

Elections and Consecrations in the Form there described, *Excepta Appellati ne & Legatione, quæ nisi ad petitionem nostram, & hæredum nostrorum, ibi non fiant.* But as for *Puglia* and *Calabria*, it was agreed thus, *Consecrationes & Visitationes liberè Romana Ecclesia faciet Apuliæ, vel Calabria Civitatum, ut voluerit, aut illarum partium, quæ Apuliæ sunt affines, Civitatibus illis exceptis, in quibus Persona nostra, vel nostrorum hæredum in illo tempore fuerit, remoto mal ingenio, nisi cum voluntate nostra, nostrorumque hæredum.* In *Apulia & Calabria, & partibus illis, quæ Apuliæ sunt affines, Romana Ecclesia liberè Legationes habebit* <sup>1</sup>. Nevertheless there was some Care taken for preventing the Damages which the Churches of the Kingdom usually suffered by such Legations, by subjoining, *Illi tamen, qui ad hoc à Romana Ecclesia fuerint delegati, possessiones Ecclesiæ non devastent.*

ALTHOUGH the Church of *Rome* could freely send these Visitors or Legates into the Kingdom, yet their Commissions were constantly inspected. Sometimes it was found that they exceeded the Bounds of Spiritual Power, and often reached the Persons of Laicks, therefore their Commissions were examined before they got the *Placitum Regium*, as all other Provisions coming from *Rome* were; and so much the rather, if their Commissions were for the City of *Naples*, now declared a Royal Seat, where the Kings had taken up their Residence, and afterwards the Viceroys.

IN the Pontificate of *Pius V.* while the Kingdom was governed by the Duke *D'Alcala*, the Court of *Rome* abusing this Power, endeavoured to make Incroachments; for the Pope had sent a Brief to the Bishop of *Strongoli*, whereby, as his and the Apostolical See's Legate, he gave him Power to visit some Archbishopricks and Bishopricks, some of which were of Royal Patronage, such as *Salerno, Gaeta, and Cassano*, with all their Churches, and all the Ecclesiastical Persons, even those who were exempted from the Jurisdiction of the Ordinary. Moreover, in a separate Bull, many Instructions were given to the said Bishop most prejudicial to the Royal Jurisdiction and Prerogatives, as giving him Power to visit Hospitals, and take an Account of their Revenues and Incomes, though administered by Laicks; but what was most intolerable of all, was, that the Bishop had a secret Instruction and Order to execute these Commissions without asking the *Exequatur*; and he had already begun to visit some of these Churches without requiring it from the Viceroy. The Duke *D'Alcala*, out of Excess of Civility, caused the Bishop to be advertised not to execute these Commissions without having first obtained the *Exequatur*; and the Bishop saying, that he had Orders from the Pope not to take it, it was replied, that in the mean time he ought to forbear executing them till his Majesty should be informed. The Bishop did forbear, and in the mean time the Duke wrote to the King's Ambassador in *Rome*, to the Commendator *D. Ernando Torres*, and likewise to Cardinal *Alessandrino*, to intercede with the Pope to order the Bishop to take the *Exequatur*, for he was resolved not to suffer such an Incroachment to be made in his Time. But Pope *Pius*, offended at the Proposal, would not consent to it; so that the Affair being negotiated with the Nuncio in *Naples*, a new Expedient was fallen upon, but that did not please the Nuncio, therefore the Viceroy was forced to call the Collateral Council, and on the 29th of *December 1566.* they sent a full Information of the Affair to King *Philip*, in which they earnestly begged of him to consider the great Prejudice it would occasion to his Royal Jurisdiction, and with all haste to send them Orders how they were to behave in this and the like Cases that might daily occur; so much the rather, that the Pope threatened to forbid the Celebration of the Divine Offices in the Kingdom, always putting them in Mind of the Excommunications contained in the Bull *In Cæna Domini.*

KING *Philip*, seriously considering that it was an Affair of great Importance, wrote a very pressing Letter to his Ambassador in *Rome*, to use his utmost Endeavour to get the Pope to be satisfied with the Expedient concerted in *Naples*, of dispatching Writs of Execution according to the Draught offered by the Viceroy, with which the Pope was at last satisfied, only leaving out some Clauses, and that these Writs should be directed in general to all Persons, without mentioning either Ecclesiasticks or Laicks. The King wrote likewise to the Duke *D'Alcala*, not to suffer Hospitals governed by Laicks to be visited, and much less the Monastery of *S. Clara*, or any other Thing belonging to the Royal Patronage and Prerogatives; that he should oppose all those Articles in the Bishop of *Strongoli's* Instructions

<sup>1</sup> Apud Baron. & Capec. Latr. Hist. Neap. lib. 2. pag. 75.

which concerned Laicks: And in fine, that he left it to his Prudence to make use of all Ways and Means that shall be found most conducive to his Service, and to do by the Pope what is just and reasonable. The Duke managed Matters so dextrously and effectually, that he brought the Nuncio to ask the *Exequatur* to all such Commissions; and the Viceroy's his Successors never suffered the Apostolical Visitors to execute their Commissions, till they had first presented them; and, being found reasonable, they gave them the *Exequatur*; however, with this Clause always, that they might execute them against Ecclesiastical Persons; and they often modified such Commissions as were thought prejudicial to the Royal Prerogatives and Rights of the Kingdom.

BUT at the same time this Minister had an Affair much more difficult and intricate to manage with Pope *Pius*. He had sent *Paolo Odescalchi* to be his Nuncio in *Naples*; to whom, besides the Commissions given him relating to Spoils and Tythes, and what in general concerned his Office, he had likewise given him particular Commissions about other Things; among the rest, he gave him Power to inquire into, and take Cognizance of the Ecclesiastical Estates, wrongfully alienated for a hundred Years backward, and of the Nullity of the said Alienations, though confirmed by the Apostolical See, or its Commissaries: Likewise to take Cognizance of the unjust Possession and retaining of the said Estates; and they being found to have been unjustly alienated and possessed, to restore them to those Churches from which it should appear they had been alienated and taken, with Power to force the Possessors of them, without Distinction of Persons, whether Ecclesiastical or Secular, not only to restore these Estates, but likewise to be accountable for the past Rents.

THE Nuncio presented all these Commissions to the Viceroy; to such of them as were regular, Licence was given for executing them with the wonted Conditions and Limitations; but as for this last, he was absolutely forbid to put it in Execution. The Nuncio acquainted the Pope with this Prohibition; and the Viceroy, on the other Hand, sent a full Information of the Matter to the King, in which he represented to him, that the Execution of this Commission would be most prejudicial to the Royal Jurisdiction, and that it would be the same as to erect a new Ecclesiastical Tribunal against the Laicks, contrary to the antient Custom, the Royal Tribunals having always proceeded in such Causes against Laicks that were sued, according to the Rule, *Actor sequitur Forum Rei*; and the Ecclesiastical Judges, whether Ordinaries or Apostolical Delegates, were never suffered to proceed against Laicks in the like Causes: Adding, that Pope *Paul III.* having attempted the same Thing, by appointing Judges in this Kingdom with the like Commissions, and particularly this same *Paolo Odescalchi*, when Cardinal *Pacecco* was Viceroy, a Licence for putting them in Execution was denied, and Pope *Julius III.* was served the same Way; that if such a Practice got footing, it would not only disturb the Peace and Tranquillity of the Kingdom, but occasion great Detriment and Charges to the Subjects, by overturning all the Alienations of Ecclesiastical Estates made so long ago as a hundred Years, not only at the Suit of Parties, but *ex mero Officio*, and by way of Inquisition, as it is expressed in the said Commission. For which Reason the preceding Popes laid aside the like Attempt; and therefore his Majesty ought to interpose all his Royal Authority with the present Pope, that he may order the Nuncio to give over such a Pretension, as his Predecessors had done. These strong Insinuations had such Weight with the King, that he managed Matters so, as the Inquiry and the Nuncio *Odescalchi's* Commission took no Effect; the Pope recalled him, and on the 9th of *February 1569.* sent another to *Naples*.

BUT for all that, the Court of *Rome* did not give over the Undertaking; they attempted it afterwards by very scandalous Means. Cardinal *Morrone*, with *Ernando de Torres*, negotiated the Affair in *Rome*, and contrived an Expedient, which, as that Cardinal said, in a Letter he wrote to the Viceroy, dated the 18th of *August 1570.* was not only much for the Service of God, but honourable and advantageous to his Majesty, and redounded to the Praise of his Ministers. The Cardinal, perhaps, was ashamed to name this Expedient in his Letter to the Duke, but got D. *Ernando* to write and name it to him, who, inclosing the Cardinal's Letter within his own, told him, that provided he would suffer the Bull for taking Cognizance of the Possessions of the Churches that had been unjustly alienated, the Cardinal had told him, that his Majesty shall have a Third Part of all that shall be recovered, and the Business shall be managed in the Kingdom, as that of the Fabrick of *S. Peter*, with the Assistance

Assistance of such Persons, as he (the Viceroy) shall be pleased to appoint; and that without doubt his Majesty would thereby receive above 100,000 Ducats, and it will be much for the Service of God, of the Churches, and of the Souls of those who at present possess those Estates unjustly, of the Pope, and of the Fabrick of *S. Peter*: that therefore he was of Opinion, that he (the Viceroy) ought to give Ear to it, because he would thereby be able to gratify some Barons: He likewise wrote to him, that the Cardinal had told him, that the Pope had sent the like Bull to *Spain*, and over all *Italy*.

• THE Duke *D'Alcala*, offended at this, returned no other Answer, but that he would advise his Majesty of it, and wait for his Resolution, not being able to determine any Thing of himself; so that on the 12th of *October* the same Year, he sent a full Account of all to the King, as also Copies of the Cardinal's and *Ermano's* Letters, not neglecting to represent to him the Inconveniencies and Prejudices that would attend the granting such a Liberty by such scandalous Means.

THE prudent King abhorring the Offer, and likewise ashamed of it, on the 7th of *March* 1571. answered the Duke, that it was not fit for him to meddle in that Affair, that therefore he might delay giving an Answer, and if he were obliged to give it, without taking notice that he had written any Thing of it to him, he might answer, that having better considered the Affair, he did not think it proper to mention it to the King; but considering the many grievous Inconveniencies that might follow, and being taught by Experience, he was resolved not to make any Innovation during his Government; that he ought to intimate this Resolution to the Cardinal by the Means of *D. Ernando*, and thus put an End to the Affair. The Duke did as the King had directed him, and so ended the Treaty; and as during the few Months that he survived (for he died soon after) no Novelty was introduced, so he set a good Example to the Viceroys his Successors, always to oppose the like Attempts of the Court of *Rome*, who not only obliged the Apostolical Visitors not to execute their Commissions without the *Exequatur Regium*; but when they did grant it, it was always with this Clause, *Quo ad Ecclesias, & beneficia Ecclesiastica, & quo ad bona, & possessiones contra Personas Ecclesiasticas tantum; & dummodo non operetur directè, nec indirectè contra Personas Laicas; neque super Prælatariis, Beneficiis, Monasteriis, & Hospitalibus, & Cappellaneis, qui sunt sub protectione Regia.* And besides, there was great Care taken, that the Commissaries appointed by those Visitors, should not oppress, by Extortions, even the Ecclesiasticks.

THIS Minister likewise vigorously opposed the Incroachments of the Court of *Rome*, which often presumed to summon Laicks, even Subjects and Feudatories of the Kingdom in Ecclesiastical and Temporal Causes, though Defendants, to appear in *Rome* before any Tribunal there. Although King *Ferdinand I.* on the 24th of *April* 1474. by a particular Pragmatick, had, under the Penalty of Confiscation of Goods, forbid such Appearance<sup>2</sup>; and King *Frederick* had invigorated the said Pragmatick in his Reign; and that in the Reign of *Charles V.* the Count of *Ribagorça* had strongly resented a Summons given the Duke *D'Atri*: Nevertheless in the Pontificate of *Pius V.* the Tribunals of *Rome* did not forbear to give such Citations; in 1567. *Marcello Caracciolo*, at the Instance of the Exchequer of the Apostolical See, was cited to appear in *Rome*, and to give up the Village of *Monte d'Urso* near *Benevento*, with its Tenants and Jurisdictions. *Giancamillo Mormile*, on account of an Allom Pit which he possessed in the Lake of *Agnano*, was served the same Way; as also the Corporation of *Montefuscoli*, a Town belonging then to the Marquis of *Vico*, which was interdicted and suspended from the Divine Offices, because having been cited to appear in *Rome* and give up some Territories, they had not obeyed. But what was insufferable, it was alledged, that the Kingdom being subject to the Holy See, the Court of *Rome* had Power to command, cite, and force the Laick Subjects of it to appear. The Duke *D'Alcala* could not suffer these Abuses, but sent an Account of them to King *Philip*, representing the bad Consequences, and begging a speedy and effectual Remedy<sup>3</sup>.

THE Duke having so vigorously opposed the bold Attempts of the Court of *Rome*, the Viceroys his Successors, in Imitation of him, and encouraged by the King, who had been fully informed by the Duke, were very vigilant and rigorous against such

<sup>1</sup> Chiocc. tom. 4. de Visitat. Apostol.

<sup>2</sup> Pragm. R. Ferd. L. de Anno 1474.

<sup>3</sup> Chiocc. loc. cit. De Laicis non citand. &c.

Citations; infomuch that in 1582. a Messenger was imprisoned by the Duke D'Ossuna's Order, for having had the Impudence to cite D. Margarita of Austria, Sister to D. John of Austria, who lived in the City of Aquila, which had been assigned her as her Dowry, ordering her to appear in Rome, and answer to a Process taken out against her by the Queen Dowager of France. And the Count of Benevento's Resentment, on the like Occasion, was greater, for the Duke of Maddaloni, and the Marquis of Circello having been cited to Rome, the first about a Right of Patronage, and the other about the Bailiwick of his Village of Colle, which Cardinal Valente, as Abbot of S. Maria di Carato, claimed; in 1605. he made a heavy Complaint of it to King Philip III. who, in a Letter dated the 18th of March 1606. answered him, that he was not to suffer the Parties cited to appear in Rome, charging him, that, in order to repair so great an Injury, and of such bad Consequence, he ought to exert his Authority in such a Manner, as not only to serve for Reparation, but Example, and to banish out of the Kingdom the Clergyman that cited the Marquis, and sequestrate the Temporalities of the Abbot that employed him, and imprison his Relations: and in fine, to punish with the utmost Rigour for so heinous a Crime.



## C H A P. VII.

*Disputes about mixed Causes, and the King's Share of the Tythes imposed upon the Clergy of the Kingdom by the Pope.*



E owe likewise to the Duke D'Alcala, the removing of that Abuse, that the Ecclesiastical Judges, when they got the Start of the Secular, could proceed against Laicks in certain Causes, which therefore they called *Mix'd*. Among other Incroachments of the Ecclesiastical Justice, as we have related elsewhere, the Ecclesiasticks had invented a certain Kind of Tribunal, called *Forum Mistum*, thereby meaning, that a Bishop, as well as Secular Magistrate, could proceed against Laicks by Way of Prevention; in which the Magistrate was often disappointed, because the Ecclesiasticks, by their exquisite Diligence and Care, almost always took the Start, so that leaving no Room for the Secular Magistrate, they ingrossed all the Causes to themselves: Among others, they reckoned that Sacrilege, Ufury, Adultery, Polygamy, Incest, Concubinage, Blasphemy, Perjury, Sorcery, and to inforce the Payment of Tythes, and the fulfilling of pious Legacies, belonged all to the *Forum Mistum*.

POPE Pius, after his wonted manuer, made his Nuncio at Madrid importune King Philip with Complaints of the Duke, that in the Kingdom he hindred the Bishops, though they had prevented the Secular Magistrates from proceeding against Laicks in the abovementioned Causes; so that on the 17th of July 1569. the King wrote a Letter to the Duke, ordering him to consult with the Collateral Council, and three or four Counsellors of the Council of S. Clara, with the two Attorney-Generals, whether, when the Bishops get the Start, they can take Cognizance of the aforesaid Causes. The Duke convened the Regents of the Collateral Council, with all the others the King had named, and the Affair being nicely discussed, it was concluded with unanimous Consent, that it was an Abuse; whereupon the Duke, on the 19th of July the following Year 1570. sent to his Majesty a solemn and full Consultation of what had been determined in the Collateral Council, with the Assistance of those Ministers, and the two Attorney-Generals; viz. That the Cognizance of these Causes in this Kingdom, belongs privatively to the Royal Judges.

Judges, and not to the Prelates, and that no Prevention is allowed, as the Bishops pretend: In Pursuance of which Decision, when it happened that the Bishops designed to meddle in the Crimes of Sorcery, Incest, &c. or in the exacting of Tythes, they were always vigorously opposed by the Duke, whose Footsteps Cardinal *Granvela*, and the Viceroys his Successors, afterwards followed, many Instances of which are to be found in the fifth Tome of *Chioccarelli's MS. Giurisdizionali*.

IT was an antient Custom in the Kingdom, that whenever the Popes, either on Account of War against the Infidels, or for any other Reason, imposed Tythes upon the Ecclesiastical Revenues, the half of them belonged to the King; of which Custom there is Record in our Archives since the Times of Pope *Sixtus IV.* and of King *Ferdinand I.* Sometimes the Popes, conscious of this Right, consented to its being exacted, at other times it was done without their Consent; and the Collectors of the said Tythes, who were for the most part Bishops, gave in the Accounts of their Collections to the Royal Chamber, and the Money was put into the Royal Treasury, part of which was kept for the King's Share, and the rest given to the Persons appointed by the Popes. In the Pontificate of *Pius V.* the *Turk* threatening to make War in our Seas, and the War of *Malta*, so well described by *Tevanus*, then raging, this Pope, in order to assist the Christian Princes in opposing so powerful and implacable an Enemy, often taxed the Ecclesiasticks, and in our Kingdom, with the *Placitum Regium*, he imposed Tythes upon their Incomes. Pope *Pius's* Zeal for these Expeditions was truly commendable, but at the same time the Court of *Rome* endeavoured to get all the Money into their own Hands; they began to dispute the King's Right to his Share, and gave *D. Juan de Zuniga*, then Ambassador in *Rome*, and the Viceroy of *Naples* to understand, that they must shew the King's Title to that Right. The Duke *D'Alcala* gave a suitable Answer, and the King being advised of this Demand by the Ambassador, on the 1st of *July 1570.* answered, that he might tell that Court, that his King was under no manner of Obligation to shew the Title whereby he was in use to take his Share of the Tythes; that his Holiness had best let him possess that Right which had been handed down to him by his Predecessors, for he would never suffer himself to be robbed of it.

ALTHOUGH the Court of *Rome*, by these Disputes, gained nothing with respect to this Point, so strongly defended; yet the King, out of Piety, and because the Necessities of the War of *Malta* were truly great, was pleased to consent, that the Tythes imposed upon the Ecclesiasticks of the Kingdom for the Relief of that Island, should be collected by Ecclesiastical Ministers, who were to employ them all for that End; and that this Act might not prejudice the King's Right, a Declaration was ordered to be drawn up by *Fra' Martino Royes*, the General Collector appointed for receiving the said Tythes, that his Majesty had graciously been pleased to grant the Half of the said Tythes belonging to him to the Knights of *Malta*, and had likewise consented, that the Money of the said Tythes should not be brought to the Royal Treasury, as usual, but might be received by Persons appointed by the said Knights, or, in their Name, by the said *Fra' Martino*. Moreover, the Pope intending to impose three Tythes upon the Ecclesiastical Revenues of this Kingdom, for assisting to complete the Fortifications of the City of *Malta*, provided his Majesty would remit the Half belonging to him in Favour of the said Knights, the King graciously consented to it; as afterwards, on the like Occasion, for assisting Christian Princes that were disturbed either by Infidels or Hereticks, he ordered his Ministers to suffer these Tythes to be collected and employed in such pious Expeditions, without exacting any Thing.

NEVERTHELESS this Piety of King *Philip* was not sufficient to stop the Mouth of the Court of *Rome*, for among the Instructions given to Cardinal *Alessandrino*, in his Legation, this was one, to complain to the King, that the Ecclesiastical Jurisdiction was inroached upon by the Difficulties it met with in collecting the Tythes which his Holiness had imposed upon the Clergy of *Italy*, under pretence, that a Part of them belonged to his Majesty; and besides to tell him, that although former Popes had obtained some Permissions concerning the said Collections, yet that not ought to be made a general Rule, and that therefore his Majesty would be pleased to leave it to his Holiness's Disposal, and if he pretended to have any Right in it, he might give his Holiness an account of it, that he might be able to quiet his Mind, and remove all Scruple.

BUT

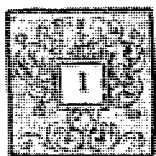
BUT Cardinal *Granville*, the Duke's Successor, to whom the King communicated the Heads of the aforefaid Legation, answered the King by a Consultation, dated the 22d of *March* 1572. that his Holiness could easily remove all Scruple concerning that, because it was a most antient Custom, and of which the Kings his Predecessors had been in quiet and peaceable Possession, with the Consent of the Popes themselves, Time out of Mind; therefore it seemed very strange now, that the filial Love and profound Respect, which his Majesty had always had for his Holiness, should be so ill requited, as to demand the Title to a Right so clear, inherited by his Ancestors, and yielded to by so many Popes. The Count of *Miranda*, and the Viceroy's his Successors, took the same Course; so that this Custom continues in the Kingdom at this Day more firm than ever

<sup>1</sup> Chiocc. tom. 11. MS. Giur



## CHAP. VIII.

### *Disputes occasioned by the Knights of S. Lazarus.*



It truly seems as if the Duke *D'Alcala* had been designed by Heaven to oppose the so many Inroachments of the Court of *Rome*, as were set on Foot in the Pontificate of *Pius V.* We shall now relate one very new and extravagant; and since the Subject has something of Dignity in it, we shall not grudge our Pains in tracing it back to the Institution and Origin of these Knights, and shew what Disorders they occasioned in the Kingdom.

THESE Knights boast of a very antient Institution, and carry it back to about the Year 363. under the Emperor *Julian*, in the Times of the Popes *Basilus the Great* and *Damasus I.* They confirm this Antiquity by the many Hospitals, which, under the Name of *S. Lazarus*, are recorded in History to have been built in those early Times over all the Christian World, and especially in *Jerusalem* and other Parts of the East <sup>1</sup>. But this first Institution, by the IncurSIONS of the Barbarians, and devouring Time, was in a manner buried in Oblivion, till *Innocent III.* and *Honorius III.* about the Year 1200. re-established it, and took it under their Protection. Afterwards *Gregory IX.* and *Innocent IV.* granted them many Privileges, and prescribed a new Rule to their Order, with Power to create a Master. *Alexander IV.* very freely confirmed their Privileges, and whatever had been granted them by his Predecessors.

THE Secular Princes, drawn in by the Example of the Popes, and the pious Design of their Institution, like to that of the antient *Hebrews* (of whom *Fleury* <sup>2</sup> bears Witness) with respect to Hospitality, and taking care of the Diseased, and especially of those who were infected with Leprosy, bestowed Temporal Riches upon them in great Plenty. The first were the Princes of the House of *Suevia*, and among the rest *Frederick*, who gave them many Possessions in *Calabria*, *Puglia*, and *Sicily* <sup>3</sup>. The Popes, and especially *Nicholas III.* *Clement IV.* *John XXII.* *Gregory X.* *Urban VI.* and *Leo X.* favoured them in their Acquisitions, and by granting them Power to retain those Possessions, and still getting more, they became exceeding rich. But it happened to them, what Experience has always shewn in the like Cases, that their overgrown Riches, the excessive Favour of Princes, and

<sup>1</sup> Thuan. lib. 38. Hist.

<sup>2</sup> Fleury, Contumes des Israel.

<sup>3</sup> Thuan. loc. cit.



the so many Privileges bestowed upon them by the Popes, good Discipline and the antient Piety came to be neglected, whereby they sunk in their Reputation and Esteem with the Faithful. The Popes, among other Privileges, had granted them, that the Goods of those that died of Leprosy, either within or without the Hospitals, should belong to them; besides, that they could force the Leprous to stay in the Hospitals contrary to their Inclinations. The Princes assisted in seeing these Privileges put in Execution within their Dominions; whence we find, that our King *Robert*, on the 20th of *April* 1311. wrote to all the Officers of the Kingdom, telling them, that the Religious Brothers of the Hospital of *S. Lazarus of Jerusalem* had represented to him, that they, by Virtue of the Privileges given them by the Popes, had Power to oblige those that were infected with Leprosy, where-ever they should happen to find them, to retire to, and be confined within the said Hospitals appointed for such diseased Persons, and, if need be, to use Force in order to remove them from the Habitations of the Healthful, and to give them suitable Aliment; and seeing some infected with that Disease refuse to come to the said Hospitals, and are often borne out in it by their powerful Relations, therefore the King ordered his said Officers to give all Assistance, so these as leprous Persons might be confined to the said Hospitals, by forcing and taking them personally. And in the Reign of the Emperor *Charles V.* we likewise read, that *Andrea Caraffa*, Count of *S. Severina*, Viceroy of this Kingdom, at the Request of *Alfonso d'Azizia*, Master of *S. Lazarus*, on the 18th of *December* 1525. ordered all the Officers of the Kingdom to do Justice to the said *Alfonso's* Vicar, who was to go to several Parts of the Kingdom for recovering many Effects of Persons that had died of Leprosy, devolved to the Order by their Death, by Virtue of the Privileges and Bulls of the Popes.

THESE indiscreet Methods, frequently made use of as Traps for catching the Estates of those unfortunate People, in Time ruined their Reputation, and by Degrees they declined so much, that their Name was scarcely known. But upon the Accession of *Pius IV.* to the Papacy, he raised them again, and, like the other Religious Knights, adorned them with many and ample Privileges and Immunities, restored them to their antient Dignity, and created *Giannotto Castiglione*, Great Master of the Order. *Pius V.* likewise honoured and favoured them, insomuch that in the Viceroyalty of the Duke *D'Alcala* they were in great Esteem.

BUT if the Popes had contented themselves with heaping so many Honours and Prerogatives upon them without doing Prejudice to others, it would have been supportable, but to give them Prerogatives prejudicial to the Princes in whose Dominions they were entertained, was insupportable. They, though Laicks and married, by Virtue of these Papal Exemptions and Privileges, pretended, as well with respect to their Persons as Estates, to be exempted from Royal Jurisdiction, not to be liable to the King's ordinary and extraordinary Subsidies; and, what was not to be bore, with us, the Increase of their Number was endless, because they were made Knights not only by the Great Master, but likewise by the Pope's Nuncio residing in *Naples*, which, if it had been suffered to go on, would have been a vast Detriment to the Royal Prerogatives.

THEREFORE the Duke *D'Alcala* would not suffer their boasted Privileges to take Place in the Kingdom, but ordered, that they should be treated in all respects as mere Laicks, and on the 15th of *May* 1566. he sent a full Account of the Matter to King *Philip*, in which he acquainted him, that the Nuncio of *Naples* had made a great Number of Knights of *S. Lazarus*, and was daily making more, of purpose to exempt Laicks from his Majesty's Jurisdiction, which they laid hold of, though mere Laicks, and could marry, and do whatever they thought fit; and that if such Exemption were allowed, and they multiplying *ad infinitum*, a great Part of the Kingdom would soon be withdrawn from the Royal Jurisdiction. Some Time after, the Nuncio having applied to the Attorney-General for his Assistance in imprisoning one of these Knights, the Attorney refused to do it, telling him, that neither the Nuncio nor the Great Master had any Power or Jurisdiction over these Knights, as being Laicks, and subject to his Majesty's Jurisdiction; and the Nuncio having sent his Auditor to the Attorney's House to shew him the Privileges granted by the Popes to the said Order, he was answered, That these Privileges were not to be regarded, as well for want of the *Exequatur Regium*, as because they were most prejudicial to the Royal Jurisdiction; but the Auditor being put to a Nonplus, had no other Shift than to present to him the Bull *In Cena Domini*, warning him, that

as a Christian he ought to take care, that what his Holiness had granted to the said Grand Master should be observed, otherwise he would be excommunicated. The Duke therefore represented to his Majesty, that the Execution of these Privileges granted to the Great Master, besides lessening his Royal Jurisdiction, would be of great Prejudice in the ordinary and extraordinary Subsidies, which his Subjects were obliged to pay.

THE King on the 12th of July the same Year, wrote back to the Duke, commanding the Order of *S. Lazarus* to be abolished in the Kingdom, and that none should wear the Habit of it <sup>1</sup>.

THE Regents of the Collateral Council, by the Duke's Order, on the 13th of August the same Year, likewise drew up a Report of the Case, in which among other Things, they said, that the creating these Knights, and giving them the Habit, had, for the Time past, been done by the Great Master, and not by the Nuncio, and that the Masters had never had any Jurisdiction, excepting of separating the Leprous from the Commerce of the Healthy; and that the Privileges pretended by that Order were most prejudicial to his Majesty's Jurisdiction, and have been newly granted by the Popes *Pius IV.* and *V.* which were never received in the Kingdom, nor had got the *Exequatur*, which had always been denied them, as it was at present; and that these Knights had always been, and are proceeded against by the Royal Tribunals, both in Civil and Criminal Causes, as mere Laicks; and some of them having been imprisoned in the Prison belonging to the Vicariate, although the Great Master, or his Vicar have demanded their Release, it was never granted; and some have been likewise condemned to Exile. But when the Great Masters have pretended a Right to the Goods of the Leprous, it has been recommended to the Royal Officers to do them Justice; and one of *Castellamare*, who was of that Order, pretending to be exempted from the King's Taxes, he was condemned by the Tribunal of the Royal Chamber to pay like all the other Citizens, and not to enjoy any Exemption.

THE Court of *Rome* seeing that the Duke made no account of these Privileges, had recourse directly to King *Philip*, by offering him the perpetual Administration of the said Order within his Dominions; but the King wrote to the Duke, that as for their offering to make him perpetual Administrator of that Order, he did not think fit to accept of it, therefore he desired it might be no more mentioned. Nevertheless they softened the King, insomuch, that as formerly he had commanded this Order to be abolished in the Kingdom, he afterwards allowed it to continue, but that the Knights should be looked upon as mere Laicks. So, in the Year 1579. he having a Mind to know the State of the said Order, by Command of the Marquis of *Montejar*, then Viceroy, the Royal Chamber drew up an Account of all the Benefices in *Commendam* which it had in the Kingdom, and of their Revenues, and at the same time made a Report, that the said Knights enjoyed neither Immunity nor any Franchise whatsoever.

BUT as the Duke of *Savoy* was afterwards created Great Master of this Order, so 'tis fit we should here take notice of it. Upon the Death of *Giannotto Castiglione* at *Vercelli* in 1562. and *Gregory XIII.* having mounted *S. Peter's* Chair, he, with a Design to render it the more Illustrious, created *Emanuel Philibert*, Duke of *Savoy*, perpetual Great Master of this Order <sup>2</sup>, who, the Year following, having called a Meeting of the Knights in *Nizza*, by a solemn Oath, made them acknowledge him for their Great Master, and, for their greater Ornament, prescribed new Laws and Ceremonies to them; and having obtained a Confirmation of them from the Pope, he united and jumbled together into one the Order of *S. Maurice* (from whom the Dukes of *Savoy* boast their Descent <sup>3</sup>) and this of *S. Lazarus*, which were formerly distinct Orders, and he assigned to them two Hospitals, one in *Nizza*, and the other in *Turin*. Whence it is, that these Knights call themselves of *S. Maurice* and *S. Lazarus*; and whence it likewise comes, that these Knights are created, and the Benefices in *Commendam*, which they still have in the Kingdom, are given by the Duke of *Savoy*: So that we read, that a monitory Letter having been dispatched by the Apostolical Chamber, in the Name of the Duke of *Savoy*, Great Master of the Order of *S. Maurice* and *S. Lazarus*, to all the Archbishops, Bishops, Prelates, and other Ecclesiastical Persons, to obey and observe the Privileges granted to the

<sup>1</sup> Chiocc. loc. cit.

<sup>2</sup> Thuan. lib. 38.

<sup>3</sup> Idem, loc. cit. genus repetunt.

And Order by Apostolical Briefs, it was presented to the Collateral Council by the Great Commendator *Giovan-Francesco Raviglione* in 1608. in order to obtain the *Exequatur*; but it being examined by the Chaplain Major, he made a Report to the Viceroy, that the *Exequatur* could be granted with respect to Ecclesiastical Persons only <sup>1</sup>.

THIS Order had alternate Fortune in *France*; it was there, as in all the other Kingdoms of *Europe*, distinct from that of *S. John of Jerusalem*; but the Knights of this last Order, as their Rivals, endeavoured to have it abolished, which at last they obtained from *Innocent VIII.* who in the Year 1490. by his Bull abolished it, and confounded it with that of *S. John of Jerusalem.* The Knights of *S. John* for a long time kept this Bull concealed; but when the Knights of *S. Lazarus* got notice of it, in 1544. they appealed from the Bull, as injurious, to the Parliament of *Paris.* The Case was debated and decided in Favour of the Appellants; and the Pope's Bull being declared void, a Decree was passed, that for the Time to come the Orders of *S. John* and *S. Lazarus* should be distinct and separate. From that Time (for they durst not do it openly) the Knights of *S. John* secretly and craftily endeavoured by Degrees to have the Order of *S. Lazarus* abolished, procuring the Great Mastership of it to be lodged in their Order, and it continued there till the Time of *Emarus Castus*, who, out of a Principle of Honour and Justice, though of the Order of *S. John*, restored this Order to its antient Splendour <sup>2</sup>: Whence it came, that the Knights of *S. John* have always aspired to have the Superintendency of those of *S. Lazarus*; and whence we see still in *Naples*, in the Church of *S. John a Mare* (a *Commendam* belonging to the Knights of *Malta*) a Chapel of *S. Lazarus* erected, and therefore they pretend 'tis subordinate to them.

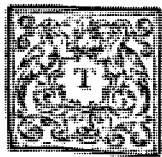
<sup>1</sup> Chiocc. loc. cit.

<sup>2</sup> Thuan. lib. 37.



## C H A P. IX.

*Disputes about last Wills, which the Bishops pretended to make for those who died Intestate; and about the 235th Usage of the High Court of the Vicariate.*



THE Duke *D'Alcala* had likewise this Abuse to struggle with, which in his Time was become outrageous and insufferable. It had its Rise, as we have observed in the preceding Books of this History, in the Times of Ignorance, or rather of the Negligence of Princes and their Ministers; it started up when the Ecclesiasticks, without Opposition, maintained, that every Thing, where the Salvation of the Soul was in Question, belonged to their Jurisdiction: By Parity of Reason they maintained, that the Cognizance of Wills, being a Matter of Conscience, belonged to them, and by the same Reason, that they were the proper Executors of them. They were not ashamed likewise to say, that the Body of the deceased Testator, being left to be buried by the Church, she thereby became Mistress of his Moveables, in order to quiet his Soul, and execute his Will.

AND in fine, in *England*, the Bishop, or one appointed by him, seized the Moveables of those that died Intestate, and kept them for the Space of seven Years, during which Time the Heirs, by compounding with him, might recover them. And *Loyseau* <sup>1</sup> writes, that in *France*, of Old, the Ecclesiasticks would not bury the

<sup>1</sup> Loyseau des sign. des Just. Eccl.

Dead till they were first Masters of the Will, otherwise a special Order from the Bishop must have been obtained; so that the Heirs, to save the Honour of the deceased Intestate, asked liberty to make a Will for him *ad pias causas*; and what is more, there were some Ecclesiasticks, who obliged the Heirs of the Intestate to agree to take Umpires to determine what Share the Deceased ought to have left to the Church; but the Bishops took this Arbitration regularly upon themselves, who arrogated the Authority of disposing *ad pias causas* for those that died Intestate. From this Incroachment of the Ecclesiasticks, even in our Time it continues to be a Custom, that the Curates and Vicars are capable of drawing up Wills as well as Notaries. Therefore it continued in some Dioceses of our Kingdom, that the Bishops by antient Custom could dispose for the Soul of the deceased Intestate; and this Pretension was carried so far, that they imagined they could dispose of his Goods so, as even to apply them to their own Use: And in some Parts of the Kingdom, the Prelates without Distinction pretended to apply to their own Use the fourth Part of the Deceased's Moveables. The Cardinal *Di Luca* condemns these Excesses, as abusive, and like a prudent Man would have them reformed and moderated. In *Rome* likewise, the Congregations of the Cardinals and of the Bishops, in order to make the Custom plausible, moderate and restrict it to certain Rules, but do not absolutely condemn it. So also *Mario Caraffa*, Archbishop of *Naples*, having in the Year 1567. held there a Provincial Council, wherein he declared it to be a condemnable Abuse, however, modified the Condemnation by saying, that where such a Custom was, the Bishop, with a becoming Piety, having regard to the Time, Place, and Persons, and with the express Consent and good Will of the Heirs, might dispense some moderate Share of Money for Masses, and other pious Offices for the Good of the Soul of the Deceased. After the Examination and Report of the Congregation of Cardinals, this, as well as the whole Synod was approved of by Pope *Pius V.*

BUT our Kings and their Lieutenants always prohibited and quite rejected it, as a pernicious Abuse. Some Bishops of the Kingdom, Sticklers for Custom, maintain this Pretension, such as the Bishops of *Nocera de' Pagani*, *Alife*, *Oppido*, *S. Marco*, and some others, which may be seen in *Ughello's Italia Sacra*.

THE Duke *D'Alcala*, not able to bear these Abuses during his Government, as they had been abolished in *France* and elsewhere, endeavoured likewise to root them out of our Kingdom; and seeing that some Bishops, and among the rest the Bishop of *Alife*, were obstinate in this Point, and denied Burial when this Custom was not complied with, besides having written to them serious exhortatory Letters to give over such Pretensions, in 1570. he wrote to *D. Juan de Zuniga*, the King's Ambassador in *Rome*, charging him to speak home to the Pope about these Outrages committed by the said Bishops, that they may forbear them for the Time to come. The Ambassador spoke to the Pope, and all the Answer that he got was, that if the Deceased had Heirs, the Bishop could not, *De Jure*, make a Will for him, but if he had none, he could with respect to pious Uses.

THE Viceroy that succeeded the Duke *D'Alcala* followed his Example; the Bishop of *S. Marco* having excommunicated the Baroness of *S. Donato*, because she would not give him the fourth Part of the Moveables of *D. Ippolito Sanseverino*, Baron of *S. Donato* her Husband, who died Intestate, on the 31st of *March* 1586. the Count of *Miranda* wrote him a grave exhortatory Letter to absolve her, and to give her no more Trouble; and the Bishop not obeying, he ordered all the nearest Relations of his Vicar to be imprisoned, and his Goods sequestrated; and, on the 10th of *June* the Year following, sent a Report of the Case to the King.

MOREOVER the Bishop of *Nocera de' Pagani* pretended, that *Judenia Guerritore*, Mother and Guardian of the Children and Heirs of *Marcello Pepoli* of the said City of *Nocera*, ought to pay him what he had disposed of in the Will which he had made for the said *Marcello*, *ad pias causas*, he having died Intestate; but the Viceroy wrote him an exhortatory Letter, desiring him to forbear, and not to trouble the said Lady on that Account. When due Care is taken, the like Abuses are not now suffered in the Kingdom.

THE Disputes with the Duke *D'Alcala* about Jurisdiction did not end here; he pass'd over some of less Moment, that which he had to maintain about the Obse-

\* Cardin. de Luca Const. L. & rat. observ. 75.

† Chiocc. MS. Giurisd. tom. 17.

vance of the 23<sup>d</sup> Usage of the High Court of the Vicariate, which the Ecclesiasticks pretended to make void and null, deserves to be related here.

IT was an antient Custom in our Kingdom, consonant both to Law and Reason, that when it was objected in the Royal Tribunals, that they could not proceed in the Causes of the Clergy, but ought to remit them to their proper Judges; it belonged to these very Tribunals to examine whether the Parties were of the Clergy or not. It was their Business to examine into the Bulls they were to produce, and the Requisites necessary to their being remitted, such as their wearing Clerical Habits, the Tonsure, living Clerk-like, not meddling in Merchandizing, or any Thing thereto belonging; as, without any Dispute, was practised all the Time that the Kings of the Illustrious Family of *Anjou* reigned among us, insomuch that Queen *Joan II.* in the Collection of the Usages of the High Court of the Vicariate, among others, caused this likewise to be inserted.

IN the Pontificate of *Pius V.* among other Attempts of the Ecclesiasticks, we likewise see this, that the Bishops pretended, that upon their bare Assertion the Clergy ought to be remitted, and that it belonged to them to take Cognizance of their Clerkship, and whether they had the usual Requisites. The Bishop of *Andria* having pretended to this, and it being denied him, he excommunicated the Governor and Judge of that City, because they would not deliver up to him some Clergymen that had been imprisoned; but the Duke *D'Alcala* approved of the Governor's Conduct, and on the 19<sup>th</sup> of *July 1570.* he sent a Report of it to the King<sup>1</sup>, and wrote to the Ambassador in *Rome*, to represent to the Pope, the Prejudices and Innovations which the Bishops of the Kingdom attempted; and among others, to assume the Cognizance of Clerkship, by robbing the Judges of that Right which they have always had, conformable to the Usage of the Vicariate; and to give his Holiness to understand, that this was a Matter of the highest Importance that could happen in the Kingdom, not only with regard to the Prejudice it would be to the Royal Jurisdiction and Authority, but likewise to the Quiet of his Majesty's Subjects. The Ambassador managed the Affair effectually with the Pope, who finding the Demand to be reasonable, answered him, that the Custom should not be altered.

BUT for all that, the Ecclesiasticks did not forbear afterwards to prosecute their Design, though they always found Opposition; and in the Viceroyalty of the Count of *Miranda*, there came a Letter from the King, dated the 12<sup>th</sup> of *December 1587.* ordering the Royal Tribunals to continue to take Cognizance of the Clerkship, without suffering any Innovation in that Matter. And in Times less distant from us, *Fabio Capece Galeota*, printed a Treatise dedicated to the Duke *D'Alba*, maintaining that Practice conformable to the Usage, and demonstrated, that it was not only lawful, but had been successively approved of at different Times by the Popes; and *D. Pietro Urries* wrote a particular Treatise about it; and tho' the Court of *Rome* prohibited the Book, yet there was no regard had to the Prohibition, as we have related in the XXVII<sup>th</sup> Book of this History.

<sup>1</sup> Chiocc. tom. 10. MS. Giurisd.





## C H A P. X.

*The Legation of the Cardinals Giustiniano and Alessandrino to King Philip II. concerning this and other Points of Jurisdiction; whence proceeded the Custom of sending from Naples a Royal Minister to Rome for settling them.*



POPE Pius V. who was as assiduous as any of his Predecessors, by all Means possible, in extending the Ecclesiastical Jurisdiction over the Dominions of Christian Princes, not pleased with the Duke D'Alcala, who, in doing his Duty, always thwarted his Designs, at last resolved to have these Points settled directly with King Philip, and for that End sent two Legates successively. The first was P. Vincenzo Giustiniano, General of the Order of Preaching Fryars, whom he afterwards made Cardinal; and the second was Michele Bonello, Cardinal Alessandrino his Nephew, who set out for Spain and Portugal with sundry Commissions, a little before the Death of the Duke D'Alcala, which happened in Naples in the Year 1571.

CARDINAL Giustiniano soon made an End of his Legation; for having represented to the King some Injuries (the greatest Part of which were those above-mentioned) which he said were done to the Bishops of the Kingdom, derogatory to the Ecclesiastical Jurisdiction and Immunity, and among others, that of not suffering them to take Cognizance of the Clerkship; the King took Care for some of them of small Moment, but considering that the rest were of great Importance, and required mature Deliberation, he said he could not determine any Thing in them, till he had first been fully informed by the Viceroy of Naples, and so dismissed him, with a Letter to Pope Pius, dated the 28th of September 1570. wherein, with great Respect, he wrote to him, that he had received his Brief which Cardinal Giustiniano brought him as his Credentials concerning the Ecclesiastical Jurisdiction; and that what by some Progresses, what by his continual Affairs which had happened since, he had not had Time or Opportunity to examine into Affairs of so great Consequence: Nevertheless, to satisfy his Holiness, he had taken care for some of them, as the Cardinal would inform him; and that as soon as he had received the Information he expected from Naples, he would endeavour to take care for the rest, in such a manner as the Ecclesiastical Dignity should suffer no Prejudice.

AT the same time he wrote two very long Letters to the Duke D'Alcala, in which he sent him the principal Points represented by the Legate as prejudicial to the Ecclesiastical Jurisdiction, charging him to communicate them to the Collateral Council, to be by them maturely examined and considered, and a particular Answer given to each of them, and then to send him a Report of the Whole, that he might the more maturely be able to consider what was fit to be done; which was accordingly obeyed.

THUS ended the Legation of Cardinal Giustiniano; but that of Cardinal Alessandrino, the Pope's Nephew, was much more Honourable; for Pius sent him to King Philip II. not only upon account of these Disputes about Jurisdiction, but for

<sup>1</sup> Chiocc. de Legat. tom. 14. MS. Giurisd.

more weighty and ferious Reasons, and no less for the Kingdom of *Naples*, than that of *Sicily* and the Dutchy of *Milan*, and especially on account of the War threatened by the *Turk*, who, being grown more formidable than ever, struck Terror, not only into *Germany*, but even into *Italy*. Pope *Pius* therefore, was wholly intent upon persuading Christian Princes to unite and hasten to the Defence of the Christian Provinces, threatened by so cruel and powerful an Enemy; for this End he sent Cardinal *Commendone* to the Emperor, with Orders, that after he had treated with him about the Affairs of *Germany*, to go to *Sigismund Augustus* King of *Poland*, and invite him to join in a War both profitable and necessary; and at the same time he sent *Paolo Odescalchi*, Bishop of *Penna*, to the Princes of *Italy* with the like Commission: He likewise sent Cardinal *Alessandrino* to King *Philip* in *Spain*, from whom, above all other Princes, he expected powerful Succours, charging the Cardinal to go afterwards and invite the Kings of *Portugal* and *France* to join in the Expedition <sup>1</sup>.

UPON Cardinal *Alessandrino's* entering *Spain*, he was met upon the Borders, with great Honour, by many Noblemen whom the King had sent to receive him; *Diego Spinosa*, Bishop of *Sagunto*, who then had the Management of the most weighty Affairs of the Crown, likewise met him; and at last being arrived at Court, King *Philip* received him with exceeding Demonstrations of Honour and Esteem.

THE Cardinal begun with his chief Commission, which was, to exhort the King, in all haste, to furnish powerful Succours for the War against the *Turk*; that as they would be the greatest, so they would encourage the other Princes to follow his Example, and enter into the Alliance: In the second Place he begged of him, that, as he was obliged to go to *Portugal* and *France* upon the same Errand, his Majesty would be pleased, for rendering his Negotiations the more Effectual, to interpose his good Offices with those Kings, and likewise to invite the Emperor to be a Party in this most holy War. King *Philip* thanked the Pope for the good Opinion he had of him, but that his Holiness ought likewise to consider with how many Troubles and Difficulties he was surrounded, and what a burthensome War about Religion he had upon his Hands in *Flanders*, which, if not taken care of in time, might prove more detrimental to Christianity than that threatened by the *Turk*; as for the rest, that his Assistance should not be wanting, and what Supply his Dominions in *Italy* could bear should be furnished; nor would he neglect to interpose his good Offices with the said Kings, and especially with the Emperor *Maximilian* his Cousin <sup>2</sup>.

THE Title of *Great Duke of Tuscany*, given to *Cosimo* Duke of *Florence*, was likewise brought upon the Carpet; the Cardinal maintained, that to suffer it was highly injurious both to his Majesty and the Pope; that it not only struck at his Royal Dignity and Authority, but at the Majesty of the Apostolical See: Nevertheless nothing was done in that Affair.

BUT at the same time that Pope *Pius* was shewing so much Zeal for the Christian Faith against its implacable Enemies, he did not neglect the Interest of his See; he made the Cardinal complain to the King, that the Ecclesiastical Jurisdiction in *Sicily* was greatly depressed by his Majesty's Ministers, by reason of that *Monarchy* invented by them, which has nothing else to support it, but a supposititious and apocryphal Bull of *Urban II*. And he said, that besides that the Bull could not comprehend but the Persons of *Roger* Count of *Sicily* and *Calabria*, and of *Simon* his Son, or of the Heirs of *Roger* only, both the Date and Place give great Ground for Suspicion; that 'tis dated in *Salerno* in the Year 1095. at which Time Pope *Urban* was at the Council of *Clermont*, assembled in *France* on account of the Holy War, which Expedition took him up that whole Year; that *Tommaso Fazzello*, the first Breacher of it, was an Upstart, and a Man of no Credit or Authority, who said he had it from *Gio. Luca Barberio*, a *Sicilian*, a Man of as little Account; that it was also attributed by *Pietro di Luna*, a Schismatick, to *Ferdinand* and *Martin*, Kings of *Aragon*; the last of which married *Mary* Queen of *Sicily*, to the End that the Bishops might not make use of the Ecclesiastical Censures against the Royal Ministers; but that afterwards, at the Request of the three Estates of the Kingdom, that Privilege was quite abolished, the Kingdom of *Sicily* confined to what is prescribed by the Council of *Trent*, and the Ecclesiastical Jurisdiction restored to its former

<sup>1</sup> Thuan. lib. 49. Hist. pag. 1001.

<sup>2</sup> Idem, lib. 50. Hist. pag. 1031.

Authority and Splendor. King *Philip* considering with himself the Importance of the Matter, very gravely answered the Legate, that his Predecessors had transmitted to him these Rights together with the Kingdom, and that he could do no less than leave them to his Successors in the same manner as he had received them; as for the rest, if there has any Thing been done amiss in the Exercise of them, out of Respect to the Holy See, he would write and order it to be amended. With this Answer the Cardinal was dismissed. There was no more mention made of this Matter afterwards, till in the Reign of *Philip III.* that Cardinal *Basinius* took it in his Head, in the XIth Tome of his Annals, to controvert it; which, as we have told elsewhere, drew a severe Remonstrance from *Spain.* And lately in our Days, Pope *Clement XI.* having a mind to abolish it by his Bull; and taking Advantage of the Juncture of Time, when that Kingdom was in the Hands of the Duke of *Sarvoy*, his Attempt proved likewise fruitless, which induced the incomparable *Du Pin*, at the Desire of that Prince, to write that learned Treatise, wherein he not only maintains the Monarchy, but exposes the Weakness of *Baronius's* Arguments, upon which *Clement* had founded his Bull.

CARDINAL *Alessandrino* reserved to the last of his Legation, the Complaint to the King of the Prejudice done to the Ecclesiastical Jurisdiction in the Kingdom of *Naples*, and Dutchy of *Milan*; but he got the same Answer that had been given Cardinal *Giustiniano*, that these were Matters of great Importance, and therefore he could determine nothing of himself, till he should be first informed by the Viceroy of *Naples*, and by his Ambassador residing in *Rome.*

IN the mean time, in the Month of *April* this Year 1571. the Duke *D'Alcala* had died in *Naples*, and Cardinal *Granville* being then in *Rome*, was ordered by the King to go immediately to *Naples*, and take the Government of the Kingdom upon him, which he accordingly did. The King, in order to fulfil what he had promised to the Cardinal Legate, this same Year wrote four Letters; one in the Month of *November* to *D. Juan de Zuniga*, his Ambassador in *Rome*, and in *December* following three others to Cardinal *Granville* his Viceroy in *Naples.* In these Letters he advised them, that Cardinal *Alessandrino*, his Holiness's Legate, being arrived in *Spain*, received and kindly entertained by him, as became a Person of his Dignity, and so near related to the Pope, among his other Commissions, had laid before him some Articles, by which he pretended, that the Ecclesiastical Jurisdiction was prejudiced, as well in the Kingdoms of *Naples* and *Sicily*, as in the Dutchy of *Milan*; in *Naples* by the *Exequatur Regium*; in *Sicily* by the *Monarchy*; and in *Milan* by the *Familia armata* of the Archbishop, and by the Church of *Malta*; therefore he had sent them a Copy of the said Articles, with the Answers and Replies of the said Legate: He had likewise sent them a Copy of the Memorials given him by Cardinal *Giustiniano*, with the Answers made on the Margin of each Article, that the Ambassador, by this Hint, may be the better able to regulate his Conduct with the Pope. He enlarged upon the Subject much more to the Viceroy, giving him an Account, that as to the Points contained in the Memorials given him by Cardinal *Giustiniano*, and the Decisions of his Royal Council, with the Opinions of the Regents of the Collateral of *Naples*, although the said Cardinal *Alessandrino* had replied to them, yet having got such pat Answers, he was at last quiet, and therefore was resolved in three Days to set out for *Portugal.* As for the new Articles concerning the Kingdom, given him by the said Cardinal, he had sent him a Copy of them, in order to be examined by the Regents of the Collateral Council, and other Persons of Skill, Learning and Integrity. And lastly, he ordered the Viceroy to send him a very distinct Report of all, with his own Opinion, that if the Pope should reply, he might be able upon good Grounds to answer him, and by the good Management of this Affair prevent him. In the second Letter directed to the Viceroy, he gave him an Account of the Memorials given him about the Observance of the Council of *Trent*, and of his general Answers made to them; and in the Third he charged him to be careful in maintaining the *Exequatur*, that his Jurisdiction might not be lessened.

IN Answer to these Royal Letters, Cardinal *Granville*, with Advice of the Collateral Council, sent the King sundry Consultations, as well upon these Articles as upon those contained in the Memorials given in to his Majesty by Cardinal *Giustiniano*, in which he gave him a full Account of all that had passed; at which the Court of *Rome* was much displeas'd, who seeing, that neither the controverted



Points about Jurisdiction, contained in the Articles given in by the Cardinals *Giustiniano* and *Alessandrino*, nor many others which were daily started, could be adjusted to their liking, by Letters and Memorials sent to and again betwixt *Rome*, *Naples*, and the Court of *Madrid*, resolved to refer them to a Treaty to be held in *Rome*, whither the King might send his Ministers; therefore Pope *Pius* desired King *Philip* to send his Ministers, who, with those that he should appoint, might adjust and amicably agree the Points in Dispute. King *Philip*, not knowing the Secret, or out of Complaisance to the Pope, for whom he made a shew of great Respect, promised to send them; but soon after, on the 1st of *May* 1572. the Pope dying, the Promise had no Effect.

BUT *Gregory XIII.* who succeeded Pope *Pius*, did not fail, by frequent Messages, to put the King in mind of his Promise; so that in the Year 1574. the Ministers were sent. On the 4th of *June* the said Year, the King wrote a Letter to the Pope, wherein he told him, that out of Regard to his pressing Instances, he had sent *D. Pedro d'Avila*, Marquis *De las Navas*, and the Licenciado *Francisco de Vera*, one of his Counsellors, who, jointly with *D. Juan de Zuniga* his Ambassador, were to treat about the Points in Dispute concerning Jurisdiction in his Kingdoms of *Naples* and *Sicily*, and the Dutchy of *Milum*, in order to an amicable Agreement; for which End he sent them full Power, and likewise Instructions how they were to behave in the Treaty: Of all which he advised Cardinal *Granville* the Viceroy, that he might act accordingly.

WHENCE proceeded the Custom of sending Ministers to *Rome* for transacting such Affairs: Messages from their Beginning always fruitless. The Marquis *De las Navas*, and the Counsellor *De Vera*, took a great deal of Pains to no Purpose. But for all that, this Custom, once begun, was kept up; for the Marquis dying in 1578. *D. Alvaro Borgia*, Marquis of *Alcaniz*, was sent to *Rome* in his Place. And the Governor of *Milan* having observed the same Custom of sending from that Dutchy a Person for managing those Affairs in *Rome*, in 1579. King *Philip II.* wrote to the Marquis of *Montesir* our Viceroy, telling him that the Great Commendator, his Ambassador in *Rome*, and the Marquis of *Alcaniz*, had acquainted him, that, for keeping a good Understanding betwixt the Secular and Ecclesiastical Jurisdiction of the Kingdom, it was very fit to have always in *Rome* a Person of such Skill and Knowledge as Doctor *Giacomo Riccardi*, whom the Marquis *De Agmonte*, the Governor of *Milan*, had sent thither from that Dutchy; that therefore he ordered him to send from *Rome* to *Naples*, a Person, though it were a Regent of the Chancery, and particularly the Regent *Salernitano*, as most knowing in the said Affairs, or even a Regent of the *Capuan* Council, or of the Chamber of Accounts, or be who it will that the said Ambassador and Marquis shall pitch upon, that by his Advice these Affairs may be carried on.

SO, in Times less distant from us, we read, that on account of the Controversies about Jurisdiction, between the Bishop of *Gravina* and the Arch-Priest of *Altamura*, the Cardinal *Zapata* sent the Counsellor *Gian-Batista Migliore* to adjust and decide them. And in the Time of our Grandfathers, the Counsellor *Antonio di Gaeta* was sent to *Rome* on account of the new Disputes occasioned by the Bull of *Gregory XIV.* which Message turned no Account; and in our own Time, the Counsellor *Faletti*, the Attorney of the Royal Chamber *Mazzaccara*, and the Counsellor *Lucini*, were successively sent to as little Purpose: Whence it may be seen, that it is in vain to expect to get an End put to these Differences about Jurisdiction by such Messages. The most proper and effectual Method for deciding these Matters, since the *Spanish* Way of curing these Wounds with Plaisters and Ointments must be followed, and not that of the *French*, would be such as has been demonstrated by the wisest and ablest Lawyers and Divines; viz. to appoint Persons of high Rank, by turns, to be Arbitrators, and to be obliged to stand blindly to their Award: This Method, which has been often practised in the Territories of *Barcelona*, is said by *Jacopo Menochio*, a famous Lawyer of *Parvia*, in his Treatise *De Jurisdictione*, to be the fittest for intirely putting an End to these Controversies in *Italy*. The *Romans*, who, of all others ought to desire it most, have always shewed an Abhorrence to it, because they know, that by keeping them in suspense and undecided, the Time may come, when, by their Vigilance and Cunning, they may be able to make use of them to their great Advantage.

All these Acts and Writs are inserted in *Chioccarelli's* 14th tome *De Legationibus*.



## C H A P. XI.

*The Death of the Duke D'Alcala, and the good Laws he left us.*

**T**HIS prudent Minister, during the twelve Years that he governed, not only underwent the Fatigue of these troublesome Disputes, but was obliged to be constantly upon his Guard for fear of a cruel and bloody War, with which the *Turk* threatened our Coast. The War undertaken in 1565. for the Conquest of *Malta*, alarmed both the Kingdoms of *Sicily* and *Naples*, it behoved him therefore to provide the maritime Cities with strong Garisons; and the Kingdom being almost surrounded by the Sea, his Care and Charges were the greater.

BUT though at last that Island was freed from the Miseries of War, yet our Fears were not at an end; for the Year following, after the *Turks*, with a most powerful Fleet, had conquered the Island of *Scio*, for the Space of 300 Years possessed by the *Genoese*, they advanced into the *Adriatick*; and not having succeeded in the Surprise of *Pescara*, they laid Waste all that Coast, and pillaged all the Towns situated upon the Sea, where they made a great Booty of People and Goods, and then returned to the *Levant*. But in 1570. putting to Sea again, they gave a fresh Alarm to *Italy*; therefore the Duke having provided the Places most exposed, brought 3000 *Germans* for the Defence of the Kingdom: However the Storm fell upon the *Venetians*, by the unexpected Attack of the Island of *Cyprus*, to the Relief of which *Gianandrea Doria* went with fifty Gallies, whereof Twenty-three belonged to the Squadron of *Naples*, with 3000 Soldiers commanded by the Marquis of *Torre Maggiore*, and a vast Number of *Neapolitan* Knights.

THESE continual Apprehensions of War, which are worse than War itself, and especially that about Religion, which was still raging in *Flanders*, by the constant and immense Expence, put King *Philip II.* to the Necessity of being something heavy upon the Kingdom by frequent Contributions and Donatives. But the courteous Behaviour of the Duke, who managed this Affair with the Barons with great Gentleness and Address, and the Love he had gained of all the States, particularly of the Nobility, who having invited him to be a Member of their State, he was received into the *Seggio di Montagna*, was such, that in the Space of six Years only, having, according to Custom, convened General Parliaments in *S. Lorenzo*, he drew profuse Donatives from the City and Kingdom. In 1564. *Cola Francesco di Costanzo* presiding as Syndick of *Portanova*, the King got a Donative of a Million of Ducats. In 1566. *Fabio Rosso* being Syndick of *Montagna*, they gave him a Donative of 1,200,000 Ducats. In 1568. in which Year *Gian-Vincenzo Macdonio* was created Syndick of *Porto*, a Donative of the like Sum was given; and in 1570. *Paolo Poderico* being Syndick, another Donative of a Million was given: And on account of these Donatives, we read in the Volume of Favours and Privileges granted to the City and Kingdom of *Naples*, very many Privileges and Favours that were profusely bestowed upon them by King *Philip II.* particularly when the Duke *D'Alcala* was Viceroy.

BUT behold at last it behoved this incomparable Viceroy to yield to Fate: His continual Application, and his so many troublesome and anxious Cares had impaired his Health; he had often begged of the King to allow him to return to *Spain* his native Soil for the Recovery of his Health; and the King at last had given him Leave; but, as we have seen, by reason of the impertinent Pretensions of the Court

of *Rome*, the King was obliged to recall his Leave, and order him not to go, nay, if he had been set out, to return: So, being weak and infirm, for the Benefit of the Air he often resided in *Torre del Greco*, in which Place we find some of his Pragmaticks dated; but in the Spring of this Year 1571. being seized with a violent Rheum, accompanied with a mortal Fever, on the 2d of *April* he ended his Days, in the 63d Year of his Age, and the 12th of his Viceroyalty of *Naples*. His prudent Government was commended by all People, and therefore every one bitterly lamented his Death; it was then thought, that *Spain* could not 'urnish the Kingdom with another like him; for truly since the Death of *D. Pedro de Toledo*, *Naples* had not had a better Minister than he. His Body was most honourably buried in the Church of the Cross, belonging to the Palace, from whence it was afterwards carried to *Spain*.

THE Virtues that adorned his Mind were truly admirable, and above all others that of Christian Piety; he was a great Adorer of the most August Sacrament of the Altar; when it was carried through the Streets to the Sick, he not only caused it to be accompanied by all the Pages of the Court with lighted Torches, but often when he met it, he came out of his Coach and accompanied it afoot; he was compassionate and full of Charity towards the Poor and Afflicted; he frequently sent one of his trusty Gentlemen to visit the Sick, to whom the *Viaticum* was carried, in order to leave Charity in the House if the Person stood in need of it. Through the Scarcity of the Times, the Poor being reduced to extreme Necessity, he eased the City by that pious Work of opening the Hospital of *S. Januarius* without the Walls, where he provided with Food more than a thousand Poor, and likewise added out of his own Pocket many thousand Crowns, which served for maintaining the bashful Poor. In order to prevent that wicked Traffick which the common Whores made of the Virginity of their Daughters, in 1564. he promoted that other Work worthy of his Piety, which was the Foundation of the Church and Store-House of the Holy Ghost, where, if young Women taken from their ravenous Mothers, will stay, they are handsomely maintained, and, if they have a mind to marry, are provided with a suitable Portion. The Piety of this Minister shined much more in the Disputes he had with the Clergy, wherein, although by their imperious and impertinent Methods, they were like to have wore out his Patience, yet at the same time that he was vigorously maintaining the Rights and Prerogatives of his King, he used them with all the Mildness and Respect imaginable, and the Apostolical See with the utmost Reverence and Submission.

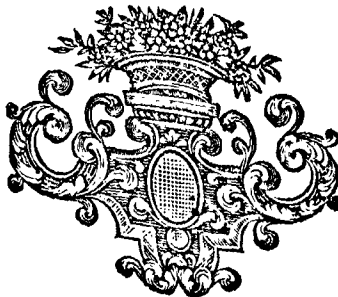
HIS Prudence was wonderful, and especially the Care and Concern he had for the Preservation and Security of the State was very commendable; he provided all the Cities of the Kingdom that were exposed to the Incurfions of our implacable Enemies the *Turks*: For the greater Conveniency and Security of Commerce, he enlarged the Highways, and built many new and stately Bridges in the Kingdom. To him we owe the high Road that leads all the Way from *Naples* to *Reggio*; the other that goes through *Puglia* and *Sannio* to the Borders of the Kingdom; and likewise that from *Naples* to *Pozzuolo*. To him we owe the famous Bridges of *Cava*, *Dovio*, *Fusaro*, and of the River *Cranio* or *Lagno*, commonly called *Ponte a Selce*, betwixt the Cities of *Aversa* and *Capua*; the Bridge of *Rialto* at *Castiglione di Gaeta*; the Bridge of *S. Andrew* in the Territory of *Fondi*; and many others, which may be seen in the Inscriptions of many Marble Monuments erected in sundry Parts of the Kingdom in Honour of his Name. In fine, 'tis to him we owe the little Gate on the Road to *Rome*, and the Bound-Stones of Marble, distinguishing and separating the Limits of the Kingdom from those of the Estate of the Church of *Rome*, in order to prevent all Disputes for the future.

TO his Magnificence and Care we owe not only all this, but upon Occasions that offered while he was at the Head of our Government, his noble and truly generous Spirit made a shining Figure. He endeavoured, by a lugubrious Apparatus, and pompous Obsèques, to alleviate the never-enough to be lamented Death of the Prince *D. Carlos*, which happened on the 24th of *July* 1568. In *Spain* they were celebrated in a most sumptuous Manner, and upon Advice of it, the Duke *D'Alcala's* Performance in *Naples* was nothing inferior; for in the Month of *September* the same Year, he caused to be erected in the Church of the Cross, near the Royal Palace, a stately Mausoleum with costly Ornaments, where he himself, and the greatest Part of the Nobility and People were present to bemoan the Loss

of that Prince. Not long after, Queen *Isabel*, King *Philip's* Wife, being seized with a lingering Fever, in the 22d Year of her Age, being five Months gone with Child, at last in *October* the same Year 1568. died in *Madrid*, and was buried in the *Escorial*. The Duke *D'Alcala*, upon Advice of it, in the Month of *November*, with the same Magnificence and Pomp, caused the Obsequies to be celebrated in the same Church. And two Years after her Death, King *Philip* having married a fourth Wife, which was *Anne of Austria*, the eldest Daughter of the Emperor *Maximilian*, and of *Mary* his own Sister; upon the News of the Bride's Arrival in *Spain*, in the Month of *May* 1570. the Duke *D'Alcala* made sumptuous Feasts, and publick Illuminations for three Nights running. To his Liberality the City of *Naples* likewise owes that large Street which leads from the *Capuan Gate* to *Plaza Reale*. He likewise erected on the Point of the Mole, that formerly fine Fountain, adorned with white Marble, with four Statues representing the four Rivers of the World. It was also he that began those two pleasant and Royal Highways, which lead from the *Magdalen Bridge* to *Salerno*, and from the *Capuan Gate* to *Capua*.

THE many Statutes that he left us, are lasting Monuments of his Justice. Of all the Viceroy's that have governed the Kingdom, he left us most Laws, which amount to a Hundred. The many Events and strange Adventures that happened in his Time, the Corruption of the Age, and the lost Discipline, obliged him by these Means, the best Way he could, to remedy the Dissoluteness and Wickcdness of Men.

FROM 1559. the first Year of his Government, to the Month of *March* 1571. the Year of his Death, with great Judgment and Prudence he established very many Laws, whereby, among other Things, he checked the Rapacity of the Advocates, by taxing their Fees: He was careful that Tradesmen should be honest in their Dealings and Handyworks; he had a watchful Eye over the Modesty of Women, most strictly forbidding Night-Ladders, and imposing the Pain of Death upon those who kissed Women against their Wills, even under Pretence of Marriage; he exterminated the Banditti; he punished false Coiners with Death; he re-established the Tribunal of the Vicariate; and it was he that ordered the Archbishops and Bishops of the Kingdom, to injoin the Parish-Priests, and such as had Benefices with the Cure of Souls, to keep Books, in which they were, from time to time, to enter the Names of those they Christened, in order to know their Ages, and likewise for the good Government of the State. He also reformed the Provinces of the Kingdom, and ordered publick Archives to be kept in them, and made other Provisions for the Polity of the Kingdom, which may be seen in our Pragmaticks; and to save the making a long Catalogue of them here, according to the Order of the Times in which they were made, they are to be found in the Chronology prefixed to the first Tome of the said Pragmaticks, according to the last Edition in 1715.



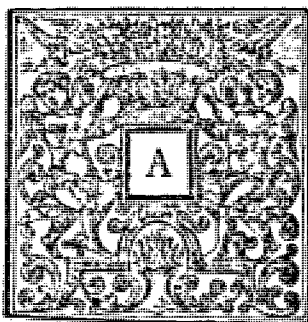


THE  
 CIVIL HISTORY  
 Of the KINGDOM of  
 NAPLES.

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BOOK XXXIV.

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ALTHOUGH King *Philip II's* Marriage with Queen *Anne*, his Niece, had been solemnized in *Spain* with great Pomp and Rejoycing, nevertheless it created both Wonder and Indignation in Men of Judgment: They were surprized, as *Thuanus*<sup>1</sup> says, how a King, reputed to be so wise, without any urgent Occasion, without having the least Prospect of Advantage by it for the Good of Peace, without Hopes of extending his Empire, whereby he could expect no Profit, but much Hatred, should, notwithstanding all that, have been at so much Pains to compass it. The bad Example likewise gave Offence, that the first among Christian Princes should take a Dispensation from the Pope for marrying the Daughter of his own Sister. And it proved to be such by the Event; for this Example that he set, was afterwards, in 1580. followed in his own Family by *Ferdinand* of *Austria*, the Son of the Emperor *Ferdinand*, who married *Anna Catherina*, the Daughter of *William* Duke of *Mantua*, and *Elionora* his own Sister<sup>2</sup>: But what afterwards gave greater Offence, was, that this very Example was at last followed by the Nobility, and even by the Commonalty<sup>3</sup>. But however, of this Marriage, which after ten Years was dissolved by the Queen's Death, King *Philip III.* was born, who succeeded him in the Kingdom; for though she had had four Children, two of which, to wit, *Ernando* and *Juana*, who died before their

<sup>1</sup> Thuan. lib. 47. Hist.

<sup>2</sup> Idem, lib. 71. in fin. tom. 2.

<sup>3</sup> Idem, lib. 47. Pessimo exemplo in Principe

Orbis Christiani familia inchoato, & inde ad Nobilitatem, & a Nobilitate ad Plebem usque se extendente.

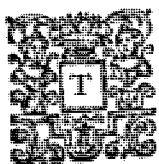
Mother, and *D. Diego*, who died soon after her, at eight Years of Age, *Philip* being the only Child left alive, he was sole Heir.

IN the mean time, by the Death of the Duke *D'Alcala*, according to Custom, the Collateral Council, in which at that Time presided the Marquis of *Trivico*, had taken the Government of the Kingdom upon them, which they held but a few Days; for upon the News of the Duke's Death, Cardinal *Granville*, who was then in *Rome*, by Virtue of the Power given him by the King, went immediately to *Naples*. By the continual Advices which King *Philip* had of the Duke's Indisposition, and the small Hopes of his Recovery, he had ordered the Cardinal, upon the first Notice of his Death, to go to *Naples*, and take the Government of that Kingdom upon him, which accordingly he did; so that on the 19th of *April* this Year 1571. he was received at the Mole with the usual Pomp of a Bridge, and as one, from whom, on account of the Fame of his great Knowledge and Prudence, much Good was expected; whose Government we are now going to relate.



## C H A P. I.

*Of the Government of D. Anthony Perenotte, Cardinal De Granville, and of the most remarkable Events in his Time: His Departure, and the Laws he left us.*



HIS Minister, of whom we have discoursed elsewhere under the Name of the Bishop of *Arras*, was the Son of *Nicholas Perenotte*, Lord of *Granville*, a *Burgundian* by Birth, and first Counsellor to the Emperor *Charles V.* In his Youth having applied himself to the Study of Learning, he succeeded to Admiration; so that by the Favour of *Charles V.* on account of his Erudition, and the Merits of his Father, he was made Bishop of *Arras*: And being a very active and knowing Man, he was afterwards employed in Embassies in *England* and *France*; and he was in so great Favour and Esteem with the Emperor, that when he resigned the Crown to King *Philip* his Son, he gave him this Prelate to be his Adviser in the good Government of his Dominions. Being afterwards made Cardinal and Archbishop of *Mechlin*, he had the Charge of the most weighty Affairs of the Low Countries, under the Government of the Dutches of *Parma*, the King's natural Sister; but being hated by that People, who could not bear his Rigour, which was not fit to be made use of in those ticklish Times, King *Philip* thought fit to recall him to his Court in *Spain*. There, by reason of his great Ability, he was employed in the most serious and weighty Affairs of the Monarchy. He went afterwards to *Rome*, where, as we have said, he remained by the King's Order, that he might be near at Hand to go and succeed the Duke *D'Alcala* in the Government of the Kingdom.

AT this Time nothing disquieted the Viceroy and the *Neapolitans* so much, as the continual Alarms given them by the IncurSIONS of the *Turks*; therefore all Means possible was thought of in order to prevent them. There was no fear of being attacked from other Countries, especially *France*, then so much taken up with their own Miseries and Revolutions. There was no Occasion to be afraid of Intestine Commotions; the Provinces being freed from the *Banditti*, were all in Peace and Tranquility; only the frequent and sudden IncurSIONS of the *Turks*, our implacable and cruel Enemies, upon the Sea Coast, disturbed them.

THE Viceroy had yet another troublesome Affair upon his Hands; King *Philip*, besides the War he was obliged to maintain against the *Turk* for the Defence of his Dominions in *Italy*, by the too rigid and haughty Conduct of his Ministers, was at this Time engaged in another War, no less cruel than chargeable, in the Low Countries, where there was not Money sufficient to support it.

*SPAIN* began to lose its Strength, and be desolate, by reason of the many Garisons it maintained both at Home and Abroad, such as in *Naples*, *Sicily*, the Dutchy of *Milan*, but above all in *Flanders*, where, besides the Garisons, it was obliged to maintain numerous Armies. It was likewise dispeopled and exhausted by the many Colonies that were sent to the *Indus*; by the Unfitness of the *Spaniards* for drawing Traffick and Commerce to their Sea Ports, much less to their Inland Cities; by the little Care they took of Agriculture, insomuch, that though their Fields were both spacious and fertile, yet, through the Scarcity of Husbandmen, and Laziness, they were not sufficiently cultivated: Whence proceeded an extreme Want of Money, and an Inability of supporting so great Charges. Wherefore King *Philip*, being obliged to bear the Expences of so great a War, began to make bold with the Funds of his Royal Patrimony, by selling the Excise, and pledging the Revenues of the Custom-Houses, and all the other Emoluments belonging to the Crown, to *Italians*, and particularly to the *Genoese*; to whom, for the Loan of considerable Sums, he paid most extravagant Interest: Whence likewise, in order to satisfy the Creditors, proceeded the Alienation of the Cities and Lands of the Kingdoms of *Naples* and *Sicily*, and the Sale of Honours and Titles of Count, Marquis, Duke, and even that of Prince; endeavouring by these Titles, without Substance, the best Way he could, to stop the Mouths of his Creditors.

ADD to this, that the *Spaniards* would not suffer one Farthing to go out of *Spain* for the Support of the Wars of *Flanders* and *Italy*, nor would they contribute to any Thing but the Defence of their own Country. The Mines of the *Indies* were in a manner exhausted by their Avarice, and much more by their not knowing how to make a right Use of them. There was nothing to be expected from *Flanders*, where a cruel War was raging, and all Commerce being interrupted, the Revenues of those Provinces were scarce sufficient for paying the Soldiers. To all this was added, some Years after, the War of *Portugal*, for which our Kingdom was also forced to give Donatives; and the King went on, more than ever, alienating his Royal Demains, and the Revenues of the Crown.

THE Kingdom of *Naples* therefore, was, above all the rest, reserved for supplying those great Charges; whence the pressing and continual Demands of Donatives and Taxes; whence, in Time, the King was reduced to that Extremity, that, the Excise being sold, the Customs, and all the Revenues of the Crown pledged, there was little left him: So that in order to raise the Sums necessary for the Defence of the Kingdom, there was a Necessity of laying on new Taxes and Duties, and our Citizens were obliged to buy their own Chains never to be shaken off. Lordships, Fiefs, and Titles were made Subjects of Derision, and not given for the Merit of Virtue, but for Money; and whence, in fine, proceeded, the so many Mischiefs and Disorders which shall be taken Notice of in the following Books of this History.

AMONGST the principal Anxieties therefore that disquieted our Viceroys, that of their being so frequently importuned, by the pressing Instances of the King, to raise Money in this Kingdom for Supporting so great Wars, was no less grievous than those occasioned by the *Turk*. Nor were they less disquieted by the insolent Behaviour of the Clergy, who endeavoured to inroach upon the King's Jurisdiction and Royal Prerogatives.

IN the mean time, Cardinal *Granville* having taken Possession of the Government of this Kingdom, as far as his own Circumstances, and those of the Times would bear, did not neglect in every Thing, and particularly in these three Cases, to employ all his Parts, and all his Vigour and Prudence.

THE *Ottoman* Power in these Times was become formidable, not only to the neighbouring, but to the remote Princes, and *Italy* was in Danger of falling under its Yoke; for which Cause, the Politicians of best Judgment, and those who were well acquainted with the Strength of so powerful an Enemy, and the Extent of his overgrown Empire, did not fail to exclaim against the Christian Princes, in order

to rouse them out of their long Lethargy, and by letting them see their imminent Danger, encouraged them to a glorious Union for crushing so great Power. Among the rest, we read in the Works of *Scipio Ammiratus*<sup>1</sup>, a long Discourse directed to the Princes of *Christendom*, wherein he lays their Danger before them, and exhorts them to enter into the League. But none was more zealous and warm for the Cause than Pope *Pius V.* who, after several Legations, concluded that famous League, of which *Don John of Austria*, the natural Son of the Emperor *Charles V.* was chosen Generalissimo, who, though but a Youth of Twenty-one Years of Age, had given great Proof of his Valour against the *Moors* in the Kingdom of *Granada*.

THIS Prince arrived at *Naples* on the 9th of *August* this Year 1571. where he was received by Cardinal *Granville* with the greatest Marks of Respect, and by the *Neapolitans* with such Honours as were due to so great a Personage. The Gallies of *Sicily* and *Naples* joined his Fleet; and besides a great many *Spaniards*, he was accompanied in this famous Expedition by the chief Barons, and many Noblemen of the City and Kingdom. The *Turks*, on the other Hand, were covering the *Archipelago* with a most powerful Fleet, and after having pillaged the Cities of *Budua*, *Dolcingo*, and *Autivari*, they came in Sight of *Cattaro*; therefore to prevent their advancing further into that Gulph, at the Instance of the Pope and the *Venetians* for joining of the Fleet, *D. John* set sail from *Naples* on the 20th of *August*, and on the 24th arrived at *Messina*, where he found the Pope's Gallies, those of the *Venetians*, some *Genoese*, three *Maltese*, and as many of the Duke of *Savoy's*. There was an Account soon after of the Loss of *Pamagosta*, whereupon it was resolved, without Loss of Time, to fight the Enemy; and the *Turks* having taken the same Resolution, the two Fleets set sail for that Purpose, without knowing one another's Intentions. Thus they went in quest of one another, till on the 7th of *October* they came in Sight, and met, just as the Christians had got clear of the Rocks of *Curzolari*, and as the *Turks* had doubled *Cape Metcogni*. The two Fleets engaged with equal Boldness, and after an obstinate Fight, the Christians gained the Victory, to the inestimable Loss and great Reproach of the *Turks*. This was that famous Victory, which having happened on the first Sunday of *October*, on which Day the *Dominicans* were wont to celebrate the *Rosary* with Processions, gave Occasion to Pope *Pius*, and *Gregory* his Successor, both of the same Order, in Memory of so glorious a Victory, to appoint over all the Catholick World a solemn Feast of the *Rosary*, to be celebrated every Year on that Day; which is still kept up with great Pomp and Magnificence; and it was likewise the Occasion of erecting Churches and Hospitals in *Naples* under the Name of *S. Maria della Vittoria*.

THE Defeat was considerable; for, besides the taking of the *Bassa* and other Generals of Note Prisoners, of a Fleet of little less than 300 Sail, scarce 40 escaped, above 100 were sunk, and as many taken. *D. John* returned to *Italy*, and having made a triumphal Entry into *Messina*, he remained there, and the other Generals set sail for *Naples*, where, on the 18th of *November* they arrived, and brought with them Prisoners *Mahomet Sangiacco* of *Negropont*, with two Sons of *Ali*, the Captain-General of the Sea, who had been killed in the Battle. The *Bassa*, with the youngest of the two Brothers, the other having died of Grief in *Naples*, were carried to the Pope, and being put into the Castle of *S. Angelo*, they were civilly treated.

THE following Year 1572. was not so prosperous to the Confederates as was expected from this Victory; for a new War being likely to break out with *France*, on account of the Revolutions in *Flanders*, did not allow King *Philip* and his General *D. John*, to give so great Assistance to the Confederates as was necessary. To this was added the Loss of Pope *Pius*, who died on the first Day of *May* this Year<sup>2</sup>. To him succeeded *Ugo Boncompagno*, called *Gregory XIII.* who, though he was as much for the Continuation of the League as his Predecessor, yet being a Novice at such Expeditions, and the *Turks* shunning all Opportunities of fighting, the Year passed without making such Progress as was expected.

IN the mean time, by the Death of Pope *Pius*, Cardinal *Granville* being obliged to go to *Rome* to assist in the Conclave, *D. Diego Simanca*, Bishop of *Badajos*, was left Lieutenant of the Kingdom; but his Government was of short Duration, for *Gregory*, the new Pope, being chosen on the 13th of *May*, the Cardinal returned to *Naples* on the 19th of the same Month, and resumed the Government, with the

<sup>1</sup> Opusc. Ammir. disc. 8.

<sup>2</sup> Thuan. Hist. lib. 51. pag. 1057.



troublesome Cares; for he was no sooner arrived, than he was obliged to send to *Messina* the Squadron of Gallies with the *Spanish* Soldiers of the Garison of *Naples*, and 5000 *Italians*, commanded by *D. Oratio Aquaviva*, the Son of the Duke of *Atri*, to oppose the *Turks*. There likewise went from *Naples* many noble Volunteers of different Nations, among which there were seventy *Neapolitans*, under the Command of the Duke of *Atri* their General. In the mean time the Season advancing, and the Enemy's Resolution not to fight being known, in the Month of *November* this Year, *D. John of Austria* returned to *Naples*, where he was entertained all that Winter with continual Feasts and Tournaments, till the Spring of the next Year, when it was thought fit to make ready for a new Expedition.

THIS Year 1573. while *D. John* and Cardinal *Granville* were wholly intent upon furnishing the Fleet with Necessaries for an Expedition to the *Levant*, News came, that the *Venetians*, by the Mediation of the King of *France*, had concluded a Peace with the *Turk*, upon shameful Conditions, which afforded Pope *Gregory* Matter of Complaint, and King *Philip* no small Jealousy, who seeing, that the *Turks* were at a great deal of Pains to get the Duke of *Anjou*, the King of *France's* Brother, elected King of *Poland*, was afraid that the *Venetians* and *French* had a Mind to join in a League against him. The *Venetians*, in order to justify themselves, sent Ambassadors to the Pope and King *Philip*, representing that it was Necessity had forced them to make Peace.

AS soon as this Peace was published, the King, unwilling to keep his Troops idle, resolved upon an Expedition to *Africa*, whereupon he ordered *D. John of Austria* to attack *Tunis*. This Prince set out from *Naples* with his Fleet towards *Messina*, where he arrived in two Days; from thence pursuing his Voyage, he arrived at *Goletta*, where he landed his Troops, and marched directly for *Tunis*, of which City (it being unprovided of a Garison) he soon made himself Master, without striking a Stroke; but for all that he allowed his Soldiers to plunder it; and having built a new Fort, he left in it, with the Title of Viceroy, *Mahomet*, the Son of *Affano*, and Brother of *Amida*, whom he made Prisoner, being justly suspected by the *Spaniards*, and more by the *Turks*, and hated by the *Tunefins*, because he had most inhumanly murdered his own Father *Affano*. He sent *Amida*, with his two Sons, Prisoner to *Palermo*, who, by the Way, having understood, that *Mahomet* his Brother, whom he so much hated, had been left Viceroy of that Kingdom, fell into such a Rage, that had he not been prevented by *Amida* his Son, he had thrown himself into the Sea. In the mean time, for the better Security of that Kingdom, *Biserta* was likewise taken; and the Winter Season drawing near, *D. John* returned to *Sicily*, and from thence to *Naples*, whither he carried *Amida* and his two Sons with him, and sent them Prisoners to the Castle of *S. Ermo*. *Thuanus* says<sup>2</sup>, that the Year following 1574. he, accompanied by *Paul de Foix*, having been sent to *Italy* to return Thanks to the *Venetians*, the Pope, and the other Princes of *Italy*, who had sent Ambassadors to *France* to congratulate the King upon his Brother's being elected King of *Poland*, after having visited the principal Cities of *Italy*, he likewise went to *Naples*, where he was curious to see *Amida* and his two Sons. The Governor of the Castle very courteously introduced him to *Amida*, who, by his Countenance, seemed to be about eighty Years of Age; and having had the Curiosity to ask the Governor how he passed his Time, he told him, that for all his being so old, there was not a Night but he had his black Concubine in Bed with him; that of the two Sons he loved the Ugliest, who was likewise lame, keeping him always in his Chamber with him; that he hated the other, though very handsome and lively, and on that account was in great Favour with the *Spaniards*, who allowed him to walk freely up and down the City, ride, and run at Tilt; and, if the State of Affairs had not altered afterwards, he would have succeeded his Uncle *Mahomet* in the Viceroyalty of *Tunis*, which was thought would have continued for a long time under the Monarchy of *Spain*.

BUT these fine Hopes soon vanished; for at the same time that Cardinal *Granville* was celebrating, with Carrouzels, Bull Feasts, and Tournaments in *Naples*, the safe Return of *D. John*, and the Birth of *Fernando* the King's first Son, News was brought, that the *Turks* were scouring our Seas, had advanced as far as the Cape of *Otranto*, and had pillaged the small City of *Castro*; and this new Year 1574

<sup>1</sup> Thuan. tom. 2. lib. 55. in princ.  
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<sup>2</sup> Idem, lib. 57. pag. 48.  
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having

having driven our Men out of *Tunis*, they had made themselves Masters of that Kingdom; for on the 23d of *August* this Year, *Goletta* having fallen into their Hands, on the 13th of *September*, the City of *Tunis*, with the Fort built by *D. John*, were taken, and *Pedro Portocarrero*, and *Gabriel Sorbellon* made Prisoners; both which Places they demolished from the Foundation, to prevent our ever attempting to recover them. Thus an End was put to the great Labour undergone for this Kingdom of *Tunis*, which being conquered by *Charles V.* and, at vast Charges and Trouble, maintained for the Space of forty Years by his Son *Philip*, was at last, without Hopes of ever recovering it, lost.

THESE anxious Cares rendered the Government of Cardinal *Granville* very troublesome; for to ward off the Mischiefs that were to be feared from so powerful an Enemy, required all his Vigilance and Foresight. He was the first that put in Practice in the Kingdom, the new Militia called *Del Battaglione*; it was composed of Soldiers, which, proportionable to the Number of Families, each Corporation of the Kingdom was obliged to furnish: They had no Pay in Time of Peace, but only some Franchises, and in Time of War they were paid as the other Troops; their Number was considerable, amounting to Twenty-five, sometimes to Thirty thousand Men; they had their Captains and other lesser Officers, but at present there is no Vestige of this Militia. We have no more Soldiers, we are all Pagans, and the War is now confined to Strangers, who govern us; the Arms are in their Hands, and to us only is left the Glory of obeying.

TO supply such great Wants required earnest Attention; the King solicited the Cardinal, and demanded frequent Subsidies and Donatives. The Viceroy, in order to draw in the People, and to find Ways and Means for raising them without Difficulty or Grumbling, first put in Execution all the Favours and Privileges, which in the Year 1570. were granted by King *Philip* to the City and Kingdom. Then, encouraged by the Presence of *D. John of Austria*, having demonstrated to the Barons the urgent Occasion of the War that out of cruel Necessity they were obliged to maintain against so formidable an Enemy, who threatened to enslave the Kingdom, on the first of *November* 1572. he called a General Parliament to be held in *S. Lorenzo*, of which *Cesare di Gennaro*, a Nobleman of *Porto*, was Syndick, (Speaker) and a Donative of a Million and One hundred thousand Ducats was given. Afterwards, upon Advice of the Loss of *Tunis* and its Forts, in 1574. another Parliament was called, of which *Gianluigi Carmignano*, a Nobleman of *Montagna*, was Syndick, and the King got another Donative of a Million and Two hundred thousand Ducats. 'Tis said, that *D. John* pretending to have a particular Present from the City for himself, the Cardinal, commiserating the Distress of the *Neapolitans*, dextrously prevented it; whence proceeded that Disgust between them, which occasioned the Cardinal's being recalled to *Spain*, as shall be told: Such was the Distress, which the Expeditions to *Tunis*, and the Wars against the *Turks* brought upon the *Neapolitans*. *Summonte*, a cotemporary Writer with these Events, says, that the Supporting the Fort of *Goletta*, sucked the very Marrow of the *Neapolitans*; for whenever there was a Scarcity of any Sort of Commodity, all the Blame was laid upon the maintaining that Fort: So that if the Price of Corn and Wine was raised, or if Salt Fish or Flesh could not be got, or if Oyl was sold at a dear Rate, all was said to have been occasioned by providing *Goletta*, and so of all other Necessaries of Life, and even the Price of Charcoal was raised, insomuch that it seemed as if that Fort had swallowed up every Thing; for through the Greediness of the tyrannical Ministers, every Thing was sent out of *Naples* under pretence of furnishing *Goletta*, but afterwards was carried elsewhere.

IN fine, Cardinal *Granville* had the Court of *Rome* to struggle with, in opposing their Inroachments upon the King's Jurisdiction and Prerogatives. They constantly pursued their Point in the old Manner, and, as Experience hath always shewed, one Pope was no sooner dead, than his Successor still harped on the same String, and, perhaps, out-did his Predecessor; thus *Pius V.* dying, *Gregory* his Successor, following his Steps, did not fail to imitate him; but the Viceroy's Steadiness was commendable, who, though a Cardinal, opposed him vigorously. With respect to all the abovementioned Points about Jurisdiction, he followed the Example of the Duke *D'Alcala*, but in that of the *Causæ Mistæ*, upon an Occasion

<sup>1</sup> Summont. par. 4. lib. 11. fol. 303.

that offered, he very much out-did him. The Ecclesiasticks reckoned, that the Crime of Sacrilege belonged to the *Forum mistum*, and therefore was liable to Prevention: It happened that a Thief, after having stolen some sacred Furniture out of the Cathedral Church of *Naples*, succeeding so well that Time, ventured to do the same out of the Church of *S. Lorenzo*; but the Monks of that Convent having caught him in the Fact, after drubbing him soundly, delivered him over to *Mario Caraffa*, then Judge of the Archbishop's Court, who put him in his own Prison, and pretended, though the Thief was a Laick, to take Cognizance of the Crime, as having got the Start of the Royal Judges. The Viceroy required the Archbishop and his Vicar several times to deliver up the Thief to the King's Judges, to whom it belonged to take Cognizance of that Crime; but these Demands proved all fruitless, so that the Archbishop obstinately refusing to deliver him up, the Viceroy was forced to send the Attorney-General, with the *Sbirri*, to break open the Prison of the Archbishoprick, and seize the Thief. The Archbishop caused his Vicar to excommunicate all those who had a Hand in executing the Viceroy's Orders, the Employers, the Consenters, and all that were present at the Action; and caused Copies of it to be posted upon all the publick Places of the City. The Viceroy was even with him; for in the first Place he caused the Copies to be covered with Paper, and daubed over with Ink; he caused the Thief to be immediately tried, and, on the 10th of *March 1573*. he was hanged in the Square of *S. Lorenzo*; he ordered the Vicar to be gone out of *Naples* within 24 Hours, and so to go on till he should be out of the Kingdom, and not to return till his or the King's further Orders, which was immediately obeyed: The Beadles that had posted up the Copies were put in Prison; the Counsellors, the Advocate and Chancellor of the Archiepiscopal Court, being all Laicks, were all likewise imprisoned; and in fine, all the Archbishop's Revenues, even his Patrimonial, were sequestrated. Which being done, on the 25th of the same Month of *March*, he wrote a full Account of all that had passed to King *Philip*, who, on the 13th of *July* the same Year, answered him, not only approving of what he had done in Maintenance of his Right, but charged him, that for the future, he should take care to preserve his Jurisdiction so, as that it may not suffer the least Prejudice upon any Account whatsoever; and by his Prudence and good Management, to take care that none of the Regents, nor other Officers, pretended to be excommunicated on that Account, go to *Rome* for Absolution, as the late Pope pretended in the Case of those of the Senate of *Milan*. He likewise wrote the same Day to *D. Juan de Zuniga*, his Ambassador in *Rome*, who had also given his Majesty an Account of what had happened, ordering him vigorously to expostulate the Matter with the Pope; and if he should be obliged to yield the Point of Absolution, and that the Excommunicated must be absolved, yet for all that, he would not have his Holiness to think, that any of the Regents of *Naples*, or the other Officers, ought to go to *Rome* for that Purpose, because that would quite overthrow the Authority of his Ministers<sup>1</sup>.

POPE *Gregory*, on the other Hand, ordered his Nuncio residing in *Naples*, smartly to expostulate the Matter with the Cardinal, and even to threaten him; but by the Mediation of the Ambassador *Zuniga*, and by the Means of Persons of Credit, and especially of the President of the *S. C. Giovan-Andrea di Curte*, a Minister of great Weight and Prudence, Matters were adjusted, and this Medium was fallen upon; that all those who had been excommunicated upon that Account, should be privately absolved in the Treasury-Chamber, and so the Affair was dropt.

AFTER that Cardinal *Granville* had so well discharged his Duty in the Government of this Kingdom, and now when Matters were somewhat set to rights, more Good being still expected from his Integrity and Prudence, we were robbed of him by an Order of King *Philip*, who called him to his Court in *Spain* to greater Honours, having made him his Counsellor of State, and President of the Supreme Council of *Italy*. It was reported, that *D. John of Austria*, for the abovementioned Reason, had procured his Removal, in order to have the Duke of *Sessa* put in his Place; but though at his Desire the King removed the Cardinal, yet, being jealous of *D. John's* Authority, on account of the chief Command he had of the Fleet, instead of sending his Favourite to *Naples*, he sent thither the Marquis of *Mondejar*,

<sup>1</sup> Chiocc. tom. 5. M.S. de Casib. Mistis.

whom D. *John* hated. The Cardinal left *Naples* in the Beginning of *July* this Year 1575. having governed the Kingdom a few Months more than four Years. He left us 40 Pragmaticks, all wise and prudent, which still are so many Monuments of his excellent Talents. He severely prohibited the carrying of any Sort of short Weapons: He ordered that Deeds between the Living, such as last Wills, should be penned by none but by Royal Notaries only; he enjoined a strict Secrecy in the Ministers; he commanded, that no Porter, Trumpet, or Servant of the Palace, or of any of the Ministers, should go through the City to ask new Years Gifts, under the Pain of four Lashes of a Rope: He forbid the Ministers to ask, either for their Relations, or others, Benefices or Prebends, or Offices from Barons, without the express Licence of the Viceroy. He forbid Ecclesiastical Persons, though they were Knights of *Jerusalem*, to exercise Royal or Baronage Offices, either in the City of *Naples* or the Kingdom; that no Person should play at any Game for more than ten Ducats in one Day: He prohibited all usurious Contracts; and he made other wholesome Laws, which, according to the Order of Time, may be found in the Chronology prefixed to the first Tome of our Pragmaticks.



## C H A P. II.

*Of D. Innigo Lopes Hurtado de Mendoza, Marquis of Mondejar: His unhappy Conduct, and the Laws he left us.*



THE Marquis of *Mondejar*, who arrived in *Naples* on the 10th of *July* this Year 1575. not having narrowly inquired into the Characters of those, who immediately upon his Arrival, offered him their Assistance and Advice in the Government of the Kingdom, and crept into his Favour, made it soon to be discovered, that his Government would prove quite the Reverse of that of his wise and prudent Predecessor; for, by the Insinuation of these Flatterers, it was not long before he revoked many good Regulations made by Cardinal *Granville*: A most imprudent Conduct, for the Cardinal, as 'tis common to all Men to have a favourable Opinion of the Productions of their own Brains, offended at these Reforms, kept a watchful Eye over all his Actions. Whereupon the Marquis, sensible of his Error, resolved to amend it, but he applied a Remedy that proved worse than the Disease. There was at this Time at Court, as Provincial Regent of this Kingdom, one *Scipio Cutinari*, originally come from *Antwerp*, a Man of good Learning, cunning and ambitious; he, being bribed by the Marquis, advised him of the most secret Transactions of the Council of *Italy*, and of whatever the Cardinal spoke against him: As a Reward for this Service, he had prevailed upon the Viceroy to send to the King a false Account of his fictitious and boasted Nobility; by Virtue of which he obtained many Favours and Prerogatives from the King, and in particular a Power of chusing to be a Nobleman of any of the five *Seggi* he should think fit. But that served only to discover the Imposture to the King and Council; for he having pitched upon the *Seggio* of *Nido*, and the Viceroy, contrary to the Inclinations of the Nobility of that *Seggio*, employing all his Interest to have him received, put them upon dispatching a Person to *Madrid* to represent the fabulous Genealogy sent by the Viceroy. Cardinal *Granville* favoured the Message, and having fully informed the King of it, his Majesty was no less displeas'd with the Cheat than with the Viceroy, inasmuch that he revoked the Privilege, and ordered the Regent to be put in Prison, where he died soon

soon after, and his Brother to be confined in *Castel-nuovo*, from whence, after a tedious Imprisonment, he was banished to *Torre del Greco*, where he ended his Days.

BUT besides the little Correspondence the Viceroy kept with D. *John of Austria*, was a certain Prefage of an unhappy and short Government. D. *John* still continued to divert himself in *Naples* with Feasts and Tournaments; and, as he had the supreme Command of the Fleet, the *Neapolitans* paid him the greatest Honours, insomuch that he made such a shining Figure, that the Viceroy was quite eclipsed: The Marquis, not able to dissemble, and much less suffer this, there arose great Heart-burnings and Disgusts between them, which came to such a Height, that D. *John*, upon a certain Occasion, did not stick to call him a Breaker of his Word; whereupon the Viceroy answering, that he would acquaint the King with his Insolence, D. *John* drew his Dagger, and run at him with a Design to stab him, which he certainly would have done, if the By-standers, by Prayers and Intreaties, had not pacified him.

THESE unhappy Adventures, and the Enmity betwixt him and Cardinal *Granville* and D. *John of Austria*, had that Effect, that whenever any Thing happened during his Government, it was not imputed to his Care, but, either to Chance, or the Prudence and good Management of others, or to a Miracle. This was evident upon two Occasions. This Year of the Jubilee 1575. by reason of the great Confluence of People that flocked from all Parts to *Rome*, so cruel a Pestilence was brought into *Italy*, that, except that which in the Year 1528. in the Time of *Lautrech's* Expedition, so much afflicted *Naples*, a greater had not been seen. From *Trent*, where it first broke out, it went to *Verona*, from thence to *Venice*, and at last it spread itself over all as far as *Sicily*. The most famous Physicians of these Times, such as *Andrea Graziolo* of *Salona*, *Alessandro Canobio* of *Padoa*, and *Antonio Gliscens* of *Brescia*, maintained, that the Infection was owing, neither to the Influence of the Stars, nor the Malignity of the Air, nor the Concourse of Strangers, but that it was bred in the Cities themselves, from the Sluttishness and Dirtiness of Private-Houses. However that may be, *Trent* was left in a manner desolate, *Verona* was little better; and the Year following 1576. it made so cruel and lamentable a Slaughter in *Venice*, that it was computed above 70,000 Persons died. The two famous Physicians *Girrlamo Mercuriale* of *Forli*, and *Girolamo Capovacco* of *Padua*, were blamed for this Destruction, whose Assistance and Advice being asked by the Senate, and they judging the Disease not to be Pestilential, but that it could be cured, occasioned, that the Infected were not, as had been begun to be done, carried out of the City to a Place apart, they exposing themselves (as by their Example, all the other Physicians and Surgeons did) to take care of the Sick. But the Disease increased to that Degree, and raging more furiously, in a short time it dispatched not only the Sick but Fifty-eight Physicians and Surgeons appointed for their Cure. *Mercuriale* and *Capovacco* did not mind their own Danger, but with Intrepidity for some time went on in applying their Remedies amongst the Infected; but at length, having asked Liberty of the Senate, they scampered away. In *Milan*, *Cremona*, and *Pavia*, the Piety and Vigilance of the Cardinals *Carlo Borromeo*, *Nicolo Sfondrato*, and *Ippolito Rosso*, the Bishops of these Cities, were much commended, who with great Zeal and Intrepidity visited the Sick, and gave them their Assistance. After the Example of *Borromeo*, *Agostino Valerio* Bishop of *Verona* did the same, which City, as well as *Padua*, was most miserably afflicted. The Distemper spread itself as far as *Sicily*, and made a cruel Slaughter in *Messina*, and by the continual Commerce all our other Provinces were in Danger. Now the provident Care of the Marquis of *Mondejar* appeared, for he not only, by most severe Edicts, prohibited all Persons coming from infected Places to enter the Kingdom, but he caused the Gates of the City of *Naples* to be shut, and none were suffered to enter without the necessary Bills of Health from the Places they came from; he used extreme Rigour, even upon the least Suspicion; he caused many Bales of Cotton, that had come from Abroad, to be burnt in *Naples*; and he made a Bark that had come from *Calabria* to be burnt in the Harbour, though loaded with Bales of Silk, without any Regard to the great Loss of the Merchants: So that the City of *Naples*, and the Kingdom, were freed from

that dreadful Plague, which was not quite extinguished in *Italy* till the following Year 1577. But all this was attributed, not to the provident Care of the Viceroy, but partly to the Foresight of the City of *Naples*, and much more to the Intercession of *S. Januarius*, and the other Saints its Protectors<sup>1</sup>.

MORE OVER, *Amurath* the Emperor of the *Turks*, pursuing the Designs of his Predecessors, made his Fleet scowre our Seas: This Year 1576. his famous Admiral *Uizali* began to pillage the Coast of *Puglia*; but being repulsed by some Horse and Foot sent thither by the Viceroy, he left that Coast, and sailed towards *Calabria*, where he landed his Troops near *Trebisaccia*, wasted the Country, and was carrying off many of the People into Slavery; they were likewise beat back, and forced to leave their Booty: But all this was ascribed to the Vigilance, Readiness, and Valour of *Niccolo Bernardino*, Prince of *Bisagnano*, who, as *Thuanus*<sup>2</sup> writes, coming opportunely as they were imbarcking with 600 Horse, and 200 Musqueteers, forced them to leave their Prey, made 40 Prisoners, and killed above 50 of them.

TWO Accidents which happened some time after, and shall now be related, added to the Viceroy's Disquiet, insomuch that being hated by the Nobility and Commons, he was at last recalled to *Spain* by the King, and obliged to set out in the Middle of Winter. The first was, his giving Ear to a Friar, who, having been drawn in by the Promises of some covetous Merchants, insinuated to him, that for the Use of the common People, Bread could be made of the Meal of Corn, mixed with that of the Herb which the Botanists call *Aron*, and the Common People *Calfs-Foot*\*, which is looked upon to be so nourishing, that *Julius Cæsar* maintained his Army with it in *Albania*. This Project seemed to be very advantageous and useful, not only for keeping low the Price of Corn, but would bring in great Profit to the King; but this Design had no sooner taken Air amongst the Commonalty, accustomed to eat Bread of pure Corn, than they, spurred on by the Nobility, who bore the Viceroy a Grudge, on account of the late Dispute about receiving Regent *Cutani* into their Number, openly declared, that they would not obey him in that; the Viceroy therefore seeing their Stedfastness and Obstinacy, in order to pacify them, dropt the Project. The other made a greater Noise in the World, and gave the finishing Stroke to his Removal: It was this; *D. Anna-Clarice Caraffa*, the Daughter of the first Marriage of *D. Antonio Caraffa*, Duke of *Mondragone*, by *D. Ippolita Gonzaga*, was in the Monastery of *S. Sebastian* for her Education, and for want of Heirs Male, being Heiress of all the paternal Estate, her Father had appointed her to be married to the Count of *Soriano*, the eldest Son of the Duke of *Nocera*, who was of the same Family; but the Prince of *Stigliano*, Grandfather of the young Lady by the Father's Side, unwilling to have his Family extinguished, married, though Old, *D. Lucrezia del Tufo*, of the Family of the Marquises of *Lavello*, and by this Lady had a Son, whom he designed to be Heir of that Estate, which divided the Family of *Caraffa* into two powerful Factions. On the other Hand, the Viceroy, flattering himself that he might be able to make Advantage by these Disputes, had contrived a Design to marry this Lady to *D. Lodovico Hurtado de Mendoza*, Count of *Tendilla*, his eldest Son; and foreseeing the Difficulties he would probably meet with, under pretence of examining into her Inclinations, he resolved to take her out of the Monastery, and put her in a Place proper for his Design; and to compass this, seeing that all other Methods would be in vain, he thought fit not only to use Diligence, but Force; therefore he sent three Regents, with the Secretary of the Kingdom, and 150 *Spaniards* to bring the Lady out of the Monastery. This unlooked-for and scandalous Action moved the Nuns to take a very odd and noble Resolution; for all of them in a Body, with *D. Clarice*, whom they cloathed in a Nun's Habit, drawn up in order, and singing Psalms, with the Relicks of such Saints as they preserved in their Hands, caused the Gate of the Cloister to be opened, and met these Ministers, who being surprized at so uncommon a Sight, fell on their Knees, adored the Relicks, and immediately left the Convent. *D. Clarice* was privately conveyed to the House of *D. Giovanni di Cordona*, and according to her Father's Appointment, was privately married to the Count of *Soriano*, as she herself afterwards declared to the Collateral Council. Although this Action of the Viceroy had offended only those two principal Branches of the Family

<sup>1</sup> Summont. par. 4. lib. 1.

<sup>2</sup> Thuan. lib. 52. Hist. in princ.

of *Caraffa*, which at this Time were the Prince of *Stigliano*, and the Duke of *Nocera*, now extinct, yet it incensed against him the numerous noble Progeny of that Family, who, adding this to the old Grudges, sent *Gianantonio Carbone*, Marquis of *Padula*, to *Madrid*, to complain of it to King *Philip*. The Message was backed by Cardinal *Granville*, and the Complaint being laid before the King, he immediately resolved to recall him; and he ordered D *Juan de Zuniga*, who had been a long time his Ambassador in *Rome*, without loss of Time, to go and take the Government of *Naple* upon him: So that on the 8th of *November* 1579. the Marquis was obliged to set out, and expose himself to a Sea Voyage in the severest time of that Winter. He set sail with two Gallies, accompanied rather with his own Repentance, and the Tears of his Relations, than with the Blessings of the *Neapolitans*, among whom, according to *Summonte* <sup>1</sup>, he left a very bad Reputation of himself.

ALTHOUGH the abovementioned Adventures had brought the Hatred of every Body upon him, yet during the four Years and four Months that his Government lasted, he left us some Monuments, no less for the Good of *Naples*, than the King's Service. In his Time the King got three Donatives; one in *November* 1575. a little after his Arrival, when, upon Advice of the Birth of D. *Diego*, King *Philip*'s second Son, a Parliament met in *S. Lorenzo*, wherein presided as Syndick, *Gianfrancesco di Gacta*, a Nobleman of the *Seggio* of *Porto*, and gave the King a Donative of a Million <sup>2</sup>; another of a Million and Two hundred thousand Ducats was given by a Parliament which met in *February* 1577. of which *Giangirolamo Mermile*, of the *Seggio* of *Portanova*, was Syndick; and the Third of the like Sum was given by the Parliament held the 23d of *April* 1579. for supporting the War of *Flanders*, of which Parliament, *Fabrizio Stendardo*, of the *Seggio* of *Montagna*, was Syndick.

IN 1577. he began the Fabrick of the new Arsenal on the Descent of *S. Lucia*, where it stands to this Day, under the Direction of Friar *Vincenzo Casali*, of the Order of *Servites*, a famous Architect of these Times. He had likewise begun to make the necessary Provisions for fitting out a Fleet against the Infidels; for which End *Fr. Vincenzo Caraffa*, Prior of *Hungary*, and *Carlo Spinelli*, were raising 3000 Foot Soldiers, and 4000 Pioneers, in order to join them to all the Forces of *Italy*, and to make one Body under the Command of *Pietro di Medici*, Brother to the Grand Duke of *Tuscany*; but this noble Design was dropt by his sudden Removal. In his Time, the Birth of *Philip*, the King's fourth Son by Queen *Anne*, born the 27th of *April* 1578. and who succeeded his Father, was celebrated with great Magnificence and Pomp.

THIS Minister likewise left us Twenty-four Pragmaticks, in which there are many prudent and commendable Provisions. He prohibited Gaming Houses under most severe Penalties; he suppressed the Importing of Counterband Goods; he laid down a Rule to the Tribunals concerning suspected Ministers; he ordered that Ministers should not contract Spiritual Relation, by being Godfathers at Christenings or Confirmations; and he made other wholesome Regulations for the good Government of the City and Kingdom, which, according to the Order of Time, may be seen in the Chronology prefixed to the first Tome of our Pragmaticks, printed in 1715.

<sup>1</sup> Summont. tom. 4. lib. 11.

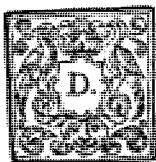
<sup>2</sup> Idem, loc. cit.





## C H A P. III.

*Of the most remarkable Things that happened during the Government of D. Juan de Zuniga, Great Commendator of Castile, and Prince of Pietrapersia: His Conduct, and the Laws he left us.*



**JUAN ZUNIGA**, a second Son of the Family of *Miranda*, of whom we had frequently Occasion to discourse in the preceding Book, when being Ambassador in *Rome* for many Years during the Government of the Duke *D'Alcala*, he so well managed the important Affairs about Jurisdiction, that he acquired the Reputation of consummate Prudence, and a sufficient Knowledge of the Affairs of our Kingdom; infomuch, that being pitched upon by King *Philip* to be Viceroy, he soon became acquainted with our Laws and Customs. The Choice therefore met with a general Approbation, and every Body promised themselves a happy Government from his known Prudence and Capacity. Nor did he fail to answer Expectation; for having arrived at *Naples* the 11th of *November* this Year 1579. he gave evident Proofs of his Magnificence and Piety, in refusing that vain Pomp of a Bridge ordinarily made for all Viceroys, which would have cost the City 1500 Crowns, but it was better bestowed upon the Hospital of the Incurables<sup>1</sup>.

<sup>1</sup> Summont. tom. 4. lib. 11.

## S E C T. I.

*The Expedition of Portugal.*

**T**HE great Events that happened in this Viceroy's Time, rendered his Government very remarkable; while he governed the Kingdom the Expedition to *Portugal* was undertaken, in which he had some Share with respect to Men and Money, which by his Care and good Management, were sent from the Kingdom for that Enterprize. The History of the War of *Portugal*, made by King *Philip II.* as one of the Pretenders to that Kingdom, has been so well written by *Thuanus*<sup>1</sup>, *Bacon of Verulam*<sup>2</sup>, and other famous Authors, that besides its not being to our Purpose, it would be spending of Time idly to transcribe it at large from these Writers. We shall only take notice of some Events, in which our Countrymen, and *Zuniga* who governed them, had some Share.

**KING Emanuel** dying in 1521. left four Sons, *John, Lewis, Henry,* and *Edward*, and two Daughters, *Isabel* and *Beatrice*; the eldest of the Sons succeeded, and was called *John III.* and had a Son named *Sebastian*, who, upon his Father's Death, succeeded to the Kingdom. *Lewis* was never married, but by a Concubine had a Son named *Anthony*, the Prior of *Crato*. *Henry* entered into Orders, and was made Cardinal. *Edward* left two Daughters, *Mary* the Wife of *Alexander Farnese*,

<sup>1</sup> Thuan. lib. 69 & 70.

<sup>2</sup> Bacon de Verulam. Hist. Henrici VII. Ang. Reg.



Duke of *Parma*, and *Katharine* the Mother of the Duke of *Braganza*. *Isabel* was the Mother of King *Philip II.* and *Beatrice* of *Emanuel Philibert*, Duke of *Savoy*. King *Sebastian* was killed in the Battle of *Arzila*, and his Body not being found, gave Occasion afterwards to that famous Imposture, of which we shall discourse by-and-by. King *Sebastian* having died without leaving Issue, the Cardinal *Henry*, his Uncle, the only surviving Brother of King *John*, succeeded to the Kingdom; who being a Priest, infirm, and old, resolved, in his Life-time, to appoint a Successor: But the Claim of so many Pretenders proving too troublesome, he called an Assembly of the States, who appointed fifteen Judges, to whom *Henry* gave Power to examine the Claims of the Pretenders, and determine the Succession, giving them likewise Power to decide it after his Death, in case it should happen before Sentence: In the mean time he appointed Governors, who were to have the Administration of the Kingdom; and he made ever Body swear to acknowledge for King whomsoever the said Judges should pronounce to be such.

THE Pretenders were *Ranuccio Farnese*, the Son of *Alexander*, and the Duke of *Braganza*, *Katharine's* Husband; King *Philip II.* the Son of *Isabel*, and the Duke of *Savoy*, the Son of *Beatrice*. There was likewise *Anthony* the bastard Son of *Lewis*, who, more by the Love he had gained of the People, than by any Right, aspired to the Throne; and lastly, the King of *France*, in order to have a Hand in this Affair, and to oppose King *Philip*, pretended to make good some old Rights derived from *Katherin de Medici* his Mother.

BY reason of the Competition of so many Pretenders, and of the natural Aversion, both of the King, and the States of the Kingdom to King *Philip II.* one of the most powerful of them, great Troubles being likely to ensue, another Device was proposed, of having recourse to the Pope for a Dispensation, to enable the King, though a Priest, to marry, and for that End *Edward Castelblanco* was sent to *Rome*. In the mean time the King frequently consulted the Physicians, whether they thought him able, at that great Age, to beget Children; for, though all his Life-time he had professed Chastity, yet, to exclude a foreign Heir, he was now disposed to marry.

KING *Philip* being advised of the Aversion of the King and the States of the Kingdom, and of the intended Marriage, in order to prevent it, wrote immediately to his Ambassador in *Rome*, strictly charging him to use his utmost Efforts with Pope *Gregory* not to grant the Dispensation; and at the same Time, with great Secrecy, he sent *Ferdinando Castelli*, a *Dominican* Friar, to King *Henry* his Uncle, to dissuade him from marrying, among other Things insinuating to him one very foolish Reason, but which he thought would have weight with the King, who, in other Things was most Superstitious, which was, to shew him, that it would be a very pernicious Example, and not to be practised in these Times without Danger, because the Errors of the Sectaries, who teach that Priests may marry, spreading more than ever in *Europe*, wicked Men, from his Example, might easily persuade others that they may do the same. The Message proved fruitless, for the Friar, contrary to *Philip's* Expectation, was not admitted into *Henry's* Presence, but, little to his Credit, was forced to return.

IN the mean time the other Expedient was carried on. The Judges summoned the Pretenders, who by their Ambassadors gave in their Claims. *D. Pedro Giron*, Duke of *Ossuna*, appeared for King *Philip*; *Carlo Roberto* for the Duke of *Savoy*; and for *Ranuccio Farnese*, the Son of *Alexander* Duke of *Parma* by *Mary*, *Ferdinando Farnese*, Bishop of *Parma*, was sent, who having consulted the Case with the Lawyers of the famous University of *Padoa*, had published a Consultation signed by them, wherein, by most convincing Arguments, as he thought, they maintained *Ranuccio's* Right.

THE Duke of *Savoy* did not contend with King *Philip*, as being the Son of *Isabel* the eldest Sister, but only demanded, that in case *Philip* should die before *Henry* their Uncle, his Right might then take Place. Therefore they joined in excluding the Pretensions of the Duke of *Braganza* and *Ranuccio Farnese*: They maintained, that the said Dukes could not enjoy the Benefit of Representation, which they endeavoured to overthrow by many Arguments, but that they, as Males, and nearer of Kin, ought to be preferred to all others. On the other Hand, the Duke of *Braganza* and *Ranuccio* retorted the Argument, as making for them; but *Ranuccio* afterwards made use of the same Argument against the Duke of

*Braganza*, because being the Son of *Mary* the eldest Sister, he ought to be preferred to the Duke. But the University of *Coimbra* being likewise informed of King *Henry's* Inclinations, who privately favoured the Duke of *Braganza*, published a Consultation in his Favour, by which these Lawyers, by many Arguments, strained hard, first to confute the Pretensions of King *Philip* and the Duke of *Savoy*, and then those of *Ranuccio*. However, all agreed in excluding *Anthony* the Prior of *Crato* (although he was cited) as a Bastard, as the King afterwards declared him by an express Decree.

ALTHOUGH the King of *France* was not summoned, yet he sent *Urban Sangelas*, Bishop of *Cominges*, to give in his Pretensions, who, after much Difficulty, was at last allowed to be present for proving the said King's Right. King *Henry*, in order to favour the Duke of *Braganza*, would willingly have excluded all the rest; but that King *Philip* might be excluded, all Claims were promiscuously admitted. The Pretensions of *France*, which were laid before that Assembly in the Name of *Katharine of Medici*, were derived from too old an Origine, and if ever they had been made good, they would have overthrown, not only the Pretensions of the Opposers, but would have called in Question both King *Henry's* own Right, and that of some of his immediate Predecessors; wherefore it would have been the Height of Imprudence in that Assembly to have examined into them, which would have been of very bad Consequence; for which cause *Thuanus*<sup>1</sup> says, that the *French* Ambassador obtained other Letters from his King, directed to the Assembly of *Lisbon*, wherein he offered the *Portuguese* all Assistance, provided they would reject King *Philip*, and not subject themselves to the Yoke of so powerful a Prince.

THE *Spaniards*, the Pope, and the other Christian Princes complained of this, and said, that the King of *France*, out of Envy and Hatred, intermeddled in this Affair of purpose to break all their Measures; for which cause King *Philip* began seriously to think, that his best Course would be to support his Pretensions by Force of Arms, rather than undergo these Discussions. Besides he was very sure, that not only the *French*, but the *English*, out of Jealousy, would oppose his having so great a Kingdom added to his vast Monarchy. He clearly saw the Aversion both of King *Henry* and of the People to him; and on the contrary the King's Inclination for *Braganza*, and the People's for *Anthony*; the States of the Kingdom, considering the Doubtfulness of the Rights which the Pretenders alledged, began likewise to claim, that it belonged to them to elect a Successor. King *Philip* therefore, in order to compass his Ends, resolved to assemble a powerful Army from all his Dominions, and to support his Right with Arms, rather than with the Quotations and Opinions of Lawyers: However, to make the intended War appear just and plausible to the World, he did not neglect to consult the most famous Lawyers and Universities in *Europe*; so that many Consultations appeared upon this Subject: Nor did he fail to consult *Cujacius*, the renowned Lawyer of these Times, who drew up for King *Philip* that Consultation which we read amongst his Works. Almost all the Universities of his vast Monarchy were employed to do the same; and our *Neapolitan* Lawyers, being likewise desired, bestowed their Labours upon this Subject<sup>2</sup>. King *Philip* therefore, being resolved to maintain his Right by Arms, made the Duke *D'Ossuna* represent to King *Henry*, that there was no more Occasion for a further Examination; that his Title was most evident; that he had caused it to be examined into by the most famous Universities of *Europe*, and the most knowing Lawyers of the Age; that besides, out of Regard to the Publick Good of that Kingdom, he ought to declare the Succession in his Favour after his own Death. He got *P. Leo Enriquez*, *Henry's* Confessor, to represent the same to him, and who, having the Direction of the Conscience of this old timorous Man, wrought so upon him, that he perplexed him to that Degree, that he knew not what to resolve upon.

NOW the Preparations for War were carried on in good Earnest; Troops and Fleets were assembling, not only from all Parts of *Spain*, but from *Italy*, *Sicily*, and our Kingdom of *Naples*; and that the Popes and the other Princes might not conceive any Jealousy, it was given out, that the Preparations were made for the War of *Africa*. Therefore our Viceroy had Orders to have in Readiness for this Expedition, those Provisions which the Marquis of *Mondejar* had prepared against the

<sup>1</sup> Thuan. lib. 59. tom. 2

<sup>2</sup> Summont. par. 4. pag. 415

Infidels. But the Pope, suspicious of the Design, endeavoured to divert King *Philip* from it; and he proposed an Expedient, which, if it had succeeded, would have redounded much to the Honour and Reputation of his See. He made pressing Instances to King *Philip*, that, in imitation of many Princes, who had not scrupled, especially in the happy Pontificate of *Innocent III.* to leave the Decision of the like Disputes about Principalities and Kingdoms to the Apostolical See, he would be pleased to refer the Matter in Dispute to his Determination. But King *Philip*, pretending to take his kind Offer and Interposition in good Part, and, according to the *Spanish* Slowness, spinning out the Matter, pursued the military Preparations with greater Vigour; and now Scouts were sent into *Portugal* to view the most convenient Part for beginning the War; and at the same time the States of that Kingdom, having had Advice of the great Preparations, and finding that the Faction of the Duke of *Braganza*, and that more numerous of the Prior of *Crato*, daily increased, were providing against Revolutions and Disorders.

BUT behold, while these Things were doing, King *Henry*, after a Reign of one Year and five Months, in the 68th Year of his Age, on the last Day of *January* this Year 1580. departed this Life. The Prior of *Crato*, who had been removed from *Lisbon* by the King's Order, hearing of his Death, returned immediately; and King *Philip* pushing on the Expedition more briskly, assembled two powerful Armies in order to attack *Portugal* both by Sea and Land, and made the famous Duke *D'Alba* Captain-General of both. Our Kingdom gave great Assistance in this War; the Viceroy sent seventeen well provided Ships, with 6000 Soldiers, and 4000 Pioneers, commanded by the Prior of *Hungary*, and *D. Carlo Spinelli*; a free Pardon was granted to all Exiles, Outlaws, Rebels, and False-Coiners, that would come and lift themselves Soldiers in this War: And, in order to support the Charges of it, notwithstanding, as we have said, that in *April* the preceding Year, a Donative had been given, on the 29th of *September* this Year 1580. a new Parliament was called in *S. Lorenzo*, of which *Camillo Agnese*, a Nobleman of *Portauova*, was Syndick, and another Donative of 1,200,000 Ducats was given.

THIS truly worthy of Observation, that King *Philip*, having already resolved upon this War, and had his Armies ready for Action, and the Duke *D'Alba*, on the 20th of *June* this Year 1580. having entered *Portugal* with one of them, should, at the same time that the Fleet arrived, as if there had been Room for Repentance, and calling back the Steps so far advanced, think of consulting some Divines, whether with a safe Conscience he had undertaken this Expedition. *Thuanus* says, that his Design was, thereby to put a Stop to the malicious Reports that were spread in *Portugal* and *Italy* of his Injustice, especially of his manner of invading that Kingdom. The Pope still solicited him, that, in order to save so great Charges to his Dominions, and the shedding of Blood, he ought to refer the Decision of the Dispute to his See. The States of that Kingdom complained, that their Right was subverted by Force, and that being obliged by Oath to acknowledge for King whomsoever the Assembly of Judges shall declare to be such, which Declaration not being as yet made, they could not acknowledge *Philip* for their lawful Sovereign. For these Reasons King *Philip*, who in the mean time did not neglect to pursue the War, ordered the Divines, the Jesuits and *Franciscans* of *Alcala de Henares* to examine, and, for the Quiet of his Conscience, give him their Advice upon the following Points.

WHETHER, though he was persuaded of his just Right to the Succession of that Kingdom, devolved to him by the Death of King *Henry*, he was obliged in Conscience to subject himself to the Decision of any Tribunal?

WHETHER, since the *Portuguese* refuse to accept of him for their King, till both his own Right, and those of the Competitors, be discussed by the Judges appointed for that Effect, he can, of his own Authority, take Possession of the Kingdom, and attack all Opposers?

SEEING the Governors and all the States of *Portugal* plead their Oath given, not to acknowledge any other for King, but him whom the Assembly shall declare such, whether that ought to be deemed a lawful Excuse?

THE Jesuits, as well as all the other Divines, answered exactly according to the King's Wish. As to the first Point, they said, that he was not in Conscience

\* Thuan. lib. 59.

\* Idem, lib. 59. in fine.

bound to subject himself in that Cause to the Jurisdiction or Arbitration of another; that he could of his own Authority adjudge the Kingdom to himself, and take Possession of it; that the Pope could have no Share in it, because the Matter in Question was purely Temporal, there being nothing of Spiritual in it that required the Authority and Judgment of the Ecclesiastical Court, much less could the States of *Portugal* intermeddle in it, so as to oblige him to wait for their Decision; for Kings being once elected, all Right is transferred to them and their Successors, whence all Jurisdiction is lodged in them, nor can they be judged by others; therefore it being evident that *Philip* is the true and lawful Heir, he ought not to be subjected to the Jurisdiction of any other Tribunal but his own.

AS to the Second, That the Judges Delegate have no Power to take Cognizance of this Cause, all their Jurisdiction having ceased and been void by the Death of King *Henry*; nor can the Jurisdiction of Kings be prolonged after their Death: So that he can make use of his own Right in adjudging the Kingdom to himself, and by his own Authority take Possession of it.

LASTLY, to the third Point they answered, That the *Portuguese* are not bound to observe their Oath; nor can it be a lawful Excuse for their not receiving *Philip* as their King, because they not having any other Person of higher Dignity set over them, who can take Cognizance of, and decide this Cause, they ought to obey him as the true and lawful Heir.

KING *Philip* having got this Judgment of the Divines in his Favour, caused it to be published, and though he trusted more to his Arms, he sent it to be dispersed every-where, in order to wipe off the malicious Reports spread by his Competitors; and at the same time the Duke *D'Alba*, who commanded the Land Army, having joined the Marquis *De S. Cruz*, General of the Sea Army, the Kingdom was invaded; and after various Adventures, so well described by *Thuanus*<sup>1</sup> and others, that there is no Occasion to relate them here, the Prior of *Crato*, who of all the Competitors made the greatest Opposition, being totally routed by the Duke *D'Alba*, *Lisbon*, the Capital of the Kingdom, fell into the King's Hands, as also the greatest Part of the Provinces.

ON the 9th of *November* this Year 1580. our Viceroy *Zuniga*, having had certain Advice of this Victory, and of the Surrender of that City, for three Days and three Nights made pompous Feasts and Illuminations; and though *Anthony*, who had been assisted by the *English* and *French*, was at last driven out of the Kingdom, and had fortified himself in the *Tercera* Islands, from whence he flattered himself to be able, not only to interrupt the Commerce of the *Indies*, but with the Assistance of those Nations, jealous of so great an Accession, some time or other to come to that Crown; however, he came short of his Design, for King *Philip* having sent the Marquis *De S. Cruz* with his Fleet, in order to subdue him, the Marquis engaged the Competitor's Fleet betwixt the Island of *Tercera* and that of *S. Michael*, defeated and dispersed it in such a manner, that *Anthony* was forced to fly and take Shelter in *England*. Thus was the Kingdom of *Portugal* united to that of *Spain*, from which afterwards, in the Reign of *Philip* IV. it was again separated, and came under its own Kings as formerly, who still reign there.

IN prosecuting this Subject, we must not pass over in Silence the Imposture of the fictitious King *Sebastian*, which was brought to a Trial in *Naples*. A few Years before, such another had been hatched in *England* under the Person of *Perkin*, the pretended King of that Kingdom, of whom *Bacon* of *Verulam* discourses at large<sup>2</sup>. King *Sebastian*, a young and gallant Prince, having given the utmost Proofs of his Intrepidity in the Battle of *Arzila*, was deserted by his own Men, and unhappily made Prisoner by some *Moors*, who, contending among themselves about so valuable a Prize, came to Blows, and some were killed in the Scuffle<sup>3</sup>. Their General run to pacify them, but to no purpose, so that with unheard-of Barbarity, in order to remove the Occasion of the Quarrel, he gave the Captive King a Stroke with his Sword on the Head, and repeating his Strokes, he left him dead on the Spot: In this Confusion and Disorder among the *Moors*, his Body was so disfigured, that when his own People came to look for it, they could not find it, which made them flatter themselves that he had not been killed in the Battle; whereupon a Report was

<sup>1</sup> Thuan. lib. 70. tom. 2.

<sup>2</sup> Bacon. in Hist. Hen. VII.

<sup>3</sup> Thuan. lib. 65. tom. 2. pag. 229.

spread, that he had made his Escape, which was the Foundation of the Imposture; for twenty and odd Years being past, when the Likeness could not be so easily discovered, there started up a *Calabrian*, named *M. Tullio Cotizone*, who gave out himself to be *Sebastian* King of *Portugal*; he laughed at the common Opinion of his having been killed in that Battle, and at the Mistake of those who thought he had made his Escape when the *Moor*s were quarrelling about the Booty. King *Philip*'s Rivals encouraged the Cheat, insomuch that it passed for current that King *Sebastian* was alive, and wandering up and down in *Italy incognito*. There were Snares laid, and great Pains taken to have him seized, and it luckily happened that he was taken and carried to *Venice*; afterwards, out of Favour to the *Spaniards*, being chased out of the Dominions of that Republick, he came to *Florence* in Disguise, where, by that Duke's Order, he was arrested, and carried Prisoner to *Naples*, in the Viceroyalty of the first Count of *Lemos*<sup>1</sup>. Great Pains were taken to unriddle the Matter, and the Proceſs being drawn up, the famous Regent *Gian-Francesco de Ponte*, was appointed Judge Delegate of the Cause. This Writer says<sup>2</sup>, that the Proceſs being ended, the Imposture was discovered, for he was convicted by the Deposition of his own Wife and Relations, who lived in *Calabria*; and then he freely from his own Mouth confessed the whole Cheat. He was sentenced to be hanged, but before Execution, a Report of the Matter having been sent to King *Philip* III. in *Spain*, it was very prudently resolved not to put him to Death, but that the Cheat might be publickly known, and all Suspicion quite removed, the King ordered him to be condemned to row in the *Spanish Gallies*, to the End that he might be there exposed to the View of all the World, which was accordingly put in Execution; and thus ended this Imposture.

<sup>1</sup> Thuan. Hist. lib. 126. tom. 3. pag. 952.

<sup>2</sup> Jo Fran. de Ponte de Potest. Pror. tit. 10. §. 1. De Insigniis & Armis.

## S E C T. II.

### *The Reformation of the Roman Kalendar.*

**A**MONGST the remarkable Things that happened during the Government of the Prince of *Pietrapersia*, the Reformation of the *Roman Kalendar*, which rendered the Year 1582. memorable to all After-Ages, ought not to be passed over in Silence; so much the more, that not only in the other Kingdoms of *Christendom*, but in ours, it was nicely examined and discussed before it was received.

THE antient *Roman Year* was not composed of ten Months, as *Junius Gracchus*, *Fulvius Varro*, *Ovidius*, and *Suetonius* will have it, but of Twelve, as *Censorinus*, from the Authorities of *Licinius Macro*, and *L. Fenestella*, hath written, of which the first Month was *March*, and the last *February*.

THE Months of *March*, *May*, *July*, and *October* were each of them made up of 31 Days, the rest of 29, except *February*, which had 28 Days only: So that the antient *Roman Year* was made up of 355 Days, and was ten Days less than the *Egyptian Year*; whence there was a Necessity of Intercalation, which was done every two Years, in the manner related by *Thuanus*<sup>1</sup>. But this Intercalation proving faulty, gave a free Scope to the Priests, who took upon them to rectify Time, to regulate the Course of the Year as they thought fit, by putting, to make up what was wanting, the intercalar Month, which they called *Mercedonius*, and made *Numa Pompilius* Author of it. But, as *Plutarch* shews in *Numa's Life*, this Help was not sufficient to correct the Errors and Confusions occasioned in the Months of the Year, whereby the Days of solemn Sacrifices and Feasts, as *Plutarch* says in the Life of *Cæsar*, in proceſs of Time fell out in the opposite Seasons of the Year; the Priests therefore, to whom the Management of this Affair was committed, and frequently out of Hatred to the Magistrates, made the Intercalation sometimes sooner, sometimes later. For which cause *Julius Cæsar* took in Hand to make a more exact Reformation of the Year; and while he was in *Alexandria*<sup>2</sup>,

<sup>1</sup> Thuan. lib. 76. tom. 2. pag. 441.

<sup>2</sup> Dion. lib. 43.

having got the Opinions of those able Mathematicians, and consulted the Affair with other Philosophers, and more carefully observing the Cœlestial Signs, he published by an Edict a new *Reformation*, and pointed out the true Way; and *Plutarch* declares, that the *Romans* observed it in his Time. *Bacon* of *Verulam* <sup>1</sup> very much commends this *Reformation*, calling it a lasting Proof, no less of *Cæsar's* Knowledge, than of his Power; and that not only his having known the Laws of the Stars in the Firmament, but his having given these Laws to Men to be a Guide to them upon Earth, ought to be ascribed to his Glory. But there were not wanting envious Men, who, as *Plutarch* says, found Fault with this *Reformation*; and some Body having said to *Cicero*, To-morrow we shall have the New Moon, Yes, said he, by *Cæsar's* Order; as if Men were obliged to say and think according to his Edict.

BUT in process of Time, *Cæsar's* Edict being misinterpreted by the Priests, was not thought sufficient, and his *Reformation* wanted afterwards to be reformed; so that *Claudius Ptolomæus*, who flourished 180 Years after *Cæsar*, considering the great Variety of Opinions about determining the natural Year, made another *Reformation*, which, differing from the former, created great Disturbance and Confusion.

IN the Reign of *Constantine the Great*, the Fathers of the Council of *Nice*, in order to fix the Feast of *Easter*, made another *Reformation*, from which Time there happened great Confusion in the Equinoxes. Afterwards, about the Year 526, the Confusion still increasing, *Dionysius Exiguus* endeavoured to remedy it by a new Computation, but that was of short Duration, so that the Confusion was as great as ever.

THE *Roman* Pontiffs therefore, looking upon it as their Business to remedy this Confusion, to prevent other Princes, especially the Emperor, were careful to have a new *Reformation* made; and a hundred Years before, Pope *Innocent VIII.* had brought *Joannes Regiomontanus*, a famous Mathematician of those Times, to *Rome*, in order to correct the Errors of the Kalendar; but it was reported, that the Sons of *Giorgio Trapezunzio*, not able to bear that a *German* should be preferred to the *Greeks*, poisoned him, which prevented his answering the Pope's Design. At this Time *Petrus Alliaceus*, Bishop of *Cambray*, and afterwards Cardinal, *Cardinal Cusano*, and soon after *Robert of Lincoln*, and *Paul of Middleburg*, Bishop of *Fossombrone*, wrote about the just Computation of the Year; and the last dedicated his Work to the Emperor *Maximilian I.*

THE Council of *Trent* being afterwards opened, and it being expected that these Fathers, after the Example of those of the Council of *Nice*, would have made a new *Reformation*, the greatest Wits in *Europe* employed their Pens upon this Subject, and amongst the rest *Joannes Genesius Sepulveda* of *Cordova*, *Giovan-Francesco Spinola*, a *Milanesè*, *Benedetto Majorino*, the famous *Luca Gaurico*, and *Pietro Pitato*, a *Veronesè*, who by a particular Treatise confuted *Gaurico's* Opinion. But the Council breaking up in a Hurry, had not Time to meddle with so intricate a Matter, which required much Time to discuss.

NEVERTHELESS *Gregory XIII.* afraid of being prevented by the Emperor of *Germany*, as an Affair by Right belonging to the Empire, with great Diligence set about to hasten this *Reformation*, and for that End sent to all the Universities of *Italy*, and wrote to the Senate of *Venice*, to send him the Opinions of the Mathematicians and Philosophers of *Padoa* concerning this *Reformation*. The first that gave his Opinion was *Giuseppe Moletio* of *Messina*, who two Years before had published the *Gregorian* Tables. But the Opinion of the famous *Nicholas Copernicus*, a great Astronomer of these Times, being sought, there arose various Sentiments; and *Sperone Speroni* having likewise entered the Lists, the Disputes among them grew the warmer. *Matthæus Maginas* had also his Share in them. And the Pope having required the Opinion of *Giuntinus*, he agreed with those who were for cutting off ten Days of the Year; but *Albertus Leonius* of *Utrecht*, having wrote a Book of Purpose, proved that eleven Days ought to be cut off: Duke *Francis Maria* of *Urbino*, at the Desire of the Pope, likewise sought the Opinion of *Vico Ubaldo*, a most skilful Man in that Science, who gave it agreeable to the *Reformation* made by the Fathers of the Council of *Nice*. *Gregory* wrote likewise to the King of *France*, who consulted *Francis Foix Candale*, a famous Astronomer, who also published his Opinion about it.

<sup>1</sup> Bacon. de Aug. Scient. lib. 1.

IN the mean time Pope *Gregory*, that he might not lose so fair an Opportunity of raising the Authority of his See, though he sought the Concurrence of other Princes, yet he would have whatever he should determine therein to be agreed to; so that all the Opinions being examined, at last, by the Advice of *Antonius Lilius*, a famous Physician of these Times, he adhered to the Reformation of *Lodovicus Lilius*, the Doctor's Brother, which in short was, that ten Days should be cut off, which, through the Fault of Intercalation were superfluous; and he prescribed a Rule for preventing the like Fault for the future. After this Reformation, contained in a small Volume, had been approved of by *Vincenzo Laureo*, Bishop of *Monreale*, upon whose Judgment in these Matters the Pope depended very much, he sent it to all the Christian Princes, and to the most renowned Universities of *Europe*.

BUT this Reformation of *Lilius* had many Opponents, among the rest *Joseph Scaliger*, a very learned Man of these Times, who, in his admirable Work *De Emendatione temporum*, discovered his Errors. *Michael Meftlinus*, a Professor in the University of *Tubingen*, likewise impugned the *Lilian* Computation with large Commentaries. But in Opposition to these, *Christophorus Clavius*, a Jesuit, and famous Professor in *Rome*, and *Hugo Martellus*, Bishop of *Glandeve*, stood up in Defence of *Lilius*.

AS soon as *Gregory* had published this Reformation of his, in order to have it received by all the Catholick Princes, and especially by the Emperor and the Princes of *Germany*, he sent Cardinal *Lodovico Madruccio*, Bishop of *Trent*, to the Emperor; but this Affair being laid before the Dyet of *Ausburg*, the Princes assembled there, gave it as their Opinion, that the Pope, by having intermeddled in it, had committed an outrageous Incroachment both upon the Authority of the Emperor and the Empire; and that the Publication of the new Kalendar ought not to be suffered in *Germany*: That to regulate the Kalendar belonged to the Emperor, as *Julius Cæsar* did, and afterwards in the Empire of the West, *Charles the Great*, who gave the Kalendar to the *Germans* in their Mother Tongue; that what the Fathers of the Council of *Nice* did, was by the Authority of the Emperor *Constantine the Great*, by whose Command that Council had been called; that therefore the new Kalendar ought to be rejected, so much the rather, that it had been made without the Consent of the Princes and States of the Empire. The Emperor seeing the firm Resolution of the Princes, and of the Cities of *Germany*, that had received the Confession of *Ausburg*, not to accept of it, adjourned the Debate, and ordered the antient Form to be observed in the Decrees of the Dyet<sup>1</sup>.

*THUANUS* \* being dead, and *Achilles Harley* absent, it \* Not the Historian. was not much examined into in *France*; the King put forth an Edict, which was obeyed by the Parliament, whereby the new Reformation was received; and ten Days being cut off from the Year, it was established, that the tenth Day of *December* should be reckoned the Twentieth, so that that Year *Christmas* was celebrated on the 15th of that Month. In Emulation of the King of *France*, and to gain the Good Will of the Pope, *Francis* the new Duke of *Brabant*, obtained even of the Protestants, that his Holiness's Reformation should be likewise received in *Flanders*, as it was also in *Holland*, *West-Friseland*, and in the other Provinces<sup>2</sup>.

UPON the Publication of this Reformation by *Gregory*, before it was received in *Spain* and the other Dominions of our King *Philip II.* particularly in *Naples*, it was examined, and the King's Permission and *Exequatur* sought, as had been done in all other Kingdoms; it being the Business of Princes, out of Regard to their States, to regulate the Days, both on account of the Celebration of their Birth and Coronation Days, and the Vacation of their Tribunals. King *Philip* being informed, that this Reformation had been made with the Advice and Approbation of many Princes of *Christendom*, and that they had received it in their Dominions, he did the same in his Kingdoms; and the Prince of *Pietrapersia* being then our Viceroy, he sent him the new Kalendar reformed by *Gregory*; and on the 21st of *August* this Year 1582. wrote him, that Pope *Gregory*, with the mature Deliberation and Advice of the Princes of *Christendom*, and with the unanimous Consent of the College of Cardinals, in order to reduce *Easter* and the other moveable Feasts to the

<sup>1</sup> Thuan. lib. 76. pag. 444.

<sup>2</sup> Idem, loc. cit.

just and true State of their antient Institution, having reformed the Kalendar, therefore he ordered him to cause it to be put in Execution in the Kingdom of *Naples*, and in all the Churches thereof.

BUT there being something contained in this Kalendar prejudicial to his Prerogatives, he wrote another Letter at the same time to the said Prince, bidding him take special Care, that if, in the Prohibition subjoined to it, *viz.* that none must offer to print it but *Antonius Lilius*, or his Assigns, there be any Thing found prejudicial to his Royal Jurisdiction, or any other Innovation worth minding, to stop the Impression, give him an Account of it, and wait his Answer<sup>1</sup>. In this manner, and with these Restrictions was the new Kalendar received and observed with us; and *Summonte*<sup>2</sup> writes, that this Year the 4th of *October* was reckoned the 14th, and ten Days were deducted in the Payment of all Rents: Moreover it was observed, that there being preserved a Vial of the Blood of *S. Stephen* in the Church of *S. Gaudiosus*, according to *Baronius*<sup>3</sup>, brought to *Naples* by *S. Gaudiosus*, an *African* Bishop, which of itself was wont to liquify on the 3d Day of *August*, according to the antient Kalendar; but after *Gregory* had made this Reformation, the Blood did not bubble up till the 13th of *August*, on which Day, according to the new Reformation, the Feast of *S. Stephen* falls: Whence *William Cave*<sup>4</sup> writes\*, that this was a manifest Proof that the *Gregorian* Kalendar had been received in Heaven, tho' some Countries on Earth have refused to follow it.

<sup>1</sup> Chiocc. MS. Giur. tom. 4. De Reg. Exeq. pag. 92.

<sup>2</sup> Summont. pag. 428. tom. 4.

<sup>3</sup> Baron. Martyrolog. die 3. Aug.

<sup>4</sup> Cave's History of the Lives of the Martyrs.

\* The Author has certainly either been imposed upon, or did not rightly understand the *English* Language; therefore, in order to clear Doctor *Cave* from this Imputation, I thought it fit to give the Reader the whole Paragraph from which this Quotation is taken, as follows: But the Miracle of the Miracle lay in this, that when Pope *Gregory XIII.* reformed the *Roman* Kalendar, and made no less than 10 Days Dif-

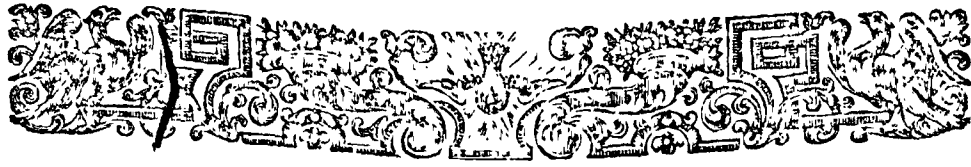
ference from the former, the Blood in the Vial ceased to bubble upon the 3d of *August*, according to the old Computation, and bubbled upon that that fell according to the new Reformation. A great Justification I confess (as *Baronius* well observes) of the Divine Authority of the *Gregorian* Kalendar, and the Pope's Constitutions; but yet it was ill done to set the Kalendar at variance, when both had been equally justified by the Miracle. But how easy it was to abuse the World with such Tricks, especially in these latter Ages, wherein the Artifice of the Priests was arrived at a kind of Perfection in these Affairs, is no difficult Matter to imagine.

### S E C T. III.

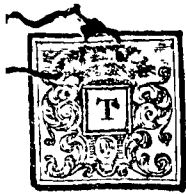
*The End of the Government of the Prince of Pietrapersia, and the Laws he left us.*

FROM this Time forward we observe, that King *Philip II.* had prefixed a Time for the Government of his Viceroys of *Naples*, confining it regularly to three Years, whereas formerly it was during the King's Pleasure, and not limited to such Bounds; so that on the 11th of *November* this Year 1582. the Prince having governed three Years, it behoved him to go to *Spain*, and give Way to the Duke *D'Offuna* his Successor. His Departure was regretted by every Body; and on account of his Piety, Meekness, and courteous Behaviour, he left the Reputation of a most excellent Viceroy. During his Government, besides the remarkable Things abovementioned, on the 23d of *October* 1580. Queen *Anne* the Wife of King *Philip*, died in the City of *Elvas*, and left two Sons, *D. Diego*, who was then eight, and *D. Philippo*, two Years of Age, the other two Children, *Fernando* and *Joanna* having died before. He finished the Fabrick of the Arsenal, and built that magnificent Gate that faces the Mole. He founded in the Prison of the Vicariate the Infirmary for the Benefit of sick Prisoners; and lastly, as a lasting Monument of his Wisdom, he left us about 33 Pragmaticks, which may be seen in the Chronology prefixed to the first Tome of our Statutes.





## C H A P. IV.

*The Government of D. Pedro Giron, Duke D'Osuna, and his Laws:*

TO make up, in some measure, the vast Charges which the Duke D'Osuna had been at in the Service of the Crown of *Spain*, in the Wars of *Granada*, the Conquest of *Portugal*, and elsewhere, King *Philip II.* was pleased to bestow upon him one of the best Governments that any Prince in *Europe* can give, which is that of our Kingdom of *Naples*. In the Month of *November* this Year 1582. in great Pomp and Magnificence *D. Pedro* arrived at *Naples*. His natural Reservedness, and a too haughty and disdainful Disposition, made him soon to be hated by the Nobility, which rendered his Government uneasy to him, and not much to be commended; of which being sensible, though too late, and endeavouring to remove the bad Opinion that had been conceived of him, that he slighted the Nobility, he got himself to be aggregated into the Body of the Nobility of the *Seggio* of *Nido*. But the Adventure of *Starace*, the Clerk of the Market, so famous over all *Europe*, that *Thuanus* thought it worth the while to relate it in his History, rendered his Government much more troublesome and uneasy. 'Tis needless to repeat that Story here, because not only *Tommaso Costo*, from whom *Thuanus* took it, but *Summonte* has described every minute Circumstance of it, and with which that Writer ends his History.

THE continual Demands of Money to be sent out of the Kingdom to *Spain*, for the King's pressing Occasions, much disquieted the Duke. It was proposed to lay a Duty of a Ducat upon each Hoghead of Wine; but all the *Seggi* not agreeing to it, that was dropt: However, by the Promise of new Favours and Privileges, during his Government the King got two Donatives; one of 1,200,000 Ducats, in the Parliament that met the 2d of *January* 1583. of which *Muzio Tuttavilla*, a Nobleman of the *Seggio* of *Porto*, was Syndick; and another of the like Sum in *October* 1584. *Scipione Loffredo*, of the *Seggi* of *Capuana*, being then Syndick: And the Favours promised were actually granted upon both the Occasions. Indeed, his Zeal for having Justice impartially administered to all, without Distinction of Noble or Ignoble, and his Diligence in dispatching Business, gained him the Good Will of the People. The many Benefits that the City of *Naples* and the Kingdom reaped from his vigilant Care and Application during his four Years Government, got him many Encomiums and Blessings. It was he that repaired the Aqueduct which conveys the Water from the Village of *Polla* to the Fountains of *Naples*. He built a stately Royal Riding-House without the *Constantinople* Gate, near the Duke of *Nocera's* Palace, instead of that formerly built on the Bank of the *Sebeto*, in a very unwholesome Air, by the Kings of *Arragon*. He levelled the Roads, and built many Bridges upon the Rivers that run between *Puglia* and the City of *Naples*, for the more conveniently transporting Provisions and other Necessaries from thence to the said City. In fine, he left us many prudent Regulations, which may be seen in 46 Pragmaticks, contained in the Chronology prefixed to the first Tome of our Statutes.

\* *Thuan. Hist. tom. 3. lib. 82. in princip.*



## C H A P. V.

*The Government of D. Juan de Zuniga, Count of Miranda, which was much disturbed by the Banditi. The Monuments and Laws which he left us.*

\* This does not agree with the above Resolution of confining the Government to three Years.



AS Fame had before-hand proclaimed the *Value* of the Count of *Miranda*, not unlike the other *Zuniga* his Uncle, so his prudent Government answered Expectation; and his having been continued in the Government for nine Years together \*, was a manifest Proof of his being acceptable both to his Prince and the People he governed. In the Month of *November* 1586. he was received in *Naples* with great Demonstrations of Joy and Satisfaction. But strange Accidents rendered his Government very troublesome and uneasy. Although' in the Times of his Predecessors the Banditi had begun to disturb the Provinces of the Kingdom, yet the Mischief in its Beginning not being thought so great, if it was not overlooked, at least such Means were not made use of as were proper for removing and quite extirpating it: So that their Number still increasing, Gangs of them lay sculking in the Woods, murdered Travellers, and robbed the King's Messengers; and at last they became so bold, that they pillaged Towns, yea, some that were walled, and carried Desolation and Ruin every where, insomuch that Traffick and Commerce were interrupted. To all this was added, the Danger of applying a Remedy, which often proved worse than the Disease; for they had grown so numerous, that in order to destroy them, Soldiers were sent, who did more Damage and Mischief where-ever they went, and often without Success; for the regular Troops were of no use amongst the Rocks and Mountains, and they were frequently baffled and roughly handled.

NEVERTHELESS the Count of *Miranda* did not fail to use his utmost Efforts in order to root them out; and it happened that he got hold of that notable Bandito *Benedetto Mongone*, whose infamous Memory, for the many wicked Actions committed by him in the Neighbourhood of *Eboli*, is still kept up. That he might be a terrible Example to others, he was drawn through the Streets of the City in a Cart, and had his Flesh torn off with Pincers; and afterwards, on the 17th of *April* 1587. he was carried to the Market-Place, and broke upon the Wheel. But this terrible Spectacle availed nothing; for not long after there came an Account of IncurSIONS made by another famous Robber named *Marco Sciarra*, born in *Abruzzo*, who, in imitation of King *Marcone* of *Calabria*, called himself King of *Campagna*: He had drawn together a Band of 600 Robbers under his Command; and by the Nearness of *Abruzzo* to the State of the Church, he kept a Correspondence with the Banditi of that State, and they mutually assisted one another. The Viceroy did not neglect to use proper Means for crushing them; in the first Place he solicited Pope *Sixtus V. Gregory's* Successor, that, by Virtue of the antient Agreement between the Holy See and the Kingdom, whereby it was allowed to pursue the Banditi in either of their Territories, and mutually to assist one another, he would grant him Leave to send Commissaries into the Ecclesiastical State for that End, without being obliged to ask Permission of any other Person; and on the 14th of *May* this Year 1588. *Sixtus* sent him a Brief, whereby he not only empowered the Viceroy himself,

himself, but likewise the Commissaries appointed by him, to enter the State of the Church, pursue and seize the Banditi and Delinquents for the Space of three Months, without asking Permission of any other Person<sup>1</sup>. Besides this the Viceroy sent Commissaries with Detachments of the regular Troops to destroy them; but all these Expeditions and Cautions were in vain, for *Sciarra* used the Inhabitants of the Places where he resorted, so kindly and generously, that they faithfully gave him notice of the Ambushes laid for him by the Viceroy; and he was so much upon his Guard, that he always took up his Quarters in inaccessible Places, posted his Guards, planted Centinels, and distributed his Men in proper Places. By these Means he was become, in a manner, invincible, insomuch that in many Rencounters he came off so well, that his Loss was but small, and that of the Aggressors very great.

AT this Time Pope *Sixtus V.* who, by his extravagant and vain-glorious Actions, gave no small Ground of Jealousy, being, as *Thuanus*<sup>2</sup> describes him, of a clownish Nature, neither Prayers nor Submission were able to move him, but only Fear or Force; wherefore King *Philip* had given the Count of *Miranda* Instructions, by these last Means, to keep him in Awe. The Viceroy therefore taking this Occasion of pursuing the Banditi, under Colour of destroying *Sciarra*, assembled 4000 Horse and Foot, and this Year 1590. having given the Command of them to *D. Carlo Spinelli*, he sent him against *Sciarra*; but the Success proved quite contrary to what was expected, for in this Expedition *Spinelli* had near lost his Life: So that instead of *Sciarra's* being suppressed, he grew so bold, that without Opposition he pillaged *Serra Capriola*, *Vasto*, and the City of *Lucera*, where the Bishop was unluckily killed with a Musquet Shot, while he was standing at a Window of the Belfry, whither he had gone for Shelter. The Insolence of this Bandito was much heightened by the Correspondence he kept with the Banditi of the State of the Church, who, notwithstanding the Agreement betwixt *Sixtus* and the Viceroy, mutually assisted one another. To all this was added, the Protection given them by *Alfonso Piccolomini*, a Rebel to the Grand Duke of *Tuscany*, who having fled for Shelter to the State of *Venice*, was serving that Republick in the War against the *Uscoks*.

BUT new Incidents that happened soon after, deprived *Sciarra* of all these Supports. The Grand Duke of *Tuscany*, in order to get the *Venetians* to chase *Piccolomini* out of their Dominions, had proposed to them, and strenuously urged, that it would be much more for their Purpose to employ *Sciarra* against the *Uscoks*, than *Piccolomini*: but it happened, that what he could not obtain one way, succeeded another; for *Piccolomini*, upon a certain Occasion, having given too bold an Answer to the Chief Men of that Republick, was banished out of the *Venetian* Dominions; and having fallen into an Ambush laid for him by the Grand Duke, he was put to a cruel Death. The *Venetians* then invited *Sciarra*, in order to send him against the *Uscoks*, but he did not much like their Invitation. At last Pope *Sixtus* died, and was succeeded by *Clement VIII.* who being of the same Mind with our Viceroy, and wholly intent upon destroying the Banditi of the State of the Church, sent *Gianfrancesco Aldobrandini* against them.

ON the other Hand the Viceroy, not pleased with *Spinelli's* Conduct, recalled him from the Command of the Troops, and gave it, with absolute Power, to *D. Adriano Acquaviva*, Count of *Conversano*, who, on *Palm-Sunday* 1592. marched out of *Naples* with fresh Troops; and that he might not be chargeable to the Towns and Villages, he took with him some Peasants that were well acquainted with the Country, and took care not to quarter in Places that were inhabited, which so endeared him to the People, that they all joined in concert with him to ruin the Banditi. So *Sciarra* being deprived of *Piccolomini's* Protection, and hemmed in not only by the Viceroy's Troops, but likewise by those of the Pope, at last resolved to embrace the Offer made him by the *Venetians*; so that having embarked with sixty of his Men in two Gallies belonging to the Republick, he arrived at *Venice*: Nevertheless those that remained, headed by *Luca*, *Sciarra's* Brother, did not give over plundering the Country; and *Sciarra* himself returned frequently from *Venice* to encourage them, till at last having come to *Marca* with some of his Gang, he was killed by one of his Associates, named *Battimello*, who, as a Reward for his Treachery, obtained from *Aldobrandini*, a Pardon for himself and thirteen of his Companions. Thus died *Sciarra*, who for the Space of seven Years together, had disturbed the State of the Church and the Kingdom. His Death put an End

<sup>1</sup> Chiocc. tom. 17. Var. de Convent. &c. super persecut. Bannit.

<sup>2</sup> Thuan. tom. 3. lib. 1.

to the Incurfions of the Banditi, who were afterwards intirely rooted out by the Count of *Converfano*, who with great Honour returned to *Naples*, and was much eſteemed and careſſed by the Viceroy. But though they were kept under for the preſent, yet ſome Years after they broke looſe, and harralſed the Kingdom as much as ever it had been by *Sciarra* and *Mangone*. Heaven had reſerved the Glory of quite extirpating them from among us, to *D. Gaſpar de Haro*, Marquis *Del Carpio*, to whom, among many others, the Kingdom owes that ineſtimable Benefit.

NOT only theſe Incurfions, but the continual preſſing Demands that came from *Spain*, of Men and Money, lay heavy upon the Viceroy. The Expedition, in which King *Philip* had engaged himſelf, againſt *England* and *France*, completed the impoveriſhing of our Kingdom, by the great Charges and Donatives it was obliged to furniſh. Our Kingdom had likewiſe a Share in that great Armada unſucceſſfully ſent againſt *England*; there were built in our Arſenal four Galleaſſes, which the Count of *Miranda* ſent to *Lisbon* to join that Armada, which in 1588. being diſperſed by a Storm, and ſwallowed up by the Sea, ruined *Spain*, and brought all her Deſigns and ill-contrived Projects to nothing. In 1593. the *French* having invaded *Savoy*, the Count ſent from our Kingdom 4500 Foot, under the Command of the Prior of *Hungary*, to be employed againſt the *French* in that Dutchy. In order therefore, to contribute towards the Charges of ſo many Expeditions during the nine Years of his Government, in the Years 1586, 1588, 1591, 1593, and 1595, five Donatives, each of them of 1,200,000 Ducats, were given by our Kingdom.

THE Expedition to *England*, and the Succour ſent to *Savoy* againſt the *French*, were not the only Things that put the Viceroy to much Pain at this Time, but there being Advice that a ſtrong Fleet was fitting out at *Conſtantinople*, put the Kingdom in great Fear and Conſternation; in order to prevent the Miſchief, the vigilant Viceroy cauſed immediately to be provided with Men and Ammunition the Places of the Kingdom moſt expoſed, and particularly the Caſtles of *Brindiſi*, *Otranto*, *Taranto*, and *Gallipoli*: He likewiſe raiſed the Horſe and Foot Militia, and ſent ſome Frigats to Sea, to obſerve the Enemy's Motions. And indeed theſe Precautions, though expenſive, turned to Account; for in the Year 1593. the *Turks* having in vain attempted to make a Deſcent in *Sicily*, they came before *Catona*, a Place in *Calabria* near *Reggio*, whither *Spinelli*, then made Captain-General by the Viceroy, marching in all haſte, they thought fit to retire with a ſmall Booty; but having returned on the 2d of *September* with 100 Sail, they anchored in *S. John's Bay*, and pillaged *Reggio* and fourteen Villages in the Neighbourhood: Then they ſailed towards *Otranto* and *Gallipoli*, but finding theſe Coaſts well guarded, they retired to *Velona*.

BUT notwithstanding all theſe anxious Cares and toiſome Concerns, the Viceroy did not neglect, in imitation of his Predeceſſors, to improve both the City and Kingdom. To him we owe that majeſtick Plain before the Royal Palace, which ſerves not only for a Parade, but makes a noble Amphitheatre for Bull Feaſts, Tournaments and other publick Shews. To him we owe the Road that leads from *Naples* to *Puglia*, which he cauſed to be levelled for the Benefit of Travellers. To him is owing the Inlargement of the ſtately Bridge of *Magdalena* upon the River *Sebeto*; and the Reparation of that which leads from the Root of *Monte d'Efchia* to *Caſtello dell' Uovo*. To his Generoſity is likewiſe owing the Frontiſpiece of the Church of *S. Paul* belonging to the *Theatins*, where formerly ſtood a Temple dedicated to *Caſtor* and *Pollux*, by reſtoring it to the ſame Form it had before it was thrown down by the Earthquake that happened on the 5th of *June* 1588. And to his Piety is owing the Reparation of the Tombs and Sepulchres of the *Arragonian Kings* in the Veſtry of the Church of *S. Dominick*, which he made to be covered with Cloth of Gold, and put in the ſame Place under rich Canopies. In fine, to prevent the Miſchief that had frequently happened by Fire, he cauſed to be built in an uninhabited Place without the Gate *Capuana*, a ſtately Fabrick for the Manufacture of Gunpowder.

HIS Government laſted nine Years, in which he publiſhed about fifty Pragmaticks, whereby may be ſeen how much he had at Heart Juſtice, the Uprightneſs of Magiſtrates, and the equal Diſtribution of Offices according to Merit. He removed many Abuſes introduced into the Tribunals of the Vicariate and the *S. C.* and he made many Regulations for the Diſpatch of Law-Suits, and ſundry Proviſions con-

! Annotazioni del Coſto ſupra il Compendio del Collenuccio

cerning the Price of Corn and other Necessaries of Life, which may be seen in the Chronology prefixed to the first Tome of our Statutes. He set out from *Naples* on the 25th of *November* 1595. accompanied with the Blessings of the People, and, as a Pledge of his Love, left there *D. Juana Palea* his Grand-Daughter, married to *Matteo di Capua* Prince of *Conca*, and High-Admiral of the Kingdom.



## CHAP. VI.

*The Government of D. Enrique de Guzman, Count of Olivares ; his Virtues, and the Laws he left us.*



THE Count of *Olivares* was one of the most wise and prudent Ministers that *Spain* had in these Times, and by his great Skill and Facility in dispatching the political and most weighty Affairs of the Monarchy, he acquired amongst the *Spaniards* the Surname of *Gran Papelista* \*. For which Cause he was employed by King *Philip* II. a very good Judge of the Abilities of Men, in the Offices of greatest Trust ; having sent him his Ambassador, in very ticklish Times, to Pope *Sixtus* V. with whom, by reason of the extravagant and odd Humour of this Pope, for the Space of twelve Years he had many very troublesome and difficult Matters to transact. In the Time of this Embassy he had born to him *D. Gaspar de Guzman*, afterwards called the Count Duke, who in the Reign of *Philip* IV. had the Direction of the Monarchy for the Space of Twenty-two Years, with the Title of Prime Minister. From *Rome* he was sent to govern *Sicily*, and from thence to succeed the Count of *Miranda* in the Government of *Naples*. He arrived at *Pozzuoto* in the Month of *November* this Year 1595. and after he had stayed some Days there, he made his Entry into *Naples*, and was received with great Acclamations, and the usual Ceremonies of a Bridge, Syndick, and Cavalcade.

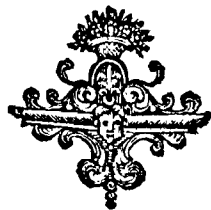
\* A Spanish Term for a Man that is always busy among Papers or Writings.

IT was not long before it was perceived, that he was of a serious and severe Disposition, and an Enemy to Diversions: He did not much like that the Nobility should pay their Court to him at his Levee. He banished Dancing, Comedies, and Feasts, usually given by his Predecessors in the Palace. His chief Study was to give Audience at all Hours ; carefully to see that Justice was duly and rigorously administered ; and what distinguished him above all others, was the great Care he took about the Oeconomy of the Government, a Thing not much minded by the *Spaniards*, nay always quite neglected by them.

FOR this End he published many Edicts, whereby he reformed many Abuses, and particularly the Vanity of Titles, which both in writing and speaking many arrogated to themselves, and the immoderate Luxury in Womens Cloaths. To his own severe Temper, he added that of *Lodovico Acerbo*, a Lawyer, and a *Genoese* by Birth, whom he made Regent of the Vicariate, who was a just Revenger, not only of heinous but of slight Offences ; by which means he extirpated Robbers and Gamesters, and made the Country easy. He took care to keep Plenty in the City and Kingdom ; and for that End he caused to be built that spacious Granary, which still remains, for laying up Provision of all Sort of Corn that comes by Sea, for the Use of the Publick : And having accomplished these two most important Works, he applied himself to the beautifying of the City, under the Direction of *Dominico Fontana*, a famous Architect in these Times. He caused the Street which leads from the great to the little Mole to be levelled, and erected a Fountain there ; he began that

that other Street which leads from the Wine Key to the Fish-Stone, and which was afterwards finished by the Count of *Lemos* his Successor. He caused to be levelled, enlarged, and made in a straight Line, the Street that leads from the Convent of the Trinity to *S. Lucia*, and from his own Surname called it *Via Gufmana*. He finished the large Edifice of the Royal Custom-House of *Naples*; and besides his many other magnificent Works which adorned the City, he beautified the Tombs of *Charles I.* of *Anjou*, and *Charles Martel*, King of *Hungary*, and put them into that stately Form as we now see them above the Door of the Cathedral Church of *Naples*.

BUT the Death of King *Philip II.* which happened on the 13th of *September 1598.* (of which afterwards) whose Obsequies he celebrated in a most pompous Manner in *January 1599.* shortened his Government; for not being in so great Favour with *Philip III.* as he had been with his Father, it gave his Enemies Opportunity to complain of him to the new King, upon an Occasion which we shall relate. By the failing that had happened of several Bankers, many People who had Money in their Hands having sustained great Losses, one *Salluzzo*, a *Genoese* Merchant, proposed to the Viceroy the setting up a general Bank in *Naples*, where every Body, both of the City and Kingdom, might lodge their Money; the Deputies of the City opposed it, alledging, that there being many Banks for pious Uses, and managed with the utmost Fidelity, in which Money might be safely lodged, it was not reasonable to force the Citizens, against their Inclinations, to trust their Money in the Hands of Strangers. But the Viceroy, judging that the Expedient would prove very advantageous to the Publick; and taking the Opposition of the Deputies to be done out of Envy to his Glory, he caused the Prince of *Caserta*, *Alfonso di Gemmaro*, and *Ottavio Sanfelice* to be imprisoned, as those who were looked upon to be of greatest Weight among the Deputies. The *Seggi* of *Capuana*, *Porto*, and *Montagna* being offended thereat, after having elected other Noblemen to fill up the Places of the Prisoners, sent secretly to the Court of *Madrid* *Ottavio Tuttavilla*, in order to represent to the King the Violence used by the Viceroy in trampling under Foot the Rights of the City, in the Persons of the Deputies. The Viceroy being informed that every Thing was done by the Advice of *D. Fabrizio di Sangro*, Duke of *Vietri*, who was then Register of Accounts, he caused him to be put in Prison, under pretence of Accusations given in against him by *Giovan-Antonio Carbone*, Marquis of *Padula*, the Duke's Enemy. The Imprisonment of the Duke of *Vietri* gave fresh Occasion of Complaint against the Viceroy, and encouraged *Tuttavilla* the more to exclaim against him to the King, and in the blackest manner to describe the Rigour and Violence practised by him against the Nobility and his Majesty's faithful Subjects, for satisfying his own Revenge, contrary to Justice. The King therefore, being a Stranger to the Government of his Kingdoms, resolved to remove him, and appointed the Count of *Lemos* to be his Successor, who coming unawares to *Naples*, *Olivares* was immediately forced to leave it, and retire to the Palace of the Duke of *Nocera*, from whence on the 19th of *July 1599.* he set out for *Spain*. It was believed, that his Government would have been much longer had not the Death of King *Philip II.* happened; for never was there a more just, a more prudent Man, or one of more indefatigable Application than the Count of *Olivares*. During the four Years of his Government he put forth about Thirty-two Pragmaticks, all of them useful and well digested, which may be seen in the often mentioned Chronology prefixed to the first Tome of our Statutes.





## C H A P. VII.

*The Death of King Philip II. and his last Will.*

**I**N the mean time King *Philip*, now full of Years, and labouring under many and different Infirmities, perceiving that his Days were drawing near to an End, began to think seriously upon Death, and to provide, as far as human Witdom can reach, against the Misfortunes that might happen after his Death. *D. Diego* was already dead, and there was none left to succeed him in so vast a Monarchy but *Philip*, a Youth, and whom he well knew to be unfit, not only for the Mangement of the Affairs of State, but likewise for carrying on a War. Therefore he was eagerly bent upon clapping up a Peace with *Henry IV.* King of *France*, that upon his Death, his Son might not, in the Beginning of his Reign, be engaged in a War with so invincible and powerful a Prince: This Peace was concluded at *Vervins* on the 2d of *May* this Year 1598. the Instrument of which is inserted by *Lionard* in his Collection<sup>1</sup>; whereupon, in the Month of *June* the same Year, in imitation of *Charles V.* his Father, he began to prepare himself for the next World, and to lay aside the Cares of Government; and finding himself much weakened by the continual Pains of the Gout, though the Physicians were against it, he by all means would be carried to the Monastery of *S. Laurence* belonging to the *Escorial*, six Leagues distant from *Madrid*. When he arrived at that Monastery, the Pains of the Gout increased both in his Hands and Feet; besides these he had a painful Swelling in his right Knee, which being laid open, though it eased the Pain, yet his Life was despaired of; nay, soon after, other four Tumours rose upon his Breast, which being likewise laid open, so filthy a Humour diffused itself over all his Body, that it turned into so great a Swarm of Lice, that four Men being continually employed, they were scarcely able to clear him of so much Filthiness: To all which were added a Hectick Fever, many Ulcers upon his Hands and Feet, a Dysentery, a Tenesmus, and, in fine a Dropsy; and the Swarms of Lice still continued, which was not only a miserable Sight, but an evident Proof of the Vanity of all worldly Things. Nevertheless, in this pitiful and sad Condition, he shewed the greatest Constancy and Resolution, till being seized with a Paroxysm, he took the *Viaticum*, and prepared himself for the last Offices; therefore, before he breathed his last, he sent for Prince *Philip*, and *Clara Eugenia Isabella*, his beloved Daughter, and from the Hands of the Archbishop of *Toledo*, in Presence of them, and of the Grandees of his Court, he took the Penance, which is a Sort of Consecration, that for a long time has been used in *Spain* among the Princes and Grandees, different from the extreme Unction, and mentioned by *S. Isidore* in the Chronicle prefixed to the Laws of the *Westrogoths*. Then turning towards *Philip*, he warmly recommended his Sister *Isabel* to him, and gave him some Instructions, which during the Course of his Life he had written, and preserved, in order to give them to him at his Death. He himself prescribed the manner of his Funeral; and the Agony increasing, he blessed and took Leave of his Children, and at last on the 13th of *September* 1598. he expired in the 72d Year of his Age, after he had reigned Forty-four Years.

*KING Philip* was of a short Stature, yet handsome, of a grave, but pleasant Countenance; had well proportioned Members, and fair Hair. He was a Man of

<sup>1</sup> *Lionard. tom. 3. in fin.*

a high Spirit, and sagacious; impatient of Rest; wary in transacting Affairs, and ready to take Advantage of other Peoples Calamities, by which means he not only preserved, but increased what his Father had left him: Fortune sometimes smiled, and sometimes frowned upon him. It was found that he had made his Will in *Madrid* four Years before, in which, in the first Place, he ordered, that his Creditors should be faithfully paid; that the Damage suffered by private Persons, on account of the Chafes which he had reserved in the Woods, and the Inclosures he had made in other Places for that End, should be made up. He left many Portions to be distributed amongst poor Virgins of good Reputation; he left other Legacies for the Redemption of Christian Slaves from the *Turks*; he left many pious Legacies to sundry Churches, and ordered, that his Executors should sell his Moveables to answer them, and if they were not sufficient, to make up the rest out of the Imposts and Taxes of his Dominions.

HE recommended, that Respect and Reverence should be paid to the Church of *Rome*, ordering, that the Officers of the Inquisition, appointed for the Extirpation of the growing Sects, should be honoured and esteemed; and that if ever there should happen any Dispute about explaining this his Will, it should be referred to the Decision of the Lawyers and Divines of known Skill.

HE ordered, that all his Royal Patrimony, with the Rights, Privileges, and Revenues of his Kingdoms, States, and Cities should be carefully preserved, and not alienated, pledged, or divided, but all to be preserved to his Heir, that he might be able, with the greater Vigour, to preserve the Grandeur of his Empire and the Catholick Religion.

LIKEWISE, that the Kingdom of *Portugal*, lately fallen to him by lawful Succession, with all the Islands in the *Atlantick* Sea, and in the East belonging to it, should continue united to the Kingdom of *Castile*, so as that at no Time, nor upon any Account, it may be separated from it.

THEN he appointed his most beloved Son *Philip*, his universal Heir to the Kingdoms of *Castile*, *Arragon*, *Portugal* and *Navar*. Under the Kingdom of *Castile* are comprehended the Kingdoms of *Leon*, *Toledo*, *Galicia*, *Seville*, *Granada*, *Cordova*, *Murcia*, *Jaen*, *Algarve* and *Cadiz*; the Canary Islands, the *Indies*, the Islands and Continent in the Ocean, the North and South Seas: Those that are already discovered, and those that shall hereafter be discovered.

UNDER the Kingdom of *Arragon* are comprehended the Kingdoms of *Valentia*, *Catalonia*, *Naples*, *Sicily*, *Sardinia*, *Majorca* and *Minorca*.

UNDER the Kingdom of *Portugal* are comprehended *Algarve*, the Countries and Cities in *Africa*, the Islands and other Countries in the *East-Indies*.

HE likewise appointed *Philip* Heir to the Dutchy of *Milan*, and the Dominions belonging to *Burgundy*, repeating the Clause, that all these Kingdoms and Dominions are left to his eldest Son and Heir, nor are they, upon any account, to be separated, divided or pledged, excepting when it shall be done by a solemn Act of the Cortez of the Kingdom, according to the Form prescribed by King *John* II. in *Valladolid* in the Year 1442. and afterwards confirmed by King *Ferdinand* and *Isabella*, and lastly by the Emperor *Charles* V. his Father, likewise in *Valladolid* in 1523.

AND if *Philip* should happen to die without Children, he appointed *Isabella* his Daughter to succeed, and if she should likewise die without Issue, he appointed *Catharina* and her Children in the same Order; upon Failure of all which, he appointed *Maria Augusta*, his Sister, and her Children, in the same Order: And lastly, upon Failure of these, he appointed him, who by the Laws should be called to the Succession, provided he be a true Catholick, not stained with Herefy, or suspected of it<sup>1</sup>.

FROM the Union of these Kingdoms he excepted the Dominions of *Burgundy*, under which are comprehended the Principalities of *Luxemburg* and *Limburg*, *Namur*, *Artois*, *Hainault*, *Flanders*, *Brabant*, *Meclin*, *Zealand*, *Holland*, *Friseland* and *Guelderland*, which he had appointed to be the Infanta his Daughter's Portion. Lastly, in order to prevent the Dangers of an Inter-reign under Tutors and Regents, he renewed the Law, whereby the succeeding Prince is to be reputed of Age at the Years of fourteen, and can take the Government upon himself.

<sup>1</sup> Thuan. lib. 120. Hist. tom. 3. p. 830.



TWO Years after, being in the Monastery of *S. Laurence*, he added a Codicil, in which, confirming the former Will, among other Things he recommended, that his Rights to the Kingdom of *Navar*, and to *Final*, which he had lately got Possession of in the *Genoese* Territories, should be nicely revised by Men of Probity and Skill, and if they were found not altogether sufficient, for the Quiet of his Soul, they should be amended. In the same Codicil, *Gregoria Maximiliana*, the Daughter of *Charles* Archduke of *Austria* was appointed to be *Philip's* Wife; but in case she should happen to die before the Consummation of the Marriage, he was to marry her Sister *Margaret*. The Infanta *Isabella* was likewise appointed to be the Wife of *Albert* of *Austria*, and to have *Flanders* for her Portion.

PRESIDENT *Tbuanus* says<sup>1</sup>, that besides this Codicil, it was said, that he likewise left some private Directions and Memorandums, drawn up with many Notes, which, in the same Codicil, he ordered to be burnt after his Death. Amongst other Things he therein ingenuously confessed, that he had to little Purpose spent many Millions, and had reaped no other Advantage but the Kingdom of *Portugal* only; which he judged might be as easily lost, as the Hopes of conquering the Kingdom of *France* had been; therefore he advised his Son, in the first Place, to have a watchful Eye over the Interests of the neighbouring Kingdoms, and to take his Measures according to their Revolutions: In order to govern *Spain* aright, to be very careful of two Things, of the Civil Administration, by gaining the Affection of the Nobility and the Ecclesiastical State, and of the Navigation of the *Indies*; to endeavour to keep in Friendship with the neighbouring Princes, and not to trust the distant. He enjoined him, above all Things, to cultivate a strict Friendship with the *Roman* Pontiffs, and to pay them Respect, and, upon all Occasions, to shew a Readiness to assist them; to gain the Love of the Cardinals residing in *Rome*, that by their Means he might acquire Interest in the Consistory and Conclave; to win likewise the Favour of the Bishops of *Germany*, and to take care that the Pensions allowed them should not go through the Hands of the Emperor, or his Ministers, as formerly, but that they be paid them by his own Ministers: Lastly, he advised him to recall *Antonio Perez* from *France*, whither he was banished, and to order him to retire to *Italy*, upon Condition however, that he should not set his Foot in *Spain* or *Flanders*.

THUS did *Philip* dispose of his Dominions and order his other Affairs, and being now dead, his Body was buried with little Pomp in the Church of *S. Laurence*, close by the Corpse of Queen *Anne* his last Wife, as he had ordered. And the same Day King *Philip*, whom henceforth we shall call III. wrote to the Pope, with great Grief and Respect, advising him of the Death of the King his Father, and begging to be comforted by him in his so great Affliction; and two Days after he and his Sister went to *Madrid*, where there was great Preparation making for celebrating the Obsequies with great Pomp and Magnificence. The Mausoleum was erected in the Convent of *S. Hierom* on the Feast of *S. Luke*; and the King, with his Sister, the Ambassadors of the Pope, the Emperor, and of the Senate of *Venice*, the Military Orders, the Presidents of the Councils of *Castile*, of *Arragon*, of the Inquisition, of *Italy*, of the *Indies*, and other Lords and Grandees, assisted at this mournful Solemnity.

THE sad News of his Death was brought to *Naples* in the Beginning of *October* this Year 1598. and King *Philip* III. did not fail to write to the Magistrates of that City, advising them, that it had pleased God to call his Father to himself, and therefore he expected, that, with their wonted Fidelity, they would do whatever was for the Good of his Service, and obey the Count of *Olivares*, whom he had confirmed his Viceroy and Supreme Minister, as he had been hitherto his Father's. Whereupon the Barons, and the greatest Part of the Nobility and Officers, on the 11th of the same Month of *October*, met in the Royal Palace, from whence, on Horseback, they accompanied the Viceroy, and with the usual Ceremonies and Solemnities, the new King was proclaimed over all the City, and especially in the five *Seggi* of the Nobles, and that of the People. The next Day the whole City appeared in Mourning, and the Viceroy gave Orders for sumptuous Obsequies. The Mausoleum was erected in the Cathedral Church, where the Funeral Ceremonies were to be celebrated with Royal Pomp, and becoming so great a Prince. The last Day of *January* 1599.

<sup>1</sup> Thuan. lib. 52. Hist. tom. 3. pag. 831.

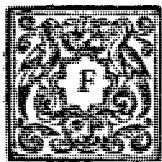
was appointed for this great Solemnity, on the Evening of which it began, and ended the next Morning, with so great Magnificence and Pomp, that the like had never been seen before in *Naples*; the Viceroy intrusted the Care and Contrivance of the Devices and Ornaments, as well of the Mausoleum, as of the Church, to *Ottavio Caputi* of *Cosenza*, who, besides having performed the Charge committed to him, afterwards published a Volume, wherein are minutely described these pompous Obsequies, and the Devices and Decorations thereof, contrived by the *Virtuosi* of *Naples*, and especially the Jesuits, to which Order Learning was then in a manner confined.

KING *Philip II.* as well as his Lieutenants, by whom he governed this Kingdom, left us many useful and wholesome Laws, which, during the Forty-four Years of his Reign, according to the various Occasions, he sent directly from *Spain*, and which may be seen in the Chronology prefixed to the first Tome of our Statutes.



## C H A P. VIII.

*The Polity of our Churches during the Reign of King Philip II. and to the End of the Sixteenth Century.*



FROM the preceding Book of this History may be seen, how strenuously the *Roman* Pontiffs endeavoured to make good their Pretensions upon this Kingdom. The Council of *Trent* strengthened their Power still more; but that not being thought sufficient, in order to radicate it the more, they thought fit to publish that terrible Bull *In Cœna Domini*: They did their utmost to suppress the *Exequatur Regium*, and to make other Incroachments.

### S E C T. I.

*Of the Reformation of Gratian's Decree, and of the other Decretal Collections.*

BUT as *Gregory XIII.* being born for great Undertakings, had thought fit to shew his Power in the Reformation of the *Kalendar*, so he would likewise have the Glory of completing the Reformation of *Gratian's Decree*. *Antonius Democarus*, and *Antonius Contius*, two famous *French* Lawyers, had before, without any Authority, begun to make a Catalogue of sundry Errors they found in *Gratian's Decree*, with a Design to reform it<sup>1</sup>. But there being greater Diligence, and the Labour of more than two required, as soon as the Council of *Trent* was over, *Pius V.* pitched upon some Cardinals, and several Doctors, for undertaking that Work, and afterwards *Pius V.* added other two<sup>2</sup>. But this Work was not completed till the Pontificate of *Gregory XIII.* who, while the *Roman* Reformers were all intent upon the Reformation, pushed them on to that Degree, that in the Year 1580. the Reformation was finished; whereupon he published his Bull<sup>3</sup>, whereby he approved of the Reformation, and ordered, that nothing should be added to it, altered in it, or taken from it.

<sup>1</sup> Baluz. Præf. ad Ant. Aug. §. 29.

<sup>2</sup> V. Ant. Aug. de Emend. Grat. l. 1. dial. 1. |

<sup>3</sup> Bulla Greg. Præmissa Corp. Jur. Can.

BUT

BUT as the Reformation of the Kalendar was not thought sufficient, and therefore was rejected by some, so that of *Gratian's* Decree was not looked upon to be so exact, but some discovered other Errors, and found Fault with the Reformers for their Carelessness; among the rest *Antonius Augustinus*, Bishop of *Tarragona*, was one, who left us many of his Works, but the most learned of them all, was that upon the Reformation of *Gratian's* Decree, and *Stephanus Baluzius* was another.

IN the Pontificate of *Gregory*, the Decretals were likewise reformed, and restored according to the antient Collections, and the Pontifical Registers; so that more correct Editions were published, amongst which that of *Petrus Piteus*, and *Franciscus* his Brother, is the best. From these Registers were afterwards compiled those five Volumes which contain the whole Pontifical Constitutions, under the Title of *Bullarium Romanum*<sup>1</sup>. And to this Pope is likewise owing that famous Collection of the *Tractatus Legales*, which take up many Volumes.

ABOUT the End of this Century *Petrus Matthæus*, a Lawyer of *Lyons*, without any Authority, observing the same Number of Books, and the same Order of Titles with the *Gregoriana*, made another Collection of the different Pontifical Constitutions, established after the *Sixth*, the *Clementine*, and the *Extravagant* now printed, and called it *Septimus Decretalium*, and dedicated it to Cardinal *Gaetano*, which, though it was not approved of, we find in the last Editions added to the Antient.

BUT *Gregory* seeing that this *seventh* Book wanted publick Authority, resolved to have a *seventh* Book of Decretals collected by his own Authority, and committed the Charge of that Work to the Cardinals *Fulvio Orfino*, *Francesco Alciato*, and *Antonio Caraffa*; but soon after, Death put a Stop to his Designs: So that *Gregory* being dead, *Sixtus V.* his Successor, charged the Cardinals *Pinello*, *Aldobrandino*, *Matteo Colonna*, and many others with that Work<sup>2</sup>, who could not finish it during *Sixtus's* Life; but the same Cardinal *Aldobrandino* being afterwards elected Pope, by the Name of *Clement VIII.* insisted upon having the Work compleated; and there being a Question started, whether they ought to insert in it the Canons of the Councils of *Florence* and *Trent* concerning Doctrine, it was thought fit to insert them: So that this *seventh* Volume was finished the 25th of July 1598. containing the Pontifical Constitutions and Decrees of Councils for 300 Years back, divided into five Books, and disposed under many Titles. But because in this Collection there had been many Decrees of the Council of *Trent* inserted, and it being already in the Press, under the Title of *Septimus Liber Decretalium Clementis VIII.* a great Doubt arose, which at last stopt the Publication of it; because if this Volume had been published, some Doctors and Interpreters would have been apt to make Glosses and Comments upon it, notwithstanding the severe Censures fulminated by *Pius V.* against those that should dare to gloss, or otherwise interpret the Canons and Decrees of that Council: So that by suppressing the Publication of this Volume, the Doctors were prevented from falling under those Censures, and it remains in profound Obscurity<sup>3</sup>.

<sup>1</sup> V. Struv. Hist. Jur. Can. cap. 7. §. 52.<sup>2</sup> Idem, loc. cit.<sup>3</sup> Idem, loc. cit.

## S E C T. II.

### *Of Monks and Temporalities.*

IT is truly surprizing to find, about the End of this, and the Beginning of the following Century, how much the Riches of the Monks had increased, and how great the Devotion of the People has been, and particularly of the *Neapolitans*, in quandering away their Goods and Estates to enrich them still more, and in erecting new Churches and Monasteries; no Will was made but they had Legacies left them, or other Dispositions were made in their Favour. To this was added the Piety of the *Spaniards*, who, besides enriching the old, got new Religious Orders to be introduced into the City and Kingdom. The *bare-footed Carmelites*, instituted by *Theresa*, who made that Reform in the Convent of *Avila* in *Castile*, were kindly entertained, not only by the *Spaniards*, but by the *Neapolitans*; and they were so much

much taken with them, that a Monk of this Order, named *Fr. Pedro*, a Native of *Spain*, by the Sermons he preached in the Church of the *Annunciation* of *Naples*, received of Alms from the *Neapolitans* and others, the Sum of 14,285 Ducats, with which he bought the Palace and Gardens of the Duke of *Nocera*, which we now see transformed into their stately Monastery, and a magnificent Church called the *Mother of God* <sup>1</sup>. They afterwards spread themselves over all the Kingdom, and in 1630. were admitted into *Bari* <sup>2</sup>, in which Province they made wonderful Progress.

SHORT time after, in the Beginning of the new Century, five bare-footed Carmelite Nuns came to us from *Genoa*, who being kindly entertained both by the *Spaniards* and the *Neapolitans*, gathered a vast Sum of Money in Alms, with which they bought the Palace of the Prince of *Tarsia*, and gave 16,000 Ducats for it, which they converted into a very large Monastery, and a Church named *S. Joseph* <sup>3</sup>. These likewise spread themselves over all the Kingdom; and these Monks and Nuns being much carested and esteemed by our *Spanish* Viceroy, increased in Riches, and likewise joyning their Industry in obtaining Legacies and Lands, which, though contrary to their Institution, by Explanations and Apostolical Dispensations, they were capacitated to acquire, they have extended their Acquisitions to that Pitch of Greatness which all the World now sees.

THE *Brothers of Charity*, instituted by *S. Juan de Dios* (*S. John of God*) a *Portuguese*, were likewise favourably received and carested among us. They came to us from *Rome*, at the Request of the *Spaniards*, and arrived in *Naples* in the Year 1575. being at first appointed to have the Overseeing of the Hospital of *S. Maria della Vittoria*; but there arising some Differences between them and those of the Hospital, in 1585. they were forced to leave it, and the antient Monastery and Church of *S. Maria d' Agnone*, in the Ward *Capuana*, was given them for a Habitation; and in 1587. with the Help of the *Neapolitans*, they bought the Palace of the Family of *Caracciolo*, with some adjacent Houses, where they built their Monastery, with their Hospital and a Church, which they called *S. Maria della Pace* (of Peace) <sup>4</sup>.

A NEW Order called *Of the Oratory of S. Filippo Neri*, made a wonderful Progress amongst us. This Order was founded in *Naples* in 1592. under the Pontificate of *Clement VIII.* while *Annibale di Capua* was Archbishop of *Naples*. The Fathers that came from *Rome* to found it, at first lived in the Hospital of the Incurables; but having bought the Palace of *Carlo Scipando*, overagainst the great Gate of the Archbishop's Palace, for 5500 Ducats, given them by several pious *Neapolitans*, they converted it into a Church, and went there to live; but it proving too narrow for the great Number of People that came to hear their Sermons, and the Alms daily increasing, they began, from the Foundation, to erect a new and magnificent Church, and to enlarge their Habitations <sup>5</sup>. In process of Time, this Edifice became the most noble and sumptuous of all that ever had been built in *Naples*, and at present vies with the most stately and magnificent Palaces of Princes; and their Riches are grown to an amazing Greatness.

THE Order of the *Servants of the Virgin Mary*, met with a very kind Reception among us. They had been invited by the famous Poet *Giacomo Sannazaro* in the Year 1529. to serve in a little Church he had built in *Mergellina*, by the Name of *S. Maria del Porto* and *S. Nazario*, which he endowed with a yearly Income of 600 Ducats for maintaining eight Priests of this Order, who were to perform the Divine Offices. But *Giancamillo Mormile*, the Poet's Heir, afterwards enlarged the Church; and *Eugenio* <sup>6</sup> writes, that in his Time there were 30 Monks of this Order belonging to that Church.

BUT in 1585. one of these Monks, a *Neapolitan*, named *Fr. Agostino de Julis*, having rented a Piece of Ground belonging to *Ugo Fonseca*, with the Alms of the *Neapolitans*, built a new Church for this Order in *Naples*, and called it *Maria Mater Dei*; then *Giambattista Mirto*, likewise a Monk of this Order, taken with the Pleasantness of the Situation, enlarged not only the Church but the Convent, by building more commodious Habitations, which are still remaining <sup>7</sup>.

<sup>1</sup> Eugen. Nap. Sacra, pag. 602.

<sup>2</sup> Beatil. Ist. di Bari, lib. ult. in fin.

<sup>3</sup> Eugen. loc. cit. pag. 195.

<sup>4</sup> Idem, Nap. Sac. pag. 142.

<sup>5</sup> Idem, Nap. Sac. pag. 127.

<sup>6</sup> Idem, Nap. Sac. pag. 663.

<sup>7</sup> Idem, loc. cit. pag. 663.

AT this Time the *Camaldoni* made a great Progress among us, by the Bounty of *Giambattista Crispo*. He had a rich Farm near an antient Church called *Salvatore a Prospetto*, because it was situate upon a high Hill, from whence may be seen the *Tyrrhenian Sea*, with the Islands as far as *Gaeta*, and almost all *Terra di Lavoro*: He, in order to have these Monks near him, obtained an Apostolical Brief, that this Church should be given to the said Fathers, to whom he likewise gave the greatest Part of his Farm; and in 1585. at his own Charges laid the Foundation of the Hermitage. In Emulation of *Crispo*, *Carlo Caracciolo*, for carrying on the said Fabrick, gave them a great Sum of Money; and *D. Giovanni d' Avalos*, Brother to the Marquis of *Pescara*, in his Will left them a Legacy of 500 Ducats yearly, for building a new Church, to be called *S. Maria Scala Cæli*. The Marquis of *Pescara*, who was Heir to his Brother, made an Exchange, and in lieu of this Legacy, gave them 10,000 Ducats, with which they enlarged the Hermitage, and built the new Church <sup>1</sup>.

AT this Time the *Capuchins* likewise drew the Devotion of the *Neapolitans* to them; for in the Year 1530. *Vincenzo Caraffa*, the Archbishop, and the Elects of the City gave them the Church of *S. Ephraim*; they had been brought to *Naples* by *Fr. Lodovico di Fossombruno*, a *Marcheggian*, though some will have him to be a *Calabrian* <sup>2</sup>.

BUT in the Year 1570. the Zeal of the *Neapolitans* for this Order being increased, some *Capuchins*, with the Alms they got from them, particularly from *Gianfrancesco di Sangro*, Duke of *Torre Maggiore*, and Prince of *S. Severo*, from *Adriana Caraffa* his Wife, and from *Fabrizio Brancaccio*, a famous Advocate in these Times, built a very large Convent, upon a Piece of Ground given them, with other adjacent Territories, by the same Prince; and they likewise built a Conventual Church, and gave it the Name of the *Conception* <sup>3</sup>.

THERE were new Churches and large Monasteries built for the antient Orders; the *Dominicans*, with the Charity of the *Neapolitans*, allured by a miraculous Image of the *Virgin Mary*, found in that Place, laid the Foundation of that stupendous Church and magnificent Monastery *Della Sanita* (of Health) <sup>4</sup>. There was another stately Monastery built for this Order, with a large Church called *Jesus Maria* <sup>5</sup>. That of *S. Severus*, and many others. The *Carmelites*, the *Augustines*, and the reformed Hermits of *S. Augustine*, likewise built Monasteries and Churches. Even the *Minimes* of *S. Francis*, in 1587. built a new and large Convent, with a magnificent Church, and called it *S. Maria della Stella*. Not to mention the *Jesuits*, whose Acquisitions and Foundations of new Colleges, and professed Houses, were very great and numerous. In short, there never was seen so frequent Erections of new Churches and Monasteries, nor so great Profuseness in giving and leaving to the Churches and Monks, as in the End of this Century, and the Beginning of the following.

<sup>1</sup> Eng. pag. 644.

<sup>2</sup> Idem, fol. 601.

<sup>3</sup> Idem, pag. 610.

<sup>4</sup> Idem, fol. 595.

<sup>5</sup> Idem, fol. 608.

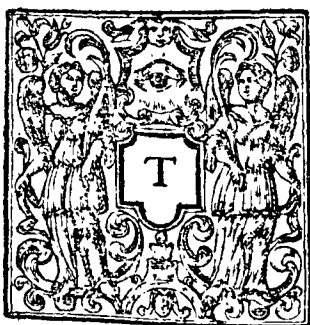






THE  
 CIVIL HISTORY  
 Of the KINGDOM of  
 NAPLES.

BOOK XXXV.



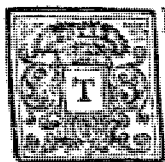
THE Reign of *Philip III.* in Comparison of those of his Father and Grandfather, was very short, and therefore, with respect to our Kingdom, void of great and signal Events. He succeeded to his Father at the Age of little more than Twenty-one Years, and, according to the Custom of his Predecessors, took the Investiture of the Kingdom from Pope *Clement VIII.* on the 9th of *September 1599* \*. He reigned Twenty-two Years and a half, and died in 1621. *Philip* his Father left him the Monarchy, though of immense Greatness, by the new Accession of the Kingdom of *Portugal*, yet very much drained of Men and Money. He was a Prince of singular Piety, but of no Application to Government; and being contented with the Royal Dignity, he left the Care of the State to his Counsellors, Favourites, and Ministers. During his Reign we had four Viceroyes in *Naples*, the first of which was *D. Fernando Ruy de Castro*, Count of *Lemos*, of whom, and of the remarkable Things that happened during his Government, we shall now briefly discourse.

\* Chiocc. MS Giur tom. 1. in fin



## C H A P. I.

*Of D. Fernando Ruy de Castro, Count of Lemos; and of the Conspiracy hatched in Calabria, by the Means of Tommaso Campanella, a Dominican, and of other Calabrian Monks of the same Order.*



THE Count of *Olivares*, for the Reasons related in the preceding Book, being removed, *Philip III.* appointed the Count of *Lemos* to be Vice-roy in his Place, who having arrived in *Naples* the 16th of *July 1599.* with *D. Catarina Zuniga* his Wife, and *D. Francesco de Castro*, his second Son, began immediately (being of a noble and generous Spirit) to complete and beautify the publick Edifices, which his Predecessors had left unfinished. But he was soon diverted by a Conspiracy hatched in *Calabria* by *Tommaso Campanella*, which we are now going to relate.

THIS *Campanella*, on account of his wicked Life, and being suspected of Incredulity, after having suffered a long Imprisonment in *Rome*, had felt the Rigour of the Inquisition; and retracting his Errors, and seeming penitent, was set at Liberty, but he was ordered to retire to a small Convent in *Stilo* his native Town, and not to stir out of it. But being of a turbulent and restless Spirit, in revenge of the severe Usage he had met with in *Rome*, he began in that remote Corner to attempt Innovations. He persuaded the Monks of that Convent, that in the Year 1600. according to the Aspect of the Stars, of which he had great Knowledge, great Revolutions and Changes of State would happen, and especially in the Kingdom and *Calabria*; that therefore it was necessary to be prepared for them, and to persuade the People to rise up in Arms, because he had a Mind, during that Revolution, to change *Calabria* and the Kingdom into an excellent Republick, by shaking off the Yoke of the tyrannical Kings of *Spain*, and their Ministers, by crying out *Liberty*: And being a very pragmatical Fellow, he frequently in his Sermons said, that he was appointed by God for such an Undertaking, as was plain from the Prophecies of *S. Bridget*, the Abbots *Gioachimo* and *Savonarola*, and even from the *Apocalypse*, although it was obscure to others, yet he himself saw it very clear. That for that End he had chosen two Expedients, viz. the *Tongue* and *Arms*. With the *Tongue* to preach up *Liberty* against the Tyranny of Princes and Prelates, in order to encourage the People to shake off the Yoke, and that he would find many Monks that would be his Fellow-Labourers in that Work. As for *Arms*, it would be an easy Matter to draw in the *Banditi* and other Fugitives, and then to raise the Commonalty, break open the Prisons, burn all Processes; and thus, by setting every Body free, increase in Strength: Besides, he was sure to gain over many Noblemen and Prelates to this Undertaking by Land; and by Sea, he did not doubt but the *Turk* would be very ready to give him his Assistance.

HE began to instil these Notions into the People of *Stilo*, in the Year 1598. a little after the Death of *Philip II.* as he confessed in his Deposition; and that Province being then full of Fugitives, and the People oppressed with many Taxes, he not only drew in the Monks, but many of the Inhabitants of *Stilo* and the neighbouring Villages, who longed for nothing more than an Opportunity to make an Insurrection and Revolution.

HAVING



HAVING done this, he pitched upon *Fr. Dionizio Pouzio*, of his own Order, to go to *Catanzaro* and *Nicastro*, who, with great Vehemency preaching up the same Doctrine, enlarged upon the Facility of the Undertaking much more than *Campanella*: He said that *Campanella* was a Man sent by God, and therefore they ought to give Credit to what he said; that he was the most knowing and learned Man upon Earth, who having found out that great Revolutions and Changes were to happen in the Year 1600. therefore they ought not to let slip this fair Opportunity of making themselves a free People; that for this End many Preachers of different Orders, and among the rest the *Augustins*, *Franciscans*, and the *Dominicans* had resolved to demonstrate to the People, that the Kings of *Spain* were Tyrants, and had tyrannically usurped this Kingdom, and that therefore they were a cursed Generation; and that the People, in order to be able to pay so many Taxes and Contributions, were forced to lose both Soul and Body; that God had revealed to many Religious, that it was his Will to have the Kingdom relieved from such Slavery, and the Injustice of the King's Ministers, who sold human Blood for Money, and oppressed the Poor; so that they ought to concur in facilitating the Undertaking, and with their Friends, upon an appointed Day, at hearing *Liberty* proclaimed, to rise all up in Arms, it being concerted to put all the King's Officers to Death, break open the Prisons, set free the Prisoners, and in Token of Liberty to burn all Processes: And the Undertaking ought to seem the more easy to them, that many Cities of the Provinces were ready and prepared, and kept a Correspondence with some of the Nobility and Bishops, who were ready to deliver up their Castles to them, and were treating about being Masters of the Castle of *Cotrone* likewise.

AMONGST *Campanella's* most faithful and zealous Fellow-Labourers, besides *Pouzio*, he had likewise *Fr. Giovan-Battista* of *Pizzoli*, *Fr. Pietro* of *Stoli*, and *Fr. Dominico Petrolì* of *Strignano*; and of the *Dominican* Convent of *Pizzoli*, more than 25 Monks of that Order had already made great Progress in assembling many Fugitives, and bringing over to their Party many other Religious and *Calabrians*; and the Defection had not only spread itself in that Province, but likewise in the Neighbouring.

ACCORDING to the Proofs which are to found in the Process of this Conspiracy (a Copy of which, in Manuscript, we have in our Possession) carried on by the Monks of different Orders, among the rest, of the *Augustins*, *Franciscans*, and *Dominicans*, there were more than 300 Preachers, who had the Charge of going about secretly to encourage and persuade the People to rise up in Arms. Among the Bishops that were privy to it, and secretly favoured the Undertaking, the Bishops of *Nicastro*, *Girace*, *Melito*, and *Oppido* are named. Some few *Neapolitan* Barons were likewise privy to it, but the Number of the Provincial Barons was very great, whose Names, out of Regard to their Families, which are still extant, we shall not mention here.

THESE Sermons (at least as *Campanella* and *Pouzio* bragged) had gained over to them many Inhabitants of the Cities and Towns both of *Calabria* and the neighbouring Province. They reckoned up *Stilo*, with its Villages; both the Nobility and Commonalty of *Catanzaro*, *Squillace*, *Nicastro*, *Cerisalco*, *Taverna*, *Tropeja*, *Reggio*, with its Villages; *S. Agata*, *Cosenza*, with its Villages; *Cassano*, *Castrovillari*, *Terranova*, and *Satriano*.

NOT only the Expedient of the *Tongue*, but that of *Arms* had made wonderful Progress. By Land, besides the Castles that had been promised, they had assembled 1800 Fugitives; and, on Account of the promised Indemnity, and imaginary Liberty, their Number was daily increasing: They promised to set at Liberty all the Monks from the Monasteries, to kill all the Priests and Monks that would not adhere to them, and to put all the Jesuits to the Sword. They designed to burn all the Books, and to make new Statutes; that *Stilo* should be the Capital of the Republick, and its Castle be called *Mons Pinguis*; and that *Fr. Tommaso Campanella* should be called the *Messias* to come, and he was already so named by some of the Conspirators. By Sea, *Campanella* kept Centries upon the Shore near *Guardavalle*, who, when any *Turkish* Vessels should pass, under pretence of redeeming some Slaves, were to go aboard and treat with the *Turks*, and to acquaint them with the designed Infurrection, that they might be ready to come and assist them in the Undertaking; besides, he sent *Maurizio di Rinaldo*, with eight of his Associates, aboard of the Gallies commanded by *Muratb Rays*, who was then upon the Coast

of *Castelvetera*, in order to treat with the *Bassa Cicala* about the Assistance of his Fleet, offering him many Ports and Towns; and at last, in the Month of *June*, *Murat's* Gallies having appeared on the Coast of *S. Caterina* and *Guardavalle*, in order to conclude the Treaty, and settle the Measures they were to take, it was agreed, that the Fleet should come in the Month of *September*, and that upon its Appearance the Insurrection should be made, by entering the Cities, crying out *Liberty*, and killing the King's Officers, and all that should make any Opposition.

BUT as 'tis a very difficult Matter, when there is Time, and the Number of Conspirators great, to keep such under-hand Dealings long secret, the Conspiracy was discovered by *Fabio di Lauro* and *Giovan-Battista Blibia* of *Catanzaro*, Accomplices in it, who laid it open to *D. Luigi Xarava*, then Attorney-General of the Province of the *Further Calabria*, and by whose Means they gave a full and distinct Account of it to the Count of *Lemos* the Viceroy. The Count sent immediately *D. Carlo Spinelli*, with most ample Authority, to *Calabria*, who, under pretence of fortifying those Coasts against the Invasion of the *Turks*, resolved to imprison all the Conspirators; so that having gone to *Catanzaro*, and on the last Day of *August* this Year 1599. taken the Depositions of *Fabio di Lauro* and *Giovan-Battista Blibia*, he began privately to imprison some of the Conspirators; but the Flight of one, who in making his Escape, had been drowned in the Sea, and his Body having been afterwards found on the Shore, discovered the Matter; whereupon the Conspirators betook themselves to their Heels, and *Spinelli* was forced to act above-board. Some of the Inconsiderate were taken without Opposition, amongst which *Maurizio di Rinaldo*, was one, who, both before and after the Torture, made a full Confession; others made their Escape; but *Tommaso Campanella*, who had run to the Sea-side in Disguise, with a Design to embark, was found in a Cottage by the Means of the Prince of *Roccella*. Although *Fra' Dionisio Ponzio* had endeavoured to make his Escape among the first, yet he was taken in *Monopoli*, disguised in a Secular Habit.

AND truly the Conspiracy was discovered in the very Nick of Time; for the *Bassa Cicala*, according to the Treaty, on the 14th of *September* the same Year, appeared off *Cape Stilo* with 30 Gallies, but not finding that Intelligence which the Conspirators had promised him, on the contrary, seeing the Coast well guarded with Soldiers ready to receive him, he retired to *S. John's Bay*, and after a few Days Stay, set sail for the *Levant*.

THE Prisoners were examined, and put to the Rack, who in their Depositions discovered others who had been privy to the Conspiracy, and they were sent to *Naples* in four Gallies; and upon their Arrival in the Harbour, the Viceroy, for a Terror to the rest, caused two of them to be torn in pieces alive by the same Gallies, and four to be hanged at the Yards; all the rest were sent to Prison, in order to be punished according as they should be found guilty. *Campanella*, *Ponzio*, and some other Priests and Monks, were conveyed to the Castle.

THERE immediately arose a Dispute about Jurisdiction; the Ecclesiasticks pretended to be their Judges, and on the other Hand the King's Ministers said, that it belonged to the Royal Tribunals to take Cognizance of the Crime of Treason, notwithstanding that many of the Conspirators were Ecclesiastical and Religious Persons. But a Temperament was fallen upon, that the Nuncio, by a Delegation from the Apostolical See, together with one of the King's Ministers, which was *D. Pietro di Vera*, should judge the Priests and Monks; and in regard of the many and execrable Heresies, with which they were charged, the Vicar-General of the Diocese, with the Assistance of *Benedetto Mandini*, Bishop of *Caserta*, should proceed.

THE Monks were severely tormented, but in the Midst of the Torment *Ponzio* did not drop so much as one Word. *Campanella* was likewise put to the Torture, of whom we read a long Deposition made in the Month of *February* this Year 1600. in which, like a Fanatick or Madman, whether out of Malice or Terror, sometimes confessing, sometimes denying, he confounded and perplexed the whole Matter; he uttered so many odd and silly Things, that he had the good Luck to be taken for a Fool, whereupon he was condemned to perpetual Imprisonment, out of which, at the long run, he found Means to escape; and having fled to *France*, in the Year 1639. he ended his Days in *Paris*.

\* Toppi Biblioth. pag. 293.

THE Laicks being judged by the Royal Tribunals, where sentenced according to the Crimes of which they were convicted: Counsellor *Marcantonio di Ponte* was appointed Judge Delegate for trying them, and many of them suffered cruel Deaths. *Maurizio Rinaldo* being condemned to be hanged, when the Sentence was going to be put in Execution before the Gate of *Castelnuovo*, said, that in order to ease his Conscience, he ought to reveal some Things of great Importance; the Viceroy stopt the Execution, and caused him to be conducted to the Vicariate, where he made a long Deposition, in which he gave a particular Account how the Conspiracy was carried on, and discovered a greater Number of the Conspirators, which he confirmed on the Rack; and soon after being carried back to the Place of Execution, he died ignominiously on the Gallows.

~ THUS ended this Conspiracy; nevertheless, the Viceroy had no sooner returned from *Rome*, whither he had gone this Year of the Jubilee to pay Homage to Pope *Clement VIII.* in the King's Name, than he was alarmed anew by the *Turk*; for *Anurath Rays* with seven Sail appeared in the Month of *August* the same Year, upon the Coast of *Calabria*, and landed his Men on the Shore of *Scalea*, with a Design to pillage that City, and the neighbouring Places; but *D. Francesco Spinelli* attacked them so vigorously, that they were forced to retire, though he lost his Life in the Action.

~ THE Viceroy was afterwards Witness to the Comedy which an Imposture represented in *Naples*, under the Disguise of *D. Sebastian King of Portugal*, the Story of which we have briefly related in the preceding Book. And the Countess of *Lemos*, the Viceroy's Wife, having persuaded the King to make the Tour of *Italy*, in order to see the Kingdom of *Naples*, his Majesty acquainted the Viceroy with his Intention, who thinking the Royal Palace of *Naples* too small for such a Guest, and so numerous and splendid a Court, resolved to build another more majestick and magnificent; and having obtained the King's Consent, he ordered the famous Architect *Fontana* to draw the Design. Thus was the new Palace of our Viceroys begun, which being afterwards carried on by *D. Francesco de Castro* his Son, is now looked upon to be one of the most stately Edifices in *Europe*, sufficient to receive not only one, but many Princes and Royal Courts.

~ DURING his Government *Spain* still continued to drain the Kingdom by new Donatives; and a Parliament being called to meet in *S. Lorenzo*, of which *Alfonso di Gennaro* was Syndick, the King got a Donative of 1,200,000 Ducats, besides 25,000 given to the Viceroy.

~ BUT soon after the Count falling sick, the Disease was so obstinate, and still increasing, that at last, on the 19th of *October* this Year 1601. he died. His Body was carried in great State to the Church of the Cross, belonging to the *Friars Minors*, where pompous Obsèques were celebrated. He governed the Kingdom two Years and three Months, in which Time he published seventeen Pragmaticks, whereby many Abuses in the Tribunals are removed, and other wholesome Regulations are established, which may be seen in the so often mentioned Chronology prefixed to the first Tome of our Statutes.

~ BY Virtue of a Royal Writ sent him while he was ill, he left *D. Francesco de Castro* his Son, Lieutenant of the Kingdom, a Youth of 23 Years of Age, but ripe in Judgment and Wisdom, who governed till *April* 1603. during which Time he published ten Pragmaticks, and had the Kingdom to defend against the Incursions of *Bassa Cicala*, who in 1602. landed his Men, and pillaged *Reggio* <sup>1</sup>. He yielded the Government to the Count of *Benavente*, appointed Viceroy by King *Philip*, of whom we are now briefly to discourse.

<sup>1</sup> Thuan. tom. 3. lib. 127. pag. 971.





## C H A P. II.

*Of the Government of D. Juan Alfonso Pimentel d'Errera, Count of Benavente; and of the Disputes he had with the Ecclesiasticks about the Bull of Pope Gregory XIV. concerning the Immunity of the Churches.*

**T**HE Count arrived in *Naples* the 6th of *April* this Year 1603. and assiduously applied himself to the right Administration of Justice: and seeing, that by a Remissness of the Government, many Abuses had crept into the Tribunals, especially with respect to Criminal Causes, he set about in good Earnest to remedy them, by ordering all the Processes that were lingering in the Tribunals of the Provinces, to be brought to *Naples*, where the Guilty were quickly dispatched, either to the Gibbet, or the Gallies, or were otherwise punished, according to the Crimes of which they were convicted. He was rigid and severe in punishing Delinquents, and he often caused them to be dragged out of the Churches; for as the Number of wicked Men was increased, so was that of the Churches, so that they easily got Shelter there, which raised new Disputes with *Rome* about their Immunity, of which we shall discourse by-and-by.

THE Count of *Benavente* was puzzled and perplexed, not only with reducing the Tribunals into good Order, but with the Oppression under which the Subjects of the Kingdom laboured, and the continual IncurSIONS of the *Turks*. The Kingdom having been so much drained of Money, by the frequent and great Donatives, could ill bear new Burdens and Taxes. The Demands of the Court for new Supplies were never at an End, so that at last, of Necessity, a new Duty must be laid upon Fruit. The Commonalty were highly offended at so scandalous a Duty, and though they bore the Yoke, yet they inwardly abhorred it, and never failed to shake it off whenever they found a fit Opportunity. It happened, that one of the Collectors of this Duty had caused to be painted in his Office, situate in the Market-Place, the eight Patron Saints of the City; this seeming indecent to the Vicar-General of the Diocese, and resolving to do himself Justice, he sent one of his Officers, with Assistance, in order to blot out these Images; these, in an imperious and indiscreet manner, entering the Office, defaced the Images, and made a great Noise. Many run thither, and in an instant the Market-Place was full of People; some, spurred on by the Malcontents, believing that the Tumult had been raised for having the Duty taken off, rushed into the Office, in order to level it with the Ground, that all Vestige of so abominable a Duty might be removed. The Tumult came to that Height, that if the Viceroy had not sent some of the Troops to quell it, it had certainly turned to an open Revolt. All was quiet at last, and the Viceroy was resolved to punish severely the principal Heads of the Riot, and especially the indiscreet Officer sent by the Vicar, as the Author of the whole MischieF: The Ecclesiasticks opposed him in that, by pleading Jurisdiction; but the Viceroy punished the Ringleaders severely, and sent the Vicar's Officer to the Gallies.

A NEW Duty upon Salt likewise occasioned Murmurings and Disturbance; but the greatest Grievance of all was, that a Stop was put to Commerce, and the

Currency

Currency of Coin, by the insatiable Greediness of the Money-Clippers and False-Coiners, which had like to have occasioned an Insurrection in the City; but the Viceroy immediately remedied that, by ordering the *Zanette* (a Coin of the same Value with the half of a *Carlino* \*) whether of full Weight or not, to pass current, and the other Money to be received by Weight, that the Money-Clippers might be thereby prevented from clipping for the future.

\* Nine of which make  
+ Shillings *English*.

THE Incurfions of the *Turks* upon the Coast of *Puglia* were no less frequent than hurtful, by pillaging the Country, and carrying off many People into Slavery. They had made the City of *Durazzo* in *Albania* a Place of Retreat, which is only about a hundred Miles distant from the Cape of *Otranto*. In order to dislodge them, it was resolved by all Means to destroy *Durazzo*. The Command of that Expedition was given to the Marquis of *S. Croce*, who, with a Squadron of our Gallies, arriving upon the Coast of *Albania*, he landed his Men and Artillery, took the Castle by Storm, and pillaged and destroyed the City.

ON the other Hand the Banditi continued to infest *Calabria*, whither *D. Lelio Orfini* was sent against them, and of whom he destroyed a great Number, but did not quite extirpate them; for their Number being very great, many of them retired and sheltered themselves among the inaccessible Mountains.

BUT the Disputes which the Viceroy had to go through with the Ecclesiasticks, on account of the pretended Immunity, not only with respect to their Persons, but the Churches, were no less painful and troublesome. The great Piety of King *Philip III.* and his little Application to the Government of his Kingdoms, encouraged them to make new Inroachments, and especially to get *Gregory XIV's* Bull about the Immunity of the Churches to obtain in the Kingdom. They made the more bold with us at this Time, that they saw King *Philip* take *Pope Paul V's* Part in that famous Quarrel betwixt him and the Republick of *Venice*, upon which there has been many Debates, and much Writing; and notwithstanding that the Cause of that Republick ought to have been common to all Princes, they managed Matters so, that the King not only was at great Pains to obtain an advantageous Agreement for them, by sending *D. Francesco di Castro*, his Ambassador to *Venice* for that Effect; but they persuaded him to order the Count of *Benavente*, our Viceroy, and the Count of *Fuentes*, Governor of *Milan*, to assist and defend the Apostolical See upon all Occasions; whereupon the Viceroy for that End sent Twenty-two Companies of Foot under the Command of *Giantommaso Spina*, and other Twenty under the Marquis of *S. Agata*: Whence it came, that amongst the Crowd of those, who wrote in this Cause in the Pope's Favour against *P. Paolo* the Servite, *Fr. Fulgenzio*, and *Giovanni Marjilio*, Divines of that Republick, there were many *Spaniards*, and likewise *Neapolitans*, and among these Regent *Di Ponte* was one, undeservedly reputed with us the strongest Defender of the Royal Jurisdiction.

IN the Year 1591. *Pope Gregory* had published a Bull, in which, derogating from the Bulls of *Pius* and *Sixtus V.* he restricted the Number of Crimes excluded from the Immunity; and what was yet more intolerable, he would have it, that the Ecclesiastical Judges should determine the Nature of the Crimes, and which were to be excepted, so as the Criminals might be taken out of the Churches; and that the Secular Magistrate should not dare to take them out, but with the express Licence of the Bishop, after he had found that the Criminals were unworthy of Sanctuary, for having committed Crimes excluded by the Bull.

FORMERLY it belonged to the Emperors to declare Churches Sanctuaries, and likewise to distinguish the Crimes, as may be clearly seen in the Books of the *Theodosian* and *Justinian* Codes, and during five intire Centuries, the Church did not establish any Canon concerning that Matter; which Prerogative, as has been shewed in the preceding Books of this History, was for a long Time kept up by our Princes. Afterwards there were some Canons established about it, and the Popes then did not fail in their Decrees to confirm and assume that Right to themselves. But the first Canons, and their first Constitutions were moderate and tolerable, so that the Bulls of *Pius* and *Sixtus* made no great Alteration among us, nor were they so much amiss as to give Ground of Complaint, as happened upon the Publication of this of *Gregory*, which contained Things most prejudicial to the Prero-

gatives of the King and his Magistrates. The Count of *Limos* therefore, while he was Viceroy, did not suffer it to obtain in the Kingdom, but on the 2d of *August* 1599. ordered the Regent *Martos* to draw up a Report to the King of the Prejudices it contained; and on the 27th of *February* 1600. the King answered the Viceroy, ordering him to suffer no Innovation in that Matter, but to continue, as formerly, to take out the Criminals that fled to the Churches, he having ordered Application to be made to the Pope, that *Gregory's* Constitution might be moderated. The Count therefore, without any Regard to the Bull, having caused the Marquis of *S. Lucido* to be taken out of a Church, and advised the King of it; on the 17th of *October* the same Year, his Majesty answered him, that he approved of what he had done, and that he was not to suffer the least Innovation to be introduced relating to that Matter <sup>1</sup>.

BUT in the Government of the Count of *Benavente*, the Ecclesiasticks, grown more bold, undertook, by all Means, to have the Bull put in Execution in the Kingdom, at a very unhappy Juncture, when the City, by the Remisness of the Government, was quite depraved; when Crimes were more frequent, and when Churches were grown so numerous, that there was not a Corner where they were not in Plenty. To this was added, that besides *Gregory's* Bull, the Canonists, and other Ecclesiastical Doctors had written upon this Subject of Immunity, and vented such odd and extravagant Opinions about it, that, according to them, there could seldom happen a Case that would allow Criminals, for any Crime whatsoever, to be taken out of the Churches; and ascribing to the Ecclesiastical Court only the Power of declaring the excepted Crimes, they run out into such Excess, that, according to their Maxims, it was impossible to name one that was excepted. Besides, at their own Pleasure, they extended the Immunity of Places, not only to Churchyards, Monasteries, Chapels, Oratories, Hospitals, and to the Houses of Bishops, but also to the Porches, the Houses, the Cloysters, Gardens, empty Places, and even Bake-Houses, that were near the Churches. In fine, they are arrived at such an Excess, that they don't stick to say, if the Criminal, though a Laick, should commit any Crime, while in the Sanctuary, the Ecclesiastical Judge may bring him to his Trial, under pretence that he had abused the Sanctuary.

THE Frequency of Crimes, and the so great Number of Churches alone, was sufficient to keep the Bull from taking Effect; and the Viceroy had the Example and Wisdom of the *Roman* Senate to bear him out, for, according to *Tacitus* <sup>2</sup>, the Abuse of multiplying Sanctuaries in many Cities in *Greece*, still increasing, insomuch that these Cities swarmed with profligate Men, occasioned by the Immunity of these Places, to the great Detriment of the State; the Senate, to whom *Tiberius* had committed that Affair, thought fit to restrict the Number of Sanctuaries.

THE Count therefore, in order more vigorously to curb the Pretension of the Ecclesiasticks, on the 30th of *May* 1603. wrote about it to the King, and they still pursuing their Design, on the 19th of *July* 1606. he redoubled his Instances, begging his Majesty to apply a speedy Remedy to so great an Abuse, because his Ministers had continual Differences upon that Head with the Ecclesiasticks, who by all means would have *Gregory's* Bull put in Execution, and for that End were continually thundering out Monitories and Excommunications, which was the same as to disturb the Kingdom, and trample the Royal Jurisdiction under Foot <sup>3</sup>. After these Representations had been made to the King, there happening a Quarrel in *Naples* betwixt two Noblemen, in order to prevent Mischiefe, by a Royal Mandate they were ordered not to stir out of their Houses; they, not minding that, took upon them to walk up and down the City, and having met, fought a Duel, wherein one of them was killed; the Killer, with his Second, who was a Knight of *Jerusalem*, and a Servant, immediately took Shelter in the Convent of *S. Caterina a Formello*, belonging to the *Dominicans*. But the Sanctuary did not avail them, for the Viceroy having caused the Convent to be surrounded by two Companies of *Spaniards*, and that of Captain *Alonso Modarra*, the Doors being broke open, they were all three taken out, and carried Prisoners to the Gaol of the Vicariate; and the Cause being tried, in the Month of *May* 1610. the Killer was beheaded, and out of Regard to the Habit of *S. John*, the Knight was saved.

<sup>1</sup> Chiocc. MS. Giur. tom. 17. De Immun. | <sup>2</sup> Tacit. lib. 3. Annal. cap. 31.  
Eccl. | <sup>3</sup> Chiocc. loc. cit.

THE Vicar of the Archbishop of *Nybb.* did not fail immediately to declare the Regent and Attorney-General of the Vicariate excommunicated, and to affix Schedule against Captain *Modona* and the Corporal of the said Regent's Guard, who had broke open the Doors of the Convent, and taken out the Refugees; but on the 6th of the same Month the Viceroy did not neglect to send a feriois exhortatory Letter to the Vicar, advising him to declare the said Censures null, and to remove the Schedules; and the same Day he sent another by way of Embassy to the Nuncio, desiring that he would order the Vicar to remove the Schedules; and on the 10th of the same Month he sent another to the Vicar: So that by delivering up the Knight of *Jerusalem* to his Judge Competent, the Affair was compounded, and the Bull dropt. Upon this Occasion the Regent *Fulvio di Costanz*, Marquis of *Cori to*, wrote a small Treatise, which he addressed to Pope *Paul V.* wherein he clearly demonstrated, that *Gregory's* Constitution ought to be repealed, or at least moderated.

BUT these Recourses to *Rome* proved always fruitless; so that the Ecclesiasticks, whenever they found a fit Opportunity, constantly insisted upon having the Bull put in Execution. In the Pontificate of *Clement X.* an Expedient was fallen upon, of sending two Ministers to *Rome* for obtaining some Reform in the Abuses of the Ecclesiastical Immunity, one for the State of *Milan*, which was the Visitor *Cajati*, and another for the Kingdom of *Naples*, which was the Counsellor *Antonio di Gaeta*, who likewise wrote a learned Treatise upon this Subject, and addressed it to Pope *Clement X.* and the Marquis of *Astorga*, then Ambassador in *Rome*; but the Message turned to no account, as ever since all Application made to the Court of *Rome* for having that Bull reformed, has had no better Success: So that now there's no other Remedy left, but when the Ecclesiasticks will proceed to Excommunication on account of this Bull, to punish them severely, by chasing them out of the Kingdom, sequestrating their Incomes, and imprisoning their Relations, as has been practised in our Time in the Government of Count *Daur*, when, to the great Scandal of the whole City, Censures having been fulminated against the Judges and the Attorney-General of the Vicariate; for having caused a Sorceress to be dragged out of an Oven hard by a Church, who had poisoned a vast Number of People, and was still preparing Poison in the very Place of Sanctuary; the Archbishop's Vicar and his Officers were chased out of the City and Kingdom, and the Vergers that had affixed the Schedules, were imprisoned, and the Archbishop's Revenues were sequestrated, to the great Joy of all the City.

WHILE the Count of *Benavente*, with so much Care and Application, was governing the Kingdom, News came to *Naples*, that King *Philip*, by the Suggestions of his Favourites, by whom the Monarchy was ruled, had appointed the Count of *Lemos*, the Son of *D. Ferdinand*, to be his Successor; whereupon, with great Grief, and the Countess his Wife with more, he prepared to receive him, and yield the Government to him; and in the Month of *June* 1610. the Count of *Lemos* having landed in the Island of *Procida*, he went to meet him, and though he begged of *Lemos* to enter the City and lodge in the Palace, yet he would not leave that Island, that his Predecessor might, with the greater Ease, prepare for his Departure. At last on the 11th of *July* the Count of *Benavente* set out from *Naples*, after he had governed the Kingdom for the Space of little more than seven Years. He left shining Monuments of his Justice and Magnificence. His Generosity appeared upon all Occasions that offered during his Government, especially in the Feasts, which he celebrated in 1605. on the Birth of *Philip* Prince of *Spain*; and in 1607. on the Birth of the Infant *D. Ferdinand*, who, under the Name of the Cardinal Infant, made himself so famous all over the World, by the Victory over the *Switzers* near *Norlingen*. To his Magnificence we owe those large and Royal Streets, one of which, adorned with fine Trees and pleasant Fountains, leads to *Poggio Reale*; and the other, beautified with a stately Fountain, and Statues of most exquisite Sculpture, leads from the Royal Palace to *S. Lucia*. It was likewise he that caused to be built the Bridge, and that magnificent Gate of the City which lead to the *Chiaja*, and he ordered the Gate to be called after his own Surname *Porta Pimentella*; and during his Government was built that great Edifice, appointed for the Use and Habitation of the Officers who take care of the Corn laid up in the

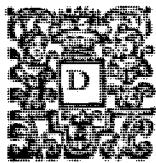
publick Granaries for the Provision of the City. In the Island of *Elva*, on the Coast of *Tuscany*, he caused to be built the Fort *Pimentello*, and in the Kingdom, the Bridges of *Cava*, *Bovino*, and *Benevento*.

HE left us more than 50 Pragmaticks, all wise and prudent. By these he regulated the *Fairs* of the Kingdom, and ordered them to be held at the Times appointed in their Patents, and no otherwise; he severely prohibited the wearing of short Arms, and he was a Terror to False-Coiners and Gamesters; and he made other wholefome Regulations concerning the Provision of Corn, all which may be seen in the so often mentioned Chronology.



### C H A P. III.

*Of the Government of D. Pedro Fernandez de Castro, Count of Lemos; and the Statutes he made relating to our Univerfity, in order to have Discipline and Learning to flourish among us.*



ON *Pedro de Castro* was the Son of *D. Fernando*, who died in *Naples* while he was Viceroy, and Brother to *Francisco*, who likewise governed the Kingdom in Quality of *Licutenant*, by Virtue of a Power given his Father by the King. Upon his Arrival in *Naples*, he found not only the Kingdom, but the Royal Patrimony exhausted, and the publick Provision of Corn many Millions in Debt, so that the City had not wherewithal to furnish the Granaries with Corn, nor was there Money in the military Chest for paying the Soldiers. But he having applied himself to favour the Corporations of the Kingdom, in order to make them the more ready in paying the Taxes due to the King: To cause the Accounts, as well of the Royal, as the City Revenues, to be revised: To prevent the Frauds which were committed by the Managers of them, by entering the Books into a Register; and taking special Care to see that the Money was frugally managed, the publick Treasure and Provisions increased, infomuch that during his Government the Kingdom enjoyed Plenty of all Things.

HE likewise studied to have Justice duly administred, and Law-Suits quickly dispatched; he was severe and terrible to Malefactors, and he awed the Judges into a strict Punishment of them, and a faithful Discharge of their Offices.

BUT above all, he was a great Encourager of Learning, and had the Good of our Univerfity much at Heart, of which he has left us lasting and shining Monuments. He erected a magnificent and stately Fabrick for a Mansion to the Muses, which cannot be paralleled by any Univerfity in *Europe*. The Professors of this Univerfity, not having sufficient Room for their Exercifes, had been forced to remove from *S. Andrew a Nido*, where they formerly taught, to the Court-Yard before the *Dominican Church*, where, in some Vaults underground, divided into three Rooms, they instructed the Youth; in the first of the two towards the South, and opposite to the Church, the Canon Law and the *Greek Grammar* were taught, and the Civil Law in the Second; in the other Room towards the West, the Liberal Arts were taught. But the Narrowness of the Place, unfit for such Exercifes, and the Building not answerable to the Magnificence of the City; the Quarrels and Disputes among the Scholars being heard in the neighbouring Church; the troublesome Noise of the Bells, which frequently disturbed the Professors, induced the Count of *Lemos*, out of his Love to Learning, in which he had made great Proficiency,



Proficiency, when a Youth, in the University of *Salamanca*, effectually to remedy all these Inconveniencies; and judging it below so famous an University, for which the Emperor *Frederick* II. and the Kings of the illustrious Family of *Anjou*, had so great an Esteem, to be in this Situation, he resolved to build a Structure suitable to the Sciences therein professed. Therefore, under the Direction of the famous Architect *Fontana*, he caused a large Edifice to be built without the *Constantinople* Gate, in the same Place where formerly *D. Pedro Giron*, Duke *D'Offuna*, had caused the Royal Riding-House to be built: There was a large Theatre erected for the Publick Disputes, and Halls fit to contain a vast Number of Students; but what made the Work most surprizing, was the magnificent Porches, and the Prospects beautified with Statues of most excellent Sculpture. There was only wanting Knowledge in the Art of Inscriptions which were disposed upon the stately Fronts and Gates. In these Times Poesy was at a very low Ebb with us, and the Jesuits had ingrossed all manner of Learning to themselves; therefore the ablest Criticks, of which there were very few in *Naples* at this Time, took notice of many Errors in these Inscriptions; and there being in one of them in Letters of a Cubit in Length, *ULYSSE AUDITORE*, gave Occasion to *Pietro Lasena* to compose a learned Treatise *De antiquo Gimnasio Neapolitano*, wherein he lays open the Blunders of the Author of that Inscription.

ALTHO' this great Work was not finished, yet the Viceroy laid out 150,000 Ducats, which he collected over all the Kingdom. He had not the Pleasure of seeing it intirely compleated, because his Government was but short; however, though the Fabrick was not finished, he would have the University to be removed from the Place it was in, to this new Building; and to shew the Esteem he had for it, he must needs be present at the Solemnity, assisted by the Tribunals, and a numerous Cavalcade, the like of which had never been seen in *Naples*; and the Novelty was, that the Doctors of the College, and the Professors of the University were dressed after the *Spanish* Fashion, with a kind of Doctoral Badge, which the *Spaniards* call *Capiroto*, composed of various Colours, answerable to the different Sciences they professed. The Doctors of Divinity wore white and black; the Philosophers blue and yellow; the Lawyers and Canonists green and red; and all of them had Caps with Tassels of the same Colours. Thus, in the Year 1616. was the Royal University opened in this new Building, where the Viceroy heard the Oration pronounced upon this solemn Occasion.

THE Viceroy not only erected this noble Fabrick for the University, but he provided it with most excellent Laws and Statutes, which we read in the Body of our Pragmaticks<sup>1</sup>, whereby he confirmed the Chaplain Major in the Government of it; he prescribed the Number of the other Officers, and what was incumbent upon the Provofts and Rectors, and the Method of chusing them; the Duty of the Beadles, of the Master of Ceremonies, of the Captain of the Guard, and of the Porters. And the Count being resolved to provide the University with a copious Library, in these Statutes he likewise prescribed the Method to be observed in preserving the Books, and the Duty of the Library-Keeper. He likewise founded a Chapel, and appointed a Chaplain, and prescribed the Feasts that were to be solemnized in the University.

HE disposed the Chairs, and the Matters therein to be read, and likewise fixed the Salaries of the Professors of each Faculty; he determined the Times of Vacation, and how long the Lectures were to last; he prescribed the Method to be observed by the Professors in reading, and how the Provofts were to perform their Visitations; and that none of the Sciences taught in the University were to be taught in private Houses. And what this Minister is much to be commended for, is, his having by severe Laws ordained, that none should be admitted to be Professors, but such as gave Proof of their Capacity by Disputation. The Emperor *Frederick* II. after he had reformed this University, in the Year 1239. made a Law<sup>2</sup>, that none could assume the Title of Master, which we now call Professor, unless he had been carefully examined in Presence of his Officers, and the Masters of that Science which he pretended to teach. This careful Examination was done by Disputation, a Method not invented by *Frederick*, but very antient, and transmitted

<sup>1</sup> Prag. 1. De Regimine Studior. | Magistri nomen assumat, nisi diligenter examinatus in presentia nostrorum Officialium, & nullus in Medicina, &c. Legat in Regno, nec | Magistrorum atris ejusdem.

to us by the *Greeks*, as we read in *Lucian*<sup>1</sup>, that in *Athens*, under *M. Aurelius*, upon the Death of a Professor, whoever underwent the Trial of a Dispute, and got the better of it, by the Suffrage of the Magistrates was appointed in his Place. In *Constantinople* likewise, by a Law established by *Theodosius the Younger*<sup>2</sup>, the Examination and Election of the Professors were made *Cætu amplissimo Judicante*<sup>3</sup>. The same being inviolably observed in the Universities of *Spain*, as also in many others of *Europe*, the Count of *Lemos* was resolved by severe Laws to have it established among us. He ordained, that all the Chairs should be filled by Disputation, inviting by publick Edicts, all those who had a mind to dispute: He prescribed the Method that was to be observed in publishing these Edicts; the Exercises the Disputants were to go through, and what they were to observe during the Vacancy of the Chair: He fixed the Number of Magistrates and Professors that were to have Votes in the Elections; the Method to be observed in them; the Dues that were to be paid by the Elected, and the Oath they were to give before they could take Possession.

AFTER the Viceroy had made such provident Regulations concerning the Officers who govern the University, and about the Professors, and the Manner of chusing them, he proceeded to regulate what relates to the Students; he ordered them to be matriculated, and when they have done with Grammar, to be examined before they can proceed to another Science; he fixed the Time for finishing their Studies; he prescribed the Method to be observed in the Disputes and publick Conclusions; their Exercises in Rhetorick, the *Greek Language*, *Mathematicks*, and *Anatomy*: And in fine, the Repetitions they are to make every Year to the Professors.

THESE were the Academical Laws which the Count of *Lemos* established for our University; after whose Departure, *D. Pedro de Giron*, Duke *D'Offuna*, his Successor, seeing that they were not punctually observed, on the 30th of *November* the same Year 1616. published a new Edict, in which he inserted all the abovementioned Laws, and ordered them to be inviolably observed<sup>3</sup>.

LEARNING was so much encouraged by the Count of *Lemos*, that at this Time there flourished a great many learned Men in *Naples*, and the Institution of Academies, begun in the Time of *D. Pedro de Toledo*, was revived. Of all the rest, at this Time the Academy of the *Ozioti* (Idle) flourished most, which had its Rise under the favourable Auspices of Cardinal *Branccaccio*, and met in the Cloysters of the Convent of *S. Maria della Grazie*, near the Church of *S. Agnello*, of which *Giambattista Manso*, Marquis of *Villa*, was Head; besides the learned Men of these Times, there were a great many of the Nobility, who had a good Taste of Learning, that were Members of this Academy, among the rest *D. Luigi Caraffa*, Prince of *Stigliano*, *D. Luigi di Capua*, Prince of *Riccina*, and a great many more. But the Count of *Lemos* himself made the most shining Figure of them all: He frequently went and read his Compositions in this Academy with the rest, and once he recited there a Comedy of his own composing, which was heard with vast Applause.

AT the same Time, in the Cloysters of *S. Peter a Majella*, there flourished another Academy, of which *D. Francesco Caraffa*, Marquis of *Anzi*, was Head, and of which *D. Tiberio Caraffa*, Prince of *Bisigniano*, *Monfignor Pier-Luigi Caraffa*, *Giam-Matteo Ranieri*, *Ottavio Caputi*, *Scipione Milano*, and some others were Members.

BUT through the Fault of this Age, Learning was not taught with such Politeness and Purity as it was afterwards towards the End of the same Century. Our Jurisprudence kept on at the old Rate, and both in the Chair and at the Bar, our Professors followed the Footsteps of their Predecessors. Philosophy was still confined to the Cloysters, where it was taught after their Scholastick manner. Physick was professed by the *Galenists*. The Study of Languages, especially of *Latin*, and Learning, was ingrossed by the *Jesuits*. Poetry, being quite degenerated, and metamorphosed, was exercised by hair-brained Fellows; and History was managed by few with that Dignity and Exactness it required.

NEVERTHELESS there was not wanting some Men of great Parts, who leaving the beaten Path, went the right Way to work, and at length gave Light to

<sup>1</sup> *Lucian*. In *Eunucho*.

<sup>2</sup> *Cod. Theod.* l. 6. tit. 21. *L. Magistros*, *Cod.* | *Theod.* de *Medic.* & *Professor.* | *Jac. Goth.* *ibid.*

<sup>3</sup> *Prag.* de *Regim. Stud.*

Posterity to follow their Footsteps; but in these Times there being but few such, they could not put a Stop to so great a Torrent. The bright Men then were *Giam-Battista della Porta*, so famous for the Works he left us. *Pietro Lafena*, an Advocate, and a Man of profound Learning. *Fabio Colonna*, a famous Philosopher and Mathematician. *Mario Schipani*, an able Physician, and an intimate Friend of the great Virtuoso and Traveller, *Pietro della Valle*. *Constantino Sofia*, to whom *Lafena* dedicated his Book *De Vergati*; and *Antonio Arcudio*, a Priest of the Greek Church, and Arch-Priest of *Soletto*, in the Province of *Otranto*. And though *Francesco de Petris* at this Time published his insipid History of *Naples*, yet there were some able Men, who searched into our Records, and gave evident Proofs that they out-did him: Amongst which, *Bartolomeo Chioccarello* ought not here to be forgot and robbed of his deserved Praise; he, by the Testimony of *Pietro Lafena*<sup>1</sup>, who was his great Friend, yielded to none in the most laborious Search into our Antiquities, inasmuch that he was called *Can bracco* (the *Setting Dog*). For the Space of more than forty Years, he spent his Time in searching all the Royal Archives of the City of *Naples*, of the Royal Mint, the Royal Chamber of Accompts, and of the Chancery; he pryed into all the Protocols and publick Deeds of the antient Notaries of *Naples*, the Writs and Archives of all the most famous Monasteries and Cities of the Kingdom: Whence, in 1626. by Order of the Duke *D'Alba*, then Viceroy, he compiled whole 18 Volumes of Writs concerning the Royal Jurisdiction. A Collection no less glorious than painful, and worthy of immortal Memory, which serves as a Buckler and Defence to the Supporters of the Royal Jurisdiction, against the so many Incroachments of the Ecclesiasticks, whose chief Aim is to trample it under Foot.

*DON Ferdinando della Marra*, Duke of *Guardia*, and *D. Camillo Tutini*, a *Neapolitan* Priest, likewise famous for the Works he left us, followed *Chioccarello's* Example. If *D. Francesco Capecelatro*, his Cotemporary, had gone on in his Work, he certainly would have left us a complete History of *Naples*. And *Antonio Caracciolo*, a Regular *Theatin* Clerk, in the Books he left us, gives evident Proof how much he understood that Study. There appeared afterwards the famous *Camillo Pellegrino*, a *Capuan*, who exceeded all these, and was the most careful Writer, and the most learned and witty Critick in our Antiquities, of any that ever we had.

BUT to return to the Count of *Lemos*; After he had adorned *Naples* by raising the University, he did not fail to beautify it with other Buildings. To him the Jesuits owe the Founding of the new College of *S. Francis Xavier*. To him we owe the Mills without the Walls of the City near the Gate *Nolana*; and to him likewise the Kingdom is obliged for several new Bridges for the Conveniency of Travellers. But the News that the King had appointed the Duke *D'Offuna*, who was then Viceroy of *Sicily*, to be his Successor, prevented him from doing greater Services to the Kingdom. He immediately quitted the Government of the Kingdom, and left *D. Francesco* his Brother in his Room till the Duke's Arrival; and on the 8th of *July* this Year 1616. he set out for *Spain*, in order to take upon him the Charge of President of the Supreme Council of *Italy*. He left us more than 40 useful Pragmaticks, which according to the Order of Time are to be found in the so often mentioned Chronology.

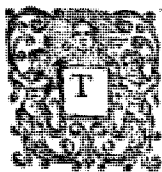
<sup>1</sup> *Lafena de Antiq. Gym. Neap. cap. 1.*





## C H A P. IV.

*Of the Government of D. Pedro Giron, Duke D'Offuna; and of his Expeditions in the Adriatick against the Venetians, which proved very unfortunate to him.*



THE Duke *D'Offuna*, in the Beginning of his Government, shewed an unwearied Application in attending unto, and providing for the Necessities of the Kingdom, and was very rigorous in seeing Justice duly put in Execution, without Respect of Persons; and at the same time, in order to gain universal Applause and Good Will, he was very magnificent and liberal: To win the Affection of the People, he took off two Duties; and to prevent the Court of *Spain* from being jealous, he made them believe, that it would be of great Advantage to the King's Revenues, an Ease to the Subjects, and render them more able to bear the Taxes; and to confirm what he had insinuated, he obtained a Donative from the Kingdom of 1,200,000 Ducats, which he sent to the King for the Necessities of the Crown.

BUT a new War breaking out in *Italy* by the Death of *Francis Gonzaga*, Duke of *Mantua*, the Success and Occasions of which are at large related by the Cavalier *Battista Nani*<sup>1</sup>, intangled the Duke *D'Offuna* in more difficult and weighty Matters. For the Reasons given by this Author, King *Philip III.* was induced to enter into this War, and oppose the Duke of *Savoy*, whom, with a *Spanish* Haughtiness, he had ordered to restore all that he possessed in *Monferrat*. On the other Hand, the *Venetians* supplied the Duke with Men and Money; whence proceeded the Disgusts between the Court of *Spain* and that Republick. To this was likewise added, that King *Philip* was obliged to assist the Archduke *Ferdinand*, his near Relation, whom, on account of the *Uscocks*, the Senate of *Venice* had offended. But however there was not open War declared between the King and the Republick, nor had their Ambassadors been recalled from their respective Courts.

HOWEVER, the Duke *D'Offuna* striking in with the Humour of the *Spaniards*, who gave out that they were resolved to march their Troops against the *Venetians*, at the same Time that Cardinal *Borgia* was endeavouring to stir up the Pope against them, did not slip this Occasion, both of obeying the Commands of the Court of *Madrid*, and gratifying his own Inclinations, which were always averse to the *Venetians*; and for the War in *Monferrat* against the Duke of *Savoy*, he sent to the Governor of *Milan* four Troops of Light Horse, and sixteen of Spearmen, under the Command of *D. Camillo Caracciolo*, Prince of *Avellino*, and 600 Cuirassiers, under the Command of *D. Marzio Caraffa*, Duke of *Maddaloni*; and to assist the Archduke against the *Venetians*, he fitted out Ships for infesting the *Adriatick*, for which the Republick had a tender Regard. The Viceroy knew very well, that he could not touch the *Venetians* more to the Quick, than by disturbing their boasted Dominion of the *Adriatick* Sea, to interrupt their Commerce, although the Subjects of the Kingdom, who drove a great Trade with the City of *Venice*, were like to be Sufferers; therefore he was wholly intent, not so much upon assembling Troops for the Relief of the *Milanesse*, as upon fitting out Ships for plaguing the *Venetians*; and having broke through the Security of Harbours, he seized a Ship belonging to one *Pellegrino*

<sup>1</sup> Nani Hist. Venet. lib. 1.

*Roffi*. *Nani* <sup>1</sup> says, that the Republick having ordered their Ambaffador *Gritti*, to complain of this to the Court of *Spain*, he obtained an Order, directed to the Viceroy, for restoring the Ship, but he very disdainfully refused to obey it, not without Suspicion of the Connivance of the said Court, which liked to cover their more secret Designs with the Disobedience of a capricious Minister. For which Cause the *Venetians*, earnestly bent upon the Defence of that Gulph, reinforced their Fleet in that Sea with two Galeasses and some Ships, and pitched upon thirty Captains of Gallies, as Occasion should offer, to be making ready to put to Sea by Degrees.

BUT on the other Hand, the Viceroy seeing that the *Uscoks* had lost many of their lurking Places, invited them, especially those that were most troublesome to the *Venetians*, to come and freely make use of the Harbours of the Kingdom, and he likewise promised them Rewards. Therefore, under the Favour of this Protection, they took the Ship *Doria*, with other small Vessels, that were going from *Corfu* to *Venice* with Merchandizes, and, under the Viceroy's Colours, publickly sold their Booty; and though the Collectors of the Customs of the principal Ports of the Kingdom complained, that by such Traffick the King's Revenues would be impaired, the Viceroy threatened to hang them if they should offer to make any more Complaints. *Nani*, who was both a good Subject, and a favourable Historian with respect to the Duke *D'Offuna's* Actions, writes, that being naturally conceited of himself, and apt to vent boasting Expressions, he not only undertook to disturb the Sea, but was constantly talking of surprizing the Ports of *Istria*, pillaging the Islands, and penetrating into the very Heart of the Capital City: That sometimes on Sea Cards, sometimes by Words, he was describing the Designs, and ordering flat-bottomed Vessels fit for Canals and Marshes, and contriving Machines; nor would he give Ear to any but to those who soothed him in the Facility of the Undertaking: But however, it was not that he believed it could be put in Execution, but he was willing it should be believed, to the End that the Republick being put to the more Charges, and diverted by such Preparations, might not be so able to annoy the Archduke, and assist the Duke of *Savoy*. Therefore in all haste he sent twelve well-armed Vessels into the *Adriatick*, under the Command of *Francesco Riviera*; and though, just as they were upon the Point of sailing, Orders came from the Court of *Spain*, for a Suspension of Arms, it seeming odd to them, that at the Time that a Treaty of Peace was set on Foot in *Madrid*, the Viceroy should be committing Hostilities; he immediately called the Collateral Council, and made them draw up a Report to the Court, representing, that some armed Vessels belonging to the Republick having taken a large Ship just as she was entering the Harbour of *Trieste*, it was fit, both for the King's Honour and Service, that *Riviera* should sail and be revenged of the *Venetians*: So that he ordered *Riviera* to depart, and that it might not be imputed to the King as an Act of Hostility done in his Name against the Republick, the Ships sailed under the Viceroy's Colours only.

THE Republick, therefore, ordered *Belegno*, who commanded their Fleet, to assemble that part of it that was nearest at Hand, in order to go to *Curzola* and cover the Islands, and particularly to frustrate the Viceroy's Design of appearing upon the Coast of *Istria*, for encouraging the Archduke *Ferdinand's* Troops, and diverting those of the Republick. *Belegno* followed his Orders, for the Viceroy's Ships were no sooner come to *Calamota*, than he set sail with his Fleet to meet them; whereupon *Riviera*, judging that he would be at a Disadvantage to fight in that Place, tacked about, and with a prosperous Gale arrived at *Brindisi*.

THESE Motions having given Jealousy to the *Turks*, they marched in all haste to the Sea-Coast in great Numbers to cover and garrison their maritime Places; whence the Viceroy took the Opportunity to ask Assistance from other Powers, giving out that he had no other Design than to infest the common Enemy, for which end he solicited the Pope, the *Maltese*, and the Duke of *Tuscany* to join their Gallies to his Fleet. But the Ministers of the Republick at these Courts made strong Instances to the contrary, saying, that the Viceroy had sent Slaves and Presents to the Prime Vizier, in order to induce and stir him up to make War upon the Republick; and they prevailed so far with those Princes, that they not only did not send him their Gallies, but endeavoured to divert him from the Undertaking, saying, that it would be a Means to encourage the *Turk*, and draw

him into the *Adriatick* upon the Coasts of the Kingdom of *Naples*, and the State of the Church.

BUT for all that the Viceroy did not forbear to send *Pietro di Leyva* with nineteen Gallies to join *Riviera*, who with this new Reinforcement having sailed to *S. Croce*, and finding the *Venetians* at *Lefina* of inferior Force, he endeavoured to draw them out to an Engagement; but they standing upon the Defensive, and the Night coming on, obliged the *Spanish* Fleet to retire to *Brindisi*, with a Booty of two Ships, one of them belonging to *Sali*, and the other to *Holland*, which having on Board some *Venetian* Soldiers, were surprized by the Viceroy's Fleet. The *Venetians* considering the Importance of the Affair, reinforced their Fleet; and on the other Hand the Duke *D'Offuna* increased his to 18 Ships, and 33 Gallies, which appeared off *Lefina*, with a Design to provoke the *Venetians* to a Battle: And in the mean time the *Spanish* Ministers, in order to alarm the Republick, had given out, that the Fleet of Gallions, that used to preserve the Navigation of the Ocean, having entered the Straights of *Gibraltar*, were bound for the *Adriatick*, and that a great Fleet was fitting out in *Sicily*; which Reports were partly credited by the bold Proceeding of the Viceroy, who, besides having augmented with some Gallies *Leyva's* Squadron, made the *Uscoks* scowre the whole Gulph, and in Sight of *Venice* itself, they made Prizes, and did great Damage; insomuch that the Senate was forced to appoint some Gallies for guarding *Chioggia*, and to pick out a certain Number of Men in *Venice* to be ready at a Call with their Arms; which being a new Thing in that City, had put the People in a terrible Consternation, who, upon a false Report, that the two Fleets having come to an Engagement off *Lefina*, the *Venetians* had gained a signal Victory over the *Spaniards*, went in great Fury to insult *D. Alfonso de la Cueva*, Marquis of *Bedmar*, King *Philip's* Ambassador in *Venice*, who was thought to be the chief Instigator of the Viceroy's Attempts.

HOWEVER, though the *Spanish* Fleet had provoked the *Venetian*, yet they never came to an Engagement; so that *Leyva*, seeing that the *Venetians* stood upon the Defensive, steered for *Old Trau*, where he burnt the Country, and took many Barks; from thence he sailed towards *Zara*, where he fell in with some Vessels, which diverted him from a greater Victory; for, notwithstanding he had positive Orders to endeavour to surprize and possess himself of *Polo*, or some other Port of *Istria*, meeting with two Merchant Gallies, and covetous of Prey, he trilled away his Time in taking them, with some Vessels that were carrying Provisions to the Enemy's Fleet, which in the mean time came up with him unawares, and he being incumbered with the Prizes and the rich Booty, stood directly for *Monte Gargano*, and keeping close by the Shore, he at last arrived with his Fleet and Prizes at *Brindisi*, and soon after the Enemy's Gallies came out of the Gulph. The Viceroy gave *Leyva* a severe Reprimand for having lost the Opportunity of gaining a Victory, by taking Prizes; however, he bragged of the Booty, and ordered the Goods and Vessels to be brought to *Naples*, being very much rejoiced at the Discontent which the Loss occasioned in *Venice*.

IN the mean time the Ministers of the Republick in all Courts exclaimed against the Viceroy, who, in the midst of a Treaty of Peace, had committed these Hostilities, and insulted the Republick in their own Gulph, and who keeping a Correspondence with the *Turks*, was endeavouring to draw them into a War against the Republick, who besides were threatening to do themselves Justice upon it with Arms, for the Loss they had sustained in the said Prizes. But at the same time the Viceroy did not fail likewise to cry out against the *Venetians*, saying, that their bragging of a Dominion, which they imagined they had over that Sea, was intolerable; that by the Law of Nations Navigation was free, and much less could they pretend to deny it to the Fleets of the Catholick King, who owns no Superior in the World. At this Time, and upon these Emergencies, 'tis said, that the Marquis of *Bedmar*, the King's Ambassador in *Venice*, in order to touch the *Venetians* to the Quick, had caused *M. Velfero*, or, as some will have it, *Niccolo Piureschio* (which is likewise suspected from what *Gassendus* says in his Life) to write that Book, intitled, *Squittinio della liberta Veneta*: A Book, which hit the *Venetians* so home, that they had much ado to find a Writer able to confute it; and at last, not finding any other, they made *Theodore Grafs-Winked*, a *Hollander*, answer it, by a Treatise, intitled, *Majestas Reipublicæ Venetæ*; as *Scipione Errico*, and *Raffael della Torre*, a *Genoese*, did afterwards.

THE Viceroy wrote likewise to Pope *Paul V.* representing to him how outrageous the *Venetians* were, and the Necessity he lay under to make those Expeditions in the *Adriatick*; and as to what they charged him with, of being in Friendship, and having a Correspondence with the *Turk*, he said, that the *Spaniards* had never had either Peace or Truce with him, as the *Venetians* had, and that the War he was carrying on against them, was not against Christians, because they were not such but only by Name; for in the late Disputes having shaken off the Obedience and Respect due to his Holiness, they could not pretend to be Christians; and so much the more, that they had banished out of their Dominions, an Order so Exemplary, and so full of Zeal for the Service of God, as that of the *Jesuits*; besides they supported the Hereticks of *France*, and employed them in the Duke of *Savoy's* Service, and in their own Armies and Fleets entertained the Hereticks of *Holland*, who profaned the Churches of the Archduke's Territories, and therefore he would fain know what Religion they were of, and whether they were not such Christians as the *Moors* and Hereticks?

BUT notwithstanding these hot Disputes between the Viceroy and the Republick, the Treaty of Peace was still carried on, which being removed from *Spain* to *France*, was at last concluded in *Paris*, and the Articles were drawn up and agreed to in *Madrid*, and accepted by the Republick; so that their Ambassador having complained to the Court of *Madrid* against the Viceroy, the King ordered him to restore the Vessels and Goods to their Minister residing in *Naples*.

*TÓLEDO* the Governor of *Milan*, and the Marquis of *Bedmar*, the King's Ambassador in *Venice*, were no less displeas'd with the Peace than the Duke *D'Offuna*, and they did their utmost to obstruct the Execution of the Articles; but especially *Offuna*, who, under pretence that the *Venetians* were building a Fort at *S. Croce*, gave out that he was resolv'd to scowre the Gulph anew: And as to the Order for restoring the Ships and Goods, he seem'd ready to obey it so far, as to deliver the Ships to *Gaspere Spinelli*, the Republick's Resident, but not the whole Goods, saying, that a great Part of them were confiscated to the King, as belonging to *Jews* and *Turks*, Enemies to the Crown of *Spain*; so that the Resident refusing to take what was offer'd him, the Duke sent *Francesco Riviera*, with 18 Men of War, to commit fresh Hostilities in the *Adriatick*. The Governor of *Milan* likewise started Difficulties in the Execution of what came to his Share; whereupon the Pope, the *French*, and the other Princes having interpos'd, the Marquis of *Bedmar* was forc'd to give his Parole to the Senate of *Venice*, that all should be restored, but for all that, there still arose new Difficulties, till at last the Peace being executed in *Piemont* and *Istria*, *Riviera* returned to the Harbour of *Brindisi* with his Fleet; and the *Venetians* crying out now more than ever at the Court of *Madrid* against *Offuna*, they got the Affair of restoring the Vessels and Goods to be refer'd to Cardinal *Borgia*, with an Order for him to compound the Matter with *Girolamo Soranza*, the Republick's Ambassador in *Rome*.

BUT in the Beginning of this Year 1618. the Reason was found out, why, notwithstanding the Peace, *Offuna*, *Toledo*, and *Bedmar* always kept armed Vessels in the Ports of the *Adriatick*, which never left off infesting that Sea, whereby the *Venetians* were provok'd to make Reprizals, to the great Prejudice of the *Neapolitans*, who represent'd their Losses to the Court of *Spain*. All proceeded from the Issue that was expected of a Conspiracy carried on in *Venice* by the Marquis of *Bedmar*, to which *Offuna* and *Toledo* were privy and Partakers in it. The Marquis had endeavour'd by all Arts to make a Faction in *Venice*, and had likewise found Means to intice many to leave the Service of the Republick, and to introduce others in their Room, in order to make use of them upon Occasion. Among these *Offuna* sent a certain *Jaques Piere*, a *Frenchman*, of *Normandy*, and a Pirate by Profession, but a Man of a great Spirit. He, pretending to be disobligh'd by *Offuna*, feign'd to be reveng'd of him, by entering into the Service of the Republick, into which he was gladly received, with an Associate, named *Langlad*, skilled in Fire-Works. *Offuna* pretending to be highly offend'd at this, order'd *Piere's* Wife to be put in Prison, and by sham Letters offering him a great Reward, invited him to return to his Service. On the other Hand, *Piere*, in order to make himself acceptable to the *Venetians*, produc'd the Letters, propos'd many specious Things, pretended to discover the Viceroy's Designs, and suggest'd Means for blasting them. Thus having gain'd great Credit, he got *Langlad* to be employ'd in the Arsenal. Afterwards  
he

he had secret Meetings with the Marquis, and a private Correspondence was carried on with the Viceroy; and in the mean time they had gained over some *Burgundians* and *French* to their Party. The Concert was, that *Offuna* should send, under the Command of an *Englishman*, named *Haillot*, some Brigantines and Barks, fit to enter the Ports and Canals, of which they had taken the Breadth and Depth; then larger were to follow, and anchor off *Friuli*, under the Protection of which, and in the Confusion of the People by the entering of *Haillot*, the Conspirators were to perform the Parts that had been assigned them, *Langlad* to set fire to the Arsenal, others to different Parts of the City, some to seize the Mint, massacre the Nobility, and all to enrich themselves with the Plunder of the City.

BUT while the Brigantines were making ready to join, some of them were taken by Pirates, and others were dispersed by a violent Storm; so that the Conspirators being disappointed, they were forced to delay the Execution of their Design to the next Autumn. *Piere* and *Langlad* being ordered to go aboard of the Fleet, could not refuse to go along with the Captain-General *Barbarigo*. The rest, who remained in *Venice*, impatient of Delay, were still considering of the Method of Execution; but having frequent Meetings among themselves, and, in order to increase their Number, trusting others of their own Countrymen with the Secret, *Gabriel Moncafin* and *Baldassar Juven*, Gentlemen, the last of *Normandy*, and the other of *Dauphine*, discovered the Conspiracy to the Council of Ten; whereupon some of the Conspirators being imprisoned, the Plot was proved, both by Papers that were found, and the Confessions of the Guilty, who were brought to condign Punishment: However some, upon the seizing of their Associates, made their Escape, and run to *Offuna* for Protection; but *Piere* and *Langlad*, by an Order sent to the Captain-General, were thrown into the Sea. The City of *Venice* was struck with Horror at the Discovery of such a Conspiracy, and the Risque they had run of seeing their Churches and Houses on fire; the Marquis of *Bedmar* therefore, who was reputed the Director and Manager of so wicked a Design, seeing himself in great Danger of being sacrificed by the Fury of the People to the Publick Resentment, retired privately to *Milan*. The Senate had already sent a Messenger express to King *Philip*, resolutely demanding to have him recalled; whereupon the Court of *Madrid* disapproving his Conduct (it being usual, that the Effects of such Intrigues please Princes better than the Means) the *Venetian* Ambassador was answered, that *Lodovico Bravo* had been already appointed to succeed the Marquis, who was to go to *Flanders* to assist the Archduke *Albert*.

UPON the Discovery of the Conspiracy, our Viceroy denied his having had any Hand in it, though the World looked upon him as guilty, seeing that the Fugitives fled to him for Protection, and that *Piere's* Widow being set at Liberty, was honourably convoyed to *Malta*; but not troubling himself about such Reports, he continued to keep his Ships ready armed, in his own Name, and at vast Expences, though he provided them with Artillery by disgarnishing the principal Forts of the Kingdom; of which grievous Complaints were sent to the Court, to which those daily given in against him by the *Venetian* Ambassador being added, it was thought he would have been removed from the Government; but with the Assistance of the Relations and Friends he had in *Madrid*, and by the frequent Representations to the King of his signal Services, he still vindicated his Proceedings; and in the mean time he did not fail to plague the *Venetians* in the *Adriatick*.

MORE Complaints were always giving in against the Duke, among the rest, that he oppressed the Kingdom, by making the People serve as Soldiers; that he led a most scandalous Life, and, to the great Grief of the Dutchess his Wife, not content with the publick Whores, he took the Liberty to converse too freely with the Ladies of greatest Distinction, thereby giving a Handle to the Vulgar to speak dishonourably of the most conspicuous Families of the Kingdom, to the great Indignation of the Husbands and Relations, who in Time may be provoked to some desperate Attempt; therefore the Nobility earnestly solicited the King to remove him from the Government; and they resolved to send secretly to Court *F. Lorenzo di Brindisi*, a Capuchin, who had the Reputation of a most holy Life, and was in great Esteem with King *Philip* on account of his Piety. The Duke having had notice of the Message, endeavoured to prevent it; for which end, by Order of Cardinal *Montalto*, Protector of the *Franciscans*, he got the Capuchin to be stopt in *Genoa*; but some Time after having got Liberty to pursue his Voyage, and being



arrived at Court, he represented the Duke's Actions to the King; and to whose Relation, the Complaints of many of the Nobility, who had privately gone to *Madrid*, being added, although the Duke had left no Stone unturned in order to defend himself against what was laid to his Charge, his Favourers were not able to support him any longer, so that it was resolved by the Court to recall him.

IT was reported, and by some Events afterwards confirmed, and *Nani* takes it for granted, that the Duke finding that he was like to lose his Post, thought of changing his Ministry into Principality; for which End, by Means of *Giulio Gemino*, an Elect \* of the People, a Man of ready Wit, a \* A Magistrate. Contriver of Novelties, and greedy of Commotions and Sedition, he had curried Favour with the Commonalty; besides he had foreign Troops in his Pay, and Ships of Force at his Command: He protected the People, without Distinction, against the Barons, and gave out that he would redress their Grievances, and take off the Taxes; nay, passing one Day, where, in order to adjust the Duty, some Provisions were weighing, he cut the Ropes of the Ballance with his Sword, giving to understand, that he would have the Fruits of the Earth to be free, as the Gifts of the Air and Heaven were gratuitous: And *Nani* adds, that hoping the Princes of *Italy* would back him in his Design, by most secret Methods he founded the Duke of *Savoy* and the *Venetians*; the last by insinuating to them, that whatever he had done was by express Orders from the Court of *Madrid*; the first by inviting him to join in driving the *Spaniards* out of *Italy*; but the Republick, far from giving Way to such a Proposal, and always cautious, would not so much as hearken to it: The Duke communicated the Project to the Court of *France*, and the Duke *De Lesdeguieres*, Constable of *France*, sent a Person to *Naples*, to observe the State of Affairs.

THE Court of *Spain*, which, by reason of the great Distance from it of many of its Dominions, had a Maxim of being diffident of the Ministers that governed them, having a watchful Eye over the Proceedings of the Duke *D'Offuna*, easily found out his Intrigues, and resolved without Delay immediately to remove him; but afraid, that by sending him a Successor from *Spain*, he might take Advantage of the Delay to strengthen his Disobedience, they ordered Cardinal *Borgia*, with all Haste and Caution, to go from *Rome* to *Naples*, take upon him the Government, and turn out *Offuna*. But as the Cardinal was to set out in the Month of *May* this Year 1620. it could not be done with so much Secrecy but the Duke had notice of it; and having in vain endeavoured to delay his coming till *October*, when he saw that his Successor was come to *Gaeta*, he resolved to lay a Snare for him; he caused to be prepared for him in *Pozzuolo*, where he supposed he was to stay that Day, a Lodging fit for the Purpose; but the Cardinal being jealous, instead of lodging in *Pozzuolo*, went to the Island of *Procida*.

IN the mean time *Genuino*, exaggerating to the Commonalty the Benefits they had received from *Offuna*, and that if he should leave them, the *Spaniards* would treat them more harshly, had raised a Commotion in order to hinder the Cardinal from making his Entry into the City, and by that Means to prolong the Duke's Government; of which the Cardinal being advised, that he might not expose himself to the Insults of the Populace, he resolved to enter the City privately; and having concerted the Method with the Governor of *Castelnuovo*, who was to be ready to open the Gate of the Castle, he went aboard of a small Boat, and landed at *Pozzuolo*, from whence, hiddenly in the Night-time, he went in a Coach, and got into the Castle, and early the next Morning, the Arrival of the new Viceroy, and the Removal of *Offuna*, was proclaimed to the City by the firing of the Guns: Nevertheless, as much as the Shortness of Time would allow him, he did not fail, by fair Promises, to stir up the Commonalty, and the Troops by Presents; and he wrote to the King, complaining of the Cardinal for having entered the City by Stealth, when he had readily offered him the Gallies; but that he reckoned the putting up this Affront among the other important Services he had done to the Crown, because, as he could easily have hindred him from entering the City, so after he had entered, with his Sea-Forces, and 6000 *Spaniards*, who were all at his Beck, he could easily have driven out the Intruder, for such he ought to be reputed, because of the illegal and clandestine Possession, taken in an unusual Place, and without the wonted Ceremonies;

that he likewise could have punished the Insolence of the Governør, who in the Midst of the Night opened the Gates of the Castle, and the Regents of the Collateral Council, and the Elects of the City, for having arrogated to themselves the Power of removing and posting Viceroy's at their Pleasure, but that he sacrificed every Thing to the Service of the Crown, and was coming to justify himself before his Majesty, in the Face of the Court. Therefore, on the 14th of *June* this Year 1620. he thought fit to set out for *Spain*, and left his Wife and Children in *Naples*, having first sent *Genuino* to *Piombino* in the Disguise of a Sailer, in order to keep him from his deserved Punishment, where he afterwards took him on Board in his Passage, and carried him along with him to *Spain*; but to give Time to the King's Passion to be asswaged, he proceeded very slowly on his Voyage, and after two Months arrived at *Marseilles*, where he diverted himself with Feasts and Balls, and shewed a great Backwardness in pursuing his Voyage.

IN the mean time Cardinal *Borgia*, as soon as *Offuna* was gone, began to punish those that were guilty of the late Tumults, and committing their Trial to the Counsellor *Scipione Rovito*, Processes were entered against them, and many of the Guilty were put in Prison, and *Genuino* was first declared contumacious, and then proclaimed a Rebel, all his Goods were confiscated, and his Moveables sold, although his Relations opposed the Sale, alledging he was of the Clergy. In order to undo what his Predecessor had imperiously done, he imposed again the same Taxes that had been taken off by the Duke, and he made other Regulations, which we read in the three Pragmaticks, that in the short Time of his Government he left us.

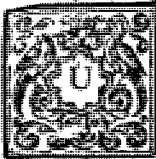
BUT at last, after so tedious a Voyage, the Duke arrived at *Madrid*, and, by the Means of the Duke *D'Uzeda*, and his other Friends and Relations, having made his Peace with the King, he so artfully cleared himself from what had been laid to his Charge, and on the contrary aggravated the Cardinal's Conduct, that he had the Assurance to desire, that the Cardinal might be removed, and himself sent back to continue the Exercise of his Charge. The Council of State, which, according to the lamentable Condition of that Court, was governed by the capricious Favourites, debated the Matter, and if the Ambassador of the City of *Naples* had not stoutly opposed the Duke's Pretension to return, a worse Decision had followed; even, although it was not resolved that the Duke should return, the Cardinal's Conduct was disapproved, and it was carried that he should be removed, notwithstanding the Complaints of the Dutchess of *Gandia* his Mother, who cried out mightily against the bad Usage of her Son, after he had served his Majesty so well; and the Duke strenuously insisting upon his Returning, an Expedient was fallen upon, to suspend the Election of a Viceroy, and in Place of *Borgia*, to send Cardinal *Antonio Zapatta*, who was then in *Rome*, to be Lieutenant of *Naples*, and accordingly he went thither in the Month of *November* the same Year 1620.

BUT the Death of King *Philip III.* happening soon after, the Duke's Friends could protect him no longer; for King *Philip IV.* coming to the Crown, and the Count *D'Olivares*, who was no Well-wisher to the Duke, being made Prime Minister, the King ordered a new Juncto of Ministers to examine judicially the Crimes laid to the Duke's Charge, contained in the Reports drawn up by the Counsellor *Scipione Rovito*, and sent to the Court by Cardinal *Borgia's* Order. The Business was strictly examined, and the Duke being found Guilty, was ordered to be arrested, and with a strong Guard was sent to the Castle of *Almeda*, where, after a long Imprisonment, he pined away with Grief, and on the 24th of *September* 1624. ended his Days. He was so given to sensual Pleasures, and had such an immoderate Ambition to Command, that all his fine natural Endowments were eclipsed. He left us many prudent and commendable Regulations, which are to be seen in the Volumes of our Statutes, pointed out, according to the Order of Time, in the Chronology prefixed to the first Tome.



## CHAP. V.

### *The unhappy Government of D. Antonio Zapatta: The Death of King Philip III. and the Laws he left us.*

PON Cardinal Zapatta's Arrival in Naples (to whom Borgia yielded the Government on the 12th of December this Year 1620. and departed that same Day) he was received with the Approbation of the People, who having been oppressed by the late Calamities, wished for nothing but Plenty; therefore, in order to answer their Desires, he kept a watchful Eye over the Sellers of Eatables, lest they should alter the Prices regulated by the Elects of the City, punishing severely such as did not sell according to the Assizes. He visited the Prisons of the Vicariate, and being of an easy Access, he very readily heard all Sorts of Persons; and thus providing for the Necessities of the Subjects in the Beginning of his Government, he gained the Applause and Blessings of every Body. The Death of Pope Paul V. happening in the Month of January this Year 1621. he left as Lieutenant in his Absence, D. Pedro di Gambia y Leyva, General of the Naval Squadron of Naples; and went to Rome to assist in the Conclave; and on the 9th of February, Alessandro Lodovico being elected, who took the Name of Gregory XV. he returned to Naples, resumed the Government, and went on with the same common Applause, which increased still more, when they saw the Tribunals reformed, the constant Attendance of the Judges ordered, and the quick Dispatch of Law-Suits, he having for that End, caused a Bell to be hung in the Capuan Palace, which, at an appointed Hour, being rung for calling the Judges and others concerned, left no Room for any pretence of Delay.

BUT two unhappy Emergencies interrupted the Course of his commended Administration, and rendered his Government troublesome and unfortunate. To the preceding Years of Dearth, another much worse had followed, so that an extreme Scarcity of Provisions ensued: To all this was added, that for four Months together, there fell from the Heavens such incessant Showers of Rain, that the Roads being rendered impassable, Provisions could not be transported from the Provinces to the City; and the continual Storms at Sea stopt Navigation, and some Ships, loaded with Corn, were miserably shipwrecked off the Harbour: The Turks likewise cruising every where upon our Coast, took the Ships which had been sent from Puglia loaded with Corn for the Relief of the famished City; the Price therefore of the Necessaries of Life rose to an excessive Height, insomuch that Misery and Dearth were seen every where.

TO this Calamity was added another most grievous Mischiefe, and hard to be remedied, occasioned by the Money commonly called *Zannette*, which, by the excessive Covetousness of the Money-Clippers, was reduced to a wretched State, not worth more than the fourth Part of the antient Value, which made them to be refused in all Payments; so that the Price of Goods being altered, the Money debased and refused, reduced many to Despair. It was resolved to coin a new Species of Money, and cry down the *Zannette*; and it was given out that none should lose by the Coinage. But that being found impracticable, by reason of the vast Quantity of *Zannette* that was in the Kingdom, and the Scarcity of Silver to be coined in place of these, great Disorders and seditious Tumults arose.

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THE Scum of the People, who by all means would have Meat and Drink, without Regard to the Severity of the Weather, or the Sterility of the Land, seeing themselves in want of Bread, began to mutiny, and shew no Respect to the Officers who had the Charge of Provisions: One Day in the Month of *October* this Year 1621. *Fulvio di Costanzo* narrowly escaped being murdered by them; and now all Things were prepared for a general Insurrection. The Counsellor *Cesare Alderisio*, Clerk of the Market, in order to pacify the Mob, persuaded the Cardinal to go through the City, and, in such a Calamity, to comfort the People; and at last, in *January* 1622. they both went out in a Coach, but that increased the Mischiefs, for the insolent Rascality, upon seeing the Viceroy, upbraided him with the Badness of the Bread they were forced to eat; and his *German* Guard being ready to curb their Insolence, they threw a Shower of Stones at the Cardinal's Coach, insomuch that he was forced to take Shelter in the Archbishop's Palace, and to order the Gates both of it and the Church to be shut, till many of the Nobility ran to his Assistance, and conducted him back in Safety to his Palace.

THE Disorders occasioned by crying down the *Zannette*, and not being able to coin new Money in their Place, increased the Confusion among the People; who, having lost all Sense of their Duty, on the 24th of *April*, the Cardinal having gone to take the Air in his Coach, when he had got without the Gate *Capuana*, he saw a Multitude of People following him, one of which, coming up to the Coach, with a Loaf of Bread in his Hand, very arrogantly said; *Your most illustrious Excellence may see what Bread you make us eat*, and adding other Words full of Threats, he threw the Loaf into the Coach. The Cardinal suspecting worse, ordered the Coachman to drive on faster; and having gone by *S. Charles's* Street, without the Gate of *S. Januarius*, he entered at the Royal Gate, which we now call the Gate of the *Holy Ghost*, and with full Speed drove to the Palace, where having consulted about the Matter, it was resolved to wink at it.

BUT this Connivance, instead of calming, fomented the Tumults, and brought them to the last Extremities, as was seen shortly after; for at this Time the Count of *Monterey*, who had been sent by the King Ambassador-Extraordinary to Pope *Gregory XV.* having come to *Naples*, while the Cardinal and the Count were passing in their Coach through the City, in the Street *Dell' Olmo*, they were surrounded with a Mob, who cried out; *Viètuals, Viètuals, my Lord*; whereupon the Cardinal turning to them with a chearful Countenance, and laughing, one of them looking him boldly in the Face, said, *'Tis a lamentable Affair, your Lordship has no Occasion to laugh*, and speaking some other Words full of Reproach, the rest were stirred up do the same, and to throw Stones at the Coach, so that they were forced to gallop with full Speed back to the Palace. Then it was found that all Connivance was dangerous, and therefore it was resolved to have recourse to severe Punishments; whereupon four of the most renowned Ministers being appointed Judges Delegates, which were *D. Giovan-Battista Valenzuola* the Regent, and the Counsellor *Scipione Rovito, Pomponio Salvo,* and *Cesare Alderisio*, Actions were entered against them, and above 300 were put in Prison: The Guilty being convicted, on the 28th of *May* Sentence was pronounced against them, whereby ten of them were condemned to be broken upon the Wheel, after the manner of *Germany*, after being drawn through the publick Places of the City on a Cart, and having their Flesh torn off with Pincers; their Houses were razed, and their Goods confiscated to the King; their Bodies were quartered, and hung up without the Walls of the City, for Food to the Birds, and their Heads were put upon the most frequented Gates upon Iron Spikes. Sixteen others of the less Guilty were condemned to the Gallies; and *S. James's* Magazine, in the Street of *Porto*, was likewise razed, and that Street which we now see, was opened: And thus ended the Tumults, which under the Government of Cardinal *Zapatta*, had been occasioned by the Famine and the *Zannette*.

AT this Time, while the City was involved in these Commotions, *D. Francisco Antonio Alarcon*, to whom the King had committed the Duke *D'Ossuna's* Case, came to *Naples*. In the mean time *Genuino* had been seized, and put in close Prison in *Madrid*, from whence he was carried under a strong Guard to *Barcelona*, and afterwards transported to the Fort of *Portolongone*, where he was kept many Months in close Prison: *Alarcon* in his Passage having brought him along with him to *Naples*, and shut him up in *Castelnuovo*, two Days after he was sent to the Castle of *Baja*, from thence to that of *Capua*, and then to that of *Gaeta*. At last being brought to his

his Trial, he was condemned to perpetual Prison in the Fort of *Oran*, and his Grandchildren and Accomplices were condemned to the Gallies. But after many Years *Genuino* at last obtained his Liberty; and 'tis said, the Reason was, his having sent to King *Philip* IV. who had desired it, a Model in Wood of the Fortrefs of *Pignone*, which he had made in the Prisons of *Africa*; and returning afterwards to *Naples*, though he took Priests Orders, it was he, who was the chief Fomenter of the popular Sedition which happened in the Kingdom in the Year 1647. of which hereafter.

IN the mean time the City of *Naples*, in order to have a speedy Remedy to so great Disorders, had secretly sent to the Court of *Spain*, *Taruggio Taruggi*, a Priest of the Congregation of the Oratory; and the miserable State of the Kingdom being taken into Consideration, and that for redressing the many Grievances occasioned by the want of Provisions and Money, it was found, that strong and speedy Remedies were necessary, and that the Cardinal's easy and indulgent Temper was not equal to the State to which Matters were reduced; therefore it was thought fit to remove the Cardinal, and to send the Duke *D'Alba* to be Viceroy of *Naples*, who immediately set out, and on the 14th of *December* this Year 1622. arrived at *Pozzuolo*, and a few Days after took the Government of the Kingdom upon him. The Cardinal left *Naples* with the Character of an unfortunate Minister, and that his too indulgent and mild Nature had encouraged the Disorders that fell out in his Government. However he left us prudent Regulations, which we read in the Volume of our Statutes, and are marked in the Chronology prefixed to the first Tome.

DURING his Government, on the 31st of *March* 1621. King *Philip* III. died, in the 43d Year of his Age, of which he reigned Twenty-two and a half. The Cardinal, after having caused King *Philip* IV. to be proclaimed with great Solemnity, ordered his Funeral Obsequies, with great Pomp, to be celebrated in the Cathedral Church of *Naples*. King *Philip* died of a Burning Fever. By *Margaret* of *Austria* he had three Sons, and as many Daughters; *D. Philip*, who succeeded him in his Kingdom; *D. Carlos*, who died afterwards; and *D. Fernando*, Cardinal Deacon, by the Title of *S. Maria in Portico*, commonly called the *Cardinal Infant*. *D. Anna*, who was married to *Lewis* XIII. King of *France*; *D. Maria*, who was married to *Ferdinand* King of *Hungary*, and afterwards Emperor; and another who died a Child. He reigned rather in Appearance than Reality; for being content with the Royal Dignity, he left the Government to his Favourites and Councils. It was thought, that when, by the Instigation of the Duke *D'Uzeda*, and *Fr. Lodovico Aliaga*, his Majesty's Confessor, Cardinal *Lerma* was ordered to retire, the King was to have taken the Government upon himself, but Death soon after prevented him. He was a Prince more adorned with the Ornaments of Life, than skilled in the Art of Government; and as his Goodness, Piety, and Continency raised him above his Subjects, so his want of Application to Government rendered him unequal to the Work. Being indolent, he believed that there was nothing else incumbent upon him, but to assent to whatever his Favourite thought fit: It was said, that in the Agony of Death, he was not so much comforted by the Remembrance of his innocent Life, as he was disquieted in his Conscience for having neglected the Government of his Dominions. Notwithstanding all that, from the first Year of his Reign, to the last but one, he established many good Laws for us, which, according to the Order of Time, are set down in the Chronology prefixed to the first Tome of our Statutes.





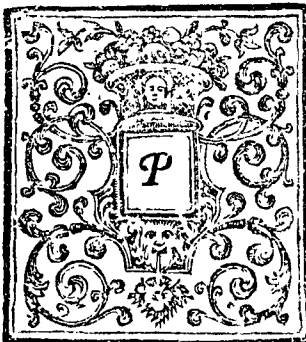


THE  
**CIVIL HISTORY**  
 Of the KINGDOM of  
**N A P L E S.**

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B O O K XXXVI.

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*HILIP* IV. succeeded his Father at the Age of Sixteen, having been born in *Valladolid* on the 8th of *April* 1605. His Reign was very long, having lasted Forty-four Years and a half, till 1665. the Year of his Death. It was hoped, that by the Accession of a new King, the Use of Favourites would have been left off, and that the King would have held the Reins of Government in his own Hands: but all these Hopes proved vain; for the Dispatches having been carried to the King, he delivered them to *D. Gaspar de Guzman*, Count *D'Olivares*, who, though he wished for nothing so much, seeming averse to it, with his pretended Modesty, moved the King to command him to give the Dispatches to whomsoever he (the Count) should think fit. He, out of seeming Disinterestedness, resigned them to *D. Baldassar de Zuniga*, an old and experienced Minister; but however, it had been concerted between them, for *Zuniga* being his Uncle, they had agreed to support one another: So that soon after throwing off the Mask, all Power and Authority lodged in the Count, who being likewise adorned with the Title of Duke, in the following Relations he will be found with this double Title of *Count Duke*. During this long Reign, Matters still growing worse and worse, this Kingdom was the unhappy Theatre of great and unfortunate Adventures, whereby it was drained both of Men and Money, and miserably disordered and afflicted. This King having taken the Investiture of it from Pope *Gregory XV.* in that Space of Time governed it by the Means of nine Viceroys, who successively took the Administration of it, the first of which was *D. Antonio Alvarez de Toledo*, Duke *D'Alba*, of whose Government we shall now briefly give an Account.



## C H A P. I.

*Of D. Antonio Alvarez de Toledo, Duke D'Alba, and of his  
unfortunate and troublesome Government.*



THE Duke *D'Alba* came to retrieve the Kingdom from the preceding Calamities and Miseries; but to find out effectual Remedies for so many Mischiefs, proved a very hard and difficult Task. In order to stun the Confusion occasioned by the Currency of the *Zanette*, a greater had ensued by crying them down, when there was not Silver for coining new Money to supply the want of them, whereby not only the publick Banks, but their Creditors sustained a prodigious Loss; which Banks were found to have in *Zanette*, the Sum of 4,400,000 Ducats. Many other private Citizens had likewise great Sums in *Zanette*, which they were forced to sell by the Weight, whereby many Families were reduced to extreme Poverty and Beggary; whence proceeded a Scarcity of every Thing, and a Stop to Commerce. The Duke *D'Alba*, in the Beginning of his Government, gave his Mind to the redressing of these Grievances, and having formed a Junctō of Ministers, and other Persons of Experience, he left it to their Care to find out proper Expedients for restoring Plenty and Commerce in the Kingdom. The Matter being taken into Deliberation, it was resolved to lay on a new Tax, in some measure to make up so great a Loss, since it was impossible to repair it altogether. But a great Difficulty occurred, which was, how to find a Commodity upon which this Tax could be laid. The Kingdom was so loaded with Taxes and Duties, that almost all the Necessaries of Life were already burdened with them; at last, it being found, that the Wine retailed in Publick Houses only paid a Duty, and that what was brought into the City to be sold in Hogsheads or Butts, for the Use of the Citizens, paid nothing, it was resolved that the Duty of a Ducat should be laid upon each Hogshead: So this new Duty was imposed, which being farmed out for the Sum of about 90,000 Ducats yearly, that Revenue was assigned to the Creditors of the Banks for Payment of the Third Part of their Credit, of which they received another Third Part in ready new-coined Money; and the Revenue proceeding from the Tax upon Foreigners, was assigned to the Farmers for Payment of the Silver furnished by them for the new Coinage. To these Regulations was added the lowering of the Interest of Money, which had been raised to an intolerable Degree; so that there was a little Respite from Troubles, and Commerce began in some measure to be restored.

BUT in the following Years new Emergencies involved both the Kingdom and the Duke into great Trouble. In 1624. the Crop was so bad, that the City was reduced to the utmost Distress. To the Scourge of Dearth was added the Fear of a Plague, which was making a great Havock in the neighbouring *Sicily*; but what created the greatest Uneasiness to the Duke, was the War betwixt the Duke of *Savoy* and the Republick of *Genoa*, about the Marquisate of *Zuccarello*, in which War the Republick employed in its Service our Colonel *D. Roberto Dattilo*, Marquis of *S. Caterina*, the Son of Major *D. Alfonso*, who had made himself famous for his Courage in the Wars of *Flanders* and elsewhere, and gave him the Command of the mercenary Troops. Besides this, there was another War in the *Valt line*, to both which, by the King's Order, the Duke was obliged to furnish both Men and Money. In order to support these Wars, Money was the chief Thing wanted;

but



but the late Misfortunes in a Government without Oeconomy, always profuse, and committed to Favourites, who, not as faithful Stewards, but as Hirelings, did not mind the Calamities of the People, had not only impoverished the Subjects, but the Sovereign; and the Exchequer was no less drained than the Purses of the People; but for all that, the *Count Duke* pressed the Viceroy to send Supplies both of Men and Money. In order to comply with these Demands, it behoved the Duke to use gentle Methods, and that were least burthensome to the Subjects; for which End, at two different Times in one Year, the Revenue that had been assigned to the King's Creditors upon the Taxes and Royal Incomes was made use of, and an Equivalent given them out of the new Duty of five *per Cent.* received at the Custom-Houses; Twenty-five *per Cent.* was raised out of the Estates of Foreigners, and two *Carlini* out of each Family of the Kingdom.

IN order to raise Men, a Pardon was granted to all Delinquents, Out-Laws, and Banditi, who would list in the Service. The Troops being assembled, the Duke reviewed them on the Plain near the Bridge of *Maddalena*: Besides the *Spanish* Troops, and the *Italian* Regiments of the Colonels *Carlo di Sangro* and *Annibale Macedonio*, there were the Battalions of the Provinces of the *Hiber Principato* and *Pajilicata*, under the Command of Major *Marco di Ponte*; those of the *Contado di Molise* and *Capitenata*, under the Command of Major *D. Pietro de Solis Castelbianco*; that of the *Further Principato*, under the Command of *D. Antonio Caraffa*, a Knight of *S. John*; that of *Terra di Lavoro*, commanded by Major *Vespasiano Suardo*; and that of *Terra di Bari*, commanded by Major *Giantommaso Blanco*.

BESIDES these, there were other Six thousand Men raised by the Corporations of the Kingdom, proportionable to the Number of Families, and these were likewise sent under the Command of the Colonels *D. Antonio del Tufo* and *D. Roberto Dattilo*, the same who was afterwards employed in the Service of the *Genoese*, as we have already told; and *D. Ettore Ravofchiero*, Prince of *Satriano*, had some other Troops under his Command.

BESIDES these Expedients made by the Duke *D'Alba*, he procured a Donative from the City of *Naples* of 150,000 Ducats, for the Charges of these Wars, towards which many of the Nobility and Knights of *Naples* likewise contributed. And the Duke was obliged not only to support the Wars of *Italy*, but to send both Men and Money out of the Kingdom as far as *Flanders*.

NOR was the *Count Duke* satisfied with this; for as the Wars of *Italy* were still going on, and others daily hatching, he had sent an Order to the Governors of all the Dominions which the King possessed on this Side of the *Alps*, to have Twenty thousand Foot, and Five thousand Horse, even in Time of Peace, ready to be employed where-ever the King should have Occasion for them, and to provide a sufficient Fund for maintaining them. But the Viceroy having laid this Order before the Council of State, it was resolved, that it should be represented to the King, that this would be an intolerable Burden to the Kingdom, so much oppressed already; and that to add more, particularly in Time of Peace, would be an Oppression that would render the Kingdom incapable of serving him afterwards in Time of War, and upon the most urgent Occasions.

AT the same time our Coasts were infested by the *Turks*, who, taking Advantage of the Absence of our Fleet, appeared in our Seas, and some Gallies of *Biserta* took six Ships off *Monte Circello*, that were going to load Corn for the Provision of the City; then they attacked the Town of *Sperlonga* near *Gaeta*, the Castle of *Abate*, and the Tower of *Licosa*. Other fourteen *Turkish* Vessels infested the Coast about the Cape of *Otranto*; and if the Marquis of *S. Cruz* had not come hither and chased them off the Coast, they would have done much more Damage.

LASTLY, to complete our Misfortunes, in the Month of *March* 1626. so terrible an Earthquake was felt in the City of *Naples*, and many other Parts of the Kingdom, that the City was full of Horror and Amazement. In the Month of *April* following, another yet more terrible was felt in *Calabria*, which did great Damage to *Catanzaro*, *Girifalco*, and other Cities. But in the Year 1627. there was one still more violent felt in *Puglia*, where it overthrew many Cities, and made so great a Slaughter of the Inhabitants, that there not being Room for burying them, to prevent the Air from being infected, their Bodies were burnt.

SO troublesome and full of anxious Cares was the Government of the Duke *D'Alba*; but for all that he was never in the least discouraged, nor did he fail, by

his Courage and Constancy, to expose himself to all Dangers. In the Midst of so much Trouble, his Magnanimity and Generosity appeared upon all the Occasions that offered during his Government, as well in the publick Rejoycings on account of the Queen's being brought to Bed of a Daughter, and in the Solemnity performed in the Royal Palace, of investing the Princes of *Roccella*, *Avellino*, and *Bisignano*, with the Order of the Golden Fleece, as upon the coming to *Naples* of Prince *Ladislaus*, the Son of *Sigismund III.* King of *Poland*, and of other Lords and the King's Ambassadors, who had all been at *Rome* to partake of the Jubilee of the Year 1625. But above all, his Magnificence shined most in beautifying the City with new Edifices, and in repairing and enlarging the Old. He raised the Tower of the Light-House on the Mole, to that Height it is at present: He built a Bulwark at the Point of the Mole with four Towers, for the Defence of the Harbour; and he opened that magnificent Gate, which from his Name is still called *Port' Alba*, for the Conveniency of those that had Occasion to go to the Courts of Justice. He built the Bridge upon the River *Sele* in the Territory of the City of *Campagna*, another in the City of *Otranto*, and a Third upon the River *Garigliano*, for the Conveniency of Travellers. By reason of the Fear, occasioned by the Plague then raging in *Sicily*, he ordered the Lazaretto to be removed from the Place where it then was near *Posilippo*, to the Place where it now stands hard by *Nisita*. He likewise caused the Water of *S. Agata* and *Airola* to be brought into *Naples*, for the Use of the Citizens and the Fountains of the City, especially the Fountain near the Royal Palace, which he beautified. Besides, for a greater Ornament to the City, he opened a new Fountain in the Street *S. Lucia*, and enlarged the Street of *Mergellina*, that those who were Sea-sick might go conveniently by Land. He beautified the Royal Palace with Pictures drawn by the famous Painter *Belisario*. But above all, the Kingdom is most indebted to him for his having ordered the Regent *Carlo Tappia* to finish the State of the Revenue, and the Charges of all the Corporations of the Kingdom, and limit the Sum they were to spend yearly in the Publick Service, which, in a great measure, prevented the Managers from imbezzling the Publick Money. Much is likewise owing to him, for having in 1626. ordered *Bartolomeo Cbioccarello* to make that Collection of all the Writs concerning the Royal Jurisdiction, which he put into 18 Volumes, and which afterwards, in 1631. by Order of King *Philip IV.* he delivered to the Visitor *Alarcon*, to be carried to *Spain*, where they are preserved by the Supreme Council of *Italy*.

BUT while the Duke *D'Alba*, with universal Applause, was governing the Kingdom, having scarce finished the sixth Year of his Viceroyalty, Advice came to him that the Duke *D'Alcala* had been appointed by the Court to be his Successor; at which he was very much grieved, and though he could not shun going, yet he found Means to delay it; insomuch that *Alcala* having left the Court, and being arrived at *Barcelona*, where he waited for the Gallies to embark, but these never arriving, he was forced, after having, for his Subsistence during so long a Stay, pledged his Plate which he was carrying with him for his own Use, to take shipping in a Galley of *Malta*, which unexpectedly brought him within Sight of *Naples*.

ON the 26th of *July* 1629. *Alcala* landed at *Posilipo*, and was lodged in the Palace of *Trajetto* by the Prince of *Cariati*, where, together with his Dutches, the Marquis of *Tariffa*, his eldest Son, and all his Family, he was magnificently entertained. The Duke *D'Alba* was then lying Sick a-bed of a violent Nephritick Cholick, and the new Viceroy went to visit him; but notwithstanding his Illness, he did not neglect to apply himself to Business; and afterwards being recovered, and having returned *Alcala's* Visit, on the 8th of *August* he went to *S. Lorenzo* to put an End to the Parliament that had been already begun, which, by the Indisposition of *D. Giovan-Vincenzo Milano* the Syndick, had been adjourned. In these last Days of his Government he obtained a Donative of 1,200,000 Ducats from the Barons and Cities of the Kingdom, remitting all the old Debts they were owing to the Exchequer; and besides he obtained a Free Gift for himself of 75,000 Ducats. He still continued to govern, and to bestow many Favours, and dispose of several Military and Civil Posts; and in the mean while *Alcala* was passing away his Time in Devotions, and doing Acts of Charity at *Posilipo*. At last, on the 16th of *August*, the Duke *D'Alba* set out, leaving behind him the Character of a Just, Good, and Prudent Viceroy, as may be seen by the wholesome Laws he left us, which are to be found in the Chronology prefixed to the first Tome of our Statutes.



## C H A P. II.

### *Of the Government of D. Ferdinando Afan de Rivera, Duke D'Alcala.*

**W**HEN this new Duke *D'Alcala* came to the Government, the Affairs of the Kingdom were reduced to such a wretched State, that he could ill follow the Footsteps of the other Duke *D'Alcala*, his Predecessor. The most skilful and prudent Minister would have been to seek in the midst of so many Disorders and Calamities. Although there was no War in the Kingdom, yet that of *Lombardy* occasioned more Mischief to it, than if a War had been carrying on in the very Heart of it. The *Turks* continued to infest our Seas, nor was there any Body to oppose them, because our Forces being employed elsewhere, little or no Resistance could be made. For the same Reason the *Banditi* never left off plundering the Country, and sometimes even wall'd Towns. The Earthquakes, the new Fears of a Pestilence, and other Misfortunes, put all in Consternation and Confusion.

**T**HOSE, who ought to have reliev'd us, did us the most Mischief. The King, being guided by his Favourite, did not mind us; and the *Count Duke*, who governed the Monarchy, had laid his greatest Strefs upon the Kingdom of *Naples*, for supporting the Wars of *Lombardy*. Notwithstanding that by the continual Oppressions it was so much exhausted and wasted, yet he never left off demanding Supplies of Men and Money, whereby the Viceroy and the Subjects were reduced to great Hardships; at last, in some measure, to supply the Necessities, an Expedient was fallen upon of suspending the Payment of the Sums assigned to the King's Creditors upon the Revenues of the Kingdom, and of taking 40000 Ducats out of the Revenues of the Custom-house; but that not being sufficient, the Viceroy was obliged to ask a voluntary general Contribution, which he regulated in such a Manner, that no Person was to give above a Thousand Ducats, and none less than Ten; by which Means the Nobility, Barons, and even the Advocates, down to the *Mastrodatti* and Clerks were obliged to empty their Purfes into the Viceroy's Hands, who thereby raised a vast Sum, which enabled him to support the War, both with Men and Money.

**F**OR which End the Viceroy appointed three Colonels to raise three Regiments, which were *D. Giovan D'Avalos*, Prince of *Monte Sarchio*, who afterwards, on Account of the Death of two of his Children, demitted in Favour of *D. Luzio Caracciolo di Torrecuso*, who was his Major, *Carlo dello Gatta*, and *Mario Cafarelli*. The Prince of *Sairiano* raised a Regiment of Twenty two Companies at his own Charges, all which went to serve in the *Milanese*, besides Six Hundred *Spaniards*, many Companies of the *Militia*, and the Regiment of *Mario Galeota*, which had embarked first of all, and had got as far as *Gaeta*, where it was stopped many Months, by contrary Winds.

**B**UT to what Purpose? These Succours, which, considering the Poverty of the Kingdom, from whence they were sent, might be termed powerful, in the Twinkling of an Eye were destroyed in that ill-managed and always unfortunate War. The Viceroy, therefore, was anew pressed to send others; but how could he raise Money, now that he wanted Funds, and all the Sources being drain'd? Then it was resolv'd to sell the Cities and Lands belonging to the Crown, and to encroach

encroach upon the *Regalia*. The City of *Taverna* was sold to the Prince of *Satriano*, that of *Amantea* to the Prince of *Belmonte*, the Village of *Frattra* to *Medico Bruno*, those of *Miano* and *Mianello* to the Countess of *Gambatosa*, *Marano* to *D. Antonio Manriquez*, Marquis of *Cerella*, and some more Places to other Persons: This occasion'd prodigious Disorders, for those Citizens, accustomed to be the King's immediate Vassals, abhorring the Servitude, which they might expect under the Barons, were so incens'd, that the Inhabitants of *Amantea* and *Taverna* shut their Gates upon the Buyers, refusing to give them Possession, and stood their Ground so well, that having entered an Action at Law, by paying down the Price, they were continued in the King's Demains.

THE Coming of Queen *Mary*, the King's Sister, who was going to her Husband *Ferdinand* of *Austria*, King of *Hungary*, completed the Impoverishing of the Exchequer and the Corporations of the Kingdom. She, afraid of the Plague that was raging in *Lombardy*, accompanied by the Cardinal *de Guzman*, Archbishop of *Seville*, and the Duke *D'Alba*, with a splendid and numerous Court, came by the Way of *Naples*: It was thought, that the Duke *D'Alba*, in order to eclipse the Authority of the Viceroy, made her take that Road; and for that End perswaded the Queen to delay her Journey; for having landed at *Naples* in August 1630, she remained there four Months, and all the Time was most splendidly entertained with Feasts and Tournaments, as became so great a Princess. Pope *Urban VIII.* sent Monsignor *Serra* to present the Queen with the Golden Rose; and he continued with her as his Holiness's Nuncio: the Count of *Monterey*, the King's Ambassador at the Court of *Rome*, came to kiss her Hands, as did many other Lords and Princesses. There was no Mention made of departing, and in the mean time, this Delay fell heavy upon the Royal Patrimony: many Horses and other Beasts of Burden were ordered to be brought, and the Corporations of the Kingdom were forced to maintain them and their Guides. The Exchequer was already empty, so that to supply the Charges, the Viceroy was obliged to make Use of the King's Revenues that had been assigned to particular Persons, and that not being sufficient, he borrowed vast Sums of the Banks. The Count of *Francburg*, the German Ambassador, press'd the Queen to pursue her Journey, and perceiving, that she rather delayed it for that, at last he begg'd of her, that, since she had no mind to go, she would allow him to take his Leave of her. The Viceroy himself took upon him to say to her, that he wish'd she would be pleas'd to let him know her Resolution; because if she had a mind to delay her going, he would dismiss the Horses, and put a Stop to the other Preparations, which *D. Francisco del Campo* the Purveyor General had Orders to make: though the Viceroy did this purely out of Zeal for the King's Service, yet the Duke *D'Alba* made a Handle of it for getting him to be removed from the Government, of which hereafter.

BUT what also occasioned the Delay was, that the Queen intending to go to *Trieste* with the same Spanish Fleet, joined by the ordinary Squadrons of the Italian Princes, that had brought her to *Naples*, the *Venetians* oppos'd it, as an Incroachment upon their pretended Dominion of the *Adriatick* Sea; and they offer'd either the whole, or a Part of their Fleet, for conveying her to *Trieste*. The Spanish Ministers reject'd the Offer, threatenng to go in spite of them; but the *Venetians* having boldly declared, that if the *Spaniards* were resolv'd to prefer the Force of Arms to their friendly Offer, the Queen must fight her way to her Wedding through Fire and Smoak; the *Spaniards* thought fit to delay the Voyage, till they should receive new Orders from the Court, which shamefully submitting, accepted of the Republick's Offer. So that at last, on the 18th of *December* this Year 1630. the Queen set out, and, by the way of *Puglia* and *Abruzzo*, entered the State of the Church, and went to *Ancona*: from whence *Antonio Pisani*, the *Venetian* Admiral, with thirteen light Gallies convoy'd her to *Trieste*.

IN the mean Time the Duke's Government was made very uneasy to him by the frequent Descents made by the *Turks*, who plundered the maritime Places; and the Gallies of *Biserta* put the Coast of *Salerno* into such Confusion, carrying off many into Slavery, and setting Fire to the Town of *Agropoli*, that the Viceroy was forc'd to send eight Gallies to chase them off the Coast: Some Domesticks belonging to the Duke *D'Atella*, in going to his Estate in *Calabria*, were made

<sup>1</sup> Nani, *Istor. Ven.* lib. 8.

Slaves by the *Turks*, but they had the good Fortune to be set at Liberty by the *Florentine Gallies*.

THE *Banditi* were likewise committing terrible Devastation in many Parts of the Kingdom, infomuch that the Viceroy was obliged to send *D. Fernando de Ribera*, his natural Son, with the Title of Vicar-General of all the Kingdom, with full Authority to extirpate them, and visit the Fortresses. The Earthquake that was felt on the 2d of *April* this Year 1630. occasioned great Fear and Consternation; but the Plague, which was making terrible Havock in *Lombardy*, and which broke out many times in the Borders of the Kingdom, struck much greater Terror. To these was added a Report, that some profligate Wretches were travelling up and down *Italy*, who contriving new Sorts of Death, with an Artificial Pestilence, did what in them lay, to extinguish Mankind, by poisoning the Water in the Churches and Streets, and in that manner went about spreading the Contagion. Although the Imaginations of the People, disordered by Fear, fancied many Things; however the Crime was discovered and punished, there being still remaining in *Milan* Inscriptions and Monuments of the Houses that were razed, where those Monsters met; wherefore it was ordered, that strict Guard should be kept over all the Kingdom, and that no Person should be suffered to enter it without sufficient Bills of Health.

THE Kingdom being in this Consternation, every Thing went to wreck. The little Justice that was administered in the Tribunals, and the filthy Avarice of some Judges, obliged the Viceroy and the Visitor *Alarcon* to suspend them. The Advocates cabal, and refuse to undergo the Examination appointed by the King, and leave off going to the Tribunals; and the Judges decide Causes without any Pleading; whereupon the Viceroy was forced to use Severities against the Advocates, to oblige them to resume their Calling. The Royal Jurisdiction being trampled upon, gives free Scope to the Ecclesiasticks to be more insolent; and the present Duke *D'Alcala*, so unlike the other, his Predecessor, suffers it, and does not chastise them, but, by mild Treatment, renders them more insolent, as may be clearly seen by what happened to the Auditor *Figueroa*. The Viceroy had sent a certain *Spaniard* with an Order to seize the Goods of some Inhabitants of *Nicotera*, which was put in Execution; but it being pretended, that among the Goods seized, there were some belonging to the Bishop, he, by his own Authority, ordered the *Spaniard* to be imprisoned. The President of the Province, in order to repair the Outrage committed, sent the Auditor *Figueroa* to *Nicotera*, to take him out of Prison; but in the mean time the Bishop had caused him to be removed to another Place under safe Custody: So that the Auditor being come to *Nicotera*, and having caused the Doors of the Prison to be broke open, he was disappointed, there being no Person there; and the Bishop, not content with having thus baffled him, because he had dared to break open the Prison, excommunicated him. *Figueroa*, not minding such Censures, which he looked upon to be fulminated without Reason, and therefore not to be feared, did not so much as think of getting himself to be absolved; but the Year being expired, he was cited to tell what his Opinion was of the Catholick Faith: He as little minded that Citation; but another Year being elapsed, he found, that the Inquisition of *Rome* had entred a Process against him, and by a solemn Sentence declared him a Heretick: Perhaps he would have taken as little notice of this; but the Inquisitors of *Rome* sent positive Orders to *M. Petronia*, Bishop of *Molfetta*, who was residing in *Naples*, with the Character of Minister of the Holy Office, by all means to put him in Prison. The Bishop, as Inquisitor, without acquainting the Viceroy, or asking of him the *Exequatur Regium* to the Orders sent him from *Rome*, having convened all the Serjeants and Beadles belonging to the Archbishop and the Nuncio, with whom he had concerted the Imprisonment; and knowing that *Figueroa* used to pass away his Time in the Convent of *S. Lewis*, belonging to the *Minimes*, without Regard to the Reverence due to the Place, much less to the Neighbourhood of the Royal Palace, ordered them to go immediately and arrest him. So flagrant an Outrage, committed in the Face of the Viceroy, provoked him to send a Company of *Spaniards* to curb so great Arrogance, who having set *Figueroa* at Liberty, brought him to the Royal Palace. At any other Time so scandalous an Insult would have been otherwise resented, and the Authors severely

punished; but the King's Ministers being met, nothing else was determined, but only to disarm all the Serjeants belonging to the Archbishop, the Nuncio, and the Inquisitor, therefore in one Night the Arms were taken from all the Ecclesiastical Courts, but the Bishop Inquisitor was not in the least punished. Notwithstanding this Moderation, the Court of *Rome* was not pleased, which taking Advantage of the Time, made a terrible Noise about this Sentence, and dispatched Monitories and Censures against those who had put it in Execution, and all that had advised and ordered it; which Censures disturbed the Feasts that were then celebrating in *Naples* on account of the Birth of Prince *Baltazar Carlos*, the eldest Son of King *Philip IV.* who afterwards removed the Fears by a Royal Writ, which he sent to the Viceroy, wherein, approving of what had been done, he commanded, that the Orders of the Holy Office of *Rome*, should by no means be executed in the Kingdom without the Knowledge and Permission of the Viceroy.

WHILE, by the Departure of Queen *Mary*, the Duke *D'Alcala* had resumed the Government of the Kingdom with more Freedom, Advice was brought him, that the Duke *D'Alba*, by the many Complaints he had made to the Court against him concerning his Behaviour to the Queen, had got him to be recalled. But it was not so much these Complaints that removed him, as that the Count *Duke*, who governed the Monarchy, having a mind to gratify the Count of *Monterey*, the King's Ambassador in *Rome*, doubly related to him, *Monterey* being married to his Sister, and the Count *Duke* to a Sister of *Monterey's*, greedily received the Accusations against *Alcala*, that he might have a specious Pretence. And that the Duke *D'Alcala* might be the less exasperated, to the King's great Expence, he ordered, that the Duke should come to Court to clear himself from what was laid to his Charge, not meaning thereby to deprive him of the Government, and therefore the yearly Salary of 24,000 Ducats was to go on; and that in his Absence the Count of *Monterey* should govern the Kingdom, and be allowed a Salary of 12,000 Ducats only: But the Duke never returned, except when he went to the Government of *Sicily*; and the Count remained six Years. Thus, the private Interest of the Favourite being preferred to the Service of his Prince, we lost the Duke *D'Alcala*, who setting out from *Naples* on the 13th of *May* this Year 1631. made way for *Monterey*, who had come to *Naples* on the 17th of *April*, and lodged at the *Chiaja* in the Marquis *Della Valle's* Palace, till the Departure of his Predecessor. The Duke was extremely beloved by the *Neapolitans*, who were grieved to the very Heart that he should have been so calumniated at Court. He left us twelve excellent Pragmaticks: He was a Terror to the Banditi, and those that harboured them: He forbid the *Seggi* of *Naples*, and all the Corporations of the Kingdom, to assign Salaries, or make Donations, even for pious Uses, without having first obtained the Assent and Permission of the Viceroy: He reformed the University, and ordered, that the requisite Age for receiving the Degree of Doctor should not be dispensed with: He made many Regulations concerning the Office of Commissary-General of *Compagna*; and made other prudent Provisions, which are set down in the so often mentioned Chronology.





## C H A P. III.

*Of D. Emanuel de Guzman, Count of Monterey; and of the innumerable Succours of Men and Money which were sent out of the Kingdom during the Time of his Government.*



THE Count of *Monterey* began his Administration with unlucky Omens, which portended a calamitous Government: in the Village of *Vomero* a Woman brought forth a strange Monster: In the Beginning of this Year a frightful Comet appeared; but the Earthquakes, the terrible Irruptions, the horrid Clouds, the surprizing Torrents of Fire, and the dreadful Showers of Ashes, which in the Night of the 15th of *December*, Mount *Vesuvius* began to throw out, not only filled the City and Kingdom with Fear and Horror, but p<sup>r</sup>esaged other Mischiefs, and new Calamities. The Mountain vomited Flames, with so great Violence, that *Naples* was like to be either swallowed up by the Earthquakes, or buried in the Ashes. The Shocks threw down the Houses, stopt the Course of the Rivers, beat back the Sea, and opened the Mountains. At last, by opposite and horrible Effects, the Water, Flames, and Ashes were exhaled, whereby not only some neighbouring Places were ruined, but the Air was so rarefied, that every Body was like to be suffocated. But Heaven being pacified by the publick Penances, such a fresh Gale of Wind blew from the opposite Point, as drove them over the *Adriatick*, as far as *Cattara*, and other Places of *Albania* and *Dalmatia*; and at last the sulphureous Matter in the Bowels of the Earth being consumed, the Fire went out.

BUT the greater Calamities, occasioned by the Wars of *Italy*, were not as yet at an End. The *Count Duke*, more famous than fortunate, by the unhappy Success of the *Spanish* Arms in *Lombardy*, saw, that the Ministers of that Monarchy had lost that Authority in *Italy*, which they formerly used to have there to that Height, that they often, with an imperious Tone, commanded the Duke of *Savoy* himself to disarm. At this Time the *French* had screwed themselves so far into the Affairs of it, that they made the Dukes of *Savoy* and *Mantua* their Dependants, the first by making *Pinarola* a Bridle upon him, and the last by keeping Possession of *Casale* and the *Moufferrat*; and the other Princes, some out of Inclination, and some for Profit, had kept themselves in suspense between the Crown of *Spain* and the *French*. It was also thought, that Pope *Urban VIII.* having been formerly Nuncio in *France*, and being that King's Godfather, was inclined to favour him, and to thwart the *Austrian* Interest; and Cardinal *Antonio Barberino*, his Nephew, having accepted the Protection of that Kingdom, with a great Pension, was no small Indication of it: And it was said, that when the *Germans* entered the *Mantouan*, the Pope asked Assistance of the Cardinals for driving them out of it; and that when Religion was reduced to the utmost Distress in *Germany* by the Hereticks, and trampled under Foot by the Arms of the King of *Sweden*, he did not concern himself about it, altho' Cardinal *Borgia*, in the Name of the Catholick King, in a publick Consistory, made pressing Instances for it. Besides, the Rebuffs which the *Spanish* Ministers received in *Rome*, obliged Cardinal *Sandoval* to leave that City in Disgust, and retire to *Naples*.

THE *Spanish* Ministers therefore, were exasperated to the highest Degree, and the *Count Duke* frequently exaggerating the Matter, said, that they should never enjoy

enjoy Peace till *Italy* was reduced to its former State. For which End<sup>1</sup>, it was resolved, that the Cardinal Infant, the King's Brother, should go to *Milan*, and from thence to his Government of *Flanders*, and that new Preparations for War should be made, and particularly that the Kingdom of *Naples* should raise Men and Money, and fit out Ships.

IN order to baffle the bad Intentions of the Pope, who, it was said, had sent a good Number of Troops to the Frontiers of the Kingdom, the Viceroy was obliged to send thither 1500 Horse, under the Command of *Annabale Macedonio*, Marquis of *Tortora*; and for providing the Kingdom with new Troops, to order all the Barons, and the King's Patrimonial Cities, to furnish a sufficient Number of Soldiers.

BY these Heart-burnings betwixt the Courts of *Rome* and *Spain*, the Royal Jurisdiction, which, with us, had been greatly depressed, gathered new Strength; for the Court of *Spain*, to revenge one ill Turn by another, sent the Bishop of *Cordova* and D. *John Chumacero*, with the Character of Commissaries, to demand the Reform of many Abuses which the Datary of *Rome* had introduced into *Spain*, and which created many Grievances in that Kingdom<sup>2</sup>, of which they had made a long List; and by a learned Memorial<sup>2</sup>, in Answer to another given in by *M. Miraldi*, Secretary of the Briefs, by the Pope's Order, they proved them to be abusive and unufferable; and it was thought, that they had private Instructions to demand a Council, and to put the Pope to a Non-plus by Threats and troublesome Demands, of which *Urban* being apprized, resolved, by spinning out the Time, to baulk the Designs; for which End, denying them Audience under the Character of Commissaries, saying, that that seemed to imply a certain Jurisdiction and Authority; what with that and other Difficulties and Delays, he put off the Business, and also cooled the Bishop, by giving him Hopes of Preferment; of which the King getting Notice, recalled him, and having given *Chumacero* the Character of Ambassador, while the Heat of Passion was abated, and the *Spaniards*, by Misfortunes, were grown more tame, the Affair dropt of itself.

IN the mean time, these Differences having encouraged the Viceroy and the King's Ministers, whenever Occasion offered they did not fail to proceed with Vigour; for some Priests having, in a cruel and barbarous Manner, killed the Governor of *Sala*, Brother to the Counsellor D. *Francesco Salgado*; although *Francesco Maria Brancaccio*, Bishop of *Capaccio*, in whose Diocese the Murder was committed, had taken Cognizance of the Crime, and condemned some of the Murderers to the Gallies, yet that being judged to be too slight a Punishment for so scandalous and heinous a Crime, by the Quality and Character of the Deceased, the Viceroy sent a Company of *Spaniards* to *Sala*, where they lived at Discretion, and used both the Ecclesiasticks and Laicks very roughly; wherefore the Bishop resenting this Treatment, by Monitories, D. *Carlo Brancaccio*, his Brother, was clapt up in Prison, and the Bishop himself was fain to fly the Kingdom, and take Shelter in *Rome*. The Bishop found his Account in this; for while he was at the Pope's Court, uneasy with Expences and Debt, having ingratiated himself into the Affections of Cardinal *Anionio*, the Pope's Nephew, for an Example to others (to be firm and constant in the Defence of the Ecclesiastical Jurisdiction, in hopes of being well rewarded) in a Consistory held on the 28th of *November* 1633. without expecting it, he was raised to the Dignity of Cardinal; and out of Contempt, the Pope conferred the Archbishoprick of *Bari* upon him, and sent him into the Kingdom to take Possession of it. But the Viceroy, terribly intraged at this, upon his Arrival, instead of giving him Possession, ordered a Galley to be made ready for him, and sent him back to *Rome*, with Orders never to return any more to the Kingdom; whereupon the Pope made a mighty Noise, and was highly displeased: And to this Affront others were added soon after; for some belonging to the Court caused a Canon of the Church of *Pozzuolo* to be murdered; and there being a Criminal in the Prison of the Vicariate, who, because he had been taken out of the Church of *S. John a Mare*, pretended that he ought to be returned to the Church; while the Point of Returning was debating, he committed a new Crime in the very Prison; whereupon the Viceroy, on the Night of the 19th of *April* 1633. caused

<sup>1</sup> Nani, Istor. Venet. lib. 9.

<sup>2</sup> Memorial given in by D. *Fray Domingo Pimemel*, Bishop of *Cordova*, and D. *Juan Chumacero y Carillo*, &c. to his Holiness P. *Urban VIII.* in the Year 1633.



him to be hanged upon a Gallows which he ordered to be set up before the Palace of the Vicariate, fighting the Sollicitations of the Archbishop, and the Censures which he caused to be thundered out against those who had put the Criminal in Prison.

BUT this vigorous Way of Proceeding was of short Duration among us; for by the bad Success of the King's Arms, the *Spaniards* growing still more tractable, they were forced to employ all their Art for gaining the Friendship of the Pope and the other Princes of *Italy*; and seeing the *French* Ministers never left off instilling Jealousy in the Minds of these Princes, and exhorting them to join together, and, under the Protection of their Crown, to drive the *Spaniards* out of *Italy*: On the other Hand the *Spaniards* proposed great Advantages to them all. To the Great Duke of *Tuscany*, a large Pension; to the Duke of *Modena, Correggio*; to the Duke of *Parma*, the Office of General of the Sea, and a Viceroyalty; and, above all, in order to give Reputation to their Arms, they were very earnest in augmenting their Armies with fresh Recruits both of Men, Money, and other military Provisions which they expected from *Naples*.

THE Count of *Montreux* therefore, having constant Demands upon him of new Succours, ordered a hundred and fifteen Companies of Foot, consisting of 230 Men each, of the new Militia, called *Del Battaglione*, to be incorporated; and easing the Men at Arms of maintaining two Horses, he reduced sixteen Troops of them to Cuirassiers, and augmented their Number to 60 Men each Troop, besides the Officers. Moreover, in *November* 1631. the Prince of *Belmonte* marched to the *Milanese* with a Regiment of *Italians* of fourteen Companies, raised at his own Charges; and in the Month of *January* 1632. another Regiment of 1600 *Italians*, commanded by the Marquis of *Torrecurso*, took the same Route. In *July* 1633. there were likewise sent to *Milan* 4500 Foot, under the Command of the Colonels *Luzio Borcattazola* and *D. Gaspare Toraldo*, besides 1000 Horse, commanded by the Quarter-Master General *D. Alvaro di Quinones*, with which the Duke of *Feria*, the Governor of *Milan*, marched into *Alsace* to relieve *Brisac*.

THIS Kingdom was reserved not only for furnishing Supplies of Men and Money for the Wars of *Italy*, but likewise for those of *Flanders, Catalonia, and Germany*. In the Year 1632. 4700 Foot were embarked and sent to *Catalonia*, under the Command of the Marquises of *Campolattaro* and *S. Lucido*, besides eight Troops of dismounted Horse, with Money for mounting them in that Principality. In the Month of *January* 1633. 700 Recruits were sent to *Catalonia*, under the Command of Major *Ettore della Calce*, for filling up the *Neapolitan* Regiments which were in that Country.

IN the mean time the Cardinal Infant arrived at *Milan*, with the Title of Generalissimo of all the Armies of the Crown, *D. Girolamo Caraffa*, Prince of *Montenegro*, being appointed his Adviser, who soon after died, and was succeeded by *Fr. Lelio Brancaccio*, who immediately went to *Milan*, whither the Viceroy quickly dispatched *D. Gaspare d'Azvedo*, Captain of his Guards, to pay his Respects to the Infant; and in the Month of *May* 1634. he sent him such Succours, that the like had never gone out of the Kingdom; for he sent 6000 Foot, of which 1000 were *Spaniards* of the Regiment of *Naples*, commanded by *D. Pedro Giron*; the rest were *Neapolitans*, commanded by the Prince of *S. Severo* and *D. Pedro de Cardenas*, Colonels. The Marquis of *Tarazona*, Count *D' Ajala*, commanded a thousand Horse, and was General of this powerful Reinforcement, which made the Cardinal resolve to march into *Germany*, where, having joined the Troops of the Crown with those of the King of *Hungary* and Duke *Charles* of *Lorraine*, he fought that famous Battle of *Norlingen*, wherein the *Swedish* Army was routed, 8000 of them were killed, and 4000 taken Prisoners, besides 80 Pieces of Cannon, and 200 Colours. The Anniversary of which Victory is solemnized every Year on the 8th of *September*, as a Memorial, that thereby the rest of *Germany* was preserved from Heresy, and the Invasions of the *Swedes*, and shortly after it occasioned the taking of *Ratisbone*.

BUT the Succours did not end here, the Kingdom was obliged to furnish greater for the Defence of the *Milanese*, threatened by the *French*. First, it behoved the Viceroy to provide the Marquis of *S. Croce*, Lieutenant-General of the Sea, with ten great Ships, with 2200 *Neapolitans*, and great Store of Provisions, sent under the Command of the Admiral *D. Francesco Imperiale*, and eighteen Gallies,

with 2000 Spaniards, and 1300 Neapolitans, commanded by the Colonels D. Gaspare Azevedo and D. Carlo della Gatta; and in the Year 1635. before the King of France attacked the Milanese, the Viceroy was obliged to send to Lombardy 2800 Foot, divided into two Regiments, commanded by the Colonels Filippo Sinola and Carlo della Gatta, and 1000 Horse, under D. Alvaro di Quinones the Quarter-Master General, with the necessary Money for hiring 4000 Swiflers, in the Cantons that were in Alliance with the House of Austria. In the mean time the Fleet was ready to sail, and it was composed of 35 Gallies, and ten large Ships, in which were imbarked 7500 Spanish and Neapolitan Soldiers. There were 2900 Spaniards, of which 2300 were of the Regiment of Naples, commanded by Azevedo, and 600 belonged to the Island of Sicily, under the Command of D. Michele Perez d'Egea. The rest were Neapolitans, divided into the three Regiments of the Colonels D. Giovan Battista Orfini, Luzio Boccapianola, and D. Ferrante delli Monti; and Fr. Lelio Brancaccio commanded the whole, with the Title of Colonel General. On the 10th of May this Year 1635. the Fleet set sail from the Port of Naples towards the West, and made but an unfortunate Expedition, being tossed by contrary Winds and Storms; infomuch, that the Marquis of S. Croce, having landed a good Part of the Troops in Savona for reinforcing the Army in Lombardy, where the French were besieging Valenza, he made no other Conquest but that of the Island of S. Margaret.

THE new Year 1636. produced fresh Alarms, which obliged the Viceroy to provide for the Defence of our own Kingdom. By the continual Fears that the French intended to make a Descent, an Augustine Monk, named Fr. Epifanio Fioravante of Cesena, being suspected of keeping a secret Correspondence with them, was arrested, who being put in Fetters, discovered, that the French intended to make a Descent in different Parts of the Kingdom, and that they even designed to attack the City of Naples; and besides, that the famous Bandito Pietro Mancino, in concert with them, was to make himself Master of Monte Gargano, in order to deliver it up to the Duke of Mantua, and to put all Puglia into Confusion. This being known, the Viceroy was obliged, at vast Charges, to fortify Barletta, Taranto, Gaeta, and the Port of Baja, where he caused two great Towers to be built; to repair the Fort of Nisita, and the Walls of Capua; to finish the Fortifications of the Island of Elva, commonly called Portolongone, formerly begun by the Count of Benavente; to provide all the maritime Places with Troops; and to fit out thirty Ships, and ten Tartans. And for the better guarding the City of Naples, he ordered 10,000 of the Citizens to take Arms, and gave the Command of them to D. Giovanni d'Avalos, Prince of Montesarchio. But Time discovered, that the French gave these Alarms, for no other End, but, by obliging the Kingdom to be upon its own Defence, to put a Stop to the continual Succours that were sent from it to the Milanese: So that the Viceroy having found out the Design, hastened new Succours, and imbarked for Lombardy, aboard of some Ships and Gallies, the Regiments of the Colonels D. Michele Pignatelli, Tiberio Brancaccio, Achille Minutolo, Giambattista Orfini, Pompeo di Genaro, Girolamo Tuttavilla, and Romano Garzoni, besides 1000 Horse which Giantommaso Blanco marched thither over Land. This strong Reinforcement encouraged the Marquis of Leganez to come to an Engagement with the Enemy near Tornavento, in which Girardo Gambacorta, of the Family of the Dukes of Limatola, General of the Neapolitan Cavalry, died gloriously, and Luzio Boccapianola had the same Fate near Vercelli.

SUCH frequent and powerful Succours had never been sent out of the Kingdom in any former Government, as were now in this of the Count of Monterey, not only to the Milanese, but to Catalonia, Provence, and elsewhere; and those who made it their Business to keep an Account of them, have computed the Number to be 5500 Horse, and 48,000 Foot; and that the Money amounted to the Sum of three Millions and a half of Crowns, besides what was spent in fortifying the Cities and other Places of the Kingdom, in levying so many Men, in the Naval Expeditions, in maintaining the Island of S. Margaret, in building six Men of War and some Gallies, for augmenting the Squadron to the Number of sixteen, and in providing 208 Pieces of Cannon, 70,000 Fire-Locks, Musquets, and Pikes for the Infantry, and Pistols and Cuirasses for the Cavalry.

SUCH great and insupportable Charges were squeezed out of the Estates of the Subjects, and the Revenues of the Cities and Corporations of the Kingdom, which were

were continually forced to supply with new Sums the Occasions of so many unfortunate and ill-managed Wars, and the so great and constant Necessities of the Court of *Spain*; whence, in a great measure, proceeded the Debt of fifteen Millions, with which the Revenue of the City of *Naples* was burdened, the Interest of which was paid to the Creditors out of the Income arising from Customs belonging to the City. And that not being sufficient, the Revenues of Foreigners were frequently taken from them, and even those which had been assigned to the Natives upon the Royal Revenues. For this Purpose many other Duties were laid on, to that upon Meal, first five *Grana* \* were added, and then other seven upon each Bushel: To that upon Flesh, one *Grano* per Pound, and a *Carlino* upon each *Stajo* † of Oyl. This was not done without Opposition, considering not only the vast Sums drawn out of the Kingdom in a few Years, but that a great Part of the Money was pocketed up by others, and went not into the King's Coffers, and that the Necessities still increasing, the People were terribly oppressed; wherefore it was resolved to send *D. Tommaso Caraffa*, Bishop of *Volturara*, to the King, to beg of him to take Compassion of them, and to relieve them in their so great Misery and Distress; but these Messages, by the pressing Necessities, which were daily increasing, proved fruitless. There was an absolute Necessity for paying the 600,000 Ducats demanded by the Cardinal Infant; for maintaining the Troops that guarded the Kingdom; for raising Recruits for the Army, which the Court of *Spain* had sent into different Parts; for keeping up the Fleet, and maintaining the Islands of *S. Margaret* and *S. Honoratus* upon the Coast of *France*, till in the Month of *May* 1637. they were retaken by Famine.

\* The plural of *Grano*, a certain Coin in *Naples*.

† A Measure that answereth our Bushel.

HOWEVER, in the midst of so many Calamities, the Count of *Monterey* did not forbear to divert himself with Comedies and Hunting, to which he was much inclined; nor did he fail, in imitation of his Predecessors, to leave us noble Monuments of his Magnificence. He enlarged, and made more commodious, the Street of *Puglia*: He brought greater Plenty of Water to the Fountains of the City, and raised another upon the Wall of the Ditch of *Castelnuovo*; and he built that stately Bridge which joins the Ward of *Pizzofalcone* with that of *S. Carlo delle Mortelle*. The Countess, his Wife, likewise left us a lasting Monument of her Piety, by founding the Monastery of *Mary Magdalen*, for a safe retiring Place to *Spanish* Women, who forsaking their Sensual Pleasures, have a mind to lead a chaste Life.

BUT though the Count of *Monterey* had so well deserved of the King, by the many Succours he had sent, yet the *Count Duke*, for the Advantage of his own Family, had like to have recalled him before the sixth Year of his Government was expired. The Reason was, that the *Count Duke* was very desirous of having *D. Anna Caraffa*, Princess of *Stigliano*, married to the Duke of *Medina de las Torres*. This Lady, by the Death of *D. Antonio Caraffa*, Duke of *Mondragone*, her Father, and of *D. Luigi Caraffa*, Prince of *Stigliano*, her Grandfather, had been left sole Heiress of most opulent Estates. *Isabella Gonzaga*, her Grandmother, Daughter and Heiress of *Vespasiano Gonzaga*, Duke of *Sabionetta*, had likewise left her that Estate and Title; the *Count Duke* therefore, seeing that he could not perpetuate his Family in the Descendants of his Daughter, who had been married to *D. Ramiro Guzman*, Duke of *Medina de las Torres*, and had died without Children, was very ambitious to have a second Wife for his Son-in-Law, whom he had raised from a Gentleman to be a Duke, nothing inferior to his first. He made the King believe, that by means of this Marriage *Sabionetta* might be recovered, of which the Princes of *Italy* were now jealous; and therefore, though the Lady's Grandmother was obstinately bent against the Marriage, yet, by means of the Cardinal her Uncle, he carried it on with her Mother, who, upon the Promise of making the Duke Viceroy, readily consented: The young Lady, ambitious of being Vicequeen, likewise agreed to it; whereupon the Duke left *Spain* with the Character of Viceroy and perpetual Governor of *Castelnuovo*, and with a Squadron of *Spanish* Gallies arrived at *Naples*, where the Marriage was solemnized in the Princess's Palace near the Gate of *Cbiaja*.

IN the mean time the Count of *Monterey* was making ready to depart, but the *Count Duke*, having Advice that the Marriage had been consummated, wrote to *Monterey*, that it was not fit he should leave *Naples* at so troublefome a Juncture of the Wars of *Italy*, the sixth Year of his Government not being as yet out; so that the new-married Couple were baulk'd, and *Medina* was obliged to live in the Kingdom as a private Man, to the great Displeasure both of himself and Spouse, and much more of the Dutchess of *Sabionetta*, who, having always been averse to the Marriage, did not fail publickly to censure the *Count Duke's* Actions, and to blame the Simplicity of the Dutchess of *Mondragone*, the Cardinal, and of all her Grandchild's other Relations, who had suffered themselves to be bubbled by *Olivares*. But the Year being expired, and the *Count Duke* finding he could delay it no longer, sent an Order for giving *Medina* Possession of the Government. Thus did *Monterey* lay down his Office, after he had enjoyed it for the Space of six Years; and on the 12th of *November* this Year 1637. he retired to *Pozzuolo*, from whence afterwards he pursued his Voyage to *Spain*. He left us 44 most excellent Laws, whereby he adjusted the Tribunals, the Farming and Seal of the Revenues and Fiscal Estates, and the Interest and Value of Money: He prohibited Duels, and the Exportation of any Sort of Arms whatsoever, under severe Penalties: He made sundry Regulations for preventing the Frauds committed in the Custom-House and the great Magazine of *Naples*: He prohibited the Excess in Cloaths, Servants, and Coaches: He fixed a Reward of 3000 Ducats to be paid to whoever should kill the famous Bandito *Mancini*, besides the Power of pardoning four Persons: He took off the Duty upon *Paper* and *Tobacco*, though it was afterwards laid on again; and he left us many Rules for the Government and Discipline of the Soldiers of the *Battaglione*, and about conferring the Degree of Doctor both of Law and Physick, which may be seen in the so often mentioned Chronology.



## C H A P. IV.

### *Of the Government of D. Ramiro Guzman, Duke of Medina de las Torres.*



THE Government of the Duke of *Medina* (the same Occasions subsisting, or rather increasing) could not be less burdensome to the Subjects than the preceding. The unsuccessful Wars, which wasted the Dominions of the Monarchy of *Spain*, and were still carrying on, had already exhausted the Royal Treasury. Recourse was always had to our unfortunate Kingdom for Supplies of Men and Money, and without having the least Regard to the extreme Misery to which it had been reduced by the immense Sums drawn out of it in the Government of the Count of *Monterey*, new Supplies were demanded; therefore new Taxes and Duties were laid on, and the old augmented, particularly upon Silks, Salt, Oyl, Corn, Flesh, and Salt Provisions; as also upon Lime, playing Cards, Gold and Silver Thread, and upon all Contracts for Money lent both in the City and Kingdom. After the Custom of *Spain*, a Duty was laid upon stamped Paper, which behoved to be made use of in all Contracts and judicial Deeds, under the Pain of Nullity; although afterwards, as a Thing too odious, it was thought fit to suppress it. And Matters were carried to that Extremity, that it was proposed to lay a Duty of a *Grano* a Day upon every Inhabitant of the City of *Naples*, for the Space of four Years; and it was reckoned that, exempting the Ecclesiasticks and Whores, it would have produced five Millions

lions of Crowns: But afterwards, the Danger of putting such an Exaction in Execution being considered, and how intolerable this daily Burden would have been to the People, it was dropt.

HOWEVER a Tax of 200,000 Ducats was laid upon the Merchants for paying the Troops; the Villages all about *Naples* and *Nola*, and many other Places belonging to the King's Demains, that had not wherewithal to buy themselves off, were sold, lost the Privileges they enjoyed under the Royal Demains, and came under the Servitude of the Barons.

AND that nothing might be wanting, the Viceroy called a Parliament, of which D. *Ippolito di Costanzo*, a Nobleman of *Portaurva*, was Syndick, and a Donative of a Million of Ducats, was extorted from the Baronage and the Kingdom, in lieu of a Duty of five *Grana* on each Bushel of Corn, which was pretended to be laid upon all the Kingdom. Among so many Burdens and Duties, only that usually exacted in *Naples* from Whores, was taken off, which proved of great Advantage to the publick Tranquillity, because of the continual Scandal it occasioned.

BUT that the People, so much oppressed, might not be driven to the utmost Despair, it was resolved to send an Ambassador to *Spain*, to implore that the King, out of his Clemency, would be pleased to give some Relief to them in their so great Distress; and the Viceroy, likewise moved with Compassion, concurred in it, and *Ettore Capecepatro* was pitched upon by the City for that Embassy. The Kingdom was likewise reduced to a very pitiful Condition: Besides the many Taxes which impoverished the Inhabitants, it was seen that they daily dwindled away and were destroyed by Miseries and Misfortunes. The Fire of *Vesuvius* had made a terrible Havock among them; but above all, the Wars, which by Fatigue and the Sword cut off the Troops, had dispeopled the Kingdom: There had been an infinite Number sent abroad for recruiting the Armies, not only to *Lombardy*, *Germany*, the *Low Countries*, but to the Principality of *Catalonia*; and all these Expeditions having been attended with ill Success, few of them returned to their Families.

BUT the Earthquakes, which this Year 1638. laid *Puglia* waste, occasioned prodigious and irreparable Damage in *Calabria*. They were so terrible in these Provinces, that they overthrew the City of *Nicastro*, and the famous Church of *S. Euphemia*. Many other Places were likewise destroyed, such as *Nocera*, *Pietramala*, *Castiglione*, *Maida*, *Castelfranco*, and others of less Note. The City of *Cosenza* itself, with many of its Villages suffered extremely; *Catanzaro*, *Briatico*, and other Places underwent the same Misfortunes: In fine, there was not a Place in *Calabria* that did not suffer some Damage; and upon computing the Number of the Dead, it was found that above Ten thousand Persons had perished under the Ruins of the Houses; and the Counsellor *Capecepatro*, who was sent by the Viceroy to comfort these People (whom it behoved of Necessity not only to excuse from the Exchequer Payments, but to relieve them with large Alms, partly out of the Royal Revenues, and partly out of the *Monte della Pietà* \*, \* Charitable Banks, amounting to the Sum of 8000 Ducats) could, as an Eye-witness, declare the Miseries of those Provinces to the King. To these Calamities was added the Consternation into which a notable Impostor, named *Pietro Paolo Saffonio*, a *Calabrian* Physician, put these Provinces, who went up and down, giving out, that more dreadful Earthquakes were to happen; that not only the Kingdom, but the whole World would be shaken, the great Day of Judgment being near at hand; that the Sea was to break out of its Banks, swallow up the Fields, and drown the Cities; that the Heavens were to rain down Hail-stones of five Pound Weight each, and that the Mountains were to vomit out Flames for reducing the Universe to Ashes. These dismal Predictions, being partly verified by the late Earthquakes and Burnings of *Vesuvius*, put the Country People into such a Consternation, that believing *Calabria* was first of all to undergo these Desolations, which were to be the Fore-runners of the Destruction of the World, every Body deserted their native Country, and sought Shelter elsewhere; wherefore the Viceroy, in order to undeceive the Unwary, ordered *Saffonio* to be seized, and brought in Fetters to *Naples*, which was accordingly done, and then he was condemned to the Gallies.

THIS Province was not only afflicted by Earthquakes, but likewise infested by the *Turks* of *Barbary*, who having formed a Design of plundering *Loretto*, scoured our Seas with 16 Gallies, and pillaged the Sea-faring Men and the Coasts; inso-

much, that had not the *Venetians* blasted their Designs, they had done a great deal more Mischief †.

IN the mean time the *French*, always taking Advantage of the Disorders and Declination of the *Spanish* Monarchy, besides having counter-balanced the Power of the *Spaniards* in *Italy*, by the Encouragement given them by some Malcontents, had resolved to invade the Kingdom of *Naples*. By the Means of the Marquis of *Gevre*, the King of *France's* Ambassador in *Rome*, and of *Giulio Mazarini*, then a simple Prelate, afterwards Cardinal and Prime Minister of that Crown, they, with a Man of Quality of the Kingdom, had hatched a Conspiracy for surprizing the City of *Naples*, and the manner was already concerting in *Rome*; but one of the Conspirators having discovered the Design to the Viceroy, the Man of Quality was arrested in *Rome*, and being brought Prisoner to *Castelnuovo*, he was in all haste brought to his Trial, for which the Viceroy appointed a Juncto, which was composed of the Regent D. *Matthias Casanatte*, the Counsellor D. *Flaminio di Costanzo*, D. *Giovan-Francesco Sanfelice*, *Annibale Moles*, D. *Ferrante Mugnoz*, D. *Ferrante Arias di Mesa*, and D. *Diego Varelo*. *Partenio Petagno*, President of the Royal Chamber, was Attorney-General; and the Princes of *Rocca* and *Colle* were his Peers. *Pietro Caravita* and *Agostino Mollo*, famous Lawyers of these Times, were Advocates for the Prisoner; and the Viceroy sitting upon the Bench in the Assembly of the aforesaid Ministers, assisted by the Serjeant at Arms, with all the usual Solemnities, pronouncing the Sentence, he was condemned to be beheaded on a Scaffold. So, being first degraded, and stript of the Habit of the Knights of *S. John of Jerusalem*, he died an ignominious Death upon the Market-Place.

BUT though this Conspiracy had been discovered, yet the *French*, laying Strefs upon the Disaffection of the *Neapolitans* to the *Spanish* Government, did not fail to make an Attempt; so that in the Year 1640. a Fleet, under the Command of the Archbishop of *Bourdeaux*, having sailed from *Toulon*, and stopt some Days in the Ports of *Corfica*, and from thence, steering towards the Coast of the State of the Church, advanced to the Road of *Gaeta*, where it anchored, in hopes of being able to master that Fort; but being gallantly repulsed by the Cannon of the Castle, it continued its Course, and arrived in the Gulph of *Naples*.

THE Viceroy having considered the Danger, immediately sent D. *Francesco Toraldo*, and *Cesare di Gaeta*, Major of the Battalion of the Province of *Terra di Lavoro*, to the Borders of the Pope's Dominions, in order to guard those Frontiers; and he committed the Defence of the City of *Pozzuolo*, and the Territories of *Baja* and *Cuma*, to Colonel D. *Giovan-Battista Brancaccio*. He sent to *Salerno* Fr. *Giovan-Battista Brancaccio*, a Knight of *Jerusalem*, to assist the Prince of *Stratiano*, Governor of that Province, in the Defence of that Country: *Vincenzo Tuttavilla*, General of the Horse, was dispatched to *Gaeta*; and Major D. *Dione de Caraffa* had the Charge of guarding the Island of *Capria*. Then he assembled the Magistrates of the City, with the Deputies of the Wards, for getting ready the Artillery, in order to be planted on the Bulwarks: He convened the Barons, that they might be ready for the Defence of the Kingdom; and *Giovan-Battista Nauclerio*, the Elect of the People, offered 30,000 Men, all armed, for the Defence of the City. But Money was wanting, and it was found to be a very difficult Matter how to raise it.

WHILE the City was in great Perplexity about raising Money, in the Middle of *September* this Year, the *French* Fleet, composed of 34 Men of War, appeared in Sight of *Naples*, which put it in greater Confusion. The Cannon were immediately taken out of the Steeple of *S. Lorenzo*, and planted upon the Towers of *Carminc*, *S. Lucia*, and *Crocelle*, and upon the Mole: Some others were planted upon that part of the Hill of *Posilipo* which faces the small Harbour of *Nisita*, under the Direction of D. *Antonio del Tufo*, Marquis of *S. Giovanni*, and of the Colonel D. *Tiberio Brancaccio*; and other four Cannon were placed upon the Island of *Nisita*, under the Charge of D. *Antonio di Liguoro*, Governor of the said Island: *Scipione d'Assitto*, an old and gallant Soldier, guarded all that Coast called *De' Bagnuoli*. Eight thousand Burghers of *Naples* appeared in Arms, and were divided into 40 Companies, under the Command of D. *Tiberio Caraffa*, Prince of *Bisignano*, as their General. But what preserved *Naples* from greater Mischief, was the seasonable Arrival of D. *Melchior di Borgia*, with fourteen *Neapolitan* Gallies; to which

† Nani, Istor. Venet. lib. 11 Anno 1636

other four, that were bringing D. *Franco* *Milano* from *Sicily* on his Way to *Milan*, being joined, *Borgia* guarded the Sea, and prevented the Incurfions of the Enemy, who had made many Attempts to land on the Shore of the *Chiara*; but being repulfed by the Soldiers pofted there, and the constant Fire from the Batteries on the Hills and Towers, and at the fame time *Borgia* hovering about them with his Gallies, at laft they retired towards the Weft, and returned to *Ponza*, *Borgia* following them as far as the Promontory of *Minerva*. Thus were the *French* baffled in their Defigns, grounded upon the Hopes given them by the Malcontents, who had made them believe, that upon the bare Appearance of their Fleet, the People, difatisfied with the *Spanifh* Government, would rife in Arms, and introduce them into the Kingdom. But they had better Succels in bringing about the Revolutions of *Catalonia* and *Portugal*, the unhappy Ifsue of which, with refpect to us, we are now going to relate; for there being a cruel War kindled in the Principality of *Catalonia*, Supplies of Men and Money were obliged to be fent from our Kingdom to that long and expenfive Expedition.



## C H A P. V.

*The Principality of Catalonia withdraws itfelf from the King's Allegiance, and puts itfelf under the Protection and Dominion of France. The Kingdom of Portugal likewise fhakes off the Yoke, and proclaims the Duke of Braganza, King John IV.*



THE Monarchy of *Spain* was haftening to its Ruin, fo the *French* were full of great Defigns; whilft the Hopes of an univerfal Peace, which the Pope had undertaken to manage, were daily vanifhing; therefore, wearied of the Expences, and the ill Figure he made in keeping his Legate idle in *Cologn*, he recalled him. The Revolts of *Catalonia* and *Portugal*, which filled the *French* with greater Hopes and deep Defigns, rendered thofe Treaties of Peace more difficult afterwards.

THE *Count Duke*, who with abfolute Sway governed in *Spain*, not only the King, but his Dominions, managed Affairs with a moft haughty Temper, fevere Maxims, and violent Counfels. He had propofed to himfelf to raife the Power and Glory of the King equal to the Title he had made him affume of *Great*; but Fortune, by unhappy Events, fo ill backed his Defign, that the Splendor of the Crown was in a great meafure eclipsed, infomuch that the *Count Duke's* Enemies, with a *Spanifh* Witticifm, ufed to ridicule him, faying, that the King was *Great*, like a *Ditch*, which, by taking away the Earth from its Edges, grew the greater. Therefore Foreigners flood no more in Awe of the Power of *Spain*; and the Subjects, who, under the Shadow of Reputation and Profperity, had been accuftomed to reverence the fecret Springs of Government, began now by Degrees to defpife and hate both the King and the Favourite.

IT was plainly feen, that *Olivares* had a Defign not only to extend the Monarchy beyond its former Bounds, but in the Dominions thereof to make the King Abfolute, though in fome of the Provinces his Power was limited by the Laws, Privileges, and Agreement. What pushed him on to this, was the want of Men and Money for fupporting fo many foreign Wars, becaufe in being obliged to depend upon the Confent of the People, the Supplies did not anfwer the urgent Occafions.

Therefore

Therefore he resolved to abolish, or at least retrench the Liberty claimed by some, and especially the *Catalans*, who, being possessed of great Privileges, and exempted from many Taxes, preserved their Liberty with no less Zeal than they did their Religion. Some Years ago, the King having assembled the *Cortes* in *Barcelona*, they often refused to comply with *Olivares's* Demands, at which he being highly offended, ever after had it in his Head to depress and humble them. The Kings were wont to have a great Regard for the *Catalans*, on account of their natural Courage, and the important Situation of the Province, it being impenetrable by Sea for want of Harbours, and inaccessible by Land by reason of the Mountains; and these stretching a great way into the Country, and being divided into many Ridges, form as many Retrenchments and Bulwarks, in which are contained strong Forts, populous Cities, Towns, and a great Number of Villages: Besides, its Proximity to *France*, the Passes of the *Pyrenean* Hills, the Largeness of its Circuit, Populoufness, and the warlike Disposition of the People, rendered this Province both considerable and formidable.

THE Count Duke was watching an Opportunity to curb this Province at any rate; but when he fancied it was in his Power to do it, he did not consider that the Grandeur and Safety of all *Spain* were at Stake. The *French* still enlarging their Bounds on that Side, were in hopes to create great Disturbance, and particularly, by the Misfortunes that attend War, to irritate the People, which accordingly happened; for the *Spaniards* having lost *Salses*, in order to recover it, were forced to make *Catalonia* the Place of Arms, and to quarter the Army there: So that, if during the Siege, the Province was miserably oppressed by the marching of the Troops, their Dissoluteness afterwards seemed the more grievous, that these People had not been accustomed to it; for nothing was heard but Extortions, Wrongs, the Prophanation of Churches, the ravishing of Women, and Robberies: To which Disorders the Generals giving no Redress, made People believe, that *Olivares* winked at them in order to create an Opportunity, under the Pretence of Self-Defence, to put the Yoke upon that Province; and 'tis certain, that the Count of *S. Coloma* the Viceroy, being pressed, by his frequent Letters, to raise Men and Money in the Province, made use of a certain Sum of Money in *Barcelona*, which was at the Disposal of the City, without minding its Privileges, or waiting for the Consent of the States; and one of the Jurats, a Magistrate of great Credit, having a mind to oppose so much Freedom, and likewise to make pressing Instances for having the Licentiousness of the Soldiers restrained, the Viceroy imprisoned him. This was enough to provoke a People, who bore with Obedience, but did not as yet know what Slavery was; whereupon they all rose up in Arms, broke open the Prisons, and run up and down the Streets in so tumultuous a manner, that the Viceroy was in such Terror, that he thought of saving himself by Flight. Therefore he run to the Arsenal, where not finding himself secure, because the People having set fire to the Palace, were in search of him every where, he ordered a Galley to be haled ashore; but as he was going to imbarck, the Mob overtook him, and put him to Death. Then the People, partly struck with Terror for what they had done, partly between the Apprehensions of Slavery, and the Prospect of Liberty, betwixt Hope and Despair, judged, that there was no Room left for Repentance, nor the Royal Clemency.

THEREFORE having shaken off the Yoke, they run out into sad Extremities, and the Confusion not being able to subsist of itself, an independant Government was framed under the Direction of the *Council of a Hundred*, and the other antient Magistrates of the City. After this Example almost all the Principality was turned topsy-turvy, and in the Cities and Villages, there was a general Revolt, and the *Spanish* Inhabitants were murdered or chased away.

THIS unforeseen Accident perplexed the Count Duke, he durst neither discover it to the King, nor conceal it; but he endeavoured to make him believe, that it was nothing else but a popular Tumult, which would vanish of itself, or being quickly quelled by Force, would render his Authority more conspicuous; for by the Force of Arms the Rebellion would not only be suppressed, but likewise the Pride of the *Catalans*, and those Privileges, which made them so obstinate, might be abolished. But reflecting more sedately within himself upon the Importance of the Province, the Nature of its Situation, and the great Damage that would attend the introducing the *French* into it, he was at a Stand, whether he should  
make



make use of *Art* or *Force*. Nor was it certain, but that the other Kingdoms, particularly *Aragon*, might follow such an Example. First he tried, by the *Persuasions* of the old *Duchess* of *Cordona*, who was in great Esteem and Credit with the People of *Barcelona*, and by the means of the *Pope's* Minister, who resided there, to quiet the Minds of the Inhabitants, and still the Commotion; but that proving in vain, he resolved to employ such *Force*, and so quickly, that the People should neither be able to resist, nor the *French* to come to their Relief.

• THEREFORE he ordered the Army to be assembled, commanded the Feudatories, and invited the most suspected of the Nobility, particularly the *Portuguese*, that they might serve both as Soldiers and Hostages. However, the Provisions could not be got so soon ready, but the *Catalans* had Time, deliberately both to provide themselves, and send Deputies to *France* to seek Assistance. It cannot be expressed how greedily they were received by the Cardinal *De Richelieu*, then Prime Minister of *France*, who had artfully practised upon them before. He shewed them a great deal of Respect, and loaded them with Promises; but at the same time, taking Advantage of the Opportunity that offered, he did not only his utmost to foment the War in the Heart of *Spain*, but to reduce *Catalonia* to the Necessity of surrendering to the *French*. He sent Monsieur *De St. Pol*, with some Officers, Troops, and Cannon by Sea, in order to encourage the *Catalans*, and exasperate them against the *Castilians*; and he dispatched Monsieur *De Plessis Bessançon*, an eloquent and cunning Minister, to observe the State of Affairs, and the Disposition of the People.

ON the other Hand, the Count Duke having drawn together an Army of 30,000 Men, gave the Command of it to the Marquis *De los Velez*, a Native of *Catalonia*, and appointed to be Viceroy of that Province, towards which he was far from being disposed to shew any Favour, but rather Hatred and Abhorrence, because the People had razed his House in *Barcelona*, and confiscated his Estate. In the Month of *December* this Year, the new Viceroy marched to *Tortosa*, a City that had been a Complice in the Revolt; but either through the Inclination of the Inhabitants, or over-awed by the Army, was the first that submitted; he then advanced to *Balaguer*, many untenable Places surrendering as he marched. Though the Passes are so narrow here, that they may be defended by a small Number of Men, yet the *Catalans* had not the Courage to stand their Ground; so that the Marquis, breathing nothing but Terror and Severity, advanced to *Combruel*, which the Rebels had made their Place of Arms. Though the Place was but weak, it held out five Days, and then offering to capitulate, no Terms were granted, but to surrender at Discretion; the Town was given up to be pillaged, the Officers were hanged, and the Soldiers put to the Sword. This Severity created Despair every-where, particularly in *Barcelona*, where the Citizens encouraged one another to suffer the greatest Hardships, rather than to fall into the Hands, and under the Government of so cruel a Conqueror and exasperated Viceroy. Their Liberty and Safety being at Stake, they prepared for a Defence, *Monjou* was fortified; and the Danger being common, it was unanimously resolved to act with Vigour and Resolution.

NEVERTHELESS they were afraid of not being able to resist so powerful an Army without a strong Support. On the other Hand the *French* Ministers fomented their Fear, sometimes laying before them their imminent Ruin, and sometimes the Relief at hand; but setting forth, that it could not be expected the Crown of *France* would neglect its own Advantage in procuring that of another, they insinuated how much it would turn to their Account to oblige so great a King, both out of Honour and Interest, to protect that Principality. The Artifice took; for the Fear of Danger, and the Hopes of Assistance, induced the *Catalans* to give themselves up to the Protection and Dominion of *France*, upon these Conditions, that they should enjoy their Privileges, especially those of the Consent of the People to the laying on of Taxes, and of bestowing Church Benefices and Civil Posts upon the Natives, excepting that of Viceroy, which might be exercised by a Foreigner. To which they all consented; the greatest Part, for Novelties Sake; the Simple, out of a Notion of bettering their Fortunes; and the more Discerning, because they saw, that whatever happened, whether Liberty or Slavery, they could not continue long under the *French* Government. This fell out in the last Days of this Year, at the very Time that *Portugal*, having likewise shaken off the Yoke, revived the antient Title of the Kingdom by a new King.

## S E C T. I.

*The Kingdom of Portugal shakes off the Yoke, and withdraws itself from the Crown of Spain.*

THE antient Hatred which the *Castilians* and *Portuguese* bore one another, and that, like Heritage, had been transmitted from Father to Son, by the haughty Carriage and cruel Advice of the Count Duke, was at this Time much greater than when the *Portuguese* were forced to submit to the Dominion of *Castile*; so that they had been impatiently waiting for an Opportunity to change their present State. But the Power and good Fortune of the *Castilians* had hitherto, either prevented foreign, or dissipated domestick Designs; nevertheless their Uneasiness still increased, and they had the Dukes of *Braganza* in their Eye, who, being descended of *Edward*, King *Henry's* Brother, in the Opinion of many had the best Title, though they had been forced to submit to the Power of King *Philip*. The present Duke *John*, observing that the *Castilians* had their Eye upon him, shewed as if he had an Aversion to all manner of Business; and a few Years before, a Tumult having happened in some City, hearing his Name huzza'd, he contained himself with such Modesty, that he was looked upon to be equally averse from Ambition and Deceit. However, the Count Duke, considering both the Right of the Family, and the Affections of the People, besides the Riches and Estates, which exceeded the Rank of a Vassal, in order to make sure of him, invited him to Court, and with a pretended Confidence, bestowed Places and Titles upon him, which was believed to be designed rather to expose him to Dangers, than to do him Honour; particularly that in officiating his Office of Constable, he might have Occasion to go aboard the Fleet, or into some Fortrefs, where there might be private Orders for making him Prisoner. The Duke, by sundry Excuses, shunning to go to *Madrid*, carried himself so warily, that though he could not avoid being suspected, at least he eschewed the Dangers. The Count Duke made use of the Revolt of *Catalonia*, and of a Report, that the King was to go in Person to subdue it, for inviting the *Portuguese* Nobility, and among the rest, very pressingly, the Duke of *Braganza*, with all their Followers, to attend the King on so remarkable an Occasion: But the *Portuguese* laid hold of the very same Opportunity to revive their former Resolutions; insomuch that many, who in private Conversations were wont to lament, that a famous Kingdom, and extended to the four Parts of the World, should be reduced to a Province, and be an Addition to the Dominions of their inveterate Enemies, now considered how much the Nobility was oppressed, and the People trampled upon; and, by the Jealousy of the Count Duke, the Country wasted, the Grandees persecuted, the Privileges infringed, and that Shadow of Liberty, and seeming Decorum that were left to *Portugal*, quite vanished. Then, from complaining of the Times, proceeding to reproach themselves, as if the *Portuguese* wanted that Courage and Resolution, for which the *Catalans* were so much cried up; they imagined, that being governed by a Woman and an odious Minister, with few Garisons, and less Provisions, at a Time when all *Spain* was in Commotion, the Army divided, the King unable to resist in so many Parts, and *France* ready to give Assistance, they could with all Ease execute the most difficult Undertaking.

*MARGARET* of *Savoy* was at this Time Vicequeen, and the Affairs of the Government were managed by some *Castilians*, particularly Secretary *Vasconcellos*, who being a Creature of *Olivares*, and raised by his Favour, followed his Maxims, of humbling the Grandees, and exercising absolute Authority. In this State of Affairs, as for an Insurrection, there seemed to be more Danger in the Discovery, than in the Execution of the Design; therefore some Noblemen having met in the Garden of *Autan Almada*, and considered the present Conjuncture, they all resolved to engage in it, taking one another by the Hands, swearing Secrecy, and never to desert the Cause. They were something puzzled about what Form of Government they should pitch upon. Some, after the Example of the *Catalans*, were for establishing a Republick; but the Majority considered the Confusion that would result from the Change of Government in a Country accustomed to absolute Monarchy

Monarchy. Therefore they had recourse to *Braganza*, in whom, for supporting the Cause, and drawing in the People, the most essential Requisites, both of Right to the Kingdom, and eminent Rank, were to be found; therefore they sent, separately, *Pedro Mendoza*, and *Juan Pinto Ribero*, to offer him the Crown; but finding that the Duke started many Difficulties and Dangers, these Messengers endeavoured to remove all his Doubts, and *Pinto* particularly, to his Reasons and Intreaties, adding Threats and Protestations, declared to him, that even, will he will he, he should be proclaimed King; and besides that, his Obstinacy would draw certain Destruction and Ruin both on himself and others. The Duke, upon so great and unexpected a Prospect of the Crown, was staggered; but his Wife, Sister to the Duke of *Medina Sidonia*, being a Lady of a noble Spirit, spurred him on, by upbraiding him with preferring a frail Life to a Crown. Nor did the *French*, who were privy to the Design, fail to encourage him by secret Messages, and the Promise of powerful Assistance, making him believe, that the Crown would sit the more firm upon his Head, that the rest were tottering upon King *Philip's*; therefore he was induced to consent, and the Time and Manner of proclaiming him were concerted.

ALTHOUGH this Affair was carried on with great Secrecy, yet there being many concerned in it, the Vicequeen had some Inkling of it, and frequently advised the Count Duke of the private Conversations and Designs of the Conspirators; but he, apt to believe himself rather than others, was too late in giving Credit to the Advice. • Therefore on the first Day of *December* this Year 1640. many of the Nobility having gone to the Palace, in the Morning as the Clock struck Nine, which was the Signal agreed upon, at the firing off a Pistol, drew their Swords, and attacked the Vicequeen's Guard, who, fauntering about without Arms, expecting no such Thing, easily yielded. Having got Possession of the Palace, the Noblemen cried out *Liberty*, and at the same Time huzza'd *John IV.* King; and others, some in the Streets, and some from the Windows, and amongst these *Michael Almeida*, a reverend old Gentleman, encouraging the People, and stirring them up to take Arms, in a few Minutes the Multitude was so great, that, as if they had been all moved by the same Spirit, there was not one that dissented or waver'd. A Detachment of *Castilians*, that was marching to mount Guard on the Palace, was attacked by the Populace, and forced to fly. *Antonio Tello*, with some others, having forced their Way into the Apartment of *Vasconcellos*, who, upon hearing the Noise, had shut himself up in a Press, found him out, and having put him to Death, threw him out at the Window, that he might be a Gazing-stock to the People, and also to shew how little Blood the Revolution of a Kingdom cost. The Vicequeen, being in the Hands of the Conspirators, was treated with great Respect; but they obliged her to give Orders to the Governor of the Castle not to fire the Cannon, otherwise the *Castilians* that were in the City would be all put to the Sword. The Governor not only obeyed the Order, but immediately, either out of Fear or Necessity, surrendered, alledging that he was so ill provided, that he could not have defended himself if he had been attacked by the People. It was very surprizing to see a City, such as *Lisbon*, great, populous, and in Commotion, in so short a Time, not only Mistress of herself, but in such Order, and so quiet, that though nobody commanded, all Ranks of People, at the Name of the new King, readily obeyed.

JOHN, hearing that *Lisbon* had submitted, caused himself to be proclaimed King in his own Territories, and, on the sixth Day of the same Month of *December*, with unspeakable Pomp, made his Entry into that City, and having received the Oath of Allegiance from the People, he swore that he would maintain their Privileges. The News of this Event being spread over the Kingdom, there was not a Place that did not follow the Example of the Capital, with so much Unanimity, that the Government did not seem to be changed, but only the Name of the King, to the inexpressible Joy of the People. The Vicequent was conducted to the Borders, and some of the *Castilian* Ministers were kept Prisoners, as Hostages for the *Portuguese* that were in *Madrid*. The *Castilians* in the different Garisons, and those in *S. Gian*, a Fort by Situation impregnable, struck with Terror, marched out without Resistance. In the Space of eight Days, the whole Kingdom was reduced to a peaceable Obedience. Advice of this Revolution having been quickly dispatched by *Caravelle* to the *East-Indies*, the Coast of *Africa*, and the Islands belonging to the *Portuguese*, as if it had been expected, with unanimous Consent,

the *Castilian* Yoke was shaken off, and King *John IV.* acknowledged and proclaimed.

THE Count Duke finding, that instead of aggrandizing the Monarchy, it behoved him to look to its Safety, was at a Stand whether he had best turn his Thoughts, and make the greatest Push upon *Portugal* or *Catalonia*. At last he resolved to reduce *Catalonia*, hoping to accomplish the Undertaking in a short time; for he was afraid, that if he made longer Delay, the strong Holds of the Country, the Ferity of the People, and the *French* Assistance, would render it more difficult. On the other Hand, the Borders of *Portugal* being open, far from Assistance, the People less Warlike, and by being Master of *Lisbon*, the whole Kingdom might be subdued, he imagined, that the *Portuguese* being left in Security and Carelessness, would not think of fortifying themselves before-hand, and that the Nobility, naturally very haughty, at the Long-run would not bear the Command of one, who had sundry Rivals, and many Equals. The War then being carried on in *Catalonia*, the *Portuguese* had Time to settle their Government, so that *Olivares* was grievously out, and *Portugal* continues to this Day withdrawn from, and not in the least dependent upon the Crown of *Spain*.

THINGS being disposed for the Prosecution of the War in *Catalonia*, even in Winter, the Marquis *De los Velez* laid Siege to *Tarragona*, the second City in the Principality. The *Catalans*, animated by the *French*, despised both the King's Indignation and Arms, insomuch that they maintained a long War, which cost our Kingdom a great deal of Blood and Treasure, as well as the other Dominions of the Monarchy. For which *Medina*, our Viceroy, obtained a new Donative, fresh Troops were raised, and new Ships fitted out, whereby the Subjects and Corporations of the Kingdom were oppressed with new Taxes and Impositions.

BUT our Miseries not ending here, a new War, which likewise broke out at this Time in *Italy*, betwixt the Pope and the Duke of *Parma*, about the Duchy of *Castro*, put the Viceroy and Kingdom to new Trouble and Charges; and they would have been greater, if the *Spaniards* had not been cooled; and being taken up with their own Misfortunes at home, by the Revolt of *Catalonia* and the Loss of *Portugal*, they had no mind to meddle with other Peoples Concerns, except by Mediation and good Offices: The Viceroy, therefore, being required by the Pope to send the good Horse, stipulated in the Investiture of the Kingdom to be furnished, whenever the State of the Church should be attacked, refused to send them, because the Quarrel did not concern the Church, but the Pope's own Family<sup>1</sup>. Nevertheless, the Viceroy was obliged, at the Kingdom's Expences, to fortify the Garisons of *Tuscany*, and the Borders of the Kingdom on the Side of *Abruzzo*, whither he sent the Colonel-General *Carlo della Gatta*, and recommended the Defence of that Province to *Achille Minutolo*, Duke of *Belfano*, Governor thereof. Many Companies of *Germans*, brought by the Way of *Trieste*, were likewise sent thither, and afterwards were brought to *Naples* by Colonel *D. Michele Pignatelli*, and quartered in the Hospital of *S. Januarius*, without the Walls of the City.

BUT though the Kingdom wanted a breathing Time for repairing its own Misfortunes, yet the Demands of new Supplies for the *Milaneze* were still continued: It behoved the Viceroy to send thither 3000 Foot; and that the Corporations of the Kingdom might be put upon an equal Footing in the Payment of the Donatives made to the King, he ordered a new *Catasto* (a Book so called, wherein the Means of the Subjects are set down) to be made in each of them, and deputed an Officer of the Chamber of Accompts to see that the Payments were proportioned to every Man's Ability.

THIS Year 1644 the Banditi infested the Provinces, and interrupted Commerce more than ever; and the Regular Troops not being sufficient for suppressing them, the Viceroy was forced to send *D. Giuseppe Caracciolo*, Prince of *Torello*, with the Title of Lieutenant-General of *Campagna*, to curb their Insolence.

<sup>1</sup> Nani, Ist. Venet. lib. 12. Anno 1643



## C H A P. VI.

*The Fall of the Count Duke, and consequently that of the Duke of Medina, who yields the Government to the Admiral of Castile his Successor.*



UT while *Medina*, in order to prolong his Government, which had already lasted six Years and some Months, was managing a new Donative for the Court, Advice was brought him, that the King had appointed the Admiral of *Castile*, who was then Viceroy of *Sicily*, to be his Successor. The Count Duke having incurred the King's Displeasure, by Consequence the Duke underwent the same Disgrace and Change of Fortune. The grievous Loss of *Catalonia* and *Portugal*, in a great measure imputed to the violent Counsels of *Olivares*, had cooled the King's Affection for him; either it was, that the continual Misfortunes made him hate the unhappy Director of Affairs, or he had found out, that the Favourite had imposed upon him, and represented Things to be quite otherwise than they really were. Many seeing such Ruin and Destruction, laying aside Flattery and Fear, found themselves obliged to speak their Minds freely; but none would venture to be the first, till at last the Queen, supported by the Emperor, who, with his own Hand, wrote Letters to the King, and by the Marquis of *Gran*, the Imperial Ambassador, resolved to unravel the Matter, and lay open the Intrigues. Then every Body spoke their Minds, and even the meanest of the People, either by Memorials, or publickly by Word of Mouth, solicited the King to dismiss the Prime Minister, and take the Government upon himself. He, amazed at his Ignorance of the Causes of the Misfortunes, and overwhelmed with the Knowledge of what had been discovered to him all at once, was at a Stand at first, being sensible of the Weight of the Government, and afraid that the ordinary Court-Tricks had been made use of against the Favourite; but at last, not able to resist the unanimous Desire of the People, one Day all of a sudden he ordered him to retire to *Loechos*. *Olivares* readily obeyed the Order, and, afraid of the People, left the Court in Disguise. This Resolution was attended with the Joy and general Applause of every Body. The Grandees, formerly discarded and oppressed, flocked to serve the King, and grace the Court; and the People, animated by the Report, that the King was to take the Reins of the Government, hitherto neglected, into his own Hands, strove who should be foremost in offering him both Men and Money. But, either wearied of the Weight of the Government, or ignorant of Affairs, and with Ministers yet more ignorant, he would insensibly have restored the Count Duke to Favour, if the whole Court had not opposed it with a general Murmur, yea if *Olivares* himself had not forestalled his own Hopes; for having a Mind, by publishing some Papers, to vindicate himself, he offended many to that Degree, that the King thought fit to remove him much farther off, and confine him to the City of *Toro*, where, not accustomed to Rest, and being a Man of a great Spirit, he was tired of an idle Life, and soon died of Grief.

THUS fell *Olivares*, and though the King gave out that he would take the Government upon himself, yet, either because he could not, or that he would not govern by himself alone, he resolved to give up the Burden; and having expressed his Mind before some Grandees, who were aspiring after the Count Duke's Place, *Lewis*

*de Haro*, *Olivares's* Nephew, and at the same time his Enemy, insinuated himself by Degrees, and with great Modesty, as if it had been in Obedience to the King, in a short time took upon him the Administration of the Government.

*DON Lewis de Haro*, looking upon the Admiral of *Castile*, who was then Viceroy of *Sicily*, to be one of the most powerful Pretenders to the Prime Ministry, in order to keep him at a Distance, and at the same time to please him, advanced him to the Viceroyalty of *Naples*, giving him for Successor in that Island, the Marquis *De los Velez*, who, from the Wars of *Catalonia*, had been sent Ambassador to *Rome*: For which End both their Commissions were dispatched; but, whether through Mistake, or the Cunning of the Clerks of the universal Dispatches, who had a good Allowance from the Duke of *Medina*, instead of sending each of them his own Commission, they came both inclosed in *Medina's* Letters, who, like *Monterey*, in order to prolong his Government, refused to deliver them their Letters; and though the Marquis *De los Velez* had come from *Rome* to *Naples*, on his Way to *Sicily*, *Medina* put him off from Day to Day, so that he could not depart for want of his Commission, which appointed him to be Viceroy: On the other Hand, the Admiral could as little leave the Government of the Island before the Arrival of his Successor; and though he had sent his Secretary to *Naples* to demand his Letters, he met with nothing but Delays, *Medina* being loth to quit the Government. But at last, finding that his Authority was daily dwindling away, and that he had not the same Respect paid him as formerly, he was forced to submit; but having a mind to get the Donative of a Million, which he had been soliciting for the King, granted by the Parliament, the Deputies, whether they were unwilling to lay on that new Burden upon their Country, or that they rather inclined to reserve it for the Beginning of the new Viceroy's Government, shunned coming into it. *Medina*, therefore, finding that he could no longer with Honour continue his Government, resolved to deliver the Commissions; so that the Marquis *De los Velez* having gone for *Sicily*, upon his Arrival there, the Admiral set out for *Naples*, where he arrived on the 6th of *May* this Year 1644. and *Medina* immediately quitting the Government, went to live in his Country-House at *Portici*, where he staid till the Gallies were fitted out for carrying him to *Spain*.

HE left us many stately Monuments, which still adorn the City. To him we owe that Fountain of admirable Architecture, with the God *Neptune* pouring most limpid Water out of his Trident, which being by him removed to the *Glacis* of *Castelnuovo*, enlarged, and plentifully supplied with Water, from him to this Day keeps the Name of *Fontana Medina*. To him likewise is owing that magnificent Gate of the City under the Declivity of *S. Martin's* Hill, which formerly was called *Del Pertugio*, because of a little Gap, which the Count *D'Olivares* caused to be made in the Wall for the Conveniency of the Inhabitants of that Neighbourhood, and which likewise from him retains the Name of *Porta Medina*. The Duke *D'Alba* and the Duke *De Medina de las Torres* had the good Fortune, that these Gates still retain their Names, because, being built in obscure Places, their antient Names have not eclipsed the new. It did not fare so with the *Via Gusmana*, the *Porta Pimentella*, the magnificent Street, beautified with pleasant Trees, which in our Time was made by the Duke *De Medina Celi*, and with other Buildings, because being built in *S. Lucia*, the *Chiaja*, and in other remarkable and frequented Places, they soon lost the Names their Founders had given them.

HE likewise repaired the Castle of *S. Eramo*. He beautified the Bridge upon the River *Sele*, without the Gate of *Salerno*, and he opened that large Street, which leads to the Monastery of *S. Antonio di Posilipo*. But of all the other Edifices, the Palace of *Medina*, which he built upon the Side of *Posilipo*, is the most stately, in building of which 400 Men were employed: A Work truly magnificent, and is one of the three most sumptuous Edifices at present in *Naples*, and vies with those of the University and the Royal Palace; but he had not the Pleasure to see it finished, (as the Count of *Lemos* had seen the Fabrick of the University) because of his leaving the Kingdom, and now a great Part of it is ruinous, uninhabited, and falling.

BUT we are much more indebted to him for having left us about fifty most excellent Laws, and erected two new Tribunals in the Provinces of the Further *Abruzzo* and *Basilicata*. He pitched upon *D. Carlo Sanseverino*, Count of *Chiaromonte*, to preside in *Basilicata*, and appointed *Stigliano* to be the Place of his Residence, but he did not remain long there; so that the Seats of the Presidents of that Province

Province being removed, sometimes to one Place, sometimes to another, at last it was fixed in the City of *Matera*, where it still remains. The City of *Aquila* was appointed to be the Seat of the other President, and the first was D. *Ferrante Mugnoz*, a Counsellor of *S. Chiara*. Thus the Province of *Abruzzo* being divided into two, as King *Alphonso* had done with respect to the Treasurers, and the Administration of the Royal Revenues; and a new Tribunal being erected in *Bajlicata*, the Number of the Provinces, with respect to the Administration of Justice, came to be equal and answerable to the Number of Treasurers, which formerly was greater than that of Presidents or Justices. He likewise reformed the Tribunal of *Oiranto*, and built its Prisons in the Form we now see them.

THE Statutes which he left us, contain many prudent Provisions. He renewed the Edicts against Luxury in Apparel, Servants, and Coaches: He prohibited, under severe Penalties, the Exportation of Arms, especially Fire-Arms: He was a terrible Persecutor of the Banditi: He chased all the Vagabonds out of the Kingdom: He prohibited the Students from going to any other Schools but those of the University; and made other wholesome Regulations, which are set down in the Chronology prefixed to the first Tome of our Statutes.

UPON *Medina's* Arrival at Court, he was refused Audience of the King, who, at the instigation of his Enemies (who, by the Fall of the Count Duke, his Father-in-Law, being become more bold, had accused him of imbezling much of the Donatives made to the King) made him give an Account of many Millions, which, during his Government, he had received from the Kingdom; but the Duke alledged, that the Viceroys of *Naples* were not obliged to give an Account, and that if his Majesty would exact that of him, he was very ready to give it, provided it was not done in a judicial Manner, but privately, that the succeeding Viceroys might not be prejudiced: The Affair was taken into Deliberation, and according to the wonted *Spanish* Slowness, it never having been brought to a Head, was for ever dropt. The Princess of *Stigliano*, his Wife, grieved for the Loss of the Government, was left big with Child at *Portici*, where she miscarried, and afterwards was seized with a Disease like that of King *Philip II.* and died of the same lousy Distemper: A miserable Instance of human Grandeur! Her Body was put in the Church of the *Bare-footed Augustins* of the Village of *Portici*; and her Relations, not being able to prevail with the Viceroy to allow it to be transported with Royal Pomp, which they pretended was her Due, as Dutchess of *Sabionetta*, after some Time, it was privately conveyed to the Chapel of her Family, in the Royal Church of *S. Dominico Maggiore* of *Naples*.



## C H A P. VII.

*Of the short Government of D. Juan Alfonso Enriquez, Admiral of Castile.*



THE Admiral having arrived in *Naples*, and, on the 7th of *May* this Year 1644. taken Possession of his Office, soon perceived the lamentable State to which the Kingdom was reduced: He saw the extreme Misery of the Subjects, oppressed with so many Taxes and Duties; all the Sources drained, and the Exchequer quite empty. But his greatest Trouble was, that he not only could not see how these Evils could be remedied, but the craving Necessities still growing greater, and the Ministers of the Court of *Spain*, accustomed to receive immense Sums from his Predecessors,

Predecessors, never weary of seeking new Donatives of Millions, very much perplexed and disturbed him.

NEVERTHELESS this hard Beginning did not quite discourage him, but by his Prudence and Vigilance, the best Way he could, supplied the new Wants that occurred. Although by the Peace made ever since the Month of *March* this Year, between the Pope and the Duke of *Parma*, by the mutual Restitution of the Places taken from one another, that Fire had been extinguished, which, on account of the Possession and Demolition of *Castro*, belonging to the Duke, had been kindled, in *Italy*; yet the *Barberini* had not laid down their Arms, nor dismissed the 4000 Foot and 1200 Horse, which they kept in Pay under the Command of the Duke of *Bouillon*; and the Pope being taken very ill in the Month of *July*, before he expired, our Viceroy caused pressing Instances to be made in *Rome*, that the Pope's Nephews should lay down their Arms, and he likewise made an Offer to the College of Cardinals, of his Person, and the Forces of the Kingdom, for the Freedom of the future Conclave; and the Pope having died on the 29th of the same Month of *July*, in all haste he dispatched some Troops to the Borders of the Kingdom; but the Consistory having ordered the Governor of *Rome* to disarm, and, on the 15th of *September*, *Giovam. Battista*, Cardinal *Pamfilio*, being elected Pope, who took the Name of *Innocent X.* the Troops returned to their former Quarters<sup>1</sup>.

THESE Fears were no sooner over, than much greater followed; for soon after these very Troops were employed against the *Turks*, who, with a Fleet of 46 Gallies, commanded by *Bechir*, the Captain-Bassa, had appeared in Sight of *Otranto*. The *Spaniards* gave out, that this Fleet had been fitted out and sent at the Instigation of the *French*, in order to divert the Troops of the Kingdom: Others said, that it was the Beginning of a deeper Design of the *Turks*, and only for discovering in what Posture of Defence the Sea-Coasts of *Italy* were; however, tho' they were driven by a Storm upon the Shore of *Verona*, without doing any other Damage to *Otranto*, than striking Terror by the Remembrance of the past Invasions; yet they returned afterwards into the Gulph of *Taranto*, where they pillaged *Rocca Imperiale*, and carried off near 200 Persons into Slavery<sup>2</sup>. And the Year following, having landed on the Coast of *Calabria*, they pillaged some Towns.

THE rich Booty, which the *Maltese* afterwards took from the Eynuch *Zambula Aga*, in his Voyage to *Mecca* (which was the Ground of the War of *Candy*) made the *Turk* threaten to invade *Malta*; whereupon the Great Master of that Order calling upon the neighbouring Princes for Help, made pressing Instances to the Viceroys of *Naples* and *Sicily* for immediate Assistance: So that the Admiral was forced to send him four Ships, two of them loaded with Ammunition and Provisions, and two with *Spanish* and *Italian* Soldiers; but the *Turks* having attacked the Kingdom of *Candy*, the Fear of the Invasion of *Malta* vanished, and the Great Master sent back the Troops, but not the Ammunition and Provisions.

THESE Succours could have been easily borne, but much greater were demanded for other Wars, and particularly for that of *Catalonia*, which lay very heavy upon *Spain*; therefore it behoved the Viceroy to send thither from *Naples*, 800 Horse, and 4000 Foot, in 26 Ships, under the Command of General *D. Melchior Borgia*: A Succour, as it was great, so it compleated the Impoverishing of the Kingdom. Yet for all that, the Ministers of the Court of *Spain* never gave over pressing the Admiral with new Demands of Donatives of Millions, for supplying the great Necessities of the Crown, which the bad Conduct of the *Spaniards* had occasioned; but the Indigence of the Subjects, so overcharged, was no less, and when the Viceroy believed he could ease them of their Burden, to satisfy the continual Cravings of the Court, he was forced to demand a new Donative of a Million, and there being no other Means left for raising it, but by taxing the Rents of the Houses of the City of *Naples*, it was resolved to take a List of all the Citizens that rented Houses, and to tax them; but when it came to be put in Execution, it occasioned a general Insurrection, and in the Suburbs of *S. Antonio* and *Loretto*, many of the Commonalty began to mutiny; so that the Viceroy foreseeing great Disorders, put a Stop to the Collection. Of which the Ministers of *Spain* being apprized, imputing this Stop to the Admiral's Weakness, they checked him severely, and with their wonted Haughtiness, ordered him to go on in the Collection; but this

<sup>1</sup> Nani, *Istor. Venet.* par. 2. lib. 2. Anno 1644.

<sup>2</sup> *Idem*, loc. cit.



prudent Minister, who knew better the bad Inclinations of the City and Kingdom, continued firm in his Resolution of suspending the Collection, and wrote to the King, begging of him, that he would be pleased to remove him from the Government, that he might not be put upon carrying Things to sad Extremities.

THE *Spanish* Ministers laughing at the Admiral's Timidity, gave no Ear to his Request, but blamed his Conduct, and talked of him at Court as a Man of no Courage, and incapable of governing a Convent of Friars, much less so considerable a Kingdom as that of *Naples*. But the Admiral continued stedfast in his Resolution, declaring that he would serve, not betray his King; he renewed his Request of being removed from the Government; whereupon the Ministers at last induced the King to recall him, and order him, in his Majesty's Name, to go to *Rome* and do Homage to the new Pope; and thinking, that *D. Rodrigo Ponce de Leon*, Duke *D'Arcos*, a bold and resolute Man, would make up the want of Courage which they imputed to the Admiral, they appointed him to be his Successor: Wherefore the Duke used afterwards to complain, that all the dirty Work was reserved for him, and that he was come to atone for the Faults of the Viceroy's his Predecessors.

THE Admiral having notice of the Resolution of the Court, upon the Arrival of the Duke *D'Arcos* in the Kingdom, in the Month of *April* this Year 1646. left *Naples*, and on the 25th of the same Month made his Entry into *Rome*, and on the 28th did Homage to the Pope; from thence, after having made the Tour of *Italy*, he returned to Court to exercise his Office of Steward of the Household, and soon after, being taken ill with a Stranguary, on the 6th of *February* 1647. he died.

DURING the short Time of his Government, which was not quite two Years, he left us about twenty very good Statutes; he studied to extirpate the Banditi and Vagabonds: He took care to keep the Custom-House from being cheated, by forbidding Convents and other Religious Places to retail Wine: He prohibited the Making and Exportation of Arms, and made other prudent Regulations, which are set down in the so often-mentioned Chronology. But what gained him the greatest Applause in the Beginning of his Government, was his having removed many Abuses that had been introduced in that of his Predecessor *Medina*, amongst which, one was the scandalous Number of Judges in the Tribunal of the Vicariate, who were made rather to comply with the importunate Recommendations of *D. Anna*, *Medina's* Wife's Relations, who were then very powerful at Court, than for their Merit. The Admiral having left a competent Number for that Tribunal, sent the rest to sit in the Royal Provincial Courts. It was he that put an End to the Disputes with the Ecclesiasticks about the Book of Ceremonies, by ordering the Royal Functions to be performed no more in the Cathedral, but in the Royal Churches, or such as were under the King's immediate Protection. Upon the Death of *Isabel of Bourbon*, Queen of *Spain*, which happened in the Year 1644. the Admiral ordered the Funeral Solemnities to be performed in the Cathedral, according to antient Custom; and having caused a most magnificent Mausoleum to be erected there, when they were upon the Point of beginning the Function, Cardinal *Filamarino*, the Archbishop, rose up, and pretended, that a Cushion ought to be given to all the Bishops that were present; but the King's Ministers looking upon that to be a Novelty, by no means would consent: And on the other Hand, the Cardinal being obstinate, the Viceroy ordered the Mausoleum to be taken down, and carried to the Royal Church of *S. Clara*, which was accordingly done; where it being erected and adorned with Inscriptions and Elegies, for the most part composed by the Jesuits, particularly by *P. Giulio Recupito*, on the 21st of *March* 1645. the Obsequies of the deceased Queen were celebrated, and the Funeral Sermon was preached in *Spanish* by *P. Antonio Herrera*, a Jesuit: So that from that Time forward the like Functions have always been celebrated in that Church.

THE Duke *D'Arcos* having accepted of the Government of the Kingdom, contrary to the Expectation of the *Spanish* Ministers, found the Affairs of it in a very lamentable State; and it was his Misfortune, that so many Causes laid up in Store by his Predecessors, were in his Time to produce those calamitous and dismal Effects, which shall be related in the following Book of this History.



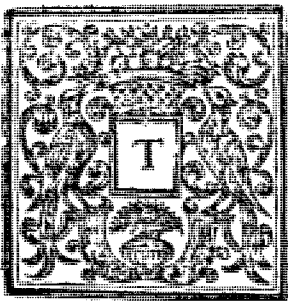


T H E  
 CIVIL HISTORY  
 Of the KINGDOM of  
 N A P L E S.

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B O O K XXXVII.

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THE Misfortunes of our Kingdom, which had been reserved to the Government of D. *Rodrigo Ponce de Leon*, Duke *D'Arcos*, shall be the Subject of this Book, and which, with the Loss of the Kingdom of *Portugal* and *Flanders*, and the Commotions of *Sicily*, plainly demonstrate to Princes, that the Government of the World, committed to them by God, as to lawful Governors, is treacherously, and, contrary to his Divine Will, intrusted with Mercenaries, whose ambitious Authority brings not only Slaughter and Calamities upon the People, but Ruin and Destruction upon the State. Our Kings *Philip* III. and IV. were truly religious Princes, but so incapable of supporting the vast Burden, of so great a Monarchy, that having given themselves intirely up to their Ministers and Favourites, they were content with the bare Shadow and Name of Kings, suffering them to expose both Power, Authority, and every Thing else to a publick and most ravenous Sale: out of which Lethargy, neither the Intreaties of their Relations, nor the Groans of the oppressed People, nor the so many Misfortunes, were able to rouse them. This Slothfulness was likewise improved by the most refined Art of the Court and Favourites; for, in order to rivet it, and that no Remorse of Conscience might be able to shake it, they had gained over to their Interest even the Royal Confessors, who pryed into the most secret Recesses of their Souls and Consciences.

O U R

OUR Forefathers had hitherto feen thefe Diforders in many Dominions of that vaft Monarchy at a Difance, but now they were both the Spectacle and Spectators. We have already fhewn in the preceding Books, that Things having been brought to the utmoft Extremity, foreboded nothing but Ruin and greater Diforders, and the more inevitable, that inftead of endeavouring to prevent them, they were the more pushed on. The Wars that were raging in *Germany*, *Catalonia*, the Low Countries, and in the State of *Milan*, which kept *Spain* always in want of Supplies both of Men and Money, were not enough; but at this Time a new War broke out, which, for preferving to the King the Garifons of *Tuscany*, attacked by the *French*, was in a manner to be fupported by our Kingdom alone, which gave the laft Push to the Revolts, which we fhall briefly relate.



## C H A P. I.

*Of the Government of D. Rodrigo Ponce de Leon, Duke D'Arcos, and of the Expeditions which he was obliged to make for the Prefervation of the Garifons of Tuscany from the Invasions of the French.*



THE Duke *D'Arcos* having made his Entry into *Naples* on the 11th of *February* this Year 1646. and feen the deplorable State of the Kingdom, the People oppreffed with fo many Taxes; and on the other Hand, between the Neceffity he was under of fupplying the Wants of the Crown, and the Difficulty of finding Means for doing it, he thought it better to exact the Arrears of the Donatives that had been made to the King, under the Government of the Duke of *Medina*, than to load the Subjects with new Impofits. For this End he appointed two Juncto's of Minifters, the one to prevent Collufion, by feverely punifhing thofe that fhould be found guilty of it, and the other to find out Expedients for the faid Exaction, whence he was in hopes to draw immense Sums, without incurring the Hatred of the People, by impofing new Burdens in the Beginning of his Government.

BUT the new War, which he was obliged to maintain for defending the Garifons of *Tuscany* againft the *French*, forced him to follow the Custom of his Predeceffors, and, for fupplying the new Charges, to lay on new Taxes.

CARDINAL *Mazarin*, who, in the Minority of *Lewis XIV.* governed *France*, being highly offended with Pope *Innocent*, who, notwithstanding the Mediation of the Republick of *Venice*, was profecuting the *Barbarini* judicially; covering his private Revenge for the Pope's having refufed to make his Brother a Cardinal at the Nomination of the King of *Poland*, he gave the Queen Regent and the Royal Council to underftand, that the Pope had already difcovered himfelf to be no Friend to the Intereft of *France*, and too partial to the Crown of *Spain*, as was evidently feen by the Promotion of Cardinals, who were all Subjects of, or Dependants upon that Crown; wherefore they ought not only to fufpend all Intercourfe with him, but likewise to ufe all Means for making him retract that Partiality. For which End it was refolved to take the Barons under the Protection of *France*, and to terrify the Pope by fitting out a great Fleet for the Coaft of *Italy*, which would touch *Innocent* to the Quick. In the mean time *Mazarin* defired the Duke of *Enghien* to take the Command of the Fleet that was to be fent to *Italy*, for attacking the

the *Spanish* Garisons of *Tuscany*, but the Prince of *Condé*, the Duke's Father, would not consent to it, therefore the Cardinal invited Prince *Thomas* of *Savoy* to come to *Paris*, to whom he imparted, that the chief Design of the Expedition was against the Kingdoms of *Naples* and *Sicily*; but to lessen the Envy of so great a Conquest, he was resolved to offer a great Part of it to the Princes of *Italy*, and especially to himself, who, for his Skill in the Art of War, and his many other Endowments, deserved to have his Temples girt with a Royal Crown. The Prince believing, or seeming to believe what the Cardinal had said, readily accepted of the Command, and it was resolved to attack *Monte Argentaro*, and the other Places which the *Spaniards* possessed in *Tuscany*; and on the 10th of *May* this Year, the Fleet, composed of 10 Gallies, 35 Men of War, and 70 Transports, under the Command of the Duke of *Bresse*, as Admiral, in which were embarked 6000 choice Foot, and 600 Horse, sailed from the Ports of *Provence*. Prince *Thomas*, as Generalissimo, with his Followers, and some Troops, went aboard of the Fleet at *Vado*. The Fleet having coasted along the Shore of *Italy*, arrived at *Telemone*, which surrendered without striking a Stroke, as also the Forts of *Saline* and *S. Stefani*, the Governor of the last having a Mind to defend the Place without Troops, was killed in the first Attack; then it was resolved to besiege *Orbitello*, a strong Place both by Art and Situation. The Care and Defence of these Places concerned the Viceroy of *Naples*, therefore the Duke *D'Arcos* having smelt out the Design of the *French*, had sent thither *Carlo della Gatta*, a famous Captain, to command there: Then having made ready a Reinforcement of 700 Foot, good store of Ammunition and Provisions, and 3000 Pistoles in ready Money, he put them aboard of five well-armed Gallies and two Men of War, and sent them towards *Tuscany*, under the Command of the Marquis of *Vigo* and *D. Niccolo d'Orta*, Son to the Duke of *Tursi*, who had the good Fortune to land the Men and Provisions at *Porto Ercole*, and to return safely to *Naples*. But the Viceroy, having a Mind to try his Fortune again, sent a great many Officers, and 400 Soldiers, aboard of 40 Feluccas and one Brigantine; the *French*, taking warning from the former Success, came upon them with the Gallies, and, under the Fort of *Palo*, took 27 of the Feluccas; then Prince *Thomas* pushing on the Siege, and these slow and weak Reliefs not being sufficient for the Defence of the Place, the Duke *D'Arcos* was forced to assemble new Troops, and to send a stronger Reinforcement, in order to raise the Siege.

MEAN while appeared the *Spanish* Fleet, under the Command of General *Pimiento*, consisting of 31 Gallies, and 25 huge Galeons, besides some Fire-Ships, but so ill mann'd, that the *French*, being reinforced with ten Gallies, did not fear, though inferior in Number and Quality of Ships, to come to an Engagement; therefore the *Spaniards* shunned boarding, contenting themselves with cannonading, whereby they disabled two of the Enemies Gallies, and shattered the rest; but the fortunate Shot that gained them the Victory, was a Cannon Bullet that carried off the Head of the Duke of *Bresse*, the High Admiral of *France*; for the Fleet having lost their Admiral, and there being no Retiring-Place at hand, they immediately set sail, and bore away for *Provence*.

THEN the Duke *D'Arcos*, being resolved to raise the Siege, caused the Infantry to be embarked, under the Command of the Marquis of *Torrecauso*, and sent the Cavalry over Land, under the Command of Colonel *Luigi Poderico*, who, without asking Liberty, marched thro' the Ecclesiastical State, *Castro*, and *Tuscany* (of which these Princes seemingly complained, but every Body was inwardly well pleased with it, and privately marked out the Rout for the *Spaniards*, being jealous of the too great Power the *French* were getting in *Italy*) and joined *Torrecauso*; who had no sooner disembarked, and he burnt almost all the Transports which the *French* had left at *Telemone*, than he marched directly towards *Orbitello*, and forced Prince *Thomas* to raise the Siege. The Prince having lost a great many Men during the Siege, and the most part of the rest being rendered unfit for Service, through Sickness, occasioned by the unwholesome Air of the Marshes, retired to *Telemone*; and the *French* Fleet, by the express Orders of Cardinal *Mazarin*, having returned, he embarked, and with his own Men landed in *Piemon*t, and sent the rest to *Provence*. *Carlo della Gatta*, having marched out to the deserted Trenches, found a rich Booty and 20 Pieces of Cannon; and *Pimiento's* Fleet, content with the Victory they had obtained,

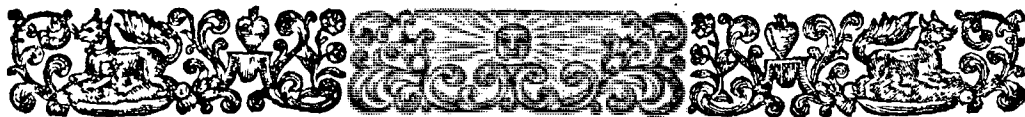
tained, contrary to the Opinion of the *Spanish* Ministers, immediately set sail for the Ports of *Spain*.

THE raising of the Siege of *Orbitello* rejoiced the Princes of *Italy* the more, that having smelt out the vast Designs of Cardinal *Mazarin*, they had looked upon the Undertaking with a jealous Eye, but of all the rest the Pope was the most overjoyed, who, though cautiously, supported the *Spanish* Interest. On the other Hand, it nettled *Mazarin* to the Quick, who, being upbraided for having deserted the *Catalans*, and weakened the King's Forces in *Flanders*, was wholly intent upon feeding his private Resentment in *Italy*. But having understood, that the Enemy's Fleet had returned to *Spain*, he called the Council of the Regency in *Fountainbleau*, where it was resolved to attack *Piombino* and *Portolongone*, thinking thereby to kill two Birds with one Stone; for *Piombino* being garrisoned with *Spaniards*, at the same time both the City and its small Principality belonged to *Lodovijio*, the Pope's Nephew.

THEN it was seen what Force is able to do, especially when pushed on by Passion; for in an instant the Fleet was refitted, and the Troops being assembled, the Cardinal, suspicious of Prince *Thomas's* Conduct, gave the Command of them to the Marshals *De Meillaray* and *Plessis Prassin*, who making the same Dispatch, immediately put to Sea. The Design was scarcely known in *Italy* when the Fleet appeared, and having immediately taken *Piombino* by Storm, where there were only eighty Soldiers in Garrison, they landed upon the Island of *Elva*, and having invested *Portolongone*, not ill defended, but badly provided, on the 29th of *October* this Year 1646. it was forced to surrender. This Conquest rejoiced the Cardinal, who put a greater Value upon *Portolongone* than *Orbitello*, because it being one of the strongest Fortresses of the *Mediterranean*, it not only cut off the Communication of *Spain* with the Dominions of *Italy*, but was a safe Harbour for the *French* Fleet, and a Retiring-Place for the Privateers that infested the Enemy's Navigation. This fresh Attack so terrified the Pope, that he sent for Cardinal *Grimaldi*, who was heartily in the *French* Interest, and granted him a Pardon for the *Barberini*, restored them to their Offices and Estates, and revoked the Bulls and Censures, upon Condition, that they should repair to *Avignon*, and from thence, by Letters, pay their bounden Duty to his Holiness. But the Hopes he had thereby conceived of preserving the Principality of *Piombino* to his Nephew, were baffled by *Mazarin*, who knowing that Fear would do much with the Pope, let the Expedition go on, excusing himself, that the Marshals being already departed, it was not possible to recall their Commissions.

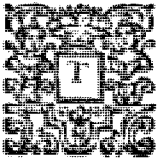
THE Loss of *Portolongone* very much grieved the Duke *D'Arcos*, because he saw the *French* nestled in a Place, from whence they could easily attack the Kingdom; therefore he thought fit to fortify the Places most exposed, and to make great Preparations, in order to be able to recover the Loss. For which End he made new Fortifications about *Gaeta*, and made the most wealthy Citizens defray the Charges of them; and he gave out Commissions for raising Twelve thousand Men. Of these 5000 were to be *Germans*, whom, upon the Promise of great Pay, he brought from *Germany*. He summoned the Militia of the Kingdom to come to *Naples*; but they declared, that being appointed to guard their own Country, they did not intend to leave it. But while the Viceroy was preparing to imbark Troops for the Expedition of *Portolongone* and *Piombino*, the *French* Officers, who commanded in these Places, were making ready an Expedition for invading the Ports of the Kingdom, particularly that of *Naples*, and to burn the Ships that were in them. With this Design the Chevalier *Pol*, having sailed from the Harbour of *P. m. l. n.*, with a Squadron of five Men of War and two small Fire-Ships, on the first Day of *April*, this new and most fatal Year 1647. arrived in the Gulph of *Naples*. He took some Barks in Sight of the City, which put it into a great Consternation; but there being at this Time thirteen Men of War and twelve Gallies in the Harbour, part of these were in all haste fitted out, and in which many of the *Napoleitan* Nobility having imbarked, they put to Sea, and drove the *French* off the Coast; but so fatal were our Misfortunes, that what the *French* did not do, was done either by Chance or Malice; for about eleven a Clock at Night on the 12th of *May*, the Admiral of the *Spanish* Ships having taken Fire, was intirely burnt, with 400 Soldiers, and all the Ammunition, and what is more, 300,000 Ducats, that were on Board in ready Money,

Money, were lost. This Fire in the Night-time, and in Sight of the City, by the great Noise and Clamour, struck the Inhabitants with Terror and Amazement, and it was looked upon to be an unlucky Omen of the more lamentable Combustion that happened in the Kingdom soon after, of which we are now going to give a short Relation.



## C H A P. II.

*Of the Insurrections that happened in the Kingdoms of Naples and Sicily, which had different Success; those of Sicily were quieted, but those of Naples turned to an open Rebellion.*

 HE unhappy Events of these Revolutions have been described by many Authors; some will have them to be monstrous, and beyond the Course of Nature; others, by insisting too much upon Trifles, perplex the Readers, and give but a confused Notion of the Causes, Designs, Prosecution and End: We therefore, by following the most grave and prudent Writers, shall reduce them to their just and natural State.

OF the two Kingdoms of *Italy* subject to the Crown of *Spain*, that of *Sicily* bore the *Spanish* Government most patiently, either because the Land having been bathed with *French* Blood, the Fear of Revenge had created in that People an Aversion to the *French* Name, or because they were not so much burdened and oppressed, as the Opulency of these our Provinces invited the *Spaniards* to put in Practice upon the *Neapolitans*. Besides the *French* Nation was not so much hated by some of our Barons; for the Dominion of this Kingdom having been often alternately between the Houses of *Arragon* and *Anjou*, there were still left some Remains of the old Factions, and consequently wavering Inclinations; whence it came, that the *French* always kept up a Correspondence with some Barons; and the *Spanish* Ministers, sometimes winking at them, sometimes punishing them, took care to govern in such a manner, that the Minds of the People being divided, the Nobility impoverished, and Strangers put in Possession of Estates and Dignities, the People might not know their own Strength, nor how to make use of it.

IN these Times, the long Chain of Calamities had much diminished the Credit of the *Spanish* Government in the Minds of the Subjects of that Monarchy; and the Name of the King, formerly, in Prosperity and Power, in a manner adored, had fallen under a general Contempt, and, on account of the Grievances occasioned by the Wars, little less than abhorred. Besides it was considered, that the Prince *D. Baltazar*, King *Philip IV's* Son, by the deceased Queen *Isabel* of *Bourbon*, the Daughter of *Henry IV.* and Sister to *Lewis XIII.* Kings of *France*, having died in his Infancy, the Monarchy was like to be left destitute of Heirs, whereby the Subjects lost that Comfort, together with the Respect, with which the expected Succession of the Son to the Father, uses, either to allure the Malcontents, or bridle the Factious; and therefore those of turbulent Spirits run out in frequent Discourses upon that Subject, and the more calmly disposed, with inward Reflections, lamented the unkind Fortune, which would blindly transfer those noble Kingdoms to an uncertain Dominion, by how much the more unknown, so much the more hard.

THE People of both Kingdoms were complaining of the Taxes, not only made heavy by the Necessities of the Governments, but by the Avarice of the Viceroy and Ministers,

Ministers, by whom they had been reduced to such a State of Misery and Dearth, that the Fertility of our Soil, nor that of *Sicily* itself, which is reputed a Kingdom fruitful of Corn, and the Granary of *Italy*, were not sufficient to prevent these Misfortunes, so that Penury was felt every where. Certainly, it was never more clearly proved to be true, than by these Events, that for establishing Empires God raises up Heroes, but for overthrowing them, he makes use of the most vile and wicked Wretches.

IN *Sicily* the Commonalty began to complain for want Corn; but their Complaints not being minded, on the contrary, instead of remedying it, by reason of new Duties, the Bread being lessened, they became furious, and then taking themselves to their Arms, the City of *Palermo* was all in an Uproar and Confusion. The Marquis *De los Velez*, who governed that Kingdom, at this Time, had not Forces for suppressing them, nor Advice for quieting them; so that giving Time for this Scum of the People to take Heart, they burnt the Custom-House Books, drove away the Collectors, took the Arms out of the Magazines, and even the Cannon from the Ramparts; and the Cry was, *Down with the Taxes, and let the People have an equal Share in the Government with the Nobility*. The Viceroy granted every Thing, and promised much more; but the Mob, at first content, afterwards being stirred up, run out into greater Excess, and more impertinent Demands; either because the Facility of obtaining, put them upon pretending to more, or that there were not wanting Incendiaries, who gave out, that the gentle Treatment they met with was all Sham, and that the Compassion of a Nation, naturally severe, and by Constitution a rigid Punisher of Crimes against the State, was dangerous. Therefore, if one Day, being caressed, they laid down their Arms, the next, all in a Fury, they took them up again with greater Noise, and the Mutiny spread itself over all the Kingdom.

HOWEVER a Head was wanting, by a steady Conduct, to manage the Strength of the Populace, who, though they began with making a great Bustle, soon flagged, contenting themselves with a light Taste of Liberty by some Infolencies. Besides, the Nobility, little beloved by the Commonalty, could not lay Stress upon so great Inconstancy, and though some were resolved to take the Benefit of the Opportunity, it was then too late. Among the very same Commonalty, the more Substantial, being exposed to the Outrages of the Meaner, who out of Caprice plundered and burnt their Houses, were longing for their former Tranquillity. The very Dregs of the People were joined by Criminals and Prisoners for Debt, whom they released by breaking open the Prisons. It was said, that some drew Lots in a Tavern for the Command of the Rebellion, and that it fell to *Giuseppe d' Alessi*, one of the most abject of them all. He ordered and put many Things of great Consequence in Execution. He turned the Viceroy out of the Palace, and forced him to go on Board a Galley in the Harbour; then a solemn Covenant was drawn up, whereby such Privileges and Immunities were granted to the People, as even in a free Republick would have been too great; but at last, while *Alessi* was surrounded with his Guards, and carrying it high, having rendered himself odious to his own Accomplices, he was killed by the Mob. Nevertheless, from his Blood the Sedition started up anew; for some believing, that the *Spaniards* had plotted his Death, others aspiring at the Post, Things were in a very uncertain State, and were much more perplexed afterwards, when the Viceroy, through Grief of Mind, fell ill and died.

THE Marquis *De los Velez*, left the Government to the Marquis *De Monte Allegro*, who bore with every Thing, in order to keep up to *Spain*, at least the Shadow of Command, and to gain Time till the Arrival of Cardinal *Trivulzio*, whom the King had appointed to be his Successor. The Cardinal being come to *Palermo*, quieted the Tumults, and kept the *Sicilians* in Awe; so that *D. John of Austria* having afterwards gone to *Messina* with the Fleet, the Kingdom was restored to Peace and Tranquillity.

BUT the Flames of *Vesuvius* were nothing in Comparison to the Combustion into which the Kingdom of *Naples* was involved. As has been seen in the preceding Books, the *Spaniards* had laid their chief Stress upon this Kingdom, because being Fertile and Rich, it furnished them with Men and Money for defending them where-ever they were attacked. The Fecundity and Opulency, would have supplied the Wants, if the Avarice of the Ministers, always craving, had not exhausted every



every Thing, and pillaged the very Riches of Nature; but that Viceroy being best esteemed in *Spain*, who could raise the most Money, there was no Stone left unturned, in order to obtain the Consent of the Nobility and People, which was necessary for laying on the Taxes. The Customs were sold to him that offered most, the Burden was enflés, and the Extortions grievous, for the Buyers being Strangers, and for the most part *Genoese*, who minding nothing but Gain, without any regard to the Calamity of the miserable People, there was no manner of Hardships but what they cruelly made use of. The Taxes were no sooner laid on, than more were wanted; for the *French* having made an Attempt upon *Orbittello*, and possessed themselves of *Portolongone*, vast Sums were wanted, both for the Defence of the Kingdom, and supporting the foreign Wars.

THE Viceroy finding himself straitened for Money to raise new Troops, and maintain a Fleet at Sea, resolved to call a Parliament; and having laid before them the Necessities of the Crown, and especially that the troublesome Neighbourhood of the *French*, who had got Footing in *Tuscany*, required the keeping up of an Army, he extorted a Donative of a Million of Ducats from them; but in order to make it ready Money, he was forced to have recourse to the abhorred Remedy of the Duties; and having so soon forgot what happened under the Government of the Count<sup>h</sup> of *Benavente*, by imprudent Advice, it was proposed to lay a Duty upon Fruit, formerly imposed, but afterwards taken off, as grievous in the manner of collecting it, and odious to the Commonalty; and it lay the heavier upon them, that the Country abounding with Fruit, and under a warm Climate, it was the most of their Food, especially in the Summer-time; and every other Thing being burdened to that Degree, that no more could be laid on, the *Seggi* consented to it, and the Viceroy laid hold of the Expedient. But on the third of *January* this Year 1647. the Edict for collecting it was no sooner published, than the People began to murmur, and rise in Mobs, and always as the Viceroy came abroad, they surrounded his Coach, and bawled out to have it taken off: They were heard to mutter Threats; many Libels were posted up, wherein they cursed the Duty; and one Night the Office, placed in the Middle of the Market-Place, where it was collected, was burnt.

LEST, from these Insolencies, they should proceed to greater Disorders, the Duke *D'Arcos* left it to the *Seggi* to deliberate about taking off the Duty, and finding Expedients for satisfying those who had advanced the Money upon it, by imposing other Duties less grievous; but no Means could be found, because of the much greater Difficulties that occurred, if new Duties should be laid on: So that all their Meetings were in vain, and the People began to talk more insolently; nor was there wanting Malcontents, who fomented the Sedition, of which the greatest Instigator was the Priest *Giulio Genutno*, who had gained over many of his own Rank, of no less turbulent and seditious Spirits than himself. Among the Drégs of the People there likewise started up a certain *Tommaso Aniello*, commonly called *Masaniello*, of *Amalfi*, a very mean Fellow, and Servant to a Fisherman, of a low Stature, but lively and bold, who being terribly vexed on account of the ill Treatment of his Wife by the Tax-gatherers, who had found her with a Stocking full of Meal that had not paid the Duty, threatened to be revenged of them, and was watching an Opportunity to raise a Mob in the Market-Place on the Festival-Day of the Carmelites, usually celebrated in the Middle of *July*. For which End, under pretence of attacking a wooden Castle on the Day of the Feast, he had provided some Boys with Sticks, bought with Money given him by *Fr. Savino*, a Carmelite Monk, who, either through his own Disloyalty, or the Suggestion of the Malcontents, was the chief Man that prompted and pushed on *Masaniello* to make himself Head of the designed Tumult.

BUT there was no occasion to wait till the Middle of *July*, for on the 7th of that Month, a small and unforeseen Accident opened the Way. Some Peasants of the City of *Pozzuolo* having that Morning brought some Baskets of Figs to the Market, were pressed by the Tax-gatherers to pay the Duty; and a Dispute arising between them and the Shopkeepers that were to buy the Figs, about who should pay the Duty, *Andrea Nauclerio*, Elect of the People, coming in all haste to be Judge of the Controversy, decided, that those who brought the Figs from the Country ought to pay the Duty; one of the Peasants, who had no Money, with a great Oath threw a Basket of the Figs upon the Ground, trampling upon them in great

Rage. Many run to gather them up, some in Jest, some in Wrath, but all of them pitying the poor Countryman, and hating the Occasion. Upon hearing the Noise, *Masaniello* and his Boys, armed with Sticks, came, and encouraging the Mob, they all began to pillage the Office where the Duty was paid, and to drive away the Officers with Stones. The Minds of the People being thus exasperated, and their Number increasing, they plundered all the other Offices; and, guided by blind Fury, they run at random to the Viceroy's Palace, with Protestations of Obedience to the King, but with Exclamations against the bad Government.

THE Guards, despising this childish Commotion, did not oppose it, and the Viceroy, intimidated, fomented it, by lavishly granting all Favours. The Licentiousness thereby increasing, and the most Resolute beginning to pillage the Palace, he endeavoured to make his Escape into *Castelnuovo*; but the Bridge being drawn up, not knowing whither to fly for Fear, he shut himself up in his Coach, and drove towards *Castello dell' Uovo*; but being discovered by the Mob, he had certainly been murdered if he had not taken Shelter in the Convent of *S. Lewis*, nor would he have got there, if, in passing through the short Street, he had not diverted the Mob by throwing Pieces of Gold amongst them. From thence he dispersed Edicts, whereby he took off the new Duty upon Fruit; but notwithstanding that, the Mutiny, like an overflowing Torrent, increased; and the most Turbulent suggesting sundry Things to the simple Populace, they cried out, that all the other Duties ought to be taken off, and the Writ of Exemption granted by *Charles V.* delivered to the People. Those who fought it, neither knew where it was, nor what it contained, because the long Dominion of the *Spaniards*, and the Forbearance of the Subjects, had rendered the Government absolute, inasmuch that that Writ had been quite forgot.

UPON so great a Commotion, Cardinal *Filomarini*, the Archbishop, running to quiet the Tumult, interposed with the Viceroy, who, finding himself in so difficult a Situation, that Severity and Indulgence were equally dangerous, and to grant all, or refuse all was the same Thing; at last he thought his best Course was to deliver a Writing, whereby he promised to grant them whatever they could pretend to, hoping, that the Hurly-burly being over, and the rascally People dispersed, every Thing would soon be set to rights again. But it happened quite otherwise, for the greatest Part, confounded with chimerical Notions of Liberty, without knowing what they would have been at, still craved more, so that the Disease was the worse for Remedies, and the Pain increased by Lenitives.

BESIDES, the cruel Hatred which the Commonalty for a long time had borne against the Nobility, broke out, inasmuch that the Mob running up and down the Streets, killed some Noblemen, burnt the Houses of others, banished a great many, and having a mind to extirpate them all, the City was upon the Point of being all in Flames and Blood. And yet the foolish People fancied that they were still faithful to the King, and were only reforming the bad Government, and revenging the Injuries done them by the haughty Nobility, and wicked Ministers.

*MASANIELLO*, tattered and half naked, having a Scaffold for a Theatre, and a Sword for his Scepter, with 150,000 Men at his Back, armed in various manners, but all terrible, commanded every Thing with absolute Sway. He, as Head of the Seditious, and Soul of the Infurrection, proposed the Pretensions, imposed Silence, disposed the Motions, and, as if he had the Destiny of them all in his Power, killed with a Nod, and set fire with a Look; for to what Place soever he beckoned, Heads were struck off, and Houses fired. The Viceroy therefore, by the Mediation of the Cardinal Archbishop, was induced to deliver to the People the original Writ of Exemption that had been required, and to agree to a solemn Treaty, whereby those Duties that had been imposed since the granting of the said Writ by *Charles V.* were taken off; and for the Time to come, it was declared, that no new ones should be imposed: The Commons and Nobility were set on the same Level, with respect to Votes: An Act of Oblivion was promised, and the People were allowed to continue in Arms for three Months, in which time the King's Ratification was expected. All these Articles were ratified by a solemn Oath, in the Church belonging to the Carmelites, whereupon some short Breathing-time was given. *Masaniello* being excessively honoured by the Viceroy, as his Wife was by the Vicequeen, puffed up with Vanity, began to be disturbed in his Mind, and at last through want of Rest and too much Wine, grown  
delirious.

delirious, being unupportable to his own Followers, and cruel to every Body, in the Morning of the 16th of *July* he was killed in the Convent of the Carmelites by some People hired for that Purpose, and some of his Confidents had the same Fate; and when it was seen, that the Populace were not in the least concerned about his Death; on the contrary, they seemed to be overjoyed at the Sight of his Head upon a Pole, it was thought, that nothing but Peace and Tranquillity would have immediately followed.

BUT by fatal Imprudence, some of the Commonalty being slighted by the Nobility, and the Day following, by ill Advice, the Weight of Bread being lessened, the Mutiny was revived with so great Fury, that having dug *Masaniello's* Body out of the Ground, and joined the Head to it, it was exposed with lighted Torches in the Church of the Carmelites; nor was the Concourse of the People, and their Curiosity of seeing it, like to have ended, if he had not been buried with most Solemn and Royal Funeral Ceremonies, as a Captain-General; and the great Steeple of the said Church was immediately possessed by the People; and other Posts, fit for commanding the Harbour, and resisting the Batteries of the Castles, were taken.

THE Duke *D'Arcos* having retired to *Castelnuovo*, found it disgarnished of every Thing, as all the rest were; for in order to supply the Garisons of *Tuscany*, the Viceroy had weakened the Bridle of the City and the Forts of the Kingdom. Though Money was wanted, none durst collect the Revenues, and every Body refused to pay the Taxes. The Troops had before been sent to *Milan*, and some few Foot, that had been called from the Provinces, had been beaten and dispersed on their March by the People. Then the Noise of what had happened in the City being spread over the Kingdom, as the Causes were general, so the Events were the same over all; for the Yoke of Duties being thrown off in every Place, and the People raising Mutinies against the Insolence of the Barons, the Provinces were full of Tumults and Slaughter.

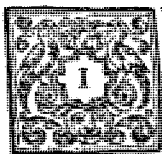
THEREFORE on the 7th of *September* the Viceroy was forced to swear to another Agreement more shameful than the former; but the People still afraid, and the Duke no ways dissembling, the Calm was but of short Duration. Therefore, from Tumults proceeding to Rebellion, the People demanded the Castles, and the Viceroy refusing to give them, they were attacked. 'Tis certain, that if that enraged Multitude had at that Time had a Body of well-disciplined Troops, and an experienced and faithful Head, they would have taken the Castles, and driven the *Spaniards* out of the Kingdom. But the People abhorring the Name of foreign Assistance, and with the Prospect of imaginary Liberty, running Headlong into a more miserable Slavery, *Francesco Toraldo*, Prince of *Massa* (*Carlo della Gatta* having excused himself from it) was pitched upon to be Captain-General, who, in concert with the Viceroy, accepted of it. The Prince, under Colour of better securing the Attacks, spinning out the Time, and by voluntary Mistakes, and frivolous Delays, wasting every Thing, at the long run he could not conceal the Deceit from so many Eyes; wherefore being accused of keeping Intelligence with the *Spaniards*, he was cruelly put to Death upon a Gallows by the incensed Mob.





### C H A P. III.

*The Arrival of D. John of Austria, the King's natural Son, which the more exasperated the Seditious, who from Tumults proceeded to open Rebellion. The Duke D'Arcos yields the Government of the Kingdom to him, thinking thereby to put an End to the Revolt. The Duke departs, but the Disorders increase.*



IN the mean time Advice of the Revolt coming to the Court of Spain, the Departure of the Fleet was hastened, in which D. *John of Austria*, the King's natural Son, embarked, with the Title of Generalissimo of the Sea, and full Power over the Affairs of the Kingdom; he was a Youth of 18 Years of Age, well made, of a courteous Behaviour, and a ripe Judgment. The Fleet arrived, and on the first Day of *October* anchored in the Road of *S. Lucia*. It was composed of 22 Gallies and 40 Ships, considerable for Number and Bigness, but very ill provided of Ammunition, and had only 4000 Soldiers on Board, and yet it was look'd upon by the *Spaniards* as the Bulwark of the Monarchy; for it was designed as a Bridle upon the two wavering Kingdoms, to relieve *Italy*, and recover *Portolongone* and *Piombino* from the Hands of the *French*. This Fleet was no sooner arrived, than the Viceroy, contrary to the Opinion of the Collateral Council, persuaded D. *John* to make use of Force.

THIS young Prince having left *Spain* with the Impression given him by his Flatterers, of vanquishing by his Presence alone, to his sad Experience saw, that so despicable a Populace durst still keep in Arms, and would capitulate upon even Terms. The Viceroy, on account of the Risques he had run, and the Affronts he had suffered, greedy of Revenge, imagined every Thing would go swimmingly on. Therefore D. *John* gave the People to understand, that they must deliver up their Arms; and that being denied, as was expected, 3000 Foot were landed, and having possessed themselves of the highest and most convenient Posts, the Castles and the Fleet began incessantly to cannonade the City on all Quarters. Though this, at first, struck Terror into the People, yet they were so far from being disheartened, that, on the contrary, being more provoked, they carried Matters to sad Extremities. The Churches, Houses and Palaces were ruined at random: The Innocent and the Guilty were equally Sufferers; but in so vast a City the Shot did not reach every where, nor, besides the Noise and Indamaging some Houses, did they any considerable Hurt. On the other Hand, the Firebrands of Sedition inflamed the Minds of the People against the *Spaniards*, branding them with the Character of Breakers of the Publick Faith, and telling them, that King *Philip* had sent his Son, that with the greater Fury he might wreak his Anger upon them, and that he chose rather to lose *Naples*, by an odious Example of Cruelty and Revenge, than to preserve it by a moderate and indulgent Government. They had no great Difficulty in confirming the Revolted in their Obstinacy through Despair of Pardon: but the Injury being common, they made it their Business to draw in the more peaceable, and encourage them all to hold out to the last.

T H E R E-

THEREFORE, the Defence being shared out, the Posts fortified, and the Arms and Cannon taken out of the Arsenals, every Body seemed obstinately bent upon defending themselves and their Country. The *Spaniards* soon found, that so great a City, full of an incensed People in Arms, was not to be reduced by Fear. Besides, their Powder and other Ammunition and Provisions quickly fell short, so that they were forced to slacken their Firing, and anchor the Fleet at a greater Distance, which discovered their Weakness, and made the People more bold. The Mob gave themselves over to all manner of Licentiousness. There was found patted upon the Gallows where the Prince of *Massa* had been hanged, a Decree of perpetual Hatred against the Nobility; and in the private Meetings, nothing was heard but desperate Designs, and bitter Investives against them.

THEY came at last to pull down the King's Colours, and trample upon his Pictures, hitherto, in a manner, adored; and the City of *Naples* assumed the Title of a *Republick*. It can't be expressed how much the giddy-headed Mob exulted upon this new Title, though few believed it would continue long to be the Form of their Government. There is not a People more covetous of Liberty than the *Neapolitans*, nor any less capable of it; changeable in their Customs; inconstant in their Inclinations; wavering in their Thoughts; who hate the present, and, with irregular Passions, are either too much afraid of, or hope for too much from the Future. By the Death of *Toraldo*, a certain *Gennaro Anese* was made Captain-General, he was a Soldier by Profession, but of mean Birth, cunning however, and as good at devising Tricks and Artifice, as bold in executing Mischiefs.

IN this State of Affairs, the Friends of the Crown of *France* did not fail to go about spreading abroad among the People, that in order to maintain that Government, they must have recourse to the Protection of so powerful a King as that of *France*; and shewing Letters from the Marquis *De Fontaine*, the *French* Ambassador at *Rome*, wherein he promised them all Favour, they were resolved, as the best Way, to apply to *Henry of Lorraine*, Duke of *Guise*, who was then at *Rome* on his own private Affairs, and to invite him to the Government of the new Republick, by declaring him Head of it. The Duke of *Guise* was a young Prince, of a lovely Aspect, Generous, Gallant, and Affable; besides of high Birth, and who being descended of our antient Kings, boasted of a Right to the Kingdom, and still kept up the Titles and Arms. It was thought, that though he was not very well pleased with the present Government of *France*, yet he might get Assistance from thence, but could not depend upon the good Will of the Ministers, nor the Interest of that Crown.

THE Duke, charmed with the Prospect of so noble an Office, consented, and, with a few Feluccas sent by the People for that Effect, having boldly overcome the Ambushes of the *Spanish* Fleet, on the 15th of *November* he arrived in *Naples*, where he was received with Acclamations and Rejoycings suitable to his Quality, and the Necessity of the City. The next Morning, accompanied by the principal Heads of the People, he went to take the Oath in the Cathedral Church, where he would have his Truncheon blessed: But having observed the licentious Behaviour of the indiscreet and insolent Scum of the People, who kill'd, robb'd, and burnt, only for satisfying their Avarice and Revenge, and that the regular Troops were not proportionable to the Necessity, he resolved to curb and put a Stop to the Insolencies of the Mob; therefore, under severe Penalties, he forbid Theft, Rapine, and Burning: He raised a Regiment at his own Charges, endeavouring likewise to gain over some of the Nobility to his Interest: He ordered, that the *Spaniards* should be treated according to the Law of Arms, and to supply the Want of Money, he caused the Mint to be opened, where there was a great deal of Silver and Copper coined, with the Impression of the new Republick, of which he made himself to be elected Duke, whereupon *Gennaro Anese*, being in a manner deprived of all Command, made a sad Complaint. He likewise endeavoured to disappoint the Attempts of the Barons in the Country, who being reduced to Despair, by the Hatred of the People, had joined the *Spaniards*, and, under the Command of *Vincenzo Tuttavilla* and *Luigi Poderico*, had assembled some Troops in *Aversa*.

AT this Time the *French* Fleet, consisting of 29 ill-provided Men of War, and five Fire-Ships, appeared in Sight of the City, not to assist the Duke of *Guise* in his Undertakings, but only to endeavour to draw some Advantage to the Crown of *France* from the Commotions and Tumults, the commanding Officer having no Orders to assist the Duke; for when the News of these Commotions came to *France*, and

and afterwards, that the Duke of *Guise* had gone to *Naples*, Cardinal *Mazarin* disapproved of his Conduct, because of his fickle Temper, not believing him capable of managing so ticklish a Business; therefore the *French* Fleet, after having viewed the Harbours, and at a Distance exchanged some broad Sides with that of *Spain*, being but weak, immediately retired. Nor was the Duke desirous of having their Assistance, because, as the Court of *France* did not approve of his having accepted of the Office he was in, so he was resolved to act by himself, and reap the Fruits of his own Labours, which proved a great Obstacle to his Design, the *French* Faction itself being divided, for some Heads of the People, by the Persuasion of some *French* Soldiers, laid a Plot for electing the Duke of *Orleans* King. Many others inclined to give themselves up to the Pope, as best able to protect them both by Religion and Arms; but though the Prospect of certain Advantage prevailed much with *Innocent*, yet after mature Deliberation, he considered, that this Kingdom has always been a Prey to the most powerful, and that he being so old, could not expect to see the Design brought to Perfection, and the Church being obliged to make use of foreign Troops, all Acquisitions would at last fall into the Hands of the Assistants. Therefore he chose rather to be a Mediator, for which End he gave full Power to *Emilio Altieri*, his Nuncio in *Naples*.

ON the other Hand Don *John of Austria*, the Duke *D'Arcos*, and all the Nobility, quite tired with so grievous and long Disorders, yea *Annese* himself, who could ill bear the Command of the Duke of *Guise*, were desirous of Peace; therefore an Edict was published, wherein was contained an ample Power, which the King had given the Duke *D'Arcos*, who offered to satisfy every Body, and for their Security the Pope was to interpose his Authority, for which End he had sent full Power to the Nuncio *Altieri*. But neither the Edict, nor the Letters, which the Nuncio caused to be delivered to *Annese*, had any Effect, he declaring that the Power was good, but not the Person to whom it was given, who by not having performed his Promises, had sown the Seeds of Dissention; and concluding, that to confide in the Duke *D'Arcos* would be to fall into the same Errors. *D. John* seeing, that all the Provinces of the Kingdom, as well as the Metropolis, being involved into Tumults and Sedition, were going to Ruin, had a Mind to try, if by removing the Duke *D'Arcos*, who was so odious to the People, the Treaty could be resumed; for which Purpose he renewed the Conference, and it was proposed to remove the Duke from the Government of the Kingdom, and put it into the Hands of *D. John*, who not being so much hated by the Rebels, as the Viceroy was, it was thought to be an effectual Means for putting an End to the Rebellion; so much the more, that the People had before solicited *D. John* to have him removed. The Duke *D'Arcos* seemed very ready to renounce the Government, provided that thereby the Peace of the Kingdom should follow; yea, he himself called the Collateral Council of State, in order to confirm and make Authentical his Renunciation. Some were of Opinion, that it was not in his Power to renounce, the Power of creating and removing the Supreme Governors of the Kingdom being lodged in the King's Person only; others (who were the Majority) were positive, that the Removal of the Duke, and *D. John's* succeeding him in the Government, were absolutely necessary for the King's Service, and the Good of the Kingdom. This being approved of by *D. John*, the Duke sent his Wife and Children to *Gaeta*, and on the 26th of *January* this Year 1648. left *Naples*, after having governed some few Days more than two Years.

THUS ended the unhappy Government of the Duke *D'Arcos*, who, in so lamentable a Revolution of Affairs, could leave us no other Memory of himself, but some Statutes, which, to the Number of fourteen, are still in Force with us, whereby, in order to supply the extreme Necessities, the best way he could, he endeavoured to prevent the Frauds that were committed in the Collection of the Taxes and Customs, and he renewed the Penalties against such as exported Salt-Petre and Gunpowder, and made other Provisions, which are set down in the so often-mentioned Chronology.

## S E C T. I.

*D. John of Austria takes the Government of the Kingdom.*

**D**ON *John of Austria* having taken the Government of the Kingdom upon him, applied himself to find out the most proper Means for extinguishing so great a Combustion, which was now raging, more than ever, not only in the Metropolis, but in all the Provinces; and for that End he published an Edict, whereby he exhorted the People to return to their Duty, and besides the Concession of many Favours, he promised them a general Indemnity; but this Edict being published at a Time when the Disorders were more increased, produced contrary Effects; for some Copies of the Edict having been affixed in the Quarters which were kept by the People, they were immediately torn, and a great Reward was offered to whoever should discover the Persons that had been so bold as to affix them in those Places. Yea, the more to shew their Obstinacy, Judges and other Officers were elected for filling up the Tribunals of *S. Chiara*, the Royal Chamber, the High-Court of the Vicariate, and that of the Admiralty, in order to administer Justice to every Body. In the mean time there were very bloody Skirmishes between the *Spanish* Soldiers and those of the People, which filled the City with Terror and Confusion.

IN this deplorable State of Affairs, the Duke of *Guise*, having a Mind to take all the Command to himself, struck great Terror into the Populace, and occasioned much Discord amongst their Heads, which proved the Cause of the Kingdom's being afterwards confirmed under the Dominion of the Catholick King; for *Gennaro Anese*, who had Possession of the great Tower *Del Carmine*, could not bear, that the Duke should be superior to him in Command, and the Duke would not suffer so mean a Fellow as he to be his Rival in Authority; and therefore continuing in Jealousy and Diffidence, they laid Snares for one another's Life; so that Affairs being unsettled both in the City and Country, the War was carried on with various Success. To this was added the Confusion among those of the *French* Faction, some of which, fomented by the Marquis of *Fontaine*, the *French* Ambassador at *Rome*, pretended to form a Faction distinct from that of the Duke of *Guise*. But these were few, and not very powerful; for the People having nipped in the Bud the Designs which *France* was carrying on with some Barons, these, in order to save themselves from the Fury of the Commonalty, had been forced to join with the *Spaniards*, and, contrary to their Inclinations, to conspire to the Establishment of that abhorred Government.

DON *John*, apprized of these Divisions, and the War going but heavily on, resolved to make Advantage of them, and by the Means of Cardinal *Filomarini*, the Archbishop, again to propose a Treaty of Peace: The Cardinal, knowing that it was to no Purpose to treat with the Duke of *Guise*, applied himself to the contrary Faction, in which he found a better Disposition, insomuch that he prevailed upon *Anese* to employ himself in good Earnest to forward the Peace, which he, as well as the rest, so eagerly desired, in order to be free from the Danger of his Life, for which the Duke of *Guise* had laid Snares.

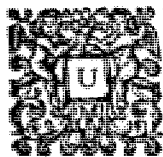
IN the mean time the Court of *Spain* having received Advice, that the Collateral Council had confirmed the Duke *D'Arcos's* Renunciation of the Government of the Kingdom, and given the Administration to *D. John*, the Fact was disapproved; and it was very ill taken, that Subjects should arrogate to themselves the Power of removing one Viceroy, and appointing another. And out of Jealousy of State it was likewise highly resented, that, in such dangerous Conjunctions, *D. John* should have been pitched upon, insomuch that the Count *D'Oniate*, who was then the King's Ambassador in *Rome*, was immediately ordered to go to *Naples*, and take the Government of the Kingdom upon him, with the Title of Viceroy, who having received the Royal Dispatches, in all haste left *Rome*, and came to *Gaeta*, and from thence to *Bajá*, from whence he sent his Secretary with Letters to *D. John*, acquainting him of his Arrival

Arrival and Commission, who, on the first Day of *March* this Year, yielded the Government to the Count; and during the short Time of his Government left us three Statutes, which are to be found in the abovementioned Chronology: They contain nothing but the Favours, Privileges, and the Indemnity granted to the People, as the King's Plenipotentiary.



## C H A P. IV.

*Of D. Inigo Valez y Tassis, Count D'Oniate, in whose Government an End was put to the Sedition, and the Kingdom brought again under the Dominion of King Philip.*



UPON the Count *D'Oniate's* Arrival in *Naples*, after having viewed the Posts of the City, and all the Trenches that fronted the Populace, he not only prepared for a Defence, but by all Means possible endeavoured to be Master of the Quarters possessed by the Duke of *Guise*; and to encourage the Troops, he distributed among them 180,000 Ducats, which he had brought with him from *Rome*. At the same time approving of *D. John's* Conduct, he did not neglect to carry on the Treaty of Indemnity, and the Agreement formerly begun with *Annese*; by which Means the Duke of *Guise's* Faction daily dwindled away. The Citizens were now weary of so great Confusion and Misery, and every Body longed for Peace and Quiet; for all Commerce being interrupted, and Civil Society disturbed, nothing was secure from the unbridled Rapacity of profligate Wretches, and the Boldness of the Rascality, who being used to gain their Bread by Labour, were now pleased with living idly by Rapine, and under the Cloke of Liberty, all manner of Licentiousness being practised, the greatest Part began to nauseate their own very Passions.

THEREFORE the Feast of *Easter* drawing near, when Men, by reconciling themselves with God, receive in their Hearts pious Desires of Justice and Peace, many Religious were secretly employed to instil and cultivate these Sentiments into the Minds of the Commonalty. The Viceroy likewise procured from some of the Heads of the Rebels, a Copy of the Terns they required, but being so extravagant, that they raised the Privileges of the People above the Authority of the King, he endeavoured to moderate them, by pardoning the Guilty, and taking off the Taxes; and, for their greater Security, he promised, that within three Days, by a publick Instrument, he would confirm and fulfil what he had offered, to their liking. In this Juncture of Affairs, before the Time was expired, the Duke of *Guise* having gone to the Point of *Posilipo*, in order to reduce the small Island of *Nisita* to his Obedience; *D. John* and the Count, laying hold of the Opportunity, all of a sudden, with armed Force, sallied out of the Castles, and entering the City, some Quarters, where they had a private Correspondence, gladly received them, crying out with joyful Voices, *God save the King*, and the neighbouring Quarters answering with the like Acclamations, and imploring Peace and Clemency, in an instant the Sedition vanished away, and the City was possessed. This Multitude of People was reduced to Obedience by 3000 Men only, and all went on smoothly without Noise or Blood. *Annese* being pardoned, delivered the Keys of the great Tower to *Carlo della Gatta*, who immediately took Possession of it with two Companies of *Spaniards*. Prayers of Thanksgiving were offered to God in the Cathedral. Thus in a Moment



was extinguished that Combustion, which threatened the Destruction of the Kingdom; and what was still more surprizing, was the sudden Change of the Minds of the People, which, from Slaughter, Rancour, and Hatred, turned immediately to Compassion and tender Embraces, without Distinction of Friend or Foe; excepting some few, who being led by an ill Conscience, made their Escape, all the rest returning to their Employments, and cursing the past Confusions, gladly embraced the present Quiet. The Reduction of *Naples* happened on the 6th of *April* this Year 1648. being *Holy Monday*.

THE Duke of *Guise*, who, as we have said, was that Day at *Posilipo*, upon the News of the Revolution, was struck to the very Heart; whereupon seeking to save himself by Flight, he went towards *Abruzzo*, in order to join the *French*, but being pursued by the Troops, he was made Prisoner, and carried to *Gaeta*. It was long debated in *Naples* how to dispose of him; at last it was resolved to send him under a strong Guard to *Spain*, as was done, where he remained a long time Prisoner, till the Prince of *Condé* having declared for the *Spanish* Faction, and hoping to strengthen himself by the Addition of *Guise*, begged his Pardon of the King, who courteously granted it him; but the Duke thinking himself more obliged to be faithful to his own Prince, than to perform the Promises made to his Enemies, upon his Return to *France* would give Ear to nothing else.

THE Example of *Naples* had a great Influence upon the other Parts of the Kingdom; and though in some wavering Provinces, there were still some Commotions, and particularly in *Abruzzo*, whither some *French* had come from *Rôme* to assist the Rebels, yet by the Help of the Barons, and the Authority of the Viceroy, they were easily dissipated: So that the Minds of the Commonalty, which, after so furious a Storm, had continued fluctuating, being intirely at Ease, on the 22d of *September* this Year D. *John* left *Naples*, and with the Fleet sailed for *Messina*, to confirm the *Sicilians* in the former Obedience and Submission to the King.

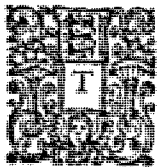
THE Rebellion being over, the Head removed, and D. *John*, who, by Nature, was rather inclined to be rigorous than clement, being gone, many were afraid of the Count *D'Oniate*. Nevertheless he made every Body easy by a general Pardon, immediately applied himself to set the Kingdom to rights again; and seeing, that the taking off all the Duties and Taxes occasioned great Confusion, not only in the Exchequer, but amongst the Citizens themselves, it was demanded of the *Seggi*, and particularly that of the People, to lay on a Tax of Forty-two *Carlini* upon each Family of the Corporations of the Kingdom, and the Half of the Duties that had been taken off, excepting that upon Fruit, Herbs, and Roots, which was never to be imposed again. And in order to provide not only for the Deficiency of the Royal Revenues, but likewise for the Interest of those who had bought them, it was ordained, that of the Product of all the said Duties, 300,000 Ducats should be paid in yearly to the Military Chest, and the Remainder applied to the Use of the Buyers, who were to manage and divide it amongst themselves. And as for the Royal Revenues, part of them was also assigned to the Buyers, and the Remainder put in the Military Chest. In this manner, and by the Imposition of *Jus prohibendi* upon Tobacco, both the King and Subjects were taken Care for, and Commerce began to be considerably restored every where.

AS it frequently happens, that though a Storm be over, yet the Surges of the Sea are not immediately laid, the Count took care to use the utmost Severity; for having established a Juncto of Counsellors for keeping a strict Eye upon all suspected Persons, he punished to the utmost Rigour such as had been guilty of the late Tumults, and shewing himself more ready to punish, than pardon upon Repentance, he spared none of the Ringleaders, for sometimes charging them with Crimes, sometimes inventing Pretences, some publickly, and others privately were put to Death, and many were forced to fly the Kingdom: This got him the Character of Severe and Cruel, and was one of the Reasons of his not being able to prolong his Government so much as he thought his Merit required.



## C H A P. V.

*The Count D'Oniate recovers the Garisons of Tuscany from the French, and puts a Stop to the Incurfions of the Banditi. His Departure, Monuments, and the Larws he left us.*



THE Count D'Oniate's Resolution to attempt the Recovery of the Garifons of *Tuscany* at this Time, when the Kingdom was so much exhausted and brought low, by the late Troubles, was not only surprizing, but gained him vast Applause. But on the other Hand this most prudent Minister considered, that the Kingdom would never be in Peace and Quiet, if the *French* were not driven out of those neighbouring Places; as well because of the Interruption they gave to the Communication and Traffick with the other States of the Monarchy in the *Mediterranean*, as because they were a Retreat to the Rebels of the Kingdom. The Count, therefore, resolved to exert himself to the utmost of his Power in this Expedition, being likewise encouraged by the News of the Prince of *Condé's* having at this Time raised some Commotion in *France*. He set about assembling the Troops, and fitting out a Fleet answerable to the Design; and, to give the greater Life to the Expedition, he went upon it himself, so that by his Example almost all the Nobility strove who should be foremost in serving the King at this Juncture. Before he departed, he left D. *Beltran de Guevara*, his Brother, his *Lieutenant*, who, for the Space of four Months that the Count was absent, governed the Kingdom with much Prudence, and above all he made it his Business to relieve the Corporations of the Kingdom, by ordaining, that the yearly Interest of whatever Sums they owed should be reduced to five *per Cent*. He repaired the Hall of the High-Court of the Vicariate, and made sundry good Regulations, which we read in the two Statutes he left us. On the 3d Day of *May* 1650. the Fleet failed towards *Gaeta*, where it was joined by D. *John of Austria*, with other Ships and Troops, which he had brought with him from *Sicily*. The Fleet being reviewed here, it was found to consist of 33 large Ships, and 13 Gallies, besides seven of the Duke of *Tursi's* Squadron that had gone to *Finale*, to take on Board the Troops which the Governor of *Milan* sent to this Expedition.

ON the 26th of the same Month, the Fleet being got in Sight of *Elva*, it was resolved to recover *Piombino* before they should attack *Portolongone*; the Charge of which being given to the Count of *Conversano*, who, with the Title of General of the Horse, with 300 Foot, 80 Horse, and six *Tartanes*, all at his own Charges, had joined in this Expedition; he, with 1500 Foot, 400 Horse, and seven Cannon, besides the Troops of *Niccolo Lodoviso*, to whom the Principality belonged, went to invest the Place, and after many Hours of a furious Attack, the *French* were forced to abandon the City, and retire into the Citadel. Upon Advice of this, the Viceroy in all haste went with fresh Men to give Life to the Undertaking; so that the *French*, seeing the Besiegers drawn up in order to make an Attack, having no hopes of Relief, immediately surrendered upon honourable Conditions. After the Viceroy had put a Garifon in *Piombino*, and restored Prince *Lodoviso* to the Possession of that State, he returned to the Fleet.

BUT though his Army had landed on the Island of *Elva* without Opposition, yet, as they were marching up the Hill where *Portolongone* is situate, they found the  
*French*

*French* had laid an Ambush for attacking them on their March, which was no sooner perceived, than D. *Dionysio Guzman*, Colonel General of the Kingdom, mounted his Horse, and with a Detachment of Musquetiers obliged them to retire under the Cannon of the Town. The Army having got up without Opposition, and being drawn up in the Plain, the Attack was begun. The Outworks being taken, and our Men having made a Lodgment in the Ditch, the *French* began to capitulate, upon the same Conditions granted to the Garrison of *Piombino*; and to be allowed to march out with two Pieces of Cannon, provided that within 15 Days they were not relieved, which was agreed to. Therefore, no Relief having come, on the 15th of *August*, *Novillac*, the Governor, marched out with 700 Men, which were all that remained of 1500 that had been left in Garison, and being arrived at the Sea-side, they embarked in some Ships that had been hired for transporting them. Our Men having entered the Place, returned Thanks to God for the good Success of the Undertaking, which, though it cost a great deal of Blood, and vast Expences, yet might have been prolonged much more, and if the *French* had held out to the last, the Issue would have been uncertain.

DON *John of Austria* returned to *Sicily*, and the Viceroy, after having given the necessary Orders for repairing the Place, and putting it in a State of Defence, returned to *Naples*, where he resumed the Government, and with the utmost Rigour, and cruel Deaths, he rid himself of the Disaffected, and extirpated the Banditi, who were now more than ever infesting the two Provinces of *Abruzzo*.

BUT while the Count, with indefatigable Application, was wholly intent upon settling the Government, beautifying the City, and repairing the Losses it had suffered by the late Troubles, on the 10th of *November* this Year 1653. the Count of *Castrillo*, who, by the Court, had been appointed his Successor, unexpectedly arrived, which very much disturbed him; but he concealed his inward Discontent so well, that he never dropt a Word of Resentment, till after he had quitted the Government, and retired to the Convent of *S. Martin*, belonging to the *Carthusians*. Some imputed this Removal to his Rigour; others to the ill Offices done him by D. *John of Austria*, who, it was said, bore him a secret Grudge: It was likewise rumoured, that it was owing to the Suggestion and Instances of the Pope, who took it ill, that the Count had repulsed the Pretensions of Cardinal *Filomario*, the Archbishop, and of the other Ecclesiasticks, who, delighting to fish in troubled Waters, had been insolent, and by Monitories and Interdictions had trampled upon the King's Prerogatives.

WHENEVER he had any breathing Time, he did not fail to beautify the City, re-establish the Tribunals, and resettle the University. He repaired the Fabrick of the Custom-House, almost quite ruined during the Troubles; he enlarged and gave a new Form to the Court-Yard, and rebuilt the Fountain in the Middle of it. In fine, he repaired all the Publick Buildings that had suffered any Damage during the late Commotions.

HE restored the Tribunals to their former Authority and Decorum; and he established very near fifty good and prudent Statutes, whereby he regulated the Tribunals, and the Fees of the Clerks and other inferior Officers thereof: He ordered all the Records that had been preserved from the Flames at the Burning of the Archives of the Chancery, during the late Troubles, and that were in the Hands of private Persons, to be delivered to the Secretary of the Kingdom: He imposed a severe Penalty upon Notaries, who neglected to register Contracts in their Protocols: He made many Regulations for preventing Smuggling; and he left other salutary Provisions, which are to be found in the often mentioned Chronology.





## C H A P. VI.

*The Government of D. Garcia d'Avellana y Haro, Count of Castrillo, in which the Duke of Guise, with a new Fleet makes a fresh Attempt upon Naples, and enters the Gulph, but with bad Success.*

**T**HE Court of *Spain*, in order to mitigate the Rigour of the Count *D'Oniate*, thought fit to send the Count of *Castrillo* to be his Successor in the Government of the Kingdom, who was of a more mild and indulgent Temper, and who having first applied himself to the Study of the Law in the University of *Salamanca*, and for many Years been employed in the Offices of the long Robe, had afterwards been advanced to those of the Sword. He arrived at *Naples* on the 10th of *November* this Year 1653. and to give a Proof in the Beginning of his Government how much he had the restoring of Plenty at Heart, he caused two Ounces to be added to the Weight of Bread. But very grievous and anxious Cares disturbed his Mind in these very Beginnings; for those who had fled from the Count *D'Oniate's* Rigour, having taken Shelter in *France*, did not fail to magnify at that Court their Correspondence in the Kingdom, the Discontent of the People in seeing themselves again fallen under the *Spanish* Yoke, and what an easy Matter it would be to conquer it. To these Motives were added the Insinuations of the Duke of *Guise*, who, as we have said, having obtained his Liberty, instead of performing his Promises of favouring the Malcontents of *France*, that he might not betray his natural Prince, had gone to that Court, and got himself restored to Favour; and still dazzled with the Splendor of the Crown of *Naples*, which he hoped to be able to obtain, he could not be at rest: So that being supported by the Sollicitations of those wretched Refugees, he was the more pushed on, magnifying the vast Number of Harbours that were in the Kingdom of *Naples*, capable of receiving the greatest Fleet; the Number of Friends he had in all the Provinces; the Affection which the lower Sort of People had for his Person; whence he flattered himself with the Hopes of a new Insurrection, if he once had the good Fortune to appear there, not disarmed, as formerly, but with Force able to support the Resolutions of the Malcontents, kept under through the Fear of Punishment; insomuch that he prevailed upon the Court of *France* to assist him, and Orders were dispatched for fitting out the Fleet, and the Command of it was given to himself.

UPON Advice of this intended new Expedition from *France*, the Count of *Castrillo* was forced to put the Kingdom in a Posture of Defence, and besides having ordered a new Draught to be made out of the Militia of the *Bataglione*, both of Horse and Foot, and out of the Company of the Men at Arms of the Kingdom, he caused new Troops to be raised, and having sent for all the reformed Officers, he formed them into two Companies, one of 300 *Italians*, and made his Son *D. Gaspar de Haro*, Captain of it, the other of *Spaniards*, and gave the Command of it to the Marquis of *Cortes*, his Son-in-Law. The Cities of *Sessa* and *Teano* were appointed to be the Places of Arms, where all the Militia of *Bataglione*, and the Men at Arms were ordered to rendezvous; and *D. Carlo della Gatta*, the Colonel-General, having reviewed them, Two thousand of them were sent to reinforce the Garisons of  
*Tuliany,*

~~Tuscany~~ and all the Provinces of the Kingdom, most exposed to the Insults of the Enemy, were provided with Troops.

THIS provident Care being taken, the Month of *October* ended, and no *French* Fleet appearing, it was thought the Report of this Expedition had been industriously spread, in order to prevent the sending of Succours out of the Kingdom to *Catalonia* and *Flanders*, where the War was raging between the two Crowns more than ever. But it proved otherwise, for the Duke of *Guise* being obliged to spend more time than he expected in fitting out the Fleet, it could not be got ready to sail from *Toulon* till the Beginning of *October*. This Fleet consisted of seven large Men of War, fifteen Transports, six Gallies, and as many Tartanes, on board of which were embarked 7000 Soldiers, and 150 Horse, besides a great Number of Arms and other Accoutrements, designed for arming those, whom the Duke expected would join him, for which Purpose he had 200 Gentlemen on board with him to be their Officers. The Fleet being tossed by Storms, did not appear in our Seas till the 12th of *November*.

THE Viceroy, upon Advice sent him by the Governor of *Gaeta*, immediately fitted out sixteen Gallies that were in the Harbour: He distributed the Troops along the Coast, and in the Cities and Towns of the Gulph of *Naples*: He reinforced the Garisons of the City of *Pozzuolo*, and the Castle of *Baja*; and *D. Diego Quirola*, General of the Artillery, was sent with a Detachment of Foot and Horse, with some Cannon, to guard the Shore of *Bagnuoli*.

THE Enemy's Fleet, after having sailed along the Coast of *Sorrento* and *Vico Equense*, came to an anchor off *Castell' a Mare*. That City, after a short Resistance, surrendered upon Terms, into which the Duke of *Guise*, with fifty Knights of *Jerusalem*, entered, and went to the Cathedral, where, with solemn Ceremony, having returned Thanks to God, he set about fortifying the Place with new Trenches, well lined with Soldiers. To all those that were unwilling to stay in the City, he gave ample Passports, in which he intitled himself *Viceroy, and Captain-General of the King of France in the Kingdom of Naples*. The Loss of *Castell' a Mare* very much vexed the *Neapolitans*; and though both the Nobility and Commonalty offered to sacrifice their Lives and Fortunes to the King's Service, there were not wanting Malcontents, who did what they could to frighten the People out of their Duty; insomuch that the Viceroy was obliged to imprison some who had been Ring-leaders in the late Troubles, amongst which there were two Priests and a Monk, who were practising upon the People in Favour of the *French*.

IN order to prevent the Duke of *Guise* from enlarging his Conquest, the Viceroy granted an Indemnity to the Banditi, and took Possession of the Hill behind *Castell' a Mare*. Then he sent Orders to *Carlo della Gatta*, to the Prince of *Avelino*, and the other Officers that were in *Sessa*, first to provide the Places of *Terra di Lavoro*, and then to march with the Gross of the Army to the Neighbourhood of *Castell' a Mare*; and he sent six Gallies to *Finale* to take on board the Troops that were coming from the *Milanesse*. In the mean time Relief hastening from all Quarters, although the Duke of *Guise* sallied out, with a Design to take Possession of the neighbouring Places, he found a stout Resistance every where, and in several Skirmishes having lost a good Number of Men, he was obliged to retire. But upon the Arrival of General *Della Gatta*, with an Army of 12,000 Men, consisting of Noblemen, Barons, and reformed Officers and Soldiers, and being afterwards reinforced by some Regiments, the ill-grounded Hopes vanished in an Instant; so that the *French* Generals resolved to abandon *Castell' a Mare*, and endeavour, the best Way they could, to imbarc their Troops, and return to *Toulon*. They considered, that to extend their Conquest by Land was an Undertaking, not only difficult, but desperate, all the Country round about being full of the Enemy's Troops; to remain in that unsafe Harbour all Winter, was exposing the Fleet to certain Shipwreck. The only Shift left them, was to put to Sea, where there being no *Spanish* Fleet, they had nothing to fear; nor was the boisterous Winter Season, already begun, proper for attacking any other Sea-Port. The Inclination of the People for the Duke of *Guise's* Person, which had been the chief Foundation of the Expedition, was now quite vanished, and the Duke too late perceiving the Inconstancy of the Nation, and not a little surprized at so great a Change, he was much more so, when he understood, that there had been a Writ affixed in *Castell' a Mare*,

wherein was promised a Reward of 30,000 Ducats to whoever should cut off his Head.

THEREFORE a Council of War being held, it was resolv'd by all the *French* Officers to abandon the Place, and to return with the Fleet to *Toulon*, and not to suffer it to perish in that Harbour; whereupon the necessary Orders were given for departing. Upon the News of this the Soldiers began to pillage the Houses of the Inhabitants, nor did they spare the Churches, which were robbed of all their Furniture and sacred Vessels; and after having made a rich Booty, on the Evening of the 26th of *November*, they embarked; but being detained 15 Days by contrary and boisterous Winds, on the 10th of *December*, the Sea being something calmer, they set sail for *Toulon*; at the same time that a Squadron of 23 *English* Men of War appeared in our Gulph, which, at the Instance of King *Philip*, had been sent to oppose the *French*; so that there being no Occasion for their Assistance, after having anchored two Days off our Harbour, they set sail and steered towards the West.

THUS ended the Fear, which the Duke of *Guise's* Expedition had occasioned in the Kingdom; but the Viceroy's Cares, and the Necessity of making Provision for a new War, did not end here. The *French* never left off, by new Intrigues, disturbing the Peace of *Italy*: At this Time they had persuaded *Francis* Duke of *Modena*, a Prince of a warlike Genius, to raise Troops, in order to renew the War in the *Milaneze*; whereupon the Marquis of *Caracena*, Governor of *Milan*, in order to bring that Prince to Reason, had entered his Dominions with Force of Arms. On the 7th of *January* this Year 1655. Pope *Innocent X.* had died, nevertheless the College of Cardinals being in the Conclave for the Election of a Successor, had not neglected to send *Emilio Altieri*, to interpose between the Parties; and afterwards, on the 7th of *April*, *Fabio Gbigi* being elected Pope, who took the Name of *Alexander VII.* he very earnestly employed his good Offices for preserving the Peace of *Italy*. But neither the Interpositions of the Pope, nor of the *Venetians*, availing any Thing, the Duke of *Modena*, being declared the King of *France's* General, marched and sat down before *Pavia*. Therefore, upon Advice of these Motions, Succours being demanded of the Viceroy, in the Month of *May* he sent seven Gallies with 1500 Foot to *Finale*; and soon after he fitted out a Squadron of Men of War and Gallies, in which he embarked and sent thither 4000 Men, under the Command of the Marquis of *Bajona*. And, these not being sufficient, in the Month of *August* he was obliged to send five Gallies, and 40 Tartanes, with other 2000 Foot, and 1500 Horse, under the Command of the Marquis of *Cortes*, his own Son-in-Law. The Viceroy had the Pleasure afterwards to see that all these Charges and Pains had been well bestowed; for the Governor of *Milan's* Army being so strongly reinforced, and *Pavia* gallantly defended against the *French* by Count *Galeazzo Trotti*, the Duke of *Modena* was forced to raise the Siege.





## C H A P. VII.

*A cruel Pestilence miserably afflicts the City and Kingdom: It ceases, and a new Viceroy is sent.*

**A**FTER so many and so lamentable Events, after so many Miseries and Misfortunes, that no Mischief might be wanting, this Year 1656. the Kingdom was miserably afflicted with a cruel and deadly Pestilence. The so many Disorders and Revolts, the so many Afflictions, occasioned by cruel Wars, or by the Fear of them, which is worse, the Incurfions of the Banditi, the Invasions of the *Turks*, Dearth and Earthquakes were not sufficient; but for its utter Ruin, the Kingdom must undergo this pestiferous Scourge, so unmerciful, that we don't read of its having, in so short a Time, made such Havock and Destruction in any Country: That which raged in the Time of *Lautrech's* War, lasted almost two Years, and it was computed, that it did not carry off above 60,000 Persons; this, in less than six Months, dispeopled the Provinces of the Kingdom, and reduced the Metropolis to a Burying-place, by destroying about 400,000 of its Citizens. The Island of *Sardinia* had, for a long Time, been visited with a Pestilence, and therefore, not only the Count of *Castrillo*, but the other Viceroys his Predecessors, had published severe Proclamations, forbidding all Commerce with it, but a Vessel full of Soldiers coming from that Island into our Harbour, whether thro' the Neglect of those that guarded the Harbour, or that in Place of Bills of Health of *Sardinia*, those of *Genoa* had been produced, or that the Soldiers might not be detained on board, it had been done by the Viceroy's special Order, Pratick was given. It was not long before one of the said Soldiers fell sick, and being carried to the Hospital of the *Annunciation*, he died within three Days, his Body appearing full of small livid Spots; shortly after one of the Servants of the Hospitals, being seized with a Vertigo, died within 24 Hours, and soon after his Mother likewise died. The neighbouring Houses being infected, in a short time the Contagion spread itself in the lower Quarters of the City, particularly in *Lavinaro*, *Mercato*, *Porta della Calce*, and *Armeri*.

IN these Beginnings the Physicians ascribed such pernicious Effects to other Causes, some to malignant Fevers, some to Apoplexies, and some to other Distempers; they were not all of the same Opinion, one by a more nice Observation, looked upon the Disease to be pestilential; but it coming to the Viceroy's Ears, that this Physician gave out that it was contagious, he was clapt up in a Dungeon, where having fallen sick, as a great Favour he was allowed to go and die in his own House, of which the other Physicians being apprized, they went on to conceal the Nature of the Distemper. But it still increasing, and spreading itself in the Neighbourhood of the aforesaid Places, Cardinal *Filomarino*, the Archbishop, thought it was his Duty to acquaint the Viceroy, that in an Affair of such Importance, more Circumspection was requisite. The Count of *Castrillo* was highly offended, that it should be rumour'd Abroad, that there was a Pestilence in *Naples*, for being obliged to send a Reinforcement of Soldiers for the War of the *Milanese*, still carried on by the *French*, these Rumours would put a Stop to it; so that he did what he could to smother the Report: Nevertheless, not being able to resist the continual Warnings sent him, and the Disease still increasing, he was forced to convene the most famous Physicians in these Times, that they might give him their

Opinions

- Opinions of it. They, either out of Ignorance, or Fear, or to soothe the Viceroy durst not declare the Distemper to be pestilential; but only advising, that Fires should be kindled in all the Quarters of the City, and that it should be prohibited to sell Salt-Fish, they slipt their Necks out of the Collar. But it required other Things than Trifles to put a Stop to so impetuous a Torrent: The Distemper raged more violently, nor did the Advice of Physicians, nor the Virtue of Medicines seem to have any Effect: Hundreds died of it daily, and nothing else was seen in the Streets, but the Sacrament carrying to the Sick, and the Dead to the Grave. The Citizens struck with Terror, some by humble Supplications, some in confused Processions of Men and Women, and Virgins with their Hair dishevelled, others with the most worshipped Images carrying before them, and others in different manners were begging for Pity and Compassion of God and the Saints, and a Relief from so great Misery and Desolation. But they did not consider, that by thronging together in such Crowds, the Distemper had the greater Force, and that Thousands of them were seized with it at once.

THE Disease afterwards spreading its deadly Poison more furiously, it was noised Abroad, that *Orsola Benincasa*, a Nun, who had acquired the Reputation of a most holy Life, not having as yet found a commodious Habitation for her Sister Nuns, before she died had prophesied, that when the Calamity was at its greatest Height, if a Hermitage were built for them on the Declivity of *S. Martin's Hill*, the Pestilence would cease. The Draught was drawn, and the Viceroy was the first who, with his own Hands, carried thither twelve Baskets full of Earth: The Example of the Head moving others, the Magistrates of the City, and all the Citizens run thither in Crowds, and not only furnished Money, but wrought with their own Hands. It was surprizing to see Men and Women, Young and Old, the Nobility, Citizens, and Plebeians, strip themselves of their best Effects, and offer them in Charity for building that Edifice, which was to be the Deliverer of their City. There were placed in the publick Streets, not Coffers, but empty Hogsheads, which, in an Instant were filled with Money of Copper, Silver, and even of Gold: The very Ladies, laying aside their natural Vanity, took the Rings off their Fingers, the Pendants from their Ears, the Bracelets and Necklaces from their Arms and Necks, and, as if they had been intoxicated, offered them to the rising Fabrick; and what was yet more amazing, Persons of Quality strove who should be foremost in performing the meanest Offices, some carrying a Basket full of Nails, some Lime and Stones, others, in assisting the Carpenters, loading themselves with Beams, were in Danger of sinking under the Weight of the Burden. But Effects are always proportionable to their Causes; while they were hard at Work, the Disease increased, and spread itself much more: The Concourse of so many People from all Quarters, sweating and striving who should work most, occasioned that the Malady, which at first was confined to a few Streets, spread itself over all the City. Thus, while the Building was near finished, the City was in a manner desolate.

TO this dismal Calamity new Confusions and Disorders were added. There were not wanting some Malcontents, the wretched Remains of the late Troubles, who, in order to raise new Seditions, went about insinuating to the People, that this Scourge did not proceed from the just Judgment of God, as a Punishment for their Sins, but from the revengeful *Spaniards*, in order to exterminate the Populace, and be revenged of them for the late Revolts: That it was plain from the Viceroy's Conduct, who had immediately given Prattick to the Soldiers to come from the infected Island of *Sardinia*; from his having afterwards endeavoured to conceal the Distemper, that proper Remedies might not be applied in the Beginning: They confirmed it by bidding them take notice, that neither the Forts, where the *Spaniards* were in Garison, nor the upper Quarters of the City, where they lived, were infected, but only the Wards of *Lavinaro*, *Conciaria*, *Mercato*, and the other lowest Palces, for the most part inhabited by the meanest Sort of People; and after having gained over many to their Opinion, they had the Impudence to give out, that there were People that went through the City sowing poisoned Dust, and that they ought to be traced and put to Death. So having joined in several Bands, they went about in quest of those imaginary Poisoners, and having met two Soldiers belonging to the great Tower of *Carminè* (in order to begin a Quarrel that might end in a Tumult) they fell upon them, pretending that they had found some of the poisoned Dust upon them. A great Crowd of People having gathered upon the Noise, by

good



Good Luck a Man of Integrity passing by, who, with soft Words, and moderate Advice, persuaded them to deliver up such wicked Wretches to the Civil Magistrates, to the End that, besides their being punished, the Antidote to the Poison might be got out of them, and by that means the Lives of many might be saved; but it was no sooner known, that one of the Soldiers was a *Frenchman*, and the other a *Portuguese*; and it being likewise rumoured, that 50 Persons in Disguise were going about spreading the poisoned Dust, than there arose a much greater Disturbance: for all those, who wore Clothes, Shoes, Hats, or any other Thing of a different Fashion from what the Citizens used to wear, were in Danger of their Lives. Therefore, in order to pacify the Mob, the Viceroy was obliged to cause *Vittorio Angeluoca* to be broken on the Wheel, who, besides his being guilty of other Crimes, was still looked upon by the Vulgar to be a Disperser of the Dust. But at the same Time the Contrivers of that fabulous Story were exemplarily punished: Many of them being clapt up into Dungeons, five of them were ignominiously hanged in the Market-Place, which put an End to the Rumour.

MEAN while the Magistrates of the City, seeing that the Malady not only dispeopled the Metropolis, but that it likewise spread itself in the Provinces, made pressing Instances to the Viceroy for applying the strongest and most effectual Remedies; and after the Collateral Council had had frequent Meetings, the Viceroy resolved to order the *Seggi* to appoint a particular Deputation, to which he gave all the necessary Authority, and likewise appointed *D. Emanuel d' Aguilar*, Regent of the Vicariate, to be their Head. The Deputation recommended to the most noted Physicians of these Times, not only to inspect the Sick, but the Bodies of the Dead by making a nice Dissection; so that being met, and the famous *M. Aurelio Severino*, so renowned in the World for his Works of Philosophy and Physick, and who died afterwards of the same Pestilence, presiding, it was concluded, that the Distemper was contagious, and that all Care imaginable was to be taken of the Sick, whose Infection was inevitable Death.

THEREFORE the Viceroy and the Deputation spared no Pains in applying the best Remedies they could for putting a Stop to the Distemper: It was ordered, that Guards should be kept in all the Cities and Towns of the Kingdom, and no Person to be admitted into them without the necessary Bills of Health: That in each Ward of the City of *Naples*, a Deputy should be chosen, to whom an Account of all the Sick of the Ward was to be given: That the Infected should be carried to the *Lazaretto* of *S. Januarius* without the Walls: That those, who had Conveniency of being taken Care of in their Houses, should be shut up in them: That no Physician, Surgeon, or Barber should leave the City, but attend the Sick, according to the Distribution that should be made by the Deputation: That Dogs and other unclean Animals should be killed; and other salutary Precautions were taken for putting a Stop to so great a Torrent. But all these Remedies proved fruitless; the Distemper raging still more violently, all the Hospitals were filled in an Instant, and new ones built, but these as little sufficient, the People perished in the Doors and upon the Stairs of the Houses, and in the open Streets. Coffins and Burying-places were likewise wanting, for not only all the Quarters of the City being infected, but all the Houses, it made a horrible and lamentable Slaughter; insomuch that it was said, that 8 or 10,000 died a Day, not only the Physicians, Surgeons, and all those who were appointed to take care of the Body, died, but likewise the Priests and other Religious, appointed to take Care of the Soul. There were none to bury the Dead, so that their Carcasses lay on the Streets, in the Doors, and on the Stairs: Confessions were made publickly, and the Sacrament was carried to the Sick without any Attendance, and it was given them from the Point of a Stick: Some, being seized with a Vertigo, fell down dead in the Streets. The Dead for the most part lay unburied in the Houses, or upon the Stairs of the Churches; but the Number of those was much greater, who lay unburied in the publick Streets; and those, who by great Favour, and vast Expences, were buried within the Churches, had not so much as a Priest to accompany them to the Grave: And instead of a Coffin the Corpse was carried upon a Table, or at most upon a Bier.

IN so great a Confusion there was no Room left for taking any more Precautions, except that, in order to prevent the Air from being more infected by the Stench of the dead Carcasses, it was resolved that the Dead should be buried; the Care of which was incumbent upon the Deputies and the Magistrates of the City,

who caufed about 150 Carts to be brought from the neighbouring Villages, and the Viceroy employed in that Work about a hundred *Turkifh* Slaves belonging to the Gallies. It was a very dreadful and horrible Thing, to fee the dead Bodies feized with an iron Hook, dragged through the Streets, and thrown upon the Carts, and frequently fome not quite dead, but thought to be fo, were ferved after the fame manner. The Caves of *Monte di Lautrech* were filled, where afterwards a Church was built, and called *S. Maria del Pianto*: The Church-yard of *S. Januarius* without the Walls: Many Caves of Hills, out of which Stones for building had been hewn: The Plain of Pines without the Gate of *S. Januarius*: That other Plain before the Church of *S. Dominico Soriano* without the Royal Gate; and thefe not being fufficient, the Slaughter ftill increafing, particularly in the Month of *July*, in which there were fome Days, that the Number of the Dead amounted to 15000, there was a Neceffity of burning the dead Carcaffes, and fome were thrown into the Sea.

NOT only the Metropolis, but the Provinces of the Kingdom underwent the fame cruel Slaughter. Excepting the Provinces of *Otranto* and the *Further Calabria*, all the reft were left defolate. Of the Cities and Towns, 'tis faid, that only *Gaeta*, *Sorrento*, *Paolo*, *Belvedere*, and fome other Places were kept free of the Infection.

BUT after the Kingdom had been reduced to this unhappy State, about the Middle of *Auguft*, a violent and plentiful Rain in fome meafure abated the Diftemper, and the deadly Poifon began to ceafe; none were any more feized with it, and thofe, who had been infected, were cured; infomuch that about the End of *September*, there were no more than 500 Sick in the City of *Naples*. Therefore the Deputation began again to ufe Precautions, and Orders were given for purifying the Goods of the Houfes where the Contagion had been, and other Methods were taken to prevent the Sicknefs from breaking out again. Other two Months elapfed, and no unhappy Accident was heard of; whereupon fome Phyficians, who had efaped the common Slaughter, having met, on the 8th of *December* they made a folemn Declaration, that the City was intirely free from Infection.

THE Sicknefs was likewise ftill abating in the Provinces, but becaufe it was like to be fome Months before they could get quite clear of it, it was thought fit to keep up the Pallifados and Guards at the Gates of the City, in order to keep out thofe who came from fufpected Places. For which End the Viceroy fubfcribed a rigorous Ediét, whereby he ordered, under the fevereft Punifhment, that no Stranger fhould be admitted into the City without his exprefs Licence, after having been vifited, and the Opinion of the Deputation obtained. At the Defire of the Viceroy, the Archiepifcopal Court of *Naples* fubjected to the Ecclefiastical Cenfures, all thofe who had concealed infected Goods, if they did not difcover them within a certain Time, and get them purified. But the Archbishop, taking Advantage of thefe Confufions, did not neglect to fcrew himfelf into other Peoples Matters, and pretend to a Share in thefe Precautions; for he took upon him to put forth another Ediét like to that of the Viceroy, as if the firft had not been binding upon the Ecclefiasticks, whereby he commanded that no Ecclefiastick fhould dare to enter *Naples* without his written Licence. The Viceroy, in order to fupprefs fo pernicious an Incroachement, immediately publifhed a rigorous Order, whereby he ordained, that no other Licences fhould be regarded, but thofe of the King's Minifters, to whom it folely belonged to preferve the Kingdom. Whereupon the Nuncio having interpoled, an End was foon put to the Difpute, by ordering, that all the Ecclefiasticks that came into the City fhould obferve the Viceroy's Ediét, and be fubject to the Infpection of the Deputation, and then, if they thought fit, they might go and prefernt themfelves before their own Tribunals. This Method was obferved till the Month of *November* of the following Year 1658. when the Cities of *Rome* and *Genoa* being declared free from the Contagion, Commerce was every where opened, and the Baricados and Guards were taken off from the Gates.

THE Viceroy went on to fet the difordered Affairs of the City and Kingdom to rights: To furnifh the City with Proviſions, and check the Avarice of the remaining Tradefmen and Husbandmen, who, being but few, and enriched with the Effects of the Dead, were either unwilling to return to their Employments, or impoſed upon the People in the Price of their Work: Settling again the Prices and Wages, as they were before the Contagion. Then he applied himfelf to relieve the Corporations of the Kingdom, ordering, that fuch as had fuffered by the Peſtilence ſhould not be moleſted

instituted for the fiscal Payments which they owed for all the Month of *April* 1657. and from the first Day of *May* the same Year, they had paid a fourth Part less than they were taxed in the antient Valuation of the Kingdom. Then publick and solemn Thanks were returned to God and the Saints: The Images of the Tutular Saints of the City were painted upon the Gates of it by the famous Pencil of the Cavalier *Calabrese*, and Statues were erected to *B. Gaetano Tiene*; and that Pyramid, with the Statue of that Saint, and the Inscription which we now see in the Market-Place of *S. Lorenzo*, was erected at this Time.

THOUGH the Kingdom, by Degrees, was recovering its former State, yet the Viceroy was again involved into new Troubles by the Banditi, particularly in *Principato*, where, being protected by some Barons, they began to multiply; therefore he resolved both to punish the Protectors, and dislodge the Protected from these Places; and that his calamitous and unhappy Government might receive some Comfort, Heaven had reserved for the last Months of it, that the Queen, on the 28th of *November* 1657. should be brought to Bed of a Son, who got the Name of *Prospero Philippo*, and was Heir to the Monarchy. The News of it came to *Naples* in *January* 1658. whereupon the Viceroy, in order to cheer up the People, and make them forget their late Calamities, caused most sumptuous and magnificent Feasts to be celebrated. And afterwards, on the 18th of *July* the same Year, *Leopold* being elected Emperor, the Feasts and Tournaments were repeated. But the Feasts were scarce over, when he had Advice, that the Count *De Peniaranda*, having dispatched his Affairs at the Dyet of *Francfort*, where, as the King's Ambassador-Extraordinary, he had been present at *Leopold's* Coronation, had been appointed his Successor. *Peniaranda*, therefore, arriving in *Naples* on the 29th of *December*, on the 11th of *January* 1659. the Count was obliged to quit the Government to him. He left us many prudent and useful Laws, amongst which was the publishing of the Favour granted by the King to the Baronage and Kingdom, by extending the Succession of Feodal Estates to all in the fourth Degree, with Power to appoint the Heir, with all the Privileges belonging to the Right of Seniority, and to substitute Trustees; and he made other Regulations, which are set down in the often-mentioned Chronology; and though his unhappy Government did not allow him to leave us any Monument of his Magnificence, yet it was he, who by throwing down a great many Houses, made the Royal Palace stand by itself, as if it were an Island, and he caused all the Pictures of the Captain-Generals of the Kingdom to be hung up in the Hall of the Palace.

IT seems, that with the coming of the Count *De Peniaranda*, our Kingdom began to recover itself from the past Misfortunes, and being no more afflicted with such Calamities, to put on its former Countenance; therefore its Adversities having ended here, we shall likewise conclude this Book, putting such distinct Bounds betwixt this and the following, that the succeeding Events may not be defiled by the preceding Disasters, and lamentable Adventures.





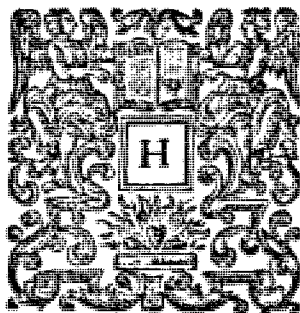


THE  
CIVIL HISTORY  
Of the KINGDOM of  
NAPLES.

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BOOK XXXVIII.

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APPY were the Beginnings of the Government of the Count *De Peniaranda*, not only by the Tranquillity rettored in our Kingdom, but by the Felicity of the Peace, which being for a long Time carried on betwixt the two Crowns, came now to be concluded by the Treaty of the *Pyrenees* by the two Favourites, Cardinal *Mazarin* for *France*, and *D. Lewis de Haro* for *Spain*. The Conclusion was facilitated by King *Philip IV.* having a second Son born to him, by whose Birth the Succession of the Monarchy seemed to be at a greater Distance in the Person of the Infanta *D. Maria Teresa*, of *Austria*, King *Philip's* Daughter of his first Marriage. These two Favourites were very ambitious to have it believed, that they were the Authors of the Peace so much longed for by the People, as they had been before reputed the Instruments of the so many Calamities of the War; and therefore they rejected all Mediation whatsoever, particularly that of Pope *Alexander VII.* who had made himself unacceptable to both the Crowns. Therefore the principal Conditions being concerted, which consisted in the Marriage of the Infanta to *Lewis XIV.* and in *France's* retaining a Part of the Conquests, and quitting the rest, these two Prime Ministers agreed to meet at the *Pyrenees* for stipulating and signing the Treaty. For which End *Mazarin* set out from *Paris*, and by the Way received from *Madrid* the Approbation of what had been concerted; but being come to the Borders, he found, that the *Spaniards*, even in the low Condition they were reduced to, would by all means maintain their Precedency; for though

D. *Lewis de Haro* ought to have yielded to the Dignity of Cardinal, yet he pretended, as being upon the Level with *Mazarin* as Prime Minister, to dispute the Precedency with him, and he managed Matters so dextrously, that he got the better of him; for an Expedient was found out, to build in the Island of *Pheasants*, which is made by the small River of *Bidassoa* that divides the two Kingdoms, a wooden House, into which each of the Ministers entering by a Bridge from his own Side of the River, they both met in a common Hall. In this Hall they had many Conferences, and after having had long Debates about including *Portugal* in this Peace, and restoring the Prince of *Condé* to his Estates and Employments in the Kingdom of *France*; at last *Portugal* was excluded, and the Prince restored to his own: On the 7th of *November* this Year 1659. the Peace was signed by the two Ministers, and solemnized with mutual Embraces, and the Acclamations of those that were present, the News of which was received with unspeakable Joy in all the Dominions of the two Crowns.

THE Articles of this Peace were many, and the first contained in few Words the usual Conditions of reciprocal Restitution of Goods, Honours, Dignities, and Offices to all the Subjects of both Parties, as well Ecclesiasticks as Seculars, who had espoused the opposite Interest, including expressly the *Neapolitans*, *Catalans*, and the Prince of *Monaco*; and others were likewise agreed to about restoring Commerce between the two Nations. The most material Article was the Marriage agreed upon between D. *Maria Teresa* and King *Lewis*, with 500,000 Ducats of Portion, whereby the Infanta, in Consideration of the Peace, and that these two Crowns, upon whatsoever Event, might not be united under one Head, in the most solemn Form, renounced her Right of Succession in the Monarchy of *Spain*. It was agreed, that of the Conquests, all the Province of *Artois*, except *S. Omer* and *Aire*, with their Dependencies, should remain in the Possession of *France*. In *Flanders* that Crown was to keep Possession of *Graveling*, *Bourbourg*, *S. Venant*, and the Forts annexed to them, and all that belonged to these Places, as also in *Hainault*, of *Landrecy* and *Quenoy*, in *Luxemburg*, of *Thionville*, *Dampvillers*, *Yvoix*, and other Places of less Moment. *France* was also left in Possession of *Perpignan*, with the County of *Roussillon*, and of *Conflans*: And Commissaries were appointed by both Parties for regulating the Borders on this Side of the *Pyrenean Mountains*.

*FRANCE* gave *La Bassée* and *Winoxberg* in exchange for *Marinbourg* and *Philipville*; and besides, *Spain* gave up *Ypres*, *Oudenard*, *Dixmud*, *Furnes*, and the Towns upon the *Lys*, and some Castles in the County of *Burgundy*: *Valenza* and *Mortara* in *Italy*; *Roses* and *Cadague* in *Spain*, though situate on the other Side of the *Pyrenees*. *Spain* likewise yielded up *Linckamp*, as also *Chatelet* and *Rocroix*, possessed by the Prince of *Condé*; and renounced its Pretensions upon *Alsace* and its Dependencies, formerly yielded to the *French* by the Emperor by the Treaty of *Osnaburg*.

AS for the Duke of *Lorraine*, if he had a mind to be included in the Peace, he was to be restored to the Possession of his Dominions, upon demolishing *Nancy*, and leaving *France* in the Possession of *Mojenwick*, the Dutchy of *Bar*, *Clermont*, *Stenay*, *Dun*, and *Jametz*, with a free Passage for the Troops to march into *Alsace*.

*SPAIN* restored *Vercelli* to the Duke of *Savoy*, to the Prince of *Monaco* his Possessions, and the Treaty of *Chierasco* was confirmed. The Duke of *Modena* was comprehended, and the *Spaniards* evacuated *Corregio*; and there being several Pretensions on account of Portions, Assignments, and Interest betwixt the said Dukes and *Spain*, these were referred to an amicable Composition, as also the Differences that might happen with the *Grisons* about the *Valteline*.

THE two Kings took upon them to persuade the Pope to account with the House of *Este* for the Vallies of *Comacchio*, and to appoint a proper Time for the Duke of *Parma*'s recovering of *Castro*.

IN fine, all the most solemn and binding Clauses, that could be contrived, were inserted, for confirming a perpetual Peace, and preventing Quarrels for the future. This being settled, the Ministers departed, and the Court of *France*, which was at *Toulouse*, continued in *Languedoc* and *Provence* all the Winter, not only till the Ratification came from *Spain*, but till the Bride, with her Father, came to the Borders.

IN order to comfort the People, this Peace was solemnly published every where; and in the Beginning of the new Year 1660. Advice of it came to *N.les*, King *Philip*

*Philip*, by his Letters dated the 10th of *February*, having ordered it to be proclaimed there, which, with great Solemnity, was accordingly done before the Royal Palace on the 5th of *April*. The King likewise, by a particular Order, commanded a Pardon to be published for all those who had espoused the *French* Interest, which was afterwards put in Execution by the Viceroy on the 11th of *January* the following Year 1661. and the Prince of *Monaco*, and the Duke of *Collepietra* were restored to the Possession of their Estates. Solemn and magnificent Feasts were likewise celebrated, both on account of the Peace, and of the Marriage of the Infanta to King *Lewis*, which was solemnized on the 29th of *June* this Year 1661. which Feasts were afterwards repeated for the Peace concluded between the Princes of the North. The Kingdom of *Portugal* alone was excluded in these Treaties of Peace, so that the *Spaniards* bent their Thoughts upon reuniting it to the Crown, and prepared a formidable Army for subduing the *Portuguese*.



## C H A P. I.

*The Count of Peniaranda sends Succours from the Kingdom to the Expedition of Portugal: Suppresses the Insolencies of the Banditi; and makes Feasts for the Birth of Prince Carlos, and the Marriage of the Emperor Leopold with Margaret of Austria, the King's Daughter: Then, a Successor being appointed, he leaves the Kingdom.*

**T**HE War of *Portugal* being carried on by the *Spaniards* but with bad Success, obliged the Count of *Peniaranda* to send new Succours from the Kingdom; therefore in the Month of *May* this Year 1660. he ordered to be embarked in 12 Vessels 1000 *Germans*, under the Command of the Prince of *Montesarchio*, and 800 *Neapolitans*, commanded by Colonel *D. Emanuel Caraffa*. There sailed likewise from our Harbour seven Gallies of *Naples* and *Sicily* to *Finale*, to take on board the Troops that were sent from the *Milanese*, in order to carry them to *Spain*; and the Year following 1661. other 400 Soldiers were sent in three *Sicilian* Gallies, and the like Number of the Squadron of *Naples*. In 1662. 800 Foot, commanded by Colonel *D. Camillo di Dura*, were sent in eight Gallies of the aforesaid two Squadrons; and in 1663. 1800 *Neapolitans*, commanded by Colonel *Paolo Galtiero*, were sent thither in four Vessels of the Squadron of the Prince of *Montesarchio*.

THE arrogant and insolent Banditi likewise made the Count's Government something uneasy; for at this Time by their pillaging and robbing, the Country was deserted, the Cities and Villages were in continual Fear, and their Communication and Traffick were interrupted: Their Boldness arrived at that Height, as to rob the King's Messengers of their Dispatches, and to seize Persons of the greatest Quality, not sparing even the King's Ministers; and whoever fell into their Hands, after being abused and tossed to-and-fro, were forced to buy their Liberty with vast Sums of Money: In fine, their Insolence was such, that they made Inroads to the very Gates of *Naples*.

IN order to put a Stop to so great Disorders, the Viceroy having sent Governors of Resolution and Courage to the two *Abbruzzi*, the two *Principati*, and to the

the other Provinces, many of those Rascality were taken, others killed in the Field, some were hanged, some condemned to the Gallies for Life, and a great many obtained their Pardon, upon Condition of going to serve the King in the Wars of *Portugal*. But all this Rigour was not sufficient to extirpate them, by reason of the Protection which some powerful Barons gave them, so that the Viceroy was obliged to put forth rigorous Edicts against their Harbourers and Protectors.

THE so many Duels that happened at this Time amongst the Nobility, and the stealing of the Furniture and sacred Vessels out of some Churches, did not a little disturb the Viceroy; therefore, by rigorous Edicts, he renewed the Laws made by *D. Pedro de Toledo* and the Count of *Monterey* against Duellists, and declared, that those, who refused to fight Duels should not be branded with Cowardice: Those that were guilty of Sacrilege were put to cruel Deaths.

BUT these troublesome Cares were much alleviated, by *Maria-Anna* of *Austria*, King *Philip's* second Wife's having, on the 6th of *November* this Year 1661. brought forth Prince *Carlos*; and this Birth was so much the more desirable, that Prince *Prospero* was now dead, and the King uneasy lest he himself should die without leaving Male-Issue. The News of this Birth arrived at *Naples* on the 6th Day of *December* following, whereupon magnificent Feasts were celebrated, and great Illuminations were made, answerable to so happy an Event, and were continued in the Beginning of the new Year 1662. On the 25th of *April* the Year following 1663. the Marriage of the Infanta *Margarita*, the King's Daughter, with the Emperor *Leopold*, being celebrated, the Viceroy ordered new Feasts and Illuminations.

WHILE the Count of *Peniaranda* was thinking to pass the Remainder of his Government in Quiet, Advice was brought him, that his Successor had been appointed. This was the Cardinal of *Arragon*, who was then the King's Ambassador in *Rome*, and *D. Pedro* of *Arragon*, his Brother, being sent thither in his Room, he was appointed for the Government of *Naples*, and *Peniaranda* was ordered to go to *Madrid* to be President of the Council of *Italy*. The coming of the Cardinal was published in *Naples* on the 10th of *August* this Year 1664. and five Gallies were dispatched to *Nettuno*, to bring him from thence, and on the 27th of the same Month he arrived at *Mergellina*. The Count set out on the 9th of *September*, leaving a noble Character behind him, not only on account of his Piety and Affability, but especially his Integrity, Clearness from Peculation, and the great Aversion he had to all filthy Avarice, insomuch that 'tis said, which seldom or never happens, that when he left the Government of *Naples*, he was in Debt.

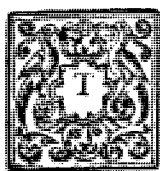
HE left us 14 wise and prudent Statutes, whereby he took care of the publick Provision: He was most severe against Duellists, and the Wearers of prohibited Arms, especially Swords with cut Scabbards: He prohibited all the Ministers of State to take upon them to be Guardians, Tutors, or Proxies of the Barons and Feudatories of the Kingdom; and he made other Regulations, which are set down in the often-mentioned Chronology.







## C H A P. II.

*The Government of D. Paschal, Cardinal of Arragon.*

HE too great Indulgence and Affability of the Count of *Peniaranda* had occasioned a Remisness of Discipline, and not a little prejudiced the Decorum of the Courts of Justice: Crimes were frequent, and especially that of Murder, occasioned by the carrying of short Fire-Arms, and the Custom, in these Times introduced, of some Laicks wearing Clerical Habits, short and wide, called *Half Cassocks*, which afforded them means of concealing these Arms, and carrying them with Impunity through the City. Therefore the Cardinal, in the Beginning of his Government, published rigorous Edicts against such, and condignly punished the Offenders: A Proclamation was issued, ordering all Vagabonds to depart the City within three Days. Upon his Arrival he caused an Adulteress with her Gallant to be hanged, for having killed the innocent Husband: Many Thieves and Murderers were hanged, and many more condemned to the Gallies.

BUT these rigorous Proceedings and Severities of the Cardinal were not sufficient to bridle so depraved a City. Some withdrew themselves from the deserved Punishment by flight, others by the Privileges of the Ecclesiastical Court, and many by the Immunity of the Churches, which being still enlarging by the Clergy, is still the Occasion of continual Wranglings betwixt the Temporal and Spiritual Courts; wherefore there was a Necessity of sending the Counsellor *Antonio di Gaeta* to *Rome*, for obtaining some Redress in the Abuses of this pretended Immunity; but the Message proving fruitless, the old Disorders continued.

NOTWITHSTANDING these Severities, the Banditi were no less insolent than ever, who being protected by the powerful Barons, infested the publick Roads, robbing and carrying off many Prisoners, who were obliged to pay vast Sums for their Liberty, and sometimes, after having abused them, they barbarously murdered them. The Duellists likewise gave some Disturbance, notwithstanding the severe Prohibitions, and the rigorous Punishments inflicted upon them. But a new Fraud, invented by the Merchants in the Time of this Government, was of great Prejudice to Traffick and the publick Faith. These, by fraudulent Bankruptcies, after having received great Sums from such as gave them Credit, robbed with Impunity; and such Bankruptcies were so frequent, that almost all Dealers practised them. In order to root out so pernicious an Abuse, the Cardinal published an Edict, whereby the Merchants, who were found guilty of fraudulent Bankruptcies were to suffer Death, and they were deemed as acknowledging the Crime, if within four Days they did not appear; and the Concealers of their Effects, and such as pretended to be their Creditors, though they were not, were liable to the same Punishment: He likewise prohibited the Judges to give them Certificates, not only though the greatest Part, but even all their Creditors should consent.

WHILE the Cardinal was wholly intent upon setting these Disorders to rights, and restoring the Looseness of Manners, in *October* 1665. the sad News of King *Philip IV's* Death came to *Naples*, and that he had left the Guardianship of Prince *Carlos*, then but four Years of Age, and the Regency of the Monarchy to the Queen-Mother; but she being a Woman little skilled in the Affairs of Government, the King in his Will appointed a *Junta*, which was to be composed, among

the rest, of the Archbishop of *Toledo*, the Inquisitor-General, the President of *Castile*, and the Chancellor of *Arragon*, ordering, that in case any of these four should happen to die, his Place to be filled up by the Successor in his Office. It happened, that the same very Day King *Philip* died, Cardinal *Sandoval* likewise breathed his last; it being the Queen Regent's Business to appoint his Successor, she named the Cardinal of *Arragon*, our Viceroy, to the Archbishoprick of *Toledo*; wherefore, in *December* the same Year, Advice of his Promotion to that See coming to *Naples*, after having first caused King *Charles II.* to be proclaimed in *Naples*, and pompous Obsequies to be celebrated to King *Philip*, he made ready to set out for the Court of *Spain*, whither he had been called, not only to govern his Church, but to a Share of the Government of the Monarchy in the *Junta*, in the Room of Cardinal *Sandoval*, Archbishop of *Toledo*, his Predecessor. On the other Hand, *D. Pedro Antonio* of *Arragon*, his Brother, who was then his Catholick Majesty's Ambassador in *Rome*, was appointed Viceroy of *Naples*.

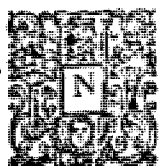
*DON Pedro* delayed his coming to *Naples* on account of the hard Winter, which likewise stopt his Brother from setting out for *Spain*, till the Month of *April* this Year 1666. And in the mean time Pope *Alexander VII.* having dispatched the Bulls, and the Cardinal having a mind to be consecrated Archbishop in *Naples*, the Consecration was committed to the Archbishop of *Otranto*, who, with the Bishops of *Pozzuolo*, *Monopoli*, and *Aversa*, with the usual Ceremonies, consecrated him on the 28th of *February* in the little Church of *S. Vitale*, commonly called *S. Maria delle Grazie*, in the Diocese of *Pozzuolo*, and subject to that Bishop, situate without the Grotto which leads to *Pozzuolo*. There flocked thither, both on account of the Personage and the Rarity of the Function, seldom seen in *Naples*, an infinite Crowd of People, and a great Number of the Nobility and Magistrates; so that *D. Benedetto Sanchez de Herrera*, Bishop of *Pozzuolo*, in order to transmit the Memory of this Solemnity to Posterity, caused an Inscription to be ingraved upon a Marble Stone, which is fixed in this Church.

AT last, on the 3d of *April*, *D. Pedro Antonio* of *Arragon* arrived in *Naples*, and was received with great Pomp by the Cardinal his Brother, who on the 8th of the same Month resigned the Government into the Hands of the Collateral Council, and on the 11th embarked for *Spain*, accompanied by the Magistrates of the City, who begged of him, that seeing he was to have a Share in the Government of the Monarchy, he would be pleased to take the City of *Naples* under his Protection, and he very courteously assured them, that he would. The Cardinal departed after having governed the Kingdom nineteen Months: During so short a Time he could leave us no other Memorial of himself, but only five Statutes, whereby, besides having severely punished Merchants guilty of fraudulent Bankruptcies, he enjoined, that in order to keep the City clean, and to prevent the Damage they did, all the Swine, belonging to whatsoever Person, that went about the Streets of the City, should be driven out of it, as a very great Nuisance; and he made other Regulations to be seen in the abovementioned Chronology.





## C H A P. III.

*The Death of King Philip IV. his Will, and the Laws he left us.*

NOTWITHSTANDING the Peace made with *France*, K. *Philip IV.* was still in Perplexity, and oppressed with melancholy Thoughts, and troublesome Apprehensions. He could not then conceal the Discontent, which a Peace so disadvantageous to *Spain* gave him, and what struck him to the very Heart was, that by the Marriage, he had been obliged to deliver into the Hands of his inveterate Enemies the dearest Pledge of his House, presaging (what has happened since in our Times) the Dangers and future Mischiefs; insomuch, that pensive, and little less than weeping, he was wont to exclaim, that *France* would insult over the Calamity of *Spain*. The unfortunate Expeditions of *Portugal* kept him afterwards in continual Trouble; for the *Portuguese*, in the Height of their Danger, having given the utmost Proof of their Valour, had often beat the *Castilians*, and having given the Sister of King *Alphonfus*, who had succeeded to his Father King *John*, in Marriage to the King of *England*, with a vast Portion, and the City of *Tangier*, they were preparing to make a more vigorous and obstinate Defence. Overcharged with so troublesome and anxious Thoughts, in the Beginning of *September 1665.* he fell ill, and on the 17th of the same Month died of a Burning-Fever, leaving, by his Queen, *Maria-Anna* of *Austria*, Prince *Carlos*, an Infant of four Years of Age. In his last Moments he called for the Prince, and with a broken Voice wished him Prosperity, and a more happy Reign than his had been.

*PHILIP* having been born on the 8th of *April 1605.* by the Death of his Father, which happened on the last Day of *March 1621.* became Heir of the most powerful Monarchy of *Europe*, but being of an Age subject to Temptations, he gave himself over to sensual Pleasures, and suffered both the Authority and Government to be snatched from him by the Art of his Favourite. Therefore he saw, by the violent Government of his Ministers, the Provinces and Kingdoms in Rebellion, besides the severe Blows received from the Arms of the Enemies; and when moved by Misfortunes, and the Groans of his Subjects, he removed the hated Author of the Mischiefs, he had not that Vigour of Mind, and that Experience, which the Weight of Affairs required; so that he fell again under the Guardianship of another more cautious, but no less absolute Minister; and Death had no sooner freed him of this last, than he died under the Weight of the Afflictions, wherewith, in a manner, he had been always oppressed. In the Midst of his Misfortunes he preserved a wonderful Constancy of Mind, he loved Justice, and was singular for his Piety.

HIS Will being read, it was found that he had appointed D. *Carlos* Heir, and in case of his Death without Issue, *Margaret*, his second Daughter, betrothed to the Emperor *Leopold*, and her Children were to succeed; and if she should happen to die without Issue, the Succession was to devolve to the Emperor. In the last Place the Duke of *Savoy* was named in the Succession, always excluding his eldest Daughter, the Queen of *France*, unless, being a Widow, and without Children, she should return to her paternal Kingdoms, and, with the Consent of the States, she should marry some Prince of the House.

THE Prince being left Successor, and the Queen considered as a Stranger, young, and not skilled in Government, leaving to her the Guardianship and the Education of the Prince, with the Regency, he appointed a separate Council, by the

the *Spaniards* called *Junta*, consisting of the Archbishop of *Toledo*, the Inquisitor-General, the President of *Castile*, the Chancellor of *Arragon*, the Count of *Peniaranda*, and the Marquis of *Aylona*. The first four were named, without regard to the Quality of the Persons, but of their Offices; and therefore, as we have said, the same Day that the King died, Cardinal *Sandoval* having likewise died, the Queen appointed the Cardinal of *Arragon* in his Room; and seeing he was Inquisitor-General, that Place was filled up by Father *Everardo Nitardo*, a Jesuit, born in *Germany*, who, like an Arbiter, had not only the Direction of the Queen's Will, but of her Conscience, as her Confessor, who, after having for many Years been one of this *Junta*, was raised to the Dignity of Cardinal.

ON the 13th of *October*, by Letters from the Marquis *De Fuentes*, his Majesty's Ambassador in *France*, Advice came to *Naples* of the King's Death, but the Viceroy thought fit to conceal it, till he should receive his Dispatches from *Spain*. First, with publick Solemnity and a Cavalcade, he caused the new King to be proclaimed, and having on purpose caused some new Money to be coined, from his Name called *Carlini*, as he rode through the Streets, he scattered it amongst the People.

AFTER the Proclamation, the doleful Sound of the Bells began, and the City was full of Grief and Tears, lamenting the Death of the late King. The Viceroy's Court, the Nobility, the Magistrates, the Officers, the Lawyers, in a Word, excepting the meaner Sort of People, there was none but put on Mourning. The Viceroy received Visits of Condolance from the Nobility and Gentry, from the Magistrates, the military Officers, the Ministers of foreign Princes, the Superiors of Religious Orders, and even Cardinal *Acquaviva*, who being then in *Naples*, paid him the same Compliment, and all the Time he staid wore Purple. Only our Cardinal Archbishop would not join in the common Grief, and, as if the Plague had been in the Palace, under pretence of Indisposition, shunned going thither. He was so great a Stickler for certain Ceremonials, that whatever might be the Result of so much ill Manners and want of Respect, he would not depart one Hair's breadth from them: He said that he was not obliged, nor did it become him, as a Pastor, to put himself and his Court into Mourning.

THE Viceroy, therefore, in order to shun new Disputes about Ceremonials, after having for nine Days celebrated the Obsequies in the Chapel of the Royal Palace, and in many other Churches, resolved to have the Funeral Solemnities performed, not in the Cathedral, but in the Royal Church of *S. Clara*, where a magnificent Mausoleum was erected; and the Contrivance of the Work was committed to *D. Marcello Marciano*, who besides took upon him to compose the Epitaphs and Inscriptions, and the famous *Luca Giordano*, was intrusted to take care of the Painting. All Things being put in order, on the 18th of *February* 1666. the Obsequies were celebrated with great Pomp and Magnificence; and, that the Memory of them might be preserved among us, the Counsellor *Marciano* published a particular Treatise, intitled, *Pompe funebri dell' Universo*, wherein he describes them minutely.

KING *Philip*, in his long Reign, beginning the 6th of *April* 1621. and ending the 4th of *August* 1664. established more than 50 Statutes for our Kingdom, which he directed to his Viceroys; by these he gave us many wholesome Regulations, which, without making a long and tedious Catalogue of them here, may be seen in the Volumes of our Statutes, and, according to the Order of Time in which they were made, are set down in the so often-mentioned Chronology.





C H A P. IV.

*The State of our Jurisprudence in the Reigns of Philip III. and IV. and of the Lawyers and other Learned Men that flourished among us in these Times.*



URING these Reigns there was no Alteration in the Jurisprudence with us, but it continued, as formerly, to be managed by the Lawyers at the Bar, and the Professors in the Schools, without the least Tincture of Learning. But there was a great Number of Professors, and many more Writers, who have left us so many Treatises, Pleadings, Decisions, and other Works upon the Law, that they would make up half a Library. The Number of Authors was such, that their Works are innumerable, therefore we shall content ourselves with mentioning some of the most famous of them, which will serve for a Specimen of their Knowledge in the Law.

IT is really well worth our Observation, that notwithstanding the Kingdom was involved into so many Misfortunes and Calamities, yet the Number of our Professors, not only did not diminish, but increased and multiplied the more. But it will not seem strange to whoever considers, that when Revolutions happen, Disorders arise, and when Vice, Mischief, and Fraud abound, 'tis then that Professors and Lawyers increase, because they are most wanted. Where-ever there are many Diseases, there is need of many Physicians, so, in licentious Times, recourse must be had to the Laws, and the Professors of them, for preventing greater Disorders.

OF all the rest *Scipione Rovito* deserves the first Place. He was born in *Tortorella*, a small Village in the Province of *Basilicata*, and coming to *Naples* in a very low Condition, he acted as a Solicitor in the Courts of Justice; but being a Man of unwearied Application in the Study of the Law, punctual, and of great Integrity, he began by Degrees to appear at the Bar; and afterwards he published his first Commentaries upon our Statutes, wherein he was not ashamed to set down the Name of the Place of his Nativity, though afterwards, in the second Edition, he calls himself a *Neapolitan*. These Commentaries having gained him some Reputation, he commenced Advocate, and was employed by the chief Nobility of the Kingdom, as may be seen in his Consultations, and consequently he acquired both Fame and Riches. There flourished likewise in his Time three other famous Advocates, *Gio. Battista Migliore*, *Ferrante Brancia*, and *Camillo Villano*, who, together with *Scipione Rovito*, in the Year 1612. were made Counsellors by the Count of *Lemos*, then Viceroy, solely on account of their Learning and Merit, without their knowing any Thing of the Matter till it was done. While *Rovito* was Counsellor, he acquired the Name, not only of a Learned, but of a wise and prudent Man, insomuch that, as may be seen in the preceding Books, there was no Affair of any Moment but what was committed to him. He was afterwards made President of the Chamber of Accompts, and in 1530. was raised to the chief Dignity of Regent, which Office he exercised, perhaps, with too much Severity; and *Pietro Lasena*, who was his intimate Friend, declared to the famous *Camillo Pellegrino*, from whom *Francesco d'Andrea* had it, that as to his Morals he affected to be a Follower of the Doctrine of the Stoicks; yet he did not practise the same Rigour at Home, as he did Abroad, for though he had many Children, he brought them up so indulgently, that he had no great Reason to rejoyce

- at his having had them. Besides his Commentaries upon the Statutes, and his Consultations, we have likewise his *Decisions*, which were printed in *Naples* in the Year 1633. At last being full of Years, and afflicted with many Infirmities, in the Month of *June* 1638. he died, and was buried in the professed House of the Jesuits in *Naples*.

TO him was nothing inferior in Application *Carlo Tappia*, who, by his most elaborate Works, which he left us, especially that of the *Philippine Code*, deserves to be reckoned among the chief Lawyers that flourished in these Time. He was the Son of *Egidio Tappia*, President of the Chamber of Accompts, who, after having gone the Circuit through the several Provinces of the Kingdom, as Auditor, and been made Judge of the Vicariate, in the Year 1597. was created a Counsellor In 1612. he went to *Madrid* Regent of the Supreme Council of *Italy*, and at last, in 1625. he returned to *Naples* Regent of the Chancery, where he exercised that Office for many Years, and on the 17th of *January* 1644. died Dean of the Collateral Council, and was buried in the Chapel of his Family, in the Church of *S. James* belonging to the *Spaniards*. Besides his *Codes* and *Decisions*, he left us many other Works, of which *Toppi* <sup>1</sup> made a Catalogue.

*MARCANTONIO DE PONTE*, who for his Learning was raised to be President of the Council: *Pietrantonio Ursino*, an able Lawyer, as his *Treatise De Successione Feudorum* demonstrates, and who was likewise President; and *Andrea Marchese*, were all famous.

IN these Times flourished likewise *Gianfrancesco Sanfelice*, of the *Seggio* of *Montagna*, who, after having given a Proof of his Talents in the Provincial Courts, and the High-Court of the Vicariate, in the Year 1619. was made a Counsellor Afterwards in 1640. he was raised to the supreme Dignity of a Regent, but he made himself much more famous by the Works which he published, such as the *Decisions*, comprehended in two Volumes, and the *Practica Judiciaria*, which he published afterwards in 1647.

*ETTORE CAPECELATRO*, of the *Seggio* of *Capuana*, was no less famous for having applied himself to the Office of Advocate, he made wonderful Progress. By the two Volumes of his *Consultations*, which he left us, we see that he had been employed to defend Causes of very great Importance; and though he had no good Utterance in his Pleadings, his Learning and Pains supplied his Want of Eloquence.

AT the same time flourished *Fabio Capece Galeota*, of the *Seggio* of *Capuana*, who by his Learning and Eloquence at the Bar, gained great Reputation.

WE must not pass over in Silence the renowned *Marciani*. *Marcello Marciani* made a shining Figure in our Courts, not only while he was an Advocate, but afterwards as a Counsellor. His Pleadings at the Bar gained him both Honour and great Riches. He was both very Learned, and a great Orator; and afterwards on the 3d of *November* 1623. being raised to the Dignity of Counsellor, he exercised that Office with Integrity, and gave unspeakable Satisfaction. He left us two Volumes of his excellent *Consultations*, but much more is owing to him for his having left us *Gianfrancesco* his Son.

*GIANFRANCESCO MARCIANO* proved as learned as his Father, and in the Courts had the Character of a famous Advocate; and though he was no great Orator at the Bar, yet he wrote both learnedly and elegantly. On the 10th of *May* 1645. he was made a Counsellor, and after having exercised that Office for the Space of ten Years, in 1655. he was raised to the Dignity of Regent.

*GIANFRANCESCO* left us another *Marcello*, who treading in the Footsteps of his Father and Grandfather, in his younger Days followed the Employment of Advocate, for which Profession he had all the requisite Qualifications. He was a Man of a vast Capacity, great Learning, Boldness, and when a Youth, of ripe Judgment.

THERE were other able Lawyers, no less famous for Learning, than for the Posts they possessed. *Francesco Merlino*, who it does not appear that he ever followed the Business of an Advocate, but was employed in Offices, yet he proved a learned Man, and rendered himself famous, no less by the Employments he was raised to, than the Works he left us. By the Favour of Regent *Tappia* his Uncle, he was first

<sup>1</sup> Toppi de Orig. Trib. tom. 2. par. 2. lib. 4. cap. 1. num. 149.

made Auditor in *Salerno*, then a Judge of the Vicariate, afterwards Commissary of *Campania*, and at last a Counsellor

HE having been a Creature of the Count of *Montrey*, was not acceptable to the Duke of *Melina*, so that, being upon his Guard, in all his Employments he shewed himself a Man of great Ability, Integrity, and Learning; and by the modern Writers of the Kingdom his two Volumes of *Controversies* are highly esteemed. He was afterwards elected Regent of the Supreme Council of *Italy*, and being returned from *Spain*, in the Year 1648. he was made President of *S. C.* which Office he exercised with great Decorum and Gravity. On the 6th Day of *September* 1650. he died, and was buried in his own Chapel, in the Church of the professed House of the Jesuits.

REGENT *Merlino* having been made President of *S. C. Giancamillo Cacace*, who was then President of the Chamber of Accounts, was made Regent of the *Italian* Council in *Spain*. He had been a famous Advocate in his Time, very Learned and Eloquent, and was wont to brag, that, while he was Advocate, there was not a Nobleman in the Kingdom but had consulted him. He was born in *Castro Mare* of mean Parentage, but having come to *Naples*, and acquired a moderate Fortune, by his Fees as Advocate, and extreme Parsimony, he became exceeding Rich. He was of a sullen Temper, and always abhorred Marriage; so that when he died, having no Heirs, he bestowed his Estate upon founding a Monastery of poor Women, called *De' Miracoli*, which in our Grandfathers Time was likewise called the Monastery of *Cacace*.

AT the same Time flourished likewise the Counsellor *Filippo Pascale*, a famous Advocate, and renowned for his Treatise, *De viribus Patriæ potestatis*. But *Scipione Teodoro*, likewise a famous Advocate, far exceeded him in Learning. *Tommaso Carlevalio* distinguished himself by the Works he published, especially his Treatise *De Judiciis*; and there were many more, who, by their printed Works, have transmitted their Names to Posterity. But the celebrated *Orazio Montono*, by his profound Knowledge, Elegancy, and great Skill, both in the Civil and Feodal Laws, eclipsed all these.

IN the Rear of all comes *Donat' Antonio de Marinis*. He was born in *Giungano*, a small Village in the *Hither Principato*, who coming to *Naples*, lived with great Frugality, and applied himself diligently to the Study of the Law, in which he made a notable Progress; and not having the Gift of Elocution, he gave himself to write upon some Causes, whence he afterwards compiled the first Tome of his *Solutions*. By his Integrity and open Temper, far from the least Affectation, he made himself acceptable to all the most noted Advocates of his Time, insomuch that he was called to consult in all Causes, which raising his Reputation, he likewise began to defend some Causes, and he published the second Tome of his *Solutions*. In his Time there were many renowned Advocates, such as *Raimo di Ponte*, *Francesco Rocco*, *Francesco Maria Prato*, *Antonio Fiorillo*, and others.





## C H A P. V.

### *The Polity of our Churches in these Times, till the Reign of King Charles II.*

**I**N the Reigns of *Philip* III. and IV. as may be observed in the preceding Books, Ecclesiastical Affairs were managed with us, according to the different Changes of the Courts. The *Roman* Pontiffs, intermeddling too much with the Concerns of Princes, sometimes out of Fear, sometimes out of Jealousy, forced these to make use of all Means, in order to gain them over to their Interests. They had likewise taken upon them to manage Peace betwixt Princes at War together, looking upon it to be their Office, as the common Fathers and Pastors, to bring them to an Agreement; therefore they sent Nuncios and Legates to manage the Peace, and they arrogated to themselves great Authority in the Agreements. But Cardinal *Mazarin* threw off the Mask, and in despite of Pope *Alexander* VII. he would not accept of his Mediation in the Peace of the *Pyrenees*, wherein he suffered none but himself and *D. Lewis de Haro* to have a Hand, which struck that Pope to the very Heart; from this Example it was afterwards seen, that in the other Treaties of Peace between the Princes of *Europe*, the Mediations and Interpositions of the Nuncios of the Court of *Rome* were little regarded.

ACCORDING to the good or bad Understanding between the Courts of *Spain* and *Rome*, our Viceroys managed the Disputes about Jurisdiction. Whenever there was any Misunderstanding, they suffered no Wrong to be done, and opposed the Incroachments more vigorously. The Court of *Rome* having disoblged the *Spanish* Ministers, the Bishop of *Cordova* and *D. John Chumazzero* were sent from *Madrid* to Pope *Urban* VIII. with secret Instructions to threaten him with the calling of a new Council, in order to redress the many Injuries done the Kingdom of *Spain* by the Court of *Rome*, by imposing an excessive Number of Pensions in favour of Foreigners, even upon Benefices with Cure of Souls; by appointing Coadjutors with Power of succeeding; by the Resignations of Benefices with Cure of Souls; by the Dispensations and other Provisions sent from *Rome*, and by the great Charges extorted for dispatching them; by the Reservations of Benefices; by the cruel Spoils committed at the Death of Prelates; by the Vacancies of Bishopricks; and by other intolerable Grievances exercised in these Kingdoms by the Nunciature of *Spain*: Our Kingdom suffered no less Injuries from the Nunciature of *Naples*.

NOT regarding the Agreements made with the Chapters and Clergy of all the Cathedral Churches, and interpreting them after their own manner, the Court of *Rome* exacted the Taxes with great Rigour and Injustice; for many of those Benefices which were comprehended within the Tax, being bestowed by the Datary upon Cardinals and other Prelates belonging to that Court, exempted from all Taxes, the remaining Benefices came to bear the whole Burden. The Apostolical Chamber likewise continued to commit cruel Spoils upon the Death of Bishops, Abbots, and other beneficed Persons, not included in the Agreement, with so much Barbarity, that in the Time of their Sickness, and when they stood most in need of Comfort and Assistance, they saw with their own Eyes their Apartments stript and robb'd of all that was in them, by the Commissaries. In the Spoils of Bishopricks, Abbays, and other Benefices, not comprehended in the Agreement, the Nuncios took upon them to proceed against Laicks, charged with having in their



their Possession, Goods belonging to the vacant Churches and Benefices, and to the Apostolick Chamber, as having a Right to those Spoils, by their own Authority sequestrating them by the Means of their Commissaries, and to excommunicate the Possessors, and all those that had opposed them in it.

GRIEVOUS Extortions were committed in their Tribunal, by exacting from the Parties, under pretence of Dues and Fees, much greater Sums than was practised in the Royal Tribunals of the City and Kingdom, and the Reason was, because the Court of *Rome* would have many Officers in that Tribunal, but would not allow them any Salary or Wages, as was practised in the other Tribunals, but made them depend solely upon the Emoluments and Fees for their Maintenance; whence it came, that the poor Parties were terribly fleeced by the Rapacity and Avarice of the Officers of the Court. The Royal Jurisdiction suffered no less Confusion and Prejudice, by the vast Number of Laicks, which they pretended to withdraw from it, by giving them Commissions to serve in this Tribunal, some as Notaries, others as Tip Staffs, whence many Frauds were committed, and a vast Number were exempted from the Royal Jurisdiction, not that they stood in need of them, but for the better Sale of their Commissions, which they sold at extravagant Rates, persuading the Buyers, that by Virtue thereof they were exempted from Laick Jurisdiction, and free from paying any Thing, either to the King or Corporations. The Nuncios likewise pretended, that all their Families, as well their Serjeants and Beadles, as their Domesticks and Palaces, were exempted from Royal Jurisdiction; whence proceeded great Disorders, and our Viceroy had these pretended Immunities to dispute, not only with the Nuncios, but with the Archbishops, who pretended to protect Villains, guilty of the greatest Crimes, only because they belonged to their Families and Palaces.

DURING the Misunderstandings betwixt the two Courts, and as long as the Commission of the Bishop of *Cordova* and *Chiumazzero* lasted, our Viceroy maintained the Royal Jurisdiction with great Boldness and Vigour; but Pope *Urban*, as we have said, referring the Matter to a Treaty, which under various Pretences, he put off from time to time, took Advantage of the Juncture of Affairs; for the *Spaniards*, being still more and more unfortunate, were reduced to such a Condition, that they durst no longer disoblige the Court of *Rome*; therefore, the Commission proving fruitless, the Grievances in *Spain* and in our Kingdom, were not only not redressed, but aggravated by the Tribunal of the Nunciature; and the Ecclesiasticks, more bold than ever, did not fail to attempt new Incroachments upon the Royal Jurisdiction.

BY reason of the great Number of Churches, and of the frequent Crimes that were committed both in the City and Kingdom, it was thought necessary to find out a Remedy against the intolerable Abuses of the pretended Immunity of the Churches, so much aggravated by the Ecclesiasticks, and which they seemed now to defend more zealously than ever, at the very Time that they knew, the chief Cause of so many Crimes to be the Immunity of the Churches, so much extended, that it made those that were mischievously, inclined the more bold to commit them. It was resolved to send the Counsellor *Antonio di Gatta* to obtain of the Pope some Reform to Pope *Gregory's* Bull; but, as we have seen, that Message proved in vain, and without Effect, the Court of *Rome* taking Advantage of our Misfortunes, and the low Ebb to which the Court of *Spain* was then reduced.

## S E C T. I.

### *Of Monks and Temporalities.*

THERE needs not a more flagrant Instance, to make it plainly appear, that by how much the greater the Misfortunes and Calamities of the People are, so much the more do the Riches of the Churches and Monks increase, than what happened in our Kingdom in the Time of its greatest Misery and Destruction; for at such Times, more than at others, miserable Mortals, having recourse to God and the Saints, or returning Thanks for the Evils they have escaped, or begging that greater may not befall them, are more moved than ever to share their Riches

with the Churches and Priests. Surely our Forefathers never saw more calamitous Times than those which passed from the Reign of *Philip III.* to the Death of *Philip IV.* There were either cruel Wars, or, what is worse, great fear of them: Eruptions of *Vesuvius*, Earthquakes, Incurfions of the Banditi, Invasions of the *Turks*, Seditions, Tumults, Dearth, Oppressions, intolerable Taxes, most cruel Pestilences, and so many other Mischiefs, that the very mentioning them strikes Terror. And even in the Midst of so many Misfortunes, the Churches and Monasteries of the Religious Orders already established, were multiplied, new Orders were introduced, new and more rich Acquisitions were made; and in fine, they purchased so much Land, that they were near ingrossing to themselves the poor Remainder that was left in the Possession of Laicks.

IN this XVIIth Century, new Religious Orders were introduced. In the Year 1607. D. *Carlo Caraffa*, a *Neapolitan* Gentleman and Priest, in the Church of *S. Maria de' Monti*, situate in the Suburbs of *Naples*, called *S. Antonio*, instituted the Congregation of the *Pi Oratorii*. But Cardinal *Dezio Caraffa*, the Archbishop, with the Consent of Pope *Paul V.* in 1618. gave them the Church of *S. George*, an antient Parish-Church of *Naples*, and afterwards made Collegiate, and had once seven Prebendaries, and as many Priests, amongst which were included the Dean and Archdean. But at this Time it being like to tumble down, and there being no Fund for repairing it, it was thought fit to give it to the said Fathers. This Congregation was confirmed by Pope *Gregory XV.* by a Brief dated the 2d of *April* 1621. and in 1622. he gave them Power to administer all the Sacraments; and in 1635. it was confirmed by *Urban VIII.* In process of Time they made no small Progress, having in *Naples* and elsewhere founded other Churches of their Order, and made considerable Acquisitions, both of Riches and Farms.

IN the Year 1609. the *Barnabites*, or *Clerks Regular of S. Paul*, came to *Naples*. They came from *Milan*, where, in 1520. they had been instituted by *Giacomo Antonio Moriggia* and *Bartolomeo Ferrara*, both *Milanese*, and *Francesco-Maria Zaccaria*, a *Cremonese*, who had been moved by the Sermons of *Serafino Firmiano*, a Canon Regular. They were called *Canons Regular of S. Paul*, because among their other Institutions they were to preach upon the Epistles of *S. Paul*; and in 1528. and 1533. their Rules were confirmed by several Apostolical Briefs. *S. Carlo Borromeo*, Archbishop of *Milan*, likewise favoured them, and gave them the Church of *S. Barnabas* in that City, whence they also got the Name of *Barnabites*. Having afterwards spread themselves all *Italy* over, at last in 1609. they came to *Naples*, where they were settled in the Church of *S. Maria di Portanova*, called *In Cosmodin*, likewise an antient, and one of the four principal Parish-Churches of this City.

IN the Year 1610. the Nuns of the *Visitation of the Virgin Mary*, for visiting the Poor and Sick, were instituted by *S. Francis Sales*, Bishop of *Geneva*. Being afterwards confined to a Cloister, they were obliged to receive those sick Maids who had not been admitted into other Convents. These came to us much later, and have built a very large and convenient Monastery, adjoining to the Church of *S. Maria della Paziienza Cesarea*.

OTHER Reformed of the antient Orders were likewise introduced. The Reformed of *S. Barnard* founded a magnificent Church without the Gate of *S. Januarius*, by the Name of *S. Charles*. The Reformed of *S. Francis*, assisted by several *Neapolitan* and *Spanish* Noblemen, founded a very large Monastery in a most pleasant Situation, with a Church finely built, under the Name of *S. Maria degli Angeli*. The reformed *Bare-footed Carmelites* built another in the Suburbs of *Chiaja*, towards the Erektion of which the Count of *Peniaranda* gave 3000 Crowns, and on the 1st of *March* 1664. with the Ministers of State, assisted at the Opening of it. As the Count of *Lemos* had bestowed profusely upon the *Jesuits*, so did this Viceroy upon the *Theresians*. Out of his Piety, he not only contributed towards the Building of the Convent of these Fathers, but likewise towards enlarging the Monastery of *S. Joseph*, belonging to the bare-footed *Theresian Nuns*.

THE *Jesuits* likewise made prodigious Acquisitions in these Times. They had not only the Direction of the Consciences of the Nobility, but of their Families, as also of the Commonalty. By the Means of their Colleges and professed Houses, where they taught all Ranks of People, they drew the Devotion and good Will to themselves of every Body; they screwed themselves into their Affairs, managing them

them (by the good Opinion they had acquired of Men of Worth and Prudence) as they thought fit. Even Law-Suits of the greatest Moment, by way of amicable Agreement, were referred to their Decision; and Regent *Marinis*, in his *Solutions*, relates many Awards given by the Jesuits in most weighty Causes, and of vast Importance. Never did any Viceroy give his Mind so much to building and repairing of Churches, as the Count of *Pemiaranda*: There was scarce any sacred Place that did not receive from him large Alms. He assisted the Carmelites in repairing and parting their Monastery from the great Tower *Del Carmine*, that they might not be disturbed by the *Spanish* Soldiers that were in Garison there. He contributed largely towards finishing the Fabrick of the Hermitage of *Sister Orsola*, and of the Church of *S. Maria del Pianto*, where those who died of the Plague were buried. He contributed towards the Repairing of the Church of *S. Nicholas al Molo*. During his Government, the famous Disputes between the *Dominicans* and *Franciscans* about the Immaculate Conception having arisen (for quieting of which, several Popes were obliged to put forth many Constitutions and Bulls) and the *Spaniards*, who sided with the *Franciscans*, having raised the Devotion for our Lady much higher under this Title, than any other, he greedily laid hold of the Opportunity, and with great Pomp and Solemnity caused magnificent Feasts to be celebrated in all the Churches under this Title; whereupon the Devotion of the People increased to that Degree, that there was not a Church of that Denomination, but what received profuse Alms from the Devout.

THE Example of the Viceroy moved the Nobility and Commonalty to do the same. Therefore many other Churches were either founded anew, or the decayed were rebuilt. To this was likewise added, that the cruel Pestilence had left both the City and Kingdom in a manner void of Inhabitants, many, not having any Relations, to whom they could leave their Effects, left them to the Churches and Monks; so that their Riches were still increased. Others, being at Variance with their Relations, out of Hatred, and in despite of them, left their Estates to the Churches. To this likewise contributed not a little, the Doctrine instilled and well rooted in the Minds of the People in these Times by the Monks, that those who had robbed while alive, by leaving their Estates to the Churches, ballanced all Accounts with God; whence it is, that some reflecting Travellers, who, being amazed at the infinite Number of our Churches and Convents, and at their vast Riches, instead of concluding that it proceeded from Piety, are the more confirmed in the bad Opinion they have conceived of the *Neapolitans*, *That they are a People accustomed to rob from the very Cradle*; and that therefore they are so lavish in leaving to the Churches at their Death, because they had robbed them in their Life-times.

FOR these Reasons the Churches and Monasteries multiplied with us, infomuch, that from this Time forward, 'tis not possible to get an exact Account of them. *Pietro di Stefano* believed, that he had made a just Computation of the Number of the Churches in the City of *Naples* alone, when, in the Year 1560. he published his Volume *Of the Description of the sacred Places of the City of Naples*. But sixty Years had not passed, when *Cesare d' Eugenio*, by reason of the so many Churches newly built, was induced to make another, which he published in *Naples* in the Year 1624. under the Title of *Napoli Sacra*. But in less than thirty Years after that, *Carlo de Lellis* was forced to publish in the Year 1654. a third Volume under the Title, *Additions, or a Supplement to the Napoli Sacra*. Nor has that been sufficient, because they are now much more increased, so as to furnish Matter enough for a fourth Volume.

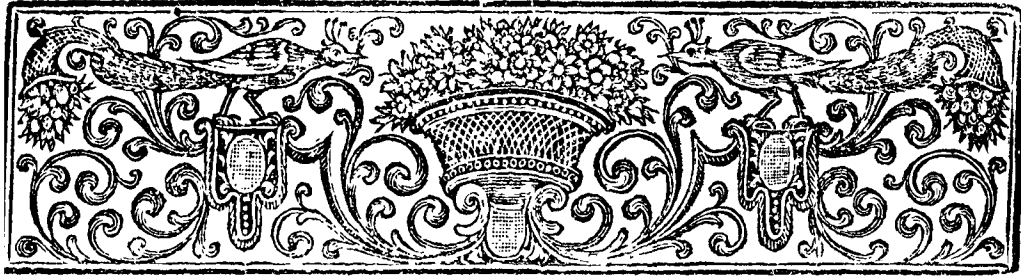
IN these Times the extravagant Doctrine of our Doctors likewise contributed to the Acquisitions of the Churches; they falsely applying the antient Rules to the present Times, wresting the Sense of the Laws, not well understood by them, and not minding the Circumstances of Times, nor the Alteration of the State of Things, pushed on by imprudent and mistaken Piety, to the utmost of their Power wrote in Favour of these Acquisitions, and were wholly bent upon increasing the Means and Causes of them, to the great Detriment of Civil Society, and of the Property which every Person has in his own Goods. They taught, as a Matter beyond all Dispute, that the Landlords of Houses, situate near Churches, could be forced, nil they will they, to sell them, if they were wanted for enlarging the Churches: And besides, that the Displeasure or good Will of the compelled Seller was not to be regarded in the Price, but the Value to be referred to skilled Appraisers. And this Favour

was not only granted to Churches, but they extended it to Court-Yards, Porches, Vestries, Church-Yards, Cloysters, Stairs, Dormitories, even to the Kitchens and Gardens of the Monasteries. It was likewise extended, though there were a publick Street betwixt the House and the Church; and, what will seem more strange, even so far as to make a large Piazza, and a great open Space before the Building. In the famous Action, which Cardinal *Filomarino*, our Archbishop, entered against the Monks of the Monastery of *D. Regina*, for which *Giulio Capone*, who was Advocate for the Prelate, alledged two Instances: The Archbishop pretended, that the Monks ought to be compelled to sell him some Houses which they possessed before his Palace, though there was a publick Street betwixt them, intending to pull them down, in order to make a large open Place there, because there was not Room enough for a Coach and six to enter his Palace. The Cardinal *De Luca*, who was then Advocate in *Rome*, defended the Monks, and was amazed at the Pretensions, and by his Allegations, related by the said *Capone*, confuted all that had been alledged for the Archbishop. But to what Purpose? It was decided in Favour of the Archbishop, the Houses were pulled down and levelled with the Ground, and a large Piazza made, so that now a Coach and six can easily enter and go out of the Palace.

WHENCE it came, that the Convents, though at first but very small, take up the whole Neighbourhood from one Side to the other, till they reach the Street, so that there is scarce a Street in *Naples* where there is not some Convent or other; and if a Stop be not put to so great and destructive an Abuse, the Monks, in Time, may come to buy the whole City. Nor did the Acquisitions of the Churches and Monks end here, but proportionably to the Time, they grew much greater under the Reign of *Charles II.* which, in the following Books, we shall now relate.

1 Capone Controv. for. contr. 1.





THE  
 CIVIL HISTORY  
 Of the KINGDOM of  
 NAPLES.  
 BOOK XXXIX.



THE Death of King *Philip IV.* who, under the Regency of a Woman, being left the Successor at so tender an Age, made some believe, that great Alterations would happen in the Kingdoms of *Spain*, disordered by the War of *Portugal*, and not secure of the Peace with *France*; and there not having been seen (since these Kingdoms had been under the Dominion of the Family of *Austria*) the Minority of a King so young, nor the Regency of a Woman, a Stranger, and unskilled in Government, it was not known how the haughty Temper of the *Spanish* Nation would bear it; so much the more, that *D. John of Austria*, though a great Lover of the King, not having been so much as mentioned in the Will, took it very ill to lead a private and neglected Life. To this was added, that the *Council of State*, accustomed to great Authority, complained of being controuled by the *Junta*, who assumed to themselves the principal Direction of Affairs. Nevertheless, whether it was, that the Ambition of the *Grande*s, wanting Power, vented itself upon idle Quarrels, or that the Fear of *France*, and the Shame of not being able to subdue the *Portuguese*, kept them to their Duty, the Change of Government occasioned neither Tumults nor Commotions in the Kingdoms, much less in this of *Naples*, of which the King having this Year 1666. got the Investiture from Pope *Alexander VII.* the Original Bull whereof is preserved in the great Archives of the Royal Chamber, the Government of it, as we have said, was bestowed upon *D. Pedro Antonio* of *Arragon*, of whom, and the Events that happened in his Time, we shall now discourse.



## C H A P. I.

*D. Pedro Antonio of Arragon confutes the Pope's Pretension to the Government of the Kingdom. The King of France begins a new War on account of the Succession of the Dutchy of Brabant, and other States of Flanders, to which an End is put by the Peace of Aix la Chapelle.*



HO' the Regency, in the Person of the Queen-Mother, and the *Junta* of those Ministers, named by the deceased King in his Will for the Government of the Kingdoms, of which the Monarchy of *Spain* consisted, had been established, and not only the *Council of State*, but the *Grandees* had acquiesced to the Disposition made by King *Philip*; nevertheless Pope *Alexander VII.* did not fail to set up the old Pretension, which his Predecessors, in former troublesome Times, had in some measure made good in this Kingdom, of taking the Government of it into their own Hands during the Minority of the King, as the direct and sovereign Lords thereof. From the preceding Books of this History, it may be clearly seen, upon what slender Foundations this Pretension is built; however, the Court of *Rome*, improving the Instances that happened in the Pontificate of *Innocent III.* by the Minority of the Emperor *Frederick II.* the Legation of the Cardinal *Di Parma* in the Pontificate of *Martin IV.* and *Honorius IV.* during the Imprisonment of *Charles of Anjou*, Prince of *Salerno*, and some other misapplied Examples, had the Assurance at this Time to pretend to the same anew. It was then believed by those who were best acquainted with the Intrigues of that Court, that this was attempted, not that they expected to obtain it, but in order still to keep up their Pretensions, that upon a more favourable Opportunity, according as the Circumstances and Junctures of Time would bear, they might be able, some time or other, to reap more Advantage by it. Therefore, soon after the Arrival of *D. Pedro* in *Naples*, the Nuncio did not fail to wait upon him, and lay before him the Rights of the Apostolical See to the Government of the Kingdom, and consequently that it belonged to the Pope to provide it with a Governor during the King's Minority. The Viceroy answered, that his Holiness needed not trouble himself about the Government, since King *Philip*, by his Will, had taken sufficient Care for that, by establishing the Regency in the Person of the Queen, and appointing a *Junta* for the Government of all his Dominions; and the Nuncio having left a Memorial of all these pretended Rights, the Viceroy ordered the famous *Marcello Marciano*, who was then Attorney-General, to answer it.

THE Nuncio in *Spain* acted the same Part at that Court, to whom the same Answers were given; and he having likewise dispersed some Writings, wherein the Pretensions of *Rome* were represented, they were confuted, and the Foundations upon which they were built, proved to be sandy and weak. But of all that was wrote upon this Subject, either in *Spain* or *Naples*, the Treatise published in *Latin* by the Fiscal *Marciano*, under the Title *De Bahiatu Regni Neapolitani*<sup>1</sup>, was the most learned and pithy. The Court of *Rome* finding so vigorous Opposition made, not

<sup>1</sup> Toppi in Biblioth. pag. 356. & Nicod.

only by the Court of *Mulrud*, but by the Viceroy of *Naples*, dropt the Pretension for this Time.

BUT the Success was not the same with respect to the Pretension set up at this very Time by the King of *France* to the Dutchy of *Brabant*, and other States of *Flanders*; in which Dispute, though we got the better of the *French* in writing in Defence of our Cause, yet we came off Losers in the Issue of the War which the King of *France* made upon that Score in *Flanders*. By the Death of King *Philip*, the King of *France*, then a Youth, and impatient of Rest, was given to understand, that the Dutchy of *Brabant*, with some other States of *Flanders*, were devolved to the Queen his Wife, as the Daughter of King *Philip* by his first Wife, notwithstanding that he had left by his second King *Charles*, a Male; because the Custom of these Countries was, that in Successions and Heritage, the Females of the first Marriage were preferred to the Males of the second. The covetous King, under this Pretence, gladly laid hold of this Opportunity, in order to enlarge the Confines of his Kingdoms, by inroaching upon those of his Neighbours; but Queen *Anna-Maria*, his Mother, being then alive, no other Step was taken, but only making the Pretension publick, and exaggerating it in some Writings, as just and very well grounded. But soon after the Queen-Mother dying, the young King, freed from the Authority of a Mother, immediately caused his Pretensions to be printed, and marched his Troops for supporting them. On the 9th of *May* this Year 1667. he wrote a flattering Letter to the Queen Regent of *Spain*, wherein complaining, that the Proposal of an amicable Agreement, which he had offered for compounding the Affair, being rejected, he found he would be obliged to take the Field about the End of the Month in order to endeavour to put himself in Possession of what so justly belonged to the Queen his Wife, in the Low-Countries, or of some other Equivalent; however, he had commanded the Archbishop of *Ambrun*, his Ambassador, to present a Memorial, drawn up by his Order, wherein were contained the Reasons upon which his Right was grounded; to the End that being examined, the Proposal which he had caused to be made, and which he now makes, of adjusting the Difference by an amicable Agreement, may be accepted.

BY this Letter it was found, that he was seeking nothing but a Pretence for invading *Flanders*, before any Opposition could be made, seeing at the same time that he proposed the Agreement, he declares, that towards the End of the Month he was resolved to take the Field, and that before the Memorial he had sent could be read, far less examined, he was resolved to go, and by Force take Possession of the Provinces in Question, or of their Equivalent, in other States of the Catholick King. His most Christian Majesty was as good as his Word, for about the End of the Month he put himself at the Head of his Army, and arrived upon the Frontiers of *Flanders*, and having divided it into several Bodies, at the same time that he caused a Book of the pretended Rights of the Queen his Wife to be published in different Languages, he attacked the Cities of that Province.

ON the other Hand the *Spaniards*, alledging, that King *Lewis* was rather seeking a specious, than a just Cause of making War, vigorously refuted the pretended Rights, maintaining by much stronger Writings, that particular Usages or Statutes could not avail in the sovereign Succession of States; and that it was repugnant to Custom and the Nature of Things, that a Female of the same Degree should pretend to be preferred to a Crown before a Male. But they were not so well provided of Arms, as of Reasons, for defending themselves by Force. The Queen-Regent, alarmed at the unexpected Declaration of War, with Tears in her Eyes recommended herself to her Ministers; and one Day having caused the young King to be brought into the Council, she made him say with a childish Voice in his own Language: *I am Innocent, assist me*.

THEREFORE the *Spaniards*, being resolved to make a vigorous Defence, at the same time that they were making ready for it, did not neglect to undeceive the People of the boasted Rights of the *French*, making them appear to be chimerical and unjust; magnifying the Injuries done by *France* to an infant King, so nearly allied to the Invader.

IN the Beginning of this Year, one of his Catholick Majesty's Ministers had caused a small Treatise to be printed in *Flanders*, wherein was demonstrated the

<sup>1</sup> Nani, Istor. Venet. tom. 2. lib. 10. Anno 1667.

Vainness of the Pretension, in order to stifle the Uproars of the Vulgar, amongst whom the *French* were crying up the pretended Succession to the Dutchy of *Brabant* and other Provinces; and at the same time they assured those People, that they were to be preserved under the antient Dominion of their lawful Princes. But however convincing and strong (though short and plain) the Arguments contained in that small Treatise were, the *French* did not give over their Undertaking; on the contrary, besides Arms, they went about to defend their Cause by large Volumes; so that, though the said Treatise was thought sufficient for the People of *Flanders*, who knew their own Laws to a Nicety, yet it might be judged lame by other Nations; therefore it was thought fit to employ more Pens, and demonstrate King *Charles's* Rights with greater Vigour.

*NAPLES* may very well boast, that the best Writings which were published upon this Subject, in Defence of the King of *Spain's* Rights, were those penned by our incomparable Lawyer *Francesco d'Andrea*, then a famous Advocate. The Viceroy, *D. Pedro of Arragon*, had not a fitter Person than he for defending this Cause, and refuting the Pretensions of the *French*; therefore, being ordered by the Viceroy, he set about the Undertaking, and on the 28th of *February* the same Year, having finished a learned Treatise, written in *Latin*, with this Title, *Dissertatio de Successione Ducatus Brabantiae*, he presented it to the Viceroy, who received it with great Esteem, ordering him to subscribe it, which he did in his Presence, that, being to send it to *Spain* under his Name, already famous over all *Europe*, it might have the greater Weight and Authority. It was not thought fit in these Beginnings to cause it to be printed, that the *French*, who had not as yet published their Writings in Print, might not have Occasion to say, that we were the first that gave the Provocation. But the Issue proved afterwards, that they had only forborne printing, in order to attack us unawares; for, as we have said, about the End of *May* there was Advice, that the King of *France*, at the Head of his Army, was arrived upon the Frontiers of *Flanders*, and that at the same time he had caused to be published in several Languages a Book, setting forth the Rights of the Queen his Wife, to the greatest Part of those Provinces, which Book soon after appeared in *Naples* in the *Spanish* Tongue, with this Title: *Tratado de los Derechos de la Reyna Christianissima sobre varios Estados de la Monarchia de Espana.* A Treatise of the Rights of the most Christian Queen to sundry States of the Monarchy of *Spain*.

AS soon as this Book came to the Viceroy's Hands, he sent it to *Francesco d'Andrea*, ordering him to answer it; and then it was, that a larger Field being opened to him, for displaying his great Learning, and his Skill in History, both Foreign and Domestick, he published in the *Italian* Language, that so famous Treatise, intitled: *An Answer to the Treatise of the Rights, &c.* printed in *Naples* the same Year 1667. wherein with strong Arguments he demonstrates, that the so much magnified Custom of *Brabant*, and the other Provinces, could not take Place in the Succession of Dominion and Sovereignty; and that it is never regulated by such Custom, but is always conveyed by Law and a contrary Practice. And since the *French*, in order to remove the Objection of the most ample Renunciation made by their Queen, when she was married to King *Lewis*, had endeavoured by several Arguments to prove it void and null; he with pithy Answers overthrew their Sophisms, and with strong Reasons maintained the Validity and Firmness of it, which he had not done in the first Treatise, thinking, that it would have, in some measure, prejudiced the Cause, if, where it was so clear, that the Queen could not pretend to the least Right, he had done his utmost to demonstrate the Validity of the Renunciation. Upon this Occasion, this renowned Lawyer likewise answered another Book published in *France*, of other Pretensions to all the Seventeen Provinces, and to ~~all~~ the Kingdoms and Principalities of *Europe*, written by a certain *Aubery*, an Advocate of the Parliament of *Paris*, which was printed at the very Time of the Invasion of *Flanders*, under this Title, *Of the King's just Pretensions to the Empire.* And with profound Learning, and an exact Knowledge of History, he made it appear, that the Dutchy of *Brabant*, with the neighbouring Provinces, had not the least Dependance upon the Crown of *France*; and that that King could not pretend to justify the Conquest of them, as the Representative of *Charles the Great*, whose Rights he maintained to be lodged in the most August Family of *Austria*.



OTHER learned Treatises were likewise published in answer to the Book which the *French* had put out, and among the rest there was one very smart, written in *French* by a publick Minister, with this Title, *Bouclier d'Etat & de Justice*, &c. which was translated into *Spanish*, and immediately printed. But of all that appeared, in the Opinion of every Body, that of our *Francesco d'Andrea* was looked upon to be the most learned, pithy, and elegant.

BUT while our Lawyers were so vigorously defending the Rights of their Prince, and in supporting the best Cause, had got the better of the *French* Lawyers; on the other Hand, the Enemy's Troops being more numerous, had worsted ours in *Flanders*; they had surprized *Doway*, *Tournay*, *Oudevard*, *Alost*, *Charleroy*, *Lille*, *Furnes*, *Dixmude*, *Courtray*, and other Places of less Note: Nor did the Winter, which overtook them, put a Stop to their Career, but even in that Season, by secret Correspondence, they made themselves Masters of the County of *Burgundy* in an instant.

THIS sudden Motion of the *French* obliged the *Spaniards* at last to clap up a Peace with the *Portuguese*, in order with greater Vigour to oppose the *French* with Arms, as they had done with the *Pen*. Though the Death of King *Philip* had not made the *Spaniards* forget the Revolt of *Portugal*, yet it had extinguished the Aversion they had had to an Agreement; so that they were now easily induced to make Peace, and it was concluded with no other Conditions and Stipulations, but with that Pretorian Edict, *Ut possidetis, ita possideatis*: The two Kingdoms of *Castile* and *Portugal* were left in the same State they were before their Union, except as to *Centa*, which being in the Hands of the *Castilians*, they were allowed to keep it.

THE Peace being settled with *Portugal*, at the same time that it was proclaimed, with the usual Ceremonies, in *Naples*, War was declared against *France*, and Proclamations were published, ordering all the *French* that were in the Kingdom to depart in a few Days; and the Viceroy sequestrated the Estates which the Duke of *Parma* and the Prince of *Monaco* possessed in it, as Adherents to the Crown of *France*, which threatening likewise to attack *Italy* both by Sea and Land, obliged our Viceroy to reinforce the Garisons of *Tuscany* with 1800 *Spanish* and *Italian* Foot, and to get a Regiment of *Germans* to come from *Germany*. It also hindered him from sending to the *Levant* in the Beginning of the Campaign of this Year 1668. the *Neapolitan* Squadron of Gallies to the Relief of *Candy*: Of which the Pope made heavy Complaints; and considering, that by this War, made by the *French*, the *Venetians*, who were gallantly defending that Island, closely invested by the *Turks*, were deprived of Succours, he did his utmost Endeavour, in Conjunction with the other Princes of *Europe*, to bring these Rival Nations to an Agreement.

POPE *Alexander VII.* having died on the 21st of *May* 1667. on the 17th of *June* was succeeded by Cardinal *Giulio Rospigliosi* of *Pistoja*, by the Name of *Clement IX.* who seeing, that the *Turks* had invested *Candy*, was wholly intent upon assisting the *Venetians* both with Men and Money; for which End he abolished the Orders of the *Jesuats*, of the Hermits of *S. Hierom* of *Fiesole*, and of the Canons of *S. George* in *Alga*. He did not neglect, with pressing Instances, to stir up the other Princes of *Europe* to send powerful Succours to *Candy*; and he sent Letters to *Solyman* King of *Persia*, to persuade him to make War against the *Turk*. Seeing that a Stop was put to those Succours, by reason of the War which the *French* were carrying on in *Flanders*, in Conjunction with the other Princes, he did his utmost to bring about a Peace. The neighbouring Princes were not well pleased with the Success of the *French* in *Flanders*, and the News of their having made themselves Masters of the County of *Burgundy* vexed them not a little. The *Switzers* threatened to retake it by Force of Arms, as a State which was under their Protection. But the States of the united Provinces of *Holland* were the most jealous, who, abhorring to see the *French* approaching so near their Borders, had no sooner concluded a Peace with *England* in *Breda*, than they persuaded that King to join his Arms and Counsels with theirs; and then, by the Strength of Gold, having drawn-in *Switzerland*, they managed Matters so effectually by Conferences, and much more by threatening to have recourse to Arms, that they persuaded, or rather forced the King of *France* to consent to a Peace. Therefore on the 2d of *May* this Year 1668. it was concluded in *Aix la Chapelle*, and the *French* were thereby left in the Possession of their Conquests in the Low Countries, but they restored the County of *Burgundy* to the *Spaniards*. These confessed that they were chiefly beholden to the

*Dutch*, not only for what they did not lose, but for what they had recovered; for, under the Appearance of Mediation, they had truly defended their Interest, and preserved what remained to them in the Province of *Flanders*. On the other Hand the King of *France* was highly incensed against the *Dutch*, but smothering it at present, he pretended, that out of Honour and Favour to the Pope, he laid down his Arms. Whatever *Clement* took to be the real Motives, he shewed himself grateful and most affectionate to the King, endeavouring to cultivate his Friendship, which he looked upon to be very fitting for himself, and beneficial to his Relations; and he made it useful to the *Venetians*, for whom he obtained 100,000 Crowns for the Relief of *Candy*, with Permission to levy both Officers and Soldiers in *France*.

THE Peace of *Aix la Chapelle* being proclaimed in *Naples* on the 4th of *August*, the Viceroy, having dismissed the *Germans*, according to the Promise made by the Queen Regent to the *Venetians*, and the Orders he had received from her, dispatched the Squadrons of *Naples* and *Sicily* for *Candy*. But not only these, but all the other Succours sent by the King of *France*, the Pope, and the *Maltese* having been to no Purpose, they returned, and soon after it was found, that in the Beginning of this Year 1669. the *Venetians* had been forced to surrender upon Capitulation, after a War of 24 Years, 28 Months, and 27 Days of a most obstinate Siege. This Loss sensibly affected all *Italy*, but it was more afflicting to us, because of the small Distance between the Cape of *Otranto* and the *Turkish* Territories; so that the Viceroy considering the Danger, not only provided the Fortresses of the Kingdom and the Garisons of *Tuscany* with Ammunition, but sent several Troops of Horse for guarding the Coast of the *Adriatick*. This News so much affected Pope *Clement*, that on the 9th of *December* he died of Grief. And on the 29th of *April* this Year 1670. *Emilio Lorenzo Allieri* was elected in his Place, who would likewise be called *Clement*, and he was the Xth of that Name.



## C H A P. II.

*The Viceroy of Sardinia being murdered, D. Pedro Antonio of Arragon sends Relief to that Island: Pursues the Banditti of the Kingdom: Brings the Computation of Families to Perfection: Goes to Rome, in the Name of the King, to do Homage to the new Pope: Upon his Return his Successor is appointed: The Monuments and Laws which he left us.*



THAT the Kingdom of *Sardinia* might not be free from the common Calamities which those of *Naples* and *Sicily* had undergone, at this very Time it was full of Disorders and Tumults, occasioned by the Murder of *D. Emanuel de los Covos*, Marquis of *Camerassa*, the Viceroy. The Court of *Madrid*, according to its wonted Custom, requiring Money of the Marquis, he pressed the Subjects to make a Donative to the King; but having met with vast Difficulties, he was forced to dissolve the Parliament, which for that End had been assembled in *Cagliari*, the Capital of that Kingdom, without being able to obtain it. The greatest Opposer was *D. Agostino di Castelvi*, Marquis of *Laconi*, who being murdered on the 20th of

*June*

June 1668. it was rumoured abroad, that this Murder had been committed by Order of D. *Isabella de Portocarrero*, Marchioness of *Camerassa*, with the Knowledge and Consent of the Viceroy her Husband, in Revenge of the Opposition made by D. *Agustino* in the Parliament. Upon this Rumour, D. *Giacomo Artal di Castelvi*, Marquis of *Cea*, D. *Silvestro Aymerich*, D. *Antonio Brondo*, D. *Francesco Cao*, D. *Francesco Portugues*, and D. *Servino Grizoni*, met in the Palace of D. *Francesca Carillas*, Marchioness of *Laconi*, the Deceased's Wife, where they agreed to put the Viceroy to Death; and in order to put this wicked Design in Execution, on the 21st of July the same Year, while the Viceroy, with his Wife and Children, was returning in his Coach from the Church of our Lady *Del Carmine* to his own Palace, several Musquet-Shot were fired at him from the Windows of *Antonio Brondo's* House, situate in *Cagliari* in the Street *De los Cavalleros*, whereby he was cruelly murdered. The Marchioness of *Camerassa*, terrified at so dreadful a Sight, for fear of more Mischief, resolved immediately to leave *Cagliari*, and the Night following having taken Shipping, with her Children and Family, set sail immediately for *Spain*, leaving the Marchioness of *Laconi* at full Liberty to enter an Action against her in the Royal Tribunal of *Cagliari*, and to charge her with the Murder of the Marquis her Husband. The Viceroy's Murderers having taken Sanctuary in the Convent of *S. Francis*, continued there, with a Guard of armed Men, for the Space of a Month, and then embarked for *Cape Sassari*, where they assembled Men for their Defence.

OUR Viceroy, upon Advice of so outrageous a Crime, immediately caused ten Gallies to be fitted out, in which 2000 *Spanish*, *Italian*, and *German* Foot were embarked; and though they had set sail for *Sardinia*, yet after serious Consideration it was thought fit to recall them, it not being judged proper to render these People, (naturally fierce) jealous, by introducing new Troops into that Island. The Court of *Madrid*, in order to obviate greater Mischief, immediately sent to be Viceroy of that Kingdom, D. *Francesco Tuttavilla*, Duke of *S. Germano*, a noble *Neapolitan* of the *Seggio* of *Porto*, Brother to D. *Vincenzo Tuttavilla*, Duke of *Calabritto*, Colonel General of this Kingdom, who, on the 10th of *March* this Year 1669. sailed for *Sardinia* to assist his Brother with the Admiral Galley of the Squadron of *Naples*, and carried with him the Counsellor D. *Giovanni d'Errera*, who had been appointed Judge Delegate in the Trial of *Camerassa's* Murderers. In the Month of *May* following, other three Gallies were sent with 500 *Spanish* and *Italian* Foot, and some ready Money; and a thousand Soldiers were sent thither from *Finale* in the Duke of *Tursi's* Squadron of Gallies, and 300 from the Island of *Sicily*; and lastly, in the Month of *March* 1670. our Viceroy was obliged to send other 500.

BUT Matters were quickly set to rights again in that Island, for *Errera* made it plainly appear, that those People had no Hand in the Murder of the Viceroy, and that the Murder had been committed by those Noblemen only, in order to cover the Murder of the Marquis of *Laconi*, who had been killed by Villains employed by D. *Silvestro Aymerich*, at the Desire of the Marchioness D. *Francesca*, his Wife, in order to marry him (*Aymerich*) which had already happened. Therefore all those who had had a Hand in the Death of the Viceroy, were, by a publick Edict, declared guilty of High-Treason, and Rebels: A great Reward was offered to whoever should catch them dead or alive: Their Goods and Estates were confiscated, and their Houses were ordered to be demolished, levelled with the Ground, and strewed with Salt. It was likewise declared, that those People had carried themselves faithfully towards their Prince, and that they had had no Hand in the Murder of the Viceroy. The Duke of *S. Germano* received hearty Thanks from all the States of that Kingdom, which continued peaceable under its antient Lord and Master.

BUT in the mean time the Banditi, now more insolent than ever, committed frequent Depredations in our Kingdom. They robbed the Travellers, and made them Prisoners, and plundered the Messengers of their Dispatches: In fine, the publick Roads were no more safe, insomuch that a Stop was put to all Traffick and Commerce. Many Troops of them were encamped in the *Abruzzi*, and having fortified themselves in fundry Towns, they became so bold, as to dispatch Orders to all the Neighbourhood for bringing in the Taxes to them, and not to the King's Collectors. By the Death of Cardinal *Filomarino*, Cardinal D. *Innico Caracciolo* being made Archbishop of *Naples*, and obliged to go to *Rome* to assist in the Conclave

slave at the Election of a new Pope, to wit *Clement X.* was seized by these Banditi, and, to recover his Liberty, forced to pay them a Hundred and eighty Pittoles. Monsignor *Toppa*, Archbishop of *Benevento*, was likewise robbed by them near *Naples*, in the Village of *Pomigliano d'Arco*, and made his Escape by a Miracle. But the most troublesome of them all was the famous Abbot *Cesare Riccardo*, who after having murdered *D. Alessandro Mastrillo*, Duke of *S. Paolo*, with his Gang went about plundering the Neighbourhood of *Nola*, and even to the Gates of *Naples*: He robbed the Posts, frequently burning the Letters, not sparing those of the Viceroy: He came in and went out of *Naples* in Disguise; and he carried his Insolence so far, as to hinder Snow from being brought to *Naples*, threatening besides, that if the Magistrates did not procure him his Pardon from the Viceroy, he would likewise put a Stop to the carrying in of Corn.

THE Viceroy employed several Means for extirpating them, but none proved so effectual as to suppress them altogether. For which End he made the Counsellor *D. Diego di Sorria*, Vicar-General of *Campagna*: He sent some Companies of *Spaniards* to *Abruzzo*, to dislodge them out of those Parts: At last he erected a Juncto of Ministers for severely punishing them and their Abettors; but all was to no Purpose, for the regular Troops were of no use in those cragged and inaccessible Places: Some being taken, were hanged, but their Number still increased the more. The Juncto caused some Barons, their Protectors, to be arrested, but after a short Imprisonment, they compounded with the Viceroy for large Sums of Money; so that the Disorders were as great as ever.

THE Viceroy was blamed for this only, that in his Time the Laws had not been put in Execution, and that enormous Crimes had been committed, such as Incest, Peculation, Theft, Perjury, Murder, Duels, and other such shameful Offences, without being so severely punished, as the Guilty deserved; but frequently being Personally present in the Court of the Vicariate, whither sometimes he carried the Vicequeen his Wife with him, he either was too indulgent, or changed corporal Punishments into pecuniary Mulcts; by which Means having made vast Advantage (according to the Computation that was made by the Vulgar, he had made more than 320,000 Ducats by such Compositions) he got the Character of a sordid Minister; and many took Occasion to say, by way of Pun, that he punished the Purfes, but not the Persons.

NEVERTHELESS, the Kingdom was not a little indebted to him, for the general Computation of the Families, which having been begun by the Count of *Peniaranda*, and afterwards continued by the Cardinal of *Arragon*, was at last brought to Perfection by him; for he not only caused it to be published, but, from the first Day of *January* 1669. he began to bring it into Practice. The Corporations of the Kingdom were exceedingly eased by it; for they were obliged to pay Tax for no more Families than there really were; and all the Arrears were remitted them, which they owed to the King and those to whom the Revenues had been assigned, being content not only to remit the said Arrears, but likewise to bear the Loss of Twenty-two Ducats and One tenth upon every hundred Ducats of Revenue, which was necessary to be defalked, by reason that this Computation was about 100,000 Families less than the former. By this Means the Corporations of the Kingdom began to recover themselves, and consequently to be more ready to pay the Taxes, to the no small Advantage of the King and the Assignees. To this was added the Increase of the Revenue arising from Tobacco, which, from 45,000 Ducats a Year, at this Time amounted to 80,000, and that of Manna, which having been sold to particular Persons, the Viceroy redeemed it, and annexed it to the Royal Patrimony. In short, all the Revenues, Taxes and Customs were considerably augmented, to the great Advantage of all the Assignees, it being computed by *Giovanni d'Alesio*, Accomptant of the Royal Chamber of Accompts, that the Increase amounted to little less than nine Millions of Ducats: To which the Viceroy's Vigilance, and the Rigour which he exercised against those who committed Frauds in the Payment, contributed not a little.

## S E C T. I.

*D. Frederico de Toledo, Marquis of Villafranca, is left Lieutenant of the Kingdom, when the Viceroy went to Rome to pay Obedience to the new Pope.*

THE Queen Regent, according to the Custom introduced by the Court of *Spain*, had ordered the Viceroy to go to *Rome*, in the King's and her own Name to pay Obedience to the new Pope, *Clement IX.* but he dying suddenly, before it could be performed, he had Orders to do it to *Clement X.* his Successor. At the same time the Queen had appointed the Marquis of *Villafranca*, who was then Captain-General of the Gallies, to govern the Kingdom in the Viceroy's Absence. It was disputed in the Collateral Council, whether the Marquis should be treated as Viceroy, or only as Lieutenant, seeing the Viceroy had Orders from Court, as soon as his Embassy was over, to return to his Government; but it was said for the Marquis, that he having a Royal Commission, ought to be reputed as true and independent Viceroy; therefore it was decided in his Favour. On the 3d of *January* this Year 1671. *D. Pedro Antonio* of *Arragon* having left *Naples*, the Marquis, in Presence of the Magistrates of the City, took Possession of the Office, and, seeing *D. Pedro's* Wife was in Possession of the Royal Palace, he chose that of the Prince of *Stigliano*, near the Gate of *Chiaja*, for his Habitation.

THE Marquis, following the Footsteps of his Great Grandfather, who had been Viceroy for the Space of 22 Years, governed the Kingdom with great Rigour and indefatigable Application; but his Government lasted only to the 25th of *February*, for *D. Pedro* being arrived in *Rome*, made what haste he could in performing his Commission, and on the 22d of *January* having made his publick Entry, the Day following, accompanied by the Marquis of *Astorga*, who was then his Catholick Majesty's Ambassador in *Rome*, he performed the Ceremony of kissing the Pope's Foot; and, after having spent some few Days more in that City in Entertainments and Visits, he returned to *Naples* to resume his Government, not well pleased with *Villafranca's* rigorous Behaviour, which ill suited with his courteous and indulgent Temper. The Marquis of *Villafranca* remained in *Naples* till the Month of *July*, and then set out for the Court of *Spain*, and upon his Arrival having represented *D. Pedro's* Avarice and Thirst after Money to be such, that when he went to *Rome*, he left not one Farthing in the military Chest, it was thought, the Ministers were thereby induced to remove him from the Government. Many Months had not passed, when he heard that he was to be succeeded by the Marquis of *Astorga*, who being Ambassador in *Rome*, in the Beginning of the Year 1672. set out for the Kingdom, and on the 11th of *February* arrived at *Naples*, where he was received with great Marks of Respect by *D. Pedro*, who, after having paid the wonted Visits, on the 14th of the same Month yielded up the Government, and, with the Dutches his Wife, went immediately to *Pozzuolo*, from whence, on the 25th of the same Month, he set out with four Gallies for *Spain*.

DON *Pedro* of *Arragon* ought to be reckoned amongst the Viceroy's who have left us the most remarkable Monuments. Out of his great Inclination for Building, he adorned *Naples* with many Edifices. He put the Hospital of *S. Januarius*, without the Walls of the City, into that stately Form which we now see, by enlarging it with many Galleries and Apartments; and giving it a settled Government. He laid out a vast Sum of Money in building the Harbour for the Gallies, and he enlarged the Arsenal. He made that magnificent Street, adorned with Fountains, that leads up from the Arsenal to the Royal Palace, at the Top of which Street he caused the Statue of the *God Terminus* to be erected, which supports the Skin and Wings of a great Eagle. He beautified the Royal Palace, and added to the Foot of that stately Stair, built by the Count *D'Oniate*, the two Statues of the Rivers *Ebro* and *Tagus*, and over the Gate, which leads to the old Palace, that of the River *Arga*. He joined the Royal Armoury of *Castelnuovo* to the great Hall. He repaired the *Spanish* Barracks, and built from the Foundation, that vast Edifice for the Garrison, capable to lodge

6000 Soldiers. He likewise repaired the publick Fountains of *Poggioreale* and *S. Catarina a Formello*, and many others, and he raised from the Foundation that of *Monte Oliveto*. He restored the Use of the Baths of the Mineral Waters, without the Grotto of *Coccejus*, and of those of *Pozzuolo* and *Baja*; and to preserve their Memory, he caused their Virtues and Efficacy, in curing Diseases, to be engraven upon Marble; whence *Sebastiano Bartoli*, a famous Physician of these Times, took Occasion to search more narrowly into the Quality of these Waters, and to write a particular Treatise upon them. In fine, he put our Tribunals into better Order, enlarging the Council Hall, those of the Vicariate and Royal Chamber of Accompts, in which last, by the Advice of *Niccoli Toppi*, the Master of the Rolls, he resettled the Archives, and whose Care this Writer much commends, saying, that he was thrice to see them, and caused three new Rooms to be made, and a general Index to be begun of all the Writings, which were above Three thousand in Number, and he appointed a Salary for five Clerks, who were punctually paid every Month, that the Work might be finished. He also augmented the Salary of the Judges of the Vicariate, and he made fundry other Regulations about the equal Distribution of Causes, in order to shorten Law-Suits, and the Litigiousness of Parties.

BUT though this Viceroy left us such notable Memorials of himself, yet, on the other Hand, he robbed us of many famous Monuments. He took from us the Bones of the magnanimous King *Alphonsus I.* which, as we have related in the XXVth Book of this History, had been deposited in the Vestry of *S. Dominico Maggiore* of *Naples*, whither King *Alphonsus II.* caused them to be transported from *Castel dell'Uovo*, when his Father was buried there. In the Year 1506. that Vestry happening to take Fire, a great Part of them was consumed, but the Scull and some few Bones escaped the Flames: By Order of *Ferdinand the Catholick*, the Scull was delivered to the Bishop of *Cefalu*, who carried it to *Spain*; the Bones only were left here, which coming to the Knowledge of *D. Pedro*, he undertook to carry them to *Spain* likewise, and put them in the same Place with the Scull. The Monks of that Convent opposed him, but the Queen Regent, at the Instance of the Viceroy, having sent a particular Order for transporting them to *Spain*, the Dispute ended, and the Monks, by a publick Instrument, delivered them to the Viceroy. In order to set off his Gallery in *Madrid*, he robbed us of many famous Pictures and Statues; among the rest those of the four Rivers, which adorned the Fountain on the Point of the Mole; that of *Venus*, which lay in the Fountain upon the Edge of the Ditch of *Castelnuovo*, and some small Statues and Steps of Marble, all of one Piece, which were placed upon the Fountain *Medina*, and cut by the famous *Giovanni di Nola*, all which were sent to *Spain*.

DURING his Government many provident and prudent Laws, to the Number of near 30, were established, whereby he put the Tribunals in good Order, reformed many Abuses in the Custom-Houses, and made other Regulations, which were set down in the Chronology prefixed to the first Tome of our Statutes.

\*•Toppi, Bibl. in fine, fol. 356.





### CHAP. III.

*The Government of D. Antonio Alvares, Marquis of Astorga, which proved very troublesome and unfortunate, by the Disorders into which the Kingdom was involved, and much more so, by the Revolutions that happened in Messina.*

**U**PON the Marquis of *Astorga's* Arrival in *Naples*, he found the City not only afflicted with a great Scarcity of Corn, but quite ruined by continual Crimes, and especially Robbery, which was committed in all Corners. Therefore he used all Means possible for bringing into *Naples*, not only from the Provinces, but from remote Countries; great Store of Provisions, insomuch that he supplied the Necessities of the People, and restored Plenty in the Kingdom. But though he exercised the utmost Severity, it was not possible (so wicked were Men grown, by the Looseness of Discipline in the preceding Government) to extirpate Robbery, and much less to put a Stop to the continual Depredations of the Banditi in the Country. They made IncurSIONS to the very Gates of *Naples*: They robbed the Posts, pillaged the Villages, and committed innumerable Murders, Robberies and Rapes in the Country, and with great Boldness incamping in the Fields, they were constantly getting Followers, and increasing their Number. The Viceroy making use of the wonted Remedies; gave new Strength to the Governors of the Provinces, charging them strictly to give a helping Hand, and to make it their chief Care to root them out. A great Slaughter was made of them; and it was of no small Advantage, that the most profligate of their Heads, the famous Abbot *Cesare*, was killed. But for all that, like so many *Hydras*, others started up in their Places, and especially in *Abruzzo*, whither the Viceroy was forced to send five Companies of *Spaniards*, not only to curb their Insolence, but, suspecting that they might have been encouraged from *Rome* by the *French* Ambassador, likewise to guard against all Novelties, which, under such Protection, these Villains might attempt. But by the Revolt that happened soon after in *Messina*, the Kingdom got rid of a great many of them, whom the Viceroy pardoned, upon Condition that they should go to serve the King in *Sicily*, where they gave Proof of their Courage, whereby, in a great measure, they made Amends for their former Crimes. The rest that remained in the Kingdom, still multiplying, continued obstinate; for Heaven had reserved the total Extirpation of so mischievous a Breed to a more expert and illustrious Hand.

THESE were not the only Disorders, which rendered the Marquis's Government troublesome; for to the Straits to which the Kingdom was reduced, by Famine, Robbery, and these Rascality, another more vexatious Misfortune was added, which was the wretched State of the Coin, at this Time reduced to less than the fourth Part of its first Value. The Origin of this Evil was old, and the same, which occasioned the crying down of the *Zanette*; in the Government of Cardinal *Zappatta*; by whom, though new Money was ordered to be coined, and severe Punishments inflicted upon those who had the Boldness to clip or counterfeit it, yet the Greediness of Gain overcame the severest Punishment whatsoever. The Number of Clippers and false Coiners was such, that even in the Houses of Persons of Quality Clippings and Instruments for Coining were found; and it was said, that Women of no mean Condition, had likewise a Hand in that Practice. A whole Gang

Gang of them was discovered in *Naples*, and in the Province of *Terra d'Otranto* a vast Number were impeached. The Viceroy did his utmost to root them out, many being discovered, were hanged, some suffered long Imprisonment, and others were pardoned, which gave a Handle to Detractors to affirm, that their Lives had been saved, but not their Purfes. Others again withdrew themselves from the deserved Punishment, some having recourse to the Privilege of the Clergy, some to the Immunity of the Churches, and others to flight. In order to put a Stop to so great a Mischief, the Viceroy began to think of coining new Money, which should not be liable to be counterfeited or clipped. The Matter was taken into Deliberation, and much Reasoning was spent about it, but all to no Purpose, for the Glory of so bold an Undertaking was likewise reserved to a more fortunate Hero.

THE *Turks* must likewise have their Share in disturbing the Marquis's Government; for scouring the Seas of the Kingdom, they landed in the Province of *Bari*, where, in the Month of *June* this Year 1672. they made Slaves of 150 poor Country People, who were reaping their Corn. And in the Month of *August* seven Gallies of *Biseria* appeared in the Gulph of *Salerno*, taking and destroying our Ships. The Year following they did great Damage on the Coast of *Puglia*, especially in the Village of *S. Nicandro*, from whence they carried off many People into Slavery; so that in order to repel their Insults, the Viceroy was forced to send thither three Troops of Horse, and to order the Squadron of our Gallies to cruize in the Seas of the Kingdom.

## S E C T. I.

*Great Subsidies are raised in the Kingdom on account of the Revolt of MEXICO.*

BUT at this Time much greater and more grievous Cares came upon the Viceroy, and heavy Taxes and Fears upon the Kingdom. This Year the Kings of *France* and *England*, in Conjunction with the Elector of *Cologne* and the Bishop of *Munster*, had declared War against the States-General of the United Provinces, and though they had got the better of the Fleets of *England* and *France*, yet the Armies of the Confederates made themselves Masters of the Provinces of *Utrecht*, *Gelderland*, and *Overyssel*, with a Part of *Frizeland*. Whereupon the Count of *Monterey*, Governor of the *Spanish Flanders*, took Occasion to put *Spanish* Garisons into the *Dutch* Towns; and the Emperor *Leopold*, with the Elector of *Brandenburg*, to send an Army into the States of *Cologne* and *Munster*, in order to oblige those Princes to observe the Peace of *Cleves*. But though the *French*, by having taken Possession of *Mark* and the Dutchy of *Cleves*, belonging to the Elector of *Brandenburg*, and sent the Marshal *De Turenne* into *Franconia*, had forced that Elector to lay down his Arms, they could by no means hinder many Princes of *Germany* to join with the Emperor and the *Dutch* for the Defence of their own Dominions.

THE *Spaniards*, not able to bear the Conquests of the *French* upon the States of *Holland*, much less upon the Empire, resolved likewise to enter into this Alliance, and having declared War against *France*, they gave the King of *England* to understand, that if he did not break his Alliance with the King of *France*, they would do the same by him; and having interposed as Mediators, they managed Matters so, that a Peace was concluded between the *English* and the *Dutch*. Thus the *French*, being obliged to make Head against the Imperial Army, which had advanced to the Borders of *Flanders*, abandoned all the Towns belonging to the *Dutch*, except *Mastricht* and the *Grave*, which last was forced by the Prince of *Orange* to surrender upon honourable Terms. Thus came the whole War to fall upon the *Spanish Flanders*, and the Countries situate on both Sides of the *Rhine*, which lasted many Years.

IN the Month of *December* this Year, 1673. War having been declared against *France* in *Naples*, and a Proclamation published, ordering all the *French* to depart the Kingdom within a few Days, our Viceroy began to have troublesome Work upon his Hands; for this War being declared, lest the *French* should make a new Attempt upon the Principality of *Catalonia*, he was ordered to send Succours for the Defence of that State; so that he was obliged to send thither four Ships with



1200 Neapolitan Foot, under the Command of Colonel D. *Giovan-Battista Pignatelli*: And the Army of *Catalonia* still wanting to be reinforced, in the Month of *March* 1674. other 1500 were sent, under the Command of Major-General D. *Antonio Guindazzo*; and in the Month of *June*, other 500 were sent on board of five Gallies. But the Insurrections that happened in the City of *Messina*, which occasioned one of the most obstinate Wars that ever was heard of, put a Stop to the sending of any more Succours to *Catalonia*, and forced the Viceroy to send from our Kingdom much greater and more frequent to *Sicily*; so that we were obliged to be at the Charges of this cruel and obstinate War.

THE *Messinese* boasting of their most antient Privileges, Exemption, and other Prerogatives, in the Reign of King *Philip IV.* were made much more insolent, because that having been steady and constant in their Loyalty during the preceding Tumults of *Palermo* and *Naples*, King *Philip* not only confirmed their antient, but gave them new Favours and Pre-eminencies. By these Concessions that People enjoyed a Liberty, in a manner absolute; and it was allowed them by the *Spaniards*, because they considered, that that Freedom which they frequently took in defending their Privileges, did not proceed from a Contempt of the King's Sovereignty and Service, but from a certain Vanity, which they had of being singular amongst the other Subjects of the Crown of *Spain*. They elected out of their own Body the publick Magistracy, which they call Senate, with full Authority to command, and a Power to administer the publick Revenues of the City, and to distribute the inferior Offices: They had absolute Authority over the Citizens, and were always ready to resist, even their own Viceroys, whenever they thought, that any Thing was attempted, contrary to their so much boasted Privileges.

IN the Government of the Count of *Ayala* they complained, first, That that Viceroy had never resided in *Messina*: That he had imprisoned some People unjustly; and in fine, there was no Act of his, but what they interpreted as a Breach of their Privileges; and if they had kept within the Bounds of complaining, it would have been tolerable; but they proceeded to notorious Crimes, in declaring the Statutes made by that Viceroy null, as prejudicial to their Privileges, and in lifting Soldiers in Defence of them. They continued to treat D. *Francesco Gaetano*, Duke of *Sermoneta*, *Ayala's* Successor, after the same manner; for he having gone to *Messina*, they forced him to publish an Edict, prohibiting the Exportation of Silk from any Port of that Island, excepting from that of their own City. But the other Cities of the Kingdom having complained of that, the Execution of the Edict was superseded by the Court of *Spain*; so that they resolved to send two Ambassadors to *Madrid* for obtaining a Revocation of the *Superfedcas*. These pretended to be treated in their Audience as all the other Ambassadors of Princes were: That a certain Day should be appointed for it: That the Introducer of Ambassadors should accompany them; and that on the Day of Audience the King's Coaches should be sent to carry them to the Court. They alledged many Instances of their being treated so in the Time of King *Philip IV.* but the Queen Regent by no means would grant them that Ceremony; for it nor only did not appear that it had been granted them with the Knowledge of the King her Husband, but on the contrary, that he had expressly ordained, that all the Ambassadors of the Kingdoms and Cities subject to the Crown of *Spain*, should enjoy the bare Title, but not the Privileges of Ambassadors. Therefore, that they might not prejudice themselves, having, with a new Memorial, given in a Protestation, they returned to *Messina*, without executing their Commission.

THE *Messinese*, provoked at this Rebuff, began to commit many Insolencies; and in the mean time the Duke of *Sermoneta* being succeeded in the Government of that Island by the Duke of *Alburquerque*, who shortly after being succeeded by the Prince of *Ligni*, the Disorders and Confusions increased, and at last ended in Factions, whence arose the Names of *Merli* \*, which the Royalists took, and of *Malvizzi* †, which those of the opposite Party assumed, whereby the *Messinese* were reduced to a State, no less lamentable, than that to which formerly almost all *Italy* was reduced by the Factions of the *Bianchi* and the *Neri*, and of the *Guelfs* and *Ghibellins*.

BUT in the Government of the Marquis of *Bayona*, the Prince of *Ligni's* Successor, D. *Diego di Soria*, Marquis of *Crispano*, being Governor of *Messina*, the Factions, which kept it in the utmost Confusion, turned to open Rebellion; for in

\* Blackbirds.

† Thrushes.

the Month of *June* this Year 1674. while the *Messinese*, with great Pomp and Solemnity, were celebrating the Festival of our Lady, under the Title of *Lettera*, on account of a Letter, which they believe she wrote to the Senate of *Messina*, wherein she assured them of the Protection of her Son *Jesus*; some mysterious Pictures were seen in a Taylor's Shop, which alluding to the present Transactions, represented the Faction of the *Merli* in a ridiculous Manner, not sparing even the Governor *Soria*. The *Merli* being apprized of this, threatening to blow up both the Taylor and his Shop, they were for taking to their Arms immediately, if the Governor had not run quickly to stop them. But the Taylor being afterwards imprisoned, the *Malvizzi* were so exasperated, that a great Number of them gathered together in Arms, in order, with open Force, to set him at Liberty, and then to put to the Sword all the *Merli*, and all those that favoured the King's Party. At the Sound of a Bell, the City, in an instant, was all in an Uproar, the *Malvizzi* possessed themselves of the most eminent Posts, slaughtered the *Merli*; and their Number increasing to Twenty thousand, they forced the *Spanish* Soldiers, who had hastened to quell the Tumult, to retire to the Royal Palace, in which they found it convenient to shut themselves up, and defend it the best Way they could; and to disturb the Siege of the Palace, the Governor ordered the Commanders of the Forts to fire Cannon against the City.

ON the other Hand, the Senators having openly declared for the *Malvizzi*, and preparing for the Siege of the Palace, fortified the Posts, and laid close Siege to the Governor. The Marquis of *Bayona*, the Viceroy, hastened to his Relief, but he was shut out of the City, and, by Cannon Shot, forced to retire to the Bay of *Catana*, and from thence to *Melazzo*. Then it was thought in good Earnest, that in order to reduce *Messina*, it would be necessary to besiege it in due Form; therefore the Marquis having pitched upon the City of *Melazzo* for a Place of Arms, assembled there the whole Troops of the Island: He summoned the Barons of the Kingdom, who appeared there with a good Body of Militia, raised at their own Charges; and it was resolved, not only to relieve the Governor and the Royal Forts of *Messina*, but likewise to block up the Passes of *Teormina*, to cut off the Communication of the *Messinese* with the rest of the Island, and reduce them to their Duty, both by Force and Famine.

OUR Viceroy was invited to take a Share in this Undertaking, with which complying, he appointed the City of *Reggio* to be the Place of Arms, whither he ordered a strong Body of the Troops of the Kingdom to march, under the Command of General D. *Marc' Antonio di Gennaro*, with Orders to pass over to the Island, whenever the Marquis of *Bayona* should think fit: He afterwards sent two Gallies to *Melazzo* with 400 *Spanish* Foot; and he caused the like Number of *Italians* to be embarked in one Ship and two Tartanes, with Ammunition and Provisions; and the Squadrons of *Spanish* Gallies not being in our Seas, those of the Republick of *Genoa*, and the Knights of *Malta*, were employed in the King's Service.

THE *Messinese*, foreseeing that of themselves they were not able to withstand so many, from Mutiny proceeded to open Rebellion, resolving to have recourse to the King of *France* for Assistance and Protection; and in the mean time amusing the Marquis of *Bayona* with Negotiations and Treaties, without concluding any thing, they sent D. *Antonio Cafaro* to *Rome* to treat with the Duke D'*Etré*, the *French* Ambassador there, about uniting their Island to the *French* Dominions, and inducing the King to send them speedy and powerful Succours. The Duke, and the Cardinal D'*Etré* his Brother, not having any particular Instructions about this Matter from their Prince, and *Cafaro* not having sufficient Power to perform what he offered, in order not to lose Time, resolved to send *Cafaro* himself to *France*, that he might represent the State of *Messina* to the King, and persuade him to send them Relief, and they gave him Letters directed to the Duke of *Vivonne*, Vice-Admiral of *France* in the *Mediterranean*, who was then residing in *Toulon*. The Sentiments of the Court of *France* about engaging in this Undertaking, were different; some, mindful of the famous *Sicilian* Vespers, and of the Aversion which the *Sicilians* have to the *French* Nation, were against it: Others persuaded the King not to neglect it, because it would be of great Use in the War, which was then very hot between the two Crowns, and at least would occasion a great Diversion to the *Spanish* Arms. At last a Medium was resolved upon, to order the Duke of *Vivonne* to assist the *Messinese*, but before he should sail with the whole Fleet, to send a Squadron

with Relief, and at the same time confirm the *Messinese* in their Rebellion, in order to give the *Spaniards* a Diversion, and get a true Information of the State of Affairs, that then it might be more maturely considered what was fit to be done.

ON the other Hand, upon the Arrival of Advice at the Court of *Spain* of the Revolt of *Messina*, it was resolved, to use all Means, not only to reduce it by Force of Arms, but by an amicable Agreement, shewing Indulgence, and promising Pardon. But at the same time it was determined, that before Assistance could be sent to it from *France* (in case the *Messinese* should not embrace the Royal Clemency) to employ the whole Naval Force in reducing it. Therefore the Queen Regent granted them a general Indemnity, which was sent to the Marquis of *Bayona*, to be published in the Island; and the Marquis *Del Viso* was ordered to take the Command of the *Spanish* Gallies, and both he and D. *Melchior della Queva*, General of the Fleet, were commanded to join and sail with the Gallies and Men of War to the Coast of *Sicily*.

BUT both the one and the other Expedient proved unsuccessful; for the *Messinese*, grown insolent by the promised Assistance from *France*, and much more bold by having had the better in some Skirmishes, rejected the Indemnity which had been published in *Milazzo*: On the contrary, the General of the Gallies of *Malta* having sent Captain D. *Francisco Antonio Dattilo*, Marquis of *Caterina*, the Son of the renowned Colonel *Roberto Dattilo*, to carry their Pardon to them, with Letters assuring them, that it should be faithfully put in Execution; they not only slighted the Message, but made the Marquis Prisoner, and shut him up in a Dungeon.

UPON these unfortunate Advices, the Court of *Spain* resolved to change the Governor of that Island, and ordered the Marquis of *Villafranca* immediately to go and take the Government of it upon him; and at the same time the Marquis *Del Viso*, and D. *Melchior della Queva*, who had joined the Fleets in the Harbour of *Barcelona*, had Orders to sail in all haste to the Relief of that Kingdom. The General set sail with the Men of War on the 18th of *September* this Year 1674. but the Marquis *Del Viso*, being detained by the Winds, could not sail with the Gallies till the 18th of *October*, and it was the 5th of *November* before he could reach *Cagliari* in the Island of *Sardinia*; from whence, having on board the Marquis of *Villafranca*, the Sea being somewhat calmer, on the 10th of *December* he set sail for *Palermo*, where he arrived with the Gallies the 12th of the same Month. The new Viceroy having taken Possession of his Government in *Palermo*, went immediately to *Milazzo*, in order to be near *Messina*, whither also the Marquis *Del Viso* went with the Gallies; and making notable Progress, having taken Possession of the Tower of the *Phare*, it was resolved to besiege *Messina*, to cut off its Communication both by Sea and Land, and especially to hinder the *French* from sending any Relief to it; for which End, the General of the Fleet cast Anchor, with the greatest Part of the Men of War, in *S. John's* Channel, that all the Ships being in Sight of the City, it might give the greater Life to the Undertaking.

BUT while Things were so disposed, as gave Hopes of reducing the City in a few Days, on the first Day of *January* this new Year 1675. six *French* Men of War, with four Fire-Ships and some Tartans, were discovered steering towards *Messina*, with a Design to enter the Harbour. This was the Squadron sent by the Duke of *Vivonne*, which being commanded by Commadore *Valbel*, who had but just sailed from *Toulon*, was coming, by Stealth, to land a Reinforcement, at a Time, when the *Spanish* Fleet, either by reason of a Storm, or some other Occasion, should not be able to hinder it; nor had there been the least Notice of this Squadron, for all Advices mentioned the Royal Succour which was preparing by the Duke of *Vivonne*, who knew very well, that if he had waited till so great a Number of Ships had been fitted out, it would have been too late. *Valbel* having stood in near to *Messina*, suspecting that the *Spaniards* were in Possession of the Tower of the *Phare*, and having had notice, that the City was upon the Point of surrendering, though that very Day he might have got in to *Messina* without Opposition, for the Wind being favourable for him, hindered the Enemy's Fleet from coming out of *S. John's* Channel, yet he would not venture, for fear of being betrayed by the *Messinese*. But, whether it really was, that by reason of the contrary Winds, the Fleet, notwithstanding that all human Art was made use of, could not get out of that tempestuous Channel, to a Station where it could have prevented the Relief from getting  
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in; or really a Dispute amongst the Generals about the Command, or their Negligence, of which they were afterwards accused: the third Day *Valbel* being well assured, that the *Messinese* were obstinate, at last resolved to enter the Harbour, and on the 3d Day of *January* passed by in Sight of the Enemy's Fleet, without their being able to make the least Opposition.

HOWEVER, this Succour was not such, as ought to have made the *Spaniards* despair of the Undertaking. But the *Messinese*, became more bold, and, on the contrary, the commanding Officers of the Posts that had been possessed, struck with Fear, without waiting to be driven out by the Enemy, deserted them, whereby the Occasion was lost of being able, at that Time, to reduce the City by Force of Arms: Nevertheless the *Spaniards* were not discouraged, foreseeing, that by the Scarcity of Provisions the City would be reduced to its former Straits; therefore they were very careful to hinder any from being carried in by Sea. But while they were flattering themselves with these Hopes, the Duke of *Vronne*, having Advice of the good Success of his Squadron, and of the Obstinacy of the *Messinese*, gave the King more certain Hopes of bringing that Kingdom under his Obedience; for which End, having assumed the Title of Viceroy of *Messina*, he set sail from *Toulon* with nine Men of War, three Fire-Ships, and eight Vessels loaded with Provisions, and having steered towards *Messina*, on the 10th of *February* he came upon the Coast of *Sicily*. The *Spanish* Generals, upon Advice of his approaching, joined all their Force to go and meet him, which they did, and on the 11th they engaged, and fought with so much Bravery, that the Battle began at nine a Clock in the Morning, and lasted till Night. But whether it was their Misfortune, or Negligence, or that the Wind changed in Favour of the *French*, it blew so hard, that their Gallies were forced to retire; so that *Valbel* was at liberty to go out of the Harbour of *Messina* with other twelve Ships, which putting the *Spaniards* in the Middle, they were obliged to fight no longer for Victory, but Life; till towards the Evening they were parted by a Storm, which gave the *French* an Opportunity next Day to enter into *Messina* without Opposition.

THESE Misfortunes likewise occasioned that the Gallies of *Naples* and *Sicily*, being found of no more Use in these Seas, were ordered to retire, and some of them steering for *Melazzo*, some for *Naples*, being overtaken with a Storm, two of them were shipwrecked off *Palinurus*, and another sunk off *Maratea*. The *Spanish* Fleet retired to *Naples* to repair the Damage they had suffered in the Battle. Many Men were lost in this obstinate War, which our Kingdom was forced to make up; and that not being sufficient, 4500 *Germans* were brought from *Germany*, and were no sooner come to *Naples*, than they fell almost all sick, so that it behoved the Viceroy to provide more Hospitals for them than Quarters; and the Hospitals of the City not being sufficient for them and the Soldiers of the Royal Fleet, new ones were erected in *Pozzuolo*.

UPON Advice of such unhappy Events, the Court of *Spain*, blaming the Conduct of the *Spanish* Generals, in great Wrath, by two Royal Writs, the one dated the 16th of *March* this Year 1675. occasioned by the Reinforcement that got in to *Messina* on the 3d of *January*, the other dated the 10th of *May*, ordered a Juncto of Ministers, as Royal Delegates, to be Judges of the Faults laid to their Charge. The Marquis of *Bayona* was accused of not having, by proper Means, which he might have made use of, reduced the *Messinese* in the Beginning. The Marquis *Del Viso*, General *Della Queva*, and Admiral *D. Francesco Centeno*, were charged with having been able, and not willing, to fight the Reinforcement put into *Messina* by *Valbel*. The Marquisses of *Bayona* and *Viso* were arrested in *Sicily*, and some Months after brought to *Naples*. Our Viceroy had Orders to arrest General *Della Queva* and the Admiral, and having quickly put his Orders in Execution, the first was sent to the Citadel of *Gaeta*, and the other to the Castle of *Ischia*. The Prince of *Montesarchio* was declared General of the *Spanish* Fleet, and came to *Naples* to exercise his Office. The Viceroy declared the General of the Artillery, *Fr. Gio. Battista Brancaccio*, Commander in chief of the Troops in *Reggio*; and the Marquis of *Tuso*, who had hitherto possessed that Office, was sent to have the same Command in the Province of *Terra d'Otranto*. The Juncto began to sit and take Cognizance of the Crimes imputed to those Generals, and the Regent *D. Pietro Valero* was ordered to examine narrowly into them; whereupon the Marquis *Del Viso* employed the famous Advocate *Francesco d'Andrea* to defend his Cause.

IN the mean time the Court of *Spain* was very pressing with the Viceroy to undertake a new Expedition for the Reduction of *Messina*; but it was in vain to expect it could be done, while the *French* were Masters of the Sea. Therefore it behoved him to think of refitting the Fleet, and, at the same time, of augmenting the Land-Forces of *Sicily*. However Money was wanting, and our Kingdom alone was obliged to furnish it; so that the Marquis of *Astorga* was put to hard Shifts in raising it. He exposed to Sale the Revenues of the Customs and Taxes, and sold them at a very low Rate, whereby many private Families became exceeding rich. The eminent Office of Auditor of the Exchequer, which had been exercised by *D. Andrea Concublet*, Marquis of *Arena*, being vacant by his Death, in the Month of *June* this Year 1675. was sold in a Hurry, for three Lives, to *D. Emanuel Pinto Mendozza*, for 46,000 Ducats; but the Sale not being approved of by the King, in order to obtain the Royal Assent, he was obliged to pay a thousand Pieces of Eight, besides other Charges which the King ordered to be paid to the Court of *Madrid*. The Viceroy likewise demanded of the Barons a Supply of Horsemen, armed and mounted at their Charges, which each of them furnished in Money according to their Abilities. And lastly, he took the third Part of the Revenues which Foreigners possessed in the Kingdom, for one Year. With this Money they began to refit the Fleet, for manning of which he brought 400 Seamen from *Ragusi*. But the Charges of refitting the Fleet being great, and a good Part of the Money employed to other Uses, the Work went on heavily; therefore the People, who saw the Royal Revenues alienated in a Hurry, and did not see the King's Service carried on with the same Care, grumbled at the Viceroy: The Soldiers complained that they were not paid. 'Tis not to be doubted, but the Charges and Succours that went out of this Kingdom for the War of *Messina*, under the Government of the Marquis of *Astorga*, were considerable, and of vast Importance: New Troops both of Foot and Horse were raised: The Militia of the Kingdom were ordered to march: 4500 *Germans* were brought from *Germany*, and all were sent either to *Melazzo*, *Reggio*, and other Places of *Calabria*, from whence they were transported to *Sicily* as Occasion required. *Reggio*, *Melazzo*, and *Scaletta* were provided with Ammunition and Provisions: Immense Sums of Money were furnished, not only for paying the Soldiers that guarded the Frontiers of the Kingdom, but likewise the Army in the Field and Garrisons of *Sicily*. In fine, the *Spanish* Fleet was refitted; and the Crews were paid their Wages, which came to above 600,000 Ducats.

IN the mean time the Marshal *Vivonne* having reduced *Messina* under the Dominion of his Sovereign, and made himself Master of the Sea, was thinking of extending his Conquests over other Cities of that Island; but having made a Trial, he found the People steady and firm in their Loyalty to their own Prince, and ready to oppose him with great Intrepidity and Constancy. It behoved him to provide *Messina* with Provisions from remote Parts, and even to send for them to *France*, because the *Spaniards* had cut off all Communication by Land; and the Fleet, which was fitting out in *Naples*, disquieted him much, seeing, that the *Spaniards* were still resolved to do their utmost, in order to reduce that City. Therefore, after having scoured the Coast of *Palermo* with his Fleet, and in vain made Attempts upon the maritime Places of the Island, he stood for the Coast of *Naples*, with a Design to burn the *Spanish* Fleet, which was still in our Harbour; but having appeared in our Gulph in the Month of *July* this Year 1675. the Citizens were immediately up in Arms, and the most important Posts being well fortified, he was obliged to return to *Messina*, having only taken some Barks which had unluckily fallen in his Way.

THE Fleet being now refitted, with all Necessaries provided, and the Seamen and Soldiers paid, while the Viceroy was hastening its Departure, and the Prince of *Montesarchio*, the General, had actually got it under Sail, on the 9th of *September* this same Year, some Ships came into our Harbour, which unexpectedly had brought from *Sardinia* the Marquis *De los Velez*, to be our Viceroy. A Report spread Abroad, that the Marquis of *Astorga*, and his favourite Ministers, had made vast Profit by this War, and that the Expeditions went heavily on, because the greatest Part of the Money had been applied to other Uses, had reached the Court of *Spain*. That Court, which had nothing so much at Heart, as the Reduction of *Messina*, and the Marquis of *Astorga* having governed three Years complete, resolved to send the Marquis *De los Velez* to be his Successor, who being then Viceroy of *Sardinia*, favoured likewise by the Queen-Regent; by the continual Recommenda-

tions of his Mother, who was her first Lady of the Bed-Chamber, was thought capable to support the Weight, not only of the Government of the Kingdom, but of the War of *Sicily*. Therefore *Astorga* thought fit, upon the Arrival of his Successor, to surrender the Government, and retire to the *Chisja*, where he remained till the 13th of *October*, when he set out for the Court of *Spain*, there to exercise his Offices of Counsellor of State, and General of the Artillery of *Spain*. The Marquis of *Astorga* left us seven Statutes, which are set down in the often-mentioned Chronology.



## C H A P. IV.

*The Marquis De los Velez, the new Viceroy, continues to send Succours for the Reduction of Messina, which, being at last abandoned by the French, returns under the King's Obedience.*



THE Expectation with which D. *Fernando Faxardo*, Marquis *De los Velez*, was received, and the Hopes conceived, that by his Government the Kingdom was to be eased of the Burden of so troublesome and tedious a War, which had impoverished it much more than the former Misfortunes, run high in the Minds of every Body. It was expected, that for the future the Money would be employed to better Purpose, and consequently stronger Efforts made for putting an End to the War of *Sicily*: That the *French* would be driven out, the Rebels subdued, Tranquillity restored in that Island, and, which was of the greatest Importance, our Kingdom freed, not only from the Charges of sending thither continual Reinforcements, but from the Fear of Invasions and Insults; for the *French*, not content with stirring up Sedition in that Island, were endeavouring to do the same in our Kingdom, by a constant Correspondence with the Banditi of *Calabria*. Nor did the *French* Ambassador residing at the Court of *Rome*, neglect, by secret Practices, and private Commissions, for the most part to the Monks, to sound the Minds of the People, and disperse Manifesto's, encouraging them to follow the Example of the *Messinese*. Therefore the Marquis *De los Velez* was obliged to appoint a Meeting of Judges, called *Giunta degl' Inconfidenti*, who discovered many of the Disaffected; of which, according as they were accused, some were imprisoned, some banished the Kingdom, and others hang'd.

IN the mean, the Queen-Regent pressing the Reduction of *Messina*, and at the same time threatening rigorously to punish the *Spanish* Generals, urging therefore the Regent *Valero* to send the Processes, which had been carried on against them, to Court, our Viceroy was forced to think of sending, in all haste, powerful Succours for that Expedition. Therefore exaggerating to the Nobility and Commonalty of *Naples* the urgent Occasions, he got them to give the King a Donative of 200,000 Ducats, one Part of which was raised by the voluntary Contribution of the Citizens, and the rest out of the Salaries of the Judges Delegates, and of those who had the Management of the Revenues. And in this manner was the War of *Sicily* supported, whither from time to time were sent, not only Supplies of Ammunition and Men, but of ready Money every Month for paying the Army.

BUT the greatest Hopes of turning the *French* out of that Island, were grounded upon the coming of D. *John of Austria*, who having been declared by the Queen-Regent,

Régent, the King's Vicar-General in *Italy*, was hourly expected with a Squadron of *Dutch* Men of War. At last, on the 30th of *November* this Year 1675. the *Dutch* Fleet, consisting of 18 Men of War, and six Fire-Ships, arrived at *Naples*, commanded by Admiral *Ruiter*, but *D. John*, by secret Orders from the King, being recall'd to Court, did not come. The Arrival of this Fleet much encouraged the *Spanish* Generals to undertake the Expedition, and *Messina* being now blocked up on all Sides, and the Besieged, sensible that the *French*, at the long Run, would not be able to hold out, began to mutter, that it was impossible for the *French* to keep Possession of *Messina*, and that the combined Fleets of *Spain* and *Holland* would certainly take it. They began likewise to be persuaded, that the King of *France*, not being able to conquer the whole Kingdom, had no Thoughts of keeping it, but only to give the *Spaniards*, with whom he was fighting in the Low Countries, a Diversion; and that therefore he sent them such Succours as were able to keep up this War in *Italy*, but not to free the City of *Messina* from the Straits to which it was reduced by the *Spanish* Troops. These Whisperings highly displeas'd the *French*, insomuch that in the Beginning of the Year 1676. they pushed on the War with greater Fury, and made new Attempts upon *Palermo* and other Places, but still with bad Success.

MEAN while the Marquis of *Villafranca* having gone for *Spain*, and the Marquis *De Castel-Rodrigo*, the Son of the Duke of *Medina de las Torres*, by *D. Anna Caraffa*, Princess of *Stigliano*, a Youth of about 35 Years of Age, being appointed Viceroy of that Island, and who, in the Wars of *Portugal* and *Catalonia*, had given Proofs of great Courage and Resolution, renewed the War with greater Vigour, and during this whole Year, and the Beginning of the following, he fought the *French* gallantly, so that the *Messinese* were in a desperate Condition. But in the Month of *April* this Year 1677. he dying of a Cholick, had not the Pleasure, with his own Hands, to put an End to the glorious Expedition. Before he died he committed the Administration of the Affairs of the Kingdom to the Marchioness his Wife, and the Command of the Troops to the Count of *Sartirana*, Colonel-General, till such time as the King should appoint a new Viceroy. But the King, by a private Letter, having ordered, in case the Marquis *Del Castel-Rodrigo*, by any Accident, should happen to die, the Cardinal *Portocarrero*, who was then in *Rome*, to take upon him the Government of that Island, the Cardinal immediately left *Rome*, and went to *Gaeta*, where having embarked on the 10th of *May*, he arrived safely in *Palermo*.

THE War was carried on all this Year with no less Heat than Intrepidity; but in the mean time there happened frequent and troublesome Tumults in *Messina*, not only on account of the Insolence of the *French* Soldiers, but of the Rumours spread Abroad amongst the People, that the *French* at last designed to pillage the City, and leave the Inhabitants to the Discretion of the *Spaniards*. Nor were the Rumours without Ground, for it had been already determined in the Council of *France* to abandon the *Messinese*; and it being a Secret from whence such a Resolution had proceeded, many took Occasion to pry into the Causes of it. Some attributed it to the immense Charges which *France* was at in transporting the Troops to *Sicily*, and much more in maintaining them there; and all Sorts of Provisions being wanting in *Messina*, they were obliged to carry them thither from distant Countries, not only for the Use of the Troops, but of the Citizens. It was computed, that of 20,000 Soldiers transported at different times into that Island, scarce the fourth Part was remaining, and all the rest were either dead of Fatigue or Diseases, or had fled, that they might not be expos'd to Famine. That if they resolv'd to continue the War, new Squadrons must be sent to *Sicily*, seeing the *Spaniards* were making vast Preparations in all the Dominions they possess'd in *Italy*. Besides, it behov'd the *French* to maintain a Fleet constantly in these Seas, for keeping open the Passage for Provisions, and making Head against the *Spanish* Fleet, which would have been very strong, when joined by the Squadron of Men of War which the *Dutch* were sending to the *Mediterranean*, under the Command of Vice-Admiral *Evertz*; and that these Expeditions were vastly prejudicial to the War which the *French* were carrying on beyond the *Alps*, where they wanted Troops for reinforcing their Armies, and Ships for augmenting the Fleet, which they were forced to put to Sea, not only to oppose the Confederate Princes, but likewise the King of *England*, who being sollicit'd by the Parliament, was threatenng to join the King of *France's* Enemies, in order to oblige him to make Peace, upon such Conditions as he pretended to prescribe

prescribe to him. It was considered, that *France* was not able to maintain one Fleet in the Ocean, and another in *Sicily*, especially at that Time, when the greatest Part of the Arsenal and Ammunition in *Toulon*, and the Magazines in *Marsilles* had been consumed by Fire; and when the Count *D'Erè* had returned from *America* very much shattered and diminished in Number, in an Engagement off the Island of *Tabago*, with the *Dutch* Vice-Admiral *Bink*. But above all, it was considered, that *France* could never find her Account in the War of *Sicily*, for it had already been found by Experience, that no Strefs could be laid upon a general Revolt of the Island, which the *Messinese* had given out; on the contrary, by the Stedfastness and Constancy of the *Sicilians* in their Loyalty to their Prince, every Inch of Ground had cost the *French* a Torrent of Blood; and besides it behoved them to have a watchful Eye upon the *Messinese* themselves, since they had found, that some through Affection for *Spain*, others through Incostancy of Temper, and all of them wearied with the Length and Calamities of the War, had left no Stone unturned, in order to be reconciled with the Catholick King. And it was concluded, that it was not possible for the *French* to hold out both against their bosom and open Enemies, and much less against Famine, which was making a much more cruel War upon them in *Messina* than the *Spaniards*.

THESE were the Conjectures then about this Resolution, though there were not wanting some, who judged the Causes to be much more hidden and mysterious, and that Secrets of much greater Importance were concealed. Others believed, that it was a Prelude to the Treaty of Peace, which was concluded in *Nimeguen* in the Year 1678. Be that as it will, 'tis certain, that this quitting of *Messina* was resolved upon in the Council of *France*, long before it was put in Execution. The Marshal *De Vivonne*, that he might not be obliged to leave the Charge which he thought he had executed with Applause, by an Act of Weakness, was unwilling to be present at the abandoning of the City; so that the King of *France* appointed the Marshal *De la Feuillade* in his Place, at the same time that the King of *Spain*, having named *Portocarrero* to the Archbishoprick of *Toledo*, vacant by the Death of the Cardinal of *Arragon*, the Prince *D. Vincenzo Gonzaga*, descended of the Dukes of *Guaftalla*, was sent in his Room to govern *Sicily*, who having arrived at *Naples* on the 22d of *February* this Year 1678. on the first of *March* set sail for *Palermo*, taking with him a Ship with 500 *Neapolitan* Foot, followed some Days after with two Ships loaded with Ammunition.

THE Marshal *De la Feuillade* having arrived in *Messina*, first giving out, that he was resolved to pursue the War with greater Vigour, began to embark the *French* Troops, under pretence of carrying them to besiege *Catania* and *Syracusa*; then having sent for the Jurats of the City, he shewed them the King of *France*'s Orders for abandoning *Sicily*. This News, like a Thunderbolt, struck the *Messinese* to the very Heart, who, terrified and confounded, were put to their last Shifts: They conjur'd the Marshal to stay, at least till such Time as they had put their Affairs in order. But that being denied them, many, despairing of Pardon, resolved to desert their native Country, and go to *France*: So many, both of the Nobility and Commonalty, embarked in the Fleet which steered towards *Provence*. Thus *Messina* being deserted by the *French*, those that remained there gave immediately Advice of it to the Governor of *Reggio*, who presently went thither, with the Bishop of *Squillace*, and some military Officers, and carried with him the Catholick King's Picture, at the Sight of which all the Citizens huzza'd. This happened in the Month of *March* this Year: Soon after other Officers went thither with a good Body of Troops, and at last the Viceroy, *Gonzaga*, likewise went, who dealing mercifully with these People, gave them an ample Pardon, and restored them to all their Goods that had not been alienated or sold; but he excluded all those who had rendered themselves unworthy of it by their Flight. He likewise commanded the *French* Fashion of Cloaths to be laid aside, and all the *French* Money to be carried to the Mint, in order to be coined with the King's Impression. He did not abolish the Senate, but waited for Orders about that from Court; however he forbade the Citizens to injure or revile one another on account of the late Rebellion; and having sent back all the Troops that were more than sufficient for the Garisons, the Forces likewise retired from *Reggio* to *Naples*.

BUT the Court of *Spain* was not pleased with the mild Treatment the *Messinese* received from *Gonzaga*, therefore he was recalled to *Madrid* to take his Seat in the Council



Council of State, and the Government of the Island was given to the Count of Santisevan, who being then Viceroy of *Sardinia*, immediately took shipping, and on the 29th of *November* arrived in *Palermo*, from whence, on the 5th of *January* this Year 1679. he went to *Messina*. The Count, according to his Instructions from Court, abolished the Senate, and changed that Form of Government, ordering, that the Magistracy should be no more called Senators or Jurats, but *Eletti* (Elects) and confined their Authority to very narrow Bounds. He deprived the *Messinese* of all their Privileges and Franchises. He caused the Town-House to be demolished, and having ordered the Ground upon which it stood, to be strewed with Salt, he caused a Pyramid to be erected, and upon the Top of it placed the King's Statue, made of the Metal of that very Bell, which formerly was rung for calling the Citizens together. He prohibited all Assemblies, regulated the publick Revenues, the Duties and Taxes; and in fine, according to the Instructions left him by Prince *Gonzaga*, in order to put a greater Bridle upon these People, he founded a strong and impregnable Citadel, in building of which, the best Engineers and Generals that *Spain* had in these Times, employed their utmost Skill.



## CHAP. V.

*The War of Messina being ended, the Marquis De los Velez resettled the Kingdom the best Way he could: His Regulations: His Departure, and the Larws he left us.*



HIS cruel and obstinate War so impoverished the Kingdom, by the vast Expences it cost, that it was computed that little less than seven Millions were carried out of it. That the Succours might be ready and quickly dispatched, the Revenues of the Exchequer not being found answerable to the immense Sums that were requisite for listing Soldiers, furnishing Provisions, Ammunition, Implements of War, and the Pay, as well of the Army in *Sicily*, as of the Fleet, and the Garisons of *Calabria*, it was absolutely necessary, not only, in a great Hurry, to sell Offices, but what was worse, the Funds, and at a very low Rate, to the so great Advantage of the Buyers, that all of them reaped vast Profit, and many had above Twenty *per Cent.* yearly. This having very much diminished the Incomes of the military Chest, many of these Sales were not only disapproved of by the Court of *Spain*, and the Royal Assent denied, but a Juncto of Ministers was appointed for examining the Sale of the Royal Revenues, Exchequer Payments and the Customs, as a Matter of great Importance. Many Expedients were proposed for remedying the late Disorders; but at last the Viceroy thought fit to make use of such, as were most consonant to Justice and Equity, therefore it was ordered, that all the said Contracts should be regulated according to the Price really paid, so as the Capitals of the Revenues and Customs might be reduced to *Cent. per Cent.*: The Exchequer Payments of the Province of *Terra di Lavoro* to Ninety; and those of all the other Provinces to Eighty *per Cent.* The Remainder was annexed to the Royal Patrimony; to which likewise was added, the Impost of the *Jus prohibendi* of Brandy, which at this Time amounted to 13,000 Ducats yearly.

THE Exchequer being thus resettled, other no less Disorders were next to be remedied. The *Coin*, notwithstanding the severe Executions in the late Governments, was daily more and more adulterated. The Severities were renewed by the

Marquis, the Prisons and Gallies were filled with False-Coiners: Many of them were hanged; but for all that it was impossible to root them out, and they were so stily bent upon Gain, that many of them, who had escaped the Halter, and been condemned to the Oar, continued to coin in the very Gallies. The Contagion had even reached the Cloisters, and the Monks were become great Proficients in that Art. The Goldsmiths adulterated their Work, by putting more Allay in it than the Laws of the Kingdom allow, which proved a great Hindrance to Commerce; for those, who had wrought Silver in their Houses, were not sure that it was worth the Money they had paid for it; and every Body had conceived so bad an Opinion of the Coin, that it began to be no more current; and besides the want of Weight, there were none but took upon them to condemn it as faulty, either in the Coinage or Allay: In short, the very Copper Money was adulterated and counterfeited. The Viceroy set about to remedy such crying Disorders; and he caused Actions to be entered against such Goldsmiths as had sold Gold or Silver that was not according to the Standard: He cried down all Money that was faulty, either in the Coinage or Allay, and ordered it to be consigned in the Hands of Persons appointed for that End in the different Wards of the City; and in the Provinces, in the Hands of the Treasurers, who were to return the Value in good and current Money to the Owners; but notwithstanding this, there happened innumerable Disputes, because some refused, as false Money, what was actually good, and others maintained to be good what was really bad; wherefore, in order to decide such Disputes, the Viceroy was obliged to commit the Decision of them to some Persons of Skill in each Ward. But all these Remedies proved useles, and not answerable to the Greatness of the Mischiefe. The only Remedy left, was to cry down the old, and coin new Money; but that was a Work that required great Preparation, and many Years. Nevertheless the Marquis did as much, as his calamitous Times would bear, for having no other Shift, he caused Copper Money to be coined, of a Figure so exactly circular, that it served afterwards as a Pattern to the Silver Money coined in the Government of the Marquis *Del Carpio* his Successor; for which End he repaired and enlarged the Mint, though he knew, that that Undertaking could not be accomplished during his Government.

THE Kingdom was not only discomposed by the Money, but frequently infested by the Banditi; and though they had been very troublesome at other Times, yet they became much more so now, because of the War of *Sicily*. The Marquis of *Astorga* had pardoned many of them, upon Condition of going to serve in *Sicily*; and the Marquis *De los Velez* had followed his Example, particularly in pardoning those of *Calabria*, who, by reason of the small Distance, were the most liable to be practised upon by the Enemy. The Design partly succeeded, for those who went, of famous Robbers, became brave Soldiers. But though there was the most diligent Search made after those that remained, and that many of them were put to cruel Deaths, yet it was not possible to extirpate them, or prevent their infesting the Country.

AT his Arrival, the City was in a most dissolute State, by the Confusion which the Sailors belonging to the Fleet, and the Soldiers that came to serve in the War of *Sicily* occasioned, insomuch that there was nothing but Disorder, and the most heinous Crimes were committed, such as Theft, Sacrilege, Murders, and all manner of Vices. Both the Nobility and Commonalty were used with the utmost Severity, many of them died by the Hands of the Hangman, many of them were strangled privately, others were condemned to the Gallies, and a vast Number pined away in Prison; but these Severities did not avail, for by Intercessions and Supplications, many found means to escape.

THE Magistrates did not behave themselves with that Severity and Integrity which the Laws prescribe, but some, out of Greediness of filthy Lucre, others out of Complaisance, were too favourable. D. *John of Austria* being declared Prime Minister of the Monarchy, consulted the Good of the Kingdom, and moved by secret Informations, deprived two Counsellors, two Presidents, and four Judges of the Vicariate of their Dignities and Offices, besides some Clerks of the Secretary's Office. These degraded Ministers having complained of being condemned without a Hearing, the Deputies of the City begged of the King, that, according to the Custom introduced by King *Philip II.* he would be pleased to send a Visitor to proceed against the Guilty in a judicial Manner, that no Room might be left for  
Passion,

Passion, or false Accusations, to which secret Proceffes were liable. The King complied with the Request, and sent Visitors to all his Dominions in *Italy*, ordering the Regent *Valero* to go Visitor to *Sicily*, and the President *D. Francesco Meios*, Duke of *Parate*, to *Milan*, and the Regent *Danesè-Casati* to go from *Milan* to be Visitor in *Naples*. About the End of *April* 1679. he arrived, and having intimated his Commission, and received many Complaints, with a great deal of Circumspection he proceeded in examining the Causes, and nothing of any Moment was found amiss in the City, excepting, that some small Sums, wrongfully ordered to be paid by some Judges to Persons who had not a just Claim, were returned. All other Things went on smoothly; so that after *Casati* had staid two Years in *Naples*, in the Month of *April* 1681. he set out for *Spain*, in order to give the King an Account of his Proceedings. By the Event, it was believed, that, in the Report which he made of his Transactions, little or nothing was contained against the eight degraded Ministers; for, in process of Time, five of them were restored, some to the same, others to Offices of greater Authority; and the other three would easily have obtained the same Favour, if one of them had not contented himself with leading a private Life, and the other two were dead.

WHILE these Things were doing in *Naples*, on the 22d of *July* 1676. Pope *Clement X.* died in *Rome*, and the Cardinals being met in the Conclave, on the 22d of *September* following, elected *Benedetto Livio Odeschalchi* of *Como*, Bishop of *Novara*, who took the Name of *Innocent XI.* By the Opinion which all the World had of his Integrity and innocent Life and Conversation, the Election was applauded by all the Princes of *Europe*, and there had not been a Pope in this Century, so much respected by them, as he was; so that the good Offices, which he interposed in promoting Peace among them, were kindly received, and had the desired Effect. A Treaty was set on Foot in *Nimeguen*, but the extravagant Pretensions of the King of *France*, and the different Interests of the Confederates retarded the Conclusion. But very opportunely this Year 1678. the Emperor *Leopold*, who had no Male-Issue, having a Son born to him, he seemed to be sent into the World as an Angel of Peace. The Demonstrations of Joy, which were made, not only in *Naples*, but in all the other *Austrian* Dominions, were exceeding great, for the Succession of that most august Family became thereby secured, and all Fear of future Revolutions and Disorders in the Empire removed. Therefore the Birth of this new Prince facilitated the Peace, which began with that made by the King of *France* with the States-General of *Holland*, to whom the King promised to deliver up the City of *Maastricht*, and to restore the Prince of *Orange* to the Possession of the Principality of that Name, and of all the other Territories situate in his Dominions which the Prince possessed before the War, without any other Obligation on the Part of the *Dutch*, but to observe an exact Neutrality, and not to give any Assistance to the Enemies of the Crown of *France*.

THIS Peace very much facilitated the concluding of another between *Spain* and *France*, which, after a Suspension of Arms for about a Month, was at last subscribed at *Nimeguen*, on the 17th of *September* this Year 1678. The Articles stipulated in it were many, a great Part of which related to the Contributions and Commerce of the Subjects of the two Crowns; and as for the Restitution of the Countries possessed, it was agreed, that the King of *France* should restore to the Catholick King, the Towns of *Charleroy*, *Binch*, *Aeth*, *Oudenard*, *Courtray*, the Dutchy of *Limbourg*, the Country on the other Side of the *Maes*, the City and Citadel of *Ghent*, the Fort of *Rondenbuis*, the *Pais de Waes*, the Towns of *Lewwe* and *S. Ghislan* in the Low-Countries, besides the City of *Puigcerda*, in the Principality of *Catalonia*, with exprefs Condition, that the Sluices and Fortifications annexed to *Newport*, should belong to the *Spaniards*, notwithstanding the Pretensions of the King of *France*, as Possessor of the Lordship and Jurisdiction of *Aeth*. On the other Hand, the *Spaniards* were content to leave to the Crown of *France*, *Franch Comté* of *Burgundy*, the City of *Valenchiennes*, *Bucain*, *Condé*, *Cambrai*, *Cambresis*, *Aire*, *St. Omer*, *Ypres*, *Warwich*, *Warnevor*, *Poperinghen*, *Bailleul*, *Cassel*, *Banay*, and *Maubeuge*; as also *Charlemont*, in case the Catholick King, within the Space of a Year, yielded to the King of *France*, *Dinant*, belonging to the Principality of *Liege*. And lastly, *Spain* agreed to the same Neutrality which had been promised by the *Dutch*.

THEN followed the Peace between *France*, *Switzerland*, the Empire and the Emperor, which was intirely regulated according to the Stipulations of that of *Westphalia*

*Westphalia* in the Year 1648. without any Alteration, excepting that *Fribourg* was yielded to *France* in lieu of *Philipsbourg*, which was left to the Emperor; the Bishop of *Strasburg*, and the Princes of *Furstenberg*, were restored to the Possession of their Dominions, Goods, Pre-eminencies and Prerogatives; and the Restitution of *Lorraine* to the Duke of that Name, to whom *France* gave the City of *Toul*, and a Provost-ship in the three Bishopricks, in Exchange for *Nancy* and the Provost-ship of *Longovy*, which it retained, together with the Sovereignty of four Highways through *Lorraine*, of the Breadth of half a League, for a Passage from *S. Dizier* to *Nancy*, and from thence to *Alsace*, *Franch Comtè*, and the Bishoprick of *Metz*.

THE last Treaties of Peace were those between the Duke of *Brunswick*, the Princes of the *Lower Saxony*, the Bishops of *Munster* and *Osnaburg*, the Elector of *Brandenburg*, and the King of *Denmark* with the Crown of *Swedeland*; which were likewise regulated by that of *Westphalia*. So, upon the Payment of some Money to the Duke of *Brunswick*, and the Bishops of *Munster* and *Osnaburg*, and the Elector of *Brandenburg*, all the Dominions which *Swedeland* had lost during the Course of this War, were restored: To the first were only left the Bailiwick of *Tedinghausen*, and the Provost-ship of *Docuren*; and to the last, all the Country on the other Side, and some Places on this Side of the *Oder*, which, contrary to the Tenor of the Peace of *Munster*, had been possessed by the *Swedes*. The Subjects of each of the Parties were included; and it was particularly stipulated, that the County of *Rixinghen* should be restored to the Count of *Alfeld*, and to the Duke of *Gottorp* his Dominions.

ALL the abovementioned Princes ratified the said Treaties, though many of them had consented to them out of cruel Necessity. The Duke of *Lorraine* alone refused to come in to them; and chose rather to remain deprived of his State, than to recover it thus mangled and confounded, yea sullied with the Sovereignty of *France* in the Heart of it. The Emperor, his Brother-in-Law, reserving this Affair of the Duke to a more favourable Opportunity, declared him Governor of the *Lower Austria* and *Tirol*, and assigned to him and *Leonora* of *Austria*, Queen-Dowager of *Poland*, his Wife, the City of *Inspruck* for their Place of Residence.

ADVICE of this Peace coming to *Naples* in the Beginning of *October*, magnificent Feasts were celebrated; but much greater followed upon Advice of the King's Marriage, which, for the better cementing the Peace, was concluded with the Princess *Maria-Louisa* of *Bourbon*, Daughter to the Duke of *Orleans*, Brother to the King of *France*, betrothed in *Fontainebleau* to the Prince of *Conti*, as the King of *Spain's* Proxy. For this Marriage a Donative was asked from the *Seggi*, but that meeting with a great many Difficulties, as a Thing not formerly practised in the like Cases, and much more on account of the Misery to which the Kingdom was reduced, an Expedient was found of imposing a new *Jus prohibendi* upon Brandy. This Solemnity was in some measure inbittered by the Death of *D. John of Austria*, which happened in *Madrid* in the Month of *September*; nevertheless the Feasts were not interrupted, but only deferred till the News of the Bride's Arrival in *Spain*, so that on the 14th of *January* this new Year 1680. they were begun again with pompous and numerous Cavalcades, and continued with Tournaments, Illuminations, and other publick Demonstrations of Joy.

BUT notwithstanding this Peace, and this new Band of Friendship, we were still afraid of new Invasions, and preparing to prevent them. The *French*, impatient of Rest, though with so much Earnestness they had solicited the Peace with *Spain*, the *Dutch*, the Emperor, the Princes of the Empire, and the Northern Crowns; whether puffed up with having obtained it on their own Terms, or that, in order to confirm them in the Possession of their Conquests, they had a Mind to break the Union of so many Princes confederated to their Disadvantage, and then being divided, to crush them separately, whereas when united they seemed to be Invincible, began anew to give great Jealousy, and very soon gave Proofs that it was not without Ground; for when the Commissaries, in Execution of the Treaty of Peace, were about to meet for regulating the Limits, they refused to proceed, pretending, that the Catholick King ought to renounce the Title of Duke of *Burgundy*, the antient Inheritance of the House of *Austria*, and that consequently it ought to be taken out of the Commissions which his Commissaries produced. Afterwards they opened two Tribunals, one in *Tournay*, and another in *Metz*; and assuming a Jurisdiction over their neighbouring Princes, such as never had been heard

heard of before in the World, they not only caused to be adjudged to *France*; under pretence of Dependencies, the whole Country on the Frontiers of *Flanders* and the Empire, as they thought fit, but took actual Possession of it, compelling the Inhabitants to acknowledge the most Christian King for their Sovereign; prescribing the Bounds, and exercising all those Acts of Sovereignty, which Princes are wont to practise with Subjects. Moreover, during the Peace, they fitted out in their Harbours a most powerful Fleet of Men of War and Gallies, they filled their Magazines, and reinforced the Garisons of the Frontier Towns; which Preparations gave Jealousy to all the Princes of *Europe*. They deluded the Duke of *Savoy* with the Marriage of the Infanta of *Portugal*, then supposed to be Heiress of that Kingdom, with a Design, in his Absence, to take Possession of his Dominions, though afterwards, when the Duke was upon the Point of imbarcking for *Lisbon*, the Snare being opportunely discovered, in order not to hazard the Possession of that noble Principality, upon the uncertain Hopes of the Succession of a Kingdom, the Treaty was broke off. To make themselves to be feared by all the Christian World, they solicited the *Dutch* to enter into an Alliance with them; and lastly, they made themselves Masters of the City of *Strasbourg*, situate upon the Banks of the *Rhine*, and putting a Garison into the Citadel of *Casale*, in the Marquisate of *Monferrat*, gave Ground to the *Italians* to be jealous of the excessive Covetousness of the *French*.

THESE Proceedings of the *French* occasioned great Jealousy likewise in *Naples*, so that whenever any of their Ships appeared off our Harbours, we were obliged to have a watchful Eye over them, for fear of being surprized. They were yet more suspected in the *Milanesse*, and the Principality of *Catalonia*; therefore by the pressing Orders come from *Spain*, the Viceroy was obliged to raise 2000 Foot, and imbarck them for *Catalonia*, under the Command of the Marquis of *Torreuso*; and likewise to send two Ships loaded with Ammunition: To take ten Crowns *per Cent.* of the Revenues of one Year, which had been assigned to private Persons upon the Customs, Taxes, and the Exchequer Payments, and in lieu thereof to give them an Assignment upon the Duty of Tobacco and Brandy: To summon all the Barons of the Kingdom to send some Horsemen for the King's Service; and accordingly each of them contributed in Money according to their Abilities; and the necessary Charges for raising them were calculated at the Rate of 75 Ducats a Man; and lastly, to put in Execution the King's Orders for paying only the half of what is commonly called Bounty Money, which is a Gratuity given by the King for past Services.

BUT while the Marquis *De los Velez* was busied in these Expeditions, he had Advice that the Court of *Spain* had appointed the Marquis *Del Carpio*, who was then his Catholick Majesty's Ambassador at *Rome*, to succeed him in the Government of the Kingdom. Soon after his Domesticks arrived, and he himself, preventing the Meeting, which *Los Velez*, with almost all the Nobility, was preparing to give him, on the 6th of *January* this Year 1683. arrived in the Convent of *S. Maria in Portico*, in the Suburbs of the *Chiaja*, before it was known that he had been near the City. He was immediately visited by his Predecessor, who on the 9th of the same Month yielded the Government to him, and quickly set out for the Court of *Spain*, where being arrived, he was kindly received by the King, and honoured with a Seat in the Council of State, and afterwards with the Office of President of the Council of the *Indies*.

THE Marquis *De los Velez* being so taken up with the troublesome War of *Sicily*, and in providing the immense Charges which were requisite for maintaining it, could not leave us Monuments of Buildings, Inscriptions, and Marbles, as his Predecessors had done. Nevertheless, during the seven Years and four Months of his Government, he left us Twenty-eight Statutes, all wise and prudent, whereby he made many wholesome Regulations, as well with respect to the Value and Quality of the Coin, as the keeping up Plenty in the Kingdom, which are set down in the Chronology prefixed to the first Tome of our Statutes.

BUT seeing his Successor relieved both the Kingdom and City of *Naples* from the so many Misfortunes, and put them upon a better Footing, so as to make a more handsome Figure, it will be necessary, in the following Book, to relate the generous and noble Exploits of this Hero.



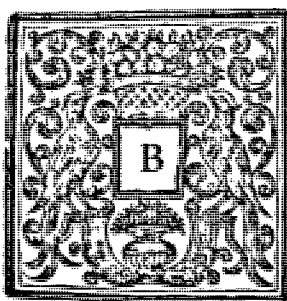


THE  
 CIVIL HISTORY  
 OF the KINGDOM of  
 NAPLES.

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BOOK XL.

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Y the Proceedings of the *French* it was plainly seen, that the Peace, settled at *Nimeguen* between the two Crowns of *Spain* and *France*, would be of a very short Duration; but after the Death of *Maria Theresa* of *Austria*, Queen of *France*, which happened on the 30th of *July* this Year 1683. it was openly broke; and in the Month of *December*, a Proclamation being issued out, ordering all the *French*, under severe Penalties, to quit our Kingdom, a most bloody and obstinate War, which lasted many Years, began anew; and tho' in the Month of *August* 1684. there was a Truce concluded between *Spain*, *France*, and the Emperor; yet the War was begun again more obstinately than ever, and continued till the Peace of *Ryswick*, which was concluded on the 20th of *September* 1697. This War kept our Viceroy continually employ'd in sending from the Kingdom strong Succours, especially to *Catalonia*, where the *French*, under the Command of the Duke de *Noailles*, made notable Progress. But by the provident Care and prudent Management of the *Marquis del Carpio*, the Kingdom was restor'd to such a State, as made these Burthens little felt. To him we owe, that not only during his Government, we enjoy'd Tranquillity; but that by Virtue of his good Regulations, it likewise continued in the Times of his Successors.



## C H A P. I.

*Of the Government of D. Gasper de Haro, Marquis del Carpio:  
His Virtues, Death, and the Laws he left us.*

**I**N the Month of *January* this Year 1683. the Marquis, upon his taking the Reins of the Government into his Hands, by his Prudence and the Knowledge he had acquir'd of the Affairs of the Kingdom while he was Ambassador at *Rome*, immediately found, that it was not that the Kingdom wanted provident and wholesome Laws, for the good Government thereof; nor that his Predecessors had hitherto been ignorant of the Mischiefs, or had not endeavour'd to remedy them: He knew that there could be no more prudent nor salutary Laws than his Predecessors had enacted, and he was of Opinion, that the best Law-makers, next to the *Romans*, were the *Spaniards*; but he was sensible, that too much Indulgence, and the not putting the Laws in due Execution, but too easily dispensing with them, had corrupted Discipline, occasioned Looseness of Manners, and put the State in Disorder. He saw that his Predecessors had taken all Pains imaginable for remedying these Evils, but that they had either been deceived or careless in the Choice of the Means. Therefore having firmly determined to regulate his Conduct by a constant and fix'd Resolution rigorously to follow the Rules of uncorrupted and inflexible Justice; he began to invigorate the Laws and Ordinances already established, and to shew the great Desire he had to have them punctually observed, he added new and more rigorous Punishments.

I N the Beginning of his Government he found, that the Frequency of Crimes, both in the City and Kingdom, was chiefly owing to the carrying of Fire-Arms, and many other Sorts of offensive Weapons, with which every body was provided and girt. There were many Laws, severely prohibiting the carrying of such; but Licence had been so easily obtained for it, not only from the Viceroy, but other Magistrates, who assumed such a Power, and the Indulgence in execution of the Penalties was such, that the Prohibition was render'd vain. Therefore, in the Month of *February* this Year, he published a severe Statute, whereby, besides invigorating the old, he took away the Power from all Magistrates of granting Licence for carrying such Arms, and imposed severe Penalties upon the Offenders, which were irremissibly put in execution. Being likewise sensible, that the so many Thefts, Murders, Assassinations, and other Crimes were owing, no less to the Multitude of idle Persons, Vagabonds, and good-for-nothing Fellows, of which *Naples* and the other Cities and Towns of the Kingdom were full, than to the carrying of Arms; his Care was, not only to revive the old and new Laws, ordering all such to quit the Kingdom, but added new Punishments, and made the Laws to be put in execution, charging the Magistrates to see them strictly fulfilled and executed. So that in a short time, the two principal Occasions of so many Crimes and Disorders were removed.

He saw, that Frauds and Tricks were much practis'd in all Arts, particularly in those where they were the most pernicious and prejudicial; to wit—the Gold and Silver-Smiths, and the Weavers of Gold and Silk-Stuffs. Therefore he did what in him lay to root out these Abuses; and for that End, he caused many Regulations, prescrib'd by King *Charles II.* for removing those Frauds, to be publish'd, which he



he order'd to be inviolably observ'd, and he set a Price upon Silk Stuffs, and made sundry Regulations for obviating the Frauds and Tricks of the Gold and Silversmiths. Perceiving, that both the City and Kingdom were going to wrack, by the pernicious Abuses introduced in the Richness of Apparel, the Number of Servants, and other Luxuries; by a severe Law he prohibited the excessive Number of Servants, embroider'd Clothes, and Cloth of Gold and Silver; likewise forbidding the Consumption of these Metals upon Sedans, Coaches, or Calashes, or even upon Saddles.

HE applied himself no less to the Reformation of our Tribunals, and with the utmost Care endeavour'd to root out the Abuses and Corruptions that had crept into them. The Visitor *Casati*, after visiting our Tribunals, having made a full Representation to the King of all the Abuses introduced into them, and particularly into the Council of *S. Clara*, of which he made a long Catalogue; the King, by his Royal Letters, dated in *Madrid* the 18th of *September* 1684. order'd the Marquis to use his utmost Endeavours in abolishing them; so that on the 19th of *April* 1685. by a publick Edict he put the King's Orders in execution; and at the same time likewise removed the many Abuses introduced into the Court of the Bailiwick of *Naples*, and prescribed many Regulations for its better Reformation.

BUT what with us render'd this prudent Minister worthy of immortal Glory, was his having restor'd the Kingdom to an entire Tranquillity, by two Actions truly noble, in abolishing the old, and coining new Money; and in having altogether extirpated the Banditi: In the preceding Books may be seen, how much his Predecessors had in vain toil'd to bring these Things about, because they had not the Dexterity to employ proper and effectual Means for putting an end to such hard and laborious Undertakings. On the one hand, considering the Difficulties he had to surmount, and on the other, how much it would redound, not only to the Welfare of the State, but to his own Glory, he laid himself wholly out in finding proper Means for bringing them to a happy Issue.

FOR which End he appointed a new Juncto of prudent and skilful Ministers, where, with the greatest Care and Circumspection, were to be thoroughly examin'd all the most proper Means for coining new Money of real Goodness and Weight, that Merchandize might thereby be brought to a just Price, the Citizens relieved, and foreign Traders might have the same Opinion of the Money of the Kingdom as formerly. It was in vain to think of abolishing the old, without first finding out Means for coining new Money; but that was an Affair of the greatest Importance, and which requir'd mature Deliberation, and an exact Scrutiny: Therefore, that the Disease might not grow worse while the Remedy was preparing, by rigorous Edicts, publish'd on the 29th of *May* 1683. the first Year of his Government, he revived the ancient Statutes against those who brought false Money into the Kingdom, against the Gold and Silversmiths, and other Persons, who should dare to melt down any sort of Money, adding to the Punishments already established, others more grievous and severe. Then, considering, that in order to make up the Loss which inevitably was to be the Consequence of abolishing the old, and coining new Money, it was absolutely necessary to find out a Fund for supplying that Loss; after various Scrutinies and nice Examinations, made in several Sessions of the Juncto, considering, that for compassing the Tranquillity of so flourishing a Kingdom, it would be no great Loss to the Subjects, if only some small Burthen were laid upon them; therefore it was resolv'd, that fifteen *Grana* should be imposed for ever upon each Bushel of Salt, above the Price it was then sold at, to be paid by all Persons whatsoever, without the least Exception, and also a Year's Rent of all the Incomes, as well of *Neapolitans* as Foreigners, and of Natives living abroad with their Families, without Exception of Persons, State, or Quality, to be exacted within three Years. All the *Seggi*, as well those of the Nobility, as that of the Commonalty, gave their hearty Concurrence in this Resolution; and in the Month of *July* the Royal Collateral Council confirm'd it by a solemn and publick Decree, and the Tribunal of the Royal Chamber put it immediately in execution, by dispatching proper Orders for the Distribution and Collection.

THEN the Coinage of the new Money was immediately set about, and many Regulations were prescrib'd by the Viceroy about the melting Houses, the Artificers, Refiners, Gold Drawers, Merchants, Gold and Silversmiths, and Bankrupts; and sundry Provisions made for preventing Frauds and Tricks in a Work which

requir'd the Height of Honesty. From 1683. to the last Year of his Government, four Species of new Silver Money were coin'd, all of the same intrinsic Goodness. The first, call'd *Ducatone*, which was made of the same Value with a hundred *Grana*, had on the one Side the King's Effigies, and on the other a crown'd Scepter and two Globes, with this Motto: *Unus non sufficit*. The second, call'd *Mezzo* (half) *Ducatone*, had likewise on the one Side the King's Effigies, and on the other the Figure of Victory upon a Globe, holding in one Hand a Shield with the Royal Arms of *Aragon* and *Sicily*, and on the other a Branch of a Palm-tree. The third, which was worth twenty *Grana*, has on the one Side the Shield with the Royal Arms, and on the other the Geographical Description of the Kingdom of *Naples*, adorn'd with two *Cornucopia's*, representing Justice and Plenty. The fourth, which was worth ten *Grana*, has on the one Side the King's Effigies, and on the other a *Lion couchant*, with this Motto: *Majestate securus*.

BUT while this great Work was going on, it being found, that though the giving this new Money such a Value answer'd the Viceroy's Ends, who was endeavouring, that the Money of this Kingdom by its intrinsic Goodness should not only relieve the Citizens, but be highly esteem'd by Foreigners, yet it did not answer the Loss, which the abolishing of the old, and the Coinage of the new Money occasioned; and besides, it being likewise consider'd, that since the Coinage of the new Money had been begun, the Price of Silver had been alter'd, it would follow of course, that in a short time the Money would be destroyed, either by being melted down, or sent out of the Kingdom, as being of a greater intrinsic Value than had been put upon it; therefore it was propos'd to raise it Ten *per Cent.* more than had been resolv'd upon.

DIFFICULTIES were started by the *Seggi* about this Alteration, they looking upon it to be hurtful and prejudicial to the Kingdom; so that the Publication of it was delayed for that Time. And in the Year 1687. while this Affair was in Agitation, the Viceroy fell ill, and in *November* was snatch'd away from us by cruel Death. He died before he could enjoy the Fruits of this glorious Undertaking, and left that Advantage to his Successor. The Count of *Santistevan*, who succeeded him, that he might not lose so favourable an Opportunity, which in the Beginning of his Government might gain him great Reputation, greedily embraced it; and without any more ado, not minding the Difficulties started by the *Seggi*, approved of the designed Alteration of the Money already coin'd, and immediately in the Year 1688. coin'd other three Species of Money, and to one he gave the Name of *Tari*, which on the one Side has the King's Effigies, and on the other the Royal Arms, of the Value of twenty *Grana*: To another he gave the Name of *Carlino*, which has the same Impression, only adding to the Royal Arms the Badge of the Order of the Golden Fleece, of the Value of ten *Grana*; and to the third he gave the Name of *Grana Otto*, which has on the one Side the King's Effigies, and on the other a Cross Patee, with Rays issuing out of the four Angles; and on the 11th of *December* the same Year, he issued out a Proclamation, ordaining the Currency of the new, and the Abolishment of the old Money, and the Exchange of the one for the other, about which he prescribed several Regulations, not only for the City of *Naples*, but for the Provinces of the Kingdom, as shall be related, when we come to discourse of his Government.

BUT though the Marquis *del Carpio* had not the Pleasure of seeing this Work completed, yet he had a great deal in the other glorious Enterprize of quite extirpating the Banditi. He, among so many that had attempted it, with his own Eyes saw the Kingdom purg'd of that Vermin, and restor'd to its former Tranquillity. In order to the total Extirpation of them, after having, in the first Year of his Government, granted a full Indemnity to all Criminals and Outlaws, provided they should assist in the Pursuit of their Heads and Gangs, who were still infesting the Country, he laid himself wholly out for their total Extirpation: He sent the Troops against them, order'd all the Towers and Houses, where they were wont to haunt, to be demolished; and where he met with Resistance, he sent Cannon thither, and batter'd them, with a firm Resolution to destroy them entirely: He put a great Reward upon the Heads of such as could not be taken alive; and by these bold and effectual Means, he purged many Provinces of the Kingdom of that Plague. Nevertheless the two Provinces of *Abruzzo* continued to be still infested, in which these Villains, not only despising the Pardon offer'd them, provided that they

they should alter their Course of Life, but the rigorous Punishments that had been inflicted upon the Obstinate ; grown more stubborn than ever, they went on in committing Robberies, setting fire to Houses, taking Ransoms, pillaging, and doing all other Mischiefs. Therefore he bent his Thoughts upon extirpating them likewise out of these Provinces, that all the Kingdom might enjoy Peace and Tranquillity. For which end, on the 12th of *June* 1684. he publish'd a severe Edict, containing many Heads, whereby not only the Presidents, but the Syndicks of the Corporations of each City and Town, were strictly charged to discover and pursue them, and threaten'd with severe Punishment, such as should conceal them alive, or bury them when dead.

BUT what most of all conduced to their total Extermination, was his having, by rigorous and effectual Means, endeavour'd to strike Terror into their Protectors, Harbourers, and Correspondents. The greatest Part were supported by sundry Barons, and other Persons of Note, who procur'd them Shelter and Victuals; and either by Letters or Messages advised them of the Ambushes and Snares that were laid for them. Therefore he enacted a severe Law against these, whereby, besides renewing the old, he added other more terrible Punishments, to which were likewise liable all such as should keep the least Correspondence with the Banditi, or give them any Assistance, Favour, or Victuals; or should send them any Advice, though they were out of the Kingdom, and under the Dominion of another Prince. But, if the Protection or Shelter should be found to be such, as to alter the Nature of the Crime, to wit, if such Harbourers should partake of the Robberies and Ransoms, or assist them in the Crimes, or furnish them with Arms and Powder, or any other Materials, for enabling them to keep the Field; in such Cases he left it to the Discretion of the Judge, to extend the Punishment, even to Death: Besides, in order to facilitate the Proofs, the Testimonies of two Banditi, and the Proofs of two Witnesses, though of different Facts, were to be admitted as a full Conviction. These Severities made their Protectors think in good earnest of quite abandoning them, for seeing that the Punishments were inflicted without Mercy, and that there was no room left them to expect Favour, they withdrew their Protections. When these Villains found themselves depriv'd of Shelter, they were so terrified, that some made their Escape by Flight, some submitted and took the Benefit of the Indemnity, and others being taken, suffer'd the just Punishment of their Wickedness. Thus were they altogether rooted out of the Kingdom, so that there remained not the least Vestige of them. And the Undertaking prov'd so glorious and successful, that with us the Breed of them is quite lost: So that the Quiet, which the Kingdom has ever since enjoy'd in the Security of Travellers, Trade, and Commerce, is altogether owing to the singular Vigilance and Foresight of this prudent and glorious Minister, whose Memory will, therefore, remain immortal with us.

WE are likewise very much indebted to him for having suppressed another pernicious and scandalous Mischief, which having spread itself not only in *Naples*, but in the other Cities of the Kingdom, occasioned infinite Disorders and Oppressions. Some rich Men maintaining in their Houses many Bullies and loose Livers, struck Terror in the more weak; threatening them, often cutting and stabbing them, and in a thousand Ways outrageously abusing them, and by force extorting from them whatever they had a mind to; they protected the most guilty; they screw'd themselves into every Body's Business, and forced the weaker to do whatever they thought fit; they compell'd the Masters of Families to give their Daughters in Marriage to whomsoever they pleased, and hinder'd them from marrying those they did not like; in short, they had brought the Citizens under a most cruel Slavery. This Hero, with great Courage, rooted up so pernicious a Nuisance; he punished the Bullies severely, and dispersed them all, and with rigorous Punishments struck such Terror in their Protectors, that no more Abuses were committed; so that afterwards no more Insults nor domineering were seen, and all Ranks of People stood equally in Awe of Justice.

BUT what made it more plainly appear, that all the most commendable Virtues center'd in this Minister, was, that at the same time that he was a Terror to the Imperious and Unjust, he was mild and gentle to the Virtuous and Weak. His Piety was wonderful; he reliev'd the Poor and Unfortunate with unspeakable Charity; he took special Care that the Weak and Impotent should not be insulted; he

was

was a mortal Enemy to filthy Avarice; he was moderate and sparing in every thing, but at the same time generous and magnificent.

BEING sensible, that in order to keep the People in good Humour, they must be plentifully supplied with these two Things, which they ardently desir'd, *Panem & Circenses*; he did what in him lay to keep Store of all Sort of Provisions in the City, so that there never was a Viceroy so much beloved and respected by the People as he: Rapt up with Joy and Satisfaction, they took delight in running after him in the publick Streets, and extolling him to the very Sky, with great Tenderness call'd him their kind Father and Lord.

IN publick Shews he was an Imitator of the Magnificence of the antient *Romans*; there never had been more sumptuous and surprizing in *Naples*. We still retain the Memory of them, which neither Length of Time, nor Malice, nor Emulation will be able to blot out. His Successors, who had a Mind to imitate him, came far short of him. But whether it be, that Death, by her constant Custom, usually carries off the best; or rather, that the cruel Destiny of this Kingdom was such, as not to allow us long to enjoy so great a Blessing and Satisfaction, in the middle of his glorious Career, he was unseasonable snatch'd away from us. Being taken ill of a lingering Fever, the Physicians, at first, had Hopes of being able to recover him, but the Disease increasing, tho' slowly, on the 15th of *November* this Year 1687. he died. He was bitterly lamented by all Ranks of People, especially the Commonalty, who were inconsolable upon so grievous and irreparable a Loss. Cruel Death robb'd us of many Monuments, that might have been expected from his Magnanimity and admirable Wisdom. His Corps, with magnificent and military Pomp, was carried to the Church *del Carmine*, where stately Obsequies were celebrated. And in the mean time the Kingdom being left without a Head, *D. Lorenzo Colonna*, High-Constable thereof, came in all haste from *Rome* to take the Government of it upon him, till such time as the King should send a Successor. But his Government was very short, for the Count of *Santistevan*, who was then Viceroy of *Sicily*, being appointed to succeed the *Marquis del Carpio*, he came immediately to *Naples*, and took Possession of the Government, of whom we shall now discourse.



## C H A P. II.

*The Government of D. Francesco Benavides, Count de Santistevan:  
The Regulations and Laws which he left us.*



THE Count *de Santistevan* having left the Government of the Island of *Sicily*, set out immediately for *Naples*, where he arriv'd about the End of *December*, and in the Beginning of the Year 1688. enter'd upon the Government of the Kingdom. In the first Year of his Administration there happen'd so terrible an Earthquake in *Naples*, that it threw down the most conspicuous Edifices: The great Cupola of the new Church of *Jesus*, and the ancient Portico of the Temple of *Castor and Pollux*, which was an exact Model of the *Corinthian* Order, tumbled down: *Benevento*, *Cerreto*, and other Cities were ruin'd. But above all, the Death of *Innocent XI.* a Pope of a most exemplary Life, which happen'd on the 11th of *August* this same Year, occasion'd much Grief, to whom, on the 6th of *October*, Cardinal *Pietro Ottoboni* succeeded, by the Name of *Alexander VIII.* The Count happening to succeed so great a Hero, from whom he had the Opportunity of taking shining Examples of a most excellent Government, endeavour'd to tread in his Footsteps. Therefore by new Statutes,

Statutes, he invigorated those establish'd by the Marquis about the carrying of Arms, the Provisions, and the Price of Goods. But especially, not only in this first Year of his Government, but in the following Years, he was wholly bent upon regulating the Exchange of the old Money with the new, by him, as we have said, publish'd, alter'd, and rais'd in the Value. This Year 1688. he prescribed many Regulations concerning this Exchange, pointing out the Places and Persons, both in the City, and all the Provinces of the Kingdom. He foresaw the Disorders that might happen, and provided against them. He caused the Coinage of the new Money to be continued, and in 1689. added other two Species, to wit, the *Ducat*, which on the one Side has the King's Effigies crown'd, and on the other his Arms; and the *Half Ducat*, with the same Impressions: Besides, he allow'd all Persons whatsoever to give in their own Silver to the Royal Mint to be coin'd of the same Standard with what had been already coin'd, paying only 32 *Grana* for each Pound Weight of Silver, for the Coinage and Labour. He order'd the old Money, tho' of a false Coin, to be taken in Exchange, provided the Silver were good. He regulated the Method to be practis'd in the Banks, and prescrib'd a Form about taking their Bills and Letters of Credit. He renew'd the old Laws against false Coiners, and the Clippers of the antient Coin, and made others more rigorous and severe against those, who should dare to adulterate the new. In short, he had the Glory of bringing this last Work to Perfection, whereby Commerce and Traffick were restor'd, and began to flourish in the Kingdom. And if this Minister had kept within these Bounds, he would have gain'd a noble Reputation among us; but not content with the Alteration already made, having, on the 8th of *January* 1691. by a new Edict, rais'd the Value of the new Money other Ten *per Cent.* which made it Twenty above its first Value, (by causing, on the 7th of *April* the same Year, other four new Species of Money to be coin'd, to wit, the *Ducat*, *Half Ducat*, the *Tari*, and *Carlino*, which, on the one Side, have the King's Effigies, and on the other, the Badge of the Order of the Golden Fleece) it not only hurt his Reputation, but was a great Detriment to the Trade of the Kingdom; and he was so much the more to blame, inasmuch as having declar'd in that Edict, that one of the Reasons, whereby he had been mov'd to make this Alteration, was, by raising the Money, which was in the publick Books, to extinguish the Duty of 15 *Grana*, laid upon Salt, for the Coinage of the new Money; which Extinction never happen'd, so that the said Duty not only continued, but we bore the Loss occasion'd by the Alteration.

IN the mean time, the Court of *Spain* being in great Anxiety, on Account of the Barrenness of the Queen, *Maria Louisa of Bourbon*, soon after had Occasion to lament her Death. This matchless Queen died on the 12th of *February* 1689. and King *Charles II.* her Husband, in Performance of his last Duty to her, order'd, that, with magnificent Pomp, solemn Obsequies should be celebrated in all his Kingdoms, at the Royal Charges. It was the Count of *Santistevan's* Business to see them perform'd in *Naples*: Therefore after having given strict Orders to the Presidents of the Provinces, to cause to be celebrated in the most conspicuous Cities solemn Obsequies to the deceased Queen, he order'd most majestick and sumptuous Funeral Solemnities to be celebrated in *Naples*. According to the Custom already introduced, the Church of *S. Clara* was pitch'd upon, where the *Mausoleum* was erected, the Magnificence of which, the Beauty of the Poetical Compositions, and the Solemnity of the Ceremonies were such, that greater had never been seen before. There was no Occasion at this Time, as formerly, to have recourse to the *Licuits* for these Compositions, because, by the Progress, which Learning had made in *Naples*, there flourish'd in it many Men of great Erudition. These, therefore, were employ'd, and he, who had the greatest Share in them, was the famous *Domenico Aulifio*, the Ornament of our University, who being endowed with uncommon Learning, composed most noble Elogies, and some most pure and elegant Inscriptions. The 9th Day of *May* was appointed for the sacred Ceremony, which being to last from the Evening to the next Morning, the Viceroy was obliged to watch the whole Night over the Grave, without stirring from that Place, whither, according to Custom, he had gone, with a solemn Cavalcade; in which the Magistrates of the City, with the Marquis of *Fuscaldo*, the Syndick, surrounded by the Barons, and many of the Nobility, accompanied him. Two great Detachments of Soldiers were posted in different Parts of the City, one of Foot, in the

Square before the Royal Palace, the other of Horse and Foot, in the Square, at the Side of the Church of *S. Clara*, with all their Officers clothed in Black, with their Arms reversed, according to the most antient Custom transmitted to us by the *Greeks* and *Romans*, who, at Funeral Solemnities, turned the Points of their Spears downwards, and inverted their Shields. The Viceroy having watched the whole Night, and the Ceremony being to be finished the next Morning, returned to the Church, where the Office was sung; then, at the Altar erected near the Mausoleum, Monsignor *Francesco Pignatelli*, Archbishop of *Taranto*, now Cardinal, and our most exemplary Archbishop, assisted by four Bishops, celebrated the Sacrifice of the Mass: Then *P. Ventimiglia*, a *Theatin*, pronounced the Funeral Oration in the *Spanish* Language, which being ended, the same Archbishop having censured and besprinkled the Grave, concluded the Ceremony. The Charge of composing an exact and distinct Description, not only of the *Apparatus*, the Mausoleum and Inscriptions, but of the Ceremonies and Solemnities performed over the Sepulchre, was committed to *Aluisio*, which he punctually executed in a small Treatise, under this Title, *A Description of the Mausoleum, and of the Solemnities celebrated over the Sepulchre of Queen Maria-Louisa of Bourbon*, wherein he displays his singular Learning; but having a natural Aversion to the Printing of any of his Works, though very elaborate, Manuscripts of this and his other notable and excellent Writings are preserved in *Naples*.

OUR King, now a Widower, in order to comply with the Desires of his Subjects, who longed for his having a numerous Progeny, on the 28th of *August* 1690. concluded his second Marriage with *Mariana* of *Newburg*, Daughter of the Elector *Philip-William* Count-Palatine of the *Rhine*, and Duke of *Newburg*. But in process of Time, it being perceived, that no Issue was to be expected by this second Wife; the Dominions, of which his vast Monarchy was composed, were in a terrible Consternation. Their Afflictions were augmented by the King's crazy Constitution, subject to continual Infirmities, which made the inestimable Loss of him much to be feared, because of the great Disorders and Revolutions it was like to produce. It was also seen, that by how much the *Spanish* Monarchy had declined, so much the more had that of *France* increased in Power and Strength: The *French* Armies, Victorious every where, had made surprizing Conquests in *Flanders*, *Germany*, and *Spain*, where the Duke *De Noailles* having besieged *Rosès* by Land, and the Count *D'Etrè* by Sea, it was taken after eight Days Siege; and in the Year 1694. after the Duke *De Noailles* had defeated the *Spanish* Army upon the Banks of the *Ter*, he took the Cities of *Palamos*, *Girone*, *Ostalrick*, and *Castelfollit*.

IN the mean time the Count *De Santistevan's* Government being prolonged for other three Years, after having settled the Affair of the Coin, he had a mind to reform our Tribunals; and perceiving, that one of the chief Causes why Law-Suits came to be delayed, was, that the Judges too easily gave Ear to Objections, and their not deciding them so soon as they might, he prescribed certain and indispensable Terms for their Decisions, and for retrenching the Opinions of the Doctors, who, by various Interpretations, had, in a manner, rendered the former Statutes, made for that Purpose, useles: He prescribed Rules, and defined the Degrees of Consanguinity and Affinity, and, by a particular Statute, made other proper Regulations.

IN the Year 1690. a Report being spread, that, by the many and frequent Diseases in the Cities of *Conversano*, in the Province of *Bari*, and *Civita Vecchia*, in the Ecclesiastical State, the Sicknes was Contagious; in the Beginning of the following Year, upon Pain of rigorous Punishment, he prohibited all Commerce with that Province and *Civita Vecchia*, and likewise suspended it with the City of *Rome* and the Ecclesiastical State; and afterwards in *July* the same Year, he appointed proper Persons in each Ward of *Naples* to take care, not only of the City, but of the Suburbs and Villages, and not to suffer any Person to enter, without a Licence and the necessary Bills of Health. So that by the Rigour used in that Province, to prevent the spreading of the Distemper, the Kingdom was preserved, and shortly after all Suspicion of Contagion quite vanished.

IN the following Years of his Government other Regulations were made about the Provisions of the City and Kingdom; about the Frauds committed in Credit betwixt Man and Man: about the Importation of foreign Linnen and Woollen Cloth, and about other Affairs; and sundry other Provisions were made, which  
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are to be found in the fourth and fifth Volumes of our Statutes. The Viceroy was not allowed to finish the last three Years of his Government, for the Duke of *Medina Celi*, who was then Ambassador from the King in *Rome*, with Pope *Innocent XII.* formerly our Archbishop, who had succeeded *Alexander VIII.* solicited the Court of *Spain* to be relieved from that expensive Embassy, and made Viceroy of this Kingdom. He arrived in *Naples* this Year 1695. and, to give time to his Predecessor to make ready for his Departure, he chose the Palace of the Prince of *S. Buono*, in the Square of *Carbonara*, for his Habitation, where he remained till such time as the Count of *Santistevan*, after having performed the ordinary Visits, set out for *Spain*, leaving us, besides those already mentioned, a lasting Monument of his Government, to wit, the small Fort which he caused to be built upon the Point of *Castel del Uovo*.



### C H A P. III.

#### *The Government of D. Lodovico de la Cerda, Duke De Medina Celi: His Conduct, and most unhappy End.*

**T**HE Duke *De Medina Celi* took the Government of the Kingdom with magnificent and noble Resolutions; and perceiving, that the Marquis *Del Carpio*, by his glorious and generous Actions, had left a shining Character behind him, he resolved to imitate him, at least in what he thought the Marquis had left undone. He was very sensible, that his Predecessor had rooted out the Banditi, and removed many Abuses that had been committed both in the City and Kingdom, but had not suppressed the contraband Trade, and the Frauds which were committed in the Importation of Merchandize, and in the Custom-Houses, whence proceeded vast Detriment, not only to the Royal Exchequer, but to the Assignees of the Revenues; therefore he did what in him lay, by severe Edicts, to prevent them. He allowed such slight Proofs to be admitted, that the *Seggi*, looking upon it as an Abuse, in order, in some measure, to mitigate the Rigour, thought fit to oppose him.

HE likewise pretended to imitate the Marquis in the Magnificence of publick Shews, so that in his Time most sumptuous ones were seen; and above all, he resolved to enlarge the Theatre of *S. Bartholomew*, and not only to provide it with costly and noble Scenes, but with the best Musicians that flourished in his Time in *Europe*; insomuch that it eclipsed the Fame of the *Venetian* Theatres, and those of the other Cities of *Italy*. He began, and brought to Perfection that noble Street, adorned with beautiful Trees, and most limpid Fountains, which he built upon the Sea-Side, all along the *Chiaja*. The Pomp and Grandeur of his Court was truly Royal and Magnificent, nor had there been seen at any time a more numerous and splendid. He encouraged Learning and Learned Men to a great Degree, assembling them in his Palace, where, with vast Attention and Complaisance, he heard their different Compositions. So that the *Belles Lettres*, which in the preceding Government had got footing among us, became more flourishing, and were more firmly established.

BUT all these noble and delightful Diversions came to be imbittered by most troublesome and grievous Cares. In process of Time the People were still more and more confirmed in their Belief, that the King would leave no Issue by the second Marriage, and they were firmly persuaded, that the Barrenness did not proceed

ceed from the Queen, a healthful and vigorous Woman, but from the King and his crazy Constitution. His continual Indisposition alarmed us frequently, and though now and then he grew better, at the same time that, upon the News of his Recovery, we were making Feasts and Illuminations, he had already relapsed. The Duke, in order to cheer up the People, and divert their Minds from melancholy Thoughts, always upon Advice of the King's growing better in his Health, made magnificent Feasts, and, in the Royal Palace, kept Assemblies of the most famous Learned Men, in which they recited most noble Compositions in different Languages, both in Prose and Verse, upon the King's better State of Health, which were likewise printed. In the Year 1697. he also caused to be coined a Piece of Gold, which he named *Scudo Riccio*, on the one Side of which, alluding to the King's Recovery, were his Majesty's Arms, supported by a crowned Eagle, and on the other, the King's Effigy at half Length, and underneath a Palm-Tree, stretching its Leaves over the Head, with this Motto, *Reviviscit*. But notwithstanding, by contrary Advice, that the King was like to die very soon without Issue, we were again seized with our wonted Fears.

ON the contrary, *France* was grown most Formidable, and in the Year 1696. had sent into the Field five strong Armies, and maintained them the whole Campaign in the Enemy's Country. The King of *France*, full of Glory and high elevated Thoughts, was forming vast Undertakings; and, to gain over the Duke of *Savoy* to his Interest, had clapt up a Peace with him, and the better to cement it, on the 4th of *July* the same Year, he hastened the Marriage between *Maria Adelaide* of *Savoy*, the Duke's Daughter, and the Duke of *Burgundy* his Grandchild, the Son of the Dauphin of *France*. By which means he had been left at liberty to employ all his Forces against *Spain* and *Flanders*, in which last, in the Year 1697. he took many Places, and in *Catalonia* the City of *Barcelona*, at the same time that he had named his Plenipotentiaries for the Peace. And in order the more speedily to compass the grand Design, the same Year he hastened the Peace with *England*, *Holland*, and *Spain*, which, on the 20th of *September*, was concluded at *Reiswick* with these Powers, and seven Weeks after with *Germany*. But some time after the Conclusion of this Peace, a secret Treaty between *England*, *Holland*, *France*, and *Savoy* was signed at the *Loo*, whereby a *Partition* was made of the *Spanish* Monarchy, in case that our King should happen to die without Issue, as in all likelihood would fall out. The Emperor *Leopold*, though he saw all the other Princes agree to it, never would give his Consent to any *Partition* whatsoever.

IT was thought, that under this Report of a *Partition*, already rumoured Abroad, a more profound Mystery was hid; for the King of *France* himself foresaw, that nothing could touch the *Spaniards* more to the Quick, than to propose such a Thing to them, being sure that it would create the utmost Abhorrence in them, jealous, that so vast and extended a Monarchy, to the great Glory of their Ancestors united, and brought to such a Pitch of Grandeur, should be so miserably divided and torn to pieces, and the Name and Glory of it extinguished; as indeed, not only the *Spaniards*, but King *Charles II.* himself had an Abhorrence to it, and to prevent the Designs, and to break these impertinent and unseasonable Treaties, which were carrying on about his Dominions, in *November* 1698. he turned his Thoughts upon raising to the Throne *Ferdinand-Joseph*, Electoral Prince of *Bavaria*, born of *Maria-Antonia*, the Daughter of the Empress his Sister; but that young Prince dying on the 9th of *February* 1699. before he was eight Years of Age, the Design fell to the Ground; whereupon the King of *France*, with greater Vigour, resumed his Negotiations with *England* and *Holland*, still insisting, as he gave out, upon the ~~concluded~~ *Partition*, and in the Month of *March* 1700. he confirmed the Treaty of the *Loo* with these Powers, with this Alteration only, that to the Share allotted to the Dauphin, the Dominions of the Duke of *Lorraine* should be added, to whom the State of *Milan* was to be given in Exchange; and *Spain*, with the Kingdoms of *Italy*, to the Archduke *Charles*, in full of all the Pretensions of his Family: Likewise adjoining, that this Treaty should be communicated to the Emperor, that in the Space of three Months, from the Day of the Intimation, he might declare his Mind, and upon his refusing to accept of the Share assigned to the Archduke *Charles*, his Son, the two Kings of *France* and *England*, and the States-General of *Holland*, would assign it to another Prince, and that if any should offer to oppose  
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what had been established with common Consent, they would attack him with all their Forces.

THE more they endeavoured to push on this Treaty, so much the more were the *Spaniards* provoked, and resolved not to suffer the least Partition in their Monarchy. And King *Charles II.* was exceedingly grieved to hear of it, and ordered his Ministers to complain of it at *London*, and the other Courts; and at the same time, out of a tender Regard for his own Family, he assured the Emperor *Ernold*, that he would never derogate from the Laws of Blood, and the Intentions of his Forefathers. This was enough to make the Emperor the more firm and constant in his Resolution of not accepting the concerted Partition; insomuch that he answered the Marquis *De Villars*, who had been sent by the King of *France* to solicit him to accept of it, that if the King of *Spain* should happen to die without Issue, which Event he looked upon to be distant, because of his middle Age; as he was inclined to Peace, he would then willingly condescend to more just and wholesome Advice. But in the mean time the King of *France*, assured of this his Resolution of not yielding to any Division, began his Intrigues with the Grandees of the Court of *Spain*, whom it was easy to bring over to his Design, shewing them, that not only out of Justice, but for their own Interest, they ought to persuade their King to raise to the Throne, *Philip* Duke of *Anjou*, the Dauphin's second Son, because in none other they could expect that their Monarchy would be maintained firm and intire; that in whose Person, supported by his powerful and formidable Armies, they would be able to crush the Power of all those who should offer to insult, or in the least divide it.

WHILE this Affair, of so great Importance, was transacting at the Court of *Spain*, in the Month of *September* this Year 1700. Pope *Innocent XII.* was taken ill, and after having governed that See nine Years and two Months, on the 27th of the same Month, in the 86th Year of his Age, died in *Rome*. The Day following, Advice of this Death came to the Duke *De Medina*, our Viceroy, and to Cardinal *Cautelmo* our Archbishop; and the next Morning the Viceroy sent the usual Number of Soldiers to *Rome* to attend the Duke *De Uzeda*, then his Catholick Majesty's Ambassador there; where, after a few Days, the Cardinals shut themselves up in the Conclave for the Election of a Successor. On the 5th of *October* the Cardinal Archbishop caused solemn Obsequies to be celebrated to him in the Cathedral, where his Funeral Oration was pronounced in *Latin* by *P. Partenio Giannetasio*, a Jesuit, famous for his printed Works; and a Month after, the Nuncio caused other more pompous and magnificent Funeral Ceremonies to be performed in the Church of *S. Maria della Nuova*.

BUT while the Cardinals, divided into Factions, were debating in the Conclave about the Election of a new Pope, about the End of *October* the fatal News came to us, that the King being taken grievously ill, there was little Hopes of his Recovery; but soon after, Advice coming that he was better, the Viceroy, in order to cheer up the People, made publick and sumptuous Feasts, and all the Streets of the City were full of Bonfires, and the Windows of Candles, and the Illuminations continued for three Nights. But, alas! at the same time, that, with so great Pomp and Joy, we were celebrating the King's Recovery, he had died on the first of *November*; and at one and the same time we had the News of his Death and of the Accession of *Philip* Duke of *Anjou* to the Throne of *Spain*. This Incident hastened the Election of a new Pope; for the *Spanish* and *French* Cardinals joining together, by the Plurality of Voices, elected Cardinal *Antonio Urbano* of *Urbino*, who had been Secretary of the Briefs in the preceding Pontificate, and was only 51 Years of Age. He was elected on the 23d of *November* this Year 1700. at 10 o'Clock, the Festival of Pope *S. Clement*, therefore he took the Name of *Clement XI.* though he had been made Cardinal by *Alexander VIII.*

THE Duke *De Medina*, during the so many Turns of Affairs, which happened after the untimely and most fatal Death of King *Charles II.* was both the Spectacle and Spectator of various worldly Vicissitudes, which at last brought him to an unhappy and lamentable End. Of him, besides those abovementioned, we have other Monuments, which are to be found in the fifth Tome of our Statutes, according to the last Edition of 1715.



## C H A P. IV.

*The Death of King Charles II. the Laws which he left us ;  
and what happened to us after so grievous and inestimable  
a Loss.*



HE *French*, by the desperate State of King *Charles's* Health, still insisting more and more with the *Grande'es* of the Court of *Spain*, and especially with Cardinal *Portocarrero*, Archbishop of *Toledo*, of whose Probity and Prudence that King had conceived a great Opinion, upon having *Philip*, the Dauphin's second Son declared Successor in his Kingdoms if he should die without Issue ; they magnified, not only the Dauphin's Rights to that Monarchy, by Virtue of those of Queen *Maria-Teresa* of *Austria*, his Mother, and King *Charles's* eldest Sister, but their own (the *Grande'es*) Interest. Ever since the War, made on account of the Succession of *Brabant*, they had studied to invalidate her Renunciation, confirmed by an Oath, and with the greatest Firmness and So'emnity ; and at that time they had published a Book containing Seventy-four Reasons for proving the Nullity thereof. But upon those Occasions, it having been demonstrated by strong and pithy Writings, how weak and groundless these Reasons were, they now subjoined, that many of those Answers could not be applied to the present Case, where the Renouncer, who was dead, did not claim the Succession, but her Son, whom no Deed of the Mother could hurt, he being called to the Succession in his own Person according to Law, and to whom no Renunciation made by his Ancestors could be a Bar. But they got not off so, for besides the strong and ample Clauses which had been inserted in these Renunciations, of purpose to leave no Room for this Subterfuge : These Renunciations were not to be regulated by the common Conclusions of our Doctors, but by the most important and excellent Purpose for which they were made, to wit, the perpetual Separation of the two Monarchies of *France* and *Spain*, and to the End that, by no Event whatsoever, these two Crowns might be joined upon one and the same Head. The *French*, in order to remove this last Obstacle, proposed, that the Declaration might be made, not in the Person of the Dauphin, but in that of the Duke of *Anjou*, to whom he had yielded up his Rights. Thus was the Union disappointed, and the End, for which the Renunciations were sought, subsisted no more. But this Scheme, so well concerted and adjusted, could not deprive the Emperor *Leopold* and his Children of the Right already made over to them by Virtue of the Wills of the Kings of *Spain*, and of the Renunciations, to which, though the Emperor should give up his Title to the Archduke *Charles*, his second Son ; besides that, it did not obstruct the Design of the always abhorred Union, it would be a more ready way to bring it about : Moreover the *French* really assumed to themselves what was in Question, for it was positively denied, that the Dauphin, by reason of the Incompatibility of the two Crowns, could never acquire any Right, and consequently, he had nothing to renounce to the Duke of *Anjou* his Brother. What therefore chiefly pushed on the *Spaniards* to persuade that King, to his great Grief, to declare the Duke of *Anjou* his Successor, was lest, by doing otherwise, the so much abhorred Partition should take Effect. They represented to that most pious King, the Miseries and Calamities that his faithful and beloved People must inevitably undergo, and that his Piety would never allow him to expose them to so many

many Misfortunes and Dangers. They put him in mind of the Grandeur and Generosity of the *Spanish* Nation; which would be deeply wounded and reduced to nothing, if, by doing otherwise, he should leave it exposed to the Insults of so formidable and potent a King. But above all, they recommended to him the Union of his Monarchy, which, to the great Glory of his Ancestors, being aggrandized, and brought to such a Bulk, that it had not its equal in the World, he ought not to expose it to be so miserably divided and torn to pieces, so as in future Ages there would scarce be any Memory of so noble a Structure. They likewise put him in mind, that the wise King *Ferdinand the Catholick*, though it was in his Power to have raised to the Throne at least of his own Kingdoms, and of those acquired by the Troops of *Arragon*, one of his own Family; nevertheless he called *Charles of Austria*, a *Fleming*, to the Succession of them all, because he knew very well, that in the Person of that most powerful Prince, and by what he was, and by what he was to be, these Kingdoms could be maintained united, making up a very large Monarchy, which would be able to subsist for many Ages, without being dissolved, to the Diminution of his own Glory, and that of the renowned *Spanish* Nation.

• ABOUT the Beginning of *October*, the King being beset on all Hands by these Suggestions of the Grandees, especially of Cardinal *Portocarrero*, his Illness increased so much, that the Physicians despaired of his Recovery, and about the End of the Month the Pangs of Death coming upon him, he died on *Monday* the first of *November* 1700. His Body was embalmed on *Tuesday*, and on *Wednesday* exposed in the same Chamber where he was born. Many Altars were erected in a large Hall, where a great of Number of Religious continued saying Masses till *Friday*, on which Day three solemn Masses were sung in the three Royal Chapels, and then a Pontifical one, at which all the Grandees assisted. Then the Corpse was removed to the *Escorial*, accompanied by all the Grandees, the Royal Household, and the four Mendicant Orders, where the Funeral Ceremonies were performed, suitable to so great and beloved a King. He was buried on the same Day and Hour which completed the 39th Year of his Age. He began to reign on the 6th of *November* 1675. which Day ended the Queen-Mother's Regency, and the *Junta*. On the 30th of *August* he married *Maria-Louisa de Bourbon*, and she dying on the 12th of *February* 1689. the Year following he married *Mariana of Newburg*; by neither of which he left Issue. Among his Virtues, his Piety and Religion were admirable; he never was heard to utter an offensive Word; he was much given to Business, often depriving himself of his Diversion, that he might not neglect to dispatch it; he never came to any Resolution without the previous Advice of his Ministers, and he was so exact in following their Sentiments, that he even forebore doing Things which he earnestly desired, and often ordered what was against his own Opinion, whenever he was so advised by his Ministers, judging, that by so doing, he had nothing to answer for to God in the Administration of his Dominions. He was greatly devoted to our *Lady*, and had a special and constant Veneration for the holy Sacrament of the *Eucharist*, insomuch that he never failed to assist at the forty Hours exposing of it.

THIS most pious Prince left us some Laws; and in 1675. the first Year of his Reign after the Regency, he established one, whereby he ordered, that, without his Royal Assent, Offices should neither be mortgaged nor sold: He likewise ordered, that nothing should be exacted from Persons impeached, before they were found Guilty: He prescribed Rules about manufacturing of Silk, Silver, and Gold, for preventing the Frauds, which, as we have said, were prohibited by the Marquis *Del Carpio* in the Time of his Government; and he made other Regulations, which are set down in the Chronology prefixed to the first Tome of Statutes, according to the last Edition.

• THIS most clement King granted many Privileges and Favours both to our City and Kingdom, as well those sought during the Embassy of *D. Ettore Capelatro*, which, though desired in King *Philip IV's* Life-time, were only fulfilled in the Year 1666. after his Death, as those asked by *D. Luigi Podero*, and *D. Francesco Caracciolo*, Marquis of *Grattela*, who were sent Ambassadors to the Court, and others, which we read in the second Volume of Privileges and Concessions, printed in 1719.

THE fatal News of the Death of King *Charles II.* came to *Naples*, on the 20th of *November* this Year 1700. and at the same time the Advice of his having declared *Philip Duke of Anjou* his Successor in all the Dominions of the Monarchy of *Spain*; and the Duke of *Medina Celi*, in order to confirm the Advice, immediately caused to be published two Clauses, which were said to be extracted from the Will of the deceased King; in one of which the Succession of the Duke of *Anjou* was declared, and in the other was named the *Junta* of the Government, which he had appointed, till such time as the Successor should arrive in *Spain*, of which he made the Queen-Dowager the Head, and the Members were the President of the Council of *Castile*, the Vice-Chancellor or President of *Aragon*, the Archbishop of *Toledo*, the Inquisitor-General, one Grandee, and one Counsellor of State. To these Clauses the Duke of *Medina* added a Letter written by the Queen and the rest of the *Junta*, whereby he was charged to put in Execution whatever they ordered, and what in the like Cases was wont be practised. The People, astonished and surprized at so unexpected a Change, and moved with Grief for the Death of so pious and religious a King, lamented the common Misfortune by so great a Loss; and *Medina*, following the Example of the other Kingdoms of *Spain*, put his Orders in Execution; so that without the least Commotion or Disturbance, that Prince, which *Spain* had given us, was acknowledged.

THESE unexpected Events, not only very much astonished the Emperor *Leopold*, by reason of the great Injury done him with respect to his Right, in Vindication of which, in 1703. a Book was printed, with this Title, *A Defence of the Right of the House of Austria to the Succession of the Monarchy of Spain*; but the other Princes, Parties concerned in the designed Partition, who looking upon themselves as deluded by the Arts of the *French King*, and unsafe if they should suffer so great Power, and so many Kingdoms to be united in the House of *France*; and considering, that the Division of the Monarchy was what the *Spaniards* dreaded most, it was resolved to employ all their Power in placing upon that Throne *Charles Archduke of Austria*, *Leopold's* second Son, to whom not only the Father, but the Brother yielded their Rights; and accordingly he was declared *King of Spain*, and in all haste sent thither, in order to drive out his Rival. The *Dutch* declared for the Archduke; the Kings of *England* and *Portugal*, and afterwards the Duke of *Savoy* joined with the Emperor, and entered into a League for dispossessing *Philip* of the Dominions of *Spain*, and placing the Archduke *Charles* upon the Throne. This occasioned a bloody and cruel War between the Confederates and *France*, which was declared in the Year 1701. And the King of *England* dying soon after, *Anne Stuart*, the second Daughter of King *James II.* succeeding as Queen of that Kingdom, not only confirmed the Alliance, but more vigorously employed the Forces of her Kingdom for placing King *Charles* upon the Throne of *Spain*. Her Fleet carried him thither: *Catalonia* was taken, and the new King took up his Royal Residence in *Barcelona*, and afterwards, with the Imperial and *English* Troops, forced *Philip* to quit the City of *Madrid*; and if the Battle of *Almanza*, gained by the *French* on the 25th of *April* 1707. had not defeated the noble Design, *Spain* would have intirely submitted to his Dominion. The Emperor *Leopold* had not the Pleasure to see his Arms so well employed, and his Wishes backed by so prosperous Success; he was already dead, and in 1705. *Joseph I.* his Son, was elected in his Place.

AT this Time the glorious Imperial Arms were no less successful in *Italy* than in *Flanders*. The Siege of *Turin* was not only raised, but all the State of *Milan*, *Mantua*, and the other Places of *Lombardy*, were possessed in an Instant; so that the *French* were forced to abandon *Italy*, and retire with their Troops to *France*. The *French*, in order to relieve *Milan*, had drawn all their Troops out of our Kingdom; so that an Opportunity offered for making an Attempt upon it, which proved most successful. By reason of the natural Affection of the *Neapolitans* for the most august House of *Austria*, Count *Daun*, with a single Detachment of the Imperial Army, which the Emperor *Joseph* had in *Lombardy*, without the least Opposition, entered the Kingdom, and on the 7th of *July* this Year 1707. in the Name of King *Charles*, took Possession of the City of *Naples*, the Magistrates of which went as far as *Aversa* to present him the Keys. The Example of the Metropolis was immediately followed by the other Cities of the Kingdom: All the Castles surrendered: *Pescara* likewise submitted; only *Gaeta*, whither the *Spaniards* had retired,

retired, stood out, but in less than three Months, after a short Siege, it was taken by Storm, and pillaged. In short, the Imperial Troops were received with universal Joy and Satisfaction, and without Commotions, Tumults, or those Disorders which usually happen upon the Changes of Governments, the Kingdom peaceably and in the greatest Tranquillity went under the Dominion of King *Charles*, who kept then his Royal Residence in *Barcelona*.

NO small Advantage was reaped by our returning under the Dominion of this most august Family of *Austria*, by the many Concessions and Privileges, which, with a liberal Hand, above all the Kings his Predecessors, were bestowed by this grateful and most indulgent Prince. Moved by the Fidelity and Readiness shewn upon this Occasion, he granted both to the City and Kingdom new Favours, and all very considerable, and what is more, the ready Execution of the Old.

HE bestowed new and more honourable Titles upon the City and its Magistrates. He advanced its Natives to Employments, Benefices, and Offices, excluding Foreigners. By many Royal Writs he established the important Right of the *Exequatur Regium* to all Bulls, Briefs, and other Provisions that come from *Rome*: He prohibited, under severe Penalties, the Alienation of the Funds of the Royal Revenues: He quite abolished all Vestiges of the Inquisition: By his Royal Edicts he ordered, that all Foreigners should be excluded from all Benefices, Bishopricks, Archbishopricks, and other Ecclesiastical Dignities of the Kingdom, and that no Pensions should be imposed upon them in Favour of Foreigners: He confirmed all the Privileges and Favours granted by his Predecessors to the Barons and Kingdom: He abolished the Tribunal of the Rolls: He ordered, that the Prescription of a hundred Years should be good in Law against his Exchequer, even with respect to the *Regalia*, Matters relating to Jurisdiction, and his other Fiscal Rights: He extended the Feodal Succession in favour of the Barons to all the fifth Degree. Nor ought it to be looked upon as a small Advantage, our being now comprehended in the Truces which are made between the Emperor and the *Turk*; and the Commerce which he intends to open between *Germany* and our Kingdom, by establishing Free-Ports: A Thing, which was not to be desired of the *Spaniards*, much less expected. In short, he granted us many other considerable Favours, which, both to our Surprise and Contentment, we now read in the second Volume of the *Privileges and Favours*, which our City caused to be printed in the Year 1719. that not only their Value might be known, but likewise the Munificence of so great a Prince, who has been pleased so profusely to bestow them upon it.

IN the mean time our King *Charles III.* married a Princess no less prudent than beautiful, to wit, *Elizabetha-Christiana* of *Wolfenbuttel*, who traversing *Germany* and *Italy*, was conducted to her Spouse; at which time his Arms, under the Conduct of the Count of *Starebergh*, made wonderful Progress and Acquisitions, penetrating with his Armies as far as *Madrid*; and if the Duke of *Vendosme*, upon whom the Command of the *Spanish* Troops had been conferred, had not vigorously opposed our Army, forcing it to retire to *Catalonia*, the War of *Spain* would then have been gloriously ended. The *English* and *Dutch*, on the other Hand, had intirely routed the *French* in *Flanders*, in the Battle of *Oudenard* upon the *Scheld*, the Consequence of which was the taking of *Lille* and *Ghent*, and the Year following of *Tournay* and *Mons*; so that they forced *Lewis XIV.* to make Proposals of Peace, which, though they were advantageous to *France*, in the Conferences which were held in *Gertruydenberg* betwixt the Plenipotenaries of *France*, *England*, and *Holland*, were not accepted.

BUT the Death of the Emperor *Joseph*, which happened on the 17th of *April* this Year 1711. at the Age of 32 Years, 8 Months, and 23 Days, without leaving Male-Issue, broke all the Designs, and changed the Face of Affairs. All the Princes of *Germany* recalled our King to the Empire; so that, while he was in *Barcelona*, by their common Consent he was elected Emperor in *Francfort*, and was proclaimed *Charles VI.* always august Roman Emperor. Therefore, leaving Queen *Elizabeth* in *Barcelona* to govern *Catalonia*, he thought fit to return to *Germany*, and take Possession of the Empire. And in the mean time the King of *France* taking Advantage of this Change, and, by sundry Negotiations and Allurements, having brought the Queen of *England* into his Measures, with great Earnestness solicited new Treaties of Peace. From the Beginning he persuaded that Queen to consent to a Suspension of Arms between *France* and *England*, so that she ordered the

Troops which she had in *Flanders* to retire from the *Dutch Army*: By which Separation that Army being much weakened, it was attacked by the *French Army*, commanded by the Marshal *de Villars*, and put so hard to it near *Denain*, that after a considerable Loss, the *French* made themselves Masters of the Enemy's Camp, took *S. Amand* and *Marchienne*, raised the Siege of *Landrechies*, and forced the Cities of *Doway* and *Quesnoy* to surrender.

THESE Advantages obliged the Confederates to hearken to the Proposals of Peace, so that Plenipotentiaries were named by both Parties, who having met at *Utrecht* (after a Suspension of Arms for *Italy*, and the Evacuation of *Catalonia* and *Majorca*, had, on the 14th of *March*, been agreed upon by the Emperor and the King of *France*) on the 11th of *April* 1713. a Peace was concluded between *England*, *Holland*, *Portugal*, *Savoy*, *Prussia*, *France*, and *Spain*. It was stipulated, that by means of the Renunciation made by *Philip* of his Right to the Crown of *France*, as well for himself as his Posterity, and of that of the Dukes of *Berry* and *Orleans* to the Crown of *Spain*, *Philip* should keep Possession of *Spain* and the *Indies*. *Sicily* was given to the Duke of *Savoy*, to whom likewise, and his Heirs, was promised the Succession of the Kingdom of *Spain*, in case *Philip's* Branch should fail. The Emperor was to keep Possession of the Kingdom of *Naples*, and the Dutchy of *Milan*. The Electors of *Bavaria* and *Cologne* were restored to the Possession of their Electorates. Queen *Anne* was acknowledged Queen of *England*, and after her Death the Duke of *Hanover* and his Heirs. The Fortifications of *Dunkirk* were to be demolished. The Towns of the *Spanish Flanders* were to be garisoned by the *Dutch*, in order to be restored to the House of *Austria*; and *Lille* and *Aire* were restored to the King of *France*.

THE Emperor, that he might not prejudice his Right to *Spain*, would neither ratify this Treaty, nor treat of a Peace with that Kingdom; therefore, on the 6th of *March* 1714. another particular Treaty was signed at *Rastadt*, between him and *France*, whereby the foregoing Conditions, with respect to all the other Powers, were confirmed, but he did not give over his Rights and Titles to that Monarchy, but was at freedom at any time to endeavour to recover it by Force of Arms. Nevertheless these Treaties were faithfully executed by all the Powers concerned, excepting *Spain*. *Sicily* was given to the Duke of *Savoy*, though *Spain* having afterwards a Mind to break this Treaty, by attempting to recover that Island, that Expedition occasioned the Change that afterwards followed, and which turned to the great Advantage of our Monarch, for having, by Force of Arms, recovered it from the Hands of the *Spaniards*, he gave the Island of *Sardinia* to the Duke of *Savoy* in Exchange for it; so that *Sicily* is now united to our Kingdom, as formerly, under the same Prince. *Catalonia* was evacuated, and the Empress *Elizabeth* returned to *Germany*, and joined her august Husband in *Vienna*, and being already big with Child, she soon after brought forth a Prince; but cruel and inexorable Death quickly deprived us of him, leaving us full of Sorrow and Affliction.

NEVERTHELESS, for the Government of those Dominions of *Spain*, of which the Emperor *Charles* was in Possession, a Supreme Council of State was erected in *Vienna*, composed not only of Counsellors of the long Robe, but of State, and of which the *German* Ministers have no Share. To this Council a Regent is sent from our Kingdom, as formerly had been in use to be sent to *Madrid* under the Government of the *Spaniards*. Therefore the same Methods are observed, and the Secretaries continue to act in the same manner as they did in *Spain*: The Royal Writs and Dispatches are penned in the *Spanish* Language, and the *Spanish* Ministers, who follow our most august Prince, retain their Share in this Council, whereof the Archbishop of *Valencia* is now the Head and President, and above all the rest is distinguished for his Loyalty and Zeal in the Service of our Prince.

IT was thought, that, by reason of the Competition and Dispute between these two Princes, *Charles* and *Philip*, each of which eagerly demanded the Investiture of the Kingdom of *Naples* of *Clement XI.* upon this Occasion that Custom would have been abolished; for that Pope having stedfastly refused it to the Emperor *Lopold*, who justly sought it for the Archduke *Charles*, his second Son, he likewise (to shew a Neutrality) refused to give it to King *Lewis* of *France*, who, no less earnestly sought it for the Duke of *Anjou*, his Grandchild. By reason of this Competition, during all *Clement's* Pontificate, which was very long, the Competitors did not think fit any more to demand it, so that it was thought, that the Investiture which

*Charles*

*Charles II.* took in the Year 1666. from Pope *Alexander VII.* would have been the last. Upon the like Occasion the Investiture of the Kingdom of *Sicily* was dropt; for the *Roman* Pontiffs, to avoid giving Offence to *Charles I.* of *Anjou*, and the *Anjovin* Kings his Successors, having always refused to give it to King *Peter* of *Arragon*, and the *Arragonian* Kings his Successors; the *Arragonians* afterwards considering, that no Detriment had happened to them through the want of it, and that all they got was only a Bit of Paper, with four written Words, as King *Charles III.* of *Durazzo* was wont to say to Pope *Urban VI.* they had no mind to seek it any more, so that, as it had been introduced there by a certain Custom, by Disusage it is now quite abolished; insomuch that afterwards neither King *Alphonfus I.* of *Arragon*, nor *Ferdinand the Catholick*, nor the other Kings of the most august House of *Austria*, never demanded it, and it only continues for the Kingdom of *Naples*.

THE *Roman* Pontiffs formerly arrogated likewise to themselves the Power of giving Investiture of the Kingdom of *Sardinia*, as *Boniface VIII.* actually gave it to *James* King of *Arragon*; but those Kings did not think fit to seek it afterwards: And they even pretended the same with respect to the Kingdoms of *Arragon* and *Valencia*, particularly *Martin IV.* who deprived *Peter* King of *Arragon* of these Kingdoms, and gave *Charles* of *Valois*, the Son of *Philip* King of *France*, the Investiture of them. But five Centuries are now past since the Popes laid aside such Thoughts and Pretensions<sup>2</sup>. They likewise pretended to it in the Kingdom of *England*, as was practised in the Time of King *John*, who thought fit to take the Investiture of it from, and be crown'd by the Pope, who, therefore, sent *Pandolphus*, as his Apostolical Legate to crown him<sup>3</sup>. But the other Kings of *England* by no means would have Investiture of it since that Time, nor was it ever since practised. They attempted the same in the Kingdom of *Scotland*, in the Time of *Edward I.* of *England*. But the *English*, not minding that, gave the Pope to understand, that he had nothing to do with the *Scots*, who were Subjects and Vassals of the King of *England*<sup>4</sup>. Lastly, the Attempts are notorious which the *Roman* Pontiffs have made upon the *German Roman* Empire, which has been reckoned up by them among the Fiefs of the Church of *Rome*, and that therefore it belonged to them to elect the Emperors. But all Subjection was afterwards abrogated, and the Power of electing remains now absolutely in the Electoral Princes, and the Ceremony of going to be crowned in *Rome* by the Hands of the Pope is likewise laid aside. Thus, as Opportunities offered, wise Princes shook off these Yokes, which being introduced in Times of Ignorance, as they were then established by Fraud, so, by a contrary Practice, they were abolished.

NOTWITHSTANDING all this, Pope *Clement XI.* at the Age of 72 Years, after a long Pontificate, of little less than 21 Years, having died on the 19th of *March* 1721. and, in the Month of *May* the same Year, Cardinal *Conti* having been elected in his Place, who took the Name of *Innocent XIII.* who now, with great Applause, Conduct, and Prudence, governs the Apostolical See. In the first Year of his Pontificate, at the Desire of our Emperor (for Reasons, perhaps, more secret and prudent than are fit for us to pry into) has given him the Investiture of the Kingdom, and in the Month of *May* 1722. dispatched the Bull of it, in which, as *Leo X.* did by the Emperor *Charles V.* he dispensed with the Conditions of the antient Investitures, which prohibit the Kings of *Naples* to be Emperors or Kings of the *Romans*, and, upon accepting the Imperial Crown, declare them to have forfeited the Kingdom; as may be seen in the preceding Books of this History.

<sup>1</sup> Collen. Hist. lib. 5.

<sup>2</sup> Paul. Æmil. lib. 4.

<sup>3</sup> Blond. decad. 2. lib. 6. Polyd. Virg. Hist. Angl. lib. 15.

<sup>4</sup> Westmonasteriens. in Edwardo I.



## C H A P. V.

*The State of our Jurisprudence, and of the other Arts and Sciences which flourished among us in the End of the seventeenth Century, and continue so at this Time.*

THE Progress, which the Jurisprudence, and the other Sciences made among us in the Reign of *Charles II.* was truly wonderful. In the other Kingdoms of *Europe*, and especially in *France*, they were restored, and brought to the highest Pitch of Perfection from the Beginning and in the Course of the seventeenth Century. However it was later before they were improved and polished with us. Our Jurisprudence, as we have said, was put into a better Form by *Francesco d'Andrea*, and those that followed him, and not only in the Chair, but in the Courts of Judicature, the Laws began to be taught by new Methods, and Law Points to be disputed according to the true Principles of our Jurisprudence, and the Interpretations of the most learned Lawyers. Philosophy, which hitherto, with us, had been confined to the Cloysters, and reduced to logical and metaphysical Subtleties, or to some idle and useless Disputes, appeared with a new Lustre by the Study of natural Sciences, and by a vast many new Discoveries, and the right Method practised in treating of it. Medicine, by the Experiments of natural Philosophy, and the Use of many Medicaments unknown to the Antients, proved more beneficial to Diseases. The Mathematicks, and especially Algebra, and the other abstract Parts thereof, were much improved by the Invention of new Methods. The Academies instituted among us, and composed of Men famous for their Skill in the Languages, Eloquence, and Erudition, contributed not a little to the Perfection of the Sciences, and the Advancement of Learning. Lastly, the Correspondence which was settled among us, with *France*, *Germany*, and *Holland*, by means of the *Journals of Literature*, brought Learning to the highest Pitch of Perfection; for by means of the great Number of Journals which are published in these Countries, every Body may have an Account of the Books that are printed in *Europe*, of the Matters they contain, and of the News of the Commonwealth of Learning.

AS for the Jurisprudence, we have seen, that *Francesco d'Andrea* was the first, who both pleaded and wrote according to its true Principles, and the Interpretations of *Cujacius* and other learned Men; and having for many Years exercised the Employment of an Advocate, and acquired that Fame which is known to all the World, he likewise acquired many Imitators; so that in our Tribunals, mere Barristers began to be distinguished from true Lawyers. Being afterwards made Judge of the Vicariate by the Count of *Santistevan*, and, by his Means, soon after advanced by King *Charles II.* to be a Counsellor, and then Attorney-General of the Royal Chamber, in exercising which Office, in his Pleadings, and especially in that famous Feudal Dispute<sup>\*</sup>, he displayed his Learning, his Knowledge in History, and the true Jurisprudence. After having been three Years in that Office, he got Leave from the King to return to the Sacred Council; from whence afterwards, by reason of his many Infirmities, and the great Desire he had of retiring from all Business, in order, the more quietly, to apply himself to the Study of Philosophy,

<sup>\*</sup> Disputatio An Fratres in Feuda, &c. edit. 1694.



n which he took exceeding Delight, he retired to the Solitudes of *Candelu*, a small Village in the Territories of *Melfi*, where this matchless Lawyer died on the 10th of *September 1698*.

THE next to him in Eloquence and Learning, and the Art of Pleading and Writing well, was the famous Advocate *Serafino Biscardi*. He had likewise for Collegues *D. Niccolo Carovita* and *Amato Danio*, but unequal to him in Eloquence, Knowledge, and Learning, and *Pietro di Fusco* and *Flavio Gurgo*, Men of profound skill in the Law. There were also others who kept up in our Tribunals the true Art of Eloquence, who being still alive among us, and advanced to the chief Honours of Magistracy, I should be afraid of offending their Modesty in mentioning them; but out of Gratitude, and because I had the good Fortune to be the Disciple of one of hem, who, in the Opinion of every Body, is without the Reach of Envy and Emulation, I cannot pass him over in Silence. This is the incomparable *Gaetano Argento*, who from his Youth, being Master of the most abstruse and uncommon Learning, of the Languages, History, and the *Belles Lettres*, he applied himself to the Study of the Laws, in which by the Penetration of his Divine Genius, his surprising Memory, and indefatigable Application, he succeeded to a wonderful Degree; infomuch, that by the Profoundness of his Knowledge, and especially in the Jurisprudence, he exceeded all the Lawyers that ever flourished among us. And being afterwards advanced to the Supreme Magistracy, and to the chief Honour of President of our Sacred Council, he acquired a most noble Character; for having the Superintendency of the Affairs of State of the greatest Moment, he discovered not only the Effects of his Learning, but of his Wisdom and the Art of Government.

THE Purity of our Jurisprudence was kept up in our Courts of Justice by these bright Men; but there were not wanting others of rare Talents in these Times, who likewise maintained it in the University. It had been, as we have said, begun to be taught in the University with greater Politeness than formerly; but it had not come up to that Perfection with which it was taught in other Universities, particularly in those of *France*; but as soon as the famous Professor *Dominico Aulifio* began to teach in it, the Jurisprudence was brought to the utmost Height of Perfection. By his profound Learning, especially in the *Roman* and *Greek*: By his Skill in the Languages, and his vast Assiduity, he introduced the true Method of explaining the Laws. He was likewise the first that laid down a Rule to Opponents in the Chairs, how, and after what Method they ought to proceed, so as not making a Digression from the Text, as was usual formerly, into Premises, Amplifications, Restrictions, and Corollaries, they might come to the genuine Exposition and Sense of it, and then, with Perspicuity and Propriety of Speech, explain them. This Man was wonderful for his deep Knowledge in all manner of Learning. He was not only profoundly skilled in the true Jurisprudence, as his Works testify, but in the Mathematicks, the *Latin*, *Greek*, and other Oriental Languages. He was a great Antiquary, and had a particular Delight in the Study of antient Medals, and other Monuments of Antiquity. He was a great Philosopher, Poet, and Orator; and he made so great a Progress in the Study of Physick, that he wrote a most earned and accurate History of Physick, which he designed to have published, but by his natural Indifferency, always dubious and wavering, and never pleased with his own Works, being prevented by *Daniel le Clerc*, it remains in MS. with the other Works he left us. His Treatise, intitled *Scholæ Sacræ*, likewise he had made ready for the Press, but for the same Reason it is left to the Discretion of his Heir to publish it when he shall think fit. His Works upon the Law, which are now printed, were not designed by him to be published, but only for the Benefit of his Scholars, and he would have taken it as a great Affront, if, in his Life-time, any Person had taken upon him to do it; but the Good of the Publick has prevailed upon me, to whom, as one of his dearest Disciples, he recommended his Writings, more than his private Injury; for, though he, out of his natural Modesty, set no great Value upon his own Works, we are sure, that great Advantage will be reaped from them, and that the Judgment of the World will be very different from that of their Author. He has likewise left us many other Works upon Poetry, the Art of Oratory, *De emendatione Temporum*, Mathematicks, Philosophy, and diverse other Compositions; but all of them imperfect, and full of Erasures, and short Expositions

sitions in the Margin: Perhaps, at a more seasonable Time, and greater Leisure, the Republick of Letters shall partake of some of them.

ON account of his eminent Learning, in 1695. the primary Evening Chair being vacant by the Death of D. *Felice Aquadia*, with unanimous Voice he was placed in it, with a yearly Salary of 1100 Ducats, which he supported with the highest Splendor and Glory; insomuch that our University vied with the most illustrious Universities in *Spain* or *France*, and he taught in it to the End of *January* 1717. the Year of his Death. But though this was a grievous and inestimable Loss, yet neither the Chair nor the University suffered any thing by it; for amongst many Competitors for the Chair, with unanimous Consent it was filled up with an equally learned and famous Professor D. *Niccolo Casaffo*, who at present supports it with Honour, and who having been the first that taught the Canon Law in our University, according to the true Principles taken from the Councils and Fathers, with the Help of the Ecclesiastical History, and according to the Interpretation of the most judicious and learned Canonists: As he formerly had adorned and made that Canonical Chair shine with more Lustre, so now, by his Eloquence, Skill in the Laws, great Erudition, and Knowledge in the Languages, he fills up the primary Civil Chair with no less Honour and Concourse of Student, than it was in the Time of his Predecessor.

IN these Times the other Chairs of this University, by the other Sciences taught there, were likewise put upon a better Footing. *Tommaso Cornolo* had introduced a new Philosophy into *Naples*, and got the Works of *Renatus Cartes* to be taught there: In these Beginnings he had *Lionardo di Capoa* for his Collegue, who was both a Physician and Philosopher; so that they jointly began to promote the *Belles Lettres*, and especially Philosophy and Physick. Shortly after, some of more subtle Genius's, drawn in by their Example, likewise applied themselves to this new manner of Philosophizing, and laying aside all that they had learned in the Cloysters, they gave themselves to these new Studies. D. *Andrea Concubletto*, Marquis of *Arena*, was their Protector, who, moved by a passionate Inclination for such Studies, and also spurred on by a generous Envy, to see true Philosophy prevailing in the other Parts of *Europe*, and neglected and known by few in *Naples* alone, he did his utmost to get such as took Delight in it, to meet in some Place, where, by nice Examinations and Speculations, they might endeavour to make further Advances in the Knowledge of it. The Academy of Sciences had already been settled in *Paris*, and the Royal Society in *London*, therefore, in Imitation of these, the Marquis of *Arena* studied to establish his Academy. For which End the Marquis's own House was pitched upon for the Place of Meeting, into which the most learned Men of these Times were admitted. It was called the Academy *Degl' Investiganti*, and has for its Devise a Setting Dog, with a Motto out of *Lucretius: Vestigia lustrat*.\*

THE most famous Men that were admitted into this Academy, and whose Memories are still preserved among us, besides *Cornelio* and *Capoa*, were the so famous *Camillo Pellegrino*, who, though he had spent his whole Life in different Studies, to wit, of History, and searching into our Antiquities, in his old Age was so fond of the new Discoveries, and Methods of this new Philosophy, that he found Fault with his Age, that would not allow him to apply himself to these Studies. The renowned *Francesco d'Andrea*, and his Brother *Gennaro*. D. *Carlo Buragna*, who restored the *Italian Poetry* in *Naples*, and besides his Skill in Geometry and Natural Philosophy, he was a great Master of Languages. *Giovanbattista Capucci*. *Sebastiano Bartoli*, a famous Physician of these Times, for whom the Viceroy, D. *Pedro Antonio* of *Arragon*, had a great Esteem. *Lucantonio Porzio*, a great Philosopher and Physician, who read noble and learned Lectures upon several philosophical Discoveries. The noble *Daniello Spinola* and D. *Michele Gentile*, Monsignor *Caramelle*, then Bishop of *Campagna*, and *Pietro Lizzardardi*, a Jesuit, were likewise received Members of this Academy, besides many others of great Parts, who made it their whole Study to shake off the heavy Yoke which the Philosophy of the Cloysters had put upon the Necks of the *Neapolitans*.

THE Marquis of *Arena* having left *Naples*, and soon after died, this Assembly was dissolved; but for all that the Academists, some by teaching in the Chair,

\* V. Lionard, di Capoa Parer. ragion. 8.

others by writing noble Treatises, continued to promote these Studies; so that in a very short time they made a most notable Progress, and gained over many Followers, diffusing not only this Philosophy, but the other Sciences, and they introduced new Methods in Physick, Anatomy, Botany, and the Mathematicks, and especially in Algebra, and very much extended the Knowledge of them. Those, who thought not fit to set up for the Chairs, signalized themselves in propagating the new Philosophy. *Lionardo di Capoa* made himself famous by his *Opinions* which he printed. *Gregorio Calaprese*, likewise a deep Philosopher, gave good Proofs, by his learned Writings, how great a Proficient he was in the *Cartesian* Philosophy, and many others of noble Genius's did the same.

THOSE who aspired after the Chairs, no less by their printed Works, than by teaching the Sciences publickly, very much raised the Reputation of our University; so that not only by the Civil and Canon Laws being taught there in the greatest Purity and Perfection, but all the other liberal Arts, it vied with the greatest Universities in *Europe*. The Chair of *Medicine* flourished under the famous *Lucca Tozzi*, renowned for his printed Works; and after his Death it flourished no less, but rather acquired greater Lustre, in being filled up by the so celebrated *Niccolo Cirillo*. That of *Anatomy* is likewise possessed by *Lucantonio Porzio*, famous over all *Europe* for his profound Knowledge, and elaborate printed Works. Those of *Mathematicks* and *Eloquence*, were supported, as they are still, by able Professors. By the preceding Misfortunes, the Chair of the *Greek Language*, in these Times had been suppressed; but in the Government of the Marquis *De los Velez*, in the Year 1682. it was restored, and its being filled by *D. Gregorio Messeri*, a Priest, and a great Master of that Language, it became more flourishing than ever: So that all we know at present of that Language is owing to this renowned Professor.

THE same Year *Botany* was likewise restored to greater Advantage, by the Care of *D. Francesco Filamarini*, who being elected Governor of the Hospital of the Annunciation of *Naples*, for the publick Good, at his own Charges, caused a Garden without the Walls of the City, in a Place called *Montagnuolo*, to be planted with Simples, of which *Tommaso Donzelli*, a famous Physician in our Time, took the Direction, and enriched it with many Plants. Before him *Mario Schipano* had likewise cultivated that Study, which was transmitted to us by the celebrated *Fabio Colonna*; and in our Time *Gio. Battista Guarnieri*, a renowned Physician and Professor, had made notable Progress in it.

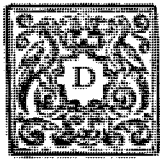
AT the same time the *Italian Poetry* was restored to its antient Splendor among us by *Carlo Buragna*, *Pirro Schittini*, and other excellent Poets, who flourished then. The other Sciences, Learning, and the Languages, were brought to great Perfection under the Government of the Duke of *Medina Celi*, who protected them and their Professors. The Study of Ecclesiastical History and Positive Divinity, which had been brought to the utmost Perfection in *France*, came but of late to be cultivated among us; but some of bright Genius's having at last applied themselves to it, became most eminent in it: So that all the liberal Arts being introduced among us, Politeness and Learning were restored both in the City and Kingdom.





## CHAP. VI.

### *The Ecclesiastical Polity of these Times.*



URING the Reign of King *Charles II.* there was not the least Alteration among us, with respect to the Ecclesiastical Polity; but his *Spanish* Viceroy's followed the Footsteps of their Predecessors. Two most exemplary Popes, who during that Time governed the Apostolical See, reduced Things to a more moderate State; and being zealous for the Honour of God, were more intent upon reforming the Manners of the Ecclesiasticks, than in promoting the Pretensions of that Court upon the Temporalities of Princes. *Innocent XI.* on account of his good Life and Conversation, drew Respect and Reverence, not only from the Catholick, but even from the pretended reformed Princes. He was wholly bent upon rooting out the Abuses which had crept into the whole Clerical Order; he condemned the Remisness of Discipline, and the pernicious Doctrines with which the scandalous Casuists had stuffed their Writings: He curbed the Insolence and Boldness of the Monks, and in the Year 1680. published a Bull against the ill-digested Method of preaching introduced by them, who being accustomed to the Sophistry of their Schools, and ignorant, not only of the Art of Eloquence, but of every Thing else, they gave themselves wholly to Quibbles, Antitheses, Illusions, and strained Metaphors; and, to serve their Purposes, also wrested both the Scriptures and the Fathers. *Innocent XII.* being a *Neapolitan*, studied the Quiet and Welfare of the Kingdom. He having been Archbishop of *Naples* for many Years, the Faults and Corruption of the Ecclesiasticks were well known to him, and especially the Extortions committed by the Tribunal of the Nunciature, and its Commissaries over the Kingdom, and the cruel Spoils that were practised: So that commiserating the calamitous State of our Churches, he resolved to remit the Spoils of the Churches, not comprehended in the Agreement, in favour of the Churches themselves, the Product of which was to be employed in repairing and beautifying them, with the Consent of the future Bishop or Prelate, and in Presence of a Person deputed by the Chapter, which he established accordingly by a Bull. And 'tis thought, that if the *Neapolitans* had insisted directly with this Pope, instead of applying to *Charles II.* for providing the Natives with Benefices, and excluding Strangers, perhaps he would have been induced to grant it. This zealous Pope removed many Abuses introduced into the Church, and, as much as in him lay, reformed the Court of *Rome* itself. He abolished the Scandal of *Nepotism*, and called his Nephews the poor Men, giving them the *Lateran* Palace, magnificently repaired, for their Habitation. He likewise abolished the selling of the Clerkships of the Chamber, and ordered, that for the future, Parish-Churches should not be burdened with Pensions. He appointed a particular Congregation for the Reformation of the Ecclesiasticks; and another for the Discipline of the Regular Clergy; and by a Bull he lessened the Authority of the Cardinals Protectors of Religious Orders. He prohibited Priests to enter into the Service of Laicks, moderated the Luxury of their Habits, forbid Ecclesiasticks to wear Periwigs, and made other Provisions for restoring good Discipline.

BUT these good Regulations were of short Duration, for he was no sooner dead, being succeeded by *Clement XI.* who had been accustomed all his Life-time to the Evasions of that Court, and bred up in its Maxims, than the former Disorders

orders

ders were renewed. The Constitutions of that Religious Pope, by various and forced Interpretations, were rendered useless: The Incroachments were revived; and there never was a Pope, who had so many Quarrels with different Princes upon his Hand all at once, as this. He had Disputes with the Duke of *Savoy*, *Spain*, and *Germany*: He attempted to abolish the Monarchy of *Sicily*, though in vain; and in short to invalidate, not only the Sovereign Rights of our Princes, but the very Concessions granted by his Predecessor to our Kingdom and Churches.

• *INNOCENT's* Bull, whereby the Apostolical Chamber was deprived of the Spoils of our vacant Churches, by wrested Interpretations, was rendered of no Effect; for it was interpreted to be put in Execution, when the Bishop or Prelate dies within his Diocese, but not when he happens to die without it. And when the Prelate died within his Diocese, the Law was also set aside, for by the Clause subjoined in it, that the Spoils, with the Consent of the future Prelate or Bishop, were to be employed upon the Churches, Matters were so ordered, that they received no Benefit from the Spoils; for the Bishops and Prelates coming from *Rome*, so impoverished by their expensive living at that Court, the Charges of dispatching the Bulls, and other Acknowledgements, that what they found remaining, was not employed in repairing or beautifying the Churches, or the Relief of the Poor, but for their own Use and Benefit, and for satisfying the Debts they had contracted by the long Stay they had made in *Rome*; and if the Chapter happened to find Fault with it, which seldom fell out, being unwilling to quarrel with their Superior, such Recourses served for no other End, but to squander away the Remainder upon long and expensive Law-Suits at *Rome*.

ALTHOUGH *Gregory's* Bull, about the Immunity of the Churches, had not been received in the Kingdom, yet it was endeavoured to have it take Effect, even in the most enormous Crimes, by proceeding to Censures against the King's Ministers, who had a mind to punish the Guilty: The *Exequatur Regium* was looked upon as a Novelty; and the Incroachments and Irregularities of the Bishops of the Kingdom, who disturbed the Royal Jurisdiction, were vigorously defended.

BUT in the mean time our Kingdom having happily come under the Dominion of *Charles*, our most august Prince, who then had his Royal Residence in *Barcelona*, under his favourable Auspices the Incroachments of the Ecclesiasticks were not only vigorously opposed, but the Royal Rights, and the Privileges of his Subjects were more firmly established, and in so strong and resolute Terms, that in all the preceding Favours granted by our *Arragonian* and *Austrian* Princes to this City and Kingdom, there are not so pithy Expressions to be found. By many Royal Writs dispatched from *Barcelona*, he firmly established the Necessity of the *Exequatur Regium* to all the Bulls, Briefs, or other Provisions that come from *Rome*<sup>1</sup>. He excluded Strangers from Benefices, and ordered the Revenues of those who had been provided of them, to be sequestrated<sup>2</sup>. He abolished all Vestiges of the Inquisition, commanding, that, in Causes relating to our Holy Faith, the Ordinaries of the Places should proceed in the same manner as is practised in other Ecclesiastical Offences and Criminal Causes<sup>3</sup>. And being afterwards raised to the Imperial Throne, he continued stedfast in the same favourable Disposition towards us; insomuch that on the 6th of *August* 1713. at the Request of the City and Kingdom, he not only resolutely excluded Foreigners from all the Prelateships and Benefices of the Kingdom, ordering, that they should be conferred upon the Natives; but with the same Earnestness and Care he likewise endeavoured to prevent the Frauds committed in favour of Strangers, by Reservation of Pensions, &c. contrary to these his Royal Intentions: So that now, in order to avoid these Frauds, in granting the *Exequatur Regium* to the Provisions of Benefices conferred by *Rome* upon the Natives, the Supreme Collateral Council has made it a fixed Rule, to add this Clause, *Exceptis pensionibus forsan impositis in Beneficium exterorum*.

HOW much our Forefathers have laboured, not only with the Kings of the illustrious House of *Arragon*, but with those of *Austria* for obtaining so considerable a Benefit, the so many Requests, which we read, that have been made for that End to those most serene Princes by our City and Kingdom, sufficiently demonstrate; and in the Reign of King *Charles* II. in the Year 1692. we find two Resolutions

<sup>1</sup> Priv. e Graz. di Carlo VI. tom. 2. p. 229, 330.

<sup>2</sup> Priv. loc. cit. & pag. 227, 228, & 233.

<sup>3</sup> Priv. &c. loc. cit. pag. 232.

made by a particular Deputation, for giving a new Memorial to the King about it; and the learned Advocate *Pietro di Fusco* was pitched upon for drawing up the Petition, which was accordingly done, and presented to the Count of *Santistevan*, then Viceroy. But Heaven had reserved so great and signal a Favour to be granted us in these latter Times by our most august, magnanimous, and clement Prince.

POPE *Clement* made a terrible Noise about it, and condemned the King's Edicts, as prejudicial to the Ecclesiastical Immunity. But by the Means of three learned and excellent Writings, penned by the most grave Lawyers, he was given to understand, that they were conformable, not only to the Laws and Customs of the other Nations of the Catholick World, but also to the Canons of many Councils and Constitutions of Popes, to the Doctrine of the Fathers of the Church, and to the general Opinion of the most grave and renowned Divines and Canonists.

IN the Reign of our most august Monarch and Emperor *Charles VI.* especially under the Government of Count *Daun*, our Viceroy, the Outrages of the Ecclesiasticks, and the Inroachments and Irregularities of the Bishops, were vigorously curbed, the Royal Prerogatives were boldly maintained, and the Prelates were punished by the Sequestration of their Revenues, and being summoned, and not appearing, they were frequently banished the Kingdom, which are Remedies, that not only the Laws, but the antient Usage of the Kingdom allow our Princes to make use of against them. The Immunity of the Churches was preserved according to the Prescription of the Canons, but not of the *Gregorian* Bull, which upon all Occasions had been rejected. The *Exequatur Regium* was indispensably to be sought and obtained to all Provisions that came from *Rome*. The Bishops were kept within their Bounds, and many Abuses were removed, which had crept into their Dioceses. The Franchises and Immunities of the Churches were maintained according to the Prescriptions of the Canons, and of our Laws, and Frauds were prevented: So that the Ecclesiastical Authority and Jurisdiction were confined to their just Bounds, leaving to the Priesthood what is of God, and to the Empire that which is *Cæsar's*. In which Work, no less glorious than acceptable to God, the most zealous *Gaetano Argento*, President of the Sacred Council, had the greatest Share, to whom our most august Monarch having committed the Defence of his Royal Jurisdiction, he maintained it with no less Learning than Vigour. He, who by profound Knowledge knew well how to distinguish the Limits of the Priesthood from those of the Empire, employed all his Care in keeping them within their just Bounds, that the one might not inroach upon the other. He was the first among us, who, according to the true Principles drawn from the Sacred Canons, Councils, the Sentiments of the Fathers, and of the most learned and grave Divines and Canonists, managed with Decency, great Learning and Judgment these Disputes about Jurisdiction, in which he soon became most accomplished, outstripping all that ever had undertaken that Charge before him. The so famous Regents *Villano*, *Revertera*, *de Ponte*, and many others, who signalized themselves in the Defence of the Royal Jurisdiction, came far short of him: Their Consultations being compared with his most learned ones, supported by Authorities and uncommon Observations, drawn not only from the Ecclesiastical History, Councils, Fathers, and the most excellent Canonists, but also from our Records, and the remarkable Instances of our Kingdom; these as far over-top those, as the tall Cypress-Trees do the humble Shrubs. So that if any Thing was wanting, that hindered this Kingdom from vying with *France*, where these Studies are arrived at the utmost Perfection, to him is owing, that even in these we have no reason now to envy her.

UNDER the Reign of our most august Prince, the Grievances of the Tribunal of the Nunciature of *Naples* were likewise redressed, and, as we have said elsewhere, for the same Reason, the Tribunal of the Fabrick of *S. Peter* was suspended. Our Monarch being informed of the Spoils and Extortions that were committed in these Tribunals, to the great Detriment of his Subjects, in 1717. ordered the Nuncio to depart the Kingdom in 24 Hours; which Royal Order coming to *Naples* in the Month of *October* the same Year, it was immediately put in Execution: The Nuncio departed, his Palace and the Doors of the Tribunal of the Fabrick were shut up. On the 4th of *June* the Year following, our Emperor being then at *Laxemburgh*, dispatched another Order, whereby he ordained the Revenues of the vacant Churches and Benefices to be sequestrated, and employed in the Reparation and beautifying

beautifying these Churches, and relieving the Poor. And on the 8th of October the same Year 1718. he sent another, directed to Count *Daun*, the Viceroy, whereby he charged him to give him a full Information of the Extortions and Incroachments of these Tribunals, and how they could be remedied. The Viceroy, with great Exactness, by a Delegate of the Jurisdiction, executed the Imperial Order, giving him a full Account of the foul Practices of these Tribunals, and of the proper Remedy. In the mean time Pope *Clement*, by means of his Nuncio in *Vienna*, and the Intercession of the Empress *Leonora*, endeavoured to mitigate the Severity of her Son; so that the Affair being taken into Deliberation, the Nuncio was allowed to return, however, with a limited Power, and upon Condition of removing the bad Practices of his Tribunal. He returned in the Month of June 1719. but, on account of some Difficulties that occurred in giving the *Exequatur* to his Brief, our Collateral Council would not suffer him to enter the City; so that he was obliged to wait till new Orders came from Court, and the Difficulties being removed in *Vienna*, Orders came for restoring him to the Exercise of his Office; therefore, about the End of this Year 1719. he was introduced into the City, and his Tribunal was opened, but that of the Fabrick continued shut and suspended, as it is at present.

SUCH were the Difficulties that occurred in the Pontificate of *Clement XI.* in maintaining the Royal Rights, and freeing the King's Subjects from the Impositions and Tricks of the Ecclesiasticks. But *Clement* dying soon after, and being succeeded by the present Pope *Innocent XIII.* a firm and undisturbed Peace was settled between the Priesthood and the Empire, and these two Powers were brought to a perfect Harmony and Correspondence. This *Innocent*, imitating the great Pope *Innocent III.* his Predecessor and Kinsman, and putting in Execution, what he had established by a Canon of the *Lateran Council*<sup>1</sup>, has shewn his pacifick and moderate Sentiments, that as it is his earnest Desire, that the Laicks should not incroach upon the Rights of the Clergy, so it is his Will, that the Clergy be contented with what the Canons, the Apostolical Constitutions, and the approved Usages allow them; and that under pretence of Ecclesiastical Immunity they should not invade the Rights of the Laicks, and extend their Jurisdiction to the Prejudice of the Royal; to the End that, by a just and well regulated Distribution, what is *Cæsar's* may be rendered unto *Cæsar*, and to God what is God's.

<sup>1</sup> Conc. Later. sub Inn. III. can. 42.

## S E C T. I.

### Of Monks and Temporalities.

IN these Times, though the Monks had lost the Reputation had, of Sanctity and Learning, yet they went on in acquiring temporal Riches: The Revenues of what they had already acquired, the new Legacies, and the Donations which were made to their Churches, yielded them so much ready Money, that when they were disappointed in Legacies, they bought the Farms, and in case of Competition, as the highest Bidders, having such Plenty of ready Money, not gained with the Sweat of their Brows, they were preferred to all others. It became a Custom in these later Times, that all Testators left Chaplainships to their Churches, and settled plentiful Funds for saying Masses, laying the Stress of the Salvation of their Souls, not upon keeping themselves unspotted from the World, and in their Life-times endeavouring to relieve the Widows and Oppressed, but upon building sumptuous Chapels, and causing Masses to be said at all the Altars<sup>1</sup>. And it is very surprizing, that notwithstanding the Monks had brought themselves into Disrepute, and that the Laity spoke of them with Disrespect, yet they are still Masters of the Minds of the People, who act in the same manner as those, who, though they despise the Physicians while in Health, looking upon them as useless in the Cure of Diseases, upon the least Indisposition are more submissive to them than others.

<sup>1</sup> Bossuet. Politic. lib. 7. par. 2. art. 4. propos. 11.

DON *Pedro Antonio* of Arragon, the Viceroy, favoured them in their Acquisitions, and in his Time, besides the Hospital of *S. Januarius*, without the Walls of the City, the famous Hermitage of Sister *Orfola* was finished. Under the Government of the Marquis *De los Velez*, the bare-footed Hermits of *S. Augustin* opened a magnificent Church, by the Name of *S. Niccolo Tolentino*. *Gaspare Romer*, a famous *Flemish* Merchant, at his Death, enriched not only the Hospital of the Incurables, but likewise the Monastery of the Nuns of the Sacrament. Other foreign Merchants, having no Relations to whom they could leave their Riches, founded new Monasteries, and invited Nuns from their own Countries to come and live in them. To these were added the excessive Portions given with the Nuns upon their entering the Monasteries, to which the Portions belong after their Death; and whereas of old it was strongly disputed, whether the receiving of such Portions was *Simoniackal* or no, yet they were received without the least Scruple. It likewise became a Custom, that the very Monks reserved to themselves considerable yearly Rents, and in these latter Times such Reservations are practised by the very Mendicant Orders; and they are in a fair Way to take the other Step at entering the Monasteries, that is to say, to settle their own Patrimonies upon themselves. For which End, in these latter Times we see no more Reforms of the antient Orders, but new Congregations of Priests: The *Cowls* are laid aside, in order to lead a more lazy Life, without being obliged to attend the Choir, or to be bound to other Duties and Inconveniencies, to which the austere and rigid Cowl is liable, they now like better to wear the Cap.

FROM such a vast Number of Sources are the immense Riches of the Ecclesiasticks drawn, which are the evident Cause of our Misery. The publick Burdens are borne by the Laicks alone, and they are become now much more insupportable, because the Estates that formerly were in the Possession of the Laicks, being continually conveyed to the Ecclesiasticks, the whole Burden, which before was divided, falls upon the Remnant left in the Hands of the Laicks. This is computed by the most expert Men, and those who knew the State of the Kingdom, that of three Parts of the Revenues, near two are in the Possession of the Clergy, which never can be recovered out of their Hands, by reason of the most strict Laws made in their Favour to prevent it. Others generally affirm, that if the Kingdom were divided into five Parts, it would be found, that the Ecclesiasticks have four of the five; for they have almost the Half of the whole Land, and as for the rest, they get another Part and a half in Legacies and such like Donations; for none die without leaving some Legacy to some Church or Convent. Besides that, in a short time they are in a fair Way to purchase the whole Remainder, because having plenty of ready Money, arising from Legacies and their vast Revenues, they are constantly buying Farms and Houses. So that judicious Foreigners, in their Travels, amazed at such boundless Wealth, and among the rest, the knowing and learned *Burnet*, are of Opinion, that if a Stop be not put to it, the Ecclesiasticks in a short time will not only purchase the whole City of *Naples*, but within the Space of an Age will be Masters of the whole Kingdom.

OUR Forefathers were sensible of the Consequences of such pernicious Practices, and endeavoured to curb such unbounded Acquisitions. When, in the Name of the City, Barons, and Kingdom, the Regent *Ettore Capocelatro* was sent to King *Philip IV.* among the other Favours that were begged of that Monarch, one was, that he would be pleased to put a Stop to the Purchase of Estates which the Ecclesiasticks were making in the Kingdom. And King *Philip* dying before any proper Measures could be taken, Application was made to his Successor King *Charles II.* but it being looked upon as a Matter of great Moment, all that could be obtained of that King, was a Promise that he would take it into Consideration. But under the happy Government of our most august Monarch, the City and Kingdom being encouraged by his Magnanimity and Clemency, put up a new Petition to him, in which, representing the Miseries which such Purchases brought upon the Kingdom, to the great Detriment both of the Royal Revenues and of the Subjects; the indisputable Right he had to be obeyed; and the Examples of other most religious Princes, who, by prudent Laws have suppressed such Purchases in their Dominions; they earnestly begged of him, that he would be pleased to do the same in the Kingdom of *Naples*, so that for the future the Ecclesiasticks may not be capable of pur-

\* Priv. é Graz. &c. di Carlo II. tom. 2. pag. 191.

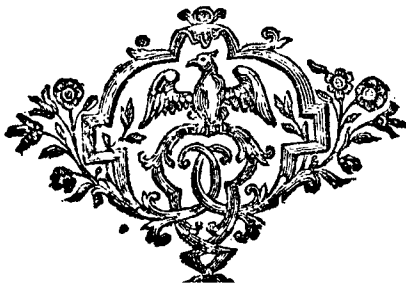


chasing Immoveables, neither by themselves, nor by the Means of other Persons; and that in case, by Legacy or any other way, real Estates should happen to be left to them, they may be obliged to sell them, and be contented with the Price. At this Time, in the King's Absence, Queen *Elizabeth* governing in *Barcelona*, that most prudent Princess, moved by the said Petition, was pleased, by her Royal Order, dated in *Barcelona* the 19th of *March* 1712. strictly to command Count *Charles Borromeo*, then our Viceroy, that after having advised with the Collateral Council, and the Tribunal of the Royal Chamber, he should send her a full Information, with his own Opinion, of what occurred concerning the Request made, that she might act therein as she shall judge most just and fitting. In pursuance of these Royal Orders the Royal Collateral Council having thoroughly canvassed the Affair, it was remitted to the Royal Chamber, by which Tribunal, so far as belonged to it, the desired Information was drawn up, and it remains only now, that the same be done by the Collateral Council; which in the mean time, while this Affair is still depending, at the Request of the City, watchful to prevent any Novelty, which in the Interim might be attempted by the Ecclesiasticks in making new Purchases, ordered the said Information to be ingrossed and sent to her Catholick Majesty, and mean while, that no Innovations should be attempted.

'TIS not to be doubted, but that, among the so many and signal Favours which our most august Prince hath heaped upon this his Kingdom, insomuch that it never was seen in so flourishing a Condition in any former Reign, as it is at present under his most clement Government, he will put an End to, and complete that just and glorious Work. And we ought so much the more securely to depend upon it, that, among his other valuable Favours, he has been pleased to confer a greater upon us, in committing the Government of this Kingdom to the most prudent Cardinal *Michael Federick d' Alban*, our Viceroy, who, emulating the Glory of his most renowned and wise Predecessors, behaves so, that to the dear and honourable Memory which we still retain of the just and prudent Government of the Marquis *Del Carpio*, his may be joined; and since he governs us with the same Care and Prudence, 'tis just, that his Glory and Immortal Name be also the same.

† Priv. è Graz. di Carlo VII. tom. 2. pag. 244.

F I N I S.







THE following Bull, whereby this History is censured and condemned, having been sent to the Translator by his worthy and learned Friend Doctor *Richard Rawlinson*, who took down the Copy of it from the West Door of *St. John the Baptist's* Conventual Church, in the Island of *Malta*, where it had been affixed by the Nuncio's Order, and a Reward was soon after offered for discovering the Person who had dared to take it down: It is hoped the inserting of it here, as a curious Piece, will be acceptable to the Readers.

Ex Autographo penes Ricardum Rawlinson, L. L. D. & R. S. S.

DECRETUM.

Feria V. Die prima Julij 1723.

IN Congregatione Generali S. Romanæ & Universalis Inquisitionis habita in Palatio Apostolico coram Sanctissimo Domino nostro Innocentio, Divina Providentia Papa XIII. ac Eminentissimis & Reverendissimis D. D. S. R. E. Cardinalibus in tota Republica Christiana contra Hæreticam pravitatem generalibus Inquisitoribus à Sancta sede Apostolica specialiter Deputatis.

Sanctissimus Dominus noster Innocentius Papa XIII. habitis prius plurium insignium in Sacra Theologia Magistrorum & Professorum, nec non memoratæ Congregationis S. Romanæ & Universalis Inquisitionis Qualificatorum consultationibus, ac auditis votis dictorum Eminentissimorum & Reverendissimorum D. D. S. R. E. Cardinalium in tota Christiana Republica Generalium Inquisitorum, Libros typis Editos, & in quatuor tomos divisos, quibus titulus est Dell' Historia Civile del Regno di Napoli libri XL. Scritti da Pietro Giannone Guirifconsulto ed Advocato Napolitano censuit, prout præsentis Decreto authoritate Apostolica omnino prohibet, & damnat, uti continentis doctrinas, & propositiones quam plurimas falsas, temerarias, scandalosas, seditiosas, per summam calumniam injurias omnibus Ecclesiæ Ordinibus, & totæ Ecclesiæ Hierarchiæ, præsertim sanctæ sedi Apostolicæ, erroneas, schismaticas, atque impias, & hæresim, ut minimum, sapientes.

Hos

Hos itaque libros sic prohibitos, & damnatos sanctitatis suae vetat, nequis, cujuscunque sit status, & conditionis, ullo modo, & sub quocunque praetextu iterum imprimere, vel imprimi facere, neque jam quocunque loco, & quocunque idiomate impressos apud se retinere, aut legere audeat, sed eos Ordinariis locorum, aut haereticae pravitatis Inquisitoribus statim & cum effectu tradere, & consignare teneatur, sub poenis indice librorum prohibitorum contentis, aliisque poenis arbitrio sanctitatis suae infligendis.

Antonius Lancionus S. Romanae, & Universalis  
Inquisitionis Notarius. (L. S.)

Die Sexta Julij 1723. Supradictum Decretum affixum & publicatum fuit ad valvas Basilicae Principis Apostolorum, Palatii Sancti Officii in acie Campi Florae, ac aliis locis solitis & consuetis Urbis per me Petrum Romolatum Sanctissimae Inquisitionis Cursorem.

Romae Typis Reverendae Camerae Apostolicae M. DCC. XXIII.  
Publicetur.

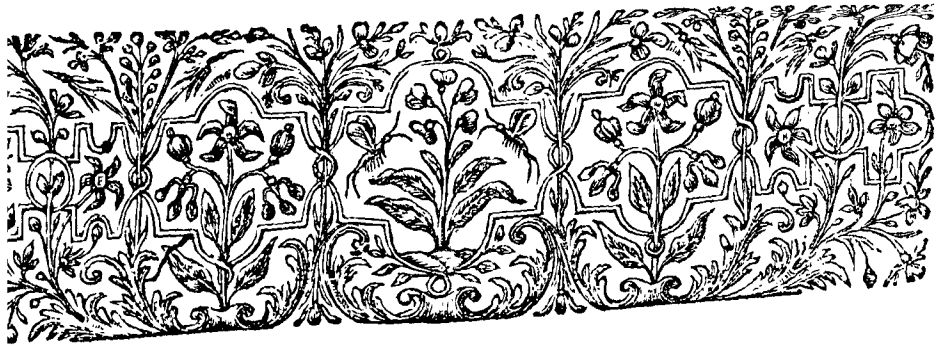
A. Rufus Inquisitor-Generalis & Delegatus Apostolicus.

(L. S.)  
(A. R.)

Joachim Triste, Cancellarius.

1 r1 Copia ita Testatur }  
2. legit 1729. }

J. Lockey  
Daniel Drake,  
Richardus Rawlinson.



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OF THE

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F I N I S.



ERRORS that have escaped the Author and the Press, in the Original *Italian* Edition, and which by a Friend in *Paris*, he hath transmitted to the Translator, in order to have them corrected in the Translation,

V O L. I.

ERRORS.

CORRECTIONS.

<p>PAGE 2. in the Quotation, Arnobius adver. Gent. lib. 8.          Pag. 26. Pighius, and Franciscus Piteus.          Ibid. Theodorus Morcellius Adrianus Turnebus, Justus Lipsius.          Pag. 37. l. 4. Octavius Augustus.          Pag. 76. l. 45. The Popes Melchias, Nicholas.          Pag. 150. l. 36. and Ebony.          Pag. 265. l. 15, of the Princes.          Pag. 326. l. 25. Of which Codinus and Curapalata.          Pag. 503. l. 56. The same Emperor.          Pag. 504. l. 1. to call himself only Archduke.          Pag. 604. l. 48. Emperors of the West.          Pag. 605. l. 10. Western Empire.          Pag. 643. l. 14. The Emperor Henry IV.          Pag. 726. l. 57. raised Leopold.          Pag. 741. l. 29. Regnum Alcarensis.</p>	<p><b>A</b> <i>Rnobius adver. Genes, lib. 7.</i>  <i>Pighius, Fran. Pithoenus, and Adrianus Turnebus.</i>  <i>Theodorus, Marcillius, Justus Lipsius.</i>  <i>Tiberius Augustus.</i>  <i>The Popes Nicholas,</i>  <i>And Ivory.</i>  <i>Of the Popes.</i>  <i>Of which Curapalata &amp;c. dele Quotation 1.</i>  <i>Frederick II.</i>  <i>To call himself only Duke.</i>  <i>Emperors of the East.</i>  <i>Eastern Empire.</i>  <i>The Emperor Henry III.</i>  <i>Raised Frederick.</i>  <i>Regnum Arelatense,</i></p>
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V O L. II.

<p>Pag. 259. l. 52. Adrian.          Pag. 408. l. 53. Bohemia.          Pag. 693. l. 18. for the Space of twelve Years.</p>	<p><i>Anaclete.</i>  <i>Bosnia.</i>  <i>For many Years.</i></p>
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E R R A.

**P**A... in r... on, r. in. p. 52. l. 1. r. maintain'd it.  
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 ... r. Peasants. p. 681. for to, r. in.  
 ... 28. p. 805. l. 34. r. were. p. 820.





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