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LEONARD COX

THE ARTE OR  
CRAFTE OF RHETHORYKE

A REPRINT  
EDITED

WITH AN INTRODUCTION, NOTES, AND GLOSSARIAL INDEX

BY  
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## PREFACE.

THE object of this number of the English Studies of the University of Chicago is to make accessible in a literal reprint the first Rhetoric printed in the English language. The work here reproduced is one of the earliest English schoolbooks and is significant for the history of English prose in the first half of the sixteenth century. It is moreover a work connected in many interesting ways with the humanistic movement and the revival of learning in England, and with Erasmus, Melanchthon, and their associates. In the Introduction I have endeavored to arrange and present all the important material available for the elucidation of the life and work of Cox, himself one of this circle. Much of this material apparently has been hitherto overlooked or insufficiently considered, but I have studied to present it without comment so far as possible. I regret that several points still remain in doubt and that I have been unable to discover and consult several works ascribed to Cox and here listed in the Bibliography of his Works.

The digest of Melanchthon, Cox's principal source, by Mosellanus, is here given, inasmuch as the correspondence between the works of Cox and Melanchthon is so close that this digest serves equally well as an analytical table of contents for Cox. Later on the source in full in Melanchthon, so far as used by Cox, also is reprinted. The reprint of Cox's own text follows the undated first edition (A) of circa 1530, usually assigned by bibliographers to 1524. Corrections and variant readings from the edition of 1532 (B) are noted at the foot of the page; but a few corrections in punctuation introduced in B have been silently adopted. Contractions have been generally expanded and in all cases are indicated by italics.

I desire to express my especial obligations to Professor W. D. MacClintock of the University of Chicago, who first suggested the

present reprint. I am indebted for suggestions or for assistance received also to the authorities of the Library of the British Museum, and especially to Messrs. A. W. Pollard, R. Proctor, and Richard Garnett; to Mr. Henry R. Plomer, London; to Professor R. M. Werner of the University of Lemberg; to Professor C. H. Moore of Harvard University; and to Professors Paul Shorey and J. M. Manly and Dr. Karl Pietsch of the University of Chicago.

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UNIVERSITY OF CHICAGO,  
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## INTRODUCTION.

The beginnings of English literary criticism in the sixteenth century have a curious interest. In them, scanty and halting as they often are, we can trace the first expression of the literary self-consciousness which was awakening with the growth of the new literature and the new civilization of the Renaissance. In poetry it is long before there is a full statement of principles<sup>1</sup>; in prose, an artistic form much later in reaching its full development than poetry, it is longer still. The theory of prose, during the entire century and even far beyond the century, clings to the traditions of oratory and the classifications and precepts of ancient rhetoric, as modified and interpreted by Mediæval and Renaissance thought. The first steps in the formation of modern English prose are strangely timid and groping. Strong practical needs drive men to seek the means of ordered and effective expression in the prose vernacular. But native models of expression are lacking. Hence there is a movement of education and a resort to foreign teaching and aid. All England is at school to foreign models.

It is in this way that the early English rhetorical treatises of the sixteenth century are of importance. They are documents in the history of English education as they are in English literary history. They did practical service in training men to ordered utterance, and at the same time they gave expression, at least in part, to the accepted theory of English prose.

The first of these treatises by a quarter-century, and in its way the most interesting, perhaps as much for what it lacks as for what it gives, is the little work by Leonard Cox on the *Arte or Crafte of Rhetoryke*, herewith reprinted for the first time.<sup>2</sup> It is characteristic of its period and highly interesting as one of the rather slender list of productions by that little band of humanists and reformers in letters, education, and religion, of whom Colet, Lilly, and More were the chief members in England.

<sup>1</sup> See Schelling's *Poetic and Verse Criticism of the Reign of Elizabeth*.

<sup>2</sup> The originals are excessively rare. I know of only two copies, that in the British Museum and that in the Bodleian Library.

## I. THE AUTHOR AND HIS CAREER.

Cox himself, scholar, schoolmaster, and preacher in the reigns of Henry VIII and Edward VI, so far as we can reconstruct the story of his career from the confused and defective materials at our command, although playing a minor part, seems to have led a life typical of the times and interesting in its vicissitudes. Educated at both universities, traveling abroad and teaching in three or four of the foreign universities, translating from Erasmus, Melanchthon, and others, writing learned scholia and commentaries, Cox came into touch in one way or another with most of the great men of letters and of learning in his age, and counted among his friends such men as Erasmus, Melanchthon, Leland, Palsgrave, Bale, Faringdon, Toy the printer, and John Hales. He was in public employment, patronized by Cromwell, and pensioned off in a small way<sup>1</sup> among the other beneficiaries from the spoliation of the ancient religious foundations, and so finally became a preacher of the reformed religion under Edward VI and teacher in the grammar schools at Reading, and perhaps at Caerleon and Coventry. Cox thus witnessed and took his share in the two great movements of the first half of the century in England, that of the early Humanism, whose chief representatives were Erasmus and Colet, and that of the religious Reformation which at first was so intimately associated with the movement of Humanism.

Concerning the date of Cox's birth we know nothing. It must be placed before the opening of the sixteenth century, for as early as 1518 we find the learning of Cox already so well established as to secure for him the honor of delivering a Latin oration at Cracow in Poland.<sup>2</sup> It is probable that by this date Cox was teaching in the Academy at Cracow, where at any rate in 1524 we find him entered as full master.

Between these dates, however, he had traveled elsewhere and had been concerned with other matters, for in 1519 we find the following entry concerning him among the "Accounts at Tourney."<sup>3</sup>

<sup>1</sup> See *infra* p. 16.

<sup>2</sup> See entry of the title of this oration in list of Cox's works below, p. 18.

<sup>3</sup> In *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. J. S. Brewer (London 1867), Vol. III, No. 153 (24).

“Mem. A horse and money given to Leonard Cokks to convey stuff from Tournay to Antwerp . . . Money given to Leonard Cox, Shurland the jester and gunner, and to Matthew’s brother at his going to school at Paris.”

The next definite date in the life of Cox which I can discover is the publication in 1524 of his scholia, in Latin, on the Latin poem on Hunting by the Cardinal Adrian.<sup>1</sup> This work is dedicated by Cox to “Iodoco Ludovico Dedo serenissimo ac potentissimo Regi Poloniæ à Secretis. Mœcenati suo. S. D. P.” and the dedication is dated “ex Gymnasio nostro Cassoviæ<sup>2</sup> IIII Calendas Maij. Anno à Natali Servatoris. M.D.XXIII.” The work was published at Cracow in June of the same year. On the title page the poem is described as accompanied with “Scholiis non ineruditis Leonardi Coxi Britanni.” All these references can hardly apply to a young man less than twenty-four years of age.

Cox is said to have been the second son of Lawrence Cox of the city of Monmouth in Monmouthshire by Elizabeth Willey his wife, and the grandson of John Cox.<sup>3</sup> Of his education before entering college we know nothing beyond Bale’s general statement that “from his very childhood he was well instructed in liberal studies,” nor do we know the date of his entering or of his receiving his degree at Cambridge, where it is stated that he was educated.<sup>4</sup> It is probable, however, that he graduated before 1518, for without a university training, even in those days of precocious learning, he could hardly have occupied the position we find him holding in Poland in 1518 and again in 1524, and have published such work as he then did.

In 1524 at any rate Cox was abroad again, as we have seen. There he remained at least until 1527, since in 1526 we find him publishing another work in Cracow,<sup>5</sup> his *Methodus Studiorum Humaniorum*, and in 1527 Erasmus is writing to him about affairs in Hungary.<sup>6</sup>

#### Travels.

<sup>1</sup> See entry of the title below, p. 18. There is a copy in the British Museum.

<sup>2</sup> I. e., doubtless Casehau, or Kaschau, in Upper Hungary.

<sup>3</sup> Cooper, *Ath. Cantab.* I, 94; Chalmers, *Biog. Dict.*; *Dict. Natl. Biog.*

<sup>4</sup> Cooper, loc. cit.

<sup>5</sup> Panzer, *Annales Typographici.* See infra p. 18.

<sup>6</sup> See below, p. 11.



It therefore seems improbable that the first edition of his *Rhetoric*, published without date, but assigned definitely to 1524 by many bibliographers, could have appeared in that year, written as it is from his school in Reading.<sup>1</sup> Probably, however, somewhere between 1527 and 1530 Cox returned to England and was appointed master of the school at Reading<sup>2</sup> by Hugh Faringdon, the Abbot of the place. He was certainly in this position before<sup>3</sup> February 1530, when he supplicated for incorporation and for M. A. at Oxford, "as being schoolmaster at Redyng."<sup>4</sup>

Again, it is impossible to assume with Hallam<sup>5</sup> that Cox's *Rhetoric* was written in 1524 and that his *Methodus Humaniorum Studiorum* in 1526 is a translation of the *Rhetoric* into Latin, for the simple reason that the *Rhetoric* is itself in greater part a translation from a well-known Latin original into English, as I shall later have occasion to show, and there could be no reason for making another version in Latin by translating back from the English.

In May 1527, Erasmus, whose name we find mentioned several times in the course of the following *Rhetoric*, wrote to Cox, who was probably still at Casehau, a letter which has been preserved among the Epistles of Erasmus (*Erasmi Epistolæ*, Lugduni Batavorum 1706, 982 C., Epistola DCCCLXVI). The following synopsis of the letter is given in Brewer:<sup>6</sup>

<sup>1</sup> See Cox's dedication to his *Rhetoric*, infra p. 39.

<sup>2</sup> John Man, *History and Antiquities of Reading* (Reading, 1816), p. 196, says John Long was master of this school from 1503 to 1530, and was "succeeded in 1530 by Leonard Cox A. M."

<sup>3</sup> Not "soon afterwards," as is stated in the D. N. B. and other biographies.

<sup>4</sup> In Boase, *Register of the University of Oxford* (Oxford, 1885), Vol. I, p. 159, the entry stands: "Cox, Leonard, B.A. of Cambridge sup. 19 Feb. 15<sup>28</sup>/<sub>29</sub> for incorporation and for M.A. and for disp. as being schoolmaster at Redyng." See also Cox's verses in Palsgrave's *L'Esclaircissement*, in 1530, infra, p. 20.

<sup>5</sup> Hallam, *Literature of Europe*, Pt. I, ch. viii, at end. Followed by Jebb, article "Rhetoric" in *Encycl. Brit.*, 9th ed.

<sup>6</sup> *Letters and Papers of the Reign of Henry VIII*, Vol. IV.



"Thanks him for his letters. Is sorry to hear of the ill-health of their friend Justus.<sup>1</sup> His *Copia* has been again edited six months ago. Gives an account of a [disputed] reading in Aulus Gellius, when, twenty years ago, he was engaged at Sienna in teaching Alexander, the archbishop of St. Andrews, brother of the present king of Scotland. Basle, 21 May, 1527."

In addition I find in the original letter the following passage, the precise bearing of which perhaps cannot now be explained, but which is interesting as throwing some light on Cox's ambitions and affiliations during his abode in Poland. The churchman referred to may possibly be the Justus already mentioned in the letter; while "Cassoviensis" evidently refers to the Cassovia or Casehau already mentioned as the seat of the school whence Cox dates the dedication to his Scholia on the *Venatio* of Adrian:

"Ecclesiastæ *Cassoviensis* animum satis admirari non possum; censeo fortunam amplectendam, vel ob id quo pluribus prodesse queas, vel ob hoc ne pessimo cuique sis contentui. Etsi qui dignitate præeminent non possunt omnia corrigere, quæ geri conspiciunt vel à populo, vel à Principibus, tamen non parum malorum possunt excludere. Si nos invisat, reperiet nihil aliud, quam pro thesauro carbones."

Cox apparently did not embrace the opportunity suggested, but soon after returned to England. Whether he made any other sojourn abroad is doubtful, and it is probably during these years that his reputation as a European scholar, testified to by Leland, Bale, and other and later biographers,<sup>2</sup> was established. Leland's verses are interesting, and taken in connection with Erasmus' letter, show us among other things the comparatively high regard in which Cox was held in his own day, and evince at least some sort of a connection with Melanchthon:

<sup>1</sup> The Justus here referred to is probably Justus Jonas (1493-1555), Luther's coadjutor and a friend of Melanchthon and Erasmus. See Letter of Erasmus to Jonas, June 1, 1519, in Erasmus' *Epistolæ*, lib. V, ep. 27. See art. on Justus in Herzog & Plitt's *Real-Encyclopædie für protestantische Theologie und Kirche*, Leipzig, 1880.

<sup>2</sup> E. g., Knight, *Life of Erasmus*, p. 229, tells of Cox's travels in France, Germany, Poland, and Hungary, and states that he "taught there the tongues, and became more eminent in Foreign Countries than at home."

Browne Willis, *View of the Mitred Abbeyes*, 1719 (Appendix II of Leland's *Collectanea*): "Cox was a man universally celebrated for his Learning and Eloquence. He is one of Leland's Worthies."

“AD LEONARDUM COXUM.

Inclyta Sarmaticæ Cracouia gloria gentis,  
 Virtutes novit Coxæ diserte tuas.  
 Novit et eloquii phœnix utriusque Melanchthon,  
 Quàm te Phœbus amet, Pieriúsque chorus.  
 Praga tuas cecinit, cecinitque Lutetia laudes,  
 Urbs erga doctos officiosa viros.  
 Talia cum constant, genetrix tua propria debet  
 Anglia te simili concelebrare modo.  
 Et faciet, nam me cantantem nuper adorta  
 Hoc ipsum jussit significare tibi.”<sup>1</sup>

In or about 1530, then, Cox was appointed master of the grammar school of Reading, Berks, under the patronage of the Abbot Hugh Faringdon, a man of some prominence in the political and religious affairs of the day. And soon afterwards Cox was incorporated at Oxford, receiving his B.A. degree there Feb. 19, 1530 N. S. Cox appears to have remained at Reading as schoolmaster, with occasional journeys elsewhere connected with other matters, from 1530 to 1541.

In or about 1530 also I date conjecturally the first edition of Cox's *Rhetoric*, for the reasons given above. The second edition appeared in 1532, with a few slight changes, to be noted further on.

In 1530 appeared John Palsgrave's "L'Esclaircissement de la Langue Francoyse," in which occur two sets of prefatory Latin verses written by Cox,<sup>2</sup> the first being headed "LEONARDI COXI Readingiensis ludi moderatoris, ad Gallicæ linguæ studiosos, Carmen," while the second are complimentary verses "Eiusdem Coxii ad eruditum virum GEFRIDUM TROY de Burges Gallum."

In 1532 we hear of Cox again at Reading. About the middle of this year John Frith the martyr, venturing back to England after his long exile abroad, visited Reading, where on his arrival he was set in the stocks. "Cox," says Wood, "who soon discovered his merit by his conversation, relieved his wants, and out of regard to his learning

<sup>1</sup> "Principum, ac illustrium aliquot, & eruditorum in Anglia virorum Encomia, Trophæa, Genethliaca, et Epithalamia. A Joanne Lelando Antiquario conscripta, nunc primum in lucem edita." London 1589. Page 50. "Lutetia" of course is Paris.

<sup>2</sup> Cited infra, p. 20

procured his release,"<sup>1</sup> — a deed worthy of a Humanist and friend of Erasmus!

In 1534 we get a glimpse of Cox's occupations and ambitions in a letter of his dated from Reading, 13 May [1534], and addressed to "the Goodeman Toy, at the Signe of Saint Nicholas in Powles Churchyarde."<sup>2</sup> It is to be found among the Letters and Papers of the Reign of Henry VIII in the Record Office, Vol. VII, No. 659:

“Goode man Toy: I hartely commend me to you and to *your* good-wife and here I have sent you the paraphrase of Erasmus *with* the *epistle* of saint Poule to Titus, and my *preface* made, as you can bere me recorde, but sodaynly. Wherfor it *cannot* be but easy. Neuertheles I wyll desyer you to show it vnto the right wurshipfull Master<sup>3</sup> Cromwell, and in any wise to know his pleasure whether it shall abrode or not. If his mastershipp think it meate to be prentid,<sup>4</sup> I shall, if it so pleas him, either *translate* the work that Erasmus made of the maner of *prayer* or his paraphrase vpon the first and seconde *epistle* to Timothe or els such works as shall pleas his mastershipp, and dedicate also any suche labours to him. But if this that I have done shall nott pleas his mastershipp, my trust is yet that he wyll take no displeasure *with* me, seing I did it for a goode entent as the *preface* to the redar declareth; and agayne I wold not have it abrode *with* out his pleasure afore knowen. I am also a translating of a boke *which* Erasmus made of the bringing upp of children, which I entent to dedicate to the saide Master Cromwell, and that shortly after Whitsontide.<sup>5</sup> Moreover it is shewid me that his mastershipp is recorder of bristow [Bristol], wherfor if I may know by *your letters* that he is *content with* my doings, I entent to write to him to besech him to be my goode master for the obteynng of the fre schole there; for though I

<sup>1</sup> Cf. Wood's *Athen. Oxon.* ed. Bliss I, 74; Cooper, *Athen. Cantab.* I, 47; Foxe, *Actes, etc.*; *Dict. Natl. Biog.*; etc.

<sup>2</sup> A synopsis is given in Gairdner, *Letters and Papers of the Reign of Henry VIII* (London, 1883), Vol. VII, No. 659.

<sup>3</sup> I. e., written before Cromwell had been created a baron in 1536.

<sup>4</sup> Not printed apparently until 1549, long after Cromwell's death. See, *infra*, p. 21.

<sup>5</sup> If this translation were ever completed it was never printed. The subject is one with which the age was greatly occupied. See Elyot's "The Governour." See also "A Lytell Booke of good Maners for Chyldren by Erasmus Roterodam, with Interpretacion of the same into the vulgare Englysshe Tonge, by Robert Whytyn-ton, Laureate Poete" (London, W. de Worde, 1522).

have many goode masters in the cawse, yet I had *leuer* have his favour then all the oothers.

Ye, and it so pleasid his mastershipp, I wold be right glad to bere the name of his servant, and so, if you have oportunitie, I *pray* you shewe him, and send me worde what answere you have. ffare you well. from Reding the xiiij<sup>th</sup> day of maii.

Your own  
leonard Cox.

The Goodman Toy to whom this letter was written was the printer John Toy, who issued in 1531 a *Gradus Comparationum cum verbis anomalis simul cum eorum compositis*,—"Imprinted at London, in Poules chyrche yard, at the sygne of saynte Nycolas, by me John Toye."<sup>1</sup> Wolsey's fall occured in 1529 and by 1533 Cromwell's position and power were well established. Cox is turning to the rising sun.

Letter to  
Cromwell. We do not hear of Cox again till 1540, when we find him writing directly to his patron Cromwell as follows:

Pleas your good Lordeshippe. Whereas I your poore bounden servant and dayly bedeman have often tymes considered your speciall goode favour towarde me in tymes past when I was wayting in the courte on Sir Iohn Walloppe,<sup>2</sup> whiche it afterwarde pleasid you to renew of your singular goodnes when I was last in your Lordeshippes presence at Thorneburie,<sup>3</sup>—I have ben at all tymes greatly ashamed of my self that I had nothing whereby I myght declare again to your goode Lordeshippe my faithfull harte and serviceable mynde for your so great beneuolence. Where vppon I have at the last drawn a comment vppon a boke made some tyme by *master* lillie & correctid by Erasmus, whiche work of grammer is moche set by in all scholes bothe on this side the sea &

<sup>1</sup> Herbert's Ames, I, 482.

<sup>2</sup> English ambassador at Paris in 1533 and later. Soon after Wolsey's death a violent quarrel occurred between Cromwell and Sir John Wallop. (Cf. Jas. Gairdner, art. "Cromwell" in *Dict. Natl. Biog.*). The "tymes past" alluded to were probably subsequent to this event. Cox, who was a good linguist, knew French, and had probably lectured in Paris, may have attended Sir John in one of his embassies. At any rate we learn from this that Cox had been at court.

<sup>3</sup> In Gloucestershire, no great distance from Caerleon and Monmouth, two other places associated with Cox, and easily visited by one traveling from Reading. So Reading itself would be naturally visited by one passing from Caerleon or Thornbury to London.

beyonde.<sup>1</sup> This comment of myne made vppon the saide boke, I have here sent and dedicatid to you my speciall goode Lorde, as parte of witnes of my faithfull service owid to you for *your* singulare goodnes to me your poore bedeman. And thowghe my saide diligence be fer beneath my dutie to *your* so singular beneuolence, yet I moste humbly beseche your moste goode Lordshippe to accept it. And I shall, God willing, or long dedicate to you better things. Our lorde *preserve your* estate *with* all *prosperite* and encrease of honore,

Your goode Lordshippes  
bounden servant & bedeman

Leonard Cox

Endorsed: "To the right honorable and my speciall goode lorde the lorde prevy seale."<sup>2</sup>

The second letter is as follows :

My singulare goode Lorde : pleas your goode Lordshippe to vnderstonde that a lytle afore Whitsontide I receyvid a letter from M. Berthlet  
**Second Letter** prenter to the Kings moste honorable highnes, wherin he  
**to Cromwell.** certified me of *your* lordshippes goodnes towarde me as  
 well in accepting my poore boke<sup>3</sup> as in admitting me  
 into *your* service, and of a farther *promes* of your speciall beneuolence ;  
 ffor the whiche I am moste bounden of all men nott onely to employ my  
 self *with* all trewe diligence to do *your* Lordshippe the best service that I  
 can, but also to be *your* dayly bedeman during my life. I beseche your  
 good Lordshippe to pardon me that I have not or this tyme, as my dutie  
 is, geven attendaunce on *your* Lordshippe. But I trust or Michaelmas to  
 bring *with* me to you a ferre better worke than that *which* I have dedicate  
 to yowe all redy, & that vppon rhetorik, *which* I entende to entitle Erote-  
 mata rhetorica. I knowe right well the feblenes of my witte is suche that  
 in oother things I can do *your* lordshippe but small service or none ; yet  
 in this I trust so to serve you that the worlde shall alwaies be myndefull of  
*your* singulare beneficence, not to me onely, but to all that be studious of  
 goode lernyng. Wherin I will neither spare busy studie & labour, nor  
 coste on books. And ons euery yeare I entend during my life, by Goddes

<sup>1</sup> Published 1540. See list of Cox's works, infra, p. 21.

<sup>2</sup> This letter, of which he gives a synopsis, is dated April 1540 by Gairdner in his edition of *Letters and Papers of the Reign of Henry VIII* (London, 1896), Vol. XV, No. 614 ; see also No. 706. Cromwell was made Lord Privy Seal 2 July 1536, and was executed on 28 July 1540. It was evidently written before Whitsuntide : see next letter.

<sup>3</sup> I. e. The Latin Commentaries on Lilly, printed by Berthelet in 1540 (see Herberts' Ames I, 438), and spoken of in the preceding letter.



grace to set abrode one thing or oother to the perpetuall praise of *your* Lordeshippes most excellent vertues, & the commune proufite of students. Thus *wit*h all humilite I for this present tyme take my leve, beseching the blessid Trinitie long to preserve *your* goode Lordeshippe *wit*h continuall increase of most prosperous honour.

Written at Caerleon in Wales on Trinite sonday<sup>1</sup>

Your goode Lordeshippes

poor servante & bounden bedeman

Leonard Cox.

Endorsed: "To the right honorable and my singular goode Lorde the lorde prevy seale."

The *Erotemata Rhetorica* unfortunately we do not possess. It is likely enough that the confusion and change of fortune intervening on the tragic ending of his patron so soon after writing these letters prevented Cox from going on with his plan.

This last letter, it will be noticed, is dated from Caerleon, in Wales. Whether Cox, whose birthplace was in Wales, was there simply on a visit, or whether he had gone to reside **At Caerleon.** there, perhaps after the equally tragic death of his old patron, the Abbot of Reading,<sup>2</sup> in 1539, and was teaching school there, as Wood<sup>3</sup> conjectures, is uncertain.<sup>4</sup>

It is, however, certain, whether in the meanwhile he had left Reading or not, that on Feb. 10, 1541, a royal patent<sup>5</sup> was issued **Royal Grant** granting and confirming to Cox the office of master **to Cox at** of the grammar-school at Reading—"Dedimus et **Reading.** Concedimus," as the document runs, "ac per Præsentes Damus & Concedimus eidem *Leonardo* Officium *Magistri sive Præceptoris Scholæ Grammaticalis sive Ludi literarii* Villæ nostræ de Reading in Comitatu nostro Berks." The patent then proceeds also to grant to Cox the messuage which he was then occupying, together with a plot of ground adjoining "ex parte

<sup>1</sup>I. e. 23 May, 1540.

<sup>2</sup>See infra, p. 104, note to p. 1, line 3.

<sup>3</sup>*Athen. Oxon.* ed. Bliss, I, 123: "In the year 1540 (32 Hen. 8) I find that he was living at Caerleon in his native country, where I think he taught school."

<sup>4</sup>Note however the terms of the patent rehearsed below, by which it appears that Cox was still technically occupying a messuage pertinent to the school at Reading at the time of the issuing of the patent in 1541.

<sup>5</sup>Given in full in Rymer's *Fœdera* (London, 1712), Vol. XIV. p. 714.

Australi, . . . ac etiam quoddam aliud Mesuagium sive Domum in Reading prædicta, modo in Tenura & Occupatione prædicti *Leonardi* vocata *A Schole-house*, in quo Pueri modo erudiuntur & docentur in Arte & Scientia prædictis." It is also provided that Cox during his lifetime may hold the grant by deputy. In addition he is to receive "quandam Annuitatem, sive Annualem Redditum *Decem Librarum* . . . de Exitibus, Proficuis, Firmis & Reventionibus Manerii nostri de Cholsey in dicto Comitatu nostro Berks." The manor of Cholsey, from which Cox was to receive his annual stipend of ten pounds, belonged to the lately dissolved monastery of Reading.

Of Cox's later years we know very little. Bale, in his brief account of Cox, mentions vaguely only one date. "Claruit," he writes, "anno Domini 1540."<sup>1</sup> Tanner,<sup>2</sup> giving Bale as his authority for the first date, says: "Claruit grandævus A. MDXL . . . vel A. MDXLIX. Vid. Præfat. Paraphr. ad Titum." Tanner thinks that perhaps Cox was master of the grammar-school founded at Coventry by his friend John Hales, to whom he dedicates the translation of the Paraphrase just referred to. Colvile<sup>3</sup> and Cooper<sup>4</sup> both positively assert that he became master there in 1572. Cooper adds that "if he held that appointment till his death, he must have died in 1599, when John Tovey succeeded to the mastership." At this last date Cox would have been probably over a hundred, and on his appointment at

<sup>1</sup> Bale, *Scriptorum Illustrium maioris Brytanniæ Catalogus*, Basle, 1557, p. 713 (Centuria nona, no. xxxi).—The whole of Bale's account of Cox, as that of a contemporary, is interesting, and, as it is short, may be quoted here: "Leonardus Coxus, ab ipsa pueritia, liberalibus disciplinis bene institutus, rhetor, poeta, ac theologus, piusque divini verbi demum concionator, transtulit è Graeco in Latinum venerabilis antiquitatis scriptorem, Marcum Eremitam de lege et spiritu, lib. I. Transtulit in patrium sermonem Paraphrasim Erasmi in Paulum ad Titum, lib. I. Incip. Postquam regia majestas per. Scripsit contra eos qui ab operibus justificant, lib. I. Scripsit et scholia in G. Lilium, de Octo partium constructione, lib. I; ac diversi generis carmina et epistolas, lib. I. Claruit anno Domini 1540."

<sup>2</sup> *Bibliotheca Britannico-Hibernica* (Lond. 1748), p. 205. I regret that I have been unable to verify the reference to the Preface to the Paraphrase of the Epistle to Titus.

<sup>3</sup> Colvile, *Worthies of Warwickshire*, p. 883,

<sup>4</sup> Cooper, *Athenæ Cantab.*; also in *Dict. Natl. Biog.*

Coventry over seventy! If the name of Leonard Cox appears in the list of the masters of the Coventry school, the conjecture may be hazarded that this was perhaps a son of our Leonard Cox bearing the same name. At all events it is evident that Cox lived on into the reign of Edward VI, under whom it is stated<sup>1</sup> that he was one of the licensed preachers. He left a son Francis,<sup>2</sup> who became a D.D. of New College, Oxford, in 1594; and according to Knight<sup>3</sup> another son, William, who was more likely, as others state, a grandson. Cox's name since his death has been known to few except professed antiquarians.

## II. LIST OF WORKS BY COX.

(Works about the existence of which there is considerable doubt are enclosed in brackets.)

1. Coxus, L. De laudibus Cracoviensis Academiae 8 Idus Decembris habita oratio a 1518. Cracoviæ, 4°, Vietor. Copy in the Czartoryskische Museum in Cracow.

2. Adriani Cardinalis Venatio, una cum Scholiis non ineruditis Leonardi Coxi Britanni. [Colophon:] Cracoviæ, in ædibus Hieronymi Vietoris Typographi diligentissimi. Mense Iunio. An. D. M.XXIII [sic].

There is a copy in the British Museum and one also in the National Library at Paris. In the Dedication Cox discusses the Latinity of his author, the value of the book for reading in schools, and how it has helped to repel barbarous Latinity and to lead the way back to Cicero. There is a word in praise of Politian, who, it will be noticed, is cited also in the *Rhetoric*. Cox's text is merely a scholastic commentary, line by line, on Adrian's verses. At H iij recto there is a mention of Erasmus.

3. (a) Leonardi Coxi Methodus humaniorum studiorum. Cracoviæ in ædibus Hieronymi Vietoris, ipsis Calendis Augusti Anno M.D.XXVI.

(b) Also in the same year a second edition with the same title, but the following imprint: Cracoviæ in officina typographica Matthiæ Scharffenberg. Anno M.D.XXVI.

From Panzer, *Annales Typographici* (Norimbergæ 1798) Vol. VI, pp. 468-9. It will be noticed that the first edition is from the same printer as No. 1. I have been unable to discover a copy of either edition.

<sup>1</sup> Tanner; Chalmers; etc.    <sup>2</sup> Cooper; Wood; etc.    <sup>3</sup> *Life of Erasmus*.



4. De erudienda iuventute ad P. Tomicium. Cracoviæ, 1526, Viator.

5. (a) The Arte / or Crafte of / Rhetho/ryke/. [n. d.] [Colophon:] Imprinted at London in Flete strete / by me Robert Redman / dwelling at the sygne of the George / Cum priuilegio./

(b) The Arte / or Crafte of / Rheto/ryke./ [within a rude ornamental border]. [Colophon:] Imprinted at London in Fletestrete by saynt Dunstones chyrche /, at the sygne of the George / by me Robert Redman, The yere of our lorde god a thousande / fyue hundred and two and thyrty /. Cum priuilegio.

The Dedication in both editions is addressed to Hugh Faryngton, Abbot of Redynge, by Cox—"Leonarde Cox" in (a) and "Leonarde Cockes" in (b). Both are printed in "eights" in very small 8vo size (16mo). In (a) the signatures run from A i to F iiiii, a total of eighty-eight pages, about thirty lines to the page; in (b) to F viii or ninety-six pages (ninety-one pages of text), about twenty-nine lines to the page. Both are in black letter of apparently the same font.

For reasons given above (p. 10) I date (a) conjecturally circa 1530. It is not impossible, however, that (b) was the first edition, although it is highly improbable (see notes infra p. 103). Considering the close similarity of the two in typographical appearance it is not likely that they were separated in date more than two or three years. (a) is the basis of the present reprint, although all the more important variations in (b) have been noted. There is a copy of (a) in the British Museum, and of (b) in the Bodleian Library at Oxford. Mr. A. W. Pollard of the British Museum conjectures from its appearance that (a) was printed circa 1530; Mr. R. Proctor puts it circa 1535. In the British Museum catalogue and by most bibliographers it is put in 1524. Redman, the printer of this work, began business in 1525 and died in 1540. Herbert, however, says in a note: "Mr. Ames was informed that he [Redman] began printing in the year 1523; but he had not seen any proof of it before 1525; neither have I" (Herbert's Ames' *Typographical Antiquities*, London, 1785, Vol. I, p. 385).

This is the work mentioned by Tanner in his list of Cox's works as "De rhetorica anglice. Hollinsh. iii 978. Librum aliquem dedic. Hugoni abbati Readingiensi." Hollinshed, in the passage referred to, merely mentions Cox as the author of a Rhetoric in English not mentioned by Bale.

6. Latin Verses appearing on the verso of the title-page of John Palsgrave's *L'Esclaircissement de la Langue Francoyse*, 1530; folio. As follows:

LEONARDI COXI Readingiensis ludi moderatoris, Ad Gallicæ linguæ studiosos, Carmen.

Gallica quisquis amas, exacte verba sonare,  
 Et pariter certis jungere dicta modis,  
 Nulla sit in toto menda ut sermone reperta,  
 Pro vero Gallo, quin facile ipse probes,  
 Hæc euolue mei Palgrauī scripta disertī,  
 His linguam normis usque polire stude.  
 Sic te miretur laudetque urbs docta loquentem  
 Lutecia, indigenam iuret et esse suum.

EIUSDEM COXI ad eruditum uirum GEFRIDUM TROY de Burges Gallum, Campi Floridi authorem, quem ille sua lingua Champ Fleury vocat, nomine omnium Anglorum Phaleutium [sic].

Campo quod toties Gefride docte  
 In florente tuo cupisti, habemus.  
 Nam sub legibus hic bene approbatis  
 Sermo Gallicus ecce perdocetur.  
 Non rem grammaticam Palæmon ante  
 Tractarat melius suis latinis,  
 Quotquot floruerantue posterorum,  
 Nec Græcis melius putato Gazam,  
 Instruxisse suos libris politis,  
 Seu quotquot prætio prius fuere,  
 Quam nunc Gallica iste noster tradit.  
 Est doctus, facilis, brevisque quantum  
 Res permittit, et inde nos ouamus,  
 Campo quod toties GEFRIDE docte  
 In florente tuo cupisti, habentes.

These doubtless, and perhaps others, are to be included in the "diversi generis carmina et epistolas, lib. I," written by Cox, according to Bale, and described by Tanner in the following terms: "*Epigrammata varia et epistolas*. Duo ejus carmina (1) *Ad linguæ Gallicæ studiosos*; (2) *Ad Galfr. Troy auctorem Gallicum*; præfiguntur *Lexico* Joh. Palsgrave, Lond., 1530, fol."

The Geoffrey Troy addressed is alluded to by Palsgrave in the "Epistle" as "Geffrey Troy de Bourges (a late writer of the frenche nation) in his boke intituled Champ Fleury." Troy, or Tory (Lat. Torinus), was a celebrated printer, engraver, scholar, and author of the time. See, *e. g.*,

the "Summaire de Chroniques . . . translate de Latine en Langaige François, par Maistre Geofroy Tory de Bourges," 1529. He was born at Bourges c. 1485, and died 1533 at Paris. Palsgrave's phrase, above, probably does not mean to refer to him as dead, but as having lately written books. "Son œuvre capitale est un ouvrage qu'il composa et publia sous le titre de *Champ fleury, auquel est contenu art et science de la due et vraye proportion des lettres attiques, qu'on dit autrement lettres antiques, et vulgairement lettres romaines, proportionnées selon le corps et le visage humain* (Paris, 1529) . . . où il jette les bases d'une nouvelle grammaire française." (Larousse, *Grand Dictionnaire Universel*, XV, 325.)

7. Translation of Erasmus' Paraphrase of the Epistle of Paul to Titus, with a Preface. Made in 1534 (see supra p. 13), but apparently not printed till 1549, in "The Paraphrase of Erasmus vpon the newe Testamente," London, Edw. Whytchurch, 1548-9, two vols., folio; in Vol. II.

Cf. Lowndes, *Bibliog. Man*, 748. Described by Tanner as follows: E Latino in Anglicum sermonem *Paraphrasim Erasmi in Paulum ad Titum* lib. I. Pr. ded. mag. Johanni Hales. "After that the kinges maiesty. London, 1549, ubi se alia industriæ monumenta brevi missurum promittit.

[8. Translation of "a boke which Erasmus made of the bringing upp of children": in 1534. See supra p. 13. Probably not printed.]

9. Commentaries upon Lilly: "De octo orationis partium constructione Libellus, editus a Guil. Lilio, emendatus ab Erasmo Roter: & scholiis, non solum Henrici Primæi, verum etiam doctissimis Leonar: Coxi illustratus. Anno M.D.XL." [Colophon:] Ex officina regii Impressoris. Cum privilegio solum. Anno M.D.XL.—Quarto.

From Herbert's Ames' *Typographical Antiquities* (London 1785) vol. I, p. 438, among works printed by Thos. Berthelet. Cf. Wood, *Athen. Oxon.* I, 123. Many other editions of this work of Lilly's appeared during the sixteenth century, but none other, I believe, with Cox's Scholia. A copy is said by Herbert to have been "in the collection of Dr. Lort." I have not been able to find one. Referred to in Cox's letters above, pp. 14.

[10. *Erotemata rhetorica*.—Probably not printed, but evidently nearly completed in May 1540. See supra, p. 15.]

[11. (a) The Translation, described by Bale, "é Græco in Latium venerabilis antiquitatis scriptorem, Marcum Eremitam de lege et spiritu, lib. I."

(*b*) To which Tanner adds "Ejusdem de justificatione operum.")

(*b*) is perhaps the same work referred to by Tanner when he says that Cox —

[12. "Scripsit Contra justificationem ab operibus lib I." And by Bale: "Scripsit contra eos, qui ab operibus justificant. lib. I."] So far as I can discover none of these last mentioned works were ever printed.

### III. THE RHETORIC OF COX: ITS PREDECESSORS AND SUCCESSORS.

The work of Cox and his chief service to his age was that of a translator and commentator, a sort of work much more important in that century than in this. Cox, like Colet, Grocyn, **Cox's Services to Learning.** Linacre, and Lilly, served as an intermediary in the transmission to England of the Renaissance and Humanistic influence and literature. He had a reputation of his own among European scholars and men of the new learning, and he helped to carry their work into England. And so the questions of rhetoric and of literary form which deeply concerned all the men of the new learning came to concern Cox also, and to their elucidation, as is evident from the foregoing inspection of his letters and of the list of his writings, he devoted a large share of his attention.

The rhetorics of the Renaissance are mainly founded upon Hermogenes, Cicero,<sup>1</sup> and Quintilian, and, following the divisions of these authors, are chiefly of two sorts, those that concern themselves with questions of invention and disposition, and those that mainly discuss matters of style and diction.<sup>2</sup> Cox, whose work falls in the first class,

#### Renaissance Rhetoric.

<sup>1</sup> Especially Cicero. See Voigt, *Die Wiederbelebung des classischen Alterthums, oder das erste Jahrhundert des Humanismus*, Berlin, 1893, vol. II, p. 442: "Die Lehrbücher über Rhetorik . . . bilden nicht gerade eine reiche Literatur, weil die Humanisten sich gern unmittelbar an Cicero zu halten liebten. Dessen 'alte Rhetorik,' dass heist die Bücher de inventione, und die an Herennius gerichtete Rhetorik waren im Mittelalter immer beachtet und gelesen worden, wie ja schon Alcuin sein Lehrbuch nach ihnen verfasste . . . auch hören wir von den Humanisten oft die Meinung, man lerne die Redekunst besser aus Cicero's Reden als aus seinen Theorien." Notice in this connection that the last five or six pages of Cox's *Rhetoric* are directly founded on Cicero, while Cox's original, Melanchthon, constantly draws upon Cicero. It is a striking feature in Cox's work also, wherein he departs from Melanchthon, that at every opportunity he introduces and translates long extracts from Cicero's orations.

<sup>2</sup> On the emphasis laid on style in the rhetoric of the Italian Renaissance cf. Symonds, *Ren. in Italy, The Revival of Learning* (N. Y., 1888) p. 525.

refers his readers who may wish to carry their studies further, to "Hermogines among the Grekes, or els Tully or Trapesonce among the Latines."<sup>1</sup> The Trapesonce or Trapezuntius referred to was a typical rhetorician of the Renaissance period. Born in Crete in 1396, he taught Greek at Venice, and philosophy and belles-lettres at Rome. On account of an attack of his on Quintilian he was involved in various literary quarrels with Valla, Poggio, and other scholars. He made numerous translations from the Greek into Latin. He died at Rome in 1486. His *Rhetoric*, the first edition of which appeared at Venice circa 1470, is a paraphrase from Hermogenes. His work, transmitting that of his original, was widely circulated and exercised a great influence throughout Europe during the succeeding century. His divisions and order of treatment in a general way are those of Cox and of course of Cox's original, Melanchthon. Orations are of three sorts: Judicial, referring to the Past, Deliberative, to the Future, and Demonstrative, to the Present. The chief parts of an Oration are the Exordium, Narratio, and Contentio, whereunder are discussed Confirmatio and Confutatio, "Quot sint Status" (the "States" of Cox), and de Propositione et Divisione. In the last Book (Book V) is comprehended a discussion "de Elocutione," wherein the different qualities and kinds of style are considered, a part included by Melanchthon but omitted by Cox for reasons hinted at in his Dedicatory Epistle.<sup>2</sup> As in Cox's *Rhetoric*

<sup>1</sup> See the "Conclusion" of Cox's *Rhetoric*, infra, p. 88.

<sup>2</sup> Other rhetorical treatises much in vogue, but not leading directly to Cox which may be mentioned, are:

(a) Priscianus Grammaticus, *De præexercitamentis Rhetoricæ ex Hermogene translatis* (circa 1475).—A short elementary handbook treating of various topics such as "De Narratione," "De Usu," "De Refutatione," "De Descriptione," etc.

(b) Gulielmus Fichetus, *Rhetorica* (Paris 1471).—By a famous doctor of the Sorbonne. Cites frequently Cicero, Quintilian, Origen, etc. Follows the division of Judicial, Deliberative, and Demonstrative, with the subdivisions of Trapezuntius. In manner largely scholastic, putting emphasis mainly upon definitions. Book III, "de Elocutione."

(c) Guillermi Tardivi [Guillaume Tardif] *Rhetoricæ Artis ac Oratoricæ Facultatis Compendium* (Paris, circa 1475).—An attempt to present a digest of the Rhetorics of Cicero and Quintilian. The Divisions: Inventio, Dispositio, Elocutio, Memoria, Pronunciatio.

(d) *Oratoricæ Artis Epitoma* Jacobi Publicii Florentini. Venetiis 1485.—Refers to Cicero, Quintilian, Cyril, etc., as authorities. "Civiliū questionum genera tria sunt. Concionale: Sermocinatum: & Forense." Treats briefly of Invention,



so in most of his predecessors we frequently find appeal made not only to direct classical authority, but occasionally also to mediæval authority, and to that of the fathers of the Church, especially the Greek fathers, as Origen, Basil, and Chrysostom.

Most interesting for the history of English Rhetoric, however, is the first Rhetoric printed in England, which was also "the first book First Rhetoric printed at St. Albans," the Latin treatise of Traversanus entitled [incipit] *Fratris laurencii guilelmi de in England. saona . . . . prohemium in novam rhetoricam*. The colophon is: *Compilatum autem fuit hoc opus in alma universitate Cantabrigiæ. Anno domini 1478 . . . . sub protectione . . . . Regis Anglorum Eduardi quarti. Impressum fuit hoc presens opus Rhetoricæ facultatis apud villam sancti Albani. Anno domini M.CCCC.LXXX.* The work follows in general the divisions of the ancient rhetorics (especially Cicero.—Cf. D ii recto.), Disposition, and their parts and loci; then at length of Elocutio, and of Tropes and Figures.

(e) *De primis apud rhetorem exercitationibus præceptiones* P. Mosellani in studiorum usum comparatæ. Cologne 1523.—A book of rhetorical exercises in each kind, with models, for the use of schools. De Fabula (model: the Fable of the Grasshopper and the Ant), De Narratione (An example from Aulus Gellius), De Refutatione, De Confirmatione, De Laudatione, De Vituperatione, De Locis Communibus, etc. The plan is similar to that of Rainolde's *Foundacion of Rhetoric* (see infra p. 33).

(f) See also the Rhetorics of Melanchthon, discussed infra, pp. 29–31.

—Rhetorics of the second class, dealing chiefly with matters of style and diction ("Elocutio") were:

(g) [Incipit] "Summa Rhetoricæ condita per egregium P. de la Hazardiere nacionis normaniæ" (Paris circa 1475).—"Rhetorica est ars arcium ceterarum expositiva. Cujus officium est apposite dicere ad suadendum." Cites Cicero, Quintilian, and Aristotle. Treats only of Elocutio and its three parts, "elegantia, compositio, and dignitas.

(h) Joannes Balbus, *Catholicon*. Venetiis 1506.—A monkish compendium widely used. The Grammar, part IV, treats of figures and tropes.

(i) Barzizius, *De Eloquentia*. Colophon: Explicit opusculum domini Gasparini [Barzizii] Pergamensis de Eloquentia congrue dictum. Circa 1498.

(j) *Le grant et vray art de pleine Rhetorique*, composé par maistre Pierre Fabri. Rouen 1521.—Book I, a Rhetoric of Prose for those who wish to learn how to compose "Descriptions . . . . Oraisons, Lettres . . . . Sermons, Recitz," etc. Book II, of Poetics. Compare with Puttenham's *Arte of English Poesie*, 1589.

(k) *De Elocutionis Imitatione*. Autore Jacobo Omphalio. Paris 1537.—The rhetoric of style. With exercises.

(l) Andomari Talæi *Rhetorica*. Paris 1552 (fifth ed.)—Widely used.

and draws its examples both from Cicero and from the Bible. It is scholastic in tone, with frequent reference to the fathers of the Church, as St. Bernard, St. Anselm, St. Basil, Bede, etc. Book I discusses "quid sit oratoris: quid oratoris officium: quis ejus finis & de partibus ejus & oracionis." In the third Book style and diction, including tropes and figures, are treated. In this work, however, notwithstanding certain signs of the approaching dawning of the new learning, we are still in the atmosphere of the Middle Ages. With Cox fifty years later, in spite of the rudeness of the new vernacular in which he is working and the elementary nature of his design, we feel ourselves in a new age.

Between Traversanus and Cox there are two passages in English literature relating to the art of rhetoric which are significant.

**Other Passages on Rhetoric preceding Cox.** The former of these, which is perhaps the first printed account of rhetoric in English, is the short passage on the subject in Caxton's *Myrrour & dyscrypcyon of the worlde, with many meruaylles of the .vii. scyences As Gramayre, Rethorike, with the arte of memorye*, etc., 1481, which is of sufficient curious interest to reproduce here in its entirety.<sup>1</sup>

Entered for publication in England, the Stationer's Register, Nov. 11, 1577 (ed. Arber, II, 319). "Rhetorica est doctrina bene dicendi . . . . Partes ejus duæ sunt, Elocutio & Pronuntiatio." The author claims that "inventio rerum et dispositio" are properly a part of Dialectics. Treats only of Style and Elocution: chiefly of Tropes and Figures.

—Other treatises of a miscellaneous character relating to rhetoric are:

(m) *Ars scribendi epistolas* Jacobi Publicii Florentini. *Ars Memoria* J. P. F. With his *Oratorix Epitoma* 1485.

(n) Albertanus, *Compendiosus tractatus de arte loquendi & tacendi*, 1485.—A manual of the art of conversation. Moralistic.

(o) *Rhetorica* Poncii. Colophon: Explicit Modus Dictandi Magistri Poncii . . . . 1486.—Mainly an art of writing "Epistolæ." "Partes dictaminis essentielles: Salutatio, Exordium, Narratio, Petitio, & Conclusio."

(p) Erasmus, *De Copia verborum*. Basle 1514. Epistle dedicatory (to Colet) dated "London 1512." Of vocabulary and diction. What authors help to "Copia." Vices of excessive "Copia." Poetic vocabulary, metaphor, synonyms, etc. Of Fable, Apologue, Description, Imagery, etc.

(q) Aquilæ Romani *de Figuris sententiarum et elocutionis liber*. Venice 1523.—A list of the figures of rhetoric with definitions.

(r) Jacobus Omphalius *De Elocutionis Imitatione ac Apparatu*. Paris 1537.—Treats of Imitation as a means of acquiring style.

<sup>1</sup>The work is a translation by Caxton of the French version of the *Speculum Mundi*. Blades' *Caxton*, II, 82-3. I quote from the reprint of circa 1527.

[D iii recto] Rethoryke is a scyence to cause another man by speche or by wrytyng to beleue or to do that thyng whyche thou woldest haue hym for to do. To the which thou must fyrst deuise some wey to make thy herers glad & wel wylling to here. The which thyng to bryng to passe thou must deuise dyuers weys. The fyrst is that thou *promyse* hym some meruelous thyng, or some other strange thyng, or some thyng touchyng hym self or some thynges touchyng his fryndes or his enemyes.

¶ Also whan thou haste made hym gladde to here the, thou must take hede that in the matter which thou shewest thou must vse .V. maner thynges. The fyrst is: *inuencion*, as to ymagyn the mater which thou intendest to shew, which must be of trew thynges, or lyke to be trew & to note well how many thynges in that mater ought to be spoken.

¶ The .ii. thyng is *disposicion*, which is to shew euery thyng of thy matter in ordre, as whan thou haste inuentyd & appoynted in thy mynd how many thynges thou wylte speke of, than thou must dyspose euery thyng in ordre & which mater shalbe fyrst spoken & whiche shalbe last.

¶ The third thing is *eloquens*, as whan thou haste disposed how euery poynt & mater shalbe shewed in ordre than thou must vtter it with fayre eloquent wordes, and not to vse many curyous termes, for *superfluyte* in euery thyng is to be dysprayed; And it hyndreth the sentence. And whan a man delatith his matter to long or that he vtter the effecte of his sentence, though it be neuer so well vtteryd, it shalbe tedyous vnto the herers; for euery man naturally that hereth a nother, desyreth moste to know the effecte of his reason that tellyth the tale, as the philosopher seith (*omnis homo naturaliter scire desiderat*). Therfor the pryncypall poynt of eloquens reityth [restryth] euer in the quycke sentence. And therfor the lest poynt belongyng to Rethorike is to take hede that the tale be quycke & sentencious.

A passage on “Ars memoratiua, Or Memory” and one on voice and gesture follow.

Equally curious are the chapters in Hawes’ *Pastime of Pleasure* (chs. 7–13)<sup>1</sup> in which we are told how Graunde Amoure “was re-

ceyved of Rethoryke, and what rethoryke is; Of the first part, called *Invencion*, and a commendacion of poetes; Of *Disposition*, the .ii. part of rethorike; Of *Elocution*, the thirde part of rethoryke, with colouryng of sentences; Of *Pronunciation*, the .iiii. part of rethoryke: of *Memory*, the .v. part of rethorike,” and

<sup>1</sup> Written about 1506, and printed 1517. See reprint of edition of 1555 in the Percy Society Publications, 1845.



the like.<sup>1</sup> No one can complain of the importance attributed to the art of rhetoric in Hawes' allegorical system.

Cox's aim in presenting an Art or Craft of Rhetoric to the English public of his day was a simple and practical one. Education was spreading; new grammar schools were being founded; in much of the work of teaching in these schools the vernacular necessarily was used; the new learning brought with it a new sense of style and form in prose; and there were no text-books of the subject in existence written in English. Lawyers, ambassadors, preachers, and all public speakers, says Cox in his interesting preface, have need of rhetoric, yet nothing today is less taught. What wretched work do we daily see around us for lack of such teaching! So that when we hear a speaker, very often "greate tediousnes is engendred to the multytude beyng present, by occasyon where of the speker is many times or he haue endyd his tale eyther left almost alone to hys no lytle confusyon, or els, which is a lyke rebuke to hym, the audyence falleth for werynes of his ineloquent langage, on slepe." Furthermore, Cox aims especially to help those who "haue by neclygence or els false parsuasyons be put to the lernynge of other scyences or euer they haue attayned any meane knowledge of the latyne tongue." For, of course, not only is Latin the accepted central discipline in the Humanistic theory of education, but it is the store-house of all existing learning. The book is intended for "young beginners"<sup>2</sup>; others, who can read Latin or Greek, may consult "Hermogines among the Grekes, or els Tully or Trapesonce among the Latines." "And to them that be yonge begynnners nothinge can be to playne or to short." We are reminded of the similar words of Colet, in his "Proheme" to the *Introducyon of the partes of spekyng, for chyldren and yonge begynnners into latyn speche*, written for his "newe schole of Powels" in 1510, where that kindly humanist maintains "that nothinge may be to soft nor to famylyer for lytell chyldren."<sup>3</sup>

<sup>1</sup> Cf. Gower, *Confessio Amantis*, Book VII, "Hic tractat de secunda parte philosophiæ, cuius nomen Rhetorica facundos efficit," etc. (Chalmer's *Poets*, II, 215). Naturally Rhetoric, as one of the members of the Trivium, or undergraduate curriculum in mediæval education, receives frequent mention in most of the early writers.

<sup>2</sup> See the 'Conclusion of the Author' p. 87.

<sup>3</sup> Cf. Seebohm, *The Oxford Reformers* (London 1887) p. 213. See also Flügel, *Neuenglisches Lesebuch* (Halle 1895) p. 298.

✓ Cox is thus, it will be seen, little concerned with the theory of rhetoric. His aim is to tell very plainly the manner of the putting together (the "Invention") of orations of the several kinds then recognized by the rhetoricians. Every point is illustrated by an example. We are told in a given situation what is the leading idea pertinent thereto which it is incumbent on the orator to bring forward. Most of these leading cases are drawn from Cicero; others from Livy, Sallust, and the like. Then we are shown how Cicero or another actually did put his oration together. The whole method is ✓ that of the Ciceronians and the Renaissance educators simplified and put in the vernacular for the use of those who cannot use Latin texts and manuals. Fifty years later the same method without simplification or vernacularization is still in use in the English universities, where the orations of Cicero continue to serve as models in the teaching of rhetoric.

Cox's work, then, is designed as a schoolbook and as an elementary introduction for those who have missed the advantages of a scholastic training. His plan is restricted to the treatment of invention and the formal ordering of speech, for that once mastered, "there is no very great maystry to come by the resydue," and it is in this that the public speaking of the day is particularly deficient. Questions of style must be postponed to a later generation, after the matter of structure has been mastered. And, indeed, by the time of Sir Thomas Wilson in 1553 the question of style has begun to assert itself, until with the Elizabethans it is the question of questions. Furthermore, if this work, "the fyrste assay of my pore and symple wyt,"<sup>1</sup> find favor, the author promises "to endight other werkes both in this facultye and other."<sup>2</sup> Inasmuch as the Rhetoric passed to a second edition,<sup>3</sup> we may conclude that it met with success; and probably the *Erotemata Rhetorica* upon which Cox was engaged in 1540 were designed as a part fulfillment of this promise.

<sup>1</sup> By which phrase I take it that Cox means his first essay *in English*. He had already made at least two essays in Latin.

<sup>2</sup> So in the "Conclusion" Cox similarly promises: "I will assay my selfe in the other partes, and so make and accomplysse the hole werke."

<sup>3</sup> Its extreme rarity today is probably accounted for by the fact that it was a schoolbook — books, which so rapidly destroyed in use as they were, are the rarest of old books today.

Cox's *Arte or Crafte of Rhethoryke* is only in part his own composition. It is, as he frankly avows, largely founded upon the work of another. "I haue partely traunslatyd out of a werke of Rhethoryke wrytten in the lattyn tongue, and partely compyled of myne owne, and so made a lytle treatise in maner of an introduccyon into this aforesaid scyence and that in the englysshe tongue."<sup>1</sup> And later, in the "Conclusion," Cox says: "But nowe I haue folowed the facion of Tully, who made a seuerall werke of inuencion."<sup>2</sup> Cicero however is not Cox's chief authority, nor does he seem to have taken very much directly out of Cicero's rhetorical writings.<sup>3</sup> The "werke of Rhethoryke wrytten in the lattyn tongue" out of which Cox translates and on which his work is mainly founded is the "Institutiones Rhetoricæ" of Melanchthon, published in 1521. Melanchthon is "oure auctour," so frequently referred to in the course of Cox's work.<sup>4</sup> Readers of Professor C. H. Herford's scholarly work on the *Literary Relations of England and Germany in the Sixteenth Century* are aware how close was the connection of English and German scholarship and letters in the first half of that century. Cox, like Melanchthon, was an educator and humanist, and inclined to the reformed religious doctrine, while his failure to mention Melanchthon's name anywhere is doubtless to be attributed to the prejudice against the German reformers in high quarters in England at this moment. When the idea of bringing out a work on the Art of Rhetoric written in English first occurred to Cox, it was natural that he should turn to the convenient compendium of the subject recently written by the great humanist educator and religious reformer of Germany, with whom, probably enough, he had already come in contact on the continent.

In 1519 Melanchthon had written a larger work on rhetoric, his *De rhetorica, libri tres*,<sup>5</sup> to which Cox refers two or three times, and

<sup>1</sup> *Infra*, p. 42.

<sup>2</sup> P. 87.

<sup>3</sup> See, however, *infra* p. 103.

<sup>4</sup> See *Modern Language Notes*, May 1898, where I have described my discovery of the source of Cox's *Rhetoric*.

<sup>5</sup> At Wittenberg: reprinted at Basle in the same year; at Leipzig 1521; Cologne 1521; and Paris 1527 and 1529. Cf. Bretschneider, *Corpus Reformatorum*, Halle 1834 f. (the first 28 volumes comprise the works of Melanchthon; the rhetorical writings are in Vol. XIII).

from which he borrows several passages.<sup>1</sup> In 1521, however, a shorter and much simplified version, adapted to Melanchthon school use, was compiled, perhaps from the notes of Melanchthon's lectures,<sup>2</sup> and published with the title *Institutiones Rhetoricæ* Philip. Mel.<sup>3</sup> From the first book of this work, treating of Invention, Cox draws the greater part of his treatise, and this book accordingly is herewith reprinted for convenience of comparison. I reserve for the Notes the discussion of the exact relation between the two works.<sup>4</sup> A cursory comparison of the two texts will show the closeness of Cox's dependence on his original. At the same time numerous passages in Cox seem to be of independent composition. Particularly interesting among these are many of the illustrations drawn from Renaissance and Mediæval history and lit-

<sup>1</sup> See the Notes infra pp. 105, 106, 108-9, 111, 112, concerning this work.

<sup>2</sup> Melanchthon himself, in an epistle to Joannes Agricola concerning this work, writes: "Qualescunque sunt hæ præceptiunculæ Rhetoricæ, quas dictavimus non scripsimus, opto ut lectori prosint. . . . Porro magna ex parte res Rhetorica purius emendatiusque tractata est, quam in prioribus meis libellis." Bretschneider's note on this is: "Intelligitur itaque, hæc quæ hic edita sunt, dictata esse a Melanthe in schola, et ab amicis, probante Melanthe, edita."

<sup>3</sup> At Hagenau; reprinted Cologne 1521; Paris 1523; Strassburg, 1524.

<sup>4</sup> Other rhetorical works by Melanchthon, which do not concern us here, were the "Phil. Mel. *Elementorum rhetorices libri II*," Wittenberg 1531, a recast of the earlier works (also 1532, 1534, 1536, 1542, etc.), finally re-edited 1542 (reprinted many times), and his *Encomium Eloquentiæ* or "Necessarias esse ad omne studio-rum genus artes dicendi Philip. Melanchthonis declamatio," Wittenberg n. d.,—not a treatise but a brief general essay on the subject of the title (compare Gabriel Harvey's *Rhetor*). One passage from this latter work, which illustrates both the abuses of the time and the aims of the reformers and humanists, is worth quoting:

"Disciplinæ omnes dicendi genere sic obscuratæ sunt, ut ne doctores quidem ipsi, quid profiterentur satis compertum haberent. Digladiabantur inter se de figuris sermonis philosophi, tanquam in tenebris Andabatæ, nec quisquam à domesticis suis plane intelligebatur."

On M's rhetorical writings and their importance see further A. Planck, *Melanchthon Præceptor Germaniæ, eine Denkschrift* (Nördlingen 1860); Paulsen, *Gesch. des gelehrten Unterrichts auf den Deutschen Schulen und Universitäten* (Leipzig 1885), especially p. 149: "Melanchthon's Kompendien . . . der Rhetorik und Dialektik . . . [etc.], dienen bis ins 18. Jahrhunderts hinein dem gelehrten Unterrichts auf den deutschen Universitäten und Schulen als Grundlage." According to Hallam (*Lit. Europe*) Melanchthon was, "far above all others, the founder of general learning in Germany."

erature, as well as some things also from Cicero and the classics. Not only does Cox add to Melanchthon, but he freely omits and condenses as suits his purpose. Thus, as already stated, he omits the whole of Books II and III, on *Dispositio* and *Elocutio*. Melanchthon's own direct prototypes seem to be Hermogenes or Trapezuntius (the latter he refers to with approval), Cicero, and Quintilian. All of these, except the last, are expressly named by Cox as trustworthy authorities.

Cox's *Rhetoric* doubtless served its turn with its own generation, but any direct influence from it on later English rhetorical writers can scarcely be traced. Cox's work helped to teach Service of Cox's better order and method in public speaking, an aim Rhetoric. which also inspires his next important successor, Sir Thomas Wilson; but with anything beyond the structural part of composition Cox is hardly concerned. The preoccupation with style comes in with the next generation.

Cox's own prose has some historical value among the none too numerous monuments of English prose in the first half of the sixteenth century. His style is of purpose extremely simple and plain, in order to meet the understanding of Cox's Prose Style. "young beginners;" but joined with his simplicity there is a certain rudeness which is not the strong and eloquent rudeness of Latimer, and a certain awkwardness of phrase and syntax which prevent our placing him as a writer of English anywhere near his great predecessor, Malory, his great contemporaries, More, Colet, Tyndale and Coverdale, and Elyot, or his great successors, Ascham and Wilson. He writes purely didactic prose, it is true, in which there is no opportunity for style; he saves himself from excessive Latinisms; his manner is straightforward and to the point; but little more than this can be said for him as a writer of English. In Cox's day English prose is but in the making, and with few, except one or two original spirits, does it advance to style. And Cox is not one of the originators. Nevertheless, in his way, by precept if not by example, he contributed to the formation of the new art, and so is to be reckoned with in the history of English prose.

The next<sup>1</sup> and the only other important English Rhetoric of the sixteenth century after Cox was *The Arte of Rhetorique, for the*

<sup>1</sup> But see note A at the end of this Introduction, p. 33.



use of all suche as are studious of Eloquence, sette forth in English, by Thomas Wilson. Anno Domini, M.D.LIII. English Rhetorics following Cox. Mense Ianuarij.<sup>1</sup> Wilson's work is much superior to Cox in originality and scope. Wilson follows the Ciceronian tradition with more independence. He aims to cover the entire field of the older rhetorics, treating in order of Invention, Disposition, "Elocution" (*i. e.*, Diction, or "an applying of apt wordes and sentences to the matter"), Memory, and "Utterance" (or "a framyng of the voyce, countenance, and gesture, after a comely maner"). The parts of an oration, too, from "the Enteraunce" to the Conclusion, are as in Cox and his predecessors; and so are the sorts of oratory, "Oracion demonstrative," deliberative, and judicial. In his first and second books, except for greater amplification and a surer hand, Wilson's work differs little in structure and design from Cox's. The rest of the work, however, is entirely additional matter. And the chief interest of Wilson's Rhetoric is in his discussion of English style and diction in his third book. It is probable enough that Wilson may have seen Cox's book, but evidently he owes less to it than to their common sources. After Wilson, the emphasis in the popular rhetorics of the day is upon style and ornament, rather than upon structure and argument as with Cox and Wilson. No original work however is done until Ben Jonson's scholarship touches the subject in his *Timber or Discoveries*, and until Bacon,<sup>2</sup> in his *Advancement of Learning*, "stirs the earth a little about the roots of this science," reprehending "the first distemper of learning, when men study words and not matter," and uttering upon the rhetorical precept and practice of the preceding century, upon Car and Ascham, upon Sturmius and Erasmus, the trenchant comment that "the whole inclina-

<sup>1</sup> Also 1560, '62, '67, '69, '80, '84 and '85.

<sup>2</sup> *Advancement of Learning*, Book I, chap. iv, § 2. See especially Book II, chaps. xviii f. Bacon is the first to urge that rhetoric, or the theory of prose, is a fitter subject for the Quadrivium or graduate course than for the Trivium. See also Bacon's *Antitheta*. "Perhaps one of the most notable modern contributions to the art [of rhetoric] is the collection of commonplaces framed (in Latin) by Bacon . . . He called them 'Antitheta.'" (Jebb, art. "Rhetoric," *Encycl. Brit.*, ninth ed.)

tion and bent of those times was rather towards copie than weight." 2

A. Next in point of time, after Cox, among English rhetorics was, perhaps, *A Treatise of Schemes and Tropes, very profytable for the better understanding of good authers, gathered out of the best Grammmarians & Orators*, by Rychard Sherry, Londoner, 1550. Partly rewritten and under an altered title in 1555. This as its title implies, is not a complete rhetoric, but is noteworthy as indicating the new interest in matters of style at even this early date. The preface is of interest for its discussion of the state of contemporary English and of the work of English authors. Latin rules of rhetoric with English paraphrases. Brief consideration of style, perspicuity, etc. Then of tropes and figures. His chief authorities, as cited, are Cicero, Quintilian, Erasmus, "Mosellane," and "Rodulphus Agricola." To the last named he seems to express especial indebtedness.

Other works on rhetoric in England during the century were, (b) "*A booke called the Foundation of Rhetorike . . . made by Richard Rainolde, Maister of Arte, of the Uniuersitie of Cambridge, 1563.*" Less a systematic treatise than a discursive consideration of the value and nature of rhetoric, followed by "Progimnasmata" or practical precepts, accompanied with model exercises or "Oracions." Of considerable antiquarian interest. Refers to Aphthonius, Quintilian, Hermogenes, and Tully, as the best authorities. Refers in complimentary terms to Wilson's Rhetoric, but ignores Cox.

(c) In Ascham's *Schoolmaster*, 1570, Book II, passim, are numerous passages of rhetorical precept (e. g., Works ed. Giles, London, 1864, Vol. III, 184 f., 208 f., 240 f. — cf. 95).

(d) "*The Enimie of Idleness: Teaching the maner and stile how to indite, compose, and write, all sorts of Epistles and Letters . . . Set forth in English by William Fuiwood, Marchant, 1568.*" Also 1571, 1578, 1586, 1593, 1598, 1621. A ready letter-writer in four books. In the dedication we are told:

"For know you sure, I meane not I the cunning clerks to teach: But rather to the vnlearned sort a few precepts to preach." Many model letters, both for common occasions, as well as from Cox's heroes, Hermolaus Barbarus, Angelus Politian, etc. Evidently a translation, at least in part, from some foreign original. Important in the history of Elizabethan style.

(e) H[enry] P[eacham], "*The Garden of Eloquence, containing the most excellent Ornaments, Exornations, Lightes, flowers, and formes of speech, commonly called the figures of Rhetorike . . . Manifested and furnished with varietie of examples,*" 1577. Also 1593, revised, under above title. A mere list and description of tropes and figures, with illustrations chiefly scriptural, partly classical. Unimportant, but another sign of the devotion of the age to "exornation" of speech.

(f) "*Gabrielis Harveii Rhetor, vel duorum dierum Oratio de Natura, Arte, & Exercitatione Rhetorica,*" 1577. An academic essay on the scholastic study of Rhetoric, in praise of the Ciceronian style, ancient and modern, with rules of good

2 A similar criticism is made in 1531 by Sir Thos. Eliot, in his *Governor* (ed. Croft I, 116).

writing, etc. Interesting peroration reciting the great masters of style, ancient and modern, and mentioning Chaucer, More, Eliot, Ascham, and Jewell. Will not touch upon the future, "nam de futuro nihil audeo in tanto praesertim tam admirabilium ingeniorum flore affirmare."

(g) Richard Mulcaster, "*The First Part of the Elementarie* which entreateth chefelie of the right writing of our English tung," 1582. Valuable and original observations on the art of writing English, and upon the theory of Education. Largely occupied with orthography. Warm defense of the possibilities of English. The first of handbooks of composition or rhetorics in the modern sense. An elementary text-book of language-teaching, a treatise on education, and a practical rhetoric, all in one. Highly important in the history of Elizabethan prose criticism. Cf. the same writer's *Positions*, 1581 (reprinted, London, 1887).

(h) Dudley Fenner, "*The Artes of Logike and Rhetorike*, plainlie set fourth in the English Tounge;" 1584, 1592, etc. A rhetoric of style and figures, by a dissenting minister. A translation, as the author tells us. "Rhetorike is an Arte of speaking finely . . . It hath two partes: Garnishing of speech, called Eloquution; Garnishing of the maner of utterance, called Pronunciation." Barren, schematic, and inadequate.

(i) "*The Arcadian Rhetorike*: or, the Præcepts of Rhetorike made plaine by examples, Greeke, Latin, English, Italian, French, Spanish, out of Homers Ilias and Odissea, Virgils Æglogs, Georgikes, and Æneis, Sir Philip Sydneis Arcadia, Songs and Sonets, Torquato Tassoos Goffredo, Aminta, Torrismondo, Salust his Iudith, and both his Semaines, Boscan and Garcilassoos Sonets and Æglogs. By Abraham Fraunce," 1588. Sufficiently described by the title. Excessively rare; only one copy known, that in the Bodleian (?). A rhetoric of style and figures. Significant of new foreign literary influence, and of the style and literary standards then à la mode.

(j) With the rhetorics of style and figures should also be reckoned Book III of Puttenham's *Arte of English Poesie*, 1589. This is the most elaborate treatment of figures yet. See Arber's reprint, 1869.

(k) "*The Orator*: Handling a hundred seuerall Discourses, in forme of Declamations: . . . Written in French by Alexander Seluayn, and Englished by L. P.," 1596. "L[azarus] P[lot]" is one of Antony Munday's pseudonyms. The preface states that the aim of the book is to teach rhetoric. A collection of model orations—most of them sufficiently spiced for the Elizabethan popular taste. The author of the original was Alexander van den Busche, called Le Sylvain.

All of these works were more or less popular and elementary. At the universities the Latin rhetorics were studied. "At Cambridge in 1570 the study of rhetoric was based on Quintilian, Hermogenes, and the speeches of Cicero viewed as works of art. An Oxford statute of 1588 shows that the same books were used there" (Jebb, art. "Rhetoric," *Encycl. Brit.*, 9th ed.).



IN PHILIPPI MELANCTHONIS RHETORICA  
TABULÆ.

TRIA SUNT OMNINO CAUSARUM GENERA. DEMONSTRATIVUM, DELIBERATIVUM, JUDICIALE.

I. DEMONSTRATIVUM.

Demonstrativum, cum laudamus aut vituperamus.

Et est triplex, silicet  $\left\{ \begin{array}{l} 1. Personarum \\ 2. Factorum \\ 3. Rerum \end{array} \right.$

I. DEMONSTRATIVUM PERSONARUM.

Demonstrativum personarum habet orationis partes quatuor  $\left\{ \begin{array}{l} a) Exordium \\ b) Narrationem \\ c) Contentionem \\ d) Perorationem \end{array} \right.$

a) *Exordium* constat  $\left\{ \begin{array}{l} Benevolentiae \\ Attentionis \\ Docilitatis \end{array} \right.$

— Benevolentia petitur à  $\left\{ \begin{array}{l} Rebus \\ \& \\ Personis \end{array} \right.$

Sunt vero plurimi benevolentiae captandae loci, qui hic recenseri nequeunt. Utimur nonnunquam Insinuatione etiam, cum turpitudinem quae in causa videtur esse, excusamus.

— Attentio, cum affirmas te dicturum esse de  $\left\{ \begin{array}{l} Novis \\ Necessariis \\ Utilibus rebus \\ Difficilibus \\ Obscuris \end{array} \right.$

— Docilitas, cum affirmas te  $\left\{ \begin{array}{l} Breviter \\ Dilucide \end{array} \right\}$  dicturum

b) Narrationis loci sunt  $\left\{ \begin{array}{l} Natales \\ Pueritia, ubi de ingenio dicitur et educatione \\ Adolescentia, ubi studia considerantur \\ Juventus, ubi res publice aut privatim gestae considerantur \\ Mors, quae illam secuta sunt \end{array} \right.$

c) Contentione fere hoc genus caret, quia non agitur de dubiis rebus.

d) Peroratio constat { Enumeratione argumentorum  
{ Affectu

## 2. DEMONSTRATIVUM FACTORUM.

Demonstrativum factorum habet partes quinque { a) Exordium  
{ b) Narrationem  
{ c) Confirmationem  
{ d) Confutationem  
{ e) Perorationem

a) Exordium ab iisdem locis petitur, à quibus superius.

b) Narratione in hoc genere raro utimur, frequentius propositionibus.

c) Confirmationis loci { Honestum  
{ Utile  
{ Facile  
{ Difficile  
{ Possibile  
{ Impossibile

— Circumstantiæ { Quis  
{ Quid  
{ Ubi  
{ Quibus auxiliis  
{ Cur  
{ Quomodo  
{ Quando

d) Confutatio ferè non incidit in laudes. Huius autem loci sunt contrarii confirmationi.

e) Peroratio constat { Repetitione argumentorum  
{ Affectu { Gratulationis in laetis  
{ Imitationis in laetis  
{ Commiserationis in  
{ tristibus

## 3. DEMONSTRATIVUM RERUM.

Demonstrativi rerum sunt partes quinque { a) Exordium  
{ b) Propositio. Nam in hoc genere narratio nulla est, sed vice narrationis propositio ponitur  
{ c) Confirmatio: cujus loci { Utile  
{ Facile  
{ Difficile

d) Confutatio, quæ locis contrariis constat

e) Peroratio, quæ constat iisdem locis quibus supra

II. DELIBERATIVUM.

Deliberativum cum suademus aut dissuademus, petimus, hortamur aut dehortamur.

- Hujus partes
- a) Exordium
  - b) Narratio, quæ rara est. Ejus vice propositio ponitur. Nonnunquam incidunt breves narrationes, sed statim sequitur propositio.
  - c) Confirmatio, cujus loci
    - Honestum: Exempla plurimum valent in hoc genere
    - Utile
    - Facile
    - Difficile
  - d) Confutatio, quæ à locis contrariis petitur.
  - e) Peroratio, ut supra, enumeratione et affectu constat

III. JUDICIALE.

Judiciale, quo controversiæ ac lites continentur. Hujus triplex est status.

- Qui sunt
- 1. Conjecturalis, An sit
  - 2. Juridicialis: Jure an injuria
  - 3. Legitimus, Quid sit

I. DE CONJECTURALI STATU. AN SIT:

- Status Conjecturalis constat quinque partibus, quæ sunt
- a) Exordium
  - b) Narratio, quæ est historica facti commemoratio, cum sequitur statim propositio
  - c) Confirmatio
  - d) Comprobatio
  - e) Peroratio

— c) Confirmationis sunt hujus, loci duo sunt

- i Voluntas
- ii Potestas

- i) Voluntatis loci, cujus loci
- a) Qualitas personæ
  - β) Causa inducens ad suscipiendum facinus
  - γ) Impulsio, quæ est effectus, ira, odium, avaritia, &c.
  - δ) Ratiocinatio, quæ à spe commodorum ducitur

- ii Potestas constat circumstantiis
- a) Loco
  - β) Tempore
  - γ) Viribus: Idem sunt loci defensoris
  - δ) Signis
  - e) Antecedentibus
  - ζ) Consequentibus

—Defensor tamen addet { Absolutionem, cum docemus id signum quod factum est, misericordia et humanitate factum esse  
 Inversionem, qua docemus quod contra nos producit, pro nobis facere

2. DE JURIDICIALI, JURE AN INJURIA.

Juridicialis partibus constat quatuor, scilicet { Exordio  
 Narratione  
 Confirmatione, cujus proprii sunt loci  
 Peroratione

— Est autem duplex status negotialis { i Absolutus  
 ii Assumptivus

i Cujus loci sunt { Natura  
 L  
 Consuetudo  
 Æquum  
 Bonum  
 Judicatum  
 Pactum

ii Assumptivus cum assumpta re extranea, defensio tractatur

Ejus loci sunt { a) Concessio  
 β) Translatio criminis  
 γ) Remotio

a) Concessionis partes { Purgatio, cum fatemur nos pecasse, sed per imprudentiam aut casum  
 Deprecatio

3. DE STATU LEGITIMO. QUID SIT.

Legitimus status constat partibus quatuor { Definitione  
 Contrariis legibus  
 Ambiguis scriptis  
 Ratiocinatione

[Title page of the first edition.]

The Arte  
or Crafte of  
Rhetor=  
yke







[A ii a] ¶ To the reuerend father in god and hys finguler good lorde the lorde Hughe Faryngton Abbot of Redynge his pore clyent & perpetual feruant Leonarde Cox<sup>1</sup> defyrethe longe and prosperouſe lyfe with encreafe of honour.

Confyderyng my ſpecyall good lorde howe greatly and how many wayes I am bounden to your lordefhippe. And among all other that in ſo greate a nombre of cunnynge men whiche ar nowe within this region / it hathe pleaſid your goodnes to accept me as worthy to<sup>2</sup> haue the charge of the inſtruccyon<sup>3</sup> and bryngyng uppe<sup>4</sup> of fuche youthe as<sup>5</sup> reſorteth to your gramer ſchole, founded by your anteceſſours in thys your towne of Redyng. / I ſtudied a longe ſpace what thyng I myght do next the bufy and dyligent occupyeng of my ſeife in your ſaide ſeruyce / to the whiche bothe conſciens & your ſtepend<sup>6</sup> doth ſtreightly<sup>7</sup> bynde me, that myght be a ſygnifycacion of my faythfull and ſeruifable harte whiche I owe to your lordefhyppes / and agayne a longe memorye bothe of your fynguler and benefycyall [A ii b] fauore towarde me: And of myne induſtrie and dyligence employed in your ſeruyce to ſome profyte or at the leſte way to ſome delectacion of the inhabytauntes of this noble realme nowe floryffhyng<sup>8</sup> vnder the moſt excellent and victoriouſe prynce our Souerayne Lorde kynge Henry the .viii.

¶ And when I hade thus longe prepenſyd in my mynde what thyng I myght beſte choſe out / none offrede it ſeife more conuenient to the profyte of yonge ſtudentes,<sup>9</sup> whiche youre good lordefhyppes hathe allwayes tenderly fauored / and alſo meter to my profeffyon, then to make ſome proper worke of the ryght pleaſaunt and parſuadyble<sup>10</sup> arte of Rhetoryke / whiche as it is very neceſſary to all fuche as wyll eyther be aduocates and proctoures in the lawe, or els apte to be ſente in their prynces / Ambaſſades / or to be

<sup>1</sup> B. Cockes.

<sup>2</sup> B. for to.

<sup>3</sup> B. inſtruction.

<sup>4</sup> B. vp.

<sup>5</sup> *Defective in A., perhaps yt (=that).* B. as.

<sup>6</sup> B. ſtipende.

<sup>7</sup> B. ſtraytly.

<sup>8</sup> B. flouyffhyng.

<sup>9</sup> B. ſtudentes.

<sup>10</sup> B. perſuadible.

techars<sup>1</sup> of goddes worde in fuche maner as maye be moſte fenible and accepte to their audience: And finally to all them that<sup>2</sup> haue<sup>2</sup> any thyng to prepofe<sup>3</sup> or to ſpeke afore any companye, what ſomeuer they be. So contrarily I ſe no ſcyence that is les<sup>4</sup> taught and declared to ſcholars<sup>5</sup> / whiche ought chyefly after the knowledge of gramer ones hade to be inſtructe in thys facultie without the whiche often tymes the rude vtterance of [A iii a] the aduocate greatly hyndrethe and apeyreth his clyentes cauſe. Lykewyſe the vnapte dyſpoſycyon of the precher in orderynge his mater confundyth<sup>6</sup> the memory of hys herers. And bryeſly in declaryng of maters, for lake<sup>7</sup> of inuencyon and order with due elocucyon, greate tedioſnes<sup>8</sup> is engendred to the multytude beyng preſent / by occaſyon where of the ſpeker is many tymes or<sup>9</sup> he haue endyd his tale eyther leſte almoſt alone<sup>10</sup> to hys no lytle confuſyon, or els (whiche is a lyke rebuke to hym) the audyence falleth for werynes of hys ineloquent langage<sup>11</sup> faſte on flepe. ¶ Wyllynge therfore for my parte to helpe fuche as ar deſyrous of this arte (as all ſurely ought to be whiche entende to be regarded in any comynaltye) I haue partely traunflatyd<sup>12</sup> out of a werke of Rhethoryke wrytten in the lattyn<sup>13</sup> tongue, and partely compyled of myne owne, & ſo made a lytle treatiſe in maner of an Introduccyon into this aforeſaid ſcyence, and that in the<sup>14</sup> englyſſhe tongue. Remembryng that euery goode thyng, after the ſayenge of the Phyloſopher, the more commune<sup>15</sup> that it is the better<sup>16</sup> it is. And further more truſtyng therby to do ſome pleaſure and eaſe to fuche as haue by neglygence<sup>17</sup> or els falſe perſuaſyons<sup>18</sup> be put to the lernynge of other ſcyences or euer [A iii b] they haue attayned any meane knowledge of the latyne tonge.<sup>19</sup>

<sup>1</sup> B. techers.<sup>11</sup> B. language.<sup>2</sup> B. hauynge.<sup>12</sup> B. tranſlated.<sup>3</sup> B. purpoſe.<sup>13</sup> B. Latin.<sup>4</sup> B. leſſe.<sup>14</sup> B. in our Englyſſhe.<sup>5</sup> B. Scolers.<sup>15</sup> B. comon.<sup>6</sup> B. confoundeth.<sup>16</sup> B. the more better.<sup>7</sup> B. lacke.<sup>17</sup> B. neglygence.<sup>8</sup> B. tediouſnes.<sup>18</sup> B. falſ perſuacions.<sup>9</sup> B. ere.<sup>19</sup> B. Latin tongue.<sup>10</sup> B. aloon.

¶ Whyche my fayde labour I humbly offer to your good lordeshyppe as to the chyefe mayntener and noriffher of my ftody<sup>1</sup> befechyng you, though it be ferre within your merytes<sup>2</sup> done to me, to accepte it as the fyrfte affay of my pore and fymple wyt; which if it maye fyrft pleafe your lordeshyppe, and next the reders, I trufte by the ayde of almyghty god to endight<sup>3</sup> other werkes both in this facultye and other to the laude of *the* hyghe godhed, of whom all goodnes doth procede, and to your lordeshyppes pleasure, and to profyte and delectacyon of the reder.

[A iiiii a] ¶ The arte or craft of Rhethoryke.

Whofomeuer defyreth to be a good oratour or to dyfpute and *commune* of any maner thyng / hym behoueth to haue foure thynges. The fyrfte is called Inuencyon, for he muſte fyrfte of al imagyne or inuent in his mynde what he ſhall faye. The .ii.<sup>4</sup> is named iudgement / for he muſte haue wyt to diſcerne and iudge whether tho thynges that he hathe founde in his mynde be conuenient to the purpoſe or nat / for often tymes yf a man lake<sup>5</sup> thys propriete<sup>6</sup> he may aſwell tell that that is agaynſte hym / as with hym / as experience doth dayly ſhew. The .iii.<sup>7</sup> is dyſpoſycyon wherby he maye knowe howe to ordre and ſet euery thyng in his due place. Leſte thoughe his inuencyon and iudgement be neuer ſo goode he maye happen to be counted as the *commune* prouerbe fayeht To put the carte afore the horſe. The .iiii. & is ſuch thynges laſte as [sic] he hathe Inuentid and by iudgement knowen apte to his purpoſe when they ar ſet in theyr ordre ſo to ſpeke them that it maye be pleaſant and delectable to the audiance. So that it maye be ſayde of hym that hiftories make mencion that an olde woman ſayd ons by demofthenes and [A iiiii b] ſyns hathe bene a *commune* prouerbe amonge the grekes *ουτος εστι*<sup>8</sup> whiche is aſmoch to faye as (This is he). And this laſte propriete is callyd amonge lernyd men eloquence. Of theſe .iiii.<sup>9</sup> the moſt difficile or harde is to inuente what thou muſte faye, wher-

<sup>1</sup> B. ſtudy.

<sup>6</sup> B. property.

<sup>2</sup> B. merites.

<sup>7</sup> B. thynde.

<sup>3</sup> B. endyte.

<sup>8</sup> *The Greek first appears in B.*

<sup>4</sup> B. ſeconde.

<sup>9</sup> B. foure.

<sup>5</sup> B. lacke.

fore of this parte the Rhetoryciens whiche be mayfters of this arte haue written very moche and diligently.

Inuencyon is comprehended in certayn placys / as the Rhetoriens call them / out of whom he that knoweth the facultye may fetch eafly fuche thynges as be mete for the mater that he fhall fpeke of / which mater the Oratour calleth the theme and in oure vulgayre tonge it is callyd improperly the antytheme.<sup>1</sup> The theme propofed<sup>2</sup> we muſte after the rules of Rhetoryke go to oure placys that fhall anone ſhew vnto vs what fhall be to oure purpoſe.

Example. In olde tyme there was grete enuy betweene .ii. noble men of Rome of whome the one was callyd Mylo / and the other Clodyus. The<sup>3</sup> which malice grew ſo ferre that Clodius layed wayte for Mylo on a ſeaſon when he fhulde ryde out of the cyte / and in his iournay ſet vpon him and there as it chanfyd<sup>4</sup> Clodius was flayne / where vpon thys Clodius frendes accused Milo to the Senate of murdre. Tully whiche in [A v a] tho dayes was a grete aduocate in Rome fhulde plede Miloes cauſe. Nowe it was opyn that Milo had flayn Clodius / but whether he had flaine him lauffully or nat was the doute. So then the theme of Tullyes oracyon or plee for Milo was thys, that he had flayne Clodius lauffully / and therefore he ought nat to be puniſhed. For the confirmacyon wherof (as dothe appere in Tullyes oracyon) he dyd brynge out of placis of Rhetoryke argumentes to proue his ſayde theme or purpoſe. And lykewyſe muſte we do when we haue any mater to ſpeke or commune of. As yf I fhulde make an oracyon to the laude and prayſe of the kynges hyghneſſe / I muſte for the Inuencyon of fuche thynges as be for my purpoſe / go to places of Rhetoryke / where I fhall eafly fynde (after I knowe the rules) / that that I deſyre. Here is to be noted *that* there is no theme but it is contained vnder one of .iiii.<sup>6</sup> cauſis / or for the more playnes<sup>5</sup> .iiii.<sup>6</sup> kyndes of oracions. The fyrſte is callyd Logycall, whiche kynde we call properly diſputacion. The ſecunde is callid Demonſtratuyue. The thyrde Delyberatuyue. The .iiii.<sup>7</sup> Judiciall / and theſe thre laſte be properly callid ſpices<sup>8</sup> or kindes of oracions / whoſe natures fhall be declarid ſeperatly here after with the crafte that is required i[n] euery [A v b] of them.

<sup>1</sup> B. Anthemem.

<sup>5</sup> B. playnnes.

<sup>2</sup> B. purpoſed.

<sup>6</sup> B. foure.

<sup>3</sup> B. omits The.

<sup>7</sup> B. fourth.

<sup>4</sup> B. chaunced.

<sup>8</sup> B. ſpices.

All themes that parteyne to Logike eyther they be Symple or compoude. As yf aman defyre to knowe of me what Iustice is / this only thyng Iustice is my theme / Or yf disputacyon be had in any<sup>1</sup> company vpon Relygion / and I wold declare the very nature of Religion my theme shulde be thys symple or one thyng Relygion. But yf it be doutyd whether Iustice be a vertue or nat / and I wolde proue the part affyrmatyue / my theme were now compoude / that is to say / Iustice is a vertue. For it is made of .ii.<sup>2</sup> thynges knyte or vnied together / Iustice and vertu. Here must be noted that Logike is a playne and a fure way to instructe a man of the trowth of euery thyng. And that in it the natures, causes, partis, and effectes of thinges ar by certayne rules discuffid and serchyd out / So that nothinge can be perfectly and propyely knowen but by rules of Logike[,] whiche is nothyng but an obseruacyon or a diligent markyng of nature / wherby in euery thyng mannes reason dothe confyder what is fyrste / what laste / what propre / what impropre.

The places or instrumentes of a symple theme ar.

The definicion of the thyng.

The partes.

The causes.

The effectes.

Example. If thou inquiryre what thyng [A vi a] Iustyce is / Wherof it cometh / what partes it hathe / and what is the offyce or effecte of euery parte / then haste thou diligently serched out *the* whole nature of Iustice. And handelyd thy symple theme accordyng to the preceptes of Logeciens / To whome oure author leuith suche maters to be discuffyd<sup>3</sup> of them. Howe be it somewhat the Rhetoriciens haue to do with the symple theme / and asmoche as shalbe for theyr entent we wyl shew hereafter. For many tymes the orator must vse bothe diffinicions and diuisions. But as they be in Logyke playne and compendioufe / So are they in Rhetorike extendid & paynted with many fygures and ornamentes longyng<sup>3</sup> to the scienc. Neuertheles to satisfie the reders mynde and to alleuiate the tedioufnes of serchyng these places I wyll opyn the maner and fashyon of the handilyng of the theme afore sayd as playnely as I can after the preceptes of Logike / ¶ fyrst to serche out the perfyght knowlege of Iustyce I go to my fyrst place definicion / And fetche from Aristotle in his ethiks the definicion

<sup>1</sup> B. omits any.

<sup>2</sup> B. two.

<sup>3</sup> B. belongyng.



of Juftyce whiche is this / Juftyce is a morall vertue whereby men be the werkers of ryghtful thynges<sup>1</sup> / that is to fay / wherby they both loue & also do fuch thinges as be Juſte. Thys done I ferche the caufe of [A vi b] Juftyce that is to faye *from* when it toke the fyrſt begynning and bycauſe that it is a morall vertue and Plato in the ende of his dialogue Menon concludeth that all vertue commyth of god I am affured that god is the chefe caufe of Juſtice declaring it to the worlde by his instrument mannes wyt whiche the ſame Plato affyrmythe in the begynning of his lawes. The definicyon and caufe had [,] I come to the thyrde place callid partes to knowe whether ther be but one kynde of Juftyce or els many. And for thys purpoſe I fynde that Ariſtotele in the .v.<sup>2</sup> of his ethikes deuideth Juſtice in .ii.<sup>3</sup> ſpecies or kyndes / one that he calleth iuſtice legitime or legall / and<sup>4</sup> an other whyche he called equitye. Juftyce legall / is that / that conſiſteth in the ſuperyours whiche haue power to make or ſtatute lawes to the inferiours / and the offyce or ende of thys Juftyce is to make ſuche lawes as be bothe good and accordynge to ryght and conſcience / and then to declare them / and when they are made and publiſhed as they ought to be / to ſe that they be put in vre. For what auayleth it to make neuer ſo good lawes if they be nat obſeruyd and kepte.

And fynally that the maker of the lawe apply his hole ſtudye and mynde to the welth of his ſubiectes and to the commune [A vii a] profyte of them. The other kynde of Juſtice whiche men call equitye is wherby a man nother<sup>5</sup> taketh nother<sup>6</sup> giueth / les nor more then he ought / but in gyuyng taketh good hede that euery man haue accordynge as he deſeruith : This equitye<sup>7</sup> is agayne diuided into equitye diſtributyue of *commune* thynges & equitye *Commutatyue* / ¶ By equitye diſtributyue is diſtributyd & gyuen of *Commune* goodes to euery man accordynge to his deſeruinges & as he is worthy to haue. As to deuylde amonges ſuche as longe to the church of the church goodes after the qualyte of their merytes, and to them that be cyuyle<sup>8</sup> perſones of the commune treſour of the cyte accordynge as they are worthy. In this parte is comprehendyd the punyſhment of myſdoers and tranſgreſſours of

<sup>1</sup> B. thynges.

<sup>2</sup> B. fyfte.

<sup>3</sup> B. two.

<sup>4</sup> B. *omits* and.

<sup>5</sup> B. neyther.

<sup>6</sup> B. nor.

<sup>7</sup> B. Equitie.

<sup>8</sup> B. to them beyng Ciuil.



the lawe / to whome correccion muſte be diſtributed for the commune wele accordynge to theyr demerytes after the preſcriptions of the lawes of the contrey made and determynd for the punyſhement of any maner<sup>1</sup> tranſgreſſour. Equite commutatyue is a iuſte maner in the chaungynge of thynges from one to another whoſe offyce or effecte is to kepe iuſte dealynge in equite, as byenge / fellynge, and all other bargaines laful / ¶ And ſo are here with the ſpeces of Juſtyce declared theyr offices / which was the fourth & laſt place.<sup>2</sup> Oure auctour [A vii b] alſo in a grete werke that he hathe made vpon Rhetoryke declareth the handelyng of a theme ſymple by the ſame example of Juſtice, addynge .ii. places mo, whiche ar callyd affynes<sup>3</sup> and contraries on this maner.

What is Juſtice? A uertu wherby to euery thyng is gyuen that that to it belongyth. / ¶ What is the cauſe therof? mannes wyll conſenting with lawes and maneres / ¶ how many kyndes? .ii.<sup>4</sup> whiche? Commutatyue and diſtributyue / For in .ii.<sup>5</sup> maneres is our medlynge with other men other<sup>5</sup> in thynges of our ſubſtance and wares, or in gentyll and cyuyle conuerſacyon.

What thyng is Juſtyce commutatyue? Ryght and equite in all contractes.

What is Juſtyce diſtributyue? Juſtyce of cyuyle luyng. How manyfolde is Juſtice dyſtributyue? Eyther yt is commune / or pryuate. The commune is callyd in latin pietas / but in englyſhe it may be moſte properly namyd goode ordre, whiche is the coroune<sup>6</sup> of all vertues conſeruyng honeſte & cyuyle conuerſacion of men togyther / as the heddes with the meane comynalte in good vnite & concorde. Priuate or feural / iuſtice diſtributyue is honeſte & anyable frendſhype / and conuerſacyon of neyghbours.

What are the offyces? To do for euery man ryche or pore of what ſomeuer ſtate [A viii a] he be<sup>7</sup> and for our contrey / for our wyues, chyl dren, and frendes, that that ought to be done for euery of them.

Affynes or vertues nyghe to Juſtyce are Conſtancie / Lyberalyte / Temperaunce /. Thynges contrary ar fere / couytyfe / prodigalyte. And this is the maner of handelyng of a ſimple theme dialectual.<sup>8</sup>

<sup>1</sup> B. *inserts of.*

<sup>2</sup> *Last nine words added from B.*

<sup>3</sup> B. *affines.*

<sup>4</sup> B. *two.*

<sup>5</sup> B. *eyther.*

<sup>6</sup> B. *crowne.*

<sup>7</sup> B. *of what eſtate ſo euer he be.*

<sup>8</sup> B. *dialectycall.*

But yet let not the reder deceyue hym felfe / and thynke that the very perfyght knowlege is<sup>1</sup> fhewyd hym<sup>2</sup> here / what<sup>3</sup> hath bene fhewyd now is fome what generall and brefe.

More fure and exacte knowledge is conteyned in Logyke / to whome I wyll aduife them that be studyoufe to reforte and to fetche euery thyng in his one *proper* faculte.<sup>4</sup>

¶ Of a Theme compounde.

Euery theme compounde eyther it is prouyd true or falfe. Nowe whether thou wylt proue or improue any thinge it muſte be done by argument. And any theme compounde be it Logycall or Rhetorycall / it muſte be referryd to the rules of Logike by *them* to be prouyd true or falfe. For thys is the dyfference that is betwene theſe two ſciencis / that the Logycyan in diſputynge obſeruythe certayne rules for the ſettyng of his words [,] beyng folycytous that ther be ſpokyn no more nor no les then the thyng requirith / and that [A viii b] it be euen as playnly ſpokyn as it is thought. But the Rhetorycyan ſeketh about and boroweth when he can afmuche as he may for to make the ſymple and playne Logycall argumentes gay and delectable to the aere.<sup>5</sup> ſo then the fure Judgement of argumentes or reaſons muſte be lernyd of the Logicyan but the craſte to ſet them out with pleaunte figures and to<sup>6</sup> delate the matter longith<sup>7</sup> to the Rhetorycian / as in Myloes cauſe of<sup>8</sup> whom was made *mençyon* afore.

¶ A logician wolde bryefly argue / who ſo euer violently wyll flee an other / may lawfully of the other be flayne in his defence. Clodius wolde vyolently haue flayn Milo / wherfore Clodius might lafully be flayne of Milo in Milous owne defence. And this argument the logiciens call a Sillogiſme in Darii / which Tully in his oracion extendeth that in foure or fyue leues it is ſcant made an end of / nor no man can haue knowlege whether Tullies argument that he maketh in his oracyon for Milo / be a goode argument or nat / and howe it holdeth / excepte he can by Logyke reduce it to the

<sup>1</sup> A. *reads* it.

<sup>5</sup> B. *care*.

<sup>2</sup> B. *inserts* all *after* hym.

<sup>6</sup> B. *supplies* to.

<sup>3</sup> B. And that whiche hath *ben*.

<sup>7</sup> B. *belongeth*

<sup>4</sup> B. *proper* facultie.

<sup>8</sup> B. *supplies* of.

perfecte and briefe forme of a Sillogifme / takyng in the meane feason of the Rhetorycyans what ornamentes have bene cast fo<sup>r</sup> for to lyght and augment the oracyon / and to gyue it a maiestie.

[B i a] ¶ The places out of whome are founde argumentes for the prouinge or improuynge of compounde Themes / are these followinge

Diffinicion.

Cause.

Partes.

Lyke.

Contrary.

Of the places of argumentes shalbe spoken hereafter. For as touchynge them in all thynges the Rhetorician and Logycian do agre. But as concernynge the craft to fourme argumentes whan thou hast founde them in theyr places / that must be lerned of the Logician / where he treateth of the fourme of Sellogifmes / Enthimemes and Inductions.

#### Of an oracion demonstratiue.

The use of an oracyon demonstratiue is in prayse or dysprayse / whiche kynde or maner of oracyon was greatly vsed somtyme in comon accyons / as dothe declare the oracyons of Demofthenes / and also many of Thucidides oracions. And there ben thre maners of oracions demonstratiue.

The fyrst conteyneth the prayse or dysprayse of perfones. As yf a man wolde prayse the kynges hyghnes or / dysprayse some yl perfone / it must be done by an oracyon demonstratiue. The secunde kynde [B i b] of an oracyon demonstratiue is : where in is prayed or dispraised / nat the perfon but the dede. As yf a thefe put hymselfe in ieopardy for the safegarde of a true man / agaynste other theues and murderers / the perfon can nat be prayed for his vicious luyng, but yet the dede is worthy to be commended. Or if one shulde speake of Peters denyenge of Christe / he hath nothyng to dysprayse the perfon faue onely for this dede. The thyrde kynde is : wherin is lauded or blamed nother perfon nor dede / but some other thyng as vertue / vice / iustice / iniurie / charite / enuie / pacience / wrothe and fuche lyke.

<sup>1</sup>B. to.

## Partes of an Oracion.

The partes of an oracion prescribed of Rhetoriciens are these.

The Preamble or exorden.

The Tale or narracion.

The prouinge of the matter or contencion.

The conclusion.

Of the whiche partes mencyon shall be made hereafter in euery kynde of oracions, for they are nat founde generally in euery oracion / but some haue moo partes / and some lesse.

## Of the Preamble.

[B ii a] Generally the Preamble nat alonly in an oracion demonstratiue / but also in the other two is conteyned and must be fetched out of thre places / that is to say of beneuolence / attention / & to make the mater easy to be knowen / whiche the Rhetoricians call Docilite.

Beneuolence is the place whereby the herer is made willyng to here vs / and it is conteyned in the thyng that we speke of / in them whom we speke to / & in our owne person. The easiye and moste vsed place of beneuolence confysteth in the offyce or duty of the person / whan we shew that it is oure duty to do that we be aboute.

Out of this place is fet the preamble of saynt Gregory Nazazene / made to the prayse of saynt Basyll<sup>1</sup> / where he sayth that it is his duty to prayse saynt Basyll for thre causes. For the grate loue and frendeshype that hath ben always betwene them / and agayne for the remembraunce of the moste fayre and excellent vertues that were in hym / and thyrde that the church myght haue an example of a good & holy Bysshop, ¶ Trewly by our authours lycence me thynketh that in the preamble Nazazen doth nat only take beneuolence out of the places<sup>1</sup> of his owne person / but also oute of the other two / whan he sheweth the cause [B ii b] of hys dutye / for in prayfynge hys frende he dyd but his dutye. In prayfynge his vertues / he cam to the place of beneuolence of hym that he spake of / as touchynge the example that the church shulde haue / it was for their profyte / and concernyng the place of beneuolence / taken of them that he spake to. But our authour regarded chieffly the

<sup>1</sup> B. place.

principall propofycyon / which was that faynt Gregory Nazazene was bounde to prayfe faynt Bafyll.

A lyke example of beneuolence taken out of the place of oftyce or duety / is in the oracyon that Tully made for the Poet Archyas / whiche begynneth thus :

My lordes that be here iuges / yf there be in me any wyt / whiche I know is but fmall / or yf I haue any crafty vfe of makynge an oracion / wherin I deny nat but that I haue metely excercifed my felfe, or yf any helpe to that fcyence commeth out of other lyberall artes / in whome I haue occupied all my lyfe / furely I am bounde to no man more for them than to Archyas / which may lawfully if I may do any man any profyete by them / chalenge a chyefe porcyon for hym therin.

Out of this place dyd this fame Tully fetch the begynnyng of his fyrfte epiftle / in whome he wrytethe to one Lentule on [B iii a] thys maner: I do fo my duety in all poyntes to warde you / and fo great is the loue and reuerence that I bere vnto you that all other men faye that I can do no more / and yet me femeth that I haue neuer don that that I am bounde to do / eyther to you or in your caufe.

We may alfo get beneuolence by reafon of them / whome we make our oracion of: As yf we faye that we can neuer prayfe hym to hyghly / but that he is worthy moche more laude and prayfe. And fo taketh faint Nazazene<sup>1</sup> beneuolence in his fayde oracion for faynt Bafile.

Alfo of them afore whome we fpeke / as if we fay / it is for theyr profyete to laude or prayfe the perfon. And that we knowe very well howe moche they haue alwayes loued hym / and that he ought therefore to be prayfed the more for theyr fakes. The maner is alfo to get vs beneuolence in the preface of our oracyon / by pynchyng and blamyng of our aduerfarie. As doth Tully in the oracion that he made for one Aulus Cecinna / wherin he begynneth hys proeme thus. If temerie<sup>2</sup> and lake of fhame coude as moch preuaile in plees afore the iuftices / as dothe audacite and temerarious boldneffe in the felde & deferte places / there were no remedie but euen fo muft [B iii b] Aulus Cecina be ouer come in this matter by Sextus Ebucius impudence / as he was in the felde ouercome by his

<sup>1</sup> B. Nazianzene.

<sup>2</sup> B. temerite.



infidious audacite. And these be the commune formes of beneuolence.

A man may also fetch his *proheme*<sup>1</sup> out of the nature of the place wher he speke / as Tully dothe in the oracyon made for Pompeius for the fendynge of hym unto Asie agaynst kynge Mithridates of Pontus / and kynge Tigranes of Armenie on this maner: howe be it my lordes & maisters of this noble cite of Rome / I haue al tymes thought it a synguler reioyfe to me if I myght ones se you gadred to gyther in a *company* / to here some publique oracion of myne / and agayne I iuged no place to be so ample and so honourable to speke in as thys is. &c.

Or he maye begyn at the nature of the tyme that is then / or at some other *circumstaunce* of his mater / as Tully taketh the begynnyngne of his oracion for Celiu at the tyme / this wyfe.

If so be it my lordes iudges any man be nowe present here that is ignorant of your lawes / of youre proceffe in iugementes & of your customes / surely he may well maruell what so heynous a mater this shulde be / that it onely shulde be syt vpon in an [B iiii a] hygh feast day / whan all the comonaltye after theyr olde custome are gyuen to the fight of playes / ordeined after a perpetual vsage for the nones for them / all maters of the law layd for the tyme vtterly a part.

He began also an other oracion for one Sextus Roscius / out of the daunger of the season that he spake in.

One may befynde these vse other maner of *prohemes* / whiche bycause they are nat fet out of the very mater it selfe / or els the *circumstaunces* / as in these aforfayd they are called peregrine or *strange* *prohemes*. And they be taken out of *sentences* / *solempne* *petitions* / *maners* or *customes* / *lawes* / *statutes* of *nacions* & *countreys*. And on thys maner dothe Aristides begyn his oracion made to the praye of Rome.

Demosthenes in his oracyon made agaynst Eschines / toke his preface out of a *solempne* *peticyon* / befechyng the goddess that he myght haue as goode fauour in that cause / as he had founde in all other maters that he had done afore for the comon welthe.

In lyke maner begynneth Tully the oracion that he made for one Murena / & also the oracyon that he made vnto the Romaynes after his retourne from exyle.

<sup>1</sup> B. proeme.



He begynneth also another oracyon / [B iiii b] whiche he made as touchynge a lawe decreed for the diuifion of felde amonge the comunen out of a custome amonge them / on this wyfe.

The maner and custome of our olde faders of Rome hath bene. &c. And this is the maner of prefaces in any oracyon / whiche is also obserued in the makinge of epytles / howe be it there is farre lesse crafte in them than is in an oracyon.

There is yet an other fourme & maner to begyn by infinuacion / wherfore it behoueth to knowe that infinuacion is / whan in the begynnynge / yf the mater seme nat laudable or honest / we find an excufe therfore.

Example / Homere in his Iliade describeth one Therfites / that he was moſte foule and euyll fauored of all the Grekes that came to the batayle of Troye / for he was both gogle eyed / and lame on the one legge / with croked and penched ſhulders / and a longe pyked hede / balde in very many places. And beyde theſe fautes he was a great folyffe babler / and ryght foule mouthed / and full of debate and ſtryfe / carrynge alwayes agaynſt the heddes and wyfe men of the armye.

Nowe if one wolde take vpon hym to make an oracion to the praye of [t]his lofel / whiche mater is of litle honeſty in it ſelfe / [B v a] he muſt vſe in ſtede of a preface an infinuacion. That what thyng poetes or commune fame doth eyther prayſe or diſpraiſe ought nat to be gyuen credence to / but rather to be ſuſpecte. For ones it is the nature of poetes to fayne and lye / as bothe Homere and Virgile / which are the princes and heddes of al poetes do witneſſe them ſelfe. Of whome Homere ſayth / that poetes make many lies / and Virgile he ſayth The moſte part of the ſene is but deceyte. Poetes haue ſene blake foules vnder the erthe / poetes haue fayned and made many lyes of the pale kyngdome of Plato<sup>1</sup> / and of the water of Stegie / and of dogges in hell. And agayne commune rumours howe often they ben vayne / it is ſo open that it nede nat to be declared. wherfore his truſt is that the hearers wyl more regarde his faynge then<sup>2</sup> fayned fables of poetes / and fleynge tales of lyght fokes / whiche ar for the more parte the grounders of fame and rumours.

<sup>1</sup> Sic for Pluto in both A and B.

<sup>2</sup> B. than.

An example may be fet out of the declamacion that Eraſmus made to the prayſe of ſolyſſhenes.

An other example hath the ſame Eraſmus in his ſeconde boke of Copia / whiche is this. Plato in the fyfte dialogue of his communalitie wyllethe that no man ſhall [B v b] haue no wyfe of hys owne / but that euery woman ſhalbe commune to euery man. If any man than wolde eyther prayſe or defende this mynde of Plato / which is both contrarie to Chriſtes religion and to the commune luyng of men / he myght as Eraſmus teacheth / begynne thus.

I knowe very well that this matter whiche I haue determyned to ſpeake of / wyll ſeme vnto you at the fyrſte herynge / nat onely very fraunge / but alſo right abhominable. But that nat withſtandyng / yf it wyll pleaſe you a litle while to deferre your iudgement tyll ye haue herde the ſumme of ſuche reaſons as I wyll brynge forthe in the cauſe / I doubt nothyng but that I ſhall make the trouthe ſo euident that you all wyll with one aſſent approue it / & knowlege that ye haue ben hytherto maruelouſly deceyued in your oppynyon / and ſomdele to alleuiate your myndes / ye ſhall vnderſtande that I am nat my ſelfe authour of the thyng / but it is the mynde & faynge of the excellent & moſte hyghly named philoſopher Plato / whiche was vndoubted ſo famous a clerke / ſo deſcrete a man / and ſo vertuouſe in al his dedes / that ye may be ſure he wold ſpeke nothyng but it were on ryght perfite grounde / and that the thyng were of it ſelfe very expedient / [B vi a] thoughe peraduenture it ſhewe ſer otherwyſe at the fyrſte herynge.

In all prefaces or preambules muſte be good hede taken that they be not to ſer fet nor to longe.

Theſe affectuouſe wordes / I reioyce / I am fory / I maruayle / I am glad for your ſake / I deſyre / I fere / I pray god / and ſuche other lyke be very apte for a preface.

. Of the ſeconde place of a preface called Attencyon.

The herers ſhalbe made attente or dyligente to gyue audyence yf the oratour made<sup>1</sup> promyſe that he wyll ſhewe them newe thynges / or els neceſſary or profytable / or yf he ſaye that it ys an harde mater that he hathe in handelyng or els obſcure and nat eaſy to be vnderſtonde<sup>2</sup> excepte they gyue ryght good atte~~n~~daunce, wherfore

<sup>1</sup> B. make.

<sup>2</sup> B. vnderſtand.

it is expedient that yf they wyll haue the percepcyon of it, that they gyue a good eare. But as concernynge the newnes or profyete of the matter it makythe nat all onely the herar to gyue a good eare (whiche thinge is callyd attencion) but alfo it<sup>1</sup> makyth him well wyllynge to<sup>2</sup> be prefente whiche is beneuolence.

Docilite.

[B vi b] Docilite whereby we make the mater playne and easy to be percuyed / is nat greatly required in this kinde of oracyon / for it is belonginge properly to derke and obfcure caufes / in whiche we muſte promyſe that we wyll nat vſe great ambages / or to go (as men faye) rounde about the buſh / but to be ſhort and plaine.

Of narracion whiche is the feconde parte of an oracion.

The Narracion or tale wherin perſones are prayſed / is the declarynge of theyr lyfe and doyngeſ after the faſſhyon of an hyſtorye. The places out of the whiche it is fought are: The perſones byrthe. His chyldhode. His adoleſcencie. His mannes ſtate. His olde age. His dethe and what foloweth after.

In his byrthe is conſydered of what ſtocke he came / what chaunſed at the tyme of his natiuite or nighe vpon / as<sup>3</sup> in the natiuite of Chryſte ſhepeherdes harde angelles fynge.

In his chyldhode are marked his bryngynge vp & tokens of wyfdome commynge: As Horace in his furthe<sup>4</sup> Satire ſheweth / howe in his chyldhode his father taught hym by examples of fuche as were than luyng to flee from vice and to gyue hymſelfe to vertue.

[B vii a] In adoleſcence is conſydered where to he than gyueth hym ſelfe. As in the fyrſt comedie of Terence one Simo telleth his ſeruauant Sofia / that thoughe all yonge men for the more parte gyue them ſelfe to ſome peculiare thyng / wherin they ſette theyr cheife delyght / as ſome to haue goodly horſes / ſome to cheryſſhe houndes for huntynge / & ſome are gyuen onely to theyr bokes / his ſonne Panphilus loued none of theſe more one than an other / and yet in all theſe he exerciſed hym ſelfe meſurably.

In mannes ſtate and olde age is noted what office or rule he bare among his citifens / or in his contrey / what actes he dyd /

<sup>1</sup> B. it omitted.

<sup>3</sup> As inserted from B.

<sup>2</sup> B. for to.

<sup>4</sup> B. fourthe.

howe he gouerned fuche as were vnder him[,] howe he prospered / & what fortune he had in fuche thynges as he went about. Example here of is in Salufte / whiche compareth together Cato and Cefar / fayeng that bothe theyr ftocke / age and eloquence were almoſte lyke and egall / theyr excellencie<sup>1</sup> and greatnes of ſpirite and wytte was alſo lyke and egal / and lyke fame and worſhypp had they bothe attayned howe be it nat by a lyke waye. Cefer was had in great eſtymacyon for his benefites and liberalyte. Cato had gotten hym a name for his perfyght & vpryght luyng. Cefar was prayſed for his gentilnes and pitie. Cato was [B vii b] honored for his ernestnes and furete.

The tother wanne moche bruyt by gyyng large gyftes / by helpynge fuche as were in dyſtreſſe, and by forgiuyng of treſpaſſes done agaynſte hym. Catous fame dyd f[p]rede be cauſe he wold neither be forgyuen of none offence / neither forgiue non other / but as any man had deſerued / ſo to cauſe him to be delt with. In the one was great refuge to fuche as were in myſery: In the other was fore punyſhement and pernicion to myſdoers and euyl tran[f]-greſſours of the law. Briefly to conclude it was al Ceazars mynde and pleaſure to labour dilygently nyght and daye in his frendes cauſes / to care leſſe for his owne buſynes than theyrs / to deny nothyng that was worthy to be aſked / his deſyre was euermore to be in werre / to haue a great hooft of men vnder his gouernaunce / that by his noble and hardy fayctes his valyantnes myght be the more knowen & ſpred abroad. Contrarily all Catous ſtudy was on temperaunce / and to do in no maner otherwyſe than was conuenient & fettyng<sup>2</sup> for fuche a man as he was / and chiefly he fette his mynde to ſeueryty [;] he neuer made no comparifon with the riche man in richeſſe / nor with the myghty man in power. But yf nede required / with the hardy man in boldnes / [B viii a] with the temperate in moderacyon / with the good man in innocency & iuſt dealing. He cared nat for the name / it was ſufficient to hym to haue the dede / & ſo / the leſſe he cared for glorye / the more alwayes he opteyned. Many fuche comparyſons very profitable for this intent / are alſo in Plutarche in his boke of noble mennes lyues.

A goodly enſamble<sup>3</sup> of this place is in the oracyon that Hermolaus

<sup>1</sup> From B. In A. excellent.

<sup>2</sup> B. fyttyng.

<sup>3</sup> B. enſauple.

Barbarus made to the emperour Frederike and Maximilian his son / whiche for bicaufe it is so long I let it passe. A lyke enfample is in Tullyes oracyon / that he made to the people of Rome for Pompey / to be fent agaynste Mythydates.

Some there be that deuide the landes<sup>1</sup> of persons into three kyndes of goodes begynnyng the narracion at them / whiche thyng our author dothe not greatly commende / but rather in reherfing of any persons dedes / yf they can nat be kept an order of historie / and many thynges muft be spoken. It were after his mynde beste to touche fyrst his actes done by prudence / & nexte by iustice / thyrdely by fortitude<sup>2</sup> of the mynde / and last by temperaunce / and so to gather the narracion out of this foure cardinall vertues. As if one shuld prayse saint Austen / after that he hath spoken of his parentele [B viii b] and bryngyng vp in youth / and is come to the reherfall of his actes / they may be conueniently distributed into the places of vertues. On this maner dyd Tully prayse Pompey.

I suppose (sayeth he) that in hym that shulde be a hed capitayne ouer a great army ought to be four thynges. Knowledge of werre / valiantnes / auctoritie / & felicitie.

Here is to be noted that in reherfyng any persons actes / we may haue our chiefe respecte to some peculiare and pryncypall vertue in hym / enlargyng and exaltynge it by amplificacion in maner of a digressio*n*.

Our author in this worke maketh no mencyon of the laste place that is deathe and fuche thynges as folowe after / but in an other greater worke he declareth it *thus* briefly. The dethe of the person hathe also his prayses / as of fuche whiche haue ben flayne for the defence of theyr contrey or prynce.

A very goodly enfample for the handelyng of this place is in an epistle that Angele Policiane writeth in his fourth boke of epistles to James Antiquarie of Laurence Medices / howe wyfely and deuoutly he dysposed hym selfe in his dethe bed / and of his departyng / and what chauned at that tyme.

[C i a] And so to conclude [,] an oracion Demonstratiue / wherein persons are lauded / is an historycall expofycyon of all his lyfe in order. And there is no difference betweene this kynde and

<sup>1</sup> *Sic*, for laudes, in both A and B.

<sup>2</sup> *From* B; A. fortune. "Fortitudinis" in Mel.



an history / faue that in histories we be more briefe and vse lesse curiositie. Here all thynges be augmented and coloured with as much ornamentes of eloquence as can be had.

Confirmacion of our purpose / and confutyng or reprocynge of the contrarye / whiche are the partes of contencion / are not requyfyte in this kynde of oracyon / for here are nat treated any doubtful maters to whom contencion perteyneth. Neuer the lesse / somtyme it happeneth (howe be it it is seldome) *that* a doubt may come / which must be either defended / or at *the* leste<sup>1</sup> excused.

#### Example.

The frenche men in olde tyme made myghty warre agaynste *the* Romaynes and so fore beyfyed them that they were by compulcyon constraigned to fal to composycyon with the frenche men for an huge summe of golde / to be payed to them for the breakyng of the fyege / but beyng in this extreme mysfery / they sent for one Camyllus / whome nat very longe afore they had banysshed out of the citie / and in his absence made hym dictatour / whiche [C i b] was the chyefest dignitie amonge the Romaynes / and of so great auctoritie / that for the space of thre monethes / for so longe dured the offyce most conueniently / he myght do all thyng at his pleasure / whether it concerned dethe or no / for no man so hardy ones to say nay agaynste any thyng that he dyd / so that for the space he was as a kynge / hauyng al in his owne mere power.

Nowe it chaunced that while this summe was in payenge / & nat fully wayed / Camillus of whome I sayd afore / that beyng in exile he was made dictatour / came with an army / and anone bad feafe of the payment / and that eche party shulde make redy to batyle<sup>2</sup> / and so he vainquished the frenche men.

Nowe yf one shulde prayse hym of his noble faytes / it shulde seme that this was done contrary to the lawe of armes / to defayt the frenche men of the raunfom due to *them* / syns the compacte was made afore, wherfore it is necessary for the oratour to defende this dede / and to proue that he dyd nothyng contrary to equitie. For *the* whiche purpose he hathe two places. One apparent / whiche is a common sayenge vsurped of the poete *Dalus an viris quis in*

<sup>1</sup> B. leest.

<sup>2</sup> B. bataile.



*ofte requirat.*<sup>1</sup> That is to fay who wyll ferche whether the dede of enemy agaynste enemy be [C ii a] either gyle or pure valyantnes? But for that in warre lawe is as well to be kept as in other thynges. This sayeng is but of a feble grounde. The other is of a more stronge affurance / whiche Titus Liuius writeth in his fyfte boke from the buyldynge of Rome / where he reherceth this hyftory nowe myncyoned / and that anfwere is *this* that the compacte was made to paye the foresayd raunfome after that Camillus was created dictatour / at what tyme it was nat lawfull that they whiche were of ferre lesse auctoritie / ye and had put them selfe holy in his hande / shulde entermedle them with any maner of treatise without his lycence / and that he was nat bounde to stande to theyr bargayne. The whiche argumente / is deducte out of two circumstaunces / wherof one is the tyme of the makynge of the compacte / and the other / the persons that made it / which two *cyrumstaunces* may briefly be called *whan* / & *who*.

Lykewyse yf an oracyon shuld be made to the laude of faynt Peter / it behoueth to excuse his denyenge of chryste / that it was rather of diuine power and wyll: than otherwyse / for a comfortable example to synners of grace yf they repente.

This is *the* maner of *handelyng* of an oracion *demonstratiue* / in which *the* person is praised.

[C ii b] The author in his greater worke declareth the fashyon by this example.

If one wolde praise kynge Charles / he shulde kepe in his oracyon this order.

Fyrst in declarynge his parentel / that he was kynge Pipines sone / whiche was the fyrste of all kynges of Fraunce named the moste chrysten kynge / and by whome all after hym had the same name / and Nephiew to Martell / the most valiauntest prince that euer was. Nexte / his bryngynge vp vnder one Peter Pyfane / of whome he was instructe bothe in Greke and Laten. Than his adoleffencie / whiche he passed in exercise of armes vnder his fader in the warres of Aquitaine / where he lerned also the Sarazynes tonge.

Beynge come to mannes state / & nowe kynge of Fraunce / he subdued Aquiatyn / Italye / Swaueland<sup>2</sup> and the Saxones. And

<sup>1</sup> B. *Dolus au[t] virtus quis in hoste requirat.*

<sup>2</sup> Sueviam in Mel.

these warres were so fortunate / that he ouercame his aduersaries more by auctoritie & wysedom than by effusyon of blode.

Also many other notable examples of vertue were in hym in that age / specially that he edified the vniuersitye of Paris.

Here maye by digressyon be declared howe goodly a thyng lernyng is in Prynces. Chiefly suche condicion appertayneth to vertue and good luyng.

[C iii a] Here may be also made comparifon of his vertues in warre / & of other agreynge with peace / in the whiche (as his history maketh mencyon) he was more excellent. For his chyefe delyte was to haue peace / & agayne he was so gentyll and so mercyfull that he wolde rather faue eyn suche as had done hym great offence : & had deserued very well for to dye / than to dystroye them / thoughe he myght do it conueniently.

Befyde this / he was so greatly enflamed in the loue of god and his holy church, that one Alcuine a noble clerk of England was continually with hym / in whose preachynge and other gostely comunicacion he had a chiefe pleasure. His olde age he passed in reste and quyetnes fortunately / faue for one thyng / that his sonnes agreed euill betwene them.

After his decease reigned his sonne / holy faint Lewes / and so the folowinges of his dethe were fuche that they colde be no better / and a very great token of his good and vertuouse luyng. For yf an yll tre can bryng furthe no good fruite / what shal we suppose of this noble kyng Charles / of whom cam so vertuouse and so holy a son? Truely methynkethe that hyther may be nat inconueniently applied the sayenges of the gospel / by their fruites you shal knowe them.

[C iii b] ¶ Of an oration Demonstratiue / wherein an acte is prayfed.

Whan we wyll prayse any maner of dede / the most apte preamble for that purpose shal be to say that the mater pertaineth<sup>r</sup> to the commodities of them which here vs.

#### Example.

Whan the Romaynes had expelled their kyng / whom the histori-cyens cal Tarquine the proude / out of the citie / and fully enacted

<sup>r</sup> B. perteyneth.

that they wolde neuer haue kyng to reigne more ouer them. This Tarquinius wente for ayde and focour to the kyng of Tuscaye / which whan he could by no menes *entreat* the Romains to receiue agayn their kyng / he cam with all his puyfflaunce agaynst the citey / and there longe space besieged the Romaynes by reason wherof / great penury of whete was in the citey / and the kyng of Tuscay hadde great truste / that continuyng the siege / he shulde within a lytel lenger space compell the Romaynes through famine to yelde them selfe.

In the meane season a yonge man of the citeie named Caius Mucius / came to the Senatours and shewed them that he was purposed yf they wolde gyue hym licence to go furthe of the citey to do an acte that [C iv a] shuld be for theyr great profite and welth / whereupon when he had obtained licence / priuely / with weapon hyd vnder his vesture he cam to the Tuscans campe / and gate hym amonge the thickest nyghe to the tent where as the kyng sat with his chawnceller / payenge the fowdiers theyr <sup>1</sup> wages.

And by cause that they were almost of lyke apparel / and also the chawnceler spake many thynges as a man beyng in auctorite / he coulde nat tell whether of them was the kyng / nor he durst nat afke / leste his demaunde wolde haue bewrayed hym / for as for language they had one / & nothyng was different / for bothe Tuscains and Romayns were all of Italye / as in tymes past / Englande hathe had many kynges / thoughe the language and peple were one. And thus beyng in doubt whether of them he myght steppe vnto / by chauce he strake the chawnceller in ftede of the kyng / and flewe hym / wherfore whan he was taken and brought before the kyng / for to puniffhe his hande that had fayled in takyng one for an other / and agayne to shewe the kyng howe lytle he cared for his menaces he thraff his hande into the fyre / whiche at that tyme was there prepared for sacrifice / and there in the flame let it brenne / nat ones mouyng it. The kyng greatly [C iv b] merueylyng at his audacitie and hardy nature / commended hym greatly thereof / and bad hym go his way free. For the which (as though he wolde make the kyng a great amendes) he fayned that .iii. C. of the noblest yonge men of Rome had conspyred togyther in lyke maner euery one after another vnwares to flee hym / and all to put their bodyes and lyues in hafarde tyll tyme shulde

<sup>1</sup> B. the.

chaunce that one myght acheue theyr entent. For fere whereof the kynge furthwith fel at a pointement with the Romaines / and departed. The yonge man after warde was named Sceuola / whiche is as muche to fay in Englyffh as lefte handed. For as I haue reherfed afore / he brente his ryght hande / so that he had losfe the vse therof.

If any oratour wolde in an oracyon commende this dede / he myght conueniently make the preface on this fashyon.<sup>1</sup>

There is no doubtte my lordes and maysters of Rome: but that the remembraunce of Sceuolas name is very pleafant vnto your audience / whiche with one acte that he dyd / endewed your citie with many & greate commodityes. &c.

This maner of preface is moſte conuenient and beſt annexyd to ſuche maner of oracyons demonſtratyues.

[C v a] Neuer the leſſe it is lawfull for vs to take our preface (yf it be our pleaſure) oute of ſome circumſtaunce / as out of the place that our oracion is made in / or out of the tyme that we ſpake<sup>2</sup> in / or els otherwyſe accordyng as we ſhall haue occaſyon. As Tullye / in the oracyon that he made for the reſtitucyon of Marcus Marcellus / in the whiche he prayſeth Cezare for the callinge home of the ſayd Marcus mercellus out of exyle / he taketh his preamble out of the tyme & Cezares perſon / begynnyng thus.

This daye my lordes Senatoures hathe made an ende of the longe ſcilence that I haue kepte a great whyle / nat for any fere that I had / but part for great forowe that was in me / and partly for ſhame / this daye as I ſayd hathe taken away that longe ſcilence / ye / and beſyde that of newe brought to me luſte and mynde to ſpeke what I wolde / and what I thought moſte expedient / lyke as I was afore wont to do. For I can nat in no manner of wyſe refrayne / but I muſte nedes ſpeke of the great mekenes of Cezare / of the gra-ciouſnes that is in hym / ſo habundant and ſo great withall / that neuer afore any ſuche hathe ben wont to be ſene or harde of / and alſo of the excellent good moderacyon of all thynges whiche is in hym that hathe [C v b] all in his own mere power. Nor I can nat let paſſe his excellent incredible / and diuine wyſdome vnſpoken of / afore you at thys tyme.

<sup>1</sup> B. facion.

<sup>2</sup> B. ſpeke.

## Of the Narracion.

In this kynde we vse but felden hole narracions / oneles we make our oracion afore them that knowe nat the history of the acte or dede whiche we be aboute to praife. But in ftede of a narracion we vse a propofycion / on this maner.

Amonge all the noble dedes Cefar<sup>1</sup> that you haue done there is non that is more worthy to be prayfed then this reftitufion of Marke Marcell.

## Of Confyrmacion / which is the fyrte parte of Contencion.

The places of confyrmacyon are honefty / perfite<sup>2</sup> lyghtnes or hardines of the<sup>3</sup> dede. For after the proheme of the oracion and the narracyon / then go we to the prouynge of our mater. Fyrfth fhwewing that it was a very honefte dede. And next / that it was nat all onely honefty : but alfo profitable. Thyrdely as concernynge the easines or difficulti / the praife therof muft be confydered / part in the doer / part in the dede. An eafy dede deferueth no great prayfe / but an harde & a ieoperdoufe thyng / the foner and the lyghtlyter it is acheued / the [C vi a] more it is to be lauded. The honefty of the caufe is fet from the nature of the thyng that is fpoken of / whiche place lieth in the wytte of the oratour / and maye alfo be fet out of the phylofophers boke. It is alfo copiofely declared of Rhetorycyens / and very compendioufly handled of Erasmus in his boke / entituled of the maner & crafte to make epiftles / in the chapitre of a perfuadynge epiftle. The profyte of the dede / or the commoditie may be fet at the circumftaunce of it. Circumftaunces are thefe / what was done / who dyd it / whan / where it was done / amonge whom / by whose helpe.

As if one wolde praife Sceuolaes acte / of *the* which mencion was made afore, he may whan he cometh to the places of contencion / fhwew fyrfte howe honeft a dede it is for any man to put his lyfe in ieoperdy for the defence of his contrey / whiche is fo much the more to be commended that it came of his owne mynde / and nat by the instigacion of any other / and howe profitable it was to the citie to remoue fo ftronge and puyffaunt an enemy by fo good and crafty policy / what tyme the citie was nat wel affured of all mennes myndes that were within the walles / confideryng that but a lytle

<sup>1</sup> B. Cezare.<sup>2</sup> B. profite.<sup>3</sup> B. adds the.



afore many noble yonge men were detecte of treason in the same butines. And [C vi b] then also the citie was almoste destitute of vitales / and all other commodities necessary for the defence.

Lyke wyse easynes or difficultie are conteyned in the circumstances of the cause. As in the example nowe spoken of / what an harde enterpryse it is for one man to entre into a kynges armye / and to come to the kynges pavilion in the face of his fouldiers to adventure to flee hym.

#### Of the seconde part of contencion / called confutacion.

Confutacion is the foilyng of fuche argumentes as maye be induced agaynste our purpose / whiche parte is but lytle vsed in an oracion demonstratiue. Neuer the lesse / somtyme may chaunce a thyng that muste be eyther defended or els at the leste<sup>1</sup> excused. As if any man wolde speke of Camillus dede / wherby he recouered his contrey / & delyuered it from the handes of the Frenche men. Here muste be declared that the bargayne made afore was nat by Camilus violate.

#### Of the conclusion.

The conclusion is made of a brife enumeracion of fuche thynges that we haue spoken of afore in the oracyon and in mouynge of affections.

In delectable thynges or fuche thynges [C vii a] that haue bene well done / we moue our audyence to reioyce thereat / and to do lyke.

In sad thynges and heuy / to be fory for them. In yll and peruerse actes / to beware that they folowe nat them to theyr great shame and confusyon.

Of an oracion demonstratyue / wherin are praised neither perfones nor actes / but some other thyng<sup>2</sup> / as religion / matrimony / or fuche other.

The beste begynnyng wyl be if it be taken out of some hygh prayse of the thyng. But a man maye also begyne otherwyse / eyther at his owne person or at theirs afore whom he speketh / or at the place in the whiche he speketh / or at the season present / or otherwyse / as hathe afore ben specified / and here must we take good hede that yf we take vpon vs to praise any thyng that is no<sup>8</sup>

<sup>1</sup> B. leest.

<sup>2</sup> B. thynges.

<sup>3</sup> Both A. and B. no.



praise worthy / than muste we vse infinuacyon / and excuse the turpitude / either by examples or by argumentes / as Erasmus dothe in his epistle prefixed afore his oracyon made to the prayse of folyffhnes / of whiche I haue let passe the tranflacyon because the epistle is fomwhat longe.

#### The narracyon.

In this maner of oracyon is no narracyon / but in stede therof the Rhetorycyens [C vii b] al only propose the mater. And this proposiō is in *the* stede of the narracyon.

A very elegant example is in the oracion that Angele Politiane made to the laude of histories / whiche is this. Amonge all maner of wryters by whome either the Greke tounge or the latine hath bene in floure and excellence / without doubte me semeth that they dyd most profyete to markynde / by whom the excellent dedes of nacyons / prynces / or valyant men haue bene truely descryed and put in cronicles.

Lykewyse yf a man prayse peace / and shewe what a commodiouse thyng it is he maye make suche a propofycon.

Amonge all the thynges whiche pertaine to mannes commoditie / of what former condycon or nature so euer they be / non is so excellent and so worthy to be had in honour and loue / as is peace.

#### The confyrmacyon.

The places of confyrmacyon be in this oracyon. The same that were in the other (of whom mencion was made afore / honesty / profyete / easynes / or difficulty. Honesty is confydered in the nature of the thyng / also in the persones that haue excercysed it / and the inuenter therof. And in the auctour of it. As in the laude of matrymony be confydered the [C viii a] auctour thereof / whiche was god hym selfe / the antiquite that it was made in the fyrst begynnyng of the world / & continued (as reason is) to this hour in great honour and reuerence. The persones that haue vsed it / were bothe patriarches / as Abraham. Prophetes / as Dauyd / Apostels / as saynt Peter. Martyrs / saynt Eustache / And confessours as saynt Edward. And (whiche thyng was fyrste proposed) the nature therof is suche / that without it : man shuld be lyke vnto beste / oneles all generacyon shulde be put aparte. And the com-

maundement of almighty god not regarded / who bad man & woman  
shuld engender & multiply.

Profite and easines is considered in the circumstaunces. Exam-  
ples may be taken out of Polycyans oracyons / made to the laude of  
hystories. And two oracyons of Erasmus one to the laude of phy-  
like / and an other to the laude of matrymony.

#### Of confutacyon.

Confutacyon hath contrary places to confyrmacyon.

#### Of the conclusyon.

The periode or conclusyon standethe in the bryefe enumeracyon  
of thynges spoken afore / and in mouynge the affectyons / as hath  
bene aboue expressed.

#### [C viii b] Of an oracyon deliberatiue.

An oracion deliberatiue is by the whiche we *persuade* or *dissuade*  
any thing / and by the which we aske / or whereby we exorte any  
man to do a thyng / or els to forsake it / and this kynde of oracion  
is muche in vse / nat onely in ciuile maters : but also in epistles.

#### Of the preamble.

We may begynne our oracion in this kynde / eyn lyke as we  
dyd in an oracyon demonstratyue / but moſte aptly at our offyce or  
duety / lest some men wolde thynke that we dyd it more of a pri-  
uate affection for our owne *commoditie* & *pleasure* : than for any  
other mannes profyte.

And in this maner Salust in his boke of Cathelyne bryngethe in  
Cezare / begynnyng an oracyon. But let vs here nowe what Cezar  
sayeth.

All men my lordes Senatoures whiche fyt counselling vpon any  
doubtfull maner / muste be voyde of hatred / *friendshyppe* / anger /  
pitye / or mercy. For where any of these thynges bere a rule /  
mannes minde can nat lightly *perceiue*<sup>1</sup> the truthe. &c.

Or els we may begyn at the *gretenes*<sup>2</sup> of the mater / or *daunger*  
of the thyng that we speke of / as in the fyfte boke of *Liuius*  
*Camillus* maketh the preamble of his oracion thus.

<sup>1</sup> B. perceyue.

<sup>2</sup> B. greatenes.

[D i a] My maysters of this Citie of Ardea / whiche haue ben alwayes myne old frendes / & nowe (by reafon of myne exyle out of Rome) my newe neyghbours and citizens. For I thanke you of your goodnes you haue promyfed that it fhulde fo be / & on the other fyde my fortune hath conftreyned me to feke fome newe dwellyng out of the citie where I was brought vp and enhabyted. I wolde nat that any of you fhulde thynke that I am nowe come amonge you nat remembrynge my condicyon and ftate / but the comon ieopardy that we be all nowe in / wyll compell euery man to open and fhewe the beſte remedy that he knowethe for our focoure in this great fere and neceſſyty.

Natwithſtandyng this / a man maye take his begynnyng otherwyfe / after any of the facyons afore recyted / if he lyfte.

Tully in the oracion / wherin he aduifed the Romaynes to make Pompey theyr chyefe capytayne againſte Mythydates and Tygranes / kynges of Ponthus and Armeny / taketh in the preface beneuolence from his owne perſon / fhewyng by what occacyon he myght lawfully gyue counsell to the Romaynes / bycauſe he was electe Pretor of the citie. We may alſo touche our aduerſaryes in the preface / or els we may [D i b] touche the maners / either of ſome feuerall perſons / or of the commons in general. As in the oracyon that Porcyus Cato made agaynſte the ſumptuouſnes of the women of Rome / thus.<sup>1</sup>

If euery man my lordes and maifters of this citie wolde obferue and kepe the ryght and maieſty of a man agaynſte his owne wyfe / we fhulde haue ferre leſſe encombrance nowe with the hole thronge than we haue. But nowe our fredome & lybertie is ouercome within our owne dores by the importunatnes of our wyues / and ſo audacity<sup>2</sup> taken therof here troden vnder the fete / and oppreſſed in the parlyament houſe! And by cauſe we wold nat diſpleaſe no man his owne wyfe at home: here are we nowe combred with all / gathered togyder on a hepe / & brought in that takinge that we dare nat ones open our lyppes agaynſte them. &c.

We may alſo begyn at the nature of the tyme that we ſpeke in / or at the nature of the place / or at any other circumſtaunce or thyng incident. As Liuius in the .ix. boke of his fourthe decade agaynſte the feaſtes that the Romaynes kept in the honour of the

<sup>1</sup> B. *adds* begynnyng.

<sup>2</sup> B. *audacity*.

ydolyfhe god Bacchus / begynneth his oracyon at prayenge on this wyfe.


[D ii a] The folempne makynge of prayers vnto the goddes was neuer fo apte nor yet fo neceffary in any oracyon as it is in this / whiche fhall fhewe and admonyfhe you that they be very & right goddes / whom our elders haue ordeyned to be worfhypped / adoured / and prayed vnto.

Bryefly in all prefaces belongynge to oracyons delyberatyues the offyce of the perfon: & the neceffityte or *commodityte* of the matter that we treate of are confydered.

#### The narracyon.

In oracyons dyllyberatyues<sup>1</sup> we vse very feldome narracyons / but for the more parte in ftede of them we make a bryef propofyon conteynge the fumme of our entent. As nowe adayes nothyng is fo neceffary as to labour to brynge thefe diiffencyons that be in the churche to a perfecte vnite and concorde / that accordynge to Chriiftes fayenges / there be but one fhepherde and one folde. Neuertheles we vse fometyme briefe narracyons / whan that fometyng hathe bene done all redy of that that we gyue our counfel vpon / as in the aboue fayd oracion that Tuly made for Pompey / where he maketh this narracyon.

Great & very perillous warre is made bothe agaynfte your tributours / and alfo them that bothe *confederate* with you / [D ii b] and by you called your felowes / whiche warre is moued by two ryght myghty kynges / Mythydates and Tigranes. &c.

After this maner is a narracyon in the oracion that Haniball made to Scipio / & is contained in the .x. boke of the .iii. decade of Liuius / ryght proper and elegant without any *preface*<sup>2</sup> beginning his narracion thus. 

If it hathe ben ordeined by my fortune and defteny that I whiche fyrfte of all the Carthaginois began warre with the Romayns / and whiche haue almoft had the victory fo often in myne handes / fhuld now come of myne owne mynde to afke peace. I am glad that fortune hathe prepared that I fhulde afke it of you fpecially. And amonge all your noble landes<sup>3</sup> this fhall not be one of the lefte<sup>4</sup> that Hanibal gaue ouer to you / to whom the goddes had gyuen

<sup>1</sup> B. deliberatiues.

<sup>3</sup> Sic in A and B, for laudes.

<sup>2</sup> B. preface

<sup>4</sup> B. leest.

afore the vycторыe ouer fo many capitains of the Romaynes / and that<sup>1</sup> it was your lucke to make an ende of this warre / in the whiche the Romayns haue had ferre mo euyl chauce than we of Carthagene. And whether it were my deftene or chauce that ought me this fkornefull fham. I whiche began the warre whan your father was Confull and after ioyned batayle with him whan he was made Capitayne of the Romayns army / muste nowe come vnarmed [D iii a] to his son to a'ke peace of hym. It had ben beste for bothe parties if it had pleased the goddes to haue sent our fore faders that mynde / that you of Rome wolde haue ben content with the Empyre of Italy / & we Caraginoys<sup>2</sup> with Affryke. For neyther Sivil<sup>3</sup> nor Sardynya can be any suffycient amendes to eyther of vs for fo many naueis fo many armies / fo many and fo excellent capitaines losfe in our warres betwene vs, but thynges passed / may foner be blamed than mended. we of Cartagene<sup>4</sup> (as touching our parte) haue fo coueted other dominions that at lengthe we had busines ynough to defende our possessions. Nor the war hathe nat bene only with you in Italy or with vs onely in Affryke : but at the pleasure of fortune sometyme here and some there / in fo muche that you my maisters of Rome haue sene the standerdes and armes of your enemyes harde at your walles and gates of the cite. And we on the other syde haue herde the noyse out of your camps<sup>5</sup> into our cite.

After the narracyon ought to folowe immediatly the propofycyon of our counsell or aduise. As after the narracion of Haniball afore reherced / foloweth the propofycyon of his purpose thus.

[D iii b] That thyng is nowe entreated while fortune is faurable vnto you / that we ought mooste to abhorre / and you surely ought aboute all thynges to desyre / that is to haue peace. And it is mooste for the profyte of vs two / whiche haue the mater in handelyng that peace be had. And sure we be / that what fo euer we agre vpon our cities wyll ratyfye the same.

Nexste foloweth the confirmacion of tho thynges that we entende to persuade / whiche must be fet out of the places of honify / profyte / easynes / of<sup>6</sup> difficulty. As if we wyll persuade any thyng to be done / we shall shewe that it is nat onely honest

<sup>1</sup> B. than.

<sup>4</sup> B. Carthagene.

<sup>2</sup> B. Carthaginoys.

<sup>5</sup> B. campe.

<sup>3</sup> B. Sicil.

<sup>6</sup> B. easines / or.



and laudable: but all fo profytable and eafy ynough to perfourme. Or if we can nat chofe but graunte that it is harde / yet we fhall fhew that it is fo honefte a dede / fo worthy prayfe and befydcs fo great commodity wyll come therof / that the hardenes ought in no wyfe to fere vs: but rather be as an infligacyon to take the thyngc on hande / remembrynge the greke *prouerbe*. **Scisnola ta nala** / that is to fay / all excellent and commendable thynges be harde and of dyffyculty.

In honefity are comprehended all vertues / as wyfedome / iuflice / due loue to god / and to our parentes / lyberality / pyty<sup>1</sup> / confiance / temperance. And therefore he that wyll for [D iiii a] the confyrming of his purpofe declare and proue that it is honeft and commendable that he *entendeth* to *perfuade* hym: behoueth to haue perfyte knowlege of the natures of vertues. And all fo to haue in redy remembrance fentences bothe of fcripture and of philofophy / as oratours and poetes / and befycde thefe / examples of hiftories / for garnyfhynge of his maters.

As concernynge the place of vtilite / we must in all caufes loke if we may haue any argumentes wherby we may proue that our counsell is of fuche neceffity / that it can nat be chofen but they muft nedes folowe it / for tho<sup>2</sup> argumentes be of ferre greater ftrenge the than they that do but onely proue the vtilitie of the mater. But if we can haue no fuche neceffary reafons / than we muft ferche out argumentes to proue our mynde to be profytable by circumftances of the caufe. In lyke maner to perfuade a thyngc by the eafines therof / or diffuade it by the difficulty of the thyngc / we muft haue refpect to poffibiliti or impoffibilitie / for thefe proues are of ftrenger nature than the other / and he that wyll fhewe that a thyngc may be done eafely: muft prefuppofe the poffibilete therof. As he on the other fyde that wyll perfuade a thyngc nat to be done / yf he fhewe and manyfeste that it is [D iiii b] impoffible / argueth more ftrongely than if he could but only proue difficulty in it. For as I fayd afore<sup>3</sup> many thynges of difficulty yet may be the rather to be taken in<sup>4</sup> hande / that they may get them that acheue them the greater fame and prayfe. And thefe argumentes be fet out of the circumftances of the caufe / that is to faye / the tyme / the place / the doers / the thyngc it felfe / the

<sup>1</sup> B. pity.<sup>3</sup> B. *omits* afore.<sup>2</sup> A and B. tho.<sup>4</sup> B. on.



meanes whereby it ſhulde be done / the cauſes wherefore it ſhulde be done or nat / the helps or impedimentes that may be therin. In this purpoſe examples of hiſtories are of great effycacy.

The confutacyon is the ſoylyng and refellyng of other mennes fayenges that haue or myght be brought agaynſte our purpoſe / wherefore it conſyſteth in places contrary to the places of conſyrmacyon / as in proung the fayenge<sup>1</sup> of the contrary part / neyther to be honeſte nor profytable / nor eaſy to perfourme / or els vtterly impoffyble.

The concludyfon ſtandeth in two thinges<sup>2</sup> / that is to ſaye / a bryefe and compendiouſe repetyng of all our reaſons that we haue brought for vs afore / and in moung of affectyons. And ſo dothe Ulyſſes conclude his oracyon in the .xiii. boke of Ouide Metamorphoſy.

[D v a] Of the thyrde kynde of oracyons / called Iudiciall.

Oracyons iudiciall be that longe to controuerſies in the lawe and plees / whiche kynde of oracion in old tyme longed onely to Judges and men of lawe / but nowe for the more parte it is neglecte of them / though there be nothyng more neceſſarye to quicken *them* in crafty & wyfe handeling of theyr maters.

In theſe oracions the fyrſte is to fynde out the ſtate of the cauſe / whiche is a ſhort prepoſicion<sup>3</sup> / conteynyng the hole effect of all the controuerſies. As in the oracion of Tully / made for Mylo / of the whiche I made mencyon in the begynnyng of my boke. The ſtate of the cauſe is this. Mylo flewe Clodius lawfully / whyche thyng his aduerſaries denyed / and yf Tully can proue it / the plea is wonne. Here muſt be borne away that there be three maner of ſtates in ſuche oracyons.

The fyrſte is called coniecturall. The ſecond legitime. The thyrde / iudiciall / and euery of theſe hathe his owne proper places to ſet out argumentes of *them*, wherefore they ſhall be ſpoken of ſeuerally. And fyrſte we wyll treate of ſtate coniecturall / whiche is vſed whan we be certayne that the dede is done / but we be ignorant who [D v b] dyd it / and yet by certayne coniectures we haue one ſuſpecte / that of very lykelyhode it ſhulde be he that hathe commytted the cryme. And therefore this ſtate is called coniecturall / bycauſe we haue no manyeſte profe / but

<sup>1</sup> B. fayenges.

<sup>2</sup> B. thynges.

<sup>3</sup> B. propoſicion.

all onely great lykelyhodes / or as the Rhetoriciens call them / coniectures.

#### Example.

There was a great contencion in the Grekes army afore Troye betwene Uliffes and Ajax / after the dethe of Achelles / whiche of them fhulde haue his armour as nexte to the fayd Achilles in valiauntnes. In whiche con/rouerfye whan the Grekes hadde judged the fayde armour vnto Uliffes / Ajax for very great difdayne fel out of his mynde / and fhortly after in a wode nygh to the hofte / after he had knowen (whan he can agayne to him felfe) what folyfthe pranks he had played in the tyme of his phrenesy / for sorow and fhame he flewe hym felfe. Sone vpon this dede cam Uliffes by / whiche feyng Ajax thruft thrughe with a fwerde: cam to hym, and as he was about to put out the fwerd / the frendes of Ajax chaunced to come the fame way / which feying theyr frende deade / and his olde enemy pullynge out a fwerde of his body / they accused hym of murder.

[D vi a] In very dede here was no profe. For of truthe Uliffes was nat gylty in the caufe. Neuer theles the enuye that was betwene Ajax and hym: made the mater to be nat a lytle<sup>a</sup> fufpecte / fpecially for that he was foude there with the fayd Ajax alone / wherefore the ftate of the plee was coniectural / whether Uliffes flewe Ajax or nat.

#### The Preface.

The preface is here eyn as it is in other oracions. For we begyn accordyng to *the* nature of *the* caufe that we haue on hande / either in blamyng our aduerfary / or els mouyng the herers to haue pity on our client. Or els we begyn at our owne *perfon* / or at the praife of the Juge. &c.

#### The narracion.

The narracion or tale is the fhewyng of the dede in maner of an hiftorye / wherin the accufer muft craftly entermeagle many fufpicyons which fhall seme to make his mater prouable. As Tulli in his oracion for Milo / where in his narracyon he intendeth by certayne coniectures to fhewe that Clodius laye in wayte for Milo / he in his fayde narracyon handelethe that place thus.

<sup>a</sup> So B.; A. lytlye.

In the meane feafon whan Clodius had knowledge that Milo had a lawfull and neceffary iourney to the city of<sup>1</sup> Lauine the [D vi b] .xiii. day afore the kalendes of Marche / to poynte who fhuld be hed prefte there / whiche thyng longed to Milo becaufe he was dictatour of that towne: Clodius fodaynely the day afore departed out of Rome to fet vpon Milo in a lordefhyp of his owne / as after was wel perceyued. And fuche hafte he made to be goynge that where as the people were gadered the fame day for maters wherin alfo he had greate ado hymfelfe / & very neceffary it had bene for hym to haue bene there / yet this natwithftandyn / al other thynges aparte: he went his way / which you may be fure he wold neuer haue done / faue onely that he had fully determined to preuent a tyme and place conuenient for his malicius entent afore Miloes comyng.

In this pece of Tullies narracyon are entermengled fyrfte that Clodius knewe of Miloes goynge / whiche makethe the mater fufpecte that Clodius went afore to mete with him / for this was wel knowen afore that Clodius bare Milo great gruge<sup>2</sup> & malyce. Next is fhewed the place where as Clodius mete<sup>3</sup> Milo / which alfo giueth a great fufpicion / for it was nygh Clodius place / where he myght fone take focour / & the tother was in lefte<sup>4</sup> affuraunce. Thyrdly that he departed out of the city / what time it had bene mofte expedient / ye and alfo [D vii a] greatly requifite for hym to haue bene at home. And that agayne maketh the mater fufpect / for furely he wolde nat (as Tully hym felfe fayeth) in no wyfe haue bene abfent at fuche a bufy tyme / onles it had bene for fome great purpofe / & what other fhulde it feme than to flee Milo. As furely euedent<sup>5</sup> it was that they buckled to gyther / and this was well knownen that Milo had a neceffary caufe to go furth of Rome at that tyme. Contraryly in Clodius coulde be perceyued none other occafyon to depart than out of the citie: but of lykelyhode to lye in wayte for Milo.

#### The propoficion.

Out of the narracion muft be gaderyd a bryfe fentence / wherein fhall stande the hole pithe of the caufe / for Rhetoriciens put incontinent after the narracyon diuifyon / whiche is a part of conten-

<sup>1</sup> Of added in B.

<sup>3</sup> B. met.

<sup>2</sup> B. grudge.

<sup>4</sup> B. leeft.

<sup>5</sup> B. evident.

cyon / and dothe bryefly fhewe wherin the *controuerfy* dothe ftande / or what thynges<sup>1</sup> fhallbe fpoken of in the oracion. This diuifion is deuyded into feiunction and diftribucion.

Seiunction is whan we fhewe wherin our aduerfaries and we agre / and what it is / wherupon we ftryue. As they that pledyd Clodius caufe agaynfte Milo / myght on this maner haue vfed feiunction. That Milo flewe Clodius: our aduerfaries can [D vii b] nat denaye / but whether he myght fo do lawfully or nat / is our *controuerfy*. Diftribucion is the propoficion wherein we declare of what thynges we wyll fpeke / of whiche yf we propofe howe many they be / it is called enumeracion / but yf we do nat exprefse the nombre / it is called expoficion.

Example of bothe is had in the oracion that Tully made to the people that Pompeyus myght be made chyefe capytayne of the warres agaynfte Mithridates and Tigranes / where after the preface and narracyon he maketh his propoficyon by expoficyon thus.

Fyrfte I thynke it expedyent to fpeke of the nature & kynde of this warre / and after that of the greatnes thereof / and then to fhewe howe an hede or chyefe capytayne of any army fhulde be chofen.

Whiche lafte membre of his expoficyon he agayne diftributeth into foure partes *thus* as foloweth.

Truley<sup>2</sup> this is myne opynyon / that he whiche fhall be a gouerner of an hooft / ought to haue thefe foure *propertyes* in hym. The fyrfte is / that he haue perfyte knowlege of all fuche thynges as longeth to warre. The feconde is that he be a man of his handes. The thyrde that he be a man of fuche auctoryty: that his dignity maye [D viii a] caufe his fouldiers to haue hym in reuerence & awe. The fourth is that he be fortunate & lucky in all thynges that he goeth about.

Tully in the oracion for Milo propofeth all onely fhewynge wherin the *controuerfy* of the plee dyd ftande on thys maner as<sup>3</sup> follyweth.<sup>3</sup>

Is there any thyng els that muft be tryed & iudged in this caufe faue this: whether of them bothe beganne the fraye & entended to murder the tother? No surely. So that yf it can be founden that Milo went about to diftroye Clodius / than he be punyfhed therfore accordyngly. But yf it can be proued that Clodius was the

<sup>1</sup> B. thinges.<sup>2</sup> B. Truely.<sup>3</sup> Added in B.

begynner and layed wayte for to flee Milo / and so was the fercher of his owne dethe / & that what Milo dyd it was but to defende hym selfe from the treason of his enyme<sup>1</sup> & the fauegarde of his lyfe: that than he may be delyuered and quyte.<sup>2</sup>

Of confrmacion.

The confrmacyon of the accufer is fetched out of these places / wyl / and power. For these two thynges wyl cause the person that is accused to be greatly suspecte that he had wyl to do the thyng that he is accused of / and that he myght well<sup>3</sup> ynoughe brynge it to passe.

To proue that he had wyl therto: you must go to .ii. places. The one is the qualite [D viii b] of the persone / and the other is the cause that meuyd hym to the dede. The qualite of the person is thus handled. For to loke what is his name or surname / and if it be noughty to saye that he had it nat for nothyng: but that nature had such prym power in men to make them gyue names accordynge to the maners of euery person. Than next to behold his contrey. So Tully in his oracion made for Lucius Flaccus to improve the wytnes that was brought agaynst hym by Grekes / layth vnto them the lyghtnes of theyr contrey. This (sayeth Tully) do I saye of the hole nacion of Grekes. I graunte to them that they haue good lernynge / and the knowlege of many scyences. Nor I denye nat but that they haue a pleasaunt and marueyloufe swete speche. They are also people of hygh and excellent quycke wytte and thereto they be very facundioufe. These and suche other qualities wherin they booste them selfe greatly: I wyl nat repyne agaynst it that they bere the maystry therin. But as concernynge equitie and good conscience / requisite / in berynge of recorde / or gyyunge of any wytnes / & also as touchynge faythfulnes of worde and promyse: truly this nacion neuer obserued this property, neyther they knewe nat what is the strenght / [E i a] auctoritye / and weyght therof.

So to Englysshmen is attributed sumptuousnes in meates and drynkes. To Frenchemen / pryde / & delyste in newe fantasyes. To Flemmynges and Almaynes / great drynkyng / and yet inuentyfe wyttes. To Brytayns / Gascoignes / and Polones / larcyne.<sup>4</sup>

<sup>1</sup> B. enemy.

<sup>3</sup> A. wyl.

<sup>2</sup> B. quyt.

<sup>4</sup> B. larrecine.



To Spanyerdes / agilyte. To ytalyens / hygh wyt and muche subtyly. To Scottes / boldnes / to Iriffh men / haftines. To Boemes valiauntnes and tenacite of opynions. &c.

After that to loke on his kynred / as yf his father or mother or other kynne were of yll difpoficion / for as the tre is: fuche fruite it berethe.

On this wyfe dothe Phillis entwyte Demophon / that his father Theseus vncurteyfly and trayteroufly lefte his loue Ariadna alone in the defert yle of Naxus / and contrary to his promyse stale from her by nyght / addyng. *Heredem patria[e] perfide fraudis agis.* That is to faye / vntrewe & falfe forworne man / thou playest kyndely thy<sup>r</sup> fathers heyre / in deceytable begylynge of thy true louer.

After that we muft loke vpon the fex / whether it be man or woman that we accufe / to fe yf any argument can be deducte out of it to our purpofe. As in men is noted [E i b] audacite / women be comonly tymeroufe. Than nexte / the age of the perfone. As in Therence Simo fpeketh of his fon Pamphilus / fayeth vnto his man called Sofia / howe couldest thou knowe his condicions or nature afore / whyle his age and feare / and his mayfter dyd let it to be known.

Hipermeftra in Ouides epiftels ioyneth thefe .ii. places of fexe & age togyther thus.

I am a woman and a yonge mayden / mylde and gentyll / bothe by nature and yeres. My fofte handes are nat apte to fyers batayles.

After thefe folowe ftrength of body / or agylite / and quicknes of wyt / out of whiche may be brought many reafons to affyrme our purpofe. So Tully in his oracyon for Milo / wylllynge to proue that Clodius was the begynner of the fraye / fheweth that Milo (which was neuer wont but to haue men about hym) by chaunce at that tyme had in his company certayne Muficiens and maydens that wayted on his wyfe / whom he had fyttyng with hym in his wagen. Contrarily Clodius that was neuer wont afore but to ryde in a wagen & to haue his wyfe with hym : at that tyme rode furth on horfebacke. And where as afore he was alwayes accuftomed to haue knaues and quenes in his company : [E ii a] he had then non but tal men<sup>2</sup> with hym / & (as who fhulde fay) men piked out for the nones.

To this is added forme / as to affay yf we can haue any argument

<sup>1</sup> B. the.

<sup>2</sup> B. tall men.



to our purpose out of the perfon's face or countenance / and so dothe Tully argue in his oracyon agaynste Pyfo / fayenge on<sup>1</sup> thys<sup>1</sup> wyfe.<sup>1</sup>

Seftē<sup>2</sup> thou nat nowe thou beste<sup>3</sup>? doste thou nat nowe perceyue what is mennes complaynt on thy vyfage? there is non that complayneth that I wote nat what Surryen<sup>4</sup> & of theyr flocke whiche be but newly crepte vp to honour out of the donghyll is nowe made confull of the citie. For this seruile colour hathe nat deceiued vs nor hery cheke balles / nor rotten and fylthy tethe / thyn<sup>5</sup> eyes / thy browes / forhed / and hole countenance / whiche in a maner dothe manifest mennes condicyons and nature / it hath diceued vs.

This done / we must confyder howe he hathe bene brought vp that we accuse / amonge whom he hathe lyued / and whereby / howe he gouernethe his houfhold / & affay if we can pyke out of these ought for our purpose. Also of what state he is of / fre or bond / ryche or pore / berynge offyce or nat / a man of good name / or otherwise / wherin he deliteth most / whiche places do expresse mannes luyng / and by his luyng: his wyll and mynde / as I [E ii b] wolde declare more fully / saue that in introductions men muste labour to be short / & agayne they are suche that he that hath any perceyunge may sone knowe what shall make for his purpose / and howe to fet it furthe. And therefore this shall suffyse as touchyng the qualitie of the person.

If we bere away this for a generall rule (that what maketh for the accuser, euermore the contrary) is sure stave for the defender / yf he can proue it / or make it of the more lykelyhode. As Tully in defendyng Milo / layeth to Clodius frendes charges that he had none about hym but chosen men. And for to clere Milo he sheweth the contrary / that he had with hym fyngyng laddes and women seruantes that wayted on his wyfe / whiche maketh it of more lykelyhod that Clodius wente about to flee Milo: than Milo hym.

The cause that moueth to the myschefe lyeth in two thynges. In naturall impulsyon / and raciociacion.

Natural impulsyon is angre / hatred / couetyse / loue / or suche other affections.

So Simo in Therence / whan he had sayd that Dauus (whom he had poynted to wayt vpon his sonne Pamphilus) wolde do all that myght lye in hym bothe with hande and fote / rather to dyspleafe hym :

<sup>1</sup> Omitted in B.

<sup>3</sup> B. beeft.

<sup>2</sup> B. feeft.

<sup>4</sup> B. Surrien.

<sup>5</sup> B. thyne.

then to [E iii a] please Pamphilus mynde. And Sofia demaunded why he wolde do so. Simo made aunfwere by racionacion / fayenge / dotte thou afke that: mary his vngracious and vnhappy mynd is the caufe therof. Oenon in Ouides epistles ioyneth togyther qualytte and naturall impulsyon / fayenge *A iuvene et Cupido credatur reddita virgo?* whiche is in Englyfhe. Thynke you that she that was caried awaye of a yonge man / and hote in loue / was restored agayne a mayde?

Tully in the oracion for Milo / amonge other argumentes bryngeth in one against Clodius by naturall impulsyon of hatred / shewynge that Clodius had caufe to hate Milo fyrst / for he was one of them that laboured for the same Tullyes reuocacyon from exyle / whiche Tully Clodius malicioufly hated. Agayne that Milo opprefyd many of his furioyse purpofes. And fynally bycaufe the fayd Milo accused hym and caste hym afore the Senate and people of Rome.

Racionacion is that cometh of hope of any commodity / or to eschewe any discommodity. As Tully argueth in his oracion for Milo agaynst Clodius by racionacion to proue that it was he that laide wayt for Milo on this maner.

[E iii b] It is sufficient to proue that this cruel and wicked beste<sup>1</sup> had a great caufe to flee Milo / yf he wolde brynge his maters that he went aboute to passe / and great hope if he were ones gone / nat to be letted in his pretended malyce.

After racionacion folowyth comprobacion / to shewe that no man els had any caufe to go there about / faue he whome we accaused<sup>2</sup> / nor no profyte coulde come to no man thereof: faue to hym.

These are the wayes whereby an oratour shal proue that the persone accused had wyl to the thyng that is layde to his charge.

To proue that he might do it; ye must go to the circumstance of the caufe / as that he had lyefer<sup>3</sup> ynough thereto and place conuenient and strength withall.

Also you shall proue it by sygnes / which are of merueyloufe efficacye in this behalfe / wherfore here muste be noted that sygnes be eyther wordes or dedes that eyther dyd go before or els folowe the dede. As Tully in his oracion nowe often alledged argueth agaynst Clodius by sygnes goyng afore the dede / as that Clodius

<sup>1</sup> B. beeste.<sup>2</sup> B. accuse.<sup>3</sup> B. leyfer.

sayd thre days afore Milo was flayne: that he<sup>1</sup> fhulde nat lyue thre<sup>2</sup> dayes to an ende. And that he went out of the city a lytle afore Milo rode furthe with a greate company of stronge [E iiii a] and myfcheuous knaves.

Signes folowynge are as yf after the dede was done he fled / or els whan it was layed to his charge: he bluffed or waxed pale / or fluted and coulde nat well speke.

The contrary places (as I fayd afore) long to the defender / faue that in signes he muft vse .ii. thinges / *abfolucion* and *inuencion*.<sup>2</sup>

Abfolucion is wherby the defendour fheweth that it is lafull for hym to do that what the aduerfary bryngeth in for a signe of his malyce.

#### Example.

A man is founde coueryng of a dede body / and therupon accused of murder / he may anfwere that it is lafull to do fo for the preferuacyon of his body from rauons and other that wold deuoure hym / tyll tyme he had warned people to fetche & bury hym.

Inuencion<sup>3</sup> is wherby we fhewe that the signe whiche is brought agaynste vs: maketh for vs. As I wolde nat haue taryed to couer hym yf I had done the dede my felfe: but haue fled and fhronke afyde into some other way for feare of takynge.

#### Of the conclusion.

The *conclusion* is as I haue fayd afore in<sup>4</sup> brieve repetyng of the effecte of our reasons / & in mouynge the Judges to our [E iv b] purpose. The accufer to punyffe the *person*<sup>5</sup> accused. The defender / to moue him to pity.

#### Of the state iuridiciall / and the handelynge therof.

As state coniecturall cometh out of this quefityon (who dyd the dede) fo whan there is no dout<sup>6</sup> but that the dede is done / and who dyd it / many tymes controuerfy is had / whether it hathe bene done lafully or nat. And this state is negociall or iuridiciall /

<sup>1</sup> From B. In A. he that shulde lyue thre dayes.

<sup>2</sup> B. *Invercion*; *Lat.*, *inversionem*.

<sup>3</sup> B. *inuercion*.

<sup>5</sup> B. *perfone*.

<sup>4</sup> in added from B.

<sup>6</sup> B. *doubt*.

whiche conteyneth the ryght or wronge of the dede. As in the oracion of Tully for Milo / the ftate is iuridiciall / for open it was that Clodius was flayn / and that Milo flewe hym / but whether he kylled hym lauffully or nat: is the controuersy & ftate of the cause / as I haue afore declared.

The preamble and narracion as afore.

The confirmacion hath certayn places appropred thereto / but here muste be marked that ftate negocyall is double / absolute / and assumptiue.

State negociall absolute is whan the thyng that is in controuersy is absolutely defended to be lauffully done. As in the oracion of Tully for Milo / the dede is styfly affirmed to be lauffully done in fleyng Clodius / feyng that Milo dyd it in his owne [E v a] defence / for the lawe permitted to repell violence violently.

The places of confirmacyon in ftate absolute are theie / nature / lawe / custome / equity or reason / iugement / necessity / bargayne or couenantz. Of the whiche places Tully in his oracion for Milo bringeth in the more parte to gyther in a clufter on this maner.

If reason hath prescrybed this to lerned and wyse men / and necessity hath dryuen it into barbour and rude folke / & custome kepeth it among all nacions / and nature hath planted it in bruyte beestes<sup>1</sup> / that euery creature shulde defende hym selfe and saue his lyfe and his body from all violence by any maner of focour / what meanes or way so euer it were. You can nat iuge this dede euyl done / except you wyll iudge that whan men mete with theuys or murderers / they muste eyther be flayne by the wepons of fuche vnthryfty and malicious perfonen: eyther els peryfthe by your sentence gyuen in iudgement vpon them.

State assumptiue is whan the defence is feble of it selfe / but yet it may be holpen by some other thyng added to it. And the places longynge to this ftate are grauntyng of the faute / remoung of the faute / or (as we say in our tongue) layeng it from vs to an other / & translatyng of the faute.

[E v b] Grauntyng of the faute is whan the perfon accused denieth nat the dede / but yet he desyreth to be forgyuen / & it hath .ii. places mo annexyd to it / purgacion & deprecacion.

Purgacion is whan he sayeth he dyd it nat malicioufly: but by

<sup>1</sup>B. brute beestes.

ignorance or mishap whiche place Cato vsfeth ironioufly in Saluft / thus: My mynde is that ye haue pity with you / for they that haue done amyffe be but very yonge men / & defyre of honour draue them to it.

Deprecacion is whan we haue non excufe: but we call vpon the Justices mercy. The handelynge wherof Tully wryteth in his boke of inuencion thus.

He that laboreth to be forgyuen of his faut / must reherce (yf he can) some benefytes of his / done afore tyme / and shewe tha they be farre greater in theyr nature than is the cryme that he hath commytted / so that (how be it he hath done greatly amyffe) yet the goodes<sup>1</sup> of his fore merites are farre bygger / and so may wel oppresse this one faut. Nexte after that it behoueth hym to haue refuge to the merytes of his elders / yf there be any / and to open them. That done / he must retourne to the place of purgacion / and shewe that he dyd nat the dede for any hate or malyce / but either by folyfshness / or els by the entisement [E vi a] of some other / or for some prouable cause. And then promise faithfully that this faut shall teche hym to beware from thens forth and also that theyr benefytes that forgyue hym shall bynde hym assuredly neuer to do so more / but perpetually to abhorre any fuche offence / and with that to shewe some great hope ones to make them a great recompence & pleafure therfore agayne. After this let hym (yf he can) declare some kynred betwene them & hym / or frendshyp of his elders / & amplifie the greatenes of his seruice & good harte towarde them / yf it shall please them to forgiue this faut / & adde the nobylity of them that would fayne haue hym delyuered. And than he shall soberly declare his owne vertues & fuche thynges as be in hym perteynyng to honeste and prayse / that he may by these meanes seme rather worthy to be auanced in honour for his good qualities / than to be punished for his fall.

This done / let hym reherse some other that haue be forgyuen greater fautes then this is. It shall also greatly auayle yf he can shewe that he hath in tyme afore ben in auctoritie and bare a rule ouer other / in the whiche he was neuer but gentyll and glad to forgyue them that had offended vnderneath hym. And then let hym extenuate [E vi b] his own faute / and shewe that there folowed nat so great damage therof / and that but lytle profyte or

<sup>1</sup> B. goodnes.



honesty wyll folowe of his puniffment. And finally then by comon places to moue the iudge to mercy & pytie vpon hym.

The aduerfary muft (as I haue fhewed afore) vse for his purpose contrary places.

Some Rhetoriciens put no mo places of deprecacion than only this that is here laft reherced of Tulli / that is to do our best to moue the iustice to mercy and pity.

Remocion of the faute is whan we put it from vs and lay it to another.

Example.

The Venecians haue commaunded certayne to go in ambaflade to Englande / and therupon appointed them what they fhall haue to bere their charges / whiche money affigned: they can nat get of the treafurer: At the daye appoynted they go nat / wherupon they are accused to the Senate. Here they muft ley the faut from them to the treafurer / which difpatched them nat accordyng: / as it was ordeyned that he fhulde.

Tranfacion of the faut is / whan he that confeffeth his faut fayeth that he dyd it: moued by the indignacion of the malycyouse dede of an other.

[E vii a]

Example.

Kynge Agamennon / whiche was chief capitayne of the Grekes at the fiege of Troye / whan he cam home was flayne of Egiftus by the treason of Cliteneftre his owne wyfe / whiche murder his fozne Oreftes feynge / whan he cam to mannes ftate / reuenged his fathers deathe on his mother / and flewe her / wherupon he was accused. Here Oreftes can nat deny but he flewe his mother: but he layeth for hym that his mothers abhominable iniury conftreyned him thereto / bycaufe ſhe flewe his father.

And this is the handelynge of confyrmacyon in ftate affumptiue.

The conclufions in thefe oracyons are lyke to the conclufions of other.

Of ftate legitime / and the  
handelynge therof.

State legitime is whan the controuerfy ftandeth in definicyon or contrary lawes / or doubtful wrytynges / or racyocynacyon / or tranflacyon.



## Of definicion.

Definicion (as Tully wryteth) is *whan* in any wrytynge is some worde put / the significacion wherof requireth expoficion.

[E vii b]

Example.

A lawe maye be made that fuche as forsake a fhyppe in tyme of tempeft fhulde lefe theyr ryght that they haue / eyther in the fhyppe or in any goodes within the fame vefsell / & that they fhall haue the fhyp & the goodes that abyde ftyll in her.

It chaunced .ii. men to be in a lytle crayer / of the whiche vefsell the one man was both owner and gouernour / and the other poffefour of the goodes. And as they were in the mayne fee / they efpied one that was fwymmyng in the fee / and as well as he coulde holdyng vp his handes to them for focour / wherupon they (beyng moued with<sup>r</sup>pytie) made towarde hym / & toke hym vp. Within a lytle after arofe a greate tempeft vpon them / and put them in fuche ieopardy that the owner of the fhyp (which was alfo gouernour) lepte out of the fhyp into the fhyp bote / & with *the* rope that tyed the bote to the fhyp : he gouerned the fhyp as well as he colde. The marchant that was within the fhyp / for great difpayre of the losse of his goodes / wylyng to flee hym selfe : threst hymfelfe in with his owne fworde / but as it chaunced the wounde was neyther mortall nor very greuoufe / but natwithftandyng for that tyme he was vnable to do any good in helpyng the fhyp agaynst the impetuoufnes of the ftorme. The thyrd [E viii a] man (whiche nat longe afore had fuffered fhypwracke) gate hym to the fterne : and holpe the vefsell the beft that laye in hym.

At length the ftorme feaced / and the fhyp came fafe into the hauen / bote and all. He that was hurt (by helpe of Chirurgiens) recouered anon. Nowe euery of thefe thre chalenge the fhyp & goodes as his owne. Here euery man layeth for hym the lawe aboute reherced, and all theyr controuerfy lyeth in the expoundyng of thre wordes / abydyng in the fhyp / and forfakynge the fhyp / and what we fhall in fuch cafe cal the fhyp / whether the bote as part of the fhyp : or els the fhyp it felfe alone.

The handelyng hereof is. Fyrft in few wordes and plaine to declare the significacion of the worde to our purpofe / and after fuche maner as may seme refoable to the audience. Nexte / after

suche expoficion to declare and proue the fayd expoficion true / with as many argumentes as we can.

Thyrdely to ioyn our dede with the expoficion / & to fhew that we onely dyd obserue the very entent of the lawe. Than to refell the expoficion of our aduerfaries / & to fhew that theyr expoficion is contrary to reafon and equitie / and that no wyfe man wyll fo take the law as they expounde it / and that the expoficion is neither honeft nor profytable / [E viii b] and to confter theyr expoficion with oures / and to fhew that oures conteyneth the veritie and theirs is falce. Oures honeft / reafonable / & profitable : Theys clene contrarye. And then ferche out lyke examples / either of greater maters or of leffe / or els of egall maters / and to manifefte by them / that our mynde is the very truthe.

Contrary lawes are where the tone femeth euidently to contrarye the other. As yf a law were that he whom his father hath forfaken for his fonne / fhall in no wyfe haue any porcion of his fathers goodes. And an other lawe / that who fo euer in tyme of tempeft abyde in the fhyp : fhall haue the fhyp and goodes. Then pofe that one whiche was of his father fo abiecte & denyed for his chylde : was in a fhyp of his fathers in tyme of fore wether / and whan al other for feare of lefyng themfelfe forfoke the fhyp and gate them into the bote : he onely abode / and by chaunce was fafe brought into the hauen / wherupon he chalenge the vefel for his / where as the party defendant wyll lay agaynft hym that he is abdicate or forfaken of his father / and fo can nat by the lawe haue any parte of his goodes. Here muft he fay agayn for hym that this lawe alleged doth all only priuate from theyr fathers goodes fuche as be abdicate & yet [F i a] wolde chalenge a part as his children / but that he doth nat fo / but requireth to haue the fhyp / nat as a fon to his father : but as any other ftraunger myght / feyng the lawe gyueth hym the fhyp that abyde in her in tyme of neceffity. And fo the handelyng of this ftate / eyther to deny one of the lawes and fhewe that it<sup>1</sup> hath bene afore annulled / or els to expounde it after the fence that is mete to our purpofe.


Doubtful wrytynge is where either the mynde of the author femeth to be contrary to that that is wryten / which fom call wrytynge & fentence / or els it is whan the wordes may be expounded dyuers wayes.

<sup>1</sup> B. *inserts* it.

## Example of the fyrst.

Men fay it is a law in Caleys that no straunger may go vpon the towne walles on payne of dethe. Now then pose that in tyme of warre the towne beyng harde betieged / an alien dwellynge in the towne getteth hym to the walles amonge the fouldiers / & doth more good than any one *man* agayn. Now after the siege ended he is accused for transgressyng of the lawe / which in wordes is euidently againt him. But here the defendaunt must declare the wryters mynde by circumstaunces / what straunger he dyd forbyd / and what tyme / and after what maner / and in what intent [F i b] he wolde nat haue any straunger to come on the walles / & in what intent his mynde might be vnderstanden to suffre an alien to go vpon the walles. And here must the effecte of the straungers wyl be declared / that he went vp to defend the towne to put back their enemies. And therto he must fay that the maker was nat fo vndifcrete & vnreasonable that he wolde haue no maner of exception which shuld be to the welth / profite / or preferuacion of the towne. For he that wyl nat haue the law to be vnderstanden accordyng to equitie / good maner / & nature / entendeth to prouue the maker therof either an vniust man / or folyfhe or enuioufe.

The accuser contrarily shall prayse the maker of the law for his great wisdom / for his playne wrytyng without any maner of ambiguity / that no straunger shulde presume to go vpon the walles / & reherce the lawe word for worde / & than shew some<sup>r</sup> reasonable cause that mouyd the maker of the law that he wolde vtterly that no straunger shuld ascend the walles. &c. Example of the second.

A man in his testament gyueth to two yonge doughters that he hathe two hundred shepe / to be delyuered at the day of their maryage / on this maner.  I wyl that myne executoures shall gyue to my doughters at the tyme of their maryage [F ii a] euery of them an hundred shepe / fuche as they wyll. At the tyme of maryage they demaunde theyr cattell / whiche the executours deliuer nat of fuche fort as the maydens wold / wherupon the controuerfy arifeth. For the executours fay they are bounde to delyuer to euery of them an hundred shepe / fuche as they that be the executours wyll. Now here standeth the dout / to whom we shall referre this worde *they* / to the doughters / or to the executours.

<sup>r</sup> B. fom.

The maydens fay nay thereto / but that it was theyr fathers mynde that they fhulde haue euery of them an .C. fhepe / fuche as they that be the daughters wyll.

The handelyng of doutfull wrytyng is to fhew yf it be poffible that it is nat wryten doutfully by caufe it is the comon maner to take it after as we fay / & that it may fone be knowen by fuche wordes as partely go before that claufe & partly folow / & that there be few wordes / but if they be confidered fo alone / they may anon be taken doubtfully. And firft we fhall fhewe if we can that it is nat doubtfully wryten / for there is no reasonable man : but he wyl take it as we fay.

Than fhall we declare by that that goeth afore / & foloweth / that it is clerly eyn as we fay / & that yf we confider the wordes of them felfe they wyl feme to be of ambiguite [F ii b] but feyng they may by the reft of the wryting be euident ynough / they ought nat to be taken as doubtfull. And then fhew that yf it had ben his minde that made the wrytyng to haue it taken as the aduerfarye fayeth : he neded nat to haue wryten any fuch wordes. As in the example now put / the maydens may fay that yf it had bene theyr fathers mynde that the executours fhulde haue delyuered fuche fhepe as it had pleased them to delyuer : he neded nat to haue added thefe wordes *fuch as they wyll*. For yf they had nat ben put / it wolde nat haue bene dought but that the executers<sup>r</sup> delyuerynge euery of hem an hundred fhepe (whatfoeuer they were) had fulfilled the wyll / and could haue ben no further compelled / wherfore if his mynde was as they fay / it was a great folye to put in the wordes whiche made a playne mater to be vnplaine. And than finally fhew it is more honeft and conuenient to expounde it as we fay : then as our aduerfaryes do.

Raciocinacion is whan the mater is in controuerfy / wherupon no law is decreed / but yet the iugement therof may be founde out by lawes made vpon maters fomdele refemblynge thereunto.

As in Rome was this law made / that yf any perfone were diftraught / his poffeffyons [F iii a] and goodes fhulde come to the handes of his next kynne.

And an other law / what any houfeholder dothe orden<sup>e</sup> and make as concernynge his houfeholde and other goodes / it is approbate and confirmed by the lawe. And an other law / if any houfeholder

<sup>r</sup> B. executours.

<sup>e</sup> B. ordeyn.

dye intefate / his monye & other goodes fhall remayne to his next kyn. It chaunced one to kyll his owne mother / wherupon he was taken and condempned to deathe / but whyle he lay in pryfon / certayne of his familiare frendes cam thither to hym / and brought with them a clerke to wryte his teflament / whiche he there made / & made fuche executours as it pleafed hym. After his deth his kynnesmen chalenge his goodes, his executours fay them nay / wherupon aryfeth controuerfy afore the iuflice.

There is no lawe made vpon this cafe / whether he that hath kylled his mother may make any teflament or nat / but it may be reafoned on bothe parties by the lawes aboue reherfed. The kynfmen fhall allege the lawe made for them that be out of their myndes / prefuppofynge hym nat to be in mucche other cafe / or els he wolde nat haue done the dede. The contrary parte fhall allege the other lawe / and fhewe that it was none alienacion of mynde : but fome other [F iii b] caufe that moued hym to it / and that he hath had his punyfhment therfore / which he fhulde nat haue fuffred of conuenient if he had bene befyde hym felfe.

Tranfacion is whiche the lawyers cal excepcion / as yf a perfon accused pleade that it is nat lawfull for the tother to accufe hym / or that the Juge can be no iuge in that caufe. &c.

#### The conclufion of the Author.

Thefe are my fpECIAL and finguler goode Lorde whiche I haue purpofed to wryte as touchyng the cheyf poynt of *the* .iiii. that I fayd in the begynnyng to long to a Rhetoricien / and which is more difficulty than the other .iii. fo that it ones had / there is no very great mayftry to come by the refydue. Natwithftandyng yf I fe that it be fyrft acceptable to your good lordfhip in whom nexte god and his holy faintes I haue put my chyef confidence and truft / and after that yf I fynde that it feme to the reders a thyng worthy to be looked on / and that your lordfhip and they thynke nat my labour taken in vayne : I will affay my felfe in the other partes / and fo make and accomplifhe the hole werke. But nowe I haue folowed the facion of Tully / who made a feuerall werke of inuencion. And [F iv a] though many thynges be left out of this treatyfe that ought to be fpoken of / yet I fuppofe that this fhall be fufficyent for an introductyon to yonge begynners / for whom all onely this boke is made. For other that bene entred all redy fhall haue lytle nede of my labour / but they may feke more meter



thynges for theyr purpose / either in Hermogines among the Grekes / or els Tully or Trapefonce / among the Latines. And to them that be yonge begynners nothyng can be to playne or to fhort / wherfore Horace in his boke of the craft of Poetry fayeth

*Quicquid præcipies esto brevis ut cito dicta  
Percipiant animi dociles teneantque fideles.*

what fo euer ye wyll teache (fayth he) be brief therin / that the myndes of the herers or reders may the eafyer perceyue it / and the better bere it away. And the Emperour Justinian fayeth in the fyrfte boke of his intitutions in the paragraph of iuftice and right / that ouer great curiofity in the fyrft principles / make hym that is ftudioufe of the facultie either to forfàke it or els to attayne it with very great and tedyoufe labour / and many tymes with great difpayre to com to the ende of his purpose. And for this caufe I haue bene ferre leffe curiofufe then I wolde els haue ben / and alfo a great dele the fhorter. If this my labour [F iv b] may please your lordfhypp / it is the thyng that I do in it moſte defyre / but yf it ſeme bothe to you & other a thyng that is very rude and fkant worthe the lokyng on : yet Aristotles wordes ſhal comfort [me / who fayeth that men be nat onlye bounde to good autours<sup>1</sup>: but alfo to bad / bicaufe that by their wrytyng they haue prouoked cunnynger men to take the mater on hande / which wolde els peraduenture haue helde theyr peace. Truely there is nothyng that I wolde be more gladder of / than if it might chaunce me on this maner to caufe them that be of moch better lernyng & exerciſe in this arte than I, of whom I am uery ſure that this realme hath great plenty / that they wolde fet the penne to the paper / & by their induſtry obſcure my rude ignoraunce. In the meane ſpace I befeche the reders / yf they fynde any thyng therin that may do them any profyte / that they gyue the thanks to god and to your lordfhypp / and that they wyll of theyr charitiè pray vnto the bleffyd Trinite for me / that whan it ſhall please the godhed to take me from this tranſitory lyfe / I may by his mercy be of the nombre of his electe to perpetuall ſaluacyon.

Imprinted at London in Fleteſtrete<sup>2</sup> / by me Robert Redman / dwellyng<sup>3</sup> at<sup>3</sup> the<sup>3</sup> ſygne<sup>3</sup> of<sup>3</sup> the<sup>3</sup> George.<sup>3</sup> <sup>4</sup>Cum priuilegio.

<sup>1</sup> B. authors.

<sup>2</sup> Added in B — by faynt Dunſtones chyrche at the ſygne of the George.

<sup>3</sup> Omitted in B.

<sup>4</sup> Added in B.— The yere of our lorde god a thoufande, fyue hundred and two and thyrty.



MELANCHTHON'S  
INSTITVTIONES RHETORICÆ

[THE PORTION ON INVENTION.]



EXTRACT FROM MELANCHTHON'S "INSTITVTIONES  
RHETORICÆ."

(The Portion on Invention.)

[Sig. a ii recto]: ELEMENTA RHETORICES.

Partes differentium sunt, inuenire, iudicare, disponere, & eloqui. Difficillimum est inuenire quid dicas, quare de inuentione plurima sunt a rhetoribus tradita.

Inuentionem loci quidam continent, qui indicant de quouis themate, quid dicas, non inuenitur thema, sed proposito themate, inueniuntur loci, quibus ipsum uel muniatur, uel ornetur, ut proposito themate, Clodius iure cæsus est, Rhetor e locis suis argumenta petit confirmandi thematis. Quare de thematum differentia dicendum est.

Sicut caussarum ita thematum genera quatuor sunt. Dialecticum, demonstratiuum, deliberatiuum, iudiciale.

Dialecticum Thema est aut simplex, ut pietas, aut compositum, ut pietas est iusticia.

Est autem dialecticum genus, certa quædam & simplex docendi ratio, qua rerum naturæ, causæ, partes & officia certis quibusdam legibus inquiruntur, ut exacte & proprie nihil cognosci queat, nisi dialecticis organis astrictum. Est enim obseruatio quædam naturæ, qua in quauis re ipsa hominum ratio considerat, quid prius, quid posterius, quid proprium, quid improprium sit.

Loci seu organa simplicis thematis.

Finitio,

Causæ,

Partes,

Officia, Vt si quid sit iusticia, quæ causæ eius sunt, quæ partes, quæ officia, inquisieris, iam totam iusticiæ naturam percrutatus es, & de iis quidem dialectici uiderint. Nam huic simplicium thematum generi, quatenus cum rhetore conueniat, infra docebimus. Est enim ubi definitionibus ubi diuisionibus utitur. Quæ ut sunt apud dialecticum certæ & compendiaræ, ita apud rhetorem amplæ & splendidæ.

## DE COMPOSITO THEMATE.

Omne compositum thema, aut probatur, aut improbatur.

Probatio aut improbatio argumentis constat. Iam omne compositum θέμα siue rhetoricum, siue διαλεκτικόν, in dialecticas figuras referri potest. Itaque inter rhetorica & dialectica sic conuenit, quod de proposito themate dialecticus certa lege uerborum & anxie obseruata fermoris proprietate, ne plus minusue dicatur quam res concepta apud animum præscripsit, differit. Rhetor uero etiam aliunde addit simplicibus argumentis ornamenta quædam. Ego certum argumentorum iudicium a dialecticis, ornamentorum figuras a rhetoribus peto, ut in Miloniana, sic argumentari dialecticus poterit, Vim ui repellere fas est, Clodium occidit, uim ui repellens Milo, ergo Clodius iure cæsus est. Quem συλλογισμον Marcus Cic. uix multis paginis absoluit. Neque uero de eo apte iudicare poteris nisi reuocaribus in simplicem, & διαλεκτικὴν formulam, indicante interim rhetore, quæ ornamenta sint addita præter necessitatem, in hoc tantum ut illustrent, ut augustiorem reddant orationem.

Loci seu organa argumentorum inueniendorum, quibus composita θεματα muniuntur,

Finitio,  
Causæ,  
Partes,  
Similia,  
Contraria.

De argumentorum locis infra agemus, omnino enim rhetori & dialectico de locis conuenit. Nam qui modi sint, & quæ formulæ argumentorum nectendorum dialecticus docet, ubi συλλογισμον, enthymematum, & ἀπαγωγῶν formas tradit.

## DE GENERE DEMONSTRATIVO.

Demonstratiuum genus, quo utimur laudando, aut uituperando, celebre quondam in actionibus publicis, ut indicant Demofthenis, item pleræque Thucydidis conciones. Nunc ad scholas & ad exercitium iuuentutis relegatum est. Est autem triplex. Nam aut personæ laudantur, ut Cæsar, aut facta, ut Scæuolæ factum, aut res, ut iusticia, pietas. Semper itaque simplicis θεματος genus demonstratiuum est.

## DE PERSONARUM LAVDE.

Orationis partes a rhetoribus præscriptæ funt.

Exordium

Narratio

Contentio

Peroratio.

Quas partes deinceps in fingulis generibus requiremus. Neque uero ubique omnium ufus eft.

## DE EXORDIO.

Exordium non modo in hoc genere fed in aliis etiam tribus locis conftat.

Benevolentia

Attentionis

Docilitatis.

Benevolentia petitur tum a rebus, tum a perfonis. Facillimus & ufitatiffimus benevolentia tractandæ locus eft officium perfonarum. Quale eft exordium Nazianzeni in Bafilii laudem. Debere fe Bafilium laudare, tum propter amicitia rationes, tum propter memoriam pulcherrimarum uirtutum, tum ut exemplum habeat ecclefia optimi & fanctiffimi epifcopi.

Ab Officio orditur Cicero pro Archia. Si quid eft in me ingenii iudices, quod sentio quam fit exiguum, aut fi qua exercitatio dicendi, in qua me non inficior mediocriter effe uerfatum, aut fi huiufce rei ratio aliqua ab optimarum artium ftudiis, & difciplina perfecta, a qua ego nullum confiteor ætatis meæ tempus abhoruiffe, earum rerum omnium, uel in primis hic A. Licinius fructum a me repetere prope fuo iure debet.

Ab Officio exorditur primam Epiftolam Cice. Ego officio ac pietate cæteris fatisfacio omnibus, mihi ipfi non fatisfacio, tanta enim eft magnitudo meritorum tuorum.

Ab iis quos laudamus, ut superiorem effe eum, de quo dicturus es, omni orationis facultate. Sic de Bafilio Gre. Nazian.

Ab iis coram quibus dicitur, ut ex re eorum effe, coram quibus dicis, ut hunc laudes, fatis fcire quam charus ciuitati fuerit, ideo publici officii gratia laudandum effe.

Principio notare, perstringere, criminari aduerfarium, ut pro Aulo Ceci. fi quantum in agro, locisque defertis audacia poteft, tantum in foro atque in iudiciis impudentia ualeret, non minus in

cauffa cederet Au. Cecin. Sexti Ebutii impudentiæ, quam tum in ui facienda ceffit audaciæ. Et hæ quidem funt communes formulæ beneuolentiæ.

Commode trahuntur exordia a locis, temporibus & ab aliis circumstantiis, quæ forte fortuna inciderunt. Vt Cice. pro Celio A Tempore orfus est, Si quis forte nunc iudices adfit ignarus legum, iudiciorum, confuetudinis ueſtræ, miretur profecto quæ fit tanta atrocitas huius cauffæ, quod diebus feſtis, ludisque publicis, omnibus negociis forenſibus intermiſſis, unum hoc iudicium exerceatur.

A Temporum periculis orfus est pro Sexto Roſcio.

Peregrina exordia sæpe ducuntur,

A ſententiis,

A uotis,

A moribus,

A legibus.

Inſtitutis gentium, Vt Ariſtides in Encomio Romæ, ſic Demofthenes in Aefchinem a uoto orfus eſt. Optare ſe a diis immortalibus ut quam gratiam hactenus expertus fuiſſet in Rep. geſta, eam nunc in hac cauffa experiretur. Et pro Murena Cice. & de reditu ſuo. Orditur & a more pro lege agraria.

Idem fere in epiftolarum exordiis obſeruatur quamquàm in his minus eſt artificii.

#### DE INSINATIONE.

Inſinuatio eſt cum principio orationis excuſamus turpitudinem, quæ in cauffa uidetur eſſe, ut ſi quis Therſiten laudaturus fit, cum hunc damnarint poetæ, damnarit & fama, ſic ordiatur. Boni uiri eſſe ſuſpectum habere, quidquid uel poetæ, uel fama probet aut damnet. Ideo confidere auditores magis quæ dicturus ſis, quam quæ incerta fama acceperint conſyderaturos.

Exemplum habes exordium Moriæ Eraſmi.

In exordiis cauendum, ne longius petantur, item ne nimis prolixa ſint.

Accommodata ſunt exordiis hæc affectuum uerba Gaudeo, doleo, miror, gratulor, opto, uereor, precor, & ſimilia, ut apud Paulum εὐχριστῶ.

#### DE ATTENTIONE.

Attenti erunt ſi de nouis, neceſſariis, utilibus rebus, item difficilibus, aut obſcuris, dicturum te affirmes. Eſt & ubi beneuolentiam captes, a nouitate, & utilitate argumenti.



## DE DOCILITATE.

Dociles, si dicturum te affirmes breuiter & dilucide.

Narratio qua personæ laudantur, est historica commemoratio totius vitæ.

Loci sunt natales, puericia, ubi de ingenio dicitur, & educatione. Adulescentia, ubi studia considerantur. Iuuentus & senectus, ubi res publicæ aut priuatim gestæ considerantur, mors, & quæ illam secuta sunt.

Quidam personarum laudes partiuntur in tria genera bonorum, & ab illis incipiunt narrationem, quod non admodum probo, quam in commemorandis gestis rebus, si non potest historicus ordo temporum obseruari, & multa facta sunt congerenda, patiar commemorari primum prudentiæ, deinde iusticiæ, postea fortitudinis, postremum temperantiæ exempla. Vt si sis Augustinum laudaturus, recensitis natalibus, ubi iam ad egregia facta peruentum est, patiar ea distribui in locos uirtutum. Sic Cicero laudauit Pompeium. Ego sic existimo in summo Imperatore quatuor has res inesse oportere, scientiam rei militaris, uirtutem, auctoritatem, felicitatem.

In recensendis factis nonnunquam ad alicuius uirtutis peculiarem laudem per amplificationes excurrendum est.

Itaque oratio, qua persona laudatur, est continua quædam historica expositio laudum personæ, & ab historia non differt hoc genus orationis, nisi quod historia narrat simplicius, splendidius orator, & magnificentius.

Caret confirmatione & confutatione, quia non agitur de dubiis rebus. Quanquam alicubi solet dubium incidere, quod aut defendendum, aut excusandum est. Vt si quis Camillum laudet, defendat, non uiolasse pactum, quod cum Gallis Romani perpigerant. Ita si quis Petrum laudet, ostendat lapsum esse, ut declaret exemplum sui in eo diuina misericordia.

## DEMONSTRATIO FACTORVM.

Licebit ordiri a commodis eorum, apud quos dicimus, ut si quis Scæuolæ factum laudaret, qui Romam obfidione Porfenæ liberauit. Non dubium est quirites magnæ uoluptati uobis memoriam Scæuolæ esse, qui tot Rempub. commodis unico facto auxit. Atque hæc uidetur proxima ordiendi ratio.

Ab aliis modis ut a nostra persona, a locis, a temporibus, si qua occasio suppeditabit argumentum, ordiri potest. Vt pro M. Mar-

cello a tempore & persona Cæſaris orditur Cice. Diuturni ſilentii patres conſcripti, quo eram his temporibus uſus, non timore aliquo, ſed partim dolore, partim uerecundia finem hodiernus dies attulit, idemque initium, quæ uellem, quæque ſentirem meo priſtino more dicendi, tantam enim manſuetudinem, tam inuſitatam inauditamque clementiam, tantum in ſumma poteſtate rerum omnium modum, tantamque incredibilem ſapientiam, ac pene diuinam tacitus nullo modo præterire poſſum.

## DE NARRATIONE.

In hoc genere raro utimur integris narrationibus, niſi ſicubi publice dicendum eſſet apud eos, qui non tenerent proſus hiftoriam facti.

Utimur autem propoſitionibus ut in hunc modum.

Inter ea, quæ præclare geſiſti C. Cæſar, non aliud factum plus meretur laudis reſtitutione M. Marcelli. Sic proponit Cice. in oratione pro M. Marcello. In hunc modum in *epiſtola*, Inter ea, quæ mihi contigerunt feliciter longe primum puto quod tua mihi conſuetudo. &c.

## DE CONFIRMATIONE.

Loci ſunt honeſtum, utile, facile, uel difficile. Honeſtum a natura rei petes, qui locus eſt in ingenio poſitus dicentis, & a philoſophis petendus.

Vtilitas & facilitas, uel difficultas a circumſtantiis petantur.

Circumſtantia ſunt, quis, ubi, quando, apud quos fiat, & quorum auxilio. &c.

## DE CONFUTATIONE.

Fere non incidit in laudes conſutatio, quia non laudantur ambigua, ſed certa, quanquam alicubi fit aliquid excuſandum, aut defendendum, ut ſi quis de Camilli facto dicat, quod patriam reſtituit & liberauit a Gallis. Hic defendendum eſt & demonſtrandum pactum non eſſe uiolatum, quod inierat Sulpitius.

Sunt autem loci conſutationis contrarii confirmationi.

## DE PERORATIONE.

Peroratio breui enumeratione conſtat & affectu. In lætis mouemus ad congratulandum & imitandum. In triſtibus ad commiferandum.

## DEMONSTRATIO RERV.

## EXORDIUM.

Optimum exordium fuerit, si ab aliqua insigni laude eius rei de qua dicturus es ordiari. Cæterum licebit, & a personis, & ab officio, a locis, temporibus, aliisque modis ordiri, de quibus supra dixi.

Iam & hic spectandum si rem turpem laudaturus sis, ut insinuatione anteuortas animos audientium, & excuses turpitudinem, uel exemplis, uel argumentis.

Exemplum habes Erasmi Morie præfixam Epistolam.

## NARRATIO.

In hoc genere narratio nulla est, sed simpliciter proponitur, estque uice narrationis propositio.

Elegans exemplum est apud Politianum in laudem historiae.

Inter omne scriptorum genus, quibus uel Græcæ uel Romanæ literæ floruerunt, hi mihi haud dubie de humanis rebus egregie meriti esse uidentur, per quos aut excellentium populorum aut summorum principum aut omnium illustrium uirorum res gestæ fidelibus historiis monumentis commendatæ sunt.

Ita si quis de pace dicturus sit, proponat. Inter ea, quæ uel publice, uel priuatim salutaria rebus humanis contingere possint, nihil pace prius est.

## CONFIRMATIO.

Loci sunt, honestum, utile, facile, seu difficile. Multa enim communia habet hoc genus cum genere deliberatio.

Honestum a natura petitur, item a personis, ab inuentoribus, a uetustate.

Utilitas & facultas in circumstantiis posita est.

Exemplum habes historiae laudationem apud Politianum item apud Erasmus de re medica. Conuatio locis contrariis constat.

Peroratio constat enumeratione & affectu, ut supra.

## DE GENERE DELIBERATIVO.

Genus deliberatio est, quo suademus, aut dissuademus, petimus, hortamur, aut dehortamur. Ususque eius multus est, cum alias in ciuilibus negociis, tum in Epistolis.

## EXORDIVM.

Non aliter atque supra docuimus ordiri, & hic licebit, maxime uero aut ab officio personæ, ne quis putet consuli priuato affectu in rem nostram, sicut apud Salusti. Cæsar. Omnes, qui de rebus dubiis consultant, uacare debent metu, timore, auaricia.

Aut a periculi, uel rei magnitudine, quales pleræque sunt apud Livium ut lib. V. Camillus orditur in hunc modum. Ardeates ueteres amici, noui etiam ciues mei (quando & uestrum beneficium ita tulit, & fortuna hoc egit mea) nemo uestrum conditionis meæ oblitum me huc processisse putet, sed res, & commune periculum coegit, quod quisque possit in re trepida præfidii in medium conferre.

Cæterum & aliunde petuntur exordia. M. Cicero pro lege Manilia beneuolentia tantum a persona sua captat, ostendens qua occasione licuerit in publico dicere, quia scilicet prætor designatus sit. Est ubi aduersarii perstringuntur ut sæpe apud Liuium.

Est ubi mores publici, aut priuati notantur, ut in oratione Porcii Catonis contra luxuriam mulierum Deca. iiii. lib. iiii.

Est ubi ordimur a locis, temporibus, item aliis incidentibus rebus, ut a comprecatione Liuius contra bachanalia lib. ix De. iiii. Nulli unquam contioni tam non solum apta, sed etiam necessaria hæc solennis deorum comprecatio fuit, quæ uos admonere debeat, hos esse deos, quos colere, uenerari, precarique maiores nostri instituerunt.

Breuiter in exordiis generis deliberatiui, officium personæ, & necessitas, aut commoditas rei considerantur.

## NARRATIO.

In deliberationibus raræ sunt narrationes, sed fere propositionibus uice narrationum utimur, ut uindicare Germaniam a pontificia tyrannide, & pium, & necessarium est hoc tempore.

Nonnunquam breuibus narrationibus utimur, ut cum aliquid ante ea de re gestum est, de qua deliberamus, ut apud Cic. pro lege Manilia, in hunc modum & narratiuncula est in oratione Annibalis ad Scipionem Deca. iii. lib. x. mire elegans & uenusta.

Narrationem uero debet sequi propositio eius sententiæ, de qua deliberatur, ut apud Liuium. Quod igitur nos maxime abominamur, uos autem ante omnia optaretis, in meliore uestra fortuna agitur agimusque. ii, quorum & maxime interest pacem esse, & quodcunque egerimus, ratum ciuitates nostræ habituræ sunt. Hæc enim propositio est quam e narratione colligit.

## CONFIRMATIO.

Loci sunt, honestum, utile, facile, uel difficile. Honestas complectitur uirtutes, prudentiam, iusticiam, pietatem, liberalitatem, clementiam, fortitudinem, temperantiam. &c.

Proinde *qui* uolet ab honesto argumentari, *eum* oportet uirtutum naturas probe tenere. Hic *facrorum scriptorum*, *poetarum*, *philosophorum* sententias, scite dicta, item *historicorum* exempla oportet in promptu habeamus.

Utilitas, in omni causa spectandum est num quod possit a necessario duci argumentum, uincitur enim necessitate utilitas. *Cæterum* utilitas posita est in circumstantiis, & nascitur ex ipsa causa.

Facile, uel difficile, huc pertinent possibile & impossibile. Vincitur enim impossibili difficultas, ideo efficacius argumentum est, quod hinc ducitur.

Difficultas commemorat pericula, quæ uel ex ipsa causa, uel a locis communibus, uel a conditione fortunæ colliguntur. In hoc toto genere plurimum ualent exempla.

## CONFUTATIO.

Petenda est a contrariis locis. Obseruabis autem ubi honestas a personis petitur, agi rem locis demonstratiuis.

Peroratio enumeratione constat, & affectu. Qualis illa est apud Ouidium in .iii. *Methamor.* in *Vlyffis* oratione contra *Aiacem*.

## DE GENERE IUDICIALI.

Iudiciale genus est quo controuersia, ac lites continentur. Forense quondam erat, & nunc a nobis eatenus tractabitur, quatenus in literatis causis eius usus est. Nam ut de ciuilibus negociis, ita iisdem fere locis de literatis causis disceptari potest, ut *cum* *Paul.* probat, non esse ex operibus iusticiam, certe ciuili argumento usus est, cum ait, *Abraham* ante circuncisionem iustificatus est, ergo non ex circuncisione.

Statvs est summaria sententia de qua proprie litigatur, atque adeo breue pronunciatum, seu propositio quæ est controuersia summa, & ad quam omnes probationes, etiam argumenta referuntur, ut, *Fides* iustificat, hæc summaria sententia disputationis *Paulinæ* dicitur status. *Milo Clodium* iure occidit, hæc summaria sententia orationis *Milonianæ* dicitur status.



Singulis statibus sui sunt argumentorum inueniendorum loci. Proinde status recensendi sunt, & digerendi, ut quocunque themate proposito scias quibus argumentandi locis utendum sit.

Sunt autem tres status, Coniecturalis, Legitimus & Iudicialis.

Coniecturalis ex quæstione an fit nascitur, ut cum quæritur occiderit ne Aiacem Vlyffes.

De legitimo, & iudiciali postea.

Coniecturalium, & in aliis generibus, ut postea indicabimus multus usus est, ideo eius loci diligenter obseruandi sunt.

#### DE EXORDIIS.

Exordiorum ratio in iudiciali genere eadem est, quæ supra. Ordinum enim pro conditione causæ, uel ab aduersarii criminatione, uel ab eius pro quo dicimus, commiseratione, qui locus & accusatori & defensori mire utilis est. Alias item a nostræ personæ officio. Alias a iudicis persona. In promptu sunt exempla quibus pro regulis utaris.

Narratio in hoc genere est historica facti commemoratio. Narrabit ergo accusator, sparsis in narrationem multis suspitionibus, quæ causam adiuuare uideantur.

Ex narratione certam collige sententiam, quam probaturus es, nam rhetores narrationi enumerationem subiiciunt, quæ eorum, de quibus dicturi sumus, propositio est, ut pro Milone Cice. post narrationem ait. Nunquid igitur aliud in iudicium uenit / nisi uter utri infidias fecerit? Profecto nihil. Si hic illi, ut ne sit impune: si ille huic, tum nos scelere soluamur: quo nam igitur pacto probari potest infidias Miloni fecisse Clodium? Et hactenus proponit Cicero.

#### DE CONFIRMATIONE.

Accusatoris confirmatio ab his locis petitur, uoluntate, & potestate, suspicionem enim arguunt hæc duo uoluisse lædere, & potuisse.

Voluntatis loci duo sunt, qualitas personæ & causæ inducens ad suscipiendum facinus. Huius duo sunt loci, impulsio & ratiocinatio.

Impulsio est affectus animi, ira, odium, auaricia, aut quæcunque cupiditas.

Ratiocinatio est, quæ a spe commodorum ducitur. quale primum est in Miloniana causâ, ubi probatur Miloni Clodium infidiatum esse, Satis est quidem in illa tam audaci, tam nefaria belua docere magnam ei causam, magnam spem in Milonis morte propositam



fuisse. Quam sententiam deinde rhetoricis figuris amplificat, inquit, *Itaque*, illud Cassianum, cui boni fuerit, in his personis valeat: & si boni nullo emolumento impelluntur in fraudem, improbi sæpe paruo.

Quartus Locus Comprobatio, cum docemus / ad hunc solum pertinuisse commoda.

Potestas tota constat circumstantiis, loco, tempore, uiribus, item signis, quæ uel maxime suspitiones arguunt, & confirmant.

Signa sunt dicta, aut facta, antecedentia, uel consequentia.

Antecedens, ut Clodium ait Cicero dixisse Milonem triduo periturum. Item Clodium habuisse secum comites, barbaros seruos.

Sequens ut fugit, expalluit, erubuit.

Iidem sunt defensoris loci, sed ille addet absolutionem & inuersionem, quibus signa diluuntur.

Absolutio est cum docemus id signum, quod factum est, misericordia & humanitate factum esse, ut sepelii, sed motus misericordia.

Inversio qua docemus signum, quod contra nos producit, pro nobis facere, ut non sepelissim, si occidissim. Ita Thucydides non animaduertendum in Mityleneis ne desciscant. Ita Paulus in Gala. Nunquid lex aduersus promissiones, si non iustificat. Imo si lex iustificaret, esset aduersus promissiones dei.

Peroratio constat enumeratione & affectu. Accusator enim inuehitur in reum. Rursus reus iudicis animum sollicitat misericordia & similibus affectibus.

Sicut coniecturalis status ex quaestione an sit nascitur, ita cum de facto constat, quaeri solet de iure uel iniuria facti, atque hic status est qui ius, aut iniuriam continet. Negocialis dicitur, uel Iuridicialis.

Exordia, atque narrationes a superioribus pete.

Confirmationis proprii sunt loci.

Est autem duplex status negocialis, absolutus, & assumptiuus.

Absoluti status sunt, cum simpliciter aliquid defenditur, ut in Miloniana simpliciter Milonis factum defenditur. Loci eorum sunt, natura, lex, consuetudo, æquum, & bonum, iudicatum, pactum.

Assumptiuus status, est cum per se defensio infirma est, sed assumpta re extranea tractatur.

Loci eius sunt, concessio, remotio criminis, translatio criminis.

Concessio est, cum reus postulat sibi ignosci, & habet partes, purgationem & deprecationem.

Purgatio est, cum non consulto, sed per imprudentiam, per casum nos peccasse fateamur.

Deprecatio cum *imploramus* misericordiam. &c. Id autem fit commemoratione laudum iudicis.

Translatio criminis, cum culpam, & crimen fateamur, sed coactos indignitate peccasse. ut Orestes cum matrem occidit, ueniam meretur, coactus scelere matris.

Remotio criminis, cum crimen in alios conferimus, quorum iussu fateamur peccatum esse.

Peroratione, enumeratione & affectu constat.

Legitima constitutio dicitur ubi definitione, contrariis legibus, ambiguis scriptis, *ratiocinatione*, aut translatione agitur.

Definitione certatur, ut si quis sustulerit e sacro pecuniam *prophanam*. quæritur sacrilegium, an furtum sit admissum.

Quæstio finitionis tractatur dialecticorum locis, argumentis a genere, a differentia ductis.

Contrariarum legum constitutio est, ut *contrariarum* sententiarum in scripturis, ut filius non portabit iniquitatem patris, et uindicabo iniquitatem patrum in filios. Tractatur autem per circumstantias, altera uel profus refutata, uel exposita.

De Ambiguis scriptis dicitur ex scripto, & sententia controuersia nasci, ubi uidetur scriptoris uoluntas in scriptis dissentire. Ut si quis disputet cur Paulus præcipiat bona opera, cum tamen opera non iustificent.

Ex Ambiguo cum una sententia multifariam exponitur. In qua controuersia statuenda est, una aliqua certa sententia confirmanda circumstantiis & mente auctoris. ut si disputetur *utrum* cum Paulus doceat opera legis non iustificare, uelit hoc intelligi tantum de ceremoniis, an de omnibus legis operibus ceremonialibus & moralibus.

Ratiocinatione constat controuersia, quoties de casu aliquo disputatur, legibus non comprehenso, qui casus simili collato definiri potest.

Translatio plane id est, quod Iurisconsulti exceptionem uocant, ut cum agitur non licere huic accusare. Item non posse hanc causam agi coram hoc iudice.

## NOTES.

For a comparison (bibliographical) of the two texts of Cox's Rhetoric see Introduction, *supra* p. 19. Further, it may be noted in support of the theory that B is the later and revised text that, of the changes noted in B, some one hundred and ten are corrections and improvements upon A, bringing the readings nearer to modern forms, while B gives a poorer reading or a more contracted form than A only some twelve or fifteen times. The punctuation in B is throughout better than in A.

On the date of the Rhetoric see Introduction, *supra* p. 10.

In the following notes, besides the explanation of the more difficult and unusual references in the text, attention has been called in nearly every instance to the passages which are translated by Cox from Melanchthon's *Institutiones Rhetoricæ* (noted as "M. I"). A few passages translated from the same author's *de Rhetorica* are also cited. It will be seen that something over a third of Cox's text is directly translated from M. I; about a third more is either amplification of hints from M. or consists of direct translation from Cicero, from Melanchthon's *de Rhetorica*, or from other authors; while something less than a third seems to be of Cox's unaided composition. Cox, however, has treated his material very freely and seldom gives us literal translation. After Melanchthon, Cicero is his chief authority. To him he refers more than thirty times in the course of his short treatise. Among other authors mentioned are Aristotle, Demosthenes, Erasmus, Hermogenes, Hermolaus Barbarus, Horace, Livy, Ovid, Plato, Politian, Sallust, Thucydides, Trapezuntius, and Virgil.

Certain general peculiarities in Cox's English may here be noted once for all. These are:

Frequent double negatives, *e. g.*, 73.

The double comparative and superlative, *e. g.*, 59 ("most valiauntest"); 88 ("more gladder").

The form *nat* for *not*, *passim*.

The phrase *that that for that which*: *e. g.*, p. 44 line 28; 47:31; 68:19, etc.

The relatives *who, whom* used for both persons and things as in older English.

The word *other* in collective sense (= other people, other things): *e. g.*, 81:35; 88:18, etc.

Past participles in *-ect, -ate, and -en, etc.*: *e. g.*:

(1) Neglecte 71:18; suspecte 71:35; 72:21; 75:8. Cf. also 64:1; 67:18. Cf. deducte 59:13; 76:14; accepte 42:2; instructe 42:6.

(2) Violate 64:17; abdicare 84:24; approbate 86:37, etc.

(3) *Be* for *been*: *e. g.*, 81:32 ("that have be forgiven"); cf. 42:26.

(4) "to be understonde" 54:36.

(5) Holpen 80:30; founden 74:36; bounden 41:7; understanden 85:12.

Umlaut in the comparative: *e. g.*, lenger 61:8; strenger 70:28.

An adjective taking a plural form in -s to agree with its noun, as in French: *e. g.*, 62:14 "oracyons demonstratives." Cf. 68:8; 68:12.

*The tone for the one*, 84:14. *The tother for the other* 56:12; 73:20; 74:36; 87:20.

In conjunctions: "nat all onely . . . but also," 55:3. So 63:13. "Eyther . . . eyther els" for *either . . . or*, 80:26.

Page 41, line 3. Hugh Faringdon was the last Abbot of Reading and a cleric of considerable prominence in his day. Warton (*Hist. Eng. Poetry*, London, 1871, Vol. IV, p. 10) and others testify to his learning. In 1530 he joined with others in a letter to the Pope "pointing out the evils likely to result from delaying the divorce desired by the king, and again in 1536 he signed the articles of faith . . . which virtually acknowledge the royal supremacy" (*Dict. Natl. Biog.*, XVIII, 206). In 1539, opposing the surrender of his abbey at the dissolution of the monasteries, he was accused of having assisted the northern rebels with money, attainted of high treason, and condemned to be hanged, drawn, and quartered, "which sentence was executed upon him at Reading, November 14, 1539" (Browne Willis, *Hist. of the Mitred Parliamentary Abbies*, London, 1718, Vol. I, p. 161).

42:6. So a little later Sir Thomas Eliot (*The Boke named the Governour*, 1531, reprint ed. H. E. S. Croft, London, 1883, Bk. I, ch. xi) urges that at fourteen years the child should be grounded in the Topica of Cicero or of Agricola. "Immediately after that, the arte of Rhetorike wolde be semblably taught, either in greke, out of Hermogines, or of Quintilian in latine." Eliot also recommends Cicero's "De partitione oratoria" and Erasmus' "Copia."

42:19 f. The "werke of Rhethoryke wrytten in the lattyn tongue" is Melanchthon's *Institutiones Rhetoricæ*, 1521. See Introduction, *supra* p. 30.

42:23. "The Phylosopher" referred to is probably Aristotle. See Aristotle's *Rhetoric*, ch. VII.

43:6. On Cox's other works "in this facultye." See Introduction, *supra* p. 21.

43:10 f. Cox here is following Melanchthon's divisions and order, but is freely amplifying his author. See the text of Melanchthon, *supra* p. 91. Such things as the anecdote about Demosthenes, for example, are not in his original.

43:12. "Of any maner thing," *i. e.*, of any kind of thing.

43:18. "He may as well tell," *i. e.*, he is as likely to tell.

43:27. "Sayde ons by demosthenes," *i. e.*, said concerning Demosthenes.

43 : 31 f. Translated directly from Melanchthon: "Difficilimum est invenire," etc. See, *supra* p. 91. Notice how Cox simplifies and rearranges his text, *e. g.*, in the handling of the instance of Clodius, cited by M. in the briefest possible terms, but by Cox laid open for young beginners.

44 : 3. On the "placys" (the "loci" of M., or "topica" of some other rhetoricians) see Wilson's *Arte of Rhetorique*, 1553, fol. 3 b, 62 b, and *passim*.

44 : 25. "An oracyon to the laude and prayse of the Kynges hyghnesse." Cox was sometime a courtier. See the account of his life in the Introduction, *supra*.

44 : 31. "The fyrste is called Logycall." Melanchthon's "dialecticum."

45 : 9-23 : is direct translation from M. I. So 45 : 26-31. What follows, however, is inserted by Cox.

45 : 24. "To whome oure author levith": de iis quidem dialectici viderint (M., *supra* p. 91).

45 : 37. See Aristotle's *Nicomachean Ethics*, Book V. Compare Chase's translation: "Justice [is] a moral disposition such that in consequence of it men have the capacity of doing what is just, and actually do it, and wish it."

46 : 6. Cf. Plato's *Meno* (Jowett's translation, last paragraph): "Socrates. Then, Meno, the conclusion is that virtue comes to the virtuous by the gift of God."

46 : 9. "Plato . . . in the begynning of his lawes." See Plato, *Laws*, Book I, Steph., 624 A.

46 : 12 f. What follows is apparently not a translation from Aristotle, but is Cox's interpretation of Aristotle.

47 : 9 f. "Our auctour also in a grete work," etc. See PHILIPPI MELANCHTHONIS DE RHETORICA *libri tres*. Coloniae, 1523. [Sig. B. 4 verso, et seq.]:

"I. Quid iustitia? uirtus qua cuique suum penditur.

"II. Quæ eius causa? uoluntas consentiens cum legibus moribusque.

"III. Quæ species? commutatiua & distributiua. Dupliciter enim cum ciuibus communicamus, aut fortunis commutandis, aut humana ciuili-que consuetudine.

"IV. Commutatiua quid? iustitia contractuum.

"V. Distributiua quid? iustitia ciuilis vitæ.

"VI. Distributiua quottuplex? publica alia, alia priuata. Publica, pietas est, imò est omnium uirtutum corona quædam, ciuilem hominum inter se consuetudinem, magistratum cum ciuibus, uicissim ciuium cum magistratibus, conseruans. Priuata, ciuium inter honesta & tranquilla consuetudo.



"VII. Officia, reddere cui, magistratui, patriæ, liberis, coniugibus, amicis, quod debetur.

"VIII. Comparatio specierum. [This section Cox omits.]

"IX. Affinia, fortitudo, liberalitas, temperantia.

"X. Contraria, metus, auaritia, luxus &c."

Compare the "Example in commendacion of Justice" in Wilson, fol. 13b et seq., in illustration of the same point.

47 : 35—48 : 6. Added by Cox.

48 : 7—49 : 24. This entire passage is a direct but free translation from M. I.

49 : 25 f. Follows M. generally, but the illustrations are supplied by Cox. It will be noticed that Cox here as elsewhere freely omits whole sentences from his original.

50 : 1—28. Direct translation, with the addition of explanatory phrases.

50 : 16. "Benevolence is the place," etc. From Melanchthon, *de Rhetorica* (ed. of 1523, C viii a): "Benevolentiam captamus, aut à nostra persona, aut ab audientium persona, aut ab ipsa causa."

50 : 22. "Out of this place [of 'Benevolence'] is fet the preamble of St. Gregory Nazazene, made to the prayse of St. Basyl." See *Opera Magni Basilii* . . . Romæ 1515, fol. iii a: "Monodia Grægorii Nazianzeni in Magnum Basilium."

" . . . Ego uero si hac uti facultate ullo *unquam* tempore debeo: nesciam profecto ubi melius aut religiosius siue oportunius *quam* in huius laudibus uires meas omnis intendam. Quod officium tribus omnino de causis mihi adsumendum duxi. Primum, ut amicissimi ac mei aman-tissimi pietatis hoc munus, quando aliud nequeo, extremum impendam. Deinde ut omnibus bonis & illius uirtutem colentibus *atque* admirantibus rem gratissimam faciam. Postremo quod exitum *qualemcumque* sortiatur oratio, feliciter eueniet. Nam si prope ad eius meritorum narrationis me tam peruenerit: id potissimum quod optamus adsequemur nostra dictio magnopere commendabitur. Si uero longe," etc. (as below).

There seems to be no passage corresponding to this in the original Greek text as printed in Migne, *Patrologiæ Cursus Completus*, Paris 1858, Vol. XXXVI pp. 493 f., nor in the Latin translation accompanying that edition. Perhaps Cox after all went no farther than Melanchthon.

51 : 3—52 : 2. Direct translation.

51 : 24. "And so taketh St. Nazazene benevolence" etc.

Op. cit., fol. iii a: " . . . Si uero longe infra spem remaneat huius maxime sancti *commendationi* adcedet: quod eius laus ac vita omni sit *commendationi* superior. Virtus namque encomii illa *demum* est: quem-admodum ea quæ laudantur omni sint oratione superiora ostendere."



52 : 3-11. Cox's addition. 52 : 12—53 : 7. Direct translation.

52 : 29. "Aristides . . . his oracion made to the prayse of Rome." See Aristides, 'Ρώμης ἐγκώμιον, in *Aristides ex recensione Dindorfii*, vol. I, 321.

53 : 4. The opening sentence of Cicero's oration *pro lege Agraria* is not given in M. I.

53 : 8 f. Free translation or paraphrase, with many additions; the severe arraignment of the poets is chiefly Cox's, although suggested in M. I.

54 : 1. The *Moriae Encomium* of Erasmus, 1512. The general tenor of the Epistle Dedicatory, which is addressed to Sir Thomas More, is to suggest a defense of the author's theme by "Insinuation."

54 : 3 f. "Another example hath the same Erasmus in his seconde Boke of Copia." See "Desyderii Erasmi Roterodami de duplici Copia Verborum, ac Rerum Commentarij duo. . . . Argentorati . . . . M.D.XXI." Liber Secundus, De partium rhetoricorum multiplicatione. Fol. LXXVII b.

"Vt si proposueris laudare Platonis dogma de uxoribus communibus, ut hoc exempli causa sumatur, dices non te fugere te rem omnium sententia absurdissimam polliceri. Verum illud orabis ut tantisper iudicium suum differant, donec argumentorum summam audierint, nihil diffidere te quin penitus exposita re sint in diuersam sententiam pedibus ituri. Tantum illud cogitent, hoc quicquid est, non esse temere dictum a tanto philosopho, quique caeteris in rebus ob excellentiam ingenij, diuini cognomen promeruerit." This reference to Erasmus is not in M.

54 : 3 f. Additions by Cox.

54 : 26—55 : 17. Direct translation, with free amplification and rearrangement.

55 : 18 f. Amplification of the topic by Cox, who supplies new illustrations and interpretation.

55 : 22. Horace, *Satira* IV :

"Insuevit pater optimus hoc me,  
Ut fugerem, exemplis vitiorum quæque notando."

55 : 26. Terence, *Andria*, Act I, Sc. i, 55-59.

56 : 3 f. Sallust, *Catiline*, LIV.

57 : 1. "The oracion that Hermolaus Barbarus made to the Emperour Frederike and Maximilian his son." Printed with the works of Politian, viz.: *Omnium Angeli Politiani operum* . . . . Tomus prior . . . [etc.] . . Parrhisiis . . . . M.D.XII. fols. XCIII a—XCVI a (five pages folio): "Oratio Hermolai Barbari Zachariæ. F. Legati Veneti: ad Federicum imperatorem & Maximilianum Regem Romanorum principes inuictissimos."

57 : 5-24. Translation (indirect in part) from M. I.

57 : 27. "in an other greater worke he declareth it thus briefly : " *i. e.*, Melanchthon's *de Rhetorica* (ed. 1523, Sig. D. 3. a) : "Sunt *et* mortis præconia, ut eorum qui vitam pro patria perdidierunt." M. goes on to discuss this *locus* for several lines further.

57 : 31. "An epistle that Angele Policiane writeth in his fourth boke of epistels, to James Antiquarie, of [*i. e.*, concerning] Laurence Medices . . . ." May be found in "Illustrium Virorum Epistolæ ab Angelo Politiano partim scriptæ, partim collectæ," etc., 1526 (not the first edition), (Brit. Mus. copy, press mark 10905. g. 1.) Fol. XCa to XCVb [Sig. M ij recto]. Written in answer to inquiries made by "Jacobus Antiquarius" on hearing of the death of Lorenzo. Dated XV. Calend. Iunias. MCCCCXCII, In Fæsulano Rusculo. The following analysis of the letter precedes :

"Cur tardius responderit causa fuit dolor ex morte Laurentij. Hypochondriorum dolori febris accessit. De peccatis ad sacerdotem Laurentius confitetur. Sacrosanctum corpus Christi venerabundus suscipit. Filium Petrum hortatur consolaturque. Politianum alloquitur. Cum Pico (quem accersi iusserat) loquitur. Ferrariensi Hieronymo, qui salutis eum admonebat, respondet aduersus mortem interritum se esse. Extrema vnctione vnctus euangelia sibi Christique passionem recitari postulat. Exosculans crucem naturæ satisfacit. Amplissima eius laus enumeratur. In tribus liberis eius Florentinorum spes consolationesque collocatæ sunt, in Petro, Ioanne, Iuliano. Petrus pietate in ægrotum patrem, in ciues humanitate, vtilitateque administrandæ reipu[blicæ] commendatur. Laurentij funus non admodum magnificum. Prodigia quaedam enarrantur." See references to this letter in Symond's *Italian Renaissance*, I, 523*n*; II, 355, 533.

57 : 35—58 : 9. Direct translation.

58 : 10 f. This example of Camillus (as well as the next of "the laude of Saynt Peter") is suggested in M. I, but Cox expands the four lines of M. to some fifty, evidently having recourse directly to Livy for his materials.

59 : 5. See Livy, *History of Rome*, Book V, Ch. xlix.

59 : 23 f. "The author in his greater worke." The reference is again to Melanchthon's *De Rhetorica*. See ed. 1523, D iv a : "Carolus Cæsarem laudatur cum hoc agat ordine. Exemplum.

Natales ex Pipino patre, qui primus intulit nomen Christianissimi nomini Francorum, avo Martello principe bellica gloria cum nemine necque majorum, necque posteriorum conferendo.

¶ Educatio, puer sub Petro Pisano meruit *litteris* latinis & græcis.

¶ Adulescentiam in armis egit Tyro sub patre fortissimo viro in Aquitanis, ubi & Sarracenicam linguam didicit.

¶ Juvenis regnum adeptus Aquitaniam, Italiam, Sueviam, Saxonas paca-

vit, atque hæc quidem bella ea fœlicitate gesta sunt, ut magis vicerit autoritate, & prudentia, quam sanguine civium. Ad hæc accedunt pleraque pietatis exempla, potissimum *quod* scholam Parisiorum dicavit. Hic digredi licet quam honeste sint principibus viris *literæ* atque *eæ* maxime *quæ* ad pietatem pertinent. Et hic fiat comparatio civilium & bellicarum virtutum, sane tale *esse* *historiæ* filium ut longe civilibus *præstitisse* videant. Nihil *non* prius pace habuit. Clementia tali, ut noxiis etiam, si *quæ* liceret parceret; pietatis adeo amans, ut assiduo *usus* sit Alcuino Anglo de divinis differente. In plerisque constantini Cæsaris similimus, cuius comparatione nonnihil crescit Carolus.

Senectus pacata, hoc uno infortunata *quod non* conveniebat *prorsum* inter filios.

Mors, consecutanea mortis ampla reliquit *unum* ex se filium, optimum principem Ludovicum pium, inter hæc sæpe excursionibus de horum temporum moribus declamare licet."

The reference to the "sayings of the gospel" which follows in Cox does not appear in Melanchthon.

60:29 f. Follows M. I. Cox as usual however has taken the illustrations suggested by M. and explained them at length in all their circumstances. The account of Scevola is condensed from Livy, Book II, Ch. xii.

62:16—63:11. Translation from M. I. See supra pp. 95—96.

63:11—18. Amplification and paraphrase of M.

63:19—21, 24—27. Translation from M. I.

63:23. The reference to Erasmus is Cox's own. See "Libellus de Conscribendis epistolis, Autore D. Erasmo. . . . Apud præclaram Cantabrigiensem Academiam. Anno. M.D.XXI." ["The second book printed at Cambridge"], fol. XIb—XLIIa, "DE EPISTOLA SUASORIA." In which some of the topics treated are [I quote from the marginal analysis]: Quibus partibus constet suasoria epistola. Narratio. Diuisio. Confutatio. . . . Definitiones singulorum. Honestum. Rectum. Virtus. Officium. . . . Laudabile. Vtile. . . . De simplici conclusione. Persona. Nomen. Natura. . . . etc., etc.

64:9—65:28. Translation from M. I.

64:25—27. This copybook moral is added by Cox.

65:2. "As Erasmus dothe in his epistle prefixed afore his oracyon made to the prayse of folysshnes." See "Moriæ Encomivm Erasmi Roterodami Declamatio . . . Anuerpienn M.D.XII," and innumerable other editions. The epistle is addressed to Thomas More. Its length is three quarto (= octavo size) pages.

65:10. "Polycyans oracyons made to the laude of hystoryes" are also cited several times in M's. *de Rhetorica* (e. g. ed. 1523 D vi, a and b).

65 : 29 f. Not in M. Drawn by Cox probably from Erasmus. The laude of matrimony was a subject which Erasmus treated on several occasions (*e.g.* in his *Praise of Folly, Colloquies*, etc.). See the translation in Wilson's *Arte of Rhetorique*, 1553 (fol. 21 b. et seq.), of "An Epistle to perswade a young ientleman to Mariage, deuised by Erasmus in the behalfe of his frende."

66 : 5. See Erasmus, "Declamationes duæ. Altera exhortatoria de Matrimonio; altera Artis Medicæ Laudes Complectens." Cologne 1518.

66 : 3—67 : 23. Translation from M. I. See supra pp. 97—98.

66 : 24. See Sallust, *Catiline* Ch. li. M. only paraphrases Sallust's text and does not quote it directly. Cox goes to the original and translates an additional sentence, *i. e.* "Haud facile animus verum providet, ubi illa officunt."

66 : 32. Livy, Book V, Ch. xlv.

67 : 14. Cicero, *pro lege Manilia*.

67 : 22. "The oracyon that Porcyus Cato made agaynste the sumptuousnes of the women of Rome." In Livy, *History of Rome*, Bk. XXXIV, Ch. ii. What follows is translated by Cox out of Livy.

67 : 34—68 : 13. Translation from M. I. See supra p. 98.

67 : 36. "As Livius . . . . begynneth his oracyon," *i. e.*, the speech attributed to the consul Posthumius by Livy, Book XXXIX, Ch. xv.

68 : 13. Cox introduces here a very significant variation from his original. Instead of Cox's remark in regard to the need of unity in the church, Melanchthon's illustration runs: "ut vindicare Germaniam à pontificia tyrannide, et pium et necessarium est hoc tempore." Cox is writing in the days of Henry VIII before the actual separation from Rome and before he had become one of Edward VI's preachers of the reformed faith. The party of the humanists, More, Erasmus, and their followers, while standing for reform, stood also for unity in the church.

68 : 17—20, 25—28. Translations from M. I. See supra p. 98. The quotations from Cicero and Livy are not given at length in M.

68 : 21. See Cicero, *pro lege Manilia* ii: "Bellum grave et periculosum vestris vectigalibus atque sociis a duobus potentissimis regibus infertur, Mithridate et Tigraene."

68 : 26—69 : 23. See Livy, Bk. XXX, Ch. xxx.

69 : 27—32. See Livy, *loc. cit.*

69 : 24—26, 33—35. Translation from M. I.

69 : 35—70 : 8. Explanatory matter added by Cox.

70 : 6. "The greke proverbe :"

δύσκολα τὰ καλὰ

Beautiful things are difficult.

70 : 9—21, 25—28. Translation with amplification from M. I.

71 : 6-7, 10-16, 22-33. Translation from M. I. See supra p. 99.

71 : 10 f. Note the significant omissions from the original of Melanchthon. (See supra p. 99). Allusions of a theological or Protestant bearing are carefully excluded by Cox. Later in life we find Cox writing or translating entire treatises on such subjects.

71 : 30 f. On these three "States" see Wilson, *Arte of Rhetorique* 1553, fol. 49 f.

72 : 3 f. This "example" is merely hinted at in M. I. Cox brings the story-at-length perhaps out of Melanchthon's *de Rhetorica*, or from Trapezuntius (ed. 1522, fol. 20 b); both under the same topic of State Conjectural give the Ulysses-Ajax example.

72 : 24-34. Translation from M. I. See supra p. 100.

73 : 1 f. See Cicero, *pro Milone* x.

73 : 1-75 : 4. Not found in M. I.

74 : 13 f. See Cicero, *pre lege Manilia* ii : "Primum mihi videtur de genere belli ; deinde de magnitudine ; tum de imperatore deligendo esse dicendum."

74 : 23 f. Op. cit. x.

75 : 5-13. Translation from M. I. See supra p. 100.

75 : 18 f. See Cicero, *pro L. Flacco*, iv.

75 : 33 f. The citation of traits of national character was a stock illustration in the old Rhetorics. E. g. Wilson's *Arte of Rhetorique* fol. 95 a. See also Erasmus, *Praise of Folly*, 91.

76 : 7 f. In Ovid, *Epistola Heroidum* II.

76 : 17. See Terence, *Andria*, Act I, Sc. i, 52-54.

76 : 21. Ovid, op. cit., xiv.

77 : 2 f. See Cicero, *in L. Pisonem* I.

77 : 31-34, 78 : 17-26. Here Cox takes up again the thread of his original, dropped since p. 58. See supra pp. 100-101. As usual, much is added not to be found in M. I.

77 : 35. Terence, *Andria*, Act I, Sc. i, at end.

78 : 4. Ovid, op. cit., V.

78 : 31-79 : 9, 79 : 18-32, 80 : 4-17, 29-37, 81 : 5-6. Free translation from M. I. See supra p. 101.

81 : 1. See Sallust, *Catilina*, LII.

81 : 8-82 : 4. See Cicero, *de Inventione*, Bk. II, Ch. xxxv. A direct translation.

82 : 18 f. After M. I. Cox has as usual expanded M.'s illustration (of Orestes).

82 : 31-83 : 1. Translation from M. I.

83 : 4. Here again Cox abandons M., who is treading on the dangerous ground of religious illustration. He now turns to Cicero, whom he fol-



lows intermittently through the rest of this work. See Cicero, *de Inventione*, Bk. II, Ch. xl. The illustration that follows is translated from Ch. li of the same work.

84 : 14 f. The two illustrations which follow seem to be furnished by Cox independently.

85 : 27 f. A similar illustration with somewhat different terms is recited by Cicero, Ch. xl.

86 : 30-32. Translation from M. I. See supra p. 102. The illustration which follows is drawn from Cicero, Ch. 1.

87 : 19-21. Translation from M. I. See supra p. 102.

87 : 18. "He shulde nat have suffred of convenient," *i. e.*, properly, justly.

87 : 34. Cox probably means only that his work, like the *de Inventione* of Cicero, covers only the one division of Rhetoric concerned with invention, although he may also intend here to record his obligations in the last part of his own work to Cicero's work.

88 : 2. Similarly Melanchthon (*de Rhetorica*, C viii a) refers readers who may desire a more extended treatment of the subject to Trapezuntius. Trapezuntius presents little more than a paraphrase of Hermogenes. The latter was a Greek rhetorician of the time of Marcus Aurelius who wrote five works covering the field of rhetoric. On the Rhetoric of Trapezuntius cf. Voigt, *Wiederbelebung des classischen Alterthums* (Berlin, 1893) Vol. II, 443.

88 : 5. Horace, *Ars Poetica*, 335-6.

88 : 9. Justinian, *Institutiones*, Liber Primus, I De iustitia et iure : . . . "si statim ab initio rudem adhuc et infirmum animum studiosi multitudine ac varietate rerum oneravimus, duorum alterum aut desertorem studiosiorem efficiemus aut cum magno labore eius, sæpe etiam cum diffidentia" . . . etc.

88 : 19. Cox probably refers to Aristotle's *Metaphysics*, 993 B 13-15 : "It is just to be grateful, not only to those whose opinions we share, but also to more superficial thinkers, for these too have contributed something. For they have helped our development." And see what follows.

—In B the colophon reads as follows :

"Imprinted at London in Fletestrete by saynt Dunstones chyrche / at the sygne of the George / by me Robert Redman. The yere of our lorde god a thousande / fyue hundred and two and thyrtie. Cum priuilegio."

Beneath there is a woodcut of architectural scrolls. F viii recto is blank. F viii verso contains a woodcut representing two nude figures holding a shield on which appears the monogram of Robert Redman, with his name below. The shield is surmounted by a helmet with scrolls.



## GLOSSARIAL INDEX.

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Including the chief technical terms of rhetoric used, and the names of the chief writers and others cited by Cox.

The several references to the use of similar technical terms of rhetoric in "Wilson" that follow are to Sir Thos. Wilson's *Arte of Rhetorique*, 1553.

- "**Abdicate** or forsaken of his father" 84 : 24, 28
- Abiecte** 84 : 19 cast off, disowned
- Absolute** state negociall 80 : 10 f.
- Absolution, absolucyon** (in Rhetoric) 79 : 10 f. (defined)
- Accepte** 42 : 2 acceptable
- Ado** 73 : 9 concern, interest
- Affectuouse** 54 : 28 full of emotion. Lat., "hæc affectuum verba"
- Affynes** 47 : 12, 33 the "Affinia" of Melanchthon. Things having affinity with other things
- Afore** 42 : 3; 48 : 23, etc., before
- Alleuiate** 54 : 18 ("to a. your mindes") to lighten, to relieve
- Almaynes** 75 : 35 Germans
- Alonly** 50 : 11 only, alone
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- Ambassades** 41 : 30; 82 : 11 embassy, embassy
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- Antecessours** 41 : 12 predecessors
- Antytheme (A), Anthethem (B)** 44 : 7 the matter which the orator shall speak of
- Apeyreth** 42 : 8 M. E. Apeyren, to harm, impair
- Approbate** 86 : 37 approved
- Appropred** 80 : 7 appropriated, set aside as proper
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- Attendaunce** 54 : 36 attention
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- Bruyt** 56 : 12 reputation
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- Distributyue** equite 46 : 28 f.
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- Dysposycyon** 43 : 19
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- Inuercion** (B) [Inuencion (A), by error] 79:18 f.
- Ironiously** 81:1 ironically
- Iudiciall** oracion 44:33; 71 f. State  
Judiciall 71. See "iuridiciall"
- Iuridiciall** 79:27 f. ("state i.") Cf. Wilson fol. 47a, 53b  
*James Antiquarie* 57  
*Justinian*, the Emperour 88
- Knowledge** 54:16 to acknowledge.
- Knyte** 45:9 knit
- Kyndely** 76:11 after the way of kind or nature.
- Kynred** 81:24 kindred
- Lake** (A) = lacke (B): 43:17 etc., etc.
- Larcyne** (A); **larrecine** (B) 75:36 thievishness
- Laude** 44:25; 57:5, etc., praise
- Layeth** for him 82:27; 83:30 argues on his own behalf Cf. 84:24
- Layth** vnto 75:20 inveighs against
- Legitime** or **legall** justice 46:13. State legitime 71; 82:33 f. Cf. Wilson fol. 49a.
- Lese** 83:6, etc., to lose
- Let** (= to prevent, hinder) 78:24  
*Livius*, 59, 66, 67, 68
- Longeth** (A); **belongeth** (B). 48:21; Cf. 46:31; 71:16, etc.
- Longyng** (A), **belongyng** (B) 45:31
- Losel** 53:21 a low fellow (*i.e.*, Thersites)
- Lyeser** (A); **leyser** (B) 78:32 leisure
- Maystry** 75:27 "they bere the m." they excell, or are masters. Cf. 87:27 [*Melanchthon*] "our author" etc. 42, 47, 57, 59
- Mere** 58:23, etc., absolute
- Merites** (B); **merytes** (A) 4:33 rewards, benefits
- Metely** 51:7 measurably
- Meuyd** 57:13 moved
- Moo, mo** 50:9; 80:36 more  
*Mucius* see *Sceuola*
- Narracion** (part of an oration) 55:11 f. Cf. Wilson fol. 4a, 58b, etc.
- Nat** = not 50:11 (so *passim*)  
*Nazazene* see *Gregory* [*Nazianzene* (B)]
- Negociall** 79:32 f. ("state n. or iuridiciall")
- Nones**, for the nones 52:21; 76:37; for the nonce, for the occasion

- Nother** (A); **neyther** (B) 46:25 —  
 nother . . . . nother = neither . . . .  
 nor, 46:25; 49:34
- Noughty** 75:15 bad
- Offyce**, *i. e.*, duty (one of the "places"  
 of Rhetoric) 51:3
- On slepe** 42:16 (to fall on slepe)
- Ones** 42:6; 52:8, etc., once
- Oppresse** 81:13 suppress, cover over
- Oppressyd** 78:13 repressed
- Opyn** 44:17; 53:32 plain, manifest
- Or** 42:13; **or euer** 42:27 ere  
*Orestes* 82
- Other** (A) **eyther** (B) 47:17 either
- Ought** = owed 69:4.
- Ouide* 71 (his "Metamorphosy"); *Epistles* 76, 78
- Parentele** 57:14; 59:27 parentage
- Penury** 61:6 ("p. of wheat") dearth
- Peregerine** or straunge prohemes 52:26,  
 foreign (*Lat.* *Peregrina exordia*)
- Pernicion** 56:18 destruction, severe  
 punishment
- Persuadible** (B); **Parsuadyble** (A)  
 41:28 that which persuades, or is  
 concerned with persuasion
- Phrenesy** 72:11 frenzy, madness
- Placys** 44:3 f. the Places or Topica of  
 Rhetoric; 44:8, 22, etc. — 45:18  
 ("the places or instruments of a  
 theme"). Cf. *Wilson* fol. 7a, 50a,  
 62f, etc.
- Plato* 46, 54
- Plato* for *Pluto* 53
- Playnes** (A); **playnnes** (B) 44:30;  
 plainness
- Plutarche*, his "Lives" 56
- Poetes* fayne and lye 53
- Pointment** 62:2 an agreement, ap-  
 pointment
- Policiane* 57, 65, 66
- Porcyus Cato* 67
- Pose** 84:18; 85:2 to put the case,  
 suppose
- Poynte** 73:3 to appoint
- Preamble** 50:10 f.
- Preface** 72:24. See *Proeme*
- Prefessyd** 41:23 considered before-  
 hand
- Prepose** (A); **purpose** (B) 42:3 propose
- Pretenced** 78:24 intended
- Preuent** 73:12 to secure in advance
- Pruiate** 84:27 to deprive
- Proeme** 51:32; 52:24 preamble, ex-  
 ordium — *proheme* 52:3 etc.
- Proposition** (in Rhetoric) 63 f.
- Proposition** 65:9, 18; 68:12 for propo-  
 sition
- Propriete** (A) = **Property** (B) 43:17;  
 75:31, etc., faculty, virtue
- Purgacion** (in Rhetoric) 80:37
- Pyked** 53:16, pointed, peaked; 76:35  
 picked
- Pynchyng** 51:29 to accuse, blame.  
*Orig. Lat.* *perstringere*
- Quenes** 76:36 queans, wenches
- Raciocination** 77:32 f.; 78:17 f.  
*Redman* (*Robert*), the printer 88  
*Redyng*, town of 41
- Refell** 84:4 to refute
- Refellyng** 71:4 refuting
- Reioyse** 52:8 joy, cause of rejoicing
- Remocion** of the faute 82:8 f.
- Reprounyng** 58:4 disproving. See  
*Improve*
- Saluste* 56, 66, 81
- Scuola*, *Caius Mucius* 61 f.
- Seiunction** 74 f., a part of "Diuisioun"
- Selden** 63:2 seldom
- Sene** 53:28, scene, drama
- Sensible** 42:1 perceptible
- Seruisable** 41:16 prepared for render-  
 ing service
- Soilyng** 64:10; 71:4, refuting or  
 impugning
- Somdele** 54:18, etc., somewhat
- Speces** (A); **spices** (B) 44:33; 47:8  
 Species, or "kindes of oracions"
- State** (in Rhetoric) 71 f. etc. *Lat.*  
*status*, *Gr.* *στάσις*, the character of  
 the case as determined by the nature  
 of the proposition on which issue is  
 joined. Cf. *Wilson* 48 b (for defini-  
 tion)
- Statute** (v.t.) 46:16 ("to make or  
 statute laws")
- Stegie*, for *Styx* 53:31

- Stepend** (A); **stipende** (B) 41 : 15
- Sterne** 83 : rudder, tiller. *Lat.* gubernaculum
- Streightly** (A); **straytly** (B) 41 : 15  
narrowly, closely
- Stuted** 79 : 7 stuttered
- Surete** 56 : 11 rectitude, trustworthiness
- Surryen* 77 : 5. *Lat.* Syrus
- Suspecte** 53 : 24; 71 : 35, etc., open to suspicion
- Swaueland* 59 : 36 Suabia
- Sygnis** (in Rhetoric) 78 : 34 f.
- Sygnifycacion** 41 : 16 sign
- Syttyng** (B)—in (A) “fettyng” (fitting) 56 : 27
- Tal men** 76 : 36 bold, brave, men  
*Tarquine*, 60 : 36
- Temerarious** 51 : 33 headstrong, rash
- Temerie** (A); **temerite** (B) 51 : 32. *Lat.* impudentia
- Terence* 55, 76, 77
- Theme** 44 : 6 f. See “Antythemic”
- Thersites* 53
- Tho** 43 : 15, etc., those
- Thucydides* 49
- Translatyng** or **Translacion** (in Rhetoric) 80 : 33; 82 : 18; *Lat.* translatio criminis
- Trapesonce* 88 Trapezuntius
- Treatise** 59 : 11 treaties
- Tributours** 68 : 21 tributaries
- Tully*. See Cicero
- Tuscaye* 61 Tuscany
- Tymerouse** 76 : 16 timid
- Valyantnes** 59 : 2 valor
- Virgile* 53
- Vncurteysly** 76 : 8 discourteously
- Vnderstanden, Vnderstonde** 54 : 36; 85 : 12, 18, etc., understood
- Vndiscrete** 85 : 16 indiscrete, lacking in discretion
- Vnied** 45 : 9 united
- Vnplaine** 86 : 27 not plain, obscure
- Vnthryfty** 80 : 26 vagabond, worthless
- Vre** 46 : 20 use
- Whatsomever** 42 : 3 = whatsoever
- Whether** 61 : 20; 74 : 35, etc. which one (of two)
- Who, Whom** (personal *and* impersonal relative). Impersonal (for “which”) 44 : 4; 48 : 5; 49 : 4; 51 : 9, etc.
- Whosomeuer** 43 : 11 whosoever
- “**Wrytyng** and sentence” 84 : 37
- Ydolyshe** 68 : 1 connected with idols, or idolatry
- Yl** 49 : 25 evil









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LEONARD COX

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