If an Emp. dies, when there is no h. of ye Romans ye Elec-s
Palatine & of Saxony, who are call'd Vicars of ye Emp-e
administer ye Government during the interregnum, & the Emp. in his capitulation promises
to ratify whatever ye Vicars have done.
Vicars of ye Emperors are only Ds. whom he appoints to assist
him, when not in a State of Health to act himself; these
are entirely answerable to him for their conduct.
any Members of ye Emp-e
ye quality of Chief of ye Emp-e, is by
ye Law liable to be punish'd, tho if he remains loyal to ye Emp-e,
his sovereignty will not be touch'd, but if he is dutiful
is justly put under ye Ban.
Formerly open Court. of ye Emp-e, beheaded put to death
For treason against ye Emp, but it has been left of many ages.
If an Emp. should try to subvert ye Constitution of ye Emp-e; y^e
Elec-s may either restrain or depose him.
On account of ye many disorders in ye Emp-e. Mach. agreed to
ye erecting of an Imperial Chamber which was to examine into
disputes, & lawfully end those which had
till then been ye cause of so many bloody wars. it consisted of a Judge, & President & Assessors
number of Presidents & Assessors was lessen'd. ye Emps. name
ye Judge, & ye Presidents; part of ye Chamber are Pr. & part
Papists.
Mac. also revi'd his Aulic Council, & desir'd ye States
to add 8 Assessors, tho' he paid them; this drew most of y^e
causes before his Tribunal.
During an interregnum ye Imperial Chamber continues, &
Justice is done in ye name of ye Vicars, but ye Aulic Cham.
ceases on ye death of ye Emp. nor can a one be sum'd
till a new Emp. is elected.
ye Aulic Cham. consists of a President, & 17. Assessors, of whom
6 are Pr. ye Vice Chan. of ye Emp-e. has a right to a Seat
therein, & all ye Decrees pass thro his hands, & are directed
by him to those who are to put them in Execution. ye Pr.
with great Reason complain of ye great partiality it shows to ye Papists.
ye Subjects of ye Elec-s & of ye Arch D-s of Austria, & D-s of
Saxony have a right to appeal from ye Tribunals of their Sovereigns

ye Emp. gives ye titles of P^s. & Counts of ye Emp-e, He can also make
P^s. sooner Major, than ye usual time; & grant for once only a vacant
seat in every Chapter in ye Empire.

Every P^l State, every Prelate, Count & free City of ye Emp-e, has
a right to a seat in ye Diet of ye Emp-e. This ye P^s. claim before
investiture, ye Prel. before they receive their Bulls, &
Guardians of P^s. during ye Minority of their Wards. ye Present
Diet was summon'd at Ratisbon in 1653. & has continued there ever
since; tho' it might be in any other City of ye Emp-e.

ye Emp. if present Presides, if not his first Commissioner
does; ye Elec. of Mentz is ye Director, or Speaker, as Chan. of y^e
Emp-e. all Papers are therefore sent to a Chan-y which he
keeps constantly where ye Diet Assembles.

ye Diet is divided into 3 Colleges, viz. 1°. y^t. of ye Elec-s. in
which ye Elec. of Mentz directs, not as Chan. but as first Elec.
2°. y^t. of ye P^s. which contains not only ye Spiritual & Temporal
P^s, but also ye Prelates, each of ye P^s. have a vote, but ye Pre.
& Counts vote by Benches, each bench has a vote.

ye Prelates are divided into 2 benches, y^t of ye Rhine, & y^t
of Swabia, but ye Counts into 4. viz. ye Wetterau, Swabia, Franconia,
& Westphalia; ye Counts neither go, nor send Ministers, being
does each of them
contented with one Minister for a bench; ye Arch D. of Austria
& ye Arch. of Saltzburgh, are ye Directors in ye College of P^s.
ye third College, is y^t. of ye Free Cities of ye Emp-e. ye Direc-r
of y^t. College is ye Minister of ye City where ye Diet happens to sit.

In all these Colleges ye sentiment of ye Majority is consider'd as
y^t. of ye body, except in Matters of Religion; where by y^e
Treaty of Osnabruck it is settl'd y^t. tho' ye number of Pro-
are not equal to ye Papists yet if they divide, it shall be
deem'd an even division.

All points are first deliberated by ye Elec-s. then by ye P^s.
but if they differ, ye directors of both Colleges, & some whom y^e
Colleges name in conjunction with them, meet, & if they
agree, then ye concurrence of ye third Coll. is demanded,
but if they do not, it is engross'd by ye Chancery & given
to ye Emp. commissary, as ye opinion of ye Emp-e. only at
ye end of it is put ye opinion of ye third Coll. then ye Emp.
approves it, & it is publish'd with his name as ye Resolution of
ye Emp-e.

ye Diet makes Laws, explains them, & decides ambiguous cases, so y^t it is deny'd to be an infringement when ye Aulic Council presumes to meddle in these matters; ye Emp^r Mauch cannot go to war without their consent.

When war is declar'd ye Diet names ye Field-Marshal who commands ye Army, & his Council of war; Any P. may remain neuter except, when ye war is for ye defence of ye Emp-e.

ye Diet also settles how many men each P. is to furnish, & ye ancient name of ye Roman months is still us'd; because subsidies were either given, y^t ye Emp^r might make War in Italy, or travel to Rome to be crown'd.

ye Diet makes alliances with Foreign Ps, this is ye reason ye Emp-e is forbid to take part, or not attack'd.

ye Pro. & Papists reciprocally ye States, as it were in 2 bodies; for in ye 1st diet at Ratisbon in 1653. ye Pro. Ps. & States, resolv'd to enter into a close conjunction, & unanimously chose ye Elec. of Saxony as their chief, & have ever since held their conferences at his Minister's. Tho' this Elec. is now a Papist yet he continues their chief.

There are now 9 Circles of Burgundy belonging to France; In each Circle there is a Director & a Chief, ye former for Civil, & ye latter for military Affairs. ye Direc^rs are fix'd, but ye Chiefs are chosen by ye Circles. ye Imperial Cham. commits ye execution of Decrees to ye Directors respective of ye Circles

The Germanick Body

GEO ADDL MSS 32526

Birth of Charles V.

Charles V. born at Ghent 24th Feb.y 1500. his father Philip the Handsome, Archduke of Austria, was Son of Emperor Maximilian, and of Mary the only Child of Charles the Bold the last of the House of Burgundy. His Mother Joanna was second Daughter of Ferdinand and Isabella King and Queen of Castile and Arragon.

His dominions, and the events by which he acquired them:

By a long train of fortunate events he obtained more extensive dominions than any European Monarch since Charles the Great. Mary of Burgundy had been intended for the only Son of Louis XI. of France, but that capricious Monarch preferred stripping her of part of her dominions by force, to securing the whole by marriage, thus the Netherlands and Franche Comté came into the hands of Austria; The Castilians exasperated against their King Henry IV. chaged him with impotency and his Queen with adultery, and on his demise rejected his daughter Joanna who retired into Portugal, and placed his Sister Isabella on the Throne. Ferdinand by the unexpected death of his elder brother obtained the Crown of Aragon, and by violating treaties and the ties of blood those of Naples and Sicily; by the genius and intrepidity of Christopher Columbus the new World was discovered whose wealth considerably encreased the power and grandeur of the Spanish Monarchs.

Philip and Joanna his father and Mother visit Spain.

Philip and Joanna, in 1502. went to Spain, but the gaiety of the Archduke could not bear the reserved ceremonial of that Court, and soon returned to the Netherlands contrary to the entreaties of Isabella and left his Wife, who fell into a deep and sullen melancholy in which situation she bore Ferdinand

her

Her second Son the next year She joined the Archduke at Brussells.

Death of Isabella

The Children Isabella had lost, the little comfort She could derive from Joanna, or from her Son in Law who no longer kept any appearance of decent respect for his unhappy Wife, so affected her spirits and health that after languishing some months She died at Medina del Campo Nov.r 26.th 1504. and was a pattern as a Queen, Wife, and Mother.

Her Will appointing Ferdinand Regent of Castile

By her Will She appointed Ferdinand Regent of Castile until her grandson Charles should attain the age of twenty, and bequeathed to Ferdinand have of the Revenues that should arise from the Indies together with the Grand mastership of the three military orders; but previous to these legacies She obliged Ferdinand to swear that he would not by a second marriage or any other means, endeavour to deprive Joanna or her posterity of succeeding to any of his kingdoms.

After proclaiming Philip and Joanna King and Queen of Castile, Ferdinand assumed the title of Regent, and was acknowledged by the Cortes. 1505. but a formidable party among the Castilians united against him.

Philip endeavours to obtain the government of Castile

Philip required Ferdinand to resign the Regency, who employed Conchillos, an Aragonian gentleman, by a private negociation prevailed on Joanna to confirm his right to the Regency but the letter was intercepted, Conchillos put into prison, and the Princess confined to her appartment and her Spanish servants secluded from her.

Ferdinand marries the niece of Louis XII. of France to exclude his daughter from his dominions.

Ferdinand from pique at being deserted and his intrigues discovered, attempted to marry Joanna the supposed daughter of Henry IV. but Emanuel King of Portugal refused his consent, upon which he espoused Germaine de Foix niece of Louis XII. of France, this depriving Philip of his only Ally, obliged him to conclude a treaty with Ferdinand to gain time, and

then

Philip and Joanna arrive in Spain

then proceeded with Joanna by sea to Spain; a violent tempest obliged them to take shelter in England, where they were detained above three months by Henry VII. at the instigation of Ferdinand; on their landing at Corunna in Galicia, the Castilian Nobility declared for Philip, which at length forced Ferdinand to resign the Regency and retire into his hereditary dominions of Aragon; but he retained the Mastorships of the military Orders, and the share of the revenue of the Indies which Isabella had bequeathed to him, but his jealous, double, and ambitious temper made him protest in secret that as the treaty had been extorted from him by force, it ought to be deemed void of all obligation.

Ferdinand obliged to resign the Regency

Philip and Joanna acknowledged King and Queen of Castile

Philip and Joanna were unanimously acknowledged King and Queen of Castile by the Cortes, he wished to prevail on them to declare her incapable of government, but such was their attachment to their native Princess that they refused to consent to what they thought so injurious to the blood of their Monarchs; in about three months he died of a fever.

Death of Philip

Joanna's mind grew worse

This greatly encreased the disorder of Joanna's mind, Maximilian the Emperor and Ferdinand were competitors for the Regency, the latter being absent on a visit to his Neapolitan dominions would have met with great difficulties had not the disinterestedness of Cardinal Ximenes Archbishop of Toledo pointed out Ferdinand as the only person capable of happily governing Castile from his knowledge of its true interest; Ferdinand by a moderate but steady administration free from partiality or resentment reconciled the Castilians to him, the domestic tranquility during the remainder of his life was as perfect as the genius of the feudal government still in full vigour could permit.

Ferdinand reappointed Regent

Cardinal

Conquest of Oran

Cardinal Ximenes with a spirit very uncommon in a Monk and a generosity still more extraordinary led a numerous Army into Africa, conquered Oran and some other places for the Crown of Castile defraying the whole expence of the expedition out of his own revenues.

Acquisition of Navarre

Ferdinand with frivolous and unjust pretences expelled John d'Albret from the Throne of Navarre by which he extended the limits of the Spanish Monarchy from the Pyrenees to the frontiers of Portugal; from jealousy of his grandson Charles he endeavoured to diminish his power by a will in favour of Ferdinand his Younger brother, but on his death bed was persuaded to alter his will and leave Charles sole heir of all his dominions, and to Ferdinand an inconsiderable establishment of fifty thousand ducats a year.

Death of Ferdinand

he died on the 23d of January 1516.

Charles V. was born at Ghent 24th Feb. 1500. his father Philip the Handsome Arch Duke of Austria, was son of the Emperor Maximilian, and of Mary, the only Child of the Charles the Bold the last of the House of Burgundy, his mother Joanna, the second daughter of Ferdinand and Isabella King and Queen of Castile and Aragon.

He inherited more extensive dominions than any monarch had possessed since Charles the Great, and these by a long train of fortune even the rich possessions of Mary of Burgundy were destined for another family, she having been contracted to the Son of Louis XI. of France; but that capricious monarch from hatred to her family preferred taking part of her dominions by force, to securing the whole by marriage this threw all the Netherlands and Franche Comté into the hands of his Isabella daughter of John II. of Castile bred up in obscurity and indigence, but the Castilians exasperated against her ill-advised and vicious brother Henry IV. charged him with impotence and his Queen with adultery, and on his demise rejected his daughter Joanna who retired into Portugal, and placed Isabella on the Throne. Ferdinand came to the Crown of Aragon by the unexpected death of his brother, and to those of Naples & Sicily by violating treaties, and the ties of blood. Christopher Columbus by an effort of genius and intrepidity, added a new world, whose wealth was a considerable source of the power and grandeur of the Spanish Monarchs.

Philip

1502. Philip and Joanna visited Spain, his gaiety and sociability could not brook the reserved ceremony of the Spanish Court, and Ferdinand observing the declining health of Isabella grew jealous of Philip.

The dislike Philip shewed for Joanna greatly hurt Isabella, who knew that her daughter was destitute of beauty and of accomplishments of the mind; but deaf to all her entreaties he returned alone in a few months to the Low Countries, which threw Joanna into a sullen melancholy which lasted whilst she bore Ferdinand her second son, and was not removed till she returned to her husband

1504 and Brussels the next year

Isabella died at Medina del Campo 26th Nov. 1504 She possessed great Virtue and Wisdom, and is justly entitled to the encomiums bestowed on her by the Spanish Historians either as a Queen, a Wife, or a Mother.

By her Will she appointed Ferdinand Regent of Castile until her Grandson Charles should attain the Age of twenty, all also bequeathed to Ferdinand

1500. Charles V. was born at Ghent on the twenty fourth of February in the Year one thousand five hundred. His Father Philip the Handsome Archduke of Austria, was Son of the Emperor Maximilian and of Mary the only child of Charles the Bold, the last Prince of the House of Burgundy. His Mother Joanna the second daughter of Ferdinand and Isabella, King and Queen of Castile and Aragon, who became their Heir, by Don John their only Son and the Queen of Portugal their eldest daughter being both cut off in the flower of their Youths.

1502. The arrival of Philip and Joanna into Spain, soon caused uneasiness in the minds of both Princes; for the formality of the Court little suited the Youth and gayety of Philip, and the natural jealousy of Ferdinand was awakened by foreseeing that Philip would not let him retain any authority in the Kingdom of Castile when Isabella should die

whose

whose health daily declined, and severely felt the Archduke's neglect of Her daughter, who did not possess either those beauties of person, or accomplishments of mind that fix the affections of a Husband.

Philip soon took the abrupt resolution of returning to Flanders; which could not be prevailed on even to defer untill the delivery of Joanna, who from the moment of his departure sunk into a sullen melancholy, and in that unfortunate situation bore her second son Ferdinand; nor was her mind in the least alleviated till she joined the Archduke the next Year at Brussels.

1504. Philip took no share in the Spanish affairs untill the death of Isabella, who was no less eminent for Virtue than for Wisdom, and is justly entitled to high encomiums as a Queen, a Wife, and a Mother.

A few days before Her death she made Her last Will, by which She appointed Ferdinand Regent

of

of Castile till Charles should attain the age of twenty; from the consciousness of Joanna's incapacity of ~~[illegible]~~ taking the reins of Government into her own hands, and from her disinclination to Philip, whose ill conduct towards her daughter daily encreased; but before she signed this, she obliged her husband to take an Oath that he would not by a second marriage or any other means endeavour to deprive Joanna or her posterity of their right of succession to any of his kingdoms.

Ferdinand immediately on her death resigned the title of King of Castile, and commanded Joanna and Philip to be proclaimed Sovereigns of that Kingdom; but at the same time assumed the title of Regent, and soon prevailed on the

1505. Cortes, or Assembly of the States to acknowledge his right to that Office; however he found this was not agreable to the Castilans owing to a remains of the antient enmity between them and the Aragonians, and the knowledge of his natural suspicion, severity, and parsimony.

To curb the exorbitant power conferred on the Grandees by the Feudal Institutions, He extended

the

the Royal jurisdiction by protecting their injured Vassals and encreasing the immunities of Cities.

Philip at this time demanded through his Ambassadors of Ferdinand, that he should retire to Aragon, and resign the Government of Castile to the persons he had appointed Regents untill his arrival in that Kingdom.

Ferdinand by means of Conchillos an Aragonian, prevailed on Joanna to confirm his right to the Regency, but on the discovery of this, the letter was intercepted, Conchillos thrown into a dungeon, Joanna confined to her Appartment, and her Spanish domestiks secluded from her presence.

The Nobles of Castile soon abandoned Ferdinand, who in revenge [illegible] married Germaine

de

de Foix a daughter of the Viscount Narbonne and of Mary Sister of Lewis XII. to exclude his daughter and her posterity from succeeding to the Kingdom of Aragon.

This match deprived Philip of his only Ally the King of France; Don John Manuel, who had been Ferdinand's Ambassador at the Imperial Court, and on the death of Isabella had attached himself to the Archduke, advised the concluding a treaty at Salamanca with Ferdinand, by which the Government of Castile was to be administered in the joint names of Joanna, Ferdinand, and Philip, and the Revenues and right of conferring Employments to be shared between Ferdinand and Philip; this prevented Ferdinand's obstructing the Voyage of the Archduke to Spain, who

1506. ~~Philip and Joanna sailed with a fleet~~ ~~after a stay of three months in England, they~~ after a stay of three months in England, they landed at Corunna; the Castilians instantly joined them; Ferdinand then resigned the Regency of Castile, and retired to Aragon, but kept the Mastership of the Military Orders, and half the Revenue of the Indies, which Isabella had bequeathed to him.

The Archduke then in vain attempted to

prevail

prevail on the Cortes to declare Joanna incapable of Government, whose melancholy daily encreased; in about three months He died of a fever occasioned by his debaucheries, which confirmed the insanity of Joanna, but though She declined assuming the Administration, yet She refused to entrust it with any other Person.

This made the appointment of a Regent absolutely necessary; by the influence of Cardinal
1507. Ximenes, Ferdinand though with difficulty reacquired the Administration, and by a moderate though steady administration, free from partiality and resentment, He entirely reconciled the Castilians to His person, and procured for the remainder of his life as much domestic tranquility, as was consistent with the genius of the Feudal Government.

1509. Oran and other conquests on the coast of Barbary were annexed to the Crown of Castile by Cardinal Ximenes, who commanded the Army against the Moors, and defrayed the whole expence out of his own Revenues, while Ferdinand in a most shameful, and treacherous manner expelled

John

John Albert from the Throne of Navarre, and added that Kingdom to the Spanish Monarchy, which now extended from the Pyrenees to Portugal.

Ferdinand's jealousy of his grandson Charles daily encreased, which occasioned his immoderate joy at the delivery of his young Queen of a son; and his solicitude at the death of this child, and his having recourse to potions that are supposed to add vigour to the constitution, these gave him a violent disorder, which threw him into a state of languor and dejection of mind that soon ended his life; he appointed

1513.

1516.

Charles sole Heir to his dominions, and allotted Ferdinand only a sum of fifty thousand a Year.

Charles was at this time near sixteen, he had hitherto resided in the Low Countries, Margaret of Austria his Aunt, and Margaret of

York

York Sister of Edward IV. of England, and Widow of Charles the Bold, had the care of forming his early youth. On the death of Philip, his grandfather the Emperor Maximilian was appointed Regent by the Flemings which was merely nominal. Maximilian placed William de Croy Lord of Chievres to superintend his education, who thoroughly possessed the necessary talents and fidelity for so important trust. Adrian of Utrect was at the same time appointed Preceptor, which he owed to his learning, not his birth for that was very mean; his ignorance of the manner of placing Science in an agreable light before his Pupil, made Charles soon discover an aversion to learning, and an excessive fondness for violent and martial exercises; Chievres encouraged him in this, but carefully instructed him in the Arts of Government, not only by the study of the History of his own Dominions, but of those with which they were connected, and early accustomed him to peruse the papers relating to public affairs, and assist at the deliberations of his Privy Counsellors; [illegible]

[illegible]

~~insinuating with that impartiality which you usually~~
~~manifestation of reflection which you usually~~

The Kingdoms of Spain at this period required an Administration no less vigorous than prudent, as the Feudal Institutions subsisted in them with great force, the Nobles were very powerful and Warlike, the personal rights of the Cities were extensive, and the prerogatives of the Crown confined within very narrow limits; to prevent the evils that might thus easily arise, Ferdinand by his last Will appointed Cardinal Ximenes sole Regent of Castile till the arrival of Charles in Spain, who descended of an honourable though not wealthy family, had entered into the Church, and early obtained valuable benefices; after a severe noviciate he assumed the habit of a Franciscan Monk, his austerity of manners became remarkable yet his mind retained its full vigour, Queen Isabella appointed him Her Confessor, and not long after offered him the Archbishoprick of Toledo, which he continualy declined untill the Pope commanded him to accept of it; no situation could alter the sanctity of his life; when consulted in public affairs, he shewed great talents, his schemes were vast, and as he was conscious of his integrity his firmness was

undaunted

undaunted.

Charles appointed Adrian Regent who would have been rejected by the Spaniards, if Ximenes had not consented to carry on the Government in conjunction with him, but though he treated him with great decency, he retained the whole power in his own hands.

The Cardinal under pretence of providing more effectualy for Archdake Ferdinand's safety removed him from Guadaloupe to Madrid, that his conduct might be more easily watched.

Charles assumed the title of King by the instigation of his Flemish Ministers, which displeased the Spaniards, as Joanna had not been declared incapable by the Cortes of either Kingdom; Ximenes remonstrated against this, ~~[illegible]~~ ~~[illegible]~~ used all the credit he had with the Nobles to gratify this strange pretension of the Archduke, and by address and firmness proclaimed Charles King of Castile; in Aragon the same submission was not shewn.

Ximenes to depress the Nobility and encrease the prerogative of the Crown, issued a proclamation commanding every City in Castile to enroll a certain number of burgesses who should be

trained

trained to the use of Arms, on Sundays and Holy days; the Officers were to be provided at the public expence; this occasioned some mutiny, but by firmness and entreaties he prevailed on all to comply; then recalled all the grants made by Ferdinand and Isabella; with these additions to the Revenue of the Crown and a frugal oeconomy, he discharged all the debts Ferdinand had contracted, remitted considerable sums to Flanders, paid the Officers of the new Militia, and established greater magazines of Arms and Warlike Stores than had ever been in Spain; the Nobles attempted to oppose these measures but he was so well prepared to enforce his projects that they soon submitted.

The Flemish Ministers from a jealousy of his abilities, ~~[illegible]~~ persuaded Charles to add La Chau and Amerstorf to the Commission of Regency, but Ximenes by his fortitude retained the sole direction of affairs.

John Albert thought this a favourable opportunity to recover his Kingdom of Navarre, but by the Cardinals vigilance, a considerable body of troops were formed with which Villalva, soon obliged that unfortunate

Monarch

Monarch to retire. Ximenes then dismantled all the Towns and Castles in that Kingdom except Pampeluna, by which precaution Spain has ever retained that conquest.

The opperations in Africa against Horue Barbarossa, who from a private Corsair had raised himself to be King of Algiers, were not prosperous, but served to shew the magnanimity of the Cardinal in adversity the only pursuit during his administration not crowned with success.

The Spaniards were greatly hurt at the sordid avarice of Chievres, which sullied his great qualities, and encouraged the inferior Flemish Ministers in the most infamous Scene of venality; all the employments of Spain were disposed of to the best bidder; Ximenes upon this pressed Charles to come to Spain and by His presence dissipate the clouds that were gathering.

1516. Charles put an end to the bloody and tedious War which the Treaty of Cambray gave rise to, by concluding a Peace with Francis at Noyon; by which Charles was to marry the eldest daughter of Francis, who was to give up his pretensions to Naples; Charles on the contrary was to pay an hundred thousand Crowns a Year to Francis till the Princess was marriageable, and half that Sum yearly untill she had Children,

and

and if Charles on his arrival in Spain did not satisfy the Heirs of the King of Navarre, Francis was at liberty to assist them with all his forces.

1517. Charles delayed a whole year after the signature of the treaty, embarking for Spain, owing to the ~~[illegible]~~ fear Chievres and the other Flemings harboured, least the eminent qualities of Ximenes should lessen the King's deference to their advice. After a dangerous Voyage he landed with a numerous Train of Flemings at Villa Dicciosa in Asturias, where he was received with great acclamations of joy; Ximenes notwithstanding his extreme old Age advanced with as much expedition as his infirmities would permit, till he was seized at Bos Esquillos with a violent disorder, supposed by some to have been the effects of poison. He then wrote in the strongest terms to the King to advise the dismission of the Foreigners in his train, and to entreat an interview, that he might lay the state of the Nation and the temper of his Subjects before him, Charles by the advice of the Spanish Grandees as well as of the Flemings, wrote him a cold letter, by which he permitted him to retire to his Diocese, that he might end his days in tranquility,

which

which undeserved treatment so affected the Cardinal that he died in a few hours after the receipt of it; his sagacity in Council, and fortitude in execution are equaly praise worthy.

1518. Charles then made His public entry into Valladolid, where He had summoned the Cortes of Castile, whom He with difficulty prevailed on to ratify the title of King He had assumed, they at the same time declared that if His Mother should at any time recover the exercise of Her reason, the whole Regal authority should be vested in Her alone; and voted a Free gift of three hundred thousand Ducats, to be paid in three Years, a more considerable sum than had been granted any former Monarch.

The Kings giving ear to none but the Flemings, caused great discontent, which their rapacity greatly encreased; they remitted in ten months not less than one Million and one hundred thousand Ducats to the Low Countries, but the nomination of William de Croy the nephew of Chievres though not of Canonical Age to the Archbishoprick of Toledo, entirely exasperated them.

Charles then sate out for Saragossa, the Capital of Aragon, where He assembled the Cortes of that

that Kingdom, He took the prudent steps of sending his Brother Ferdinand to visit their Grandfather Maximilian in Germany, which prevented a Civil War and perhaps the loss of the Spanish Crown.

He had more difficulty in getting that Cortes to confer on Him the title of King, than he had with that of Castile, but they at length complied, and with difficulty granted two hundred thousand Crowns, which they appropriated to the paying the Debts of the Crown, so that but a small part was left for the use of the King.

Ambassadors arrived from Francis and the Young King of Navarre at Saragossa, with a demand of the restitution of that Kingdom, agreable to the Treaty of Noyon, but Charles shewed no inclination either here or at the subsequent conference at Monpelier to part with this acquisition.

1519. Segovia, Toledo, Seville and other Cities of repute in Castile entered into a confederacy for the defence of their rights and privileges; in consequence of which the Nobility laid before the King a full view of the State of the Kingdom, and the conduct of his Ministers, which He treated with great contempt.

The

The death of Maximilian by exciting a rivalship between Charles and Francis soon set all Europe in a blaze.

The former offered himself as a candidate for the Imperial Crown upon the plea of its long continuance in the House of Austria, and his knowledge that no Prince of Germany had weight enough to avow the being his Antagonist; He omitted no subtility of negociation, nor the more prevailing arguments of corruption.

The latter grounded his claim to this dignity, on the impropriety of without intermission electing a Prince of Austria, and on His being the only person that could preserve it from sooner or later becoming Hereditary in that family.

Though the other European Potentates ought not to have remained idle Spectators, but have combined together to disappoint both these Competitors, yet the passions of some, and want of foresight of others prevented so salutary a measure.

Henry VIII. of England indeed became a Candidate, his Ambassadors though loaded with caresses by the German Princes and the Pope's Nuncio, soon informed Him, that He had so late preferred His claim that it could not meet with success; the imputing his disappointment to this alone soothed his vanity and made him take no farther concern in this affair.

Leo X.

Leo X. a Pontiff not less renowned for his political abilities than for his love of the Arts, felt that the success of either of the two Candidates must be fatal to the independence of the Holy See, and perhaps to the liberties of Europe, and knew that great caution and address was necessary in the management of so delicate an affair; concerted his plan with great wisdom, but it was prosecuted with so little discretion that it proved abortive.

The Electors when assembled at Frankfort unanimously offered the Imperial Crown to Frederick Duke of Saxony, who after a short deliberation declined it with a magnanimity and disinterestedness that will make him ever ranked among the most wise Princes.

Frederick then gave his reasons for voting in favour of Charles, which added to the abilities of Cardinal Gurk and the zeal of Erard de la Mark Bishop of Liege two of Charles's Ambassadors, He was unanimously chosen Emperor.

The Electors at the same time jealous of his extraordinary power drew up a Capitulation in which were enumerated the privileges and immunities of the Electors, Princes, Courts, Cities, and ~~[illegible]~~ other Members of the Germanick body, which was immediately signed by the Ambassadors and confirmed in the most solemn manner by Charles at his Coronation; this Capitulation has been confirmed

by

by all his Successors to the Imperial Dignity.

The Spaniards were much dissatisfied at this event, as it would frequently deprive them of the presence of their Sovereign, subject them to the Government of a Vice Roy and draw them into foreign quarrels.

A Convocation of the Clergy unanimously refused to levy the tenths of all Ecclesiastical benefices, which Leo X. had granted Charles, in order to assist him in carrying on War against the Turks.

In the Kingdom of Valencia annexed to that of Aragon the commotions were more formidable, a seditious Monk having by his Sermons excited the Citizens of Valencia to take up Arms and secure themselves against the oppression of the Grandees, the Nobles allarmed at this applied to the Emperor for permission to defend themselves, the People at the same time sent Deputies to represent their grievances and implore the protection of their Sovereign, who being much piqued at the Cortes of Valencia, imprudently decided in favour of the People; the States had indeed not only refused to admit Adrian who represented Him in their Assembly, and to grant the free gift he demanded, but had declared they could not acknowledge an absent person as their King. the
1520. people soon expelled the Nobles out of the City, appointed Magistrates of their own, and entered into

an

association by the name of Germanada, or Brotherhood which proved the source of many calamities in that Kingdom.

In that of Castile, Charles found no less disapprobation of his leaving Spain; most of the Cities were resolved to remonstrate against this, but he artfully avoided admitting any of the Deputies, and summoned the Cortes of Castile at Compostella in Galicia; the Inhabitants of Valladolid expecting the Cortes in their City took arms, and if Charles and his foreign Counsellors had not made their escape they would have massacred all the Flemings and prevented Him from proceeding to Compostella. Though at the opening of the Assembly symptoms of ill humour appeared, the assiduity of Chievres, or a fear of that independency which was rising in the Commons, inclined the Nobles to favour the pretensions of the Crown, and at length a free gift was granted.

Charles then embarked for the Low Countries leaving Adrian Vice Roy of Castile, Don John de Lanuza of Aragon, and Don Diego de Mendoza of Valencia.

The impatience of the Electors to end the interregnum, the intestine commotions in His hereditary dominions, added to an encrease of that rivalship between Charles and Francis, which owed its rise to their contention for the Imperial dignity, made the

Emperors

Emperor's presence in Germany very necessary.

Leo whose conduct was ever tempered by the most solid wisdom, soothed both Princes, from knowing that if War was kindled it would break out in the Milanese, yet secretly leaned to the Emperor.

The Venetians outwardly bore neutrality but privately favoured Francis.

Henry VIII. from the Court paid to Wolsey by Francis seemed to incline to him; but Charles to defeat this, came over to England and gave a pension of seven thousand Ducats to the Cardinal in addition to the one of three hundred thousand livres he had previously settled upon him; Henry soon after in an open plain between Guisnes and Ardres in France had an interview with Francis where great magnificence was on both sides displayed; which procured it the name of the Cloth of Gold; however the engaging manners of Francis might captivate Henry, either the artifices of Wolsey, or the great attention Charles had to his political interest, soon effaced it, at the interview he had with Henry at Gravelines.

Charles then proceeded to Aix la Chapelle where he was crowned Emperor.

We must here give a short account of the rise of the Reformation, as it has not only restored the Christian Religion to its original purity, but given a new life to Science, and by an assemblage of concurrent events seems to have

greatly

greatly contributed towards preserving the states of Germany from falling a prey to their Chief, ~~[illegible]~~.

Pope Urban II. in the eleventh Century first invented indulgences as a recompence for those that went in person to the Wars in the Holy Land; then they were granted to such as hired Soldiers for that War, and in proceſs of time were bestowed on those who gave money for establishing any pious work enjoined by the Pope. Julius II. iſsued indulgences to all that contributed towards the building of the Church of St. Peter at Rome; Leo's grant was founded on the same pretence.

The promulgating these in Germany with a share of the profits on the sale of them was aſsigned to Albert Elector of Mentz, who employed Tetzel a Dominican Friar of licentious morals but of an active spirit, as his chief agent for retailing them in Saxony, who fulfilled his commiſsion with great succeſs but little decency; the Princes and Nobles were irritated at seeing their Vaſsals drained of so much wealth, and began to wish some check were given to this shameful traffic, no leſs detrimental to Society than destructive to Religion.

1517. At this favourable juncture Frederick Elector of Saxony on founding an University at Wittemberg on the Elbe, appointed Martin Luther the Profeſsor of Philosophy and afterwards of Theology, in both of which branches he gained great applause. He was a native of Eisleben in Saxony, from his most early Youth had enclined to the most rigid devotion, and entered

into

into the order of Augustinian Friars, where he acquired great reputation for his piety, love of knowledge, and application; his understanding naturally sound, grew soon disgusted at the scholastic Philosophy and Theology, and devoted himself to the study of a copy of the Bible, that lay neglected in the Library of his Convent; the great progress he made in this greatly augmented his reputation. In his sermons at Wittemberg he soon inveighed against the irregularities and vices of those who distributed the Indulgences, and pointed out the danger of relying for salvation upon any other means than those declared by the Word of God; as this made impression upon his hearers, he wrote to the Elector of Mentz a remonstrance against the lives and opinions of the preachers of Indulgences, which having no effect, he published Ninety five Theses containing his ~~opinions~~ sentiments with regard to this subject, and proposed them as subjects of enquiry and disputation, fixed a day on which he invited the learned either in person or in writing to give him their opinions on these Theses, no opponent appeared on the proposed day.

The Friars of St. Augustine, ~~to which~~ order Luther belonged, gave no check to his publications, from their knowledge of his piety and learning, the strong professions he made of regard for the authority of the Popes, and the secret emulation naturally subsisting between all monastic orders, ~~[illegible]~~ but were secretly pleased at the invectives against the Dominicans.

The Elector of Saxony thinking this dispute would relax the exactions of the Court of Rome ~~also approved of it.~~

At

At length many zealous champions arose to confute Luther's opinions, who little assisted their cause, as his arguments were founded in reason, or derived from Holy Writ, whilst their were only the sentiments of schoolmen, the conclusions of the Canon Law, and the decrees of the Popes.

Leo at first disregarded these disputes from imputing them alone to Monastic enmity, but at length summoned Luther to appear at Rome; but on the interposition of the Elector of Saxony, empowered the German Legate Cajetan to try him; who without entering into any argument with Luther, when he came before him at Augsburg, ordered him to retract his opinions with regard to Indulgences. Luther with a firmness that ever attends the consciousness of acting right, declared he could not renounce what he believed to be true, but that he was ready to submit the whole controversy to certain Universities, and to be silent on the subject of Indulgences, provided his adversaries were enjoined the same conduct; this being rejected by the Legate, Luther at the instigation of his friends secretly withdrew after preparing an Appeal from the Pope ill-informed concerning his cause, to the Pope when more fully acquainted with it.

Cajetan greatly incensed at his retreat and publication of the appeal, ~~required~~ that the Elector of Saxony should either send Luther a prisoner to Rome, or banish him out of his territories; but the Elector with many expressions of reverence for the Pope

and

and esteem for the Cardinal, declined complying with either of these proposals.

Luther was upon this in an irregular manner condemned at Rome as an Heretick, which convinced him that Leo would proceed to greater acts of violence, he therefore to prevent the effects of Papal censures appealed to a general Council.

Leo then published a Bull in favour of Indulgences in as extravagant terms as any of his predecessors had used in the least enlightened ages, which must have proved fatal to the Reformation had not the death of Maximilian committed the Vicariat of that part of Germany which is governed by the Saxon Laws, to the Elector of Saxony, this not only sheltered Luther, but gave root to his opinions in different places during this Interregnum; as Leo feeling the consequence of the Election of an Emperor, discovered great unwillingness to pronounce sentence against Luther, least it should irritate the Elector of Saxony, who had great influence in the College of Electors.

During this suspension which lasted eighteen months, Luther begun to call in question the Divine original of the Papal authority, and Zuing lius of Zurich in Switzerland, not only avowed these sentiments, but advance d with more hasty steps to overturn the whole fabrick of the Church of Rome.

1520. Leo was at length persuaded to publish a Bull of Excommunication against Luther, and to order his works to be burnt, who in return declared the Pope to be that man

of

of Sin or Antichrist, whose appearance was foretold in the New Testament; and assembling the Professors and Students of Wittemberg, with great pomp burnt the Volumes of the Canon Law, and the Bull of excommunication, which example was followed by many Cities in Germany.

Having as concisely as the subject would admit of, narrated the rise of the Reformation, we must now return to the course of the History.

At the Diet of Worms the jurisdiction of the Imperial Chamber was confirmed, and the forms of its proceedings regulated; a council of Regency was also established to assist Ferdinand in the Government of the Empire during the absence of his Brother, which from the extent of his dominions must frequently happen.

Had Charles possessed no other Territories but those in Germany, he might probably have protected Luther, whom he treated with great severity, to secure the friendship of the Pope, on account of the designing schemes of Francis. The States of the Empire therefore summoned Luther to appear at Worms, where he was there treated with great respect, and readily acknowledged an excess of vehemence and acrimony in his controversies, but refused to retract his opinions, unless convinced of their falsehood; or to consent to their being tried by any other rule than the Word of God; he was permitted to depart the City in safety; but a few days after an Edict was published depriving him of all the privileges of a subject of the Empire, forbidding any Prince to harbour or protect him, and requiring all

persons

persons to seize him as soon as the term of his safe conduct should be expired.

This severe decree had no considerable effect from the multiplicity of occupations that the commotions in Spain, and the Wars in Italy and the Lowe Countries created the Emperor, and from the precaution of the Elector of Saxony, who on Luther's return from Worms, had him seized near Altenstein in Thuringia by a number of masked Horsemen, and carried to Wartburg a strong Castle not far distant, where he remained concealed for nine months, untill the fury of the present storm against him had abated.

During his confinement the Augustinians of Wittemberg with the approbation of that University and the connivance of the Elector, abolished private Masses, and gave the Cup as well as the bread to the Laity in administring the Lords Supper.

At this period the University of Paris published a decree condemning Luther's opinions and Henry VIII. of England also wrote against them, for which the Pope granted that King the title of Defender of the Faith; Luther answered both these productions with great vehemence and severity, and his opinions daily gained converts both in France and in England.

Francis from the compact situation of his dominions, and their subjection to his authority, was capable of a sudden effort, and rather desirous of a War with Charles, who attempted to avert the danger as his dominions though larger were disunited.

Henry VIII.

Henry VIII. might have extinguished this flame on its first appearance, instead of appearing as Mediator whilst secretly a fomentor of discord, and only waiting for a decent pretext to join his arms to those of the Emperor.

Leo also desired to encrease the ill humour that subsisted between Charles and Francis, from a wild idea adopted by most men of genius in Italy during the sixteenth Century, that by superiour skill in the artifices of negociation, they could baffle the efforts of Nations rather than themselves though much more powerful, and thus after assisting the one Monarch to strip the other of his possessions in Italy, he hoped to find the means of driving out the victor in his turn.

The Pope at first concluded a Treaty with Francis, but whether the latter too openly discovered suspicions of the others sincerity, or whether this Treaty was only an artifice to cover the Pope's negociations with Charles, Leo soon made secret overtures to the Emperor, who quickly concluded a treaty the chief articles of which proved the foundation of Charles's grandeur in Italy; by them the Pope and Emperor were to join in expelling the French out of the Milanese, the possession of which was to be granted to Francis Sforza, son of Ludovic the Moor, who resided at Trent from the time of his Brother's being dispossessed of his dominions by the French King; Parma and Placentia was to be restored to the Church; the Emperor was to

assist

assist the Pope in conquering Ferrara, the annual tribute paid by the Kingdom of Naples was to be encreased; the Emperor was to protect the Family of Medicis, to grant ten thousand checats annualy out of the Archbishoprick of Toledo to the Cardinal of Medicis; and to settle Lands to the same value in the Kingdom of Naples on Alexander the natural Son of Lorenzo de Medicis.

This treaty being concluded without the knowledge of Chicores has by many Authors been given as the cause of his death; which delivered Charles from a Minister whose ascendancy depressed his genius and retained him in a state of pupillage, unbecoming both his years and his rank; and from this period the native powers of his mind unfolded themselves, and he displayed such talents both in Council and in execution, that command the admiration of posterity.

Francis now levied forces in the name of Henry d'Albret, and committing the command of them to Andrew de Foix de l'Esparre, nearly related to that unfortunate King, they in a few days without obstruction, except at Pampelona, mastered the Kingdom of Navarre; the additional works to that fortress begun by Ximenes were unfinished, nor would this resistance have deserved notice if Ignatio Loyola a Biscayan Gentleman had not been dangerously wounded in its defence; during a tedious cure he had

no

no other amusement but reading the lives of the Saints, which fired his mind with a desire of emulating those fabulous worthies, ~~that~~ after many extravagant adventures, he instituted the Society of Jesuits.

Had Alfonso contented himself with securing his conquest, Navarre might have remained annexed to the Crown of France; but he laid siege to Logrogno in Castile; the galant defence of ~~those~~ Inhabitants added to the sudden ~~advantage~~ advance of the Castilans, obliged him to retire, when attempting to attack his pursuers, ~~[illegible]~~ who though far inferior to him in number totaly routed his Army took him and his principal officers Prisoners, ~~[illegible]~~ thus recovered Navarre in a shorter time ~~[illegible]~~ than the French had employed in the conquest of it.

Francis connived at Robert de la Marck's Lord of Bouillon, on the frontiers of Luxembourg and Champagne, levying troops in France, entering Luxemburg, and after ravaging the open Country laying siege to Virton; Charles complained loudly of this as a violation of the Peace, and called upon Henry VIII. agreable to the treaty of London to attack Francis as the first aggressor. upon which Francis commanded de la Marck to disband his Troops.

The Count of Nassau in a few days at the head of the Imperial Army, became master of Bouillon

and

and of every place within that little territory except Sedan. Nassau then took Mouson in Champagne and besieged Mezieres which happily for France was defended by the Chevalier Bayard, who joined the talents of a great General to the Character ascribed to the Antient Heroes of Chivalry; partly by valour and partly by conduct, he protracted the Siege to a great length, and in the end the Imperialists were obliged to retire. Francis then at the head of a numerous Army retook Mouson, and made several conquests in the Low Countries; a congress was soon after held at Calais under the Mediation of Henry VIII. without any effect.

Wolsey then went to Bruges and concluded a league against Francis between the Emperor and Henry VIII.

The Milanese were disgusted with the French Government, on account of the haughty, imperious, and rapacious conduct of Odet de Foix, Mareshal de Lautrec their Governor, who was at the same time an Officer of great reputation and experience. They entered into schemes for shaking off the French Yoke, in which they were encouraged by Leo, and on the discovery the Exiles were permitted by him to retire to Reggio. Mareshal de Foix upon this invested that place, but by the vigilance of Guicciardini the Historian was obliged to retire with disgrace. Leo eagerly seized this pretence to declare War against France

Lautrec

Lautrec by a prudent conduct retarded the progress of the Imperialists in Italy, and would soon have exhausted the Revenues of the Pope, who alone subsisted the Imperial Troops in those parts, had not the Swiss Cantons ordered their Countrymen in both Armies to return to their own Country; but the Cardinal of Sion having the address to prevent the order being delivered to the Swiss in the service of the Confederates, the French Army was alone diminished, which obliged their General to retire to Milan which was soon taken by surprize in the night by the Imperialists; and soon the French retained of all their conquests in Lombardy, only the Town of Cremona, the Castle of Milan and a few inconsiderable Forts.

1522. Leo died soon after, and was succeeded by Cardinal Adrian of Utrecht, who then governed Spain in the Emperor's name; upon which the War in the Milanese was renewed. Lautrec receiving a reinforcement of ten thousand Swiss, retook many places, and must have regained the whole Country, had not the Swiss on Morone preventing the arrival of a large sum for their payment, demanded either to attack the Confederates the next day, or that Lautrec should instantly advance them the money owed them; he was at length forced to come into the first proposal on which he was beat the next day at Bicocca, obliged

to

to retire out of the Milanese and lost Genoa, where the authority of the Emperor was established; and to compleat the misfortunes of Francis, Henry VIII. declared War against him.

Charles on a visit in England for six weeks gained not only the confidence of Henry, but of the Nation.

Solyman entered Hungary, soon took Belgrade, then with two hundred thousand Men and a fleet of four hundred Sail attacked the Island of Rhodes the Seat of the Knights of St. John of Jerusalem; who were defeated by five thousand Soldiers, and six hundred Knights, which He made himself master of, owing to the animosity of Charles and Francis who would not lay aside their quarrel to assist a Society which did honour to the Christian Name.

Charles on his arrival in Spain found that Country just recovering from the miseries of a Civil War, which as it was not connected with the other events that happened in Europe, has been reserved for this place.

On the Cortes assembled in Galicia having voted the Emperor a free gift without obtaining the redress of any one grievance, the Citizens of Toledo who on account of their great privileges looked on themselves as the Guardians of the Castile Commons, took arms, seized the Gates of the City, and established a popular form of Government. The

chief

chief Leader of this insurrection was Don John de Padilla the eldest Son of the Commendador of Castile, possessed of talents calculated for times of confusion.

At Segovia Fordesillas one of the Representatives of that Town in the late Cortes, a bold and haughty man, on his return called the Citizens together to give them an account of his conduct; the multitude burst open the gates of the Church, dragged him out into the Streets, where he died in their hands as they were going to put him on the common gibbet, on which they hung him up with his head downwards; the Representatives of the other Towns saved themselves by flight, but were burnt in effigy and their effects destroyed.

Adrian at that time Regent of Spain attempted with force to check this audacious spirit, but his Troops were repulsed at Segovia, and at Medina del Campo; the Regent then for want of courage and of sagacity disbanded the Army and laid all the blames of their having been employed on Fonseca the Commander in Chief of the Spanish forces, to attempt to appease the people, which only rendered them more insolent.

The proceedings of the Commons of Castile were not alone actuated by Popular rage, but a desire of obtaining redress of grievances, and a solid

establishment

establishment of public Liberty; the malecontents therefore by the advice of Padilla and the other popular leaders summoned a general Convention at Avila; Deputies came from almost all the Cities entitled to send Representatives to the Cortes; they assumed the name of the Holy Junta, disclaimed the authority of Adrian, got possession of Queen Joanna, and carried on the Government in her name.

The Emperor much alarmed at this, attempted by indulgence to gain the malecontents, but they emboldened by success proposed innovations tending to destroy the Aristocratical power as well as to limit the Prerogative of the Crown; this added to Charles's appointing the High Admiral Don Fadrique Enriquez, and the High Constable of Castile Don Iniego de Velasco Regents in conjunction with Adrian determined the Nobles to assist their Sovereign; the Deputies of the Junta did not dare to present the remonstrance to the Emperor in Germany, but with twenty thousand Men took the field; the Regents and Nobles assembled an Army, which though inferior in number to that of the Junta was much better disciplined, and was commanded by the Conde de Haro, an Officer of great experience and abilities.

Giron General of the Army of the Junta had so little skill that de Haro soon took Tordesillas where Joanna was kept, took many Prisoners and recovered the Great Seal and other Ensigns of Government. Such

Members

Members of the Junta as escaped falling into the French hands on this occasion fled to Valladolid, where they elected a few of them to direct their affairs, their Army daily encreased, and Padilla was appointed their General, having no money to pay their troops his Wife Donna Maria Pacheco proposed the seizing all the magnificent Ornaments of the Cathedral of Toledo, which to avoid offending the people, was done with great solemnity.

The Regents in equal want of money applied the Jewels of the Queen, and the plate of the Nobility towards payment of the Soldiery, and when this was exhausted obtained a small Sum of the King of Portugal.

The Nobility unwilling to proceed to extremities with the Junta, from a fear that the power of the Crown might encrease on their weakness and that of the Malecontents, offered them very advantageous terms, which the Junta most imprudently rejected, and threatned to strip the Nobles of the Crown Lands they and their Ancestors had usurped, and to re-annex them to the Royal Domain; this was much occasioned by the Success Padilla met with in many small encounters, flushed with these he besieged Torrelobaton which though well defended he took by storm, and might instantly to have marched to Tordesillas, but the Junta incapable of carrying on War or making Peace, entered again into negociation and even agreed to

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a short suspension of Arms; mean while many of Padilla's Soldiers went off with the booty they had got, whilst others deserted; on the expiration of the Truce de Haro attacked their Army at Villalar and thoroughly routed it; Padilla was taken and put to death the next day without any regular trial.

Nothing could persuade the Commons of Castile to take arms again; Donna Maria Pacheco alone was not dismayed; she defended Toledo with great spirit till the Clergy highly incensed at her having invaded their property to defend the Town, persuaded the credulous people that she had acquired her influence by enchantments, which added to the impatience of a long blockade, influenced them to take Arms, and drive her out of the Town; she defended the Citadel four months
1522. longer and then fled to Portugal, which restored the public tranquility, and like all unsuccessful insurrections, confirmed and extended the power of the Crown; the Cortes now omitted their cautious form of examining and redressing public grievances before they granted any supply, but voted the Donative and the Sovereign never allowed them to enter into any scrutiny or to attempt any reformation injurious to his authority; the privileges of the Cities were gradualy abridged or abolished; Commerce began to decline, and they becoming less wealthy and populous

lost

lost the influence they had acquired in the Cortes.

The commotions in Valencia were still more violent. the association formed in one thousand five hundred and Twenty in the Town of Valencia called Germanada continued to exist after the Emperor's departure from Spain; under the pretext of defending the Coasts against the Corsairs of Barbary, and under the sanction of Charles's permission they refused laying down their Arms; but as the grievances they aimed to redress proceeded more from the Arrogance and exactions of the Nobility, than from any unwarrantable exercise of the Regal prerogative, their resentment was levelled chiefly at the former; They by force of Arms drove the Nobility out of most of the Cities, plundered their Houses, wasted their Lands, and assaulted their Castles, they then elected thirteen persons, one of whom from each Company of Tradesmen in Valencia, to whom they committed the Administration of Government, under the appearance of reforming the Laws, and establishing a more impartial dispensation of Justice.

The Nobles took Arms in self defence, hostilities were soon commenced with the greatest acrimony; as no persons of birth joined the Germanada, their Councils and Troops were conducted by low mechanics, who committed the wildest acts of cruelty and outrage; though they had some advantages the first year, the Nobles at length were more successful and were joined by a body

body of Castilian Cavalry with which they soon ruined the Germanada.

In Aragon by the prudence of the Vice Roy Don John of Lanuza, no insurrection broke out; but in the Island of Majorca which was annexed to that Kingdom, the people impatient at the hardships they endured under the rigid Jurisdiction of the Nobility took Arms, deposed the Vice Roy, and massacred every Gentleman that fell into their hands, it required a great force to reduce them to obedience, which was not effected till every other part of Spain had submitted.

It may appear strange as the dissatisfaction was so general, that the malecontents of the separate Kingdoms did not act in concert; this was in great measure owing to the national antipathy they had to each other, and to the difference of their forms of Government.

Charles refused to punish capitally above twenty in Castile, and published a general pardon from which only eighty persons were excepted, who he afterwards avoided bringing to Justice; this clemency added to the cautiously avoiding whatever had caused disgust, acquired him such an ascendency over the Castilians, that they supported him in all his enterprizes.

Towards the Emperor's landing in Spain, Adrian went to take possession of his new dignity at Rome, but was there looked upon with contempt, and his

endeavours

endeavours of restoring Peace to Europe proved abortive.

1523. The Venetians till now steady in their Alliance with Francis entered into a League with the Emperor against him, to which the Pope and other States of Italy soon acceded.

Francis though naturaly remiss, was ever active on the approach of danger; he assembled a large Army before his Enemies were prepared to execute any of their Scemes, which he would have instantly lead into the Milanese, had not the discovery of the Constable of Bourbon's conspiracy suspended it.

Bourbon from his birth as well as high Office was the most powerful subject in France, his love of War and of manly exercises as well as equality of age and proximity of blood ought naturaly to have given him a share of Francis's favour; but the King actuated by the aversion his Mother had to that branch of his family shewed him several acts of unkindness, which at length exhausted the patience of the Constable, and inquired him with thoughts of revenge.

Louise the King's Mother on the death of the Constable's Wife formed the scheme of marrying him but he rejecting the proposal, she upon this resolved to ruin him. By her solicitations authority Du Prat the Chancellor employed every chicanery of the Law to prevail on the judges to sequestre his Estate; Bourbon upon this entered into intrigues with the Imperial Court, offered to transfer his allegiance to the Emperor

and

and to assist in the Conquest of France.

This negociation though carried on for several months did not escape the observation of some of the Duke's train, two of whom gave Francis some intimation of it; the King went to Moulins where the Constable feigned an indisposition to avoid going to Italy, and acquainted him with the intelligence, Bourbon asserting his innocence, the King refused to arrest him; the Constable soon after fled to Italy.

About this time Adrian died to the great satisfaction of the Romans, Cardinal Medicis by the name of Clement VII. was elected Pope, which filled Wolsey with resentment against Charles for this second disappointment, and from that time he meditated revenge.

1524. Though Clement VII. during the Pontificates of Leo and Adrian had avowed an enmity to France, yet seeing the power of the Emperor daily increasing in Italy, he refused to accede to the League against Francis, and laboured to effect a general pacification, in which he could not succeed.

Lannoy Vice Roy of Naples took the command of the Imperial Army on the death of Colonna, though the chief direction of Military operations was committed to Bourbon and Pescara, the ablest and most enterprizing of the Imperial Generals; their taking the field was retarded by a mutiny in the Army,

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out of which difficulty the Generals were extricated by Morone, who prevailed on his Countrymen the Milanese to advance the Sum owing to the Troops, this obliged the French to abandon the Milanese, and through the valley of Aost retreat into France; on their beginning to pass the River Sesia, Bourbon and Pescara attacked their Rear; Bonnivet was so dangerously wounded that he could not remain in the Field; the Chevalier Bayard was entrusted with the command of the Rear, who not professing the Arts of a Court never rose to the Chief Command, but ever called to the posts of difficulty in times of danger; he acted with so much conduct and valour on this occasion that Country men had time to retreat; he received a wound that disabled him from remaining on Horseback, he was placed under a Tree with his face towards the Enemy, where holding up the guard of his Sword, he addressed his prayers to God. Bourbon on coming up to him expressed regret and pity at the sight, Bayard cried out "pity not me, I die as a Man of honour ought, in the "discharge of my duty, they indeed are objects of pity "who fight against their King and Country, and their "Oath."

after the Chevalier's body was embalmed it was sent to his relations; the Duke of Savoy commanded it to be received with Royal honours in his dominions, and in Dauphiny Bayard's native Country, the people of all ranks came out to receive it.

Thus

Thus Francis was stripped in one Campaign of all he had possessed in Italy, and remained without an ally in that Country.

As to the Affairs of the Reformation, Carlostadius one of Luther's disciples begun to propagate wild notions which encouraged the populace in Saxony to break open the
1522. Churches and throw down the Images; Luther sensible of the danger of alienating the Elector of Saxony from the Reformers, who was very jealous of his own authority, quitted his retreat and returned to Wittemberg where he instantly restored order among his followers, and then published his translation of the Bible.

Nuremberg, Frankfort, Hamburgh and several other Cities of Germany abolished the Rites of the Papal Church; this moved Adrian to address a brief to the Diet of the Empire then assembled at Nuremberg, and to instruct Cheregato the Nuntio he sent there, by these he censured the Princes of Germany for suffering the tenets of Luther to spread, and required that if he did not instantly retract his errors, they should destroy him with fire.

The Diet declined executing the directions of the Pope, by alledging the great encrease of Luther's followers, and the aversion of their own subjects to the Court of Rome on account of its innumerable exactions, made such an attempt not only dangerous but impossible, and proposed a general Council as the proper remedy; the Nuntio used every artifice to elude this, but could not succeed in preventing

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the Secular Princes from sending a list of an hundred grievances to the Pope.

1523 The Recess or Edict of the Diet contained only a general injunction to all Ranks of Men to wait with patience the determination of a Council.

1524. Clement VII. had a great dread of a Council, therefore sent Campegio to the second Diet at Worms which was attended with little effected.

On the expulsion of the French out of Italy, the Pope and other Princes of that Country were desirous of reestablishing Peace, but the Emperor intoxicated with his success contrary to the opinion of his most zealous Ministers resolved to invade Provence, trusting to the hopes that numbers would join Bourbon, to whom besides restoring the territories he had lost, he purposed the addition of Provence with the title of King, on his doing homage to Henry as lawful King of France; this the Constable refused to comply with, which so displeased Henry that he did not fulfil the engagements he had entered into, which must have greatly distressed France.

Pescara at the head of the Imperialists passed the Alps and laid siege to Marseilles; Francis unable to prevent this, took the prudent measures of laying waste the adjacent Country to prevent the subsistence of the Enemy, razed the Suburbs of the City, strengthened its fortifications and threw into it a numerous Garrison, who were joined by nine thousand of the Citizens, which rendered all the efforts of the Imperialists fruitless; then Francis at

the

the head of a powerful Army advanced towards Marseilles which forced the Enemy to retire into Italy.

Francis elated with this success invaded the Milanese, and appointed his Mother Regent during his absence; He instantly took Milan, but the Citadel remained in the hands of the Imperialists; Lannoy by mortgaging the Revenues of Naples, procured some money for providing necessaries for the Army, and Pescara persuaded the Spanish Troops not to demand immediate pay; they gained time to effect these operations, by the ill judged steps Francis took of besieging Pavia on the Tesino, instead of pursuing the Imperialists.

Clement concluded a Treaty of Neutrality with Francis in which the Republic of Florence was included.

Francis then detached the Duke of Albany into the Kingdom of Naples in hopes that would oblige part of the Imperialists to quit the Milanese; but Pescara persuading the Viceroy to disregard this invasion, the French Army was therefore only weakened by this great detachment of six thousand Men.

At this juncture Bourbon Lead Twelve thousand Germans to the assistance of Pescara, who now having
1525. an Army nearly equal to that of Francis attacked him

The Imperial Generals marched to attack the French, on which Francis from a false notion of honour resolved to fight them as he had declared he would take Pavia or perish in the attempt, though all his Generals except Bonnivet were of opinion ~~[illegible]~~ that if he declined a battle ~~[illegible]~~ the arrival of fresh troops from France and Germany, whilst the Imperialists for want of pay must have been disbanded in a few Weeks.

The Imperialists could not resist the first effort of the French, but by the little resolution the Swiss shewed, and Leyva with his Garrison of Pavia at that moment sallying out in the Rear of the French, and Pescara falling on their Cavalry with the Imperial Horse intermingled with some Spanish foot, the Rout became compleat; Francis was wounded in many places, had a horse killed under him, when almost overpowered by numbers he surrendered into the hands of Lannoy, and in two weeks not a Frenchman remained in Italy.

The next day Lannoy conducted Francis to Pizzitone near Cremona and committed him to the custody of Don Ferdinand Alarcon, whose honour and scrupulous vigilence suited the trust now reposed in him.

Charles on receiving the account of this greatest event, the appearance of great moderation, though he privately resolved to make the utmost of Francis's calamity; but he did not execute this project, for instead of either making a conquest with the whole force of Spain and the Low Countries to penetrate into France, or of crushing the Italian States whilst stunned by the news of

his Arms, he had recourse to the artifices of intrigue and negociation.

He sent the Count de Roeux to visit the Captive King with directions to propose the following Articles as the conditions on which he would grant him his liberty. That he should restore Burgundy that had been wrested from the Ancestors of the Emperor; that he should surrender Provence and Dauphiné to the Constable Bourbon to be erected into an independant Kingdom; that he should satisfy all the claims of the King of England, and lastly renounce all pretensions to Naples or any other territory in Italy. Francis on hearing this said he would rather remain a Prisoner during life; his doubting that these could be the sentiments of the Emperor, made him desirous to go to Spain in which idea he was greatly encouraged by Lannoy who conducted him to Genoa where he embarked and landed at Barcelona.

Henry outwardly affected great joy at the knowledge of this victory but secretly felt the annihilation of one of the Rivals; he soon made a treaty with the Regent of France and used his good offices to persuade the Emperor to ~~one~~ great ~~inter~~ reasonable conditions ~~to Francis~~ ~~compassion with~~

The Italian States greatly alarmed at this success but did not enter into any project for preventing the evils that might ensue. Clement was so intimidated by the threats of Lannoy that he entered into a ~~private~~ separate treaty by which he ~~agreed~~ promised a considerable sum in return for certain emoluments he was to receive; the money was instantly paid

but Charles refused to ratify the Treaty so that the Pope was rewarded with the infamy and ridicule his conduct deserved.

The money was very opportune for the Spanish ~~divided it among the~~ German troops that had so meritoriously defended Pavia, ~~growing~~ but were insolent and ~~relying more~~ rely on the promises made them, ~~made themselves masters of~~ had seized that town with an intent to keep it as a security for their pay, though this satisfied their present demands, he not having a prospect of paying them regularly dismissed all the Germans and Italians; thus whilst Charles was suspected by all his neighbours of aiming at Universal Monarchy, his revenues were so limited that he could not keep on foot his victorious army not exceeding twenty four thousand Men.

The consternation of France can be more easily imagined than expressed, but the Regent exerted all the activity of a consummate politician, she assembled the Robbs at Lyons, collected the remains of the vanquished Army, ransomed the Prisoners, levied new troops, provided for the security of the frontiers.

Morone Chancellor of Milan formed intrigues to overturn the Emperor's power in Italy, he was moved to this by the delays of Charles in granting the Investiture of Milan to Sforza, and by his revenge having been satisfied by the expulsion of the French out of Italy; his plan though full of difficulties from the very reason was the more agreeable to him.

Bourbon and Pescara equally enraged at Lannoy, having conveyed Francis to Spain without their knowledge; the former hastened to Madrid least his interest might be sacrificed; the latter was obliged to remain with the Army in Italy; but accused the Viceroy in his letters to the Emperor of cowardice in time of danger and of insolence in victory, and was much disgusted at thinking the Emperor had not sufficiently rewarded his services. Morone on this founded his whole project and proposed to Pescara the dispersing the Spanish Infantry through the Villages in the Milanese that they might be destroyed by the Peasants, the placing Pescara on the throne of Naples which the Pope would concur in by granting him the investiture, and the Venetians, Florentines and Duke of Milan would guarantee his right.

Pescara received this with amaze and his ambition allured him to enter into it; but Sforza falling ill and the treachery of the Action added to despairing of his success he wrote the whole to the Emperor flattering himself that the Dutchy of Milan would be the reward of his discovery; Morone was seized by the Emperor's directions by Leyva who had been placed to overhear a conversation with Pescara, who had the assurance though lately his accomplice to interrogate him as his Judge; Charles at the same time declared Sforza forfeited by this conspiracy all right to Milan, and Pescara seized every place in the Milanese except Cremona and Milan which the Duke defended were closely blockaded.

Though this conspiracy had not succeeded, it shewed the Emperor that he must come to an agreement with Francis unless he would draw a confederacy of all Europe against him; hitherto he had wanted that thing most rigorously, for having summon'd the Cortes at Toledo, he had avoided seeing Him, who was allowed no other exercise than riding a Mule at Madrid surrounded with guards on horse back; these indignities made such impression on his mind that they brought on a fever, the Physicians were much allarmed and declared that an interview with the Emperor could alone recover him; Charles hastens to Madrid where his avarice and debilitation prompted him to make such promises of a speedy release to Francis, that soon restored him to health, but found that he had no better foundation for confidence in the Emperor's word formerly; for he instantly returned to Toledo.

The chief obstacle to the release of the King was the preliminary Article of the restitution of Burgundy, which Francis after declared as it would be dismembering his Kingdom, he could never consent to. The Dutchess of Alençon the King's sister who came to visit him, and Henry VIII. used every means without success to engage Charles to release him on reasonable terms; in despair Francis drew up a Deed of ~~resignation~~ of his Crown to his son the Dauphin; this opened the eyes of the Emperor, and convinced him that he might must either lower his terms, or instead of having a powerful Monarch in his Lands he might at last possess a prince without Dominions or revenues; the escape the King of Navarre made at this time, who had also

been taken at Pavia, confirmed him in this as the same fortunate event might occur to Francis, who on the contrary grew more compliant from knowing that a powerful league was forming against his rival in Italy, and that if he once obtained his liberty he could soon resume whatever he was on this occasion obliged to yield.

1526. The treaty that released the King was signed at Madrid; the Article of Burgundy was compromised, Francis engaging to restore that Dutchy, and Charles consenting that it should not be made till the King was set at liberty; in order to secure the performance of this and the subsequent Articles on the release of the King the Dauphin and the Duke of Orleans two of his sons were to be delivered as hostages to the Emperor; among the most remarkable Articles was the renunciation of all Francis's pretensions in Italy, to Flanders and Artois; the restitution in six weeks of all Burgundy and his adherents to no confiscation and full reparation for the damages they had sustained by the confiscation of them; the asking his interest with John d'Albret to relinquish his pretensions to Navarre, which he was in future never to assist in any attempt to recover it; that Francis should marry the Princess Dowager of Portugal; that all these Articles should be ratified by the States of France, and on the release of the hostages that the Duke of Angoulême, his eldest son should be educated in Spain.

Charles thought he had now most securely fixed every thing, but Francis previous to the signature of this Treaty signed a protest against it which he looked upon as saving his honour and conscience, though he put no one Article in execution; no situation can be an excuse for such a shameful conduct. On the arrival of the

ratification from France, the King was conducted to the Frontiers, and exchanged for his two Sons.

During his confinement Bourbon in Spain and was received with the greatest distinction and affection by the Emperor, but the Spaniards were too generous to have intercourse with a man that had from private views of ambition and disappointment had forgot his oath of allegiance to his King. Bourbon insisted on the accomplishment of the promise made him, that he should marry the Queen Dowager of Portugal, but the death of Pescara the command of the Army in Italy becoming vacant Charles persuaded him to accept of that command, with a grant of the Dukedom of Milan and in return that he should relinquish all hopes of marrying the Queen Dowager of Portugal.

The Emperor soon after married Isabella sister of John III. King of Portugal, a Princess of uncommon beauty and accomplishments, the Portuguese granted her a Dowry of nine hundred thousand Crowns, which was very acceptable to the King, who ever lived in perfect harmony with her.

Germany was at this time almost torn to pieces by commotions of the most dangerous nature; the feudal institutions still subsisted in full force, the property of Lands was consequently vested in the Princes and Free Barons, their Vassals held of them by the most the most strict and limited tenures, whilst the Peasants were in a state little removed from absolute slavery; for in Bohemia and Lusatia they were bound to remain on the lands to which they belonged and transferred with the Estate from one Land to another, even in Suabia and on

the Banks of the Rhine where their condition was better, they paid the full rent of their farms, but if they chose to change their abode, or profession, were obliged to purchase this privilige at a certain price; besides all grants to Peasants expired at their death without descending to their posterity; these exactions though severe, were long born with patience because customary; but the progress of Luxury, and the changes in the Art of War, encreasing the expence of Government, and gave rise to occasional and stated taxes, these appeared intolerable, and drove the peasants to despair; they rebelled in many parts of Germany; but from want of ~~general~~ concert, and the meaness of their leaders were soon by the respective Princes compelled to submit.

In Thuringia the most ~~formidable~~ formidable insurrection happened, headed by Muncer a disciple of Luther, who pretended that though Luther had rescued the Church ~~[illegible]~~ ~~said that Luther [illegible]~~ from the Yoke of Popery ~~Church of Rome~~, yet had by his example and doctrines encouraged a licentiousness of manners. that to avoid vice perpetual mortification was necessary, and to restore the primitive ~~mankind~~ state ~~of mankind~~ ~~to their power~~ all distinctions must be abolished and all things be in common; extravagant as these opinions were the multitude soon tasted them; but want of abilities and of courage made Muncer unwilling to take the field, and when he had drawn eight thousand Men together, he suffered himself to be surrounded by a body of Cavalry.

under the command of the Elector of Saxony, the Landgrave of Hesse and Duke of Brunswick, who unwilling to shed the blood of their deluded subjects, sent a young Robleman to their Camp to offer a general pardon if they would lay down their Arms and delivir up the authors of the Sedition; the peasants would have submitted had not Munzer with great presence of mind, on the appearance of a Rainbow in the ~~Cloud~~ Skies declared that was a pledge of their safety, and it was the Emblem the mutineers had painted on their colours; on which the young Robleman was murdered, and they prepared to attack the Princes, who prevented them by beginning the Attack; above five thousand of the peasants were killed the rest with Munzer at their head immediately fled; he was taken the next day and suffered the death he was condemned to in a most dastardly manner which ended the insurrections of the peasants, but did not extinguish the enthusiastic Notions he had propagated ~~which still~~

Luther had acted during these Commotions with great prudence and moderation without sparing the faults of both parties, but he was much blamed at this time for marrying Catherine a Boria a nun of a noble family, but he was insensible to attacks as he was satisfied with the rectitude of his own conduct. This year the Reformation lost its first Protector Frederick Elector of Saxony, but his successor and Brother John was a more avowed & Zealous though less able Patron of Luther and his Doctrines.

Another event happened at this time which having occasioned a great change in the state of Germany, must be traced from its source; during the frenzy of Crusades that subsisted in the twelfth and thirteenth Centuries, several Religious Orders of Knighthood were instituted in defence of Christianity against Infidels; the Teutonick Order in Germany was one of the most famous of these, being at last driven from its settlements in the East, the Knights returned to their Native Country, but soon invaded Prussia whose Inhabitants were Idolaters and from the middle of the thirteenth Century he Dist as a fief belonging to the Crown of Poland. Albert of the House of Brandenburg he was elected Grand Master of this Order in one thousand five hundred and seven; he warmly supported in the Warrior Sigismund King of Poland the Rights of his Brotherhood; but on becoming a Convert to the Doctrines of Luther his zeal became and during the Confusions in the Empire made a treaty with Sigismund by which Prussia was erected into a secular Dutchy granted to Albert on his doing homage for it as a Vassal to the Crown of Poland; he then avowed his profession of the Reformed Religion and married a Princess of Denmark, though the Teutonick Knights exclaimed against this and that he was protected under the Ban of the Empire, he kept possession of that Province which he transmitted to his Posterity. In process of time all dependence on the Crown of Poland has been shaken off, and from thence has the Margrave obtained the title of King.

Francis on his return to France declared that though he resolved to perform all the Articles of the Treaty of Madrid yet that as many of them affected the Interests of the Crown of Burgundy, that he must in consequence consult the States of the Kingdom. He soon entered into a league with the Pope, Venetians and Sforza Duke of Milan at Cognac by which the Emperor was also obliged to release the two Princes of France and reestablish Sforza in the quiet possession of his Dutchy, if these articles were not complied with after relieving the Milanese they were to attack the Kingdom of Naples Henry VIII. was declared Protector of this league.

Clement then absolved Francis from his oath to observe the treaty of Madrid.

The Emperor insisted on the strict execution of the Treaty, which Lannoy and Alarcon as his Ambassadors declared at the Court of France, but the King answered that the Burgundians would not submit to his give up that Dutchy that he therefore offered Charles in lieu of two Millions of Crowns, which was not accepted.

Sforza was soon reduced to fly from Milan to Lodi, which left Bourbon master of his Dutchy, owing chiefly to the want of Authority on this occasion of Francis and the ancient Enmity of the Duke of Urbino who commanded the Army of the Pope and Venetians to the House of Medici, which made him fearful of aggrandizing the Pope, who with the Venetians expostulated, but could not rouse Francis from his inactivity

which soon abated their zeal, and Clement relapsed into his natural state of doubt and uncertainty.

The Emperor's motions as they depended on himself alone were more quick and decisive, but were checked by a want of money, which he overcome by intrigue; the Colonna family the most powerful among the Roman Nobility had from the contentions between the Popes and Emperors adhered to the Ghibeline or Imperial Faction; the Cardinal Pompeo Colonna, of a turbulent and ambitious temper, a rival with Clement for the Papal dignity at his Election which disappointment he never forgave though he accepted great offices in his Court, was easily perswaded by Moncada the Imperial Ambassador at Rome to lend a corps of three thousand Men and seize one of the Gates of Rome after dispersing the Pope's Guards, Clement terrified and ashamed at having been deceived negociations and promises of the Ambassador fled into the Castle of St. Angelo, the Vatican, Church of St. Peter and the Houses of the Pope's Ministers and Servants were plundered, whilst the rest of the City was not molested; Clement destitute of every means of subsistence or defence soon demanded a Capitulation which was granted him on condition of his pardoning Colonna receiving him into favour and withdrawing his troops from the Confederate Army in Lombardy

Charles's Army at the same time that that of his Enemies was thus diminished was greatly encreased by a reinforcement of six thousand Spaniards and sixteen thousand Germans, which at the same time greatly distressed his Generals as they had not money in their hands to satisfy the just demands of the Army they commanded; Bourbon though humane and gentle was forced to embrace the cruel expedients of seizing the principal Citizens of Milan and by threats and even by tortures forced from them to considerable sums; rifled the Churches of their plate and Ornaments which supplies though not sufficient yet given with many soothing expressions to his Soldiers, appeased their present murmurs.

Among other expedients for raising money Bourbon pardoned and released Morone who had been condemned to die by the Spanish judges for his intrigues with Pescara, on his paying twenty thousand ducats, and in a few days he was the confident of this General.

The Imperial Army could not longer subsist in the Milanese, therefore the proceedings of the Pope in having degraded Cardinal Colonna excommunicated the rest of his family, seized their places of strength and wasted their lands contrary to the treaty made by Moncada, were made the pretext of the invasion of the Pope's territories, the troops

from the hardships they underwent and a want of every accommodation soon mutinied but by the Act of Bourbon order was soon restored.

Clement at length concluded a treaty with Leanoy, by which a suspension of Arms was to take place between the Pontifical and Imperial troops for eight months, the Pope was to advance sixty thousand Crowns to the Imperial Army; the Colonnas were to be absolved from Censures and their former dignities restored, and the Vice Roy was to prevent Bourbon from advancing nearer Rome or Florence, but Bourbon disregarded this treaty advanced towards Rome, took it by assault, but in the execution of it was killed, which exasperated his troops, and drove them to commit every act of inhumanity, nor did their outrages cease with, when the first fury of the storm was over, the insolence and brutality of the Soldiers scarcely abated in the several months they kept possession of the City, in money alone their booty amounted to a million of Ducats, the ransoms and exactions far exceeded that sum. The Pope most unaccountably instead of retiring by the opposite Gate shut himself up with some Cardinals and the foreign Ministers in the Castle of St. Angelo.

Philibert de Chalons Prince of Orange to whom the command of

the Imperial Army now devolved, with difficulty drew off enough of his Soldiers to invest the Castle of St. Angelo; he bring preserving his hatred to the family of Medici to the honour of releasing the Pope, advanced only so far as to see the Hangings of the castle, and then immediately retired. This obliged the Pope to surrender, on the conditions of paying four hundred thousand Ducats to the Army, of giving all the places of strength belonging to the Church to the Emperor, the giving hostages, and remaining a Prisoner untill the Chief Articles were performed.

The Emperor thus rejoiced at this event, [illegible] had any knowledge of Bourbon's intentions and employed the great artifices of prayers and processions for the release of the Pope, which an order to his Generals would have instantly effected.

Solyman having invaded Hungary with an Army of three hundred thousand Men, Lewis II. King of that Country and of Bohemia, a very weak prince, was rash enough to meet him with thirty thousand Men, besides giving the command of them to Paul Tomori a Franciscan Monk, the battle was fought at Mohacz where the King and flower of the Nobility were killed; the personal merit of Ferdinand added to the respect due to his Brother the Emperor, more than the justice of his claim made the Hungarians elect him their King, Bohemia followed their

F and twenty thousand Men

example, but both made them previous to his Coronation sign a Deed they termed a Reverse declaring he held the Crown by voluntary Election not previous right, which Kingdoms have ever been remained in the hands of the House of Austria.

~~Thus did~~ and Henry VIII. entered into a confederacy against the Emperor; meanwhile the Florentines expelled Cardinal Cortona who governed that City in the name of the Pope and declared themselves a free State; the Venetians seized Ravenna and other places belonging to the Church, under the appearance of keeping them in deposite; and the Dukes of Urbino and Ferrara, laid hold on part of the spoils of the unfortunate Pontiff whom they considered as irretrievably ruined.

Lannoy having assembled all the Troops in the Kingdom of Naples marched at the head of them to Rome, where imitating the licence of the Spaniards and Germans already there they gathered the gleanings that had escaped the avarice of their Companions; they must have reduced Bologna and the other Towns in the Ecclesiastical State on appearing before them as there was no Army in Italy capable of making head against them, had not their aversion to Service and ~~the military~~ subordination ~~unpatterned of all~~ made them refuse to leave Rome unless their arrears were paid, which they knew was impossible, and declared

they

they would not obey any other person but the Prince of Orange whom they elected their General; & Lannoy upon this retired to Naples: the Prince of Orange having no other authority but the good will of his Soldiers, was obliged rather to attend to their humours, than they to his commands, the Emperor had the mortification to see this formidable body of troops remain in a state of inactivity.

The French Army under the command of Lautrec marched into Italy, by the fondness and designs of whose operations and the assistance of Andrew Doria the ablest sea Officer of that Age, Genoa was taken, which restablished the faction of the Fregosi with the dominion of France in that Republic, and reduced all the Country on that side of the Seino, and Pavia by assault which he plundered with that cruelty that the ~~desertion~~ of the French Nation before it naturally inspired. the Milanese must also have submitted, had it not felt that the restablishing Sforza there would have made his confederates less warm in the intended attack on the Kingdom of Naples.

The Cortes of Castile refusing to grant Charles any supply towards making the necessary preparations to resist his

Enemies

Enemies, no resource remained but the extorting a sufficient sum for discharging what was due to his troops by way of ransom from the Pope; Cardinal Colonna and Morone who had regained his credit with the Imperialists easily ~~removed the difficulties~~ brought the conclusion the treaty for Clement's liberty, who was obliged to advance an hundred thousand Crowns for the use of the Imperial Army; to pay the same sum at the distance of a fortnight, and at the end of three months an hundred and fifty thousand Crowns more; to take no part in the war against Charles, whom he greeted a crusado and the tenth of Ecclesiastical revenues in Spain; after having raised the first moiety by a sale of Ecclesiastical dignities and other uncanonical expedients, the day was fixed for his release, but he in disguise made his escape the night before ~~to Orvieto~~

During these transactions the Ambassadors of England and France repaire to Spain, where Charles shewed some inclination to relax somewhat the rigour of the treaty of Madrid; he offered to accept of two Millions of Crowns which Francis had offered as an equivalent for the Dukedom of Burgundy, and release his two sons on the recall of the French troops out of Italy, and restore Genoa and the other Conquests he had made in that Country, but that the fate of Sforza should be decided by the Judges

Judges appointed to enquire into his crimes. Francis thought his affairs so prosperous in Italy, that he looked on his enterprize against Naples as certain of success, therefore made such unreasonable demands that put an end to the negociation, and War was declared by them and Henry against the Emperor.

Charles in his answer to the French King declared he should consider him as a base violator of public faith, and a stranger to the honour and integrity becoming a Gentleman; which so irritated Francis that he challenged the Emperor to single combat, which the latter readily accepted, but by degrees all thoughts of this duel were laid aside, which more became the heroes of romance than the two greatest Monarchs of the age.

This example promoted the custom of duelling, for till then they had been permitted only as a part of the Jurisprudence, when the magistrates authorized them as the most proper method of terminating questions with regard to property, or of deciding those which respected crimes; but now every Gentleman thought himself at liberty to call on his adversary for reparation by that method for every affront that seemed to affect his honour. but so powerful is the dominion of fashion that neither the reverence for Religion nor the terror of penal laws have been able entirely to abolish this custom; but this has established a gentleness of manners, and an attention from one towards another

another which renders the social intercourses of life far more agreeable and decent than among the most civilized nations of antiquity.

At length the Imperialists after having kept ten months possession of Rome retired to Naples, the Army was reduced above half by the plague, and diseases arising from their inactivity intemperance and debauchery. Lautrec at the head of thirty five thousand Men pursued them, but by the prudence of their Leaders all his measures were disappointed. the Neapolitans received the French with open Arms, and scarce any place of importance remained in the hands of the Imperialists but Gaeta and Naples, the former from the strength of its fortifications, the latter from the presence of the Imperial Army; Lautrec finding it in vain to reduce Naples by force as it was defended by so many troops, was obliged to content himself with a blockade ~~[illegible]~~ his hopes of succeeding were much confirmed by Philippino the nephew of Andrea Doria defeating Moncada the Viceroy who had succeeded Lannoy, with the flower of the Spanish Officers and Soldiers in a superior number of Galleys, the Vice Roy was killed. ~~[illegible]~~

The Pope though he amused Francis with promises secretly negotiated with Charles, the Venetians jealous of the progress of the French Arms were alone intent on recovering such maritime Towns as were to be possessed by their Republic; the King of England did not fully his engagements by attacking

attacking the Low Countries, and Francis neglecting to make proper remittances to Lautrec for the support of his Army, these events combined to retard the progress of the French, and to discourage both the General and his troops; but the revolt of Andrew Doria proved the decisive blow; for though trained from his infancy in the sea service he retained the independant spirit of a Republican, the French Ministers could not brook the boldness with which he preferred his complaints and remonstrances, therefore put many affronts upon him; but his patriotic zeal for the honour of his country made him ~~[illegible]~~ threaten ~~[illegible]~~ on the fortifying Savona and removing several branches of trade from Genoa. Francis upon this ordered Barbarossa to sail with the French fleet to Genoa, arrest Doria and seize his galleys, but on timely intelligence, Doria retired with his Galleys to a place of safety; Guasto his prisoner laid hold of this favourable opportunity to engage him to enter into the service of the Emperor, he then hoisted Imperial colours ~~[illegible]~~ sailed towards Naples. ~~[illegible]~~ His arrival opened the communication with the sea and restored plenty in Naples; the Prince of Orange to whom the command had again devolved lost no opportunity of harassing the Enemy, who suffered greatly from the pestilence communicated to them by the prisoners that had brought it from Rome, that not four thousand men of the whole Army were capable of doing duty, they raised the siege and retired to Averza which the Prince of Orange invested and obliged Lautrec his commander to remain a prisoner and his troops to lay down their Arms. ~~[illegible]~~

Doria seized this favorable opportunity to restore freedom to Genoa; by obliging Frioulci the French Commander to capitulate. He claimed no distinction from his Countrymen, and the form of Government has subsisted with little variation since that time. Doria lived much respected there to a very advanadage.

1529. Francis to recover the reputation of his Arms made new efforts in the Milanese but the great skill of Antonio de Leyva soon took the Court of St. Pol his General Prisoner and ruined the Army.

The situation of all the contending powers made Peace desirable to all. Margaret of Austria the Emperor's Aunt and Louise Francis's Mother met at Cambray where they concluded a Peace, by which the treaty of Madrid was the basis the rigour of which was in some degree mitigated by this; the Chief Articles were that the Emperor should not for the present demand the restitution of Burgundy, but that this concession should affect his rights to that Dutchy, that Francis should pay two millions of Crowns as the ransom of his Sons, and before they were released restore such places as he still held in the Milanese that he should resign the Sovereignty of Flanders and Artois, renounce all pretentions to every thing beyond the Alps, and immediately consummate his marriage with Eleonora the Emperor's Sister.

By this treaty Charles remained sole arbiter in Italy his dominions in the

Low Countries were delivered from an ignominious badge of subjection, and secured the rights and interests of those who had assisted the king. Francis on the contrary submitted to the terms he had waged a long war to avoid, lost his reputation by abandoning his allies to the mercy of his rival.

The Pope concluded a treaty with Charles prior to this at Barcelona by which the territories belonging to the Ecclesiastical State were restored, the Medici were reestablish in Florence, and the Emperor's natural Daughter married to the Head of that family; the Pope to decide concerning the fate of Sforza and the possession of the Milanese; the Emperor in return had the Investiture of Naples without any reserved tribute but the annual present of a white steed as any acknowledgement. The persons concerned in a late rising Rome were absolved, and Charles and his brother permitted to levy the fourth of Ecclesiastical Revenues throughout their dominions.

Francis communicated all the steps of the negociation to Henry VIII. who was not in a situation disapprove; as his mind was bent on being divorced from Catharine of Arragon, the Pope during his confinement in the castle of St. Angelo had expressed the warmest inclination of gratifying him in this, but after two years amusing Henry he recalled the delegates, leaving no other hope of concluding the divorce but by his own decision, this made the King feel the absolutely necessary to counterbalance the Emperors power.

Charles by a long residence in Spain had perfectly accommodated his manners to their genius, that he got the whole Kingdom to take an Oath of allegiance to his son Philip before his departure for Italy.

The Emperor landed at Genoa where he was received with every demonstration of joy and much distinguished by Doria; at Bologna he received the Pope with the greatest humility and settled all the differences of the Princes and states with more moderation than was expected.

This self denial was not his intention when he left Spain, but the progress of the Turks who besieged Vienna with an Army of an hundred and fifty thousand Men required the whole of his forces to oppose them, and though by the valour of the Germans, the prudence of Ferdinand, and the treachery of the Vizier soon obliged Solimen with infamy and loss to abandon his enterprize, yet the religious disorders required the presence of the Emperor; he therefore pardoned Sforza, and gave him the Investiture of his Dutchy and his Niece the King of Denmark's Daughter in Marriage; impartially decided the disputes between the Pope and Duke of Ferrara in favour of the latter, made an accommodation with the Cantons, and in return exacted great sums from each of these States which they paid without reluctance.

1530. He was forced to besiege Florence, and on the surrender gave them some hopes of recovering some part of their liberty, but to gratify the Pope abolished the antient form of Government and made Alexander Medici absolute.

After the publication of the Peace at Bologna, and his Coronation assuming of the Lombards and Emperor of the Romans, he repaired to Germany, where during his absence his contests with the Pope and war with Francis, the Princes who had adopted the tenets of Luther, had not only established that form of worship in their dominions but suppressed the rites of the Church of Rome, many of the free Cities had followed their example; Charles felt how much the Imperial authority had been lessened by the weakness of former Emperors and that his protecting the established Church was the best means of regaining that power without which this dignity would contribute more to obstruct than to promote his ambitious schemes.

1529. He had therefore on the prospect of an accommodation with the Pope summoned a Diet of the Empire at Spires, where the Arch duke and other Commissioners appointed by the Emperor demanded that a decree should be made by which the States that had hitherto obeyed the decree
1526 issued at Worms against Luther should persevere in the observation of it, and that others should be prohibited from attempting any farther innovation in Religion before the meeting of a General Council; after much dispute this was agreed to by a Majority of Voices, the Elector of Saxony, the Margrave of Brandenburgh, the Landgrave of Hesse, the Duke of Lunenburgh, the Prince of Anhalt, and fourteen Imperial Cities entered a protest against this unjust and unjust. They were distinguished by the name of Protestants which has since been indiscriminately given to all those sects that have revolted from the See of Rome.

They sent Ambassadors to lay their grievances before the Emperor whilst in Italy, who gave them great discouragement and resolved to have a general Council and if that did not succeed, to exert himself with vigour to reduce them, the Pope was very adverse to the first motion and pressed that Leo's sentence of excommunication and the decree of the Diet of Worms should be immediately put in to execution.

The Emperor on his arrival in Germany held an Assembly of the Diet at Augsburg, a spirit of moderation appeared in all parties; Melanchton the most learned and at the same time most pacific and gentle spirit among the Reformers drew up the confession of their faith.

Every scheme to gain or disunite the Protestant party proving abortive, the Diet condemned most of the peculiar tenets of the Protestants, forbid the tolerating those who taught them, and prohibited any further innovation under severe penalties; to this was subjoined a promise that application should be made to the Pope for the calling of a General Council in this six months.

The severity of this decree so alarmed the Protestants that they assembled at Smalkalde where a league of mutual defence was concluded, which formed them into a regular body and they applied for assistance to the Kings of England and

France; the former gave them general promises and a small supply of money, the latter listened with eagerness to the complaints of the Protestant Princes, and determined secretly to encourage that political discord which ~~[illegible]~~ the distressed Princes of Germany ~~afterwards [illegible]~~ in future find protection.

The Emperor then proposed that his Brother Ferdinand should be elected King of the Romans; the Protestants were very adverse to this; the Electors of Saxony accordingly not only refused to be present ~~at~~ the Electoral College summoned by the Emperor to meet at Cologne, but instructed his eldest Son to protest there against the Election as illegal and subversive of the liberties of the Empire; but the other Electors regardless of his absence or protest chose Ferdinand King of the Romans.

Charles then attempted an accommodation with the Protestant Princes, which ended in a pacification at Nuremberg that was solemnly ratified at Ratisbon, by which until the General Council no persons were to be molested on account of Religion, and whatever sentences had been passed to the detriment of the Protestants were ~~should~~ declared void; the Protestants engaged to assist the Emperor against the Turks.

Solimans entering Hungary at the head of three hundred thousand Men, put an end to any further business at the Diet

the Army was assembled which by the zeal of the Protestants and their example being followed by the Papists, exceeded the numbers promised with the addition of Spanish and Italian Infantry and Cavalry from the Low Countries and the troops raised by Ferdinand in Bohemia it amounted to ninety thousand Infantry and thirty thousand Horse besides a vast swarm of Irregulars. both Charles and Soliman dreading the others power and good fortune were so cautious that it ended without any memorable event: Solimen therefore retired to Constantinople.

About the beginning of the Campaign the Elector of Saxony died, but the Reformation was no loser by it as his Son defended them with more boldness.

The Emperor had an interview with the Pope at Bologna on his return to Spain, where as much respect and friendship was demonstrated, but in reality little Confidence; Clement was much dissatisfied with Charles proceedings at Augsburg, and was greatly embarrassed at his coming in person (which he had solicited by his Ambassadors) Clement to gain time pretended that it was necessary to sit on the mode of proceeding, who were to be admitted to Vote, and the authority of the Decisions. Campegio accompanied by an Ambassador from the Emperor,

went to the Elector of Saxony as head of the Protestants, where none of these Articles could be agreed to.

With this negociation for calling a Council the Emperor carried on another for securing Peace in Italy which ended in a league with the Pope to which all the Italian States except the Venetians acceded by which on the first appearance of a foreign Invasion they should raise and maintain an Army at the common charge, which should be commanded by Antonio de Leyva.

1533. Francis on concluding the Treaty of Cambray had employed the same unworthy artifice he ~~had so~~ previously practised on the treaty of Madrid, he solemnly protesting in secret against several of the Articles of the treaty, and making one of the Crown Lawyers protest to the same purpose and in the same manner when the treaty was ratified in the Parliament of Paris. He endeavoured to cultivate with greater assiduity the friendship of Henry VIII. put his troops on a more respectable footing, and artfully fomented the jealousy and discontent of the German Princes.

He also gained the Pope by proposing a marriage between his second son the Duke of Orleans and Catharine the daughter of the Pope's Cousin Laurence di Medici; the Emperor in vain attempted to prevent this and the proposed interview between them but the Pope went to Marseilles, where no treaty was concluded, and even in the

marriage Articles Catharine renounced all Claims and pretensions in Italy, except to the Dutchy of Urbino.

Though Clement was thus entering into connections with Francis he let the Emperor direct his proceedings with regard to the King of England, after repeated delays Henry having in vain solicited the divorce at Rome; Cranmer Archbishop of Canterbury, by a Sentence founded on the authority of Universities Doctors and Rabbies, annulled the Kings Marriage with Catharine declared Her daughter illegitimate, and acknowledged Anne Boleyn as Queen of England; Clement out of complaisance to Francis and fearing lest England should revolt from the Holy See determined to give Henry some satisfaction; but the violence of the Cardinals bound to the Emperor would not consent to his executing so wise a scheme and hurried him into the issuing a Bull that annulled Cranmers Sentence, and declared Henry excommunicate unless he abandoned Anne; Parliament upon this by an Act abolished the Papal Power and Jurisdiction in England and by another declared the King Supreme head of the Church; Henry from his natural caprice continued to defend the doctrines of the Romish Church though he attacked its jurisdiction but his subjects not contented with this in the next Reign made a total separation from that Church both in matters of discipline and jurisdiction.

Soon after Clement died and on the very day the Cardinals entered the Conclave, they elected Alexander Farnese who assumed the name of Paul III. as his successor. To this ~~[illegible]~~ probably the continuance of peace is owing, though there are no traces of the late Pope having concluded any treaty with Francis.

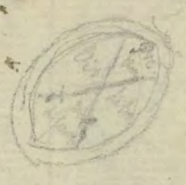
In the year one thousand five hundred and twenty five Manzer Leades established a sect of Fanatics in Germany called Anabaptists, though soon suppressed, many of his followers lurked in different places, and in the Netherlands by degrees got admittance into several towns and spread the infection of their principles. Two of their principal Leaders John Matthias a Baker of Haerlem, and John Boccold or Beukels a Taylor of Leyden fixed their Residence at Munster in Westphalia, they gained many converts among whom were Bollman who had first preached the Protestant Religion in Munster and Cnipperdoling a citizen of some eminence, they then took possession of the Arsenal and Senate House in the night and running through the Streets with drawn Swords, ~~drove~~ the Senators, Canons, Nobility and other Citizens ~~retired~~ fled out of the Town, they then new modelled the Government, pillaged the Churches, defaced their Ornaments, destroyed all Books but the Bible as useless and impious, all the wealth that could be amassed was deposited in a public

treasury, and deacons appointed to dispense it for the common use of all; Mathias then took very prudent measures for the defence of the ~~community and had fortifications prepared in~~ Town; ~~public~~ the Bishops at the head of a numerous Army advanced to besiege it, but Mathias sallying out at the head of some chosen Troops attacked a quarter of his Camp, and returned to the City loaded with booty and spoil. The next day at the head of thirty Men rushed on the Enemy, but were all cut off; the Chief authority then devolved to Boccold, who though less daring in Action was a wilder enthusiast and of more unbounded ambition, he commanded the Churches as the most lofty buildings in the City to be levelled with the ground, he degraded the Magistrates chosen by Mathias and reduced Cripperdoling from Consul, the highest office in the commonwealth and appointed him hang man to which he submitted with the greatest joy, and placed twelve judges according to the number of Israel to preside in all affairs, and retained himself the same authority Moses had possessed as legislator of that people. He was soon after Elected King, when he wore rich garments, was constantly attended by a great body of Guards, coined money, appointed the great Officers of his Household, Cripperdoling was made Governor of the City. He then took fourteen wives and allowed every one to have as many as he pleased. The King of the Honors assembling the Princes of the Empire they

they voted a supply of Men and money to the Bishop of Munster, who under the command of an experienced Officer soon pressed the town very closely but found the fortifications so strong and well guarded that they did not attempt an Assault. at length a deserter the Besieged had taken into their service made his escape and informed the General of a weak part of the fortifications the walls were then scaled by a chosen Corps, who seized one of the gates and admitted the rest of the army, most of the Annabaptists were slain, the rest taken Prisoners, among the latter was their King, who after being exposed to many insults was put to death with the most exquisite and lingering tortures which he bore with the greatest fortitude.

1535.

This ended the Kingdom of this sect, their tenets still subsist in the Low Countries under the name of Menonites, but they are an innocent and pacific people who think it unlawful to wage war or hold civil Offices, they are industrious and charitable a small number of them are settled in England who retain their tenets concerning Baptism but without any dangerous mixture of Enthusiasm.



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Thus ended the Kingdom of this Sect, their tenets still subsist in the Low Countries under the name of Menonites, but are an innocent and pacific people, who esteem the waging war or holding civil offices as unlawful; they are inoffensive and charitable; a small number of them are settled in England, who retain their tenets concerning baptism, but without any dangerous mixture of enthusiasm.

l'Empereur Maximilien né doux, affable, bienfaisant, etoit sensible de l'amitié, des agrémens des arts, de la liberté d'un commerce intime; mais sa figure n'etoit point imposant, ses manieres basses, sa dévotion l'avilissoit, car elle n'etoit appuyée que sur les préjugés les plus populaires, on sentoit quoi qu'il accordat presque tout ce qu'on lui demandoit, qu'il ne cherchoit pas à obliger, mais qu'il ne savoit refuser. Il n'avoit ni système ni principe sur rien, ainsi toutes ses démarches paroissoient dirigé par le hazard; enfin on n'a jamais vû de caractere plus rempli de contradictions; il étoit laborieux et negligent, opiniatre et leger, timide et entreprenant, le plus avide et le plus prodigue de tous les hommes.

Il eut la bassesse en 1516. d'offrir de ceder la Couronne Imperiale au Roi d'Angleterre, et a le projet de l'accepter, mais cette proposition fut seulement faite pour procurer d'Henri des secours pour la guerre d'Italie. Maximilien etoit occupé d'un projet plus sensé, il méditoit d'assurer l'Empire à sa postérité, que la mort de son fils Philippe reduisoit à ses deux petits fils Ferdinand et Charles.

Charles deja Maitre par sa mere de l'Espagne, d'une grande partie de l'Italie, et des Indes, avoit arrêté dans son conseil qu'il retiendroit de la succession du Roi son Pere les Pays Bas, et qu'il abandonneroit a son frere les Etats Héréditaires de la

Maison

Maison d'Autriche. Ce partage inspira à Maximilien le projet de faire Ferdinand (2) désigner (1) pour son Successeur.

Le Pape Leon X. ~~[illegible]~~ ne voulut consentir qu'un Legat pût couronner l'Empereur à Ausbourg, ainsi prevint l'Election du Roi des Romains pendant la vie de l'Empereur; ~~son Successeur futur~~ à la mort de Maximilien il craignoit également que Charles ou Francois I. devint Empereur, car Maximilien ~~avant sa mort~~ avoit été persuadé par Scheiner Cardinal Evêque de Sion, un homme insinuant, ambitieux, et sans probité, a nommer Charles pour son Successeur. mais le Pape jugeant que le Roi de France ne pouvoit ~~dernier ne pouvoit~~ succeder, parut le favoriser, se flattant que par là il pouvoit engager Francois à appuyer le candidat que la Cour de Rome préféroit.

La Republique de Venise appuyoit le parti de Francois.

Les Suisses, souhaitoient d'écarter les deux concurrens, mais se declarent plus vivement contre Francois.

Le Roi d'Angleterre ne pouvant former un parti pour lui, se contenta à n'être regardé comme un spectateur oisif, et à avoir eu quelque part à l'élection.

Les Ministres des deux Rois remplissoit l'Allemagne de soupçons, et de haines; Erard de la Mark Evêque de Liége, étoit attaché à Francois mais souhaitoit le Chapeau de Cardinal, et le Pape y auroit consenti par égard au Roi de France, ses intrigues bases

et

et audieuses de Louis de Savoye, n'eut engagé Boyer Trésorier de l'Espage a la promettre quarante mille écus, en cas qu'elle eurist au Pape que le Roi son fils souhaitoit pourvû qu'il ne fut pas compromis, qu'on accorda cette dignité à Boyer Archevêque de Bourges Leon y apparoca, et la Morte l'ayant appris se jetta dans le parti de Charles. le Duc de Bouillon offensé de cet affront, et qu'on avoit casé sa propre Compagnie de Cent hommes fit de même.

Francois Sickingen simple Gentilhomme de Souabe, fameux partisan dans les troubles qui avoit subsisté en Allemagne fut un autre instrument de grande utilité aux intérêts de la Maison d'Autriche.

Francois confioit cette negociation delicate a Bonnivet un homme d'esprit mais peu de jugement, la lenteur Allemande et le flegme Espagnol de concertoit son genie ardent et precipité.

Le Roi de Boheme se déclara pour Charles.

l'Archevêque de Mayence voyant qu'il ne peut elever l'Electeur de Brandebourg à l'Empire fut du même avis.

l'Electeur de Saxe penchoit du même coté mais ne l'avouoit pas.

l'Archevêque de Treves aimoit le Caractere de Francois et ne pouvoit souffrir celui de son Rival, et sans autres idées politiques se rengeat du coté du premier.

l'Electeur de Brandebourg fut du meme parti

Palatin ne fut gaïné que par l'argent et vendu voye a Francois.

l'Electeur de Cologne fut incertain quel parti prendre.

C'étoit impossible de faire un autre choix que celui de l'un des deux concurrens.

Car Louis Roi d'Hongrie et de Boheme étoit encore enfant, et paroissoit le devoir toujours être. Sigismond Roi de Cologne, n'avoit plus de gout que pour le repos. Christierne Roi de Dannemarc et de Suede, étoit un monstre altéré de sang, souillé de forfaits. Henri Roi d'Angleterre ne pouvoit se fier en Allemagne sans hazarder sa Couronne ~~[illegible]~~, ni rester dans ces Etats sans blesser la dignité Impériale.

On nomma Frédéric Electeur de Saxe, et toutes les voix s'unirent en sa faveur. il avoit l'air noble, une pénétration singulière beaucoup de valeur, de probité, de candeur, qui lui donnerent le nom de sage; ses vertus lui donnerent la force de refuser cette Couronne, on lui demanda qui il jugeoit donc propre pour chef du Corps Germanique il repondit sans balancer le Roi d'Espagne et l'election se fit unanimement.

Memoire succint sur la Succession de l'Electeur de Baviere.

L'Evenement de la mort de l'Electeur de Baviere decedé le 30me Decembre 1777. sans laisser des descendants, ameine une Epoque des plus interessantes, et ouvre un Theatre et une perspective très vaste de pretensions et de vües politiques. Pour en juger avec connoissance de cause, il est bon de rassembler sous un point de vüe les titres des differentes parties, qui pourroient y concourir.

La Maison Palatine est sans contredit celle qui a les titres les plus forts et plus etendus, Elle descend avec le defunt Electeur de Baviere d'une tige commune, quoiqu'eloignée par une longue suite de Siecles. Otton, Comte Palatin de Wittelspach, ayant été nommé Duc de Baviere par l'Empereur Frederic I. l'an 1180. après la proscription de Henri de Bronsvic Duc de Saxe et de Baviere, surnommé le Lion, son petit fils Otton l'Illustre partagea la Baviere, de façon que son premier fils Louis le Severe, eut la haute Baviere, et le Palatinat, et le second Henri la basse Baviere, ce qui forma deux branches. La seconde ayant été éteinte en 1340. ses Etats de la basse Baviere furent reunis à la ligne de la haute Baviere en 1340. Louis le Severe Duc de la haute Baviere et Comte Palatin du Rhin, mort en 1294. laissa deux fils, Louis qui herita le Duché de Baviere, et devint ensuite Empereur, et Rodolphe, qui lui succeda dans le Palatinat. L'Empereur Louis conclut en 1329. a Pavie, avec ses Neveux les Comtes Palatins, descendus de Rodolphe, une Convention solemnelle,

par laquelle

par laquelle ils partagerent entre eux leurs Etats, de façon que Louis garda la haute Baviere, et que les fils de Rodolphe eurent le Palatinat inferieur, ou celui du Rhin, et cette partie de la Baviere, qui a pris en suite le nom de haut Palatinat. Ils asseurerent en même tems mutuellement une Assistance constante de la succession reciproque à la dignité Electorale et dans tous leurs Etats, en se promettant, de n'en jamais rien ceder, ni vendre, ni aliener autrement. Cette Convention de Pavie a été confirmée en differents tems, et a toujours servi de base dans les Pactes de famille, que les deux Branches ont renouvellé de tems en tems et nommement en 1724. 1746. 1761. et 1774. Elle affecte par consequent dans ses stipulations, non seulement la haute mais aussi la Basse Baviere, que l'Empereur Louis reunit en 1340. à sa Ligne, et c'est une Loi fondamentale de cette famille commune, à laquelle aucune de ses branches ne sauroient deroger. Malgré ces liens de sang et de Convention, il a longtems subsisté entre les deux Maisons de Baviere et Palatin une haine et emulation invetérée, surtout pour l'Electorat et le Vicariat de l'Empire, que la Ligne Palatine avoit emporté seule, par la faveur de l'Empereur Charles IV. Frederic Electeur Palatin ayant été elu en 1619. Roi de Boheme par les Etats mecontents, son Cousin Maximilien Duc de Baviere, s'allia avec l'Empereur, Ferdinand II. et contribué comme Generalissime de la Ligue le plus, a détroner Frederic et a le chasser non seulement de la Boheme, mais aussi de ses

Etats

Etats heréditaires. L'Empereur Ferdinand II. reconnut à Maximilien pour les frais de la Guerre une Dette de 13. Millions de florins, et lui donna pour hypothèque la haute Autriche. Enhardi ensuite par le succès de ses Armes en Allemagne, il proscrivit l'Electeur Palatin comme un Rebelle, malgré les protestations constantes des Electeurs de Brandebourg et de Saxe, confisqua à son propre profit le Palatinat inférieur et supérieur, et vendit ces deux Païs en 1628. par un Contract formel à Maximilien Duc de Baviere contre la renonciation de 13. millions de florins, que ce Prince avoit à prétendre sur la haute Autriche, de sorte que la Maison d'Autriche paya cette de Baviere de son propre Patrimoine.

La fameuse Guerre de 30. Ans fut la suite immediate de ce grand coup d'Etat, ayant été terminée en 1648. par le Traité de Paix de Westphalie, les Couronnes de France et de Suede stipulerent dans l'Article IV. du Traité, que Charles Louis, fils de l'infortuné Electeur Palatin seroit rétabli dans le Palatinat inférieur, qu'on créeroit une huitiéme Electorat pour lui, qu'il céderoit le haut Palatinat, le Comté de Cham et l'ancienne dignité Electorale au Duc de Baviere, mais que si la branche de Baviere, qu'on appelle la ligne Guillelmine, venoit à s'éteindre sans heritiers males, alors la branche Rodolphine qui est la Palatine, succederoit dans la dignité Electorale, le huitiéme Electorat devant alors être aboli, et dans le haut Palatinat, sauf pourtant les droits des heritiers allodiaux de l'Electeur de Baviere, et qu'au reste tous les autres droits

de

de la ligne Palatine devoient être conservés.

En partant de ces premices indubitables, toute la succession de la Maison de Baviere, eteinte, est suffisament determinée par la descendance commune de la Maison Palatine, par la Convention de Paris, par les autres Pactes des deux Maisons, et par l'Article IV. du Traité de Westphalie, de maniere que l'Electeur Palatin, et a son defaut, les autres Comtes Palatins du Rhin, devroient succeder non seulement à la dignité Electorale de Baviere et dans le Haut Palatinat, qui a originairement appartenu à l'Electorat Palatin, et n'en doit jamais être démembrer, selon l'Article 25. de la Bulle d'Or, mais aussi dans la totalité du Duché de Baviere, comme un Fief masculin de la Maison Palatine inalienable, et chargé d'un Fidei-commis perpetuel par la convention de Paris. Ces Titres suffisoient sans qu'il fut besoin de les renouveller dans la Paix de Westphalie, dont le principal objet etoit de regler la restitution de la Maison Palatine. Cependant on a reservé ses Droits, par une Clause generale, qui ne peut que se rapporter à la succession de la Baviere. On ne sauroit aussi objecter à la Maison Palatine le defaut de l'Investiture simultanée, puisqu'elle n'a pas été d'usage dans ces deux Maisons, et qu'on ne l'a jamais jugé aussi necessaire dans la partie de l'Allemagne, qui use du Droit de France, comme dans celui du Droit Saxon.

Comme il a cependant dans le Duché de Baviere, beaucoup d'Alleux, dont la reversion a été expressement stipulée aux Heritiers Allodiaux et aux Princesses, tant dans leurs Pactes Dotaux, que meme dans l'Article IV. du Traité de Westphalie,

il

il paroit indubitable, que l'Electrice Douairiere de Saxe, comme Soeur unique, et la plus proche Parente heritiere du dernier Electeur de Baviere, est seule appellée à toute sa Succession Allodiale, qu'Elle doit jouir des Droits de Retention et de Possession, jusqu'a-ce que le Fief soit separé de l'Alleu, et que sur tout le haut Palatinat, doit lui servir d'Hypotheque, pour les 13. millions, pour lesquels il a été cédé à la Maison de Baviere, et qui même selon le Contrat de Vente de Ferdinand II. de 1628. doivent être remboursés aux Heritiers Allodiaux.

On apprend que Sa Majesté l'Imperatrice Reine, pretend de concourir à cette succession Allodiale sous le Titre de Regredience, comme Descendant de l'Empereur Ferdinand II. et de son Epouse Marie Anne, Fille de Guillaume V. Duc de Baviere au Droits renoncés de laquelle, elle croit pouvoir retourner mais cette pretension est ouvertement contraire à l'usage constant de la Maison de Baviere, et à celui de toute l'Allemagne et sur tout aux principes que Sa Majesté l'Imperatrice Reine a soutenue Elle même après la mort de Charles VI. et par lequels, comme la plus proche Heritiere du dernier Possesseur de la Monarchie Autrichienne Elle a exclu de Sa Succession les deux Electrices de Baviere et de Saxe, Filles de l'Empereur Joseph I. Frere Aîné de Charles VI. sans vouloir leur permettre le Droit de Regredience.

Les autres pretensions que la Cour de Vienne forme sur la Succession de l'Electeur de Baviere ne sont enoncées jusqu'ici que d'une maniere sommaire et imparfaite dans les Patentes qu'elle a fait publier.

Dans la Patente du 15. Janvier il est dit que tous les Districts de la haute et basse Bavière et du haut Palatinat, que la Ligne des Ducs de Baviere, nommée celle de Straubingen et eteinte par la mort du Duc Jean, avoit possedés, etoient devolus à la Maison Archi Ducale d'Autriche, en vertu de l'Investiture réele, que l'Empereur

Sigismond

Sigismond avoit donné en 1426. à Albert Duc d'Autriche.

On sait à la verité par l'Histoire d'Allemagne, que la Ligne des Ducs de la Basse Baviere, qu'on nomme aussi celle de Straubing et de Hollande, qui descendoit d'Albert fils de l'Empereur Louis, marié à l'Heritiere de la Hollande, etant venue à s'eteindre en 1424. par la mort du dernier Duc Jean, les trois Ducs de la haute Baviere des Lignes de Landshut, de Munich et d'Ingolstadt se firent la Guerre pour cette Succession, qu'Albert Duc d'Autriche y intervint aussi du Chef de sa Mere, qui etoit Soeur du dernier Duc, et que l'Empereur Sigismond son Beau Pere le constitua même pour Sequestre de la basse Baviere, qu'il pretendoit être devolu à l'Empire, à cause de la Guerre que les Ducs de Baviere se faisoient. Cependant on conçoit aisément que l'Empereur ne pouvoit, ni confisquer, ni donner à une Maison etrangere, un Fief masculin comme la Basse Baviere, pendant l'existance des Lignes collaterales de cette Maison. Ce principe prevalut tellement, que l'Empereur Sigismond prononça en 1429. dans une Assemblée de Pairs ou d'Arbitres, convoquée à Presbourg, une Sentence definitive, qui existe encore, par laquelle il adjugea toute la Basse Baviere aux quatre Princes de la Maison de Baviere, sans faire aucune attention à la pretension du Duc d'Autriche, qui y a aussi acquiescée. On ne conçoit donc pas, comment la Cour de Vienne puisse reclamer une Investiture de 1426. qui tout au plus ne pouvoit qu'être provisionelle, qui etoit toujours contraire aux Constitutions de l'Empire et aux Droits incontestables de la Maison de Baviere, et qui après tout a été revoquée et anéantie par une Sentence posterieure et formellement prononcée avec connoissance de Cause, par le meme Empereur, qui doit lui avoir donné la dite Investiture.

Une

Une Seconde Patente du 15. Janvier annonce que Sa Majesté l'Imperatrice Reine, prenoit possession des Districts du haut Palatinat, qui sont Fiefs de la Couronne de Boheme, comme Fiefs ouverts et devolus à cette Couronne, après l'extinction de la Ligne Masculine Guillelmine de Baviere. Cette pretension paroit être directement contraire à l'Article V. du Traité de Westphalie. Comme selon la teneur expresse de cet Article, le haut Palatinat doit après l'extinction de la ligne de Baviere, retourner à la Ligne Palatine sans qu'on y ait fait la moindre exception, il doit naturellement lui retomber, tel qu'il a été possedé par la Maison de Baviere, et auparavant par elle même. Par consequent les Fiefs de Boheme situés et incorporés de tout tems dans le haut Palatinat, et possedés par les Comtes Palatins et ensuite par les Ducs de Baviere, en consequence de la vente que Ferdinand II. leur a faite en 1628. du Haut Palatinat, doivent avec ce même Païs retourner à la ligne Palatine, d'autant plus que l'Empereur Ferdinand III. Roy de Boheme, Contractant principal de la Paix de Munster, n'y a fait aucune exception de ces Fiefs, par consequent la presente Reine de Boheme, comme Sa Descendante ne sauroit reclamer ces fiefs comme vacants, ni les contester à la Maison Palatine, à laquelle l'Investiture simultanée a deja été asseuré d'avance par les termes expres du Traité de Paix. Les Arguments acquierent une nouvelle force, quand on considere que ces Territoires, dont la qualité Feodale, n'a été acquise au Roy de Boheme que par des Achats et autres Transactions très contestables de l'Empereur Charles IV. ont appartenu primitivement et depuis cinq Siecles au haut Palatinat, qui fait une partie integrante de l'Electorat Palatin indemembrable

Selon

selon l'Article 25. de la Bulle d'Or, et à la Maison Palatine, qui n'en a été privée par la Paix de Westphalie, que pour le tems de l'existence de la Ligne de Baviere, qu'ainsi après son extinction, ils doivent lui retomber avec le reste du haut Palatinat.

Les lettres d'Investiture de la Couronne de Boheme n'y font aucune opposition, puisqu'elles confere ces Fiefs à tous les Heritiers legitimes de la Maison de Baviere, qualité qui ne sauroit être disputé aux Comtes Palatins. Il n'y est pas même fait mention d'Heritiers Masculins, ce qui ne seroit non plus contraire aux presents Comtes Palatins qui descendent en droite ligne, et par les males des Anciens Ducs de Baviere et Comtes Palatins premiers Acquereurs et Possesseurs constants de ces Fiefs, comme de tout le haut Palatinat.

Selon une troisieme Patente Sa Majesté l'Imperatrice Reine a pris possession de la Principauté de Mindelheim en Souabe, en vertu d'une expectative que l'Empereur Mathias doit avoir donné à la Maison Archi Ducale en 1614. On ne sauroit juger de la validité de cette expectative avant de l'avoir vûe, mais on sait que le Duc Maximilien de Baviere, ayant achetté la Seigneurie de Mindelheim, comme un Alleu, le même Empereur Mathias la lui a conferée en 1616. pour la partie de l'Empire en qualité d'un Fief hereditaire, et a aneanti par là, l'expectative precedente.

Après tous ce qu'on vient d'exposer, et qu'on pourra aisement verifier d'une maniere plus circonstanciée, il paroit constaté, que les titres Allegués par la Cour de Vienne dans ses Patentes, sont moins que foibles, et

nullement

nullement propres à justifier la demarche par laquelle, on a commencé à les faire valoir, en faisant occuper une grande partie de la Baviere par un Corps d'Armée considerable. Si l'Electeur Palatin a la vue de ces Forces superieures se seroit laisser engager, comme on dit, à reconnoitre les pretensions de la Cour de Vienne, et a lui ceder par une Convention la Basse Baviere et une partie du haut Palatinat; une pareille Cession, ne seroit aucunement proportionnée avec ces mêmes pretensions, elle seroit contraire aux Droits Anterieurs, et plus forts des autres Branches de la Maison Palatine, ainsi qu'à ceux des Heritiers Allodiaux.

Elle seroit opposée à tous les Pactes fondamentaux de la Maison de Baviere, à la Paix de Westphalie à la Bule d'Or, et à tout le systeme feodal et Allodial de l'Empire; nulle par elle même, et encore plus par les moyens violens qui ont été employés, pour l'effectuer cette Cession en demembrant d'une maniere enorme deux des plus grands Electorats, renverseroit tout l'equilibre en Allemagne, et par ses suites toute la sureté et la liberté du Corps Germanique. Il en resulte que tous les Etats et Membres de l'Empire, ainsi que toutes les Puissances qui prennent part à sa conservation, ont autant de Droit que d'interêt d'y intervenir, d'en demander le redressement, et de reclamer la justice et la moderation de Leur Majestés Imperiales.

Comme on voit par une autre Patente du 21. de Janvier, que Sa Majesté l'Empereur a fait prendre possession d'un grand nombre de Comtés, de Seigneuries, et de Territoires, comme de Fiefs de l'Empire vacants, qu'elle se propose

d'incorporer

d'incorporer aux Domaines de l'Empire, selon sa Capitulation, il paroit que sans commencer par saisir et sequestrer ces Territoires, qui ont passés jusqu'ici pour des Fiefs, ou des Alleux de la Maison de Baviere et de ses Agnats; on auroit en laisser la possession aux Heritiers feodaux ou Allodiaux, jusqu'a ce qu'on ai pu en examiner à loisir la qualité et les Titres. Comme Sa Majesté Imperiale promit de faire Droit à chacun, on a lieu d'attendre de Sa justice, qu'elle y fera proceder d'une maniere conforme aux anciennes Constitutions, qu'Elle ne voudra disposer de ces Fiefs autrement qu'avec la concurrence de l'Empire, et ne pas continuer à les faire occuper par les Troupes de Sa Maison.

Copie
Memoire concernant les
Successions de l'Electeur
de Bavière.

Memoire sur la succession aux Fiefs de la Couronne de Bohême dans le Haut Palatinat après la mort du dernier Electeur de Baviere décédé le 30. Decembre 1777.

Il est vrai que certains Districts du haut Palatinat dont les noms se trouvent ci dessous (1.) sont des Fiefs mouvants de la Couronne de Bohême. Mais qu'eand on les examine d'après leur Histoire et origine on ne sauroit les regarder comme des Fiefs vacants et devolus à la dite Couronne par la mort du dernier Electeur de Baviere, mais ils doivent passer plutôt avec le reste du haut Palatinat, à la Maison Palatine, comme on le jugera par le précis suivant des faits.

Les districts faisoient partie de l'ancien Patrimoine des Comtes Palatins et Ducs de Baviere, puisqu'ils sont expressement nommés dans le premier Pacte de famille et de partage de la Maison de Baviere, conclu à Pavie l'an 1329. l'Empereur Charles IV. Roi de Bohême, qui a su reunir à la Bohême le Brandebourg, la Lusace et la Silesie, non par les Armes ni par d'autres moyens legitimes, mais par des intrigues, trouva le moyen de s'approprier les susdits Territoires du haut Palatinat, sous pretexte de les avoir achetés de ses beaux Freres les Comtes Palatins, et les incorpora à la Bohême en 1355. (2.) ayant ensuite forcé en 1373. le Margrave Otton Duc de Baviere, à lui vendre l'Electorat de Brandebourg pour 100. m. florins, il lui donna en Hypotheque et pour payement de cette somme les

(1) Ces fiefs sont selon la premiere lettre d'Investiture, que l'Empereur Ferdinand II. a donnée à Maximilien Electeur de Baviere en 1631. et qui se trouve dans le Reichs Archif de Lunig pag: 966. les endroits suivants. Sonnesberg, Hohenfels, Hertenstein, Furndorff, Holaberg, Stralenfels, Aurbach, Eschenbach, Rotenberg, Bernau, Weimberg, Holnstein, Freyenstadt, et Wolfstein.

(2) Voyez le diplome d'incorporation dans le Codex Germaniæ diplomat. de Lunig pag: 1139.

Les mêmes districts du haut Palatinat (3.) et paya ainsi ce foible Prince par son propre Patrimoine. Les Rois de Bohême susciterent dans la suite tant de contestations à la Maison Palatine, qu'elles ne finirent qu'en 1465. de façon que George Podiebrad Roi de Bohême, donna ces mêmes territoires en fief aux Ducs de Baviere, Comtes Palatins, et à leurs descendants Legitimes (4.) et c'est sur ce pied là, que les Electeurs Palatins les ont possedés jusqu'en 1620. ou l'Empereur Ferdinand II. les ravit après la Bataille de Prague à l'infortuné Electeur Palatin Frederic, élu Roi de Bohême, avec ses autres Etats, et les fit passer de la maniere suivante à la Maison de Baviere. Maximilien Duc de Baviere Generalissime de la Ligue, ayant le plus contribué par sa valeur et par ses Troupes, à gagner la Bataille de Prague et à retablir l'Empereur Ferdinand II. dans la possession de presque tous ses Etats perdus, celui-ci reconnut à Maximilien pour les frais de la Guerre, une Dette de 13. millions de florins, et lui donna pour hypotheque la haute Autriche. Ferdinand enhardi ensuite par le succés de ses armés en Allemagne, proscrivit l'Electeur Palatin, comme un Rebelle, malgré les protestations constantes des Electeurs de Brandebourg et de Saxe, confisqua à son profit le Palatinat inferieur et superieur, et vendit ces deux Païs en 1624. par un Contrat formel (5.) à Maximilien Duc de Baviere, pour la renonciation des 13. millions de florins que ce Prince avoit à prétendre sur la haute Autriche, de sorte que la Maison d'Autriche paya de nouveau la Maison de Baviere de son propre patrimoine. Lorsqu'il s'agissoit ensuite de faire la paix générale au Congrés de Munster et d'Osnabruck, la Suede et le parti Protestant insista sur la restitution entiere du Prince Palatin. Mais la Cour de Vienne et celle de Baviere obtinrent par la condescendance de la France, que le Comte Palatin Charles Louis fut obligé de se contenter du huitieme Electorat et du Palatinat inferieur, et d'abandonner par l'article IV. du Traité de Westphalie au Duc de Baviere, l'ancien Electorat et le haut Palatinat, sous

(3.) Voyez le diplome du Roi Venceslas de 1373 de l'histoire de Baviere de l'archivaire Aettenkhover.

(4.) Voyez lette Convention de 1465. dans le Reichs-Abschied pag. 964.

(5.) Voyez ce Contrat singulier dans le recueil de Londorp Tom. V. pag. 796.

la Clause, que s'il arrivoit que la ligne Guillelmine masculine (celle de Baviere) joint à defaillir entierement, le haut Palatinat ainsi que la Dignité Electorale, dont les Ducs de Baviere sont en Possession, retourneroient aux Comtes Palatins survivants; qui jouiroient en attendant de l'investiture simultanée, les actions et benefices, qui de droit appartiennent aux héritiers Allodiaux de l'Electeur de Baviére leur étant conservés.

Il semble que les termes de cet Article decident peremptoirement le cas de la présente question. Comme le haut Palatinat doit après l'extination de la ligne de Baviere retourner à la ligne Palatine, tel qu'il a été possedé par la premiere, il s'ensuit que les fiefs de Boheme, situés et incorporés de tout tems dans le haut Palatinat et possedés par les Ducs de Baviere, par la vente, que Ferdinand II. leur a fait en 1628. du haut Palatinat, doivent avec ce même Païs retourner à la ligne Palatine, d'autant plus que l'Empereur Ferdinand III. Roi de Boheme, contractant principal de la Paix de Munster n'y a fait aucune exception de ces fiefs; par consequent le présent Roi de Boheme, comme son descendant, ne sauroit reclamer ces fiefs comme vacants, ni les contester à la Maison Palatine, à la quelle l'investiture simultanée a deja été assurée d'avance par les termes exprés du Traité de Paix.

Il est vrai que le susdit Art. IV. du Traité de Westphalie a reservé dans le cas, que le haut Palatinat retourneroit aux Comtes Palatins, les actions et benefices qui de droit appartiennent aux héritiers Allodiaux de l'Electeur de Baviere, mais comme l'Electeur de Baviére ne pouvoit avoir aucun Alleu dans le haut Palatinat, été et reversible aux Comtes Palatins, il paroit et on a même supposé lors de la Pacification, et dans le Contrat de Vente de 1628. que cet Alleu ne doit consister, que dans les 13. millions, que le Duc de Baviére avoit a prétendre de l'Autriche