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A N
E S S A Y
O N
Civil Government.

I N T W O P A R T S :

P A R T I.

An Enquiry into the Ends of GOVERNMENT,
and the Means of attaining them.

P A R T II.

On the GOVERNMENT and COMMERCE of
ENGLAND; with Reflections on LIBERTY,
and the Method of Preserving the present
CONSTITUTION.



L O N D O N :

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PREFACE.

A Free people should be acquainted with the principles of a free government, as well as with those of the constitution, under which they live. My design, in this work, is to present the world with a view of those principles, and of the English constitution, which is here represented as what it is, not as some mens fancies want to have it.

Here young courtiers, and perhaps old ones too, may learn, that a free government is founded on a virtuous foundation, and that posts and places are only due to men of capacity and merit. There cannot a greater curse befall a nation, than to have the management of their affairs placed in

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the hands of weak, designing men ; or that men should be preferred to high stations for dirty jobs, corruption, extortion, pimping, flattery, and the like vices, which are too often the causes of preferment in courts ; for tho' I allow, with a free-spirited author, " That the politest men are always found at court, yet it is certain, as the same author adds, that at court are a strange rabble of creatures, ignorant, mercenary, ridiculous and disagreeable, who owe their preferment to chance, whims, money, dirty services, to names, affinities, nay, to impudence and folly ; and one who has no pretences to any thing else, neither to education or capacity, nor honour, nor spirit, nor even to good looks and common sense, shall find pretences to a place, and probably get one. Men of merit often want interest, often application and boldness : whereas one, who has no one worthy qualification, is the more likely to have importunity and
sham-

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shamelessness. It has indeed been often a notable advantage to a man, that he had not sense enough to be ashamed or balked ; nay, I have known such a negative accomplishment be the making of his fortune. A rational man will take a rational answer, or even a trifling one, where he sees it meant as a rebuke or a refusal ; or perhaps, he has too much pride to press, or beseech, or ask above once ; but he, who has no understanding to mislead him from his interest, or to apprehend what is said to him, he who is incapable of a repulse, or to be ashamed of begging and teasing, but has an unchangeable front and unwearied nonsense, stands in a fair light to have his pretensions considered. Tho' he cannot persuade, he can tire : he finds the fruit and advantage of talents in the absolute want of them, he is despised and promoted. A little share of good sense would have
A 2 ruined

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ruined him; and he might then have been neither disliked nor minded. Such is the force of recommendation without reason or against it; and such the power of assiduity unincumbered with parts!" The truth of all this every man must be convinced of, who reflects in what a monstrous manner, places are generally bestowed.

Men have been raised to places of business, who were incapable of doing any business but what was infamous; debauch'd in their principles, vicious in their practice, but abandon'd to flattery and servility, they have got themselves advanced, while men of capacity, integrity and honour, have been neglected and contemned, they had too much spirit, too much virtue to stoop and cringe to the managers of affairs, who without such cringing were not to be prevailed with to reward merit. Alas! a man, who is too

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too honest to offer to them their beloved incense of adulation, and sound fallacies in their ears, cannot expect their favour. However advantageously they provide for their minions, adulators, fawners, and wheedlers, a generous, brave soul is not to expect any benefit from them. But notwithstanding the many inconveniences virtue often labours under, both in publick and private life, to part with it for the smiles of wicked men, would be a very bad exchange; for however convenient the goods of fortune are, yet to purchase them at the expence of a good conscience, is to pay a price for them infinitely too valuable; it is to give away our only support in bad times, to which those haughty dons would do well to remember, that they themselves are liable, as well as other people.

They are greatly mistaken in their notion, that higher grandeur and luxury

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luxury give them real merit and dignity; whereas when a high station is thus accompanied, it degenerates them beneath the dignity of human beings. Good sense and a great station are far from being enemies to good nature, so far otherwise that a great good man is always benevolent, affable, and inclined to please all men, not thinking that wisdom consists in ill-nature, a frowning, austere countenance, a clouded brow, or in a grave shake of the head, or shrug of the shoulders; for these are very often the indications of great pride and ignorance, and are habits proceeding from weak intellects, mistaken pitiful notions of grandeur, and a great stock of self-conceit.

In the following sheets, I have taken occasion to set wicked men in general in a true light, that they may be known; and if electors will consult their own interest they will
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contemn and despise them, for they cannot expect any good from them. If they choose them, they as far as in their power sacrifice their country, with all those rights and liberties, handed down to them from their worthy ancestors, and which have cost the nation an ocean of blood and mines of treasure to preserve. It is necessary to acquaint the reader, that no particular persons are intended or aimed at in this treatise; so that no man will apply to himself any thing herein, except accused by a guilty conscience. The design is not party, it is for posterity as well as the present age.

I might have treated some part of this work in a different manner than I have done, which would have been more agreeable to some particulars, but hardly to the bulk of country gentlemen and freeholders; I at first designed to have enlarged on the

ancient right of the commons to a share in the legislature, this would have led me to tedious quotations from ancient histories and writings on this subject, which probably would not have had any effect on the pleaders for absolute power; and to an impartial mind, perhaps, the little that is said is sufficient to convince him of the antiquity of this right. Magna Charta, and the bill of rights may seem tiresome to those who are acquainted with them; but as too many have never read them, the inserting them in this work may be easily pardoned.

The reader may probably think that some passages in the second part, and also in the first are ill-timed, seeing the reasons, which might justify them, do not remain in so strong a force as they did; to this, let it suffice to say, that excepting the last chapter of the second part, the

the whole work was finished in 1739, most of it in 1738; and as the same circumstances may again happen, and many still remain, it cannot be thought amiss to offer to the publick the work in its present state; for there is still a great deal to be done, the plantation trade calls yet for the assistance of parliament, and commerce in general stands in need of amendment.

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A N

E S S A Y

On the ENDS of

Civil Government.

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Sect. I. **T**HAT Society is beneficial to mankind, may be inferred from considering the imperfections of human nature, the many dangers we are liable to from every thing both without and within us, even from our fellow creatures: It is from these indeed that a man has the greatest evil to expect; as no part of the creation is so savage, so cruel to those of the same kind, as man is to man. The human species alone seems prone by nature to hurt each other, and reckon it wisdom to destroy their fellow creatures. Puffendorff observes: that "Beasts sometimes contend about their food, and then 'tis only in case of scarcity; sometimes again they enter the lists at the instigation of their lusts, which yet has only its seasons

seasons of returning: But be they of never so savage a disposition, they seldom express it against their own kind. Whereas men quarrel with men, not only as excited by the stings of hunger, and by a lust so vigorous as never to be out of season, but by other vices and passions unknown to beasts, and often repugnant in nature one to the other. Of these the chief are, an endless thirst after superfluities, and ambition, the most pernicious of all evils; of which, as no creature seems to have any sense, except man, so he has the most lively and tender one imaginable; while, in the mean time, 'tis the privilege of brutes to be moved at nothing but bodily sufferings. Add to this, that quick resentment of injuries, and eager design of revenge, an evil less common and less active in brutes. And, what is worst of all, men pursue the ruin of each other with so much industry, that of all the mischiefs to which human condition lies open, the most part are owing to their own malice." The rest of the creation live without molesting those of the same kind; but man when strong, is sure to oppress and injure the weak; and even the injured and weak man will act the same unjust part to the person who is a degree inferior to himself in power or strength. We repine at and envy our neighbour's good: Cain could not bear even his brother to be more prosperous

rous than himself, and he slew him. Man is much more liable to accidents and misery than other creatures, because his passions drive him to greater extravagancies. Hence it is absolutely necessary for man to enter into society, because by association he is provided against insults and unjust force, he quietly preserves his goods and property, the acquisition which, by every one, in as large a degree as is consistent with the good of the whole, is the end of society; and whatever is inconsistent with such end ought to be discountenanced and detested. A society will always be in a more flourishing and prosperous condition, the nearer the associates keep to its end; that is, the better they secure the liberty and property of every individual amongst themselves. It is very wide of the end of society, when one part is subject to laws not binding to the other, and when punishments are inflicted on the lower, and not on the higher sort of people.

Of LAWS.

Seçt. II. Laws are the very foundation of society, and without them there would be nothing but confusion and disturbance. If among a collective body of people there were no regulations, no order previously agreed on, but what the inclination of each suggested to him, unhappiness instead of happiness would be the effect of association. Every man being

at liberty to act as he should think fit, society would soon become a source of disturbance. The disputes that continually arise among men of various inclinations and passions, plainly shew the necessity of making laws; and the same reason also demonstrates that of inflicting punishment on the transgressors of the laws; were men at liberty to act contrary to the laws with impunity, society would degenerate to confusion; for laws without proper enforcements are of no signification. No man will be afraid to break them, when he can do it with impunity, and is at liberty to conform to them or not as he pleases. Many have such a propensity to what is wrong, that if they have no other restraint than their own reason, it will, in my opinion, prove but a feeble one, and conscience, till a dying hour, will be to them a very little obstacle. But when they are awed by punishment, they will be apt to refrain from actions for which they may suffer. In enacting punishment, regard ought to be had to proportion the punishment to the crime; for it is evidently unjust to punish equally crimes of a high and of a low nature. Some people, for trivial mistakes, are ready to punish with the utmost rage and violence, not making any difference between a small fault and a great crime; but this is acting a very unnatural part: such people make very bad judges, and must often act unjustly. To punish only for the
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fake of punishing, is wrong and unreasonable, contrary to the precepts of both natural and revealed religion. The end of punishment ought to be to restrain the practice of such crimes for the future, as the criminal is punished for, and to produce advantage to the society. Great care is to be had in punishing; and a judge ought to be very circumspect and penetrating to know properly how to inflict punishment. To do this, he must know mankind, be acquainted with their good and bad qualities, and vers'd in their various springs and motives of action, a science of which the greatest part of the world is very ignorant. There is a great deal of difference to be made between persons guilty even of the same crimes; to some the very thoughts of having their wickedness known, are more grievous, than public punishment is to others, who having no stings of conscience, or sense of shame, only fear the power of the magistrate.

Certainly there ought to be a proper distinction made between a young repenting offender and a veteran hardened villain, and tho' sometimes the letter (which judges may be obliged to follow) condemns, yet it is the duty of those, in whom is lodged a power of mitigating punishments, to lighten the sentence past, and proportion the punishment to the circumstances attending the crime and criminal. "How judicious and wary (says
the

the excellent Mr. Wollaston) ought princes, lawgivers, judges, juries, and even masters to be! They ought not to consider so much what a stout, resolute, obstinate, hardened criminal may bear, as what the weaker sort, or, at least, if that can be known, the persons immediately concern'd can bear; that is, what any punishment would be to them. For, it is certain, all criminals are not of the former kind, and therefore should not be used as if they were. Some are drawn into crimes which may render them obnoxious to public justice, they scarce know how themselves. Some fall into them thro' necessity, strength of temptation, despair, elasticity of spirits, and a sudden irruption of passions, ignorance of laws, want of good education, or some natural infirmity or propensity, and some who are really innocent, are oppress'd by the iniquity or mistakes of judges, witnesses, juries, or perhaps by the power and zeal of a faction, with which their sense or their honesty has not permitted them to join. What a difference must there be between the sufferings of a poor wretch, sensible of his crime or misfortune, who would give a world for his deliverance, if he had it, and those of a sturdy veteran in roguery; between the apprehensions, tears, faintings of the one, and the brandy and oaths of the other; in short, between
a tender

a tender nature and a brick-bat." And as some are to be punished and check'd for bad actions, so others ought to be rewarded and encouraged for their good actions.

Further, in punishing, regard is to be had to the age of the offender; it is hard and cruel to punish a young creature for a transgression, which, at the time of committing, he did not know to be so, and when he comes to be sensible of it, repents his folly, and condemns himself. But I must be here understood as speaking of crimes, which the policy of a state has made so, and which are not to be known by the dictates of natural or revealed religion. Murder, theft, and the like, are glaring crimes, even to the young and unexperienced, but the others are not. We are besides, in judging young Persons, to consider whether they may not have been influenced to their offence by the authority of parents, friends or relations, whose orders they could not dispute without risking all the benefits of life, or without encountering with poverty and misery, which perhaps might have brought them to a worse end. And how can we expect, a poor young creature to oppose the proposals of those under whose care he is, and who dress up the bait with all the appearance of virtue? Consider how weak we are when old! how liable to temptation! how ready to fall into snares, and faults! What wonder then, if when young
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and ignorant, we commit what the aged and knowing commit against experience and knowledge? I don't plead for impunity in youth, I only reason against putting them on the same footing as wilful knowing sinners. Perjury is a crime, which it should not be in the power of young folks to be guilty of, for there should not be an oath administered to any one under the age of at least twenty years, perhaps two or three years older would be time enough. There are few under those years sensible of the dignity and sacredness of an oath.

Sect. III. From what has been said of laws, punishments, &c. there appears the necessity of having some persons invested with a power to enforce the one, and inflict the other. Without such officers in the state, what would it avail to enact laws and punishments, when there would be no power to oblige the observance of the laws, or to punish transgressors? Of these officers there must be several sorts and degrees, each should have his province, and confine himself to decide particular disputes and crimes, not running into, or pretending to take cognizance of, all sorts of misdemeanors. There must be in society a supreme power, that is, an authority of enacting new, and abrogating old laws, raising money from the people, declaring war, making peace, and ordering all other national affairs.

affairs. That such a power must be the first thing settled in society, is beyond dispute; but it is much disputed what form is best, whether in one man, who is then called absolute monarch; or in the nobility or commons; or in a mixture of all. Before I enter upon this important question, I shall lay down as a truth flowing from what has been already said;

That the end of society is to procure to every individual person (as much as can be) the preservation of his liberty and property. If this end is right and reasonable, whatever tends to its prejudice is wrong and unreasonable. And now let us consider which form of government is most conducive to the end of society. My opinion is, that originally all power was in the people, but was nevertheless transferable, tho' not so absolutely as Grotius seems to think in that Section where he writes, *Licet homini cuique se in privatam servitutem cui velit addicere*; if by *servitus* he means slavery.

When the supreme power is lodged in one man, such a government is called a despotick, arbitrary government; and the man governing is an absolute monarch. He does every thing as he pleases, and has no superior on earth to whom he must answer. His will is the law, and his commands must be implicitly obeyed. Passive obedience and non-resistance are the foundation of such a constitution,

tution, which in several countries prevails. When such a prince is a man of a good disposition, and has the interest of his people at heart, he is very beneficial to his country; as none can contradict him, he enacts good, and abrogates bad laws, without opposition. He proportions taxes to the exigencies of the state, and never draws large sums from the people without imminent necessity. He encourages every thing that is honest and industrious. By his authority, he promotes a proper frugality, and always suits the expences, both of the nation and his household, to the state of affairs. A great many more advantages may result from a good absolute prince; nevertheless, the people are slaves, destitute of liberty, the enjoyment of which, was one of the ends of society; and the inconveniencies arising from absolute power are much greater than any advantage that can reasonably be expected. The prince, if he pleases, may (only to gratify his own passion) wage war, and expose the lives and estates of his subjects to all its dangerous consequences. He is master of the persons of his people, and may act the tyrant when he pleases. He may deprive men of their fortunes, drive them from their families, nay, from their country; may imprison, torture, and put them to death, as he pleases. In short, the most dreadful mischiefs may be inflicted upon a people, by the untoward disposition, the cruelty and wickedness

edness of an absolute prince. He will hardly submit to the inclinations of the people; and considering the propensity of men to rule and govern without contradiction, how unwilling most of us are to be counselled, how ready to resent what we think injuries, and how severe in revenging them when it is in our power; I say considering these things, it cannot be expected that an arbitrary prince will act so agreeable to the end of society as a limited one. The temper and inclination of a prince is a very weak and precarious foundation for the liberty and happiness of a people to depend on.

Liberty is the most valuable blessing that mankind can enjoy, and therefore they ought to be very careful in preserving it; no recompence can be made for its loss: and however humane and reasonable a prince may be, I would not trust him with an absolute power. Such authority intoxicates a man's brains; he becomes a new creature, desirous of exercising power, and distinguishing himself by unlimited sway. I do not think that any good king would accept of such a power, or allow such a government to be introduced. If he had the interest of his people at heart, and was desirous that they should be a happy and flourishing nation, he would employ all his power to destroy all such designs, from the consideration of the evil which would probably happen to them in a future reign of less

virtue, and the part he himself might act in such an absolute state. But farther, an absolute monarchy is inconsistent with, and contrary to justice; for the power which such a Monarch is supposed to have, he must have received either from God or man; that God has not given man any such authority, is, I think, pretty plain, as will be shewn afterwards. If he designed any one man to rule over others with a despotick sway, it is reasonable to think that such a man would have some particular quality or mark to distinguish him from others, by which he might be known: but we find no such, the greatest monarch comes in and goes out of the world like other men; they are surrounded with the same, and sometimes with greater imperfections than others; and that they have no such power, either by God's creation of Adam, or the dominion he gave him over Eve, or the dominion he had as a father, is, I think, plainly proved by the great Mr. Locke. As to the receiving that authority from men, it cannot be; for what we have not, we cannot give. As the same excellent author observes, "Freedom from absolute arbitrary power is so necessary to, and closely joined with a man's preservation, that he cannot part with it, but by what forfeits his preservation and life together. For a man not having the power of his own life, cannot by compact, or his own consent, enslave himself to any one,

one, nor put himself under the absolute arbitrary power of another, to take away his life when he pleases. No body can give more power than he has himself; and he that cannot take away his own life, cannot give another power over it." Let us examine the sentiments of a man concerning absolute monarchy, who lived above 2000 years ago. His name was Otanes, and at a consultation about establishing the government of Persia. Herodotus reports him to have expressed himself as follows: "My opinion is, that we ought not to entrust the supreme power with any single person among us; because a monarchical government is neither good nor safe. You know to what excesses Cambyfes was transported, and have sufficiently experienced the insolence of a Magi. And, indeed, how can that government be well administered, where one man may do all things with impunity, and in which the best are easily tempted by an exorbitant power to abandon the virtues they had acquired? A man made insolent by greatness, and naturally envious like other men, cannot but be compleatly vicious: for insolence, in conjunction with envy, pushes men on to many nefarious actions. One would think a tyrant should not be envious, because he possesses such eminent advantages above other men; but experience demonstrates the contrary. He envies the best, and favours the worst men of the nation; he hearkens to calumny

lunny with pleasure, and his conduct is so irregular, that if any one commend him modestly, he grows angry, and thinks he is not treated with sufficient reverence: on the other hand, if he be highly admired, he is no less offended, because he suspects he's flattered. In things of greater importance he is yet more intolerable. He overthrows the orders and customs of the country, violates the chastity of women, and murders the innocent unheard." These are some of the calamities arising to a nation from a wicked absolute prince; and as the acting after this, or a milder method, wholly depends on his will, think a people's happiness does not rest upon a good foundation, and that absolute monarchy is inconsistent with the end of society, therefore ought not to prevail.

Section IV. Aristocratical government is where the power is lodged in the nobility; this form is as pernicious to, and inconsistent with the end of society, as the former. The nobility have commonly very high notions of themselves, and look upon the commons only as their vassals. From an opinion of their superiority, they tyrannize over their fellow associates, and to please their own unnatural humours they are often apt to deprive others of their property, and instead of one plague, the country will be subject to as many as it shall contain of wicked noblemen, who will
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always seek to gratify their own interest and unruly passions. If danger or war threatens them, they will expose the lives, and use the fortunes of the citizens, without making them in time of peace any return for such services; thinking that it was the poor man's duty to run the risk of ruining himself and family for the support of their ambition and luxury. They may, perhaps, be civil, and court the good-will of the people when they want them to enlist in their armies, go to the wars and fight for them; then they probably will make fair promises, and give the people assurances of redressing their grievances, of abolishing severe laws, and putting things upon a more equal footing for the future. But instead of performing their promises, the danger will be no sooner over, but they'll return to their former haughtiness, and renew their insults over the poor commons, who have been exposing their lives in their service. Take a view of the conduct of the Romans after the extirpation of their kings. While Tarquin's arms were at the gates of Rome, the senators took care of the people, and endeavoured to render them easy by the supplies of corn, which they let them have at reasonable prices; but no sooner were the senate's fears dissipated, than they discovered another behaviour. Like sovereigns, and absolute lords, they domineered over the people, and often
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tormented them with cruel stripes and imprisonments. In the first days of Rome every man had allotted to him two acres of land to cultivate and improve, and when new lands were conquered from the neighbouring nations, the custom was, to set apart one half towards defraying the charges of war, and the other half was to be let at reasonable rates to the poor citizens; but those measures were not agreeable to the views or temper of the senators: they therefore under several pretences allotted the conquered lands to themselves, and the citizen who had been in the wars fighting for his country, when he returned home, found himself divested of his right, and his land uncultivated. In this miserable condition he was obliged to apply to the rich, who lent him money at an extravagant interest; and when they had a mind for their debt, if the poor man was not capable of paying them, they seized his little inheritance, made slaves of his family, and delivered the wretched debtor over to barbarous and inhuman treatment; he was flung into a dismal dungeon to bewail his mournful circumstances, and spend a lamentable life, surrounded with darkness, misery, and want. Such was the afflicted state in which the greatest part of the commons either groaned under, or were apprehensive of; scourging and confinement being either their lot, or immediate

expectation; so that they justly said, that while they were fighting abroad for empire and dominion; while they were, with the hazard of their lives, extending the authority of the senators, and promoting their honour, serving their ambition, and supplying their luxury; captivity and destruction were hatching for them at home; and therefore they were safer among the enemy, than their own fellow citizens. Among many other objects of compassion; there is one taken notice of, which may give some idea of the misery of other unfortunate debtors, who together with the rest of the people, would have been wholly involved in slavery, had not the glorious spirit of liberty distinguished itself, which caused that brave and virtuous, but oppressed people, to endeavour to free themselves from the present misfortunes, and threatening ruin. "The people, says Livy, complained, that while they were fighting for liberty and empire abroad, they were enthralled and oppressed by their fellow citizens at home. They said, that the freedom of the commons was safer in war than in peace, amongst their enemies than amongst their countrymen; and this mutiny which was spreading of itself was inflamed by the remarkable distress of one person. For an aged man threw himself into the forum with all the badges of wretchedness about him; his dress was all patched and loathsome, but the appearance of his person, which was pale
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and consumed to a skeleton, was more haggard still. Besides this, his beard was tattered, and his hairs gave a savage wildness to his look; yet all this uncouthness did not hinder him from being known, and it was reported that he had had a rank in the army. His person was an evidence that he had been present somewhere or other in well fought actions, by discovering the scars of manly courage upon his breast. The crowd being curious to know how he came into that wretched habit, and loathsome appearance, and flocking round him as if they had been in an assembly, he told them, that while he was serving in the Sabine war he had run in debt, because by the devastations of the countries he not only was deprived of the fruit of his farm, but that his house was burned down, himself plundered of all, his flocks driven away, and his taxes exacted at that dismal juncture. That this debt being increased by usury, he had first stripped himself of his paternal and hereditary estate, and then of his other fortunes; that afterwards, like an infection, it had seized upon his person; that he had been carried by his creditors not into slavery, but to a gaol and a butchery. He then shewed them his back, all loathsome, with the recent marks of the whip."

Could a people thus used be called free? Are such proceedings consistent with the end of society? Or could such a society be otherwise than factious? The ballance of property

was in the nobility, the people's interest was to oppose them; and to do this, they had power, *i. e.* they had power to be factious, but not to establish an equal republick, because they wanted property, which the nobility having, retained great numbers of dependants who were ready to support them in their unjust pretensions.

Sect. V. Democracy is the third form of regular government, and in this the liberty of the people seems to be most secure; for here laws are equally binding upon every member. In this form, property is on a more equal footing than in any other; for if one, or a few, are possessed of so much as may overballance the many, then the government ceases to be democratical, and will become monarchial, aristocratical, or mixt. In this form is likewise required a rotation of, and a free just election into offices. A long continuance in places of the government, when such places have power annexed to them, is very dangerous to all free governments, and wholly incongruous to the nature of a government which aims at perfect freedom.

From these three sorts are produced mixed governments, as monarchy with a nobility, and monarchy with the nobility and the people; in this last the nobility are the support. Monarchy with the people without a nobility, cannot be of long duration; for if

the greatest part of the property of the nation be in the people, then will the government become democratical, and the king will only enjoy a name, as was the case with the ancient Germans; their chiefs had a great deal of respect shewn them; many dignities were conferred on them, they had the principal seat in all assemblies, and many compliments were paid to them; but real power was not allowed them. High virtue, and worthy qualities, were sufficient indeed to gain them a share in the government, by which they could do good, but not ill. If the ballance of property is in the king, then it must soon introduce a nobility, and so will become a limited monarchy, in which the people may likewise have a share, and must have a share, provided they are a free people; for a people under a monarchical aristocratical government cannot be free, which might easily be proved, both from reason and experience. A numerous nobility, masters of great property, are generally great plagues both to king and people; yet, should you destroy them, you will find evils ensue: your government will be either absolute monarchy, or democracy. In the last, let it be ever so perfect, there must be some nobility or gentry with a power to consult; for that the whole cannot, is plain, from its not being within the capacity of every one to debate what is fittest to be done, or what is most conducive to the good of

of the whole; this is the province of a few, in comparison of the multitude, who though incapable of weighing things in all their different circumstances, yet when thus weighed by the wiser sort, and offered to them in a just light, they are generally capable enough to resolve on what is most conducive to their own interest. Aristocracy and democracy united, is the last form which I shall mention. When the democratical part prevails, as it ought to do, and is able to defend itself against the encroachments of the other, a nation thus governed may for a considerable time flourish and prosper; it is true, they are liable to delays, but notwithstanding this inconvenience, a government under such a constitution may be very successful. Such was the constitution of Rome in her most happy state; and we must impute this not only to her being free from luxury, and other vices, which often occasion the ruin of nations; but also to the people's influence, in the management of affairs. Some may be of opinion, that the struggles and oppositions made by that brave people and their tribunes were seditious and unreasonable; for my part, I think that they were very conducive to her glory and profit; that they were only the effects of a glorious spirit of liberty, without which Rome would have fallen long before she did; as she would have continued in prosperity and grandeur much longer than she did,

did, had that spirit continued. Was it reasonable that the senators should pretend to keep the chief offices of the state to themselves, and that too under a notion of piety to the Gods, whose will it was that the people should have no share in the government? What could be more unreasonable than asserting that it was contrary to the will of heaven for the plebeians to marry into noble families? This was straining power to a much greater excess than that brave people could bear; and if their tribunes had not with a noble resolution and intrepidity insisted on their rights, I am afraid they must have borne the yoke. But those popular magistrates bravely opposed the encroachments of the nobility, and obtained for their country and fellow associates their just demands. The plebeian families, by their means, got into the management of affairs, commanded armies, governed the republick, and guided even the priesthood.

C H A P. II.

SECT. I. **I**N this chapter I design to treat of the duty of the supreme power in whatever form it may be. And, first, it is necessary that the people are to be rendered brave and courageous; for this end, they must

must be persuaded, that nothing is more detestable and unworthy than cowardice and slavery. Thus will they become ready and willing to defend their new habitations, which otherwise would be a prey to the first invaders; but in order to make them thus courageous, it is further necessary to instil into them such a notion of honour, as that they may prefer that character to any other advantage of life, and rather meet death than avoid it by dishonourable means. Unless the people thus esteem honour and glory, they will be apt to prefer the most sordid life, rather than death. Dr. Mandeville observes, "That the great art to make a man courageous, is first to make him own this principle of valour within, and afterwards to inspire him with as much horror against shame, as nature has given him against death." The next thing to be taken care of is, to instil into the people sentiments of religion, the belief of a deity, the immortality of the soul, and a place of future rewards for the good, and punishments for the unjust and immoral. Without this conviction, the people will be ready, upon every occasion, to rebel; and all their passions, such as pride, ambition, avarice, and the rest, will (notwithstanding laws and human punishments) drive them to ruin one another. Religion teaches a man to do justice to his fellow creature, as remembering that there is a God who knows every thing, and will certainly

tainly punish the unjust. It teaches men to love their country, and prefer its interest to their own; as remembering that God created no man to be miserable; that he is willing all shall be happy; that he designed man for society, and therefore is pleased with every one who promotes its happiness. Religion has a further good effect upon associates, It hinders their running into luxury, debauchery, and too strong a passion for diversions, plays, and entertainments; all which tend to the weakening and effeminating a people, and rendering them cowardly and timorous. Luxury was the first forerunner of the destruction of Rome, and has been the ruin of many other, once flourishing and powerful nations. Religion teaches men to observe the laws of nations, and forbids the violation of them, under severe penalties. It is a bad sign, a sign of approaching destruction, when religion is so far shaken off by a people, that national laws are violated with impunity. Consider the sad effects that the mad conduct of the Fabii brought upon Rome; justice was denied to the Gauls, and therefore they endeavoured to right themselves; the consequence was, that Rome was destroyed, her best men put to the sword; desolation and destruction prevailed through every place. "Wherever," says the historian, the shouts of the enemies, the lamentation of women and children, the noise of the flames, and the crush of edifices, drove

drove them away; they then looked ghastly round, and trembled at every object, as if fortune had designed them for the emblems of their falling country; nor was there any thing now left them besides their persons." If men of a fierce and bold nature were to be without a form of religion, they would think every thing their right which they could take by force; they would be always making unjust wars, depriving their peaceable neighbours of their possessions, and would carry fire and sword into their territories. When they could do no more mischief abroad, they would turn their swords against each other at home, and thus soon come to destruction and misery. But when religion influences, the fury of the warrior is mitigated, he is taught never to use his arms, but in the cause that justice warrants. I shall add to what I have said on this subject the words of Sir William Davenant, being pretty much to the purpose. "The welfare of all countries in the world depends upon the morals of their people. For though a nation may gather riches by trade, thrift and industry, and from the benefit of its soil and situation; and though a people may attain to great wealth and power by force of arms, or by the sagacity of their councils; yet when their manners are depraved, they will decline insensibly, and at last come to utter destruction. When a country is grown vicious, industry decays,

decays, the people become effeminate, and unfit for labour. To maintain luxury, the great ones must oppress the meaner sort; and to avoid this oppression, the meaner sort are often compelled to seditions, or open rebellion. Such, therefore, who have modelled governments for any duration, have endeavoured to propose methods by which the riotous appetites, the lusts, avarice, revenge, ambition, and other disorderly passions of the people might be bounded. And to preserve societies of men from that perpetual war, with which the state of nature must be attended, and to restrain that discord which must for ever embroil those who only follow the dictates of ungoverned nature, the founders of cities, states and empires, have set on foot forms of religious worship to awe their minds, and devised wholesome laws to keep within bounds the persons of the people." These two great supports of society, courage and religion, were admirably well promoted by the two first kings of Rome. Romulus promoted in the people a martial and an aspiring spirit, and animated them to extend their conquests, by placing before their eyes the profit and pleasure arising from enlarged dominion. This domineering spirit he artfully propagated; and thus the Romans insensibly became a bold people, regarding others with scorn and contempt, a character that might have been the cause of their ruin, had

had not Numa Pompilius, their second king, a man of a mild, civil and meek nature, by applying to the study of civil polity, seen the bad effects which must soon follow such barbarity, and artfully insinuated into their minds religious thoughts and apprehensions. Superstition, which he cunningly planted into them, produced what neither fire, sword, nor the enemy could have done. Though they owned no superior on earth, they readily allowed that there was one in heaven, whom they were afraid of offending, as thinking that those who offended him would be one day severely punished. Thus they were deterred from acting wickedly, and contrary to their religious precepts; and Numa, to enforce them, feigned a correspondence with the goddess Egeria: he also, for the more easy mollifying and tempering the people, instituted holy days, and created priests; all which measures had the desired effect: and Pompilius, I think, in thus governing, shewed himself a great master in politicks, and a good judge of mankind; he acted the most beneficial part that could, in such a juncture, and under such circumstances, be acted for his country. Some assign the cause of this conduct to his pacifick temper; I do not pretend to prove that he was martially inclined; but I dare assert, from the regular steps he took to promote religion among the Romans, that in the then situation of their affairs, and the

the temper of their minds, he was a wise and necessary prince.

Sect. II. The third thing to be done by a legislative power, is, to introduce a set of good and wholesome laws; in enacting which, care is to be taken that they be delivered in such a plain and self-evident manner, that they may be understood by every individual, unlearned as well as learned, and in the language understood by the whole society. I have often wondered how a legislative power has for ages together caused their laws to be written in a language not intelligible to one hundredth part of the people; this, I think, is as fully absurd, as preaching in an unknown tongue. A law is an ordinance made by the supreme power commanding the doing of things thought fit and necessary for the good of the society, and forbidding those things which are hurtful or detrimental. Every law ought to be agreeable to this definition; for certainly men should never be ordered to do what is prejudicial to society, or to refrain from acting for its advantage and benefit. Laws should not be too numerous, because that may occasion confusion, and put it in the power of that sort of people who make a gain and profit from the misfortunes and ignorance of others, to defraud and oppress. A few good laws, well executed, will have much better effect upon society, than a
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great many, when neglected, and almost forgotten.

The laws in England do stand very much in need of being reformed, and reduced in number; they are far more than are necessary, and great numbers of them are quite useless, tending to perplex, puzzle, and draw people into endless disputes. There ought seldom or never any laws to be made, without a firm and steadfast resolution of putting them in execution. It is better not to make a law, than to make one, and allow people to transgress it with impunity, which is but too often the case. Great care is to be had in forming laws, that they be consistent with the law of nature, with which all other laws, if they are reasonable and beneficial to society, must agree. Without regarding the law of nature, that unchangeable and eternal law, no human laws can be rightly made. "The laws of nature are eternal and immutable; what they forbid never can be fit, what they allow never can be unfit." If we take care to conform our social laws to this law of nature, they will always be enacted to the benefit and happiness of society, and the legislative power will act its part in promoting peace and concord among the associates. The law of nature teaches to enact laws without any interested views. It is very prejudicial to a country for a supreme power to form laws tending to enrich any particular party, or set
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of people; and, at the same time, grievous and oppressive to the generality. It is also a bad sign, when laws are made to screen high criminals from just punishment. When such causes influence a legislative power, it may reasonably be conjectured, that if such a nation is not already miserable, her governors and rulers are ready to give her up to ruin, upon the first temptation. The first laws to be enacted in society, ought to be such as tend to secure every man's property, and to defend each from the violence of their fellow associates; that is, the supreme power ought to ordain, that whoever invades the property and right of another, or terrifies or abuses any man, shall be rigorously punished for so doing; and the nature of the punishment should be made known, and published at the same time that the laws are made against such crimes. Under the head of securing people's property, we may rank laws against robbers on the highway, breaking into houses, stealing in shops, pickpockets, forgery, and the like; all which, in my opinion, should be equally punished. Forgery is a crime which has by some been practised with impunity; but I think the penalty upon offenders of this kind ought to be equal to that upon thieves and highwaymen. A man is as great a rogue, who by a false writing deprives me of my property, as he who does the same by attacking me in the streets, or upon the road

road to rob me; nay, the latter is so much the more innocent, as he does not pretend that my property is his property, but plainly owns his design of taking it, though unlawfully; whereas the former not only deprives me of my property, but, contrary to his own conscience, pretends it to be his right, and endeavours to make the world believe that I demand, as my right, what don't belong to me: thus he destroys my good name and character, as well as my estate. Under this same head of securing property, we may place laws against false weights and measures; wherever these prevail, the people, especially the poor, must be great sufferers. Another case which I shall mention under the same head, is, that no man be imprisoned without good reasons assigned for it. Certainly a man's personal liberty must be as dear to him as any thing whatsoever; and if at the bare desire of another a man may be taken up and confined, a malicious man will always have it in his power to plague and vex those to whom he has any aversion; and by imprisoning one, may perhaps ruin a whole family. I don't design to enter into the other particulars, which this head of securing property afford; it would require a large volume, to do it. Perjury is also among the first crimes, which a supreme power ought to provide against; it is of a most malignant nature, and deserves the severest punishment. A wretch capable of

of perjuring himself, not only calls the Deity to be witness of his asserting a falsehood under the disguise of truth; but may, by his villainy, involve the innocent into trouble, cause the guiltless to suffer, and the guilty to escape. Breakers of oaths should likewise come under the same punishment as perjurers; they are, indeed, the same sort of criminals, and therefore should suffer in the same manner. An oath is of a most solemn nature, and ought to be kept with the greatest regard. As Puffendorf says, "It is always presumed that any fact receives a great corroboration of evidence from an oath. For an oath is a solemn appeal, by which, unless we speak the truth, we renounce divine mercy, or imprecate divine punishment. Therefore when an omniscient and omnipotent being is appealed to, both as the witness and judge of what we do, no body can be supposed so hardy, and so profligate, as to dare to draw down the divine indignation upon his own head."

Grotius says, "In all countries, and in all ages, promises, proffers, and contracts, have always received great sanction from an oath. Our ancestors, says Cicero, were of opinion, that no tie ought to be stronger, or more binding, than an oath. Hence it has always been believed that a dreadful punishment hangs over the head of the perjured." We are told by the poet Hesiod, that an

oath is always fatal when the party is perjured; so that even posterity have sometimes been punished for the fault of their ancestors. A judgment only inflicted in cases of the highest impiety." If men were allowed to falsify oaths at pleasure, what security could we have in life? The inconveniencies attending this crime, are so many, and so great, and I think so obvious, that whoever is for promoting the interest and felicity of society, will certainly prosecute all such criminals, and endeavour to bring them to justice. There is no villainy that such wretches will stop at; the most horrid facts will be committed by them; for they cast off all regard for God and man, and ought to be looked on as the pests of society. But I must repeat here, that no oath ought to be administered to young people; when it is, it certainly is a great pity, but the guilt does not seem to appear in them, so much as in those who were the occasion of their wickedness. Force and ignorance very much extenuate the heinousness of the crime; and to punish such offenders equally with knowing voluntary sinners, is quite contrary to reason, justice, and the end of society. I own, it is difficult sometimes to judge whether a man has been guilty of this crime, or not. He swears to the best of his knowledge, which is the utmost he can do; but there is no difficulty in judging of young, unexperienced creatures, who are

under the influence and dread of compulsion.

Sect. III. After having provided such wholesome laws as may procure to each individual his right and property at home, the legislative power must proceed to secure the people against foreign invasions and impositions. I suppose at the beginning every man is willing to defend, with his utmost might, the new society to which he belongs; but as in other countries there are certain numbers of men set apart on purpose to fight for and defend their country, it is necessary also, in a new society, that there be such a set of men also ordained by the supreme power; for in case of a foreign attack, a multitude of even brave men taken singly, will in a body be able to make very little resistance against an army, though far inferior in number to them: for the latter being taught the art of war, and knowing how to take every advantage over an undisciplined and irregular militia, will soon rout, and defeat them. Therefore, to prevent such a misfortune, it is necessary that every country should have regular troops, as occasion requires; or if they do not chuse a standing army, they must keep their militia in good order, often discipline, instruct and regulate them. But I cannot think it good policy to trust to mercenary

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troops; both reason and experience plead against them.

Machiavel justly observes, that "that prince who founds the duration of his government upon his mercenary forces, shall never be firm nor secure; for they are divided, ambitious, undisciplined; unfaithful, insolent to their friends, abject to their enemies, without fear of God, or faith to man: so the ruin of that person who trusts to them, is no longer protracted, than the attempt is deferred; in time of peace they divorce you, in time of war they desert you; and the reason is, because it is not love, nor any principle of honour, that keeps them in the field, 'tis only their pay, and that is not a consideration strong enough to prevail with them to die for you; whilst you have no service to employ them in, they are excellent soldiers; but tell them of an engagement, and they will either disband before, or run away in the battle. And to evince this, would require no great pains; seeing the ruin of Italy proceeded from no other cause, than that for several years together it had reposed itself upon mercenary arms; which forces, 'tis possible, may have formerly done service to some particular person, and behaved themselves well enough among one another; but no sooner were they attacked by a powerful foreigner, but they discovered themselves; and shewed what they were to the world."

Perhaps this harsh character is not always just, some exceptions there are, but in general it is true; and for a state to rely on mercenary forces, is very bad policy, and, sooner or later, will end in its destruction. A prince ought to depend on his own power, not wholly relying even on the best of allies; but observe, that more troops than are necessary ought not to be kept up, for foldiers are really a great charge, as well as a plague to the people among whom they subsist; and officers, as also the common men, are generally very troublesome to their fellow associates. In a country of commerce, it is necessary that the supreme power have a fleet ready to defend it. In some countries a navy is the chief strength; as in Great Britain, where, I think, the people may depend so securely on their fleet and militia, that a standing army is, generally speaking, a very unnecessary burthen. As either an army, a navy, or any other regulation for the publick, must be paid and maintained by the people, the supreme power ought not to ordain any thing which may promote unnecessary expences, or occasion heavy taxes. When the exigencies of a state require extraordinary charges, care is to be taken that taxes be laid on commodities that can best bear them, that they may be as little burdensome and uneasy to the society as possible; taxes should be such as diffuse their influence to every one of the

the society, in proportion to their circumstances. Superfluities, and not the necessaries of life, should be the chief subject of those taxes, by which the poor chiefly subsist. By incumbering these, we force people to raise the price of their labour, and consequently the merchant cannot sell his goods at so low a rate as he could, if he did not pay so much to the labourers and workmen; and this is very prejudicial to a trading nation. In raising taxes, care is to be taken to do it by a manner and method least troublesome to society. As few officers as possible are to be employed, for these sort of people are a very troublesome set; they often domineer over, and hector the country people, as if they were their servants or slaves; and in a free country these people may do a great deal of harm to the constitution; By their threats they may frighten men of a timorous nature into measures contrary to the interest of their country, and by their promises that they will deal gently with, and mitigate the sharpness of their authority, they may tempt others into the same wickedness.

Sect. IV. The legislative power having advanced thus far, the next step to be taken is, to endeavour to render the country flourishing and powerful. As it is the law of nature for a man to prefer his own individual interest to that of another; so, also, the same

law directs every particular society or nation to promote its own advantage and benefit, preferable to that of any other nation. To attain such an end, I think no readier way can be taken than to promote trade, publick credit, and allow liberty of conscience. Trade is the most beneficial thing that can be encouraged, in a country capable of it. It is the basis and foundation upon which the happiness of a nation may be founded; and I think I may lay it down as a truth, that where there is an extensive and well-regulated trade, the nation continually encreases in power and wealth. A nation which enjoys a great and beneficial trade, will always have great influence on foreign courts, and the councils of neighbouring princes; and if by any misfortune, such as a blundering ministry, mischievous factions, private interest, a weak prince, and other causes of the same nature, the trade of any nation should be hurt and detrimented; I dare assert, that the influence of such a nation will decline in proportion to her falling trade; and when her trade revives and recovers, so will also the respect and esteem of foreign courts. It was by trade that Carthage arrived to such power, grandeur and magnificence, as to rival Rome. Consider from what a mean and despicable beginning Holland arose. Look upon her present happy and fortunate condition, and reflect on what prodigious profit and gain trade

trade has been to her. From well-regulated commerce wealth and riches flow into a nation; by it the poor, who otherwise must starve, or live on the benevolence of their fellow creatures, are employed; and able seamen, the strength of a commercial country, are daily springing up, useful members of society. Besides, we are to consider, that a nation which chiefly depends on its naval force, cannot, without trade, be long free from the invasions and encroachments of its neighbours. What could England do without her fleet? and how could her fleet be manned without trade?

A navy cannot be supplied without the assistance of merchant ships, and therefore the merchants themselves ought to be encouraged and esteemed, and not despised, as in some countries, where the people are so fond of a title in the army or navy, that a lieutenant who never did the nation any service, shall be more honoured and valued than the merchant, who, perhaps, has enriched his country, and given bread to thousands of its inhabitants.

I do not (by so often insisting on the benefit arising to a people by riches flowing in upon them) mean that riches in themselves, or when they are the commodity of a country are so beneficial to a nation; they may then be very pernicious: for people having a great deal of money, are apt to grow lazy,

and negligent of business, which they will think unworthy their regard and notice: they think they have money enough to purchase from other countries those necessaries they have occasion for, and therefore will not trouble themselves about any home manufactures. By following their ease and pleasure, they enrich other countries, and render themselves weak and effeminate, despicable and ridiculous. Spain, notwithstanding her far extended conquests, her rich and wealthy mines, attained by the massacre of millions, is not become a more warlike, or better people, than before they possessed them; on the contrary, they are degenerated to a very low degree. Pride, sloth, and inactivity, are their qualities at present. I own, money will bribe; and there are few souls honest enough to withstand being corrupted: thus, by the means of bribery, a rich, tho' otherwise a weak and pitiful people, may support themselves, and even influence other countries, far more powerful, valiant, and industrious; but this they can do only by the means of a base ministry.

Sect. V. There are certain rules generally agreed on, by which we are enabled to judge of the particular trades which are beneficial and advantageous to a country. The following is an abridgment of what several authors have said upon that subject. Every trade which exports manufactures of the product

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of the country from whence they are exported, is certainly good and beneficial; because such a trade consumes the superfluities of their own product. That trade is also to be looked on as beneficial, which imports into a nation foreign materials, there to be worked or manufactured; especially if they have been obtained by the exchange of the country's commodities where they are to be manufactured, and if such a manufacture is chiefly exported; for such a trade employs the poor, and helps to extend commerce. That trade is profitable, and to be encouraged, which takes from a country its manufactures or commodities, and returns commodities, or even manufactures, which are necessary for the country to which they are returned. A trade may be also beneficial to a country, altho' a ballance be paid in bullion to another nation, provided the goods imported be re-exported. Generally all imports of goods which are re-exported are beneficial to a nation; and the carrying goods from one foreign country to another is a profitable article. A country which has no gold and silver of its own growth, ought particularly to encourage trade with those nations from whom they may receive gold and silver for their commodities and manufactures. Thus it is the interest of Sweden to encourage trade with England; for the English take from them great part of their produce and manufactures, and return a

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very large ballance in money. The bullion of a nation encreases from those countries who take from it a greater value of manufactures than they import into it, because the ballance must be paid in money; but a country which pays a ballance in money to others, and receives a greater value of manufactures from them, than they from it, must diminish in the capital stock of bullion, unless the goods imported be re-exported into another country from which a ballance in bullion may be re-drawn. The trade of that country which contributes most to the employment and subsistence of the people, and to the improvement of land, is most valuable. That trade which diminishes to the people the means of their subsistence, and the value of lands, is most detrimental and hurtful to a nation. A country which does not sell us so many manufactures as it buys from us, contributes the whole of the ballance betwixt that export and import to the employment and subsistence of our people, and the improvement of our lands. A country which sells to a people more than it buys from them, takes the whole value of the ballance from the subsistence of the people, and landed interest. The ballance which is either paid or received by means of a trade with any particular country, is one certain medium to judge of the value of that trade; for every particular trade contributes to the subsistence of the people, and the im-

improvement of lands, just as much as the ballance amounts to which it pays to the country. For the greater quantity of manufactures which a country sells than it buys, the greater is the profit and advantage which thereby accrues to it. It is beneficial to a country to export manufactures, and receive in their stead unwrought materials, to be manufactured at home; for tho' such a trade may not bring in bullion, yet it employs and subsists their poor. A trade may be beneficial to a country which takes out bullion, and returns commodities which are necessary for the people from whom the bullion is taken. For instance, suppose a country which carries on a large trade, and always keeps ready a formidable fleet, to have no naval stores of her own; it is plain, she must purchase them from other countries, even tho' she pays all bullion for them, otherwise she cannot carry on her other trades, nor keep up her fleets, which would bring on an inconveniency greater than that of parting with her bullion, and soon make her sensible of the necessity of purchasing those stores.

From the foregoing principles of trade may be formed a method of judging of treaties of commerce. A treaty is likely to be advantageous, which allows the exportation of commodities tending to employ the poor. This is a very great benefit, and ought to be well considered.

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Sect. VI. No body will pretend that the supreme power in a nation can render every particular trade beneficial to that country, but it should endeavour to get as great a ballance in the whole as can be obtained. "A nation, says D'Avenant, that by its whole dealing gets in the general ballance, visibly increases in strength and power, as the northern kingdoms have done since the war, and as England and Holland did before it: And a country that by its dealings loses at the foot of the account, does visibly grow weak, and decline; as Spain has done for these last three-score years: And of this matter, such as have not been bred merchants are as competent judges, as any trading person whatsoever. For it was to the deep judgments of the ministers of state, Richlieu and Colbert, and not to the merchants, that France owes the prosperity their trade was lately in; and 'twas their wisdom, more than the industry of their merchants, that laid the foundations of it." Happy is the nation where the ministers and great men delight in promoting trade, and frequently inspect and examine its state; wherever trade is found to decay, it ought to be the care of the legislative power to replenish its streams, and bring it back to its proper channel. The loss of one branch, may be the loss of a great many; and when once trade is gone, it is very difficult to regain it: so fast as one country loses it, another takes it

it up. Therefore all government ought diligently to watch the motions of commerce, and manage it according as different circumstances may require, keeping always in view the encrease of the national wealth, the employing of the poor, and the meliorating, and, consequently, raising the value of land. Such a conduct is at present highly requisite in England, where great part of the trade is decaying, and almost lost; which must end in her impoverishment, and the profit of those who take it up.

The trades which are beneficial to a country, ought to be the least burdened with duties and impositions, which are very prejudicial to trade in general, if injudicially and improperly laid on any particular branch.

It is a bad token, when money necessary for publick service (especially in time of peace) cannot be raised without incumbering the necessaries of life, or injuring an advantageous branch of traffick; for if such measures are then requisite, what must be the effect of a war? How shall a nation, scarce able to maintain itself in time of peace, be able to support itself during an expensive war? The government is likewise obliged to defend and protect the trade of their country. If in time of peace merchant ships should be taken, their factories plundered, and their traffick any way molested, it is absolutely necessary that immediate reparation be taken, if the court to which

which the offenders belong should deny reasonable satisfaction, or by shifting, equivocating methods should endeavour to bubble, and put off the injured with empty promises. In either case it is the part of the government of the injured people to right themselves, and, by reciprocal seizures, satisfy their suffering subjects; delays, in these cases, are generally dangerous. When others see a nation backward and timid to resent such injuries, they are encouraged, emboldened, and desirous to repeat such robberies. But when a nation is resolute, and resolved to do herself immediate justice, people will be afraid of provoking it. Had not England tamely put up the insults first received from the Spaniards, they would hardly have multiplied as they have done.

Sect. VII. The legislative power ought to maintain and promote publick credit; this is to be done by obliging the individuals of the society to perform their promises and contracts; by solemnly keeping their own publick engagements, by paying off, in time of peace, those debts which war might have brought upon them. Lastly, Credit is maintained by carrying on trades which bring in a ballance to the country; and as these are proper promoters of publick credit, so their contraries are destroyers of it. But among the most prejudicial accidents which can happen
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to it, numerous and powerful factions are the greatest. Publick credit is maintained by the legislative power obliging private people to perform their contracts with each other, and also with foreigners. It will encrease the good character of any nation, when it is known that justice can be had; and an injured person, tho' a foreigner, can get reasonable satisfaction, and, if cheated or defrauded, may have restitution from, and punishment inflicted on the offender. In such a nation, people will let their money circulate, not fearing (as in some countries there is reason) that justice will be denied them, or that fraudulent roguish debtors can screen themselves behind publick authority. 2. Publick credit is maintained by the publick being just to its engagements, standing to its resolutions, and performing its promises, such a conduct will gain a nation the esteem of other people; and if such a nation wants money, strangers will readily lend, knowing they go upon a sure foundation; and that their expectations, if grounded on the publick faith, will be answered and fulfilled. 3. Publick credit in a nation is supported by paying off in time of peace those debts which may have been incurred in time of war. When, without loading the people with grievous taxes, debts are paid off, foreigners will certainly entertain a much better esteem for such a nation, and be more ready to trust it, than if they perceive
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the people slow in paying their debts, and unable, for an age to come, to raise money sufficient for that purpose. How, say they, can we safely trust a people, who, so far from being able to stand good for new sums, cannot discharge old incumbrances? Some people may imagine it to be of no consequence, provided the creditors be not urgent for, or wanting their money; but, in my opinion, a country's credit will be always more flourishing, when free from debt, than when not. Indeed, I think it is very bad policy to delay the payment of publick debts in time of peace; for I am sure it cannot well be done in time of war; and as a country may be soon involved in a war, which brings the demands of creditors on apace, it is but prudent to secure a nation's honour, by preventing the dispute which must arise by refusing to answer those demands. But supposing the creditors should not demand their money in such a time, yet it is likely that a new war would bring the nation into a new debt as large as the old one. Thus the nation can never get out of debt; and as there is a certain sum beyond which a nation's credit will not go, it is a very ready way, by delaying paying debts in time of peace, to run so far into debt in time of war, that the whole credit of a nation will be ruined. Another evil attending this delaying to pay off the publick debts, is, the loading the people with an unnecessary charge;

charge, as great as the interest of the debts amounts to; which, if the debts be large, will be no despicable sum. Suppose a national debt (in round numbers) 50 millions sterling, and the interest be 4 per cent. the amount of the interest per annum will be 2 millions; to raise which, must certainly be a very great charge to the people. And, for my part, I can form but a very indifferent idea of a government that in profound peace cannot find means of paying off its debts. It argues, I think, either very bad management of affairs, or that the country itself is in a very poor condition; as to the former, the evil may proceed either from villainy, or ignorance, or both together: it may proceed from villainy, as when a ministry raises and keeps up the expence of the nation, in order to procure pensions, posts, or places, to its creatures and tools. This is cheating the country of so much money as the unnecessary pensions or posts may amount to, which, in some countries, arise to very large sums. Affairs may be badly managed thro' ignorance, when the managers are men of no capacity, incapable of penetrating into the designs of other courts, unacquainted with the interests of neighbouring nations, unable to form great designs, unknowing in the strength of other societies, and, while they are the dupes of foreign ministers, by repeated blunders perplex and confound themselves.

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The numbers of people, their different conditions, stations, age, &c. ought to be tolerably well known, if a government means well: a ministry knowing in these articles, will be able to judge how taxes may be laid on to the best advantage, and most equally; but when ignorant of these things, the national burden may encrease to a great degree, and by retarding the payment of the debts, ruin publick credit. Ignorant ministers will bring domestick affairs into such confusion as they shall be obliged to use desperate means to preserve themselves from resentment at home, and danger from abroad: their folly and timidity bringing a nation into treaties inconsistent with each other, will put them, on every slight report from abroad, to make preparations, fit out fleets, and levy troops; as if upon the point of engaging in a formidable war. The remedy of this evil is, to remove the cause, that is, to depose either roguish or ignorant ministers, call them to an account for their conduct, punish them according to the heinousness of their crimes, and place more honest and able men in their stead. If the debts of a nation be not paid off on account of the real poor condition a nation is in, the government is then to promote the most likely means of retrieving its condition, and bringing it to a flourishing and prosperous state, so that she may be able to discharge her debts, and preserve that public

lic credit which is so advantageous to every place that enjoys it.

Trade, I mean a well-regulated trade, is in several countries, in all countries capable of it, the best way to bring them from a poor to a rich, from a miserable to a happy condition; and this naturally brings me to mention the last thing proposed for advancing publick credit, I mean the carrying on a trade which brings in a favourable ballance. This certainly will make foreigners entertain a respect for a country, and encourage them to credit and trust it, as they know it daily gains and encreases in riches; but a nation that is poor, and without a way of bettering its state, will scarce be able to find credit; for people will hardly be prevailed on to trust where they can have no hopes of gaining by such trust, or even of recovering their own: and this holds equally true in public, as in private life. I have now finished what I had to say with regard to the methods proposed for encreasing publick credit. As to the causes of its ruin, tho' they are many, I shall only take notice of one, it being sufficient to my present purpose; and that is, (as I have already said) powerful and numerous factions. When factions prevail in a country, nothing is thought on for the publick good, each faction seeks its own advantage, and builds its happiness on the nation's ruin. Credit must certainly sink in such circumstances, for people

ple will be wary how they trust a faction, which tho' this day is in a flourishing condition, may fall to morrow, and be crushed under a superior weight; and then what will be the consequence to the creditors of the fallen party?

Nothing can promote publick credit, and continue it, but what is really beneficial, not to a particular faction, but to the publick: a king may have his party, the clergy may have a party, the nobility may have a party, rebels, in short, or the worst of men, may have a party, and each of them may pretend to promote the publick good, while they are destroying the publick interest, and bringing publick credit to the lowest degree, to the brink of ruin, nay, to ruin itself. Factions may prosper, while a nation is falling to destruction, but can never prosper in conjunction with the nation; neither can a nation, if torn by faction, prosper, unless publick spirit prevails over that of faction, and destroys it. Tarquin had a faction in Rome, but publick spirit was more powerful than that of faction, and, accordingly, publick interest prevailed. James II. of England had a strong party, but publick spirit prevailed, and therefore publick interest and credit also prevailed. But when publick spirit is not among a people, we may then conclude that faction will conquer, and the interest of the people will be slighted and disregarded. When the love of

our country does not influence us more than any private views, it is a token we are factious, or ripe for faction, and ready to sacrifice publick interest to private advantage. Thus in Rome, as it is observed by one of our present writers, "Even in the senate Octavius had a party; Anthony had a party, but the commonwealth had none. In short, the freest people on earth, by suffering the spirit of liberty to decay, and that of faction to grow up, became slaves to such a succession of monsters, (continued with very few exceptions from the reign of Augustus to the destruction of the empire) as God never sent in his wrath to execute vengeance on any other nation." Let every man, who regards the publick good, and wishes well to publick credit, use his utmost endeavour to root out faction, wherever or in whomsoever he shall find it; let all lovers of their country bravely prosecute to destruction, misery, and eternal infamy, all those who promote faction, or are infected with the spirit of it; a distemper more dreadful than plague, pestilence, or famine. From these a nation may recover, but the consequences of faction, when it gets the ascendancy in a state, are mortal, and irrecoverable. Let us conclude this subject with a quotation concerning publick credit, from one of Cato's letters. "Credit may be said to run high, when the commodities of a nation find a ready vent,

and are sold at a good price; and when dealers may be safely trusted, upon reasonable assurance of being paid. Secondly, When lands and houses find ready purchasers, and when money is to be borrowed at low interest, in order to carry on trade and manufacture, at such rates as may enable us to undersell our neighbours. Thirdly, When people think it safe and advantageous to venture large stocks in trade and dealing, and do not lock up their money in chests, or hide it under ground. And, fourthly, When notes, mortgages, and publick and private security will pass for money, or easily procure money by selling for as much silver and gold as they are security for, which can never happen but upon a presumption that the same money may be had for them again. In all these cases, it is abundantly the interest of a nation to promote credit and mutual confidence; and the only possible way effectually to do this, is to maintain publick honour and honesty; to provide ready remedies for private injustice and oppression; to protect the innocent and helpless from being destroyed by fraud and rapine. But national credit can never be supported by lending money without security, or drawing in other people to do so; by raising stocks and commodities by artifice and fraud, to unnatural and imaginary values, and consequently delivering up helpless women and orphans, with the ignorant

rant and unwary, but industrious subject, to be devoured by pickpockets and stockjobbers; a sort of vermin that are bred and nourished in the corruption of the state. This is a method, which, instead of preserving publick credit, destroys all property, turns the stock and wealth of a nation out of its proper channel, and, instead of nourishing the body politick, produces only ulcers, eruptions, and often epidemical plague sores. It starves the poor, destroys manufactures, ruins our navigation, and raises insurrections, &c."

I am sensible, that where there is a large debt, and that where the funds for that debt are the support of a large paper credit, to pay off the whole at once would be exceeding pernicious; but this will probably not be the case with any nation, and therefore an objection drawn from this consideration would be chimerical.

Sect. VIII. The third method proposed for a supreme power to render a country wealthy and prosperous, was, by allowing liberty of conscience, every man to profess his sentiments freely, and not be liable to any trouble on account of his religion. Toleration is very beneficial to a nation, for the following reasons: First, It hinders persecution, by which people are forced to withdraw themselves from their native country, banish themselves from their friends and relations, and to

retire to some other country, where they are allowed to serve God, in the manner their reason directs: and the loss that happens to a nation by its natives thus abandoning it, is very great, as will appear to any considering person. To such a one it will further appear, that the evil particularly affects gentlemen whose estates are in lands and houses, whose wealth, and figure in life, depend on high rents, and the great value of their lands; for the greater number of inhabitants there are in a country, the more occasion there will be for habitations, and the greater will be the inclination for purchases; the consequence of which is, that rents will become higher, and the value of land encrease: for where there are many buyers of any commodity, not very plenty, the price of that commodity must rise. Secondly, A persecution not only weakens a nation, by depopulating it, and lowering its rents, lessening the price of land, and rendering money scarce; but also enlarges the power and greatness of the nation to which the poor persecuted people fly: the money and goods they are masters of, go along with themselves; the knowledge they have of any manufacture, or art peculiar to their own country, they will promote and improve in that of which they become members. Thus their original country does not only suffer by their immediate absence, but also, in case of a war, promotes to itself
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an enemy, stronger, and more formidable than otherwise it would have had. By penal laws the supreme power hinders strangers from coming to settle, which is depriving the nation of a very great advantage, greater, perhaps, than is generally imagined. There is now a northern kingdom, in which toleration is not allowed, which prevents several other good regulations taking effect, and which, if it were allowed, would, with the wise measures already taken in that nation, raise it in a short time, to a degree of power and wealth as would render it formidable to most states in Europe: but I am inclined to think, that the ignorance of the clergy and country people will be a perpetual obstacle to such a beneficial liberty being granted in that state, the advantage of which is great beyond description, and the prohibition is both pernicious and wicked. I would not only have a toleration for different sects of Christians, but also for Jews and Heathens. To pretend to force any people in religious matters, is quite contrary to Christianity; and, as the wise Grotius writes, "it was the entire sentiment of Christ, the founder of the new law, that nobody should be driven to embrace his religion by the pains or terrors of this life." This was probably Tertullian's meaning, when he says, "That the new law is not to be propagated by the sword."

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I might enlarge, not only in theory, on the benefit arising from toleration, and allowing different forms of worship; but also shew, by the experience of several countries, how some have suffered by endeavouring to force people to join in a worship they did not approve of; and how some have flourished by permitting people to profess any religion which to them seemed most reasonable: But this being a subject which several authors have at large and judiciously treated, I shall not enlarge upon it, but will conclude this chapter with observing, (what might indeed have been more properly observed before) that in enacting laws, there are several circumstances which ought to be reflected on and considered, and, particularly, the nature and temper of the people for whom the laws are to be made. The constitution of the country ought also to be a guide in composing laws; and in every country whatsoever this is to be observed, that in making laws the good of the society in general is to be regarded, and not the profit of a few particular people, howsoever distinguished by the title of ministers or favourites of a court. *Jura non in singulas personas, sed generaliter constituuntur*: Laws are made not for individuals, but for the whole body politick.

C H A P.

C H A P. III.

Containing the duties of the several officers in a state; as kings, ministers, clergy, magistrates, &c.

HAVING in the former chapter endeavoured to explain, in some degree, the duty of the sovereign power; I shall now describe the duties of the several members commonly employed in society, and begin with kings, whom I now consider as limited, tho' the same is applicable to the most absolute monarch. The first thing necessary for a king, is, that he has a just sense of the great obligations incumbent upon him to protect his people, and promote their interest. A king should remember, that he is appointed for the good of the people, that he is their servant, that as they have entrusted him with great authority and power, as they have given him large revenues to support his dignity, and pay him homage, respect, and reverence; so in all this they certainly have some view, and expect some return. This a king should consider, and act accordingly. A man cannot with the least shew of reason pretend that kings were first instituted by God for no other end than the satisfying their own ambitious

bitious passions; to assert this, is, I think, highly ridiculous; and not much better is the divine right, the darling principle of wicked kings, false courtiers, and servile minds. The best right any king can pretend to, is, the call of his people, his own just behaviour, and his acting agreeable to the end for which he was made a king. But how he can act thus, without being sensible of the end of his institution, and without knowing his duty, is difficult to be accounted for. When a king comes to a crown possessed with wrong notions of his institution, imagining the end of his station to be different from what it is, what government and conduct is to be expected from him? A man who entertains wrong sentiments of the nature of God, is not likely to be a truly religious man, but rather a bigot, a libertine, or any thing but what he should be; so a king who has wrong notions of the end of his institution, is not likely to govern conformable to that end, and consequently he must govern wrong. If then it be so very necessary that a king should know the ends for which he is a king, let those who have the education of princes make them, while young, sensible of what they are, and for what end they are destined one day to mount a throne; let them know that God, who is king and lord over all, proposes the happiness of all people, and wills not that any should be miserable; instruct them

them, that to imitate God, is the best part they can act, and then they will think it their duty to make men happy. Let them know that people have kings over them that they may enjoy ease, satisfaction, and happiness, which they thought could not be so easily obtained without them. When monarchs act from motives flowing from these principles, they are in a fair way of being both great and good, and will have their names transmitted to posterity with honour and applause. A prince thus influenced, will in the first place make himself acquainted with the constitution of the country he either governs, or is likely to govern; without this knowledge, it is almost impossible that he can govern rightly. If he gives himself up to the conduct of ministers, it is ten thousand to one but the people will be miserable. Ministers, for the most part, find their interest in oppressing the people, and misguiding their master, and are often obliged to endeavour the ruin of both, to preserve themselves. Some ministers are, and some have been good and worthy men, men of honour, integrity, and honesty; under whose administration things have gone well, and affairs have been wisely managed; but we commonly find, that in such cases princes themselves have been also men of sense and virtue, that they have often inspected and examined their ministers conduct, given them orders,

orders, and were the chief springs of the happiness derived from their government. Nor do I remember to have heard of such halcyon days in the reigns of princes (I do not speak of minors) ignorant of the constitution of the country they governed. Alas! how is it possible a nation can be well governed, when her governor knows not how to discharge his duty? Unhappy, indeed, must be the people, in such a case. A prince who has not sense enough to see the necessity of his understanding the constitution of his country, can hardly, I think, be wise enough to be capable of distinguishing and chusing men of capacity and merit to be his ministers; therefore, in such a case, the people can have but little satisfaction in the hopes of a wise and good ministry; and it would be surprizing if wicked and ignorant kings should not chuse wicked and ignorant ministers. This has been the case of most bad princes I have read of in any history, and will, I believe, always be the case.

Secondly, A good prince will form his publick conduct according to the constitution, and in his private morals will be a pattern of regularity and good manners. As in religion the example of the priest has great effect on many people; so also in politicks hath the example of kings. A king who acts contrary to the constitution and laws of his country, not only gives example and encouragement

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to others to transgress, but also furnishes motives and reasons to the people to rebel, and chuse another head.

There is a compact silently intimated (if not expressed) between every king and his people, and when one party acts contrary to, or breaks the compact, the obligation of the other party is void. Among all people there is a certain relation, and, as a right reverend prelate observes, "In all relations where the foundation is taken away, the relation and obligations arising out of it are destroyed. The relation of children to a parent arises out of his conveying being to them; but if he goes to destroy that being, they are acquitted when they defend themselves. The right of our princes arising out of our legislature, the setting that aside destroys the foundation even of the prince's authority, and so releases the subject. And if it is lawful to defend ourselves against an usurper, which none deny, (for the higher powers that may not lawfully be resisted, are only the legal, and not the usurping powers) then a prince who assumes a power that he has not, over the legislature; by that very pretension he makes himself an usurper."

Thirdly, A king should be very cautious in the choice of his ministers; they ought to possess the very best qualities, to recommend them to be prefer'd to the honour of being near his person, and influencing affairs. When

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a king chuses men to be his ministers merely on account of incapacity, or their being fit instruments for promoting his pleasures; in such a case, affairs are likely to go very ill. We have several examples of the fatal effects of such government. Let a king chuse for his ministers men of known integrity, men of honour and honesty, men tenacious of their word and promises; let them be men who have already distinguished themselves by their love and esteem for their country, and whose fortune is not despicable, and whose relations and dependants are neither poor nor numerous. A king ought to know this; for if a man be indigent himself, or have a great many poor relations, or friends, such a man, when he comes to finger the bewitching and enticing treasure, will hardly be able to resist the temptation of applying some to his private use, especially when he considers what a genteel way of cheating this is, not like those mean methods which endanger a man's neck, but, on the contrary, gets the character of a penetrating man; and if the money were his own, and not the publick's, he would be accounted generous and benevolent. A king, in the choice of his ministers, should have great regard to the people's inclination; certainly a good king will use every reasonable method to please the people, and gain their affections; and there are few things a prince can do, which will
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be more agreeable to a nation, than chusing ministers who have the esteem and love of the nation. When ministers are chosen whom the people dislike, the king not only draws hatred on their administration, but renders his subjects disaffected to himself, discontented with his government, and ripens them for rebellion; and as a king should, in the choice of his ministry, consult the people's humour; so, when he finds a ministry is become disagreeable to them, he ought not to continue it: nothing can render him more beloved by his people, or make them more ready and chearful to serve him, with life and fortune, than the delivering up a ministry obnoxious to them. I do not mean, that a king should disregard his faithful servants, or desert and leave them to the fury of an incensed faction; no, I mean, he should leave them, when guilty, to the resentment of an injured nation. Factions are mere pests of a country, and ought to be discouraged by every honest man; neither prince nor subject should shew them (except in a political view) any regard or respect; but when the best and most loyal subjects, when honest and good men, when landed gentlemen, merchants, tradesmen, labourers, and a majority of all sorts of peaceable, quiet and worthy subjects, do call out for a change in the ministry, and punishment upon the acting ministers; I think, in such a case, a
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prince ought to change and punish accordingly: and he certainly will, if he be not, as Pharaoh, hardened to his own destruction. When it is put to a king either to change his ministry, or lose the people's affections, I think he cannot, with the least appearance of reason, hesitate which to chuse; he (if more generous motives will not influence him) ought to consider what melancholy consequences have attended several princes too obstinately protecting their ministers. He may, indeed, hinder such a demand; by taking the advice given in the beginning of this article; and happy would it be for a nation, if ministers, and other officers, would, as Tully directs, consider the honesty of the employment, and their own capacity to manage it. "Let the person who undertakes the management of an affair, says he, not only reflect upon the honesty of his undertaking, but consider his own ability to carry it thro'. And in this the main point is, that he avoid being either too desponding thro' laziness, nor be too presumptuous thro' ambition. Therefore, in all matters mature deliberation is requisite before one undertakes them." This is a golden rule, and ought to be minded by all sorts of men, and would prevent the people's out-cries and demands for bringing ignorant and guilty ministers to justice, which too often happen, but are what a wise king will not scruple to comply with.

with. An obstinate humour of defending over-grown ministers, was the chief cause of the melancholy fate of Edward II. He came to the crown, if not with the unanimous, yet with the general applause of his people; almost every one was fond of him, and hoped to see a continuance of his father's virtues. He accordingly ascended the throne with advantages, which, improved, might have rendered him a potent and glorious monarch; but, alas! before the funeral obsequies of the deceased king were performed, he broke his oath, and, contrary to the request of his dying king and father, he recalled Gaveston from banishment, and was so passionately fond of him, that he thought all the honours and riches in the kingdom too little to bestow on his favourite, whose ascendancy over his prince was owing to a blind conformity to his passions and inclinations; and when he found himself, in effect, master of Edward, he then launched out into pride, arrogance, and self-conceit. He governed the king as he pleased, who, when he went over to France to celebrate his marriage, left him guardian of the realm, and after his return continued to heap favours upon him. The parliament, however, no longer brooking the insults of the minister, petitioned for his banishment; and tho' the king was obliged to agree to it, yet, by the manner he did it, he shewed how contrary

it was to his inclinations; and the man was hardly departed the nation when recalled, I may say, to repeat his intolerable insolence. Such a behaviour, licensed and encouraged by the king, could not but alienate the affections of his people, and produce a general discontent; the consequence of which was, that the royal authority was put into the hands of some lords appointed by parliament, and Gaveston was a second time banished. Had he remained in banishment, the king, by a prudent conduct, might have regained the people's affection; but so strangely infatuated was he, that he again recalls this arrogant creature, who, with more audaciousness than ever, repeated his villainies, and, as it were, wrested from the people all their remaining love and veneration for the king. So they joined under the command of certain lords, who having seized the cause of all their grievances, were carrying him to the king, but he was cut short in the way, by the earl of Warwick, who seized him, and ordered him to be beheaded, which was accordingly done. After some delay on Edward's part, things were brought to an accommodation; a general and particular pardon was ordained, and once more he had it in his power to regain the love of his people, which would have carried him thro' the world with safety and honour; but as he meditated their undoing; so he sought to destroy them,

them, by taking to his bosom the two Spencers, father and son, who obtained as great a power over him as ever Gaveston did, and were more dangerous to the people; for with all that favourite's wicked ambition and pride, they possessed far greater natural abilities: however, the king was obliged to consent to their banishment; but getting an advantage over the barons, he recalled his darlings, and, by their advice, shed the blood of the best families in England. No man was spared whom they suspected, and they suspected all who were eminent for justice, honour and virtue. They abused the queen, who getting into France, did not return till matters were ripe for her designs of destroying those men, and ruining the king himself. With this view, she got a considerable power together, and found almost the whole kingdom in her party. The people, who once, notwithstanding all their grievances, would have assisted the king, were now too much incensed against him to serve him; they hated him on account of the obstinacy with which he defended their oppressors, whose last fate was now near approaching. But as it was impossible to destroy them without subjecting the nation to the king's revenge, a parliament was called, who deposed poor Edward, and made his son king. His miseries did not end here; he was confined, and very hardly used by his keepers, who, after a thousand indignities

nities put upon him, destroyed him in a most cruel and barbarous manner; which miserable end he had indeed brought on himself by protecting his wicked ministers, whose great aim was to destroy the spirit of liberty spread thro' the kingdom, and which, when it prevails, must reduce to the lowest sink of misery any powerful pernicious favourite. This Gaveston found, and this the Spencers experienced; and monarchs may from hence learn how necessary it sometimes is, to give up ministers to the voice of a people; and it is much more glorious for a prince to be influenced by the publick good, than private passion proceeding from favour for any particular set of people. In the former case, he may depend on assistance against his enemies; and both the hearts and purses of his subjects will be at his service: but in the latter case, if an enemy attacks him, he must expect but poor supplies and aids, because they will be given with an unwilling mind. A king would, I believe, agree to this, and to the reasonableness of it, if he considered that the end of his institution is the good of the whole; that he is not to advance and promote the profit of any particular part, to the prejudice of the society in general; this gives birth to factions, which, as I have already observed, are the pests of government, and should have no favour or encouragement. For whoever favours a faction, is an enemy to

to the whole, to whose good all our actions should be directed, and all our designs conducted, which never can be the case with those who enter into factions, parties, and private views. Plato's rules, if minded, will prevent this evil. "They who are to be over the publick good, says a certain author, ought by all means to observe Plato's two maxims; first, to make the good of their country the sole end of all their government and actions, without private views. The other, to keep so watchful an eye upon the whole body of the commonwealth, as that while they are protecting one part, they may not forsake the other. For the publick is a kind of a ward to its governors, and ought to be managed not to the advantage of those who govern, but of the governed. But they who take care of one part, and neglect another part of the publick, introduce a very pernicious practice into the state, tending to sedition and discord: so that it happens, some make their court to popularity, some to power, but few aim at the interest of the whole.

Fourthly, A king should often examine the conduct of his servants, and call for their accounts, making them give an exact relation of every sum taken from the treasury, check them for unnecessary expences, and punish them for any fraud. If princes acted thus, what great sums might be saved to a nation! how many hard and grievous taxes might be

taken off! and what ease might the people have! All degrees would find the benefit of such a king's conduct, under whom ministers would not have it in their power to plunder the people, and raise immense fortunes on the ruin of others; which is a crime of the blackest dye, and deepest stain, and yet it is what has been frequently practised by those who have had the charge of publick treasures. We do not, indeed, find that good ministers under any reign have amassed such great riches, as bad ones have. A king, whatever his ministers may be, should examine, and go to the bottom of affairs himself, it is his duty, and he ought not to be diverted from it on any account; for his people's happiness in a great measure depends on it. I know, that in order to act this part judiciously, a king should be knowing in several things which I am afraid most kings are ignorant of, which is chiefly owing to their education, to their governors, and tutors. They ought to know the quality of their country, its inhabitants, and what probably may be the produce of any tax, which if they knew, and made a right use of that knowledge, a great deal might be saved in the manner of gathering it, and themselves not imposed on, as at present most kings are, by being told, and believing that many duties do not produce half so much as they do. The consequence of this, is an encrease of burdens on the

the people, and vast riches to court-minions; multiplicity of officers and ministerial dependants, who fleece the people, and wallow in plenty, by reducing the society in general to want and misery.

Fifthly, kings ought to be much on their guard against flatterers. Flattery has often ruined princes here, nay, has perhaps rendered them miserable, even in another life. Nothing can shew greater weakness in any man, than to suffer himself to be flattered, to receive the fulsome praises of mercenary wretches, and delight in the vain applauses of men, who, if fortune should forsake him, would be among the first that would leave and despise him. These sycophants would fly to a new master, and abuse him with their unworthy praises, and false pretences of being at his devotion, just as before they had to the unfortunate prince. Common sense, from experience, teaches us, that men, or at least the generality of them, will pursue their own immediate interest, and, tho' to the detriment of others, will endeavour to encrease their estate, raise their titles, and advance their grandeur. They are indifferent what evil they may produce, or what mischief they may create; their passions drive them, and to gratify their passions is their chief aim. When princes consider this, they certainly may conclude, that all those complaisant gentlemen who seem to esteem and respect them

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so highly, are aiming at their own advantage and profit.

There is no greater misfortune can attend any man, than that commonly attending princes; I mean the being deprived of the means of knowing the truth. Every one who waits upon them, generally endeavours to conceal from them what is true, and impose upon them what is false. A king's most faithful and loving subjects shall be represented to him by his courtiers as factious, unworthy citizens, and as men who are disaffected to the government; when, perhaps, the only reason of this calumny is, that they oppose some wicked ministerial schemes, which tend to the destruction of both their country and king. How would a king, if he was a man of any integrity and understanding, value and esteem the worthy part of his subjects, whose misfortune is, that he is ignorant of their honest intentions, and good designs? but, alas! those whom he thinks are faithful to him, do daily deceive him, and prevent honest men from approaching him; which is a strong reason for the advice in the last article, and proves how necessary it is for kings to examine and see into affairs themselves, and not be, as it were, led by the nose, and tutored by their ministers. It is unworthy their character, it is incongruous with their station, with the trust and charge reposed in them. They are to govern, not to be governed
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by any faction of men whatsoever; but by the good of the people, by the interest of the society of which they are the head, and therefore let them act as rulers and fathers of their people, not as the dupes and slaves of parasites and pestilent flatterers, of which there are a sort who make it their business to extol every thing, (tho' vicious in the highest degree) which princes do. They tell them, that all the princes their predecessors were nothing if compared with them, they will make them sole possessors of prudence, fortitude, and other virtues, when perhaps they are wholly swayed by the opposite vices. These sort of flatterers will sometimes carry their absurdities so high, as to offer immortality to their prince, and endeavour to persuade him that he is some deity, that he is the immediate offspring of heaven, and far above human kind. The behaviour of Canute to these base sort of creatures, was as follows: He ordered his courtiers to attend him to the sea-side as the tide was coming in, and there sitting down in his chair of state, in their presence he commanded the roaring sea to approach no further, and forbade it to dare to wet his garment, or touch him, whom his courtiers pretended was its master. But the sea advanced, as usual, and not minding the prohibition of Canute, first wet his feet, and proceeded higher and higher, till it came to his thighs; upon which he
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rose up, and from that took occasion to convince his flatterers of their folly and base adulation. Pity it was he did not repeat his commands to the regardless ocean, and make these minions remain on the sands, as a warning to future sycophants. As a late bishop of Worcester observed, "The world is always vain enough to flatter greatness, either out of weakness or design; but true greatness of mind despises flattery, and where that is wanting in any, this very flatterer despises them." No wise man will suffer himself to be flattered, for flattery is always the fruit of falsity. No one that has a sincere value for another will flatter him, for flattery and truth are irreconcilable enemies. Therefore, as princes regard truth, let them hate and condemn flatterers; let them consider how some princes have suffered by those vermine, who, when fortune smiled, pretended to be willing to sacrifice life and estate in their service; but no sooner did she frown, but those parasites likewise frowned, and despised their poor deluded masters, or scorned and mocked them for their easiness. Those very masters to whom they were once ready to pay adoration, now they jest and scoff at, and have hearts hard enough as to deny them, were it even to save life (if their new lord so pleased) the least necessary to support nature, or protect them from the injuries of the elements. As they are no longer able to gratify their

passions, they no longer regard them. Be assured, O princes! that those very men who now seem so devoted to you, would, for a little more gain and power, fly from you, and seek a new master; they would abandon you, and, for a little profit, would themselves be your executioners. Can you bear such wretches to prey upon you? Can you suffer them to aggrandize themselves and creatures, to possess the greatest wealth, and highest stations in the nation, and all this by abusing and imposing upon you, by hiding from you what you ought to know, and filling your ears with falsities instead of truth? Is it possible you can bear such usage, which no wise man in private capacity can bear? To be the dupes of the vilest of the creation, is so much beneath the dignity of a man that pretends to govern, that it is a prodigy such fiends should prevail as they do. It is true, they are chiefly to be found in arbitrary governments, where they have absolute power for the object of their adulation, and where many circumstances unknown in free governments do maintain them. As Mr. Gordon observes, "Flattery ever rises in proportion to power and fear. Where law and liberty reign, and men hold not their property and lives at the mercy of one or a few, this security begets in them a pride and a stubbornness inconsistent with servility and adulation. What a poisonous thing is this same flattery?"

By it princes are misled into a persuasion that all their measures of oppression, all their acts of frenzy and rage, are just measures of government, that forced praise is real affection, that they themselves are popular when they are abhorred." Says the same author, "I shall conclude this discourse with observing, that as flattery is the effect of dread and falsehood, and men of the falsest minds are the greatest flatterers; this consideration should be a lesson to princes and great men, to weigh the actions they do against the praises they receive; and if they find themselves righteous, they may conclude their panegyrick to be sincere. Let them reflect on their acts of benevolence or oppression, and how they have used their people. They would also do well to examine what sort of men they are who praise them, whether men of virtue and honour, lovers of truth, lovers of their country and human kind; or whether they are those unlimited sycophants, whose custom and rule it is to extol at random all the sayings and doings of princes worthy and unworthy: *Quibus omnia principes, honesta atque inhonesta laudare mos est.*" A custom as prevalent now as in those times, and which has, and always will have the same melancholy effects as in times of old; for mankind are the same.

Sixthly, A prince who would attain the glorious title of father of his people, must avoid

avoid overloading them with taxes, and exhausting them of their treasure. When necessity requires, he has a sure and certain resource, if he has at other times been frugal; he may then depend on the purses of his subjects, a more substantial dependance than all the loads and taxes that the mind of man can invent. When people find that the prince will not ask them, but for their own good, they will cheerfully launch out, and supply him with alacrity and dispatch. But a king who fleeces his people in time of peace, when there should be the least expence, will find himself in a poor condition when war attacks him, and armies are to be maintained, garrisons defended, and when extraordinary charges hourly flow in. In such a juncture he must extort and drain the people; but having done so before, there remains little for him to drain or extort; and as without money he can expect little service, it is likely his affairs will go very ill; nay, perhaps destruction to himself, and also to his dominions, will be the consequences of his former prodigality. The less a prince takes from his people, the more will the people encrease in riches, and consequently they will be the more able to afford him the necessary supplies in time of need. If princes considered this, they certainly would not be so lavish as they generally are; there is hardly any prince in Europe, whose expence is not far greater than

than is requisite to maintain the nation, and even keep a more magnificent court than he does. What then is done with the overplus? Minions, parasites, and sycophants; false friends, base flatterers, and a train of the vilest of the creation, devour it. Honest men, men of virtue, abhor it, as a thing unhal- lowed, and not belonging to them. Would princes forbear taking from the people what those enemies of mankind enhance, there need not be (in some countries) by one third so many burdens on the subjects as there are. We learn from all history, that under the government of profuse princes no nation ever flourished and prospered near so much as under a frugal and parsimonious conduct. For to flourish and prosper, is inconsistent with extravagancy and profusion. In private life it is allowed, and in regard to the publick it is the same; when the publick has spent its treasure upon its enemies, nay, upon its worst enemies, upon minions, upon men who to save it from total destruction would not re- turn one penny; and when it cannot give any more, yet still the people must subsist. But then there is hardly any people, who, if they can help it, will give up their subsistence to maintain a prince, who having no com- passion on them, has wantonly brought them to poverty and want. If there are any such people, they are hardly worthy of charity. Some are apt to imagine, that profusion in

a prince is an ensign of a noble spirit. To live luxuriously, to maintain in riot and de- bauchery a number of people, is what some unthinking men look on as a token of a great prince; but could these people think so if the prince should take out of their pockets more than they can spare, and bestow it in keeping others in idleness and luxury, I be- lieve they would change their opinion. Yet this is the case with extravagant princes; they take from the nation, they oppress their sub- jects, and apply the product of this oppres- sion to keep up a few favourites in gratifying their humours and vices. A prince has no right to one farthing of the people's money, more than is to be employed for the people's interest and credit; and it can hardly be reckoned for their interest and credit, that large sums be applied in corrupting and se- ducing those who are yet neither tainted nor shaken; in continuing and supporting those who are; in destroying those who neither are, nor will be corrupted; in maintaining a se- raglio, and other effeminacies; and, in short, in purchasing infamy abroad, and destruction at home: these, no man in his wits will reckon a country's good, and yet these are commonly the product of the superfluity of a prince's revenue; or else (which is also hurt- ful to a nation) he hoards it up in his cof- fers, or employs it in unnecessary buildings, which may please his fancy, but not benefit his

his people. It is not a pompous court, a vain and numerous nobility, or a lavish administration, that will procure a nation respect and glory from abroad; it is the opposite qualities that must attain these ends. Fine cloaths, and delicate living, do not strengthen but enervate men's minds, as well as their bodies; and when they prevail too much at court, the nation is in proportion weakened and impoverished. In the most extravagant governments you will find some plentiful estates, fine palaces, and subjects proper to delight every sense; but these are the extravagancies I complain of; for look into the condition of the people in general, you will find a different scene, and another face of things.

Seventhly, A prince ought to be very careful in keeping his word. In any man it is a highly requisite and necessary characteristick, and as far as a prince's station of life is above others, as much more requisite is it for him to be tenacious of his word. To represent things otherwise than they are, is unworthy a creature who is endued with a faculty of distinguishing and discerning things as they are. A king who (unless in very critical junctures) is guilty of this vice, must, according to the nature of things, be despised both at home and abroad. None will trust him, all his promises and engagements will be looked on as naught.

Wretched

Wretched is a prince whom his people will not trust, and whose word will not pass. In an evil day (and all princes are liable to those days) a false prince will find himself in a very deplorable condition; his fair promises will not avail. Mankind will not trust him beyond what they can call him to an account for. This many have experienced. In English history we find few monarchs since the reign of William I. that have come to melancholy ends, excepting those who by falsifying their promises, and disregarding their compacts, have brought upon themselves the scorn of their subjects, and rendered even their own party doubtful of them. John might have reigned gloriously and happily; if he had possessed honour enough to have kept his word; he frequently promised, but as frequently broke his promise, by which he spent a life in trouble, vexation, and almost constant broils, and lost his life in defending his falsehood. For because he could not delude mankind as he pleased, he abandoned himself to grief and sorrow. It is needless to go thro' the history, I will only mention two more. However unjust the death of king Charles I. might be, he never would have fallen as he did, had he, as he promised, acted according to the principles of the constitution. Had king James II. behaved as he declared he would, had he supported the government in church and state as

by law established, he would never have given occasion to the calling to our aid the late king William; but before he was well established in his government, he broke his word, despised his compact, and avoided truth as much as he ought to have done falsehood. What an infamous, what an ignominious character! perhaps it may, and I know it has been said, that it is impossible for princes to act agreeable to their words; but, for my part, I can see neither impossibility nor difficulty in it. A prince, by observing the following rules, may stick to veracity.

First, Resolve in the whole course of government (so far as you are able) to do nothing contrary to the laws of the nation, to the interest of the people. Secondly, Propose in all your actions, as the sole end of government, the good of the nation. Thirdly, Keep those ends always in view, examine all your designs, and see what relation they bear to them. Fourthly, Employ in your service men of experience, knowledge, and honesty; men who will tell you the truth without flattery. Fifthly, Whenever you find your ministers flatter and deceive you, discard them as fast as prudence will allow. Sixthly, Be slow in promising the smallest favours, but when you do promise, do not fail to perform. There are some who deny no requests, but by their conduct shew that

a petitioner might have much better hopes if they did; they promise every thing, and perform nothing.

Eighthly, A king ought to encourage his ministers to represent to him things as they are; in letting him know the people's grievances, what are their complaints, and how affairs go in his dominions; tho' a prince may be very active, penetrating, and diligent, yet I do not pretend that he can attain to the knowledge of all that is necessary for him to know, nor can he manage the nation's affairs without ministers to act under him, and who may inform him of what is fittest to be done. The most worthy of those are certainly such as tell the truth to their master, without deceiving him. I own, under arbitrary governments it is difficult to find such men; every one is for his own interest, having no liberty, no property, that is, no certain property to defend; each is for being the most powerful and arbitrary slave: so that a prince even well inclined will have a difficult work to find men who will be faithful to him and their country; but (as Mr. Gordon has observed, with his usual judgment) "In a free country, a prince has a great advantage and assistance in chusing his ministers; for if his intentions be righteous, if he mean to maintain the constitution and the laws, he will of course appoint men of name and ability: and this he may do without much

ability of his own. He need only attend to the unbiassed humour and opinion of the representatives of the people, and he cannot fail of being furnished with the ablest men." His business then is, to hear what those able men represent to him, and from that knowledge of the real state of his subjects, direct the measures of his government accordingly. By this means a prince may learn what taxes are most necessary to be laid on, what are the least burdensome, and what are unnecessary. He may avoid the trouble and uneasiness of procuring a corrupt majority to grant him exorbitant and unnecessary sums; he may avoid the odium of being thought the author of grievous and hurtful impositions; for the people will grant with pleasure what they see is reasonable, and for their good; they will be ready with their purses to a prince who desires only what is necessary, and who is studious of the easiest and lightest method of supplying the exigencies of his government. There are some people who deny that any good effects can flow from different parties existing at court; but to me, a great advantage seems to result from it. A prince, by prudently countenancing men of different sentiments, (not different interests, for all their interests ought to be that of their country) may more easily obtain a knowledge of things, and is not so liable to be deceived; each party will be more upon their

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guard, and knowing that the prince's aim is truth, lest their falsity should be discerned, they will more readily and sincerely acquaint him with the truth. But a prince is not wholly to rely on the report even of the best of ministers, or of the agreement and congruous reports of those different parties which he may have about him. He is to inform himself as much as he can, hearing with his own ears, and seeing with his own eyes. He should furnish himself with some truths which he should regard as a foundation; and to these he ought to compare the relations of his servants, and if he perceives any great incongruity or contradiction to those truths, he himself must scrutinize and enquire into the reasonableness of their reports. Thus suppose a king of Great Britain ascending the throne, knows that the nation is in great debt, that the people earnestly desire it may (as soon as prudence will admit) be discharged; that a numerous army is what they detest, that the liberty of the press is their darling passion, and their palladium; if knowing those truths, he is told that the scene is changed, the debts are no burden on the people, and they are indifferent about their being discharged; they now believe an army necessary, and that the press ought to be restrained: at these things certainly a man of any sense will be surprized, mistrust, and endeavour to inform himself of them; and the

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same conduct he will observe, even where ministerial doctrines do not bear such a plain contradictory relation to his truths, but even only remotely jar with them. And with those leading truths, or first principles, a prince ought to be well furnished, before he comes to govern; for then it is time for him to practise what he has learned. A prince ignorant of his duty, when he is to do his duty, is likely to acquit himself but very indifferently; such an one, instead of governing, stands in need of being governed; instead of being a leader, he ought to be led. Such a prince is in a very bad way, and probably will go a great length in ruining the nation, or himself, or both. If he would avoid this consequence, he must rely on his people's advice and council, take into his service men whom they shall point out, and who will let him know the truth; and indeed, in free governments, it would be very beneficial for all princes to rely on their people, and follow their dictates. Queen Elizabeth knew this; for that wise princess relied on her people, and on her parliaments, as on a sure and certain foundation, a support that would not fail, but would carry her thro' all difficulties, all obstacles, with honour, and safety. This truth she found proved, during the whole course of her long and glorious reign; dangers vanished before her, and the designs of the most powerful kingdoms

kingdoms in Europe came to nothing. By making her own interest and that of her people the same, by trusting to their judgment, and being guided by their good, which she always had in view, she had the most illustrious reign that our English history affords. If she was deceived, or led into wrong measures, she had the comfort that it was not her fault, not her obstinacy, but her people's; if they did not inform her, and suffered by the neglect, they could only blame themselves. If ever she was misguided by her ministers, and acted contrary to her people's interest by having things misrepresented, and truth hid from her; when she came to know the mistake, how ready was she to rectify it! not foolishly imagining that it was below royal dignity to acknowledge her being in the wrong, or to give way to the subjects. She was too wise, too good to entertain such absurd notions. "I owe you (she said in a speech to the commons) my best thanks and acknowledgments for your respect towards me; not only for your good inclinations, but those clear and publick expressions thereof, which have discovered themselves in retrieving me from a mistake, into which I have been betrayed; not so much by the faults of my will, as the error of my judgment. This had unavoidably drawn a blemish upon me, who account the safety of my people my chief happiness, &c." These are

are sentiments worthy of a prince. It is indeed often dangerous to shew wicked or ignorant princes their errors, they cannot bear to know their failings, they want to appear infallible; but this ought not to discourage good ministers, far less the people. A good minister may indeed run the greatest risks, the loss of titles, fortune, and even life; but then he will have ample recompence, a lasting and an amiable character will attend him, even in this world.

The fortune of the wicked, their grandeur, their pomp and vanity, their stately palaces, and all their admired riches, will fade, and fall away, will be one day as their masters are to good, quite forgotten; but a good name will for ever bloom and flourish, and its glory will never decay, but encrease with age, and shine brighter with years. This we see was the fate of the great men who lived in former times, and devoted themselves to the general good.

“ Of Cimon (says Rollin) we do not find by history that he was interred with pomp, or that any statues or monuments were erected to his memory: but the greatest that could be paid him, was the sighs and tears of the people; these are permanent, and, as it were, lasting statues, not obnoxious to the inclemencies of weather, or the injuries of time, and endear the memory of the good and virtuous to remotest ages. For the most splendid

splendid mausoleums, works of brass and marble, that are raised in honour of wicked great men, are despised by posterity as sepulchres which enclose nothing but putrefaction.”

Ninthly, A king ought to promote peace as much as is consistent with the safety of his people. It is a curse on a nation to have a king possessed of a spirit of conquering; those fighting princes have often ruined their subjects, and supposing their ambition and rash attempts be even crowned with success, seldom do their country reap any benefit from them. Greece and Rome became slaves by their leaders being of this kind; for a man who with a victorious army at his command returns from his conquests to his own dominions, will hardly rest till he makes his own people his slaves. Very often a nation is ruined by this unjust temper of a king, tho' his conquering spirit may fail in its attempts. What were the effects of the long wars of that hero Charles XII. of Sweden? When Sweden came to pacifick measures, being reduced to a very low condition, every prince got the better of that kingdom. By the treaty with Russia, August 1721, the Moscovites were to keep all that they had taken in the war, which was part of the best territories belonging to the Swedish crown. By the treaty with Denmark was given up the Sound duties, and six hundred thousand

rixdollars. By the treaty with Prussia was yielded Stetin, the district between the Oder and Pehn, the isles of Wollin and Usedom, the towns of Damme and Geln. By the treaty with Great Britain, king George got, as elector of Hanover, and duke of Brunswick - Lunebourg, Bremen and Verden. These were some of the fine effects of heroism, ambitious of foreign conquests. Charles promised to himself the distribution of kingdoms, and the certain conquests of all the forces and places he should attack; but he was fatally mistaken, and instead of procuring for his country what his imaginations suggested to him, he spread poverty and misery among his people, who have now indeed very much recovered themselves, by taking more prudent measures, following principles grounded on good policy, quite opposite to those of their late glorious fighting monarch.

A king should remember, that all the blood spilt in an unjust war lies at his door, and will be required at his hands. If he is the cause of the war, he is answerable for all the misery that such a war may occasion, for the desolate, oppressed and wretched condition of widows and orphans, and other calamities, the certain effects of war.

Tenthly, Tho' it is the indispensable duty of a prince to promote peace, yet he is not to neglect the art of war. I know that many
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trust their armies to generals, without going to the field in person; but even in this state it is necessary for a prince to have military knowledge, that he may know what directions to give, and be able to judge of the conduct of his officers. The Italian politician seems to carry this duty too far; but as some of his observations on this head are worthy the reader's attention, I shall transcribe them. "A prince unacquainted with the discipline of war, besides other infelicities to which he is exposed, cannot be beloved by, nor trust in his armies. He never therefore ought to relax his thoughts from the exercises of war, not so much as in time of peace; and indeed he ought then to employ his thoughts more studiously on military discipline, than during the heat of a war itself; which may be done two ways, by the application of the body and the mind. As to his bodily application, or matter of action, besides that he is obliged to keep his armies in good discipline and exercise, he ought to inure himself to sports, and by hunting and hawking, and such like recreation, accustom his body to hardship, and hunger and thirst, and at the same time inform himself of the coast and situation of the country, the bigness and elevation of the mountains, the largeness and avenues of the vallies, the extent of the plains, the nature of the rivers and fens, which is to be done with great curiosity; and

and this knowledge is useful two ways; for thereby he not only learns to know his own country, and to provide better for its defence, but it prepares and adapts him, by observing situations, to comprehend the situation of other countries, which will perhaps be necessary for him to discover: for the hills, the vales, the plains, the rivers, and the marshes, (for example) in Tuscany, have a certain similitude and resemblance with those in other provinces; so that by the knowledge of one, we may easily imagine the rest: and that prince who is defective in this, wants the most necessary qualification of a general; for by knowing the country, he knows how to beat up his enemy, take up his quarters, march his armies, draw up his men, and besiege a town with advantage. In the character which historians give Philopomenes, prince of Achaia, one of his great commendations is, that in time of peace he thought of nothing but military affairs; and when he was in company with his friends in the country, he would many times stop suddenly, and expostulate with them, if the enemy were upon that hill, and our army where we are, which would have the advantage of the ground? how could we come at them with most security? If we would draw off, how might we do it best? Or if they would retreat, how might we follow? So that as he was travelling, he would propose all the

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accidents to which an army was subject; he would hear their opinion, give them his own, and reinforce it with arguments; and this he did so frequently, that by continual practice, and a constant attention to that business; he brought himself to such perfection, that no accident could happen, no inconvenience could occur to an army, which he could not presently redress. But as to the exercise of the mind, a prince is to do that by diligence in history, and solemn consideration of the actions of the most excellent men; by observing how they demeaned themselves in the wars, examining the grounds of their victories and losses, that he may be able to avoid the one, and imitate the other; and, above all, to keep close to the example of some great captain of old, (if any such occurs in his reading) and not only to make him his pattern, but to have all his actions perpetually in his mind, as it was said Alexander did by Achilles, Cæsar by Alexander, Scipio by Cyrus." I might proceed to enlarge upon a great many other qualifications necessary for princes, but what I have mentioned are the principal, and lead to the others. I might consider the different ways that princes arrive to empire, and the means they ought to use to continue in it; but as I think where the title is just, the means to keep it, and enjoy the government, are already laid down; and where the title is not just, it is foreign

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to my purpose to treat thereof: but those who are desirous to know this part of policy, I refer them to the works of Machiavel, where they may see the means by which he teaches a prince how to become great and wicked; not but that the author lays down many excellent rules for the conduct of the best of princes, and in my opinion was a very wise, judicious man, and knew mankind and their motives of action to a very uncommon degree.

Sect. II. Next to princes, it comes in course to say something concerning their ministers, whom they trust to conduct and manage their affairs at home or abroad. I first consider those at home, in the choice of whom a prince should be extremely cautious. On this choice not only depends, in a great measure, his own and people's happiness, but also the good or bad opinion that other princes and states will entertain of him. As Machiavel observes, "The first judgment that is made of him or his parts, is from the persons he has about him, when they are wise and faithful, to be sure the prince himself is a man of sense and discernment; for as he knew how to chuse able ministers at first, so he has found the means of keeping them honest; but when his ministers are otherwise, it reflects shrewdly upon the prince; for commonly the first error he commits is in

the choice of his servants." The same author tells us, that the rule for a prince to understand or judge of his ministers, is infallible. "When you observe your officer more careful of himself than of you, and all his actions and designs pointing at his own interest and advantage, that man will never be a good minister, nor ought you ever to repose any confidence in him; for he who has the affairs of his prince in his hand, ought to lay aside all thoughts of himself, and regard nothing but what is for the profit of his master. And, on the other side, to keep him faithful, the prince is as much concerned to do for him, by honouring him, enriching him, giving him good offices and preferments, that the wealth and honour conferred by his master may keep him from looking out for himself, and the advantages of his posts make him afraid of a change, knowing, that without his prince's favour he can never subsist. When therefore the prince and the minister are qualified in this manner, they may depend one upon the other: but when it is otherwise with them, the end must be bad, and one of them will be undone." A prince should chuse men of virtue, prudence, fortitude and benevolence.

It is necessary that the minister be a man of virtuous and honest principles, otherwise the prince cannot with any safety rely on him, or trust him; for he who is destitute

of virtue, will not (if in power) stop at any thing, tho' ever so atrocious to promote his own grandeur, and gratify his own inclinations. Such an one will (if he can) sacrifice his master, his country, and the most sacred ties, rather than check or moderate his extravagant ambitious pursuits; he will chuse to wade thro' the blood and destruction of thousands, rather than have his selfish ends disappointed; the ruin of his benefactors, nay of his master, of law, and of government, will be to him light, when put in ballance with his own passions. A wicked man, when in power, regards all with whom he hath to do as his slaves and tools, for promoting his grandeur, and, when complained of, boasts that he is beyond punishment, and that justice cannot reach him. Pity it is, such boasting is often true, and that men, by the dint of impudence, bribery and villainy, should be able to withstand the resentment of an injured nation. A prince who hath any judgment or understanding, will never employ such a minister, not only for the sake of his people, which ought to be his chief motive, but also for his own sake. What respect or affection can be expected from an immoral, impious man? none that can be safely depended on: his interest will always clash with his master's and country's; the interest of the latter is, that the laws be obeyed, that justice prevails, that religion be revered and practised,

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but the interest of the former is, that the laws be neglected and slighted; impiety, violence and luxury advanced and encouraged, that the people being sunk in a beastly insensibility, may not attend to the views, the management and conduct of the ministry.

A second necessary qualification in a minister is, a knowledge of men and the world, with judgment to act the best according to different times, and different exigencies of affairs. The prudent minister, from a long series of facts and accidents, judges of future events, and then prepares himself to receive either their good or bad effects; he searches out the nature of the people whose minister he is, and acts agreeable thereunto; the laws he proposes are always consistent with the temper of the nation, and if he should happen to advance any thing contrary to the general opinion, he immediately alters his measures, and comes into the sentiments of the nation, endeavouring to retrieve his hurt reputation, and regain the respect and affection of the people. The prudent minister is one who searching into the situation and circumstances of things, regulates his conduct accordingly, always having his country's advantage in view. A prudent minister will avoid entangling himself in many engagements, even with one power; far less will involve himself in so many contracts and treaties with different states, that he can hardly keep in

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with one without breaking with another ; such a conduct shews a minister to be either very weak, and unfit for his station ; or to have a design of precipitately ruining his country. A prudent minister will be very cautious of uniting powers at variance, taking the utmost care to keep those states from being reconciled with one another, when it is the interest of his country that they should be otherwise : on the other hand, he will restore a good understanding between those whose union may be advantageous to the nation he serves. History, both ancient and modern, will afford a minister many useful examples, from which he may draw maxims for his own conduct ; he will there see the rise and fall of nations, princes and ministers ; the means by which small states have arrived to great power and wealth, and others have rushed into ruin : there he may behold the fate of wicked ministers, and read their characters in a just light ; take warning, and avoid the path they trod, following the footsteps of the wise and good ; and thus, upon the whole, he may learn the wisdom, and reap the benefit of several thousand years experience. A prudent minister, by observing the present interests and prospects of princes, will know which he ought to humour, which he may safely disregard, with whom it is most necessary to have a strict alliance, and what advances he may be able to make towards his

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country's advantage. As times alter, so must he alter his measures ; I mean he must act as circumstances require. He must have a good knowledge of the situation, extent, soil, government and revenues, not only of his own country, but also of those of neighbouring princes ; as likewise of their product, trade, chief towns, fortified places : he ought to inform himself of the number of inhabitants in the dominion of those with whom he hath to do, of their quality, manner of living, and different incomes by which he will know how to lay equal and easy taxes on the people at home, and on whom he may depend, and of whom he may be apprehensive abroad, such a knowledge will enable him to judge (in case of war) what forces he may depend on at home, and what help he may expect from the powers in alliance, how long he can continue the war, what burden the same will be to the enemy, whose state, forces, revenues and taxes, he ought likewise to know ; by which he can guide himself in treating, and without which he can never negotiate on a wise foundation. Lastly, A prudent minister will endeavour to attain the love of the people, and avoid their hatred ; the people's affection is the best security, the best defence that a minister can trust to ; and their hatred is his greatest curse : for I am apt to think they seldom or never hate but when they have reason, when

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they are oppressed and injured by a wicked administration. In such cases, pity it is that their hatred should cease till the cause of it prove a victim to their resentment. The judgment of the people will have great weight with a prudent minister, and perhaps he cannot follow a better guide; they seldom mistake their interest, or the means of obtaining it: this is to be understood of a free people, not of slaves, whose minds are chained and fettered as much as their bodies. I know that many accuse the people of imprudence, inconstancy, ignorance, ingratitude, &c. but, as Machiavel says, "The people are no more light, ungrateful, nor changeable, than princes. As to prudence and constancy, I affirm, they have much the advantage, and are more wise, more steady, and more judicious than princes; for which reason the voice of the people is resembled to the voice of God. In giving their judgment about dubious things, you shall seldom find them mistake, if at any time two eminent orators equally excellent in their professions, do controvert and discourse a thing pro and con before them, they will assuredly take the most rational side."

Thirdly, A minister should be a man of fortitude and prudence, two qualifications that ought never to be separate from one another. A man of fortitude is constant and fixed, of an equal and agreeable mind: he is
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resolute in pursuing his country's glory and interest, but at the same time proceeds with just zeal, not with blind fury and rashness. He encounters troubles, and meets dangers with an unchangeable bravery, when the exigency of affairs require him so to do, but not otherwise; it is madness to run into the arms of death, and seek perils when circumstances do not require it. He only enjoys fortitude, who tempers his courage and valour with prudence. When a minister enjoys these jointly, he may be said to act with judgment and reason; he does not sit still, and unconcernedly behold his country imposed upon, or insulted by others; neither does he foolishly engage it in a war to revenge pretended and imaginary wrongs. Cicero beautifully describes a man of fortitude. "It is the character of a brave and a resolute man, not to be disconcerted at the rubs of fortune, nor to lose the superiority of his spirit upon any confusion in his affairs; but to have a presence of mind, and readiness of thought without being driven from his purpose. This belongs to wisdom, but it discovers the greatness of genius to anticipate what may happen by laying one's account with it; to lay out the plan both of good and bad events a little before their time; and never to do ought that shall make you say, I did not think of it. Such are the qualities of a great and exalted soul, who is self-possessed of prudence and

wisdom. But precipitately to plunge into a conflict, and to fight at close quarters with an Enemy, has somewhat in it that is barbarous and brutish: but when time and opportunity calls upon you, then it is that you ought to engage, to prefer death to slavery and infamy."

Fourthly, Benevolence and affability are highly necessary in a minister; he ought to reward those who have merited well of their country, help the poor, support the distressed, and assist those who are unjustly oppressed: he ought to encourage literature, for that will give him many friends, and a better character than perhaps he deserves. But tho' men of letters often do honour to their patrons, yet if a minister be a prudent man, he will despise the fulsome praises of mercenary pens. He ought to forward the erecting of workhouses, and such publick edifices as may tend to the advantage of the people; but in being liberal, I must caution ministers not to bestow their benefits upon the undeserving, and to take care, that by assisting one, they do no prejudice to another; which I am afraid they too often do. To load the people with taxes, and draw from them large sums of money, to raise and enrich a few creatures, and mercenary tools, is a crime of the blackest dye; nay, wantonly to dissipate the people's substance, even amongst good officers, and worthy persons, is wrong, and quite

quite inconsistent with the virtue of benevolence; for by so doing many suffer, and are miserable, that a few may flourish in wealth and affluence. The good of the whole is always to be in view, the end of society is to be the rule of the conduct of every part of the society, with which end the enriching a few, and impoverishing the many, is wholly inconsistent; as is also over-rewarding good offices or services done to the nation, which is very often done, especially in regard to generals. Let us consider how sparing the Romans in their virtuous days were to their victorious dictators and consuls; they rewarded and honoured them with everlasting glory, but not by draining the possessions of the people. A minister may be reckoned benevolent when he employs men who are in want, and at the same time are men of capacity and integrity. Affability is very serviceable to a minister; men in high stations are commonly envied, and when they are proud, morose, and ill-natured, they seldom fail of being hated; such a minister in a free country, must expect the daily frowns of free men. He must expect to be lampooned, satirized, cursed and detested by the people. But if he is meek, affable, and gentle, he will have their praises, love, and esteem. A humane behaviour will cover a multitude of faults; and methinks ministers would always behave humanely, if they reflected on the
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mutability of sublunary fortune. Such reflection is sufficient to check the insolence of the most powerful and proud. Fortune is fickle, and her favours are generally of short duration; therefore we ought to behave as men expecting an evil day, which is insupportable to those who have been unmeasurably puffed up in prosperity; when adversity attacks them, they are quite dejected, and ready to stoop to the meanest actions; but he who can be powerful and rich with a tranquil equal mind, will probably retain the same superiority, when stripped of wealth, and deprived of power. Many people are so void of thought as to look upon an evil day as a chimæra, or, at most, a very distant possibility. This, no doubt, was the case of Cræsus, when he was angry that Solon did not pronounce him happy; but the philosopher judged rightly, that a man is not to be declared happy while on this side of the grave; and poor Cræsus found it so when in chains, and placed on a pile of wood to be burned.

To conclude this section, It is certain, that a minister will always have enemies ready to turn every accident to his disadvantage; but if he be really good, and discharges his duty, he will always have a majority of the nation on his side, unless the factions that oppose him are extremely powerful.

Sect.

Sect. III. It is not my design to enlarge on the duty or privileges of ambassadors, as it is a subject already pretty much canvassed by several authors; therefore what I shall write on this head will be very little, considering the importance of the subject. Ambassadors ought to be men of knowledge, prudence, and courage; I have read in some history, and I believe in that of Siam, that in their ministerial capacity ambassadors are much contemned and despised at that court, being thought spies, and men who by profession are ready to take hold of every occurrence, there being no secret so important which they do not divulge, and no friend so dear whom they will not sacrifice to serve their purposes; regardless of truth, and void of sincerity. And indeed in this light they cannot be esteemed. But if we look upon them as representatives of princes, and as men honestly endeavouring to promote their country's advantage, as men who by their policy and prudence may discover plots and designs against their king and country; in this view we shall readily grant that respect and esteem are due to them, that they are very useful and necessary officers, that the end of their institution is the benefit of mankind; but then they must be men of virtue, and it is prudent that such be chosen as are men of fortune, not wholly depending on their office. An ambassador who is capable

pable of being corrupted, is a scandal and disgrace to a nation, and brings his fellow countrymen into the highest difesteem and contempt. On the contrary, a man who prefers the glory and welfare of his country to any private interest, is an honourable monument, and lasting pillar of fame. A truly great soul will, tho' in the meanest circumstances, withstand all the force and charms of gaudy promises, glittering rewards, and dazzling titles, when they are offered to him on conditions contrary to his country's good. There is nothing in the whole character of Fabricius that shews his excellency better than that honesty of mind which would not allow him to be any way obliged to the enemy, tho' in a manner that a great many people would think very justifiable: but the worthy Fabricius smelled the bribe, tho' at a distance, and with disdain crushed its advances. But now ministers are not so scrupulous. Merchants and trading people are to be the especial care of masters; they should endeavour to obtain for them as many privileges and advantages as they can, and demand satisfaction and reparation for the injuries and affronts which may be imposed upon them, which demands ought to be fully backed by the authority of their masters; but ministers must have great regard in their discourse, memorials, &c. to use a becoming stile, worthy of being addressed to kings, who are not to be threatened

threatened by opprobrious language, which in common life is indecent, and in national affairs unpardonable. A prudent minister suits the boldness of his stile to circumstances; sometimes he may make great demands, at other times it is proper to draw back; and to know when to make advances, when to seem cool and indifferent, when to seem satisfied (which is to be very seldom) and when discontent, is an art very necessary for a minister. He ought likewise to have a proper correspondence, in order to get good and early intelligence of what passes in the private cabinet, in the closets of other ministers, and what schemes are upon the anvil, or ready to be put in execution; which he is to encourage, or endeavour to destroy, as they have a good or bad aspect to his country, it being often easier to frustrate a scheme before it is compleated, than after. It frequently happens, that a minister should yield in the beginning of an affair, by which he preserves his honour; it is very foolish to persist obstinately in what must at last be given up; by so doing, he brings himself into contempt, and renders his just remonstrances of less weight. A minister should be well versed in past treaties, and have great quickness in the application of them. It is scandalous for an ambassador to depend on his secretary to do his business; for he who is not able to do it himself, (which some are not) whatever his

his personal appearance may be, is very unfit for his post. It is therefore surprizing that any state should employ such men; for it is of the greatest importance to have capable ministers at foreign courts; they are men whose every action and expression is taken notice of, and applied to their advantage or disadvantage; to the honour or dishonour of their country. The right of sending ambassadors is inherent to all independent legal states, and the sacredness of the persons of ambassadors is generally allowed, but not by all in the same degree. "Profane history, as Grotius observes, is full of instances of wars, undertaken for the ill usage of ambassadors; and in the holy scriptures we read of a war made by king David against the Ammonites on that account." Cicero likewise thought that the violation of the rights of embassy was sufficient cause to declare war, as appears from his reproaching the people of Rome for their remissness on this head; in his oration for the Manilian law, calling to their minds the conduct of their ancestors on this point; "Your forefathers often entered into war, to revenge the insults and injuries affecting their merchants and seamen. With what resentment then ought you to be fired, when by a single express, and at a peremptory hour, so many thousand Roman citizens are put to the sword? Some circumstances of insolence offered to their commissioners, were by

by your ancestors thought a justifiable reason for the utter demolition of Corinth, that eye of all enlightened Greece: and shall you tamely and coolly bear the tyrant, by whom a Roman ambassador, who had been your consul, felt the whip and the wheel, was bound, and butchered? Your fathers resented every infringement of Roman liberty; and shall you supinely overlook the murder of Roman citizens? These avenged even a verbal insult upon the dignity of their representative; and shall the blood of a Roman ambassador, shed in a cruel ignominious manner, cry for no vengeance from you?

Romans, beware, beware! lest, as their transmitting to your hands this extent of empire was glorious for them, your inability to defend and preserve it should be infamous for you!"

"The name of an ambassador ought to be so sacred, that it should be as safe amidst the darts of the enemy as in the jurisdiction of allies;" and unless it were so, princes would be at a great loss to compose their differences, conclude treaties, or any way manage affairs with each other. Therefore the dignity of ambassadors ought to be preserved with the greatest strictness, and the violators thereof should be regarded as enemies to mankind in general; for thereby they destroy the means of preserving peace and friendship in the world. In my opinion, the person of an ambassador should be always
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facred, except when he is acting the part of an enemy, forwarding a rebellion, or promoting sedition in the state where he is: in such case he may be confined, his papers examined, and if found guilty, treated as an enemy; nay, it is imprudent not to treat him so: for, as Mr. Barbyrac judiciously observes, "The security of embassadors ought so to be understood, that it implies nothing contrary to the security of the powers to whom they are sent, and who neither would nor ought to receive them on other terms. Now who does not see that embassadors would be less bold in attempting any thing against the sovereign or members of a foreign state, if they were apprehensive that, in case of treason, or any considerable misdemeanor, the sovereign of the country ought to do himself justice, than if they have nothing to fear but correction from their master, which they may easily avoid, either because they are often secure of his connivance or tacit approbation, or because they hope to find means to retire elsewhere, before they can be apprized of their crimes." But when their crimes are not of this nature, then their persons should be free, and the crimes connived at; or a minister may be ordered to leave the kingdom, and satisfaction may be demanded from his master. As to the domesticks of an embassador, they are likewise in a certain degree free; for they are not to be

be seized or punished till first demanded of their master. The goods of a publick minister are likewise free, and, as Grotius says, "If he shall contract any debt, and have no real estate in the country, (as it commonly happens) to discharge it with, application is to be made to him in a friendly manner, for the payment of it; and if he refuse to pay it, application is in like manner to be made to his principal: and if he likewise refuse to pay, then must we, in the last place, have resort to such remedies as are provided against debtors residing in foreign countries."

It is very scandalous for ministers to contract debts which they do not design to pay; it is very dishonourable to their masters, who in such cases ought to pay the creditors, repaying themselves out of the effects of their ministers, who ought moreover to suffer for their bad intentions, and dishonest designs.

I cannot agree, without great limitations, to the opinion that the house of an embassador should be an asylum for criminals; for if this be allowed, it may be more dangerous to the state than the rules of civil polity will admit of; nay, inconveniencies may happen which all the maxims of government guard against. Indeed where the refuge is not taken for crimes committed against the state, or for capital crimes, then force is not to be used, and the asylum is sacred: but then ministers

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should be very cautious, even in this case; for such protections often cause disputes, and give birth to differences not easily composed. It ought therefore always to be enquired, whether the person or persons are accused of treason, or any way injuring or prejudicing the king or state. A prince or state is not obliged to admit an ambassador against their will, but they are obliged to acquaint him that they will not admit him, and may forbid him to enter their dominions. Princes to whom ambassadors are not sent, are not obliged to shew them the rights of ambassadors, unless they allow them passports as such. A minister cannot be (strictly) said to represent his master till he is in the territories of those to whom his master sends him; and therefore he cannot pretend to the rights of an ambassador till he arrives in the said dominions. Grotius is of the same opinion. "The law of nations does not oblige those thro' whose territories ambassadors presume to pass without their passport. For if they be going to their enemies, or coming from their enemies, (this seems to be too general an expression) or attempting in any other manner acts of hostility, they may lawfully be killed. Thus did the Athenians serve the ambassadors that were going between the Spartans and Persians." But suppose ambassadors do meet with bad treatment without any such reason, yet that law of nations whereof we treat, shall

shall not be esteemed violated thereby, but only the friendship and dignity either of the potentate who sent the ambassador, or of him to whom he goes." There should be in every country laws prohibiting the people to insult or molest ambassadors in any manner; which laws should be enforced by the severest penalties. Mobs are every where inconsistent with the order that should prevail in society; they are commonly led by mad men, drove by fury and rage, frequently grounded on false representations: against these a legislative power is to guard, and especially provide, that they interfere not with the rights of ambassadors. In England the laws were defective on this head till the seventh year of queen Anne, when a law was enacted for preserving such rights. Those who have a mind to read this subject handled at large, may have their information from a great many books, among the rest, the works of Mr. Wicquefort, Calliere and Pacquet.

Sect. IV. The clergy are the officers whose duty I shall in this section endeavour to set forth, they being men who have a more difficult part to act than most of them imagine. They ought to make it their constant study to instruct the ignorant, reform the wicked, and, by reasoning, gain converts to their religion. They are to set forth the detestable nature of sin, in whatsoever shape

or person it is found; represent to people their errors, and by their example, as well as doctrine, set forth the malignity of vice. They are to endeavour to free people from superstition, the mother of false religion. When their sentiments are set forth in theory, they must seal them by their practice; this is the best method to make people believe them sincere in their profession, and to cause others to follow their precepts. Some, perhaps, may say, if a man does but preach a sound doctrine, and in the pulpit deliver such discourses as are agreeable to the church of which he pretends to be a member; it is of little consequence to society in what manner he himself lives: his auditors are to consider the reasonableness of his precepts, and act accordingly. But we find by experience, that the conduct of a preacher has very great influence on the conduct of his congregation. If a parson should compose a sermon against swearing, drunkenness, adultery, or the like crimes; and after that should swear, get drunk, and commit adultery; he would have a great many to imitate his practice, and who would assert, in their own vindication, that the priest set them an example; that all he talked about heaven and hell being the reward and punishment of virtue and vice, was what he certainly did not himself believe, since he lived so opposite to such a belief: that as he knows best what is sinful, they cannot have better
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better authority for regulating their morals, than their priest's practice. This is a defence that has often been in the mouths of men who have committed such sins. It is certainly true, that when a man acts contrary to what he pretends to be his greatest interest, he plainly shews that he does not believe what he pretends to believe. Christianity could not have made such progress as it has done, had not Christ and his apostles confirmed their preaching by their practice. What effect would any of the precepts or doctrines of our Saviour have had, unless he himself had followed them, and left us an example to imitate? People were very much prejudiced against him, and would have been much more so, had his practice been contrary to the universal tenor of his doctrine. They who are already in orders, and are to ordain others, ought to be very cautious whom they receive; they should enquire into the characters and manners of those who are to enter into holy orders, and only admit such as have led a virtuous, regular life, who have been temperate, and diligent in fitting themselves for the holy office, and who are capable of performing their duty. There are many clergymen in every country who would do much more service to society, were they following a plough, or working at sea, rather than talking from a pulpit. A clergyman ought to have only one living; it is a very
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bad custom to allow any priest to have the benefit of two or three churches: he must be very covetous, who accepts them, and is guilty of great injustice; for he deprives other people of so much income as he hath more than a single parish, and to which he hath no right; seeing it is impossible he can discharge his duty to them all, one church being sufficient to employ any one man. Let one of those grave gentlemen go among his parishioners, and teach those who stand in need of being taught the principles of their religion; let him visit and comfort the sick and afflicted, endeavour to reform the wicked, confirm and fix the wavering; in short, let him but act agreeable to the relation he stands in to each of his parishioners, and I am sure he will find work enough, and that he has not much time to spare for other churches. This reason also prevails with me when I am to judge whether clergymen ought to enjoy any civil employment; I think they must neglect one concern, either their spiritual or temporal; and therefore I am against their being in any other station than ecclesiastical. There is among the clergy, especially those of higher rank and dignity, a crime which I beg leave to take notice of. It is a neglect of preaching. Instead of instructing their flock themselves, they leave it to an inferior pastor or curate, and think they do their duty if they favour the people with two or three sermons
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in a year. This is a fault, which, if they seriously consider, they must be very sensible of. To me it appears a horrid crime for a man to leave to another the salvation of souls with which he himself is entrusted. The crime proceeds from pride, indolence and thoughtlessness; the two former must in this case cease, if men would seriously reflect on the subject, and consider the end of their institution, and the great charge incumbent upon them.

To conclude this head, a clergyman who acts as he ought to do, is a most beneficial member of society, and may be of very great service to a nation; a few good priests may prevent many evils happening to a country, and deserve the esteem and respect of every member of society. As Machiavel observes; "Take away religion, and take away the foundation of government;" so if you take away or disrespect the ministers thereof, you will from the generality of mankind take away religion itself.

We have many weaknesses surrounding us, and are biassed by many passions, which must be sometimes winked at, and wise governors will readily allow some inconveniences for the sake of greater utility; and therefore when priests observe the main end of their institution, they may be indulged in a little enthusiasm, which, if rightly applied, and managed with skill, cannot be hurtful to so-

ciety. But as for violent, hot-headed, persecuting priests, they are pests to a nation, and often bring upon a country the greatest misfortunes; they sow sedition, corrupt men's morals, and instead of shewing them the path to heaven, they lead them in the way to hell. The mischiefs that those fiends have brought upon mankind, surpass those of tyranny, oligarchy, or anarchy. Even in those latter ages the greatest enormities, the most barbarous cruelties that ever afflicted mankind, have been the product, and the contrivance of wicked priests. Read the history of the massacre in Ireland, and you will be surprized that men could shake off humanity to such a degree as you there find they do. Ecclesiastical history is full of the like horrible relations. In France the civil wars, which were the effects of priestcraft, devoured, as Puffendorf and others tell us, above a million, destroyed nine cities, four hundred villages, twenty thousand churches, two thousand monasteries, and ten thousand houses.

Sect. V. Let us now consider the duty of judges and magistrates, to whom impartiality is first to be recommended. A judge who finds himself any way prejudiced, ought not to proceed in the cause; for from him who is inclined to favour one party, and discourage the other, justice cannot be expected: because,

cause, in such a case, judgment is likely to be given as the passions of the judge direct, not as reason, and the nature of the cause requires. A judge should not be influenced by any motive but justice, a desire of clearing the innocent, and bringing the guilty to a just punishment. A judge ought to have the same impartiality for all men, and is to distribute justice with an equal hand to friends, relations, acquaintances, and strangers. Thus Brutus preferring justice, and his country's good, to all other considerations, condemned his sons: he doomed them to scourging and death, for conspiring against the liberty of Rome. A judge is not to be enticed by any consideration whatsoever, to decline righteous judgment. The poor and distressed will find in a good magistrate the same usage as the rich and powerful; he will favour no cause which has not justice to plead in its behalf. A good magistrate examines the evidences and circumstances on each side of the question; he is a counsellor for the poor, and defends the oppressed: he will resign his office, and all his possessions, rather than pronounce judgment contrary to reason, and the law which ought to be the rule of his conduct. He is not to be deterred either by threatenings or by promises, nor by the smiles or frowns of the world, from what is right. He is always fixed in his resolution of acting agreeable to the end of his institution, and carefully

fully avoids entering into any measures destructive to his country. He is ready, in a just cause, to serve his prince with life and fortune, but will resign both rather than obey unjust commands. He will enquire into and endeavour to reform the manners of loose idle people, for whom, as far as the laws of the nation allow, he will find work, he will order the vagabond to labour, and do something for the advantage of society; such a conduct, would to England, as a judicious author long since observed, "Be the opening a new vein of treasure of some millions sterling per annum, it would be a present ease to every particular man of substance, and a lasting benefit to the whole body of the kingdom: for it would not only nourish, but increase the numbers of the people, of which many thousands perish every year, by those diseases contracted under a slothful poverty." A magistrate of this kind is a great blessing to society, and certainly enjoys a serenity of mind, and contentment unknown to the greatest part of the world. Such a man can look back with satisfaction, and forward with glorious and well-grounded expectations; whereas the wicked judge must, I think, be plagued, even in his most flourishing condition, with a wounded conscience, and when apprehensive of appearing before a just God, must be tormented with the most horrible agonies, and self-condemning tortures. Then
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will the innocent whom he hath oppressed, and those who have suffered by his unjust judgment appear to his guilty soul as so many witnesses against him requiring vengeance on his head.

Sect. VI. Governors of towns, cities and other places are to be always prepared and ready against an invasion, they are to take care that the fortifications be kept in good order and repair, and must beware of trusting too much to places which may be esteemed by nature impregnable. From such security, misfortunes have often happened, thus Sardis was taken by neglecting that place which faced the mountain Tmolus; where they thought there was no danger. But Herodotus tells us that Hyraades the Mardian had seen a Lydian come down this precipice the day before, to take up a helmet that was dropped; and after he had attentively observed and considered the thing, he ascended the same way, followed by divers Persians; and being soon supported by greater numbers, the city of Sardis was thus taken and plundered. In a garrison care is to be taken to have a sufficient quantity of victuals and ammunition; to neglect this is unpardonable, for hereon depends the safety of the place; and during a siege prudence and caution are as good qualifications in the governor as courage, for without the former, it is more than
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than probable that a prudent besieger will take in a very short time the strongest hold whatsoever, therefore Machiavel justly observes that "those who are besieged are to be very careful of the tricks and surprizes of the enemy, and therefore they are not to rely upon the countenance, that he carries, but rather to suspect there is some fraud or deceit that will fall heavily upon them, if they suffer themselves to be deluded. Domitius Calvinus besieging a town made it his custom every day to march round the walls with a good part of his army; the garrison fancying by degrees that it was only for his recreation, began to slacken their guards, of which Domitius having notice, fell suddenly upon them and carried the town. Other generals have had intelligence of relief that was expected in the town, and having habited a certain number of their soldiers, and disposed them under counterfeit ensigns, like those which the besieged expected, they were received into the gates, and possessed themselves of the town." It is not my design (even were I in any degree capable, which I am not) to set forth the military duty; the civil is the subject of my theme, therefore to proceed. It is the duty of a governor to preserve to the citizens and magistrates their freedom and liberty and not invade their rights and privileges as they too often do; as likewise not to make any private advantage of their power to the prejudice of

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the people; it is indeed in most of these gentlemen's option either to perform or neglect their duty, but their being masters, does not in the least justify them when they employ their authority against those, whom they are appointed to defend. They are not only to refrain from violence themselves but are to restrain all those officers and soldiers who are under their command from disturbing and molesting the citizens, an evil which often happens and meets with impunity. Common soldiers and indeed officers are apt to behave with great insolence and impudence towards the gentlemen and inhabitants of the places where they happen to be: this is what governors ought to prevent as much as they are able, and they may do it by preserving order and regularity, and assisting the magistrates in suppressing disorders, riots, and tumults, as also by setting a good example, leading a temperate, regular life free from those extravagance, and debauches, which the false politeness of the age; hath introduced. Before I end this head, I must recommend to all governours to beware of using any mean dishonest way of encreasing their fortunes, several have been guilty of such a practice, but certainly such men cannot discharge their duty. A man of this stamp must wink at a great many things, pass over many faults and misdemeanours in men from whom they expect to gain money. "A good

good general by the very march and demeanour of a regiment can make a near guess at the understanding and abilities of the colonel, if he be unskilful and without discipline, every private centinel shall carry the marks of it about him. The same holds and much more strongly in the government of higher matters: It must therefore be of great importance to the state that he who is to command a country containing many thousand families, should be a man of abilities, experience, dexterity, courage, temper and virtue, he ought to be endowed with such a general knowledge as may comprehend the nature of the soil where he is, what improvements it is capable of, and what trades will be most advantageous to it. He should be able likewise to look into the genius of the people he is to govern. He should be a man of discipline, sobriety and justice, for he that is not so in his own person can never expect order nor compel others to obey the laws." To prevent corruption in Governors it would be perhaps a good method, as the same author observes, to give large appointments to them, not allowing them any perquisites, or to draw any advantages from the inhabitants.

Sect. VII. Officers either military or naval have a very great charge upon them. The passions and inconstant temper of mankind, the variety of desires and inclinations attending

ing us, the love of extending our possessions by invading those of others, have rendered it necessary in most countries to keep for their defence a number of men whose trade is war. And the same reason teaches us the necessity of employing officers to command those men, and to instruct them in their duty and proceedings. Great care is to be had in the choice of officers: men of integrity and honour ought to be in the service: men whose fortune and condition of life raise them above the power of bribery and corruption. Commanders ought to be men of courage and prudence, and must remember that they are commissioned to defend their country and preserve its rights and constitution, therefore whatsoever is inconsistent with this end they should detest and abhor. They are to keep order and regularity among the people under their command and take care of them, not abusing or barbarously punishing them for trivial mistakes; a fault of which both land and sea officers are often guilty: I suppose they imagine it is somewhat noble in them to carry themselves with an absolute haughty air to those of inferior station: but alas this is a wrong way to glory, and the longer they pursue it the farther they will be from true honour. I therefore advise them to leave off their domineering way, and instead of being proud and cruel, learn if possible to be affable and gentle,

tle; this they may do without being familiar, and such a conduct will afford to themselves a great satisfaction, and instead of the curses, they will receive the blessings of many families. To do to others, as in reason we could desire them to do to us, reciprocal circumstances considered, is a rule which admits of no exceptions, but these officers act quite contrary to this rule who swear at and unmercifully beat the poor people; they then do what they would think very hard and unreasonable were they in the lamentable case of those injured wretches; swearing and cursing seem to be vices entailed upon the weak who are vested with command, and yet they are vices which of all others are least becoming that station; as it discovers an impotence of mind, unable to bear power without being intoxicated with its effects.

Nay it has been even seen that some have thereby lost their senses, and by an elevation of fortune and authority, have become mad. Spirit and courage are absolutely necessary in officers, but the great art is to temper them with prudence, policy and circumspection. Many eminent services have been done by a cunning and deliberate proceeding. An officer is to observe every circumstance, and lay hold on every opportunity which may be serviceable to the design and end intended. A good officer will fight bravely and valiantly, but will not be actuated by rage and

and passion. He will lay down his life and forfeit his fortune and every thing that is valuable to him, to serve his country and promote its interest, but otherwise he will be very cautious in exposing himself to dangers or death. He is not fit to be a superior officer who for no other reason than to be reputed bold and courageous will hazard his person perhaps to the destruction of thousands. These men do not consider the detriment that may happen to their own party by so doing, or the abyss of trouble they may involve their own country in. Officers must above all things beware of turning their arms against their country, they are to suffer the worst usage that can be, nay death itself, be it ever so unmerited, rather than apply this desperate remedy, which will transmit their names and memory with infamy to posterity. The great Camillus had served his countrymen gloriously and honourably, for which they were very ungrateful and unjustly fined him, but notwithstanding this, it throws a stain upon his character that, going into banishment, he prayed the gods that if he suffered unjustly they would take the first opportunity of making his ungrateful country sensible of what she lost in losing him. Even for this bad wish he was to be blamed, though he came far short of the incensed Coriolanus, who having as he thought been ungratefully treated by his country, went over to the ene-

my, engaged them to make war against the Romans, put himself at the head of their forces, led them against his country, which he destroyed with fire and sword, till through weakness, not virtue, he was influenced by the entreaties of his mother to desist, and to suspend his wicked arms. By this action, Coriolanus sullied and eclipsed all his good qualities and former glories. Oh how barbarous is it! for men to sheath their swords in the bodies of their associates; and spill the blood of their fellow citizens which they once solemnly protested to defend and preserve: such men lay aside all ties and humanity, they savagely wallow in the blood of their best friends, their nearest relations and most familiar acquaintances. It is surprizing that men should so far shake off humanity as not to be shocked at the thought of being the occasion of such desolation and misery. Of a kin to these are the princes who in free countries endeavour to render themselves absolute, and destroy the liberty of their people, as are also those officers who are the vile instruments they employ for obtaining their ends. This would have been the case of king James the second's army had they aided that prince in his wicked scheme of ruining England by introducing popery and slavery, but as they declared in favour of liberty and the religion by law established, they remain eternal monuments of fame and glory;

glory and accordingly their memories will be perpetuated with honour and applause.

Sect. VIII. The officers whose duty are now to be considered are receivers and gatherers of the publick revenues, and the principle qualification requisite in them is honesty. If they have honesty, they may easily attain to all other qualities necessary for them, and may be justly esteemed useful and beneficial members of society, but if they are men of dishonest loose principles they become very pernicious and hurtful. When they embezzle the publick money and apply it to their own private use, they are guilty of robbing every man in the nation of so much money, as each man's proportion is, in what they have taken. It depends very much on those who are at the head of the treasury, that other officers do their duty; if they are active, knowing men, diligent in inspecting and examining the inferior officers; it is more than probable that inferior officers will act agreeable to the ends of their institution and the interest of the nation. But when the chief men of the revenues are negligent or ignorant in the manner of collecting or in estimating the produce of any duty or tax, inferior officers will be likewise negligent, and will scarce be able to resist the temptation of cheating and defrauding the government. Thus in England, as a judicious author wrote above

thirty years ago, the success which attended the management that ended in 1689, " was chiefly to be attributed to the wisdom and steady conduct of those noble persons who, while they governed at the head of the treasury, in their several turns, did more at Whitehal towards keeping this branch in order, than was done in Broad-street. When the principal officers and commissioners of every revenue were in a manner of their choosing, and under their direction, they took care that the King should be well and diligently served, and the publick tasted the benefit of that great power which was trusted with them."

CHAP. IV.

Some general deductions from the whole.

BY nature all men seem to be equal. No one is superior to another, but in a state of society this equality cannot be entirely kept, some must be entrusted with power over others, but this trust is to be for the good of the whole, and given in such a manner as to put it out of the power of those who are entrusted with it to make a bad use of it, for they do not enjoy it to please their passions but to procure ease and safety to the whole, whose interest should always be preferred to that of a few. The real strength and

and riches of a country consists in the number of people, therefore it is reasonable that their good should be the chief spring to the conduct of their governors. It is from the peoples labour and industry that kings are upheld in their grandeur, that they are enabled to live in plenty, and to indulge in luxury; it is by the people that battles are fought and princes maintained in their dominions, which when they consider they cannot but see the cruelty of oppressing their benefactors and supporters. When kings endeavour to suppress the rights of mankind, they become the enemies of mankind, and put themselves in a state of war with them; it is a wrong notion of some people, who associate with their idea of a king, absolute right over their fellow creatures. The word signifies to be cunning, or to know more than other people, for in ancient times, kings were chosen on account of their superior knowledge and virtue which easily drew respect from their fellow associates, who on such account chose them for their leaders, which they continued to be, so long as they made good use of their talents and authority.

Nothing seems more inconsistent with the natural equality of people, than the unequal division of property which prevails in most societies now in the world, the reason of which perhaps is, that very few governments at present seem to be built upon a regard to man's general rights, but to particular interests,

and the wider those interests are from the interests of the whole, policy directs the inequality of property to be likewise wider. When the senators of Rome aimed at an absolute sway over the Roman people, they knew very well they could never attain it, except they broke through the Agrarian law established at the institution of the first government, which accordingly they did, and got the property of the greatest part of the commonwealth into their own hands, by which means they thought to make the people entirely dependant on them, which they would have done had not they drove their tyranny to extremity. The people themselves, as we may observe in many of their struggles for liberty, were very sensible of this truth. So that it behoves all popular governments to have property distributed among the whole as equally as the nature of the thing can admit of, and then the supreme power will be also in the whole. Aristocratical policy requires the property of the state to be in a few; and monarchical policy requires the ballance of property to lean in favour of the monarch.

In proportion to the distribution of property will be the ballance of power in a mixed government. Hence it will appear that in a government like that of England to gain power to the king, a ministry must get large supplies granted, to raise which will require a great

a great number of officers, who become dependants ready to execute all orders; for this reason the present funds established for paying the interest and principal of their debts might in the hands of a wicked government be made use of to make them slaves, and no wicked ministers will be for paying off the debts, or discharging the incumberances, because whatever service this might be to the nation, their power would be thereby lessened.

In whatever form a government is, the people, as has been said, are the support of it, and constitute the main part of the society, and in them is originally the soverign power, which they confer on what person or persons they please.

To remain in a state of nature seems not to have been the design of the Deity, who has so formed mankind, that without some help from their fellow creatures it is hardly possible they can arrive at the years of maturity, so that a social state betters their condition, or at least is intended to do so. And, as among a multitude of people, there must be some regulations agreed on, and some men chosen and invested with power to enforce these regulations, so there must be some form of government; whatever that form may be, we may easily see, from considering a number of people in a state of nature, that the governors can never be justly invested with a power to oppress, this being

contrary to the end for which God created men social creatures. From reflecting on this end, we may likewise see, that men in society are entituled to all the rights they enjoyed in a state of nature, that do not interfere with the rights of the society in general, or of the associates in particular; now among these natural rights, that of worshipping God according to the dictates of a man's own reason seems to be one of the principal: that God is to be worshipped, I take for granted, it not being the business of this work to prove it, if so, it must be allowed that he has endowed all men with a capacity to find out a proper method for doing it, else he cannot expect it; this capacity must consist in a man's rational faculty, and so every man's reason in a state of nature without revelation, is a law to direct him in all the circumstances of life, but not to direct another; he having for his law, his own reason to guide him, by which he is to be judged, and not by another man's. Therefore to conform to another man's judgment in religion contrary to my own reason is, first, a crime for neglecting the law God has given me; and secondly, doubly so, in case the opinion to which I conform happens to be wrong.

This right of judging for one's self in a state of nature, will not I think be denied, and it stands equally good in society. Indeed a man is not to trouble the society on this account,

count, if he does, he is liable to be punished for the trouble he gives, but not for his opinion, which has nothing to do with society, or society with it. Society cannot be the better or worse for mens speculative notions, for their actions they may, and therefore have a right to interfere with them, when they are effected by them, but not else. The end of society is not to teach men the way to heaven (that is a man's own business) but to procure them good in this life. What has been said is, I think, sufficient to prove, that in society a man preserves his natural right to worship God in the manner that to him seemeth best; but as some people are apt to be mightily swayed by the authority of a great name, I beg leave to insert a paragraph from the works of the celebrated Mr. Locke, " That the whole jurisdiction of the magistrate reaches only to civil concerns; and that all civil power, right and dominion is bounded and confined to the only care of promoting these things; and that it neither can nor ought in any manner, to be extended to the salvation of souls, these following considerations seem to me abundantly to demonstrate. The care of souls is not committed to the civil magistrate any more than to other men. It is not committed unto him, I say, by God; because it appears not, that God has ever given any such authority to one man over another; as to compel any one to his religion. Not

Nor can any such power be vested in the magistrate by consent of the people; because no man can so far abandon the care of his own salvation, as blindly to leave it to the choice of any other, whether prince or subject, to prescribe to him what faith or worship he shall embrace: for no man can, if he would, conform his faith to the dictates of another. All the life and power of true religion consists in the inward and full persuasion of the mind; and faith is not faith without believing. Whatever profession we make, to whatever outward worship we conform, if we are not fully satisfied in our own mind, that the one is true, and the other well pleasing unto God, such profession and such practice, far from being any furtherance, are indeed great obstacles to our salvation. For in this manner, instead of expiating other sins, by the exercise of religion, I say, in offering to God Almighty such a worship, as we esteem to be displeasing unto him, we add unto the number of our other sins, those also of hypocrisy and contempt of his divine majesty." Another right which men preserve in society is a liberty to communicate their thoughts to each other both by words and writing. This liberty is a characteristick of a free government, as it is not allowed in arbitrary governments, it being inconsistent with the policy of absolute monarchies; for nothing tends more to the defeating any pernicious scheme or

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furthering any salutary one than the liberty of the press. Good kings and good ministers will not endeavour to destroy it, tho' it should be sometimes abused, for truth sooner or later will prevail and do honour to its friends, as it will bring infamy on its enemies. I allow some inconveniencies may happen to flow from it; but we are to remember nothing is perfect on this side of time. Society itself has its flaws, therefore all that a wise man can do is to distinguish betwixt two evils, and to choose the least; and certainly the evil attending this Palladium of the liberties of a free people, is not worth mentioning in comparison of the inexpressible advantages it produces. It is greatly owing to this, that we find in different nations such difference in sense, judgment, policy, arts and sciences.

A liberty of disposing of our property and a right, to have it secure from all arbitrary force, is another natural right which we preserve in society; as also personal security, for that man cannot be called free, who is liable to fines or imprisonment, without any reason founded upon the ordinances of the community.

These rights, with several others, are inseparable from the end of association, and whoever endeavours to destroy them or deprive associates of them, puts himself into a state of war with society, and forfeits whatever prerogatives or privileges he before enjoyed.

CHAP. V.

*Of War.*Sect. 1. *Of the lawfulness of war.*

ILay it down as an undisputed maxim, that there is property in the world, which is either of persons or goods. Where property is, there must be a right to maintain that property, and in a state of nature that is the property of every man, which he takes to himself, provided it is not already in the possession of another; and such property every man has a right to defend, and enjoy the benefit arising from it. But to live thus independent of each other, being attended by many inconveniences from the imperfection of human nature, mankind entered into society, and as people multiplied, they spread abroad on the earth and formed different societies; thence arose a general as well as a particular property, and consequently a general right. In society several particular rights are given up, in order to enjoy others with security. In a state of nature every man, when injured, has a right to do justice to himself; but this right in society was given up, and justice is referred to judges appointed for that purpose; therefore a man is not now to right himself, unless there be no other means for his safety, which may happen, as Grotius observes,

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“ When the judge cannot be waited for without certain danger or damage; or if a man be in places not inhabited, or if the judge will not take cognizance of matters in dispute.” But if the way to justice be open, then the natural right fails. As to the degree of resentment, to which a man in the state of nature may justly go, it is a disputable point. The rule of Moses Maimonides may be useful on this occasion, “ No private person is permitted to kill another, except in defence of that which, if once lost, is irreparable, as life and chastity.” To resent to death injuries of small moment, is inconsistent with reason and consequently with the law of nature. But reason does not oblige us not to resent injuries at all; neither do I think that the commands of the gospel are to be taken in the literal sense; the precept is to love our neighbours as ourselves, not better; but if we bear injuries without any resentment, and prefer the safety of another to our own, then we plainly shew that we exceed the precept. To avoid disputes and despise small affronts for the sake of publick quiet, is very commendable, truly heroick and becomes a good christian; but to suffer an assault upon life or virtue, without resenting the same if it is in our power, is neither our duty as men or christians. If one man assaults another, the man assaulted has a right to defend himself with his utmost power, whatever station the
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assaulter may be in, or whatever character he may bear. Men entered into society, to preserve in safety the greatest advantages they could pretend to in the state of nature, but nothing can be more advantageous or more excellent, than the enjoyment of life and virtue, and therefore the opinion of some authors seems not to be well founded, which does not allow self-defence against those in publick stations; because if such act against the end of society, they should no longer be regarded as beneficial members but as enemies of that society. This reason extends even to sovereigns, who when they act contrary to the end of sovereignty, as Mr. Barbeyrac observes, "forfeit their right, at least in regard to the persons injured. Of this sort is the case of a prince, who without just cause, attempts the life of one, whom he ought to protect and defend against all such as shall attack him in the same manner." For the same reason that private men have a right to defend themselves, so likewise have societies, who in many cases may declare war against other societies who have injured them, which should always be the case, for where there is no injury, there is no just cause for war. And as it is unnatural to make war unjustly, so the authors of such war have the greatest load of guilt, that can burden mens consciences, and it is to be presumed will find as little mercy in another world, as they deserve.

serve in this. It is the justness of the cause that inspires men with resolution and courage. Who can be brave in fighting for a cause condemned by heaven? Therefore let justice be the cause for which a warrior draws his sword, and then may he be said to fight the battles of the Lord: otherwise, tho' success may for a-while attend the wicked, their condition is miserable and unhappy, yielding anguish and remorse. It is a question, whether subjects, tho' believing a war to be unjust, be obliged to support it and fight. Perhaps if the case be well considered, the negative will be agreed on, for no man should engage under any pretence to defend what is unjust, and if he who fights for what to him is unjust should fall in battle, he certainly dies in sin unrepented of. But I suppose that common people are generally persuaded of the justice of the war they engage in, as proceeding from those on whose superior judgment they rely, and to whose equity they trust, on whom they thereby throw all the guilt they have to answer for if it is unjust. Tho' in the beginning of a war, many, for conscience-sake, may keep out of it, yet if an invasion should be threatened, or a general loss expected, the principle of self-defence will oblige those people to change their resolutions, or rather in such a case, a new and a just cause may be said to offer itself. From what has been said appears the lawfulness

ness of some wars, tho' people have been so scrupulous as to dispute it. Were it not for a just and necessary war, confusion, tumults, robberies, assaults, and slavery, would reign in the world. Unless societies had a right to defend their possessions, and to endeavour to gain what may have been injuriously taken from them, and unless they acted in consequence of such right, a wicked, ambitious prince would soon make himself universal monarch of, and tyrannize over, both the souls and bodies of his fellow creatures. Peace is certainly very precious, and is to be preferred if it can be had on a reasonable foundation; for war, even to the fortunate, brings some disasters and misfortunes, and is an evil to be avoided, as being the destroyer of mankind and ruin of the creation. It promotes wickedness and licentiousness, the banes of a state; yet, as a divine observes, "There is no loyal subject, no true patriot, no good christian so passionately fond of peace, but that if he had any reason to suspect, that it would endanger his prince, his country, or his religion, he would dread it as an evil more intolerable than even that of a lingering and consuming war." But when danger is not the case, nor the attainment of what is just the motive of action, then the promoters of war are guilty of the highest crime that perhaps is within the sphere of human power to compass. What then shall we say of those princes,
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who without any other reason than the lust of conquest wallow in the blood of their fellow creatures, and void of humanity, brutishly employ their strength in bringing desolation on the earth? such a prince has lived even in this century. Of whom it might justly be said, that massacres were his delight. To rob and murder, his principle diversions; to fling off the man and act the brute, the end of all his actions. Instead of employing the power God had entrusted him with, to promote peace and the happiness of mankind, he abused the gift of his creator, and could not be easy but when gorging himself in blood, and barbarously tormenting the world because he had a power to do it.

Among many other prejudices that prevail over the mind of man, I have often wondered at the notion of some, who hold that we ought always to be in a state of war with those who are not christians, a notion that seems to be very inconsistent with the principles of christianity, which teach us to love all men. Now as heathens are rational creatures endued with the same faculties as christians, and equally capable of improvement, why should we be at war with them, though their faith is not so extensive as ours? it is not their fault. Like most christians they believe according as they were instructed while children; for it is to be observed, that there are not many among us who can other-

wife account for the principles of their faith. If by far the greatest number of christians had been born in Turkey, or in a heathenish country, they would have been mahometans or heathens, and equally obstinate in their notions. Many of those infidels have never heard of the christian mysteries. The priests who are sent abroad to convert them, are often men leading such wicked lives that instead of drawing people over to, they frighten them from christianity. If honesty and virtue can recommend men to our esteem and respect, I dare say that in these, they exceed many christians, and I cannot see why alliances may not be made and commerce carried on with such, seeing that true religion in a great measure depends on sincerity and uprightness. The Chinese are reported to be a fraudulent people, but it is certain, that in proportion to the number of christians that come among them, they have seen as great villainy practised by christians, as the latter can surely accuse them of. Such churchmen God will without doubt disown at the same time that his mercy will be extended to the well-meaning heathen, who, if by God preferred, ought not to be regarded as an enemy. Indeed it is surprizing how any one part of the human creation can entertain such unworthy sentiments of the other. The law of nature teaches no such doctrine. By this divine immutable law, all men have a right
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to make alliances, notwithstanding the differences of religion. The possessions of infidels are as much their right as the possessions of christians are theirs. To invade a country because it belongs to heathens, is as unjust, and as great a violation of true religion, as to invade it for no other reason but to increase our own power.

Sect. II. *Who has authority to make war.*

The power, (I mean the legal power) of declaring war, varies according to the constitution of different countries. In absolute governments the king is invested with the sole power of declaring war and concluding peace, and in some countries, as in England, where the king is not absolute, he is still invested with this power. There are other monarchs who cannot do this without the consent of the nation. Others may with the consent of their council conclude peace, but not declare war. Republicks likewise vary according to the nature of their government, all which are equally agreeable to the law of nature, supposing that the associates have originally freely settled this power on the present footing. But no particular subject, whatever his station may be, hath any right independent of the king or state to declare war; but if a country or its people are attacked, then the governors of provinces and magistrates not only may, but are obliged to
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defend the publick and people under their government against their enemies, and upon notification of the said invasion to their master or masters, these have good reason to declare war. Plato in his xiith. book of laws says, "if any man makes peace or war, by his own private authority, without the order of the state; let death be his punishment. But if any part of the state makes peace or war of their own heads; let the officers of the army convene the authors of such an attempt before a council of war; and let the criminal on conviction suffer death." The first part admits of no exception, but the latter requires an explanation. Magistrates have likewise a right to reduce insurrections and rebellions that happen within their jurisdiction, as also riots and tumults, whether the transgressors be few or many in number, because in many cases the waiting for an order from the prince or state may be of dangerous consequences; and the occasion of much greater mischief. The greater the number is of such rebels, the greater reason there is to be brisk and expeditious in quelling them, however not omitting on the very first intelligence to give proper information to superiors. Such of the offenders who are not slain in the action, are, if taken, to be imprisoned and tried as the civil law directs. Though it would be a crime of the highest degree in any governor residing near his master (as a lord lieutenant

of Ireland, or viceroy of Norway) to declare war against any state; yet it may be sometimes necessary, for those who reside far off to have, on extraordinary occasions, this power in regard to such people as have not correspondence with their masters, or any intercourse by ministers, as governors in America, Asia or Africa may sometimes have just cause to act offensively against some of the states in those countries; and their waiting for orders might be attended with many inconveniencies. But it is to be observed that no governor can make war or attack another whose master is at peace or in alliance with his principal; to do this would be to act the part of a robber, and is as inconsistent with the law of nations as the law of nature. As Grotius observes when Cicero defended Octavius and Decimus Brutus, who made war upon Anthony of their own heads, he seems to reason according to the circumstances of time and his own passions, fitting the line to the stone, or the rule of equity to things, and not things to the rule of equity. Though it were plain that Anthony had deserved it, they should have staid till the senate and Roman people had decided, whether it were for the benefit of the state to have dissembled the matter, or to have revenged it; to have come to terms of peace, or to have recourse to arms? Farther, though Anthony had been declared an enemy, the senate and people of Rome should have been

allowed to consider, whom to employ as generals in that war. What may be said in defence of Brutus is that the time and occasion were of a very extraordinary nature, and his motive was the most virtuous by which any man could be influenced.

Sect. III. *Several methods of attaining and defending property.*

Things that have no owner; countries, islands, &c. that as yet belong to no state, will certainly be the lawful property of the first occupiers, who by such occupancy gain a right to defend the same against all who shall pretend to deprive them of such possession, and therefore a state may lawfully carry on a war in defence of property thus gained, or to regain the same if taken away by force. The uninhabited and unpossessed places of America discovered at different times and by different states, did certainly become the just property of such states as took possession thereof, independently of all others. Places which are forsaken and given up by their possessors do return to a state of nature, and become the property of him who shall first claim them, though in this case it sometimes happens that the former possessors insist on a continuation of their property, as at present does the king of Portugal in opposition to France, notwithstanding all the tokens of a desertion on the part of the former power, in consequence of which

which France took possession; but were soon drove out by the Portuguese, who pretended that their right was the same as when they peopled the place, and that his majesty had never parted nor would part with the said right. A place may be supposed to be abandoned as well by actions as by words, as when the people and moveables thereof are withdrawn, and no notification is made of the intention to retain their former right. In such a case the territory becomes the property of the first occupier, whose title will be still more strengthened by prescription.

A long continuance of possession without interruption from the former proprietor, gives a just right to the present occupier. If this were not allowed, innumerable would be the troubles and inconveniencies which would follow. There is hardly an inch of ground, at least in Europe, but might be disputed, and universal confusion introduced. But prescription gives no right where the former possessor protests against the same, and keeps up the title though he be not able to regain the possession, as being the weaker power. Where there is no such interruption, and yet the acquisition of the present possessor is known, such silence, if it be voluntary, testifies an abdication and ceasing of the old right. A prince who would retain his right, will without doubt give some sign of his intention. As in the case already mentioned, an

abdication was denied, though the tokens were pretty plain; but if no such interruption had happened, and the French should have remained unmolested during any considerable time, then the right of prescription would have taken place, and in defence of such right war may be lawfully carried on. Several potentates keep up the titles of principalities and even kingdoms, though they have not the least possession therein, but this they do to prevent the possessors attaining a right by prescription. If they should discontinue the title, such a discontinuance would be a tacit acknowledgment of resigning their right, which they could not justly resume, unless on such discontinuance they declared a design of resuming it again, and even in such case it is doubtful whether such declaration be valid. This right of prescription is a very extensive theme, and to enter largely thereon would be inconsistent with the designed brevity of this work. Property is gained in war. The country, towns, cities, goods and things taken from an enemy, become the property of the captor; the former owner indeed continues to have a right of endeavouring to regain the lost property by the like force, but it cannot be allowed a right to the thing itself 'till it is regained. By captor is to be understood the state in whose service the people are, for we may say with Grotius, "every soldier represents the body of the state,

state, and executes the business of the whole political body:" wherefore (if the civil law does not otherwise provide) the state acquires both the possession and property of things taken, which it may transfer to whom it pleases. Property may be alienated, the acquirer of which does then obtain a just right thereto, and may lawfully carry on war in defending it. Promises do in many cases give a right to another, even so far as to oblige the performer by force, to keep his word. But then what is promised should be the promiser's own property, otherwise no such right is acquired, therefore the acts of those princes are invalid by which they promise to alienate any part of the dominions belonging to their kingdoms, unless their subjects do consent to such alienation, and confirm the royal promise. I allow that where the prince is absolute and despotick, his promise gives a greater right. But a prince limited by law, can have no right to transfer the property of the state, and when he promises any such thing, he promises what is unlawful for him to perform, and therefore is not binding, for if he should fulfil it, he then would be loaded with double guilt, and the receiver would act contrary to justice in accepting what the donor had no right to give. Moreover, to make a promise valid, it is necessary that he who promises be in his senses, enjoy the use of his reason, and be not drawn into the promise

mise by fraud or unwarrantable methods. Promises made on presumption of facts which prove otherwise, oblige not, nor transfer any right to the other party. We may reason in the same manner concerning wills and testaments, by which property may be transferred or alienated. He who by testament pretends to leave to another what is not his own, by such act transfers no right, for where nothing is, nothing can be got. Succession to government may give to an injured party a right of revenging himself, but those kings are highly criminal, who pretend to alienate or meddle with successions where they have no right to do so, and yet every age produces fatal examples of such injustice. Disputes about the succession of crowns have often ended in bloody wars; whereas had men hearkened to the dictates of reason, there would have been no trouble to have decided the several rights of succession according to justice. But such are the ambitious inclinations of men, that to attain a crown, they do not care what misery or desolation they bring on the world, nor what means they employ, provided that at the end they be invested with the royal ensigns, not considering the great load of guilt they lay themselves under, and that the crown they are so fond of, may probably prove to them a crown of thorns both here and hereafter. Have we not seen armies march and battles fought in causes where neither of the parties,

parties, justly speaking, had any thing to say, but ought to have observed an exact neutrality, which had they done, those who had a right to chuse a king, would have chosen one according to their inclinations; and it is by the constitution, by which in my opinion the rights of succession in every country are to be regulated. In some kingdoms the crown is alienable at the king's pleasure. What then is to be done under so unhappy a constitution, but to follow the will of the monarch? In some countries the crown devolves on him whom the king shall choose, provided such choice be approved by his grand council, which he sometimes garbles for this purpose. Some kingdoms are elective, the sovereignty returning to the people on the demise of their king. Other kingdoms are hereditary without restriction, the next heir always succeeding; but in France the salique law excludes females and their descendents. In England the crown is at present conditionally hereditary. In all these, and other cases of the like nature, the constitution of the country is to be the rule of action, which if followed, wars on this account would be always avoided, and the end of that particular peoples association better answered than by any other means. The force used on such occasions tends to make the people miserable and slaves, for these people are to be reckoned slaves, who by force are governed by

by princes constituted contrary to their own inclinations, and the form of government transmitted to them by their ancestors; and to defend which, is as just a cause of war as to defend property. But to affirm with Grotius, that what he calls innocent profit, is sufficient reason to make war, is an opinion which seems to be wholly inconsistent with reason and the law of nature. No man is obliged to let another have the use of his property though he himself does not use it, neither can any power justly seize on what belongs to another without his consent, unless the reason for war be justifiable. One state may deny to another a passage for an army through its dominions without giving any provocation, for the use of property is as much at the proprietor's disposal as property itself. Much less have any people a right to settle by force in the uncultivated places of any state, for such places are to be esteemed property equally with those which are cultivated; and it is with reason that Grotius's French translator and commentator observes, "all the land within the compass of each respective country is really occupied; though every part of it is not cultivated, or assigned to any one in particular: it all belongs to the body of the people. The author here reasons on a false idea of the nature of taking possession. He has himself owned, that not only the rivers, lakes, ponds and forests, but also the

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rough and uncultivated mountains belong to that people or king who has first taken possession of the country. He does not there distinguish jurisdiction from property, and that distinction is equally ill grounded in this case, and liable to great inconveniences. The inundations of so many barbarous people, who under pretence of seeking a settlement in uncultivated countries, have driven out the native inhabitants, or seized on the government, is a good proof of what I advance." When the principles are false, the consequences will be so likewise, and he, whose notions are not clear and settled, will certainly be sometimes inconsistent with himself.

Sect. IV. *Other causes of war.*

We have already seen that war may be justly declared in defence of property; and from what hath been already advanced, it will easily appear, that the defence of a just title is a good reason for war. Therefore queen Anne gave a sufficient reason for declaring war against France and Spain, when she notified that those powers had taken upon them to declare the pretended prince of Wales king of England, Scotland and Ireland. He who does not acknowledge the title, will as far as he is able deprive the proprietor of his possession. A prince will not allow even his subjects to advance any thing against the title of another prince, with whom he wishes to live in friendship, but will

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will punish those who are guilty of such a crime, or deliver them up to the injured party. All those who have been guilty of crimes, by which a whole state or nation in general is affected (not private criminals) should, if required, be delivered up to the injured party; otherwise a just cause of war is given by the party who refuses. War may be justly undertaken to assist those with whom we are in alliance, and in some cases justice obliges us to such war. An ally stands in such relation to us, as requires help and assistance, and sometimes it is stipulated by treaty what aid the contracting parties shall give in case of necessity. If two powers happen to quarrel with whom we are equally allied, perhaps it is our duty on such occasion to stand neuter, and use our good offices to reconcile them. But a state is not obliged to assist an ally who enters into an unjust war, who without reason invades his neighbour's territories, or defends what is not his right. There is no obligation to forward what is unjust, but a strong one to the contrary. In order to avoid unnecessary war, and to preserve acquired honour and reputation, a state should take care not to contract inconsistent alliances, a fault that some politicians of the present age have been guilty of. Alliances in general are great incumbrances, especially to a kingdom situated as Great Britain is. As it is judiciously observed by an author some years ago, "they ought

ought to be cautiously avoided, and never entered into but upon cases of the utmost extremity, being commonly attended with very fatal consequences. If we happen to be involved in a war, the best way is to pursue it vigorously, and make a peace as soon as we can upon just and honourable terms. Thus a treaty of peace, and a treaty of commerce to regulate our trade, are contracts that are useful and necessary, in case of disputes; but a treaty of alliance, generally speaking, serves only to incumber us with guaranties and engagements, which often draws us into quarrels foreign to our interest."

When any prince aims at universal monarchy, other princes and states have a right to oppose him, and by force to reduce him within proper limits, for by such aim he puts himself in a state of war with all the world. It is not prudent to allow such a king to proceed very far, for by curbing him in time, the shedding of much blood may be prevented, and many inconveniences may be avoided. Doubtless a prince so ambitious will endeavour to get fair excuses and pretences, in order to lull his neighbours asleep, and will begin by subduing little states, proceeding by degrees to his main end, from which if he is not early prevented, it may at last be in vain to oppose him. Religion will probably be used as a cloak, but people are now too wise to be dup'd into those holy wars which formerly

merly almost ruined and depopulated the whole world. We are to remember that to pretend to advance religion by the sword is the greatest wickedness and irreligion. Such a method is quite contrary to the rules laid down in the Holy Gospel by the author of our religion.

Upon the whole, though it appears that there are many cases in which war may be lawfully undertaken, yet war is always of such terrible consequence, that a state cannot be too cautious in undertaking it. Some maintain that the violation of the rights of embassys is a lawful and good reason, and sometimes it is; but before the injured state comes to this extremity, satisfaction is to be required of the offender, which if given, then there is no pretence for using force, and if satisfaction is offered, the refusing party is guilty of all the criminal consequences that may ensue. Moreover in this case it may be required, whether the ambassador who pretends to be injured, or rather that his master is through him, his representative, has not by his conduct forfeited the rights of embassy, and given reason to the state (to which he is sent) to regard him as a publick enemy. If he has, then he receives no injury, but by the law of nature and nations is become an object of their just resentment, as would likewise his master himself, were he in the country acting as an enemy; but in this case, it appears

appears he is not without the sphere of the common courts of justice, and whatever pains or penalties are inflicted on him, they are inflicted as on an enemy, and in self-defence, in which light he cannot appear for private faults, which when he commits, if they are of sufficient consequence, or seem to be so, complaints are to be made to his master, he may be sent home, or required to be recalled, and when he is divested of his publick character, the injured party may proceed against him according to the laws of the country of which he is a subject, for while he is minister, he is regarded as representative of his sovereign, and by a useful fiction, the private man is left at home, and the injured is to help himself; as supposing the injurer is in his own country, that is out of the jurisdiction of the prince or state where he resides, for ambassadors, as Mr. Bynkerhoek observes, continue to depend on the same jurisdiction as before their embassy. The rights of embassy are certainly of a very nice nature; every nation is interested therein, and in case of evident violation should make it a common cause. But it is to be observed, that no minister can pretend to the benefit of the law of nations 'till he makes himself known by his letters of credit, which baron Goertz had not done when he was arrested in Holland. It is a question with some authors, whether he is entituled to the protection of the law of nations,

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tions, who is a natural born subject of the state to whom he is sent. For my part, I think, that if the state acknowledges him; he is then fully entituled to all the benefits that are enjoyed by publick ministers. If the state to whom he is designed does not approve of him, it is their business to notify it to his master, and except against him, and prohibit his entering into their dominions, or, if entered, order him to depart within a limited time. If he do not comply, then the law of nations is not violated, if he be proceeded against as a private man; but to decide the question methodically, it is requisite to enquire whether a man can leave his country and alienate his natural allegiance to a foreign state. It is my opinion, that a man may put himself under the protection of a foreign state, and thereby enjoy the benefits of the laws of such state, but with this restriction, that he can never withdraw his allegiance from his native country which he owes by nature. All the oaths and obligations that can be invented cannot free him from the natural obligation that he is laid under by providence. If it be for the good of mankind to resign part of an unbounded liberty to enjoy securely the rest, it is likewise so, to be bound to that state under which we are born; and if a man cannot withdraw his subjection therefrom, nor sling off its authority over him, then he is liable to answer for any crime, which

which he commits, and when he returns be punished therefore. For the same reason he cannot withdraw his natural allegiance, so neither can a state withdraw its protection from its natural members, unless as criminals, they be severed from the society. Policy may sometimes order things otherwise, but that is not the present subject. Whether or not princes may be lawfully resisted is a question which falls under the present subject; in which, and all other questions relating to government, we must, (if we would judge rightly) have in view the end of society and the duty of princes. The end of society is to be as free as possible from injuries, and to enjoy as much of our natural liberty as association can allow of. The general duty of princes is *salus populi suprema lex esto*. As God is a being of infinite goodness, he certainly wills the happiness of his creatures; and as by society, men are most likely to attain as much as this world can afford, it is agreeable to the almighty that mankind should associate and attain the end of society, contrary to which when any man or men acts or act, he or they act contrary to the will of God, and the safety of mankind, for which reason, whatever titles or offices, he or they may bear, they are to be resisted and opposed. Kings are made so by men and for the good of men, and are to be regarded accordingly. "The sole cause of majesty Hornius makes
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God himself, who upon the people's election, immediately transfuseth it on the prince. Puffendorf says, here I am mistaken if he did not conceive majesty under the notion of a real and physical quality; as they manifestly do, who affirm civil government to be the creature, or the act and the work of God, so that no other creature either in an equal or in a superior kind of causation, or by any innate principles, doth at all contribute to its institution. By which discourse their gross ignorance of moral things is sufficiently betrayed. The argument which sets forth, how that persons exalted to the throne from an inferior station have suddenly been surrounded with an unusual glory or splendor, which could not shine from any other place than heaven, may serve for a declamation before such an audience as are unable to distinguish empty flourishes from solid truth. That kings are the peculiar care of God Almighty serves not in the least towards the proof of his opinion. And, besides, the divine providence has been pleased to shew no less evidences, as it were of a particular favour, to other persons preserved to be hereafter in an eminent manner useful to the world. At the same time, we read of no inconsiderable number of kings, who have drunk poison out of their precious cups, or have fallen by treachery of their own people. As to that temper and constitution of body in some princes, which is observed

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to produce effects not unlike to miracles, the physicians are to be consulted on the point. Nor doth he prove what he aims at, by alledging the punishment, either of tyrannical kings, or of stubborn and rebellious subjects, or by heaping up testimonies in so plentiful a store (which too acknowledge God no less for the author of aristocratical than of monarchical government) or by reciting those divine predictions concerning some kings, the like to which have not been wanting in popular states." The divine law of God does not direct us to believe that kings are of divine institution, or that there is any divinity about their persons. We are not so much as commanded to make choice of kingly government, but are commanded in general to obey magistrates, to obey the higher powers, those who rule the state under whatever form of government it be. Even those we are not to obey in their unjust commands. We must obey God rather than men. The just commands of God and the unjust commands of men cannot be obeyed at the same time. Of all the champions for kingly power, Mr. Hobbes seems to act the most honest part. He tells us his sentiments plainly, that the strongest, the most powerful are to be obeyed and respected on account of their strength and power, not because God would have mankind to be slaves. Princes and magistrates should be respected according to their

good works; but when they fling their duty behind them, are for meddling with what they have no business to meddle; if they attempt the ruin of the people, and are for assuming to themselves extravagant power, then respect ceases; they cease to be kings. A prince is to protect his people, govern them by wholesome laws conformable to the end of society. When he acts thus, good men will love and esteem him, risk their fortunes and lives in his service. But when a prince permits foreign powers to insult and injure his people, when he governs them according to his arbitrary will, with a view of making them slaves; then good men will detest and abhor him, and endeavour to pull him down from a throne which he so unworthily fills. Kings are no more than other men, but as they exercise kingly virtues, as they excell other men in doing good, so they ought to be honoured more than others. Take from a king his virtues, and what remains is as odious a sight as can be seen in the creation; you then see a being endued with a capacity of knowing good and evil, with a power of doing much of either, choosing the evil rather than the good. By the same reason that people argue for veneration and regard being paid to wicked kings, they might argue for our adoring and worshipping the devil, who (if we may believe divines) has more power than any earthly monarch, and is possessed of every

every qualification, except goodness, in a higher degree than the princes of this world. Mr. Puffendorf makes a scruple of opposing and resisting princes because of the miseries and troubles which attend the people in dethroning even the worst of princes. But this is not owing to the act of dethroning itself, but to want of unanimity amongst the people. If reason directs them to dethrone a prince, by the same reason they may learn the necessity of uniting to settle the government. Besides the observation is not universally true: many have been dethroned without the states suffering any shock. On the contrary a great deal of benefit has occurred to the society thereby, as also to posterity. In those revolutions of state, the acting powers are to have a regard to the future, as well as the present time. That some people should passively suffer, lest by resisting they should cause the ruin of many, is not a just reason. In all probability they will be the cause that millions yet unborn shall live happy and free, and what can be a more noble, glorious and pious motive for suffering than to transmit liberty to posterity? I am far from advising violent measures on every error or misconduct of princes. Resistance only becomes a duty, when they attempt the ruin of a state, the subversion of liberty, or overturning the constitution of the nation. Mr. Puffendorf says, "that acts of civil government are for the most

most part so obscure, that the multitude cannot apprehend the equity, or the necessity of them, and often through prejudice or passion will not apply their minds to the discovery of truth; and since generally speaking it makes for the interest of the commonwealth to let the reasons of the state, and the grounds of publick councils be known by very few; it will be a most difficult task to point out exactly those several actions, for performance of which, a prince may be justly called a tyrant, and as justly be opposed by the people, with any violence whatsoever." If by multitude be meant the rabble, I agree with Mr. Puffendorf, but if he means all those who are not in the ministry, I dissent from him; for among those in all countries, there are many, who have, not only capacity, but also are as free from prejudice as any man can be, who from observing times and circumstances can and do make as rational conclusions, as those who have the immediate management of affairs. As to secrecy, excepting some points relating to foreign affairs, there is not so high a degree of it necessary as some imagine: it can never extend so far as to warrant oppression, under pretence that the state of affairs require it. In short, there can be no good reason for slavery. No man can by right become absolute over others, without supposing that mankind have a right to dispose of their own lives. People may certainly

ly part with liberty in different degrees, and in some measure give to others a right over them, but this is limited, for no man has an absolute right, no not even over himself. I agree with Grotius that "it may be lawful for a people who are at their own disposal to deliver themselves up to any one or more persons, and transfer the right of governing them upon him or them, without reserving any share of that right to themselves." But give me leave to ask, to what degree are they at their own disposal? They have a limited not an unlimited right, and therefore must keep within their proper bounds. All just government was ordained for the sake of the governed, notwithstanding the example which Grotius brings of a master over his slave, for this is a forced, unjust and inhuman government. Examine the means by which a poor wretch becomes a slave: you will find that he was originally forced by a stronger power, carried by violence to those who bought him, and is afterwards kept by constraint, all which proceeding is unjust, and directly opposite to the principles of true religion. That there are some cases in which a prince may be resisted Grotius readily allows, he says, "princes who depend upon the people, if they transgress the laws, may not only be resisted by force, but, if necessary, may be punished with death. A king who abdicates his government becomes a private person. If a king should, like an enemy,

enemy, design the utter destruction of his people, he loses his kingdom. For the design of governing and the design of destroying are inconsistent together." It is in my opinion impossible that any people on their first association, could have been so void of all sense, and so wholly regardless of their own good, as to agree to slavery. Certainly they at first entered into mutual compact with their head men, to whom they were to pay deference, expecting from them protection. Perhaps no government, strictly speaking, has set out by ordaining absolute monarchs; at first they were without doubt under restrictions, and a compact was made either tacitly or expressly between them and the people. Where, by main force and strength, princes have rendered themselves absolute, they have no more right even after such possession of power, than they had before, for if they have, then a thief after robbing a man of his purse is the lawful possessor. He who by violence seizes on the liberties of mankind, does so without any right, and acts as a wild beast who lays hold of a man, and destroys him.

Julius Cæsar had no right to take possession of the Roman empire; therefore every man had a right to oppose him in his unjust possession. He had no right to render his fellow-citizens slaves, but he did it; therefore Brutus was justifiable in joyning to destroy him, in order to restore to the people the

the possession of what they had a right to. Brutus was a great patriot; he loved Julius Cæsar as a private man; but he loved his country better: while Julius Cæsar appeared to be a friend to Rome, he was Brutus's friend, but no longer, Brutus could not be a friend to a man, who was an enemy to the society. Brutus preferred being a member of a free society, to be king over millions of slaves, and to make his country free, to make bleeding Rome appear in her former lustre, to restore to the good old senators their ancient dignity, to re-estate in their rights and liberties the poor citizens of the once freest society in the world; to accomplish those great ends, with a noble fortitude and god-like resolution, he struck home to the tyrant's heart. Afterwards he continued his utmost endeavours to restore liberty; but they proved vain: heaven ordered it so; and Brutus, when he found that he could not live free, resolved not to live a slave, he therefore sacrificed his life to liberty. I beg leave to add to what I have advanced on this head of resisting princes, a passage from the writings of the great Mr. Locke, which, tho' somewhat long, contains a good foundation for supporting the present question. "The reason why men enter into society, is the preservation of their property; and the end why they choose and authorize a legislative is, that there may be laws made and

and rules set, as guards and fences to the properties of all the members of that society, to limit the power and moderate the dominion of every part and member of the society. For since it can never be supposed to be the will of the society, that the legislative should have a power to destroy that which every one designs to secure by entering into society, and for which the people submitted themselves to legislators of their own making. Whenever the legislators endeavour to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further obedience; and are left to the common refuge which God has provided for all men against force and violence. Whensoever therefore the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties and estates of the people; by this breach of trust, they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to reassume their original liberty, and by the establishment of the new legislative, (such as they shall think fit) provide for their own safety and security, which is the end for

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which they are in society. What I have said here concerning the legislative in general, holds true also concerning the supreme executor, who having a double trust put in him, both to have a part in the legislative and the supreme execution of the Law, acts against both, when he goes about to set up his own arbitrary will, as the law of the society, to corrupt the representatives, or gain them to his purposes; or openly pre-engages the electors and prescribes to their choice, such, whom he has by solicitations, threats, promises, or otherwise won to his designs; and employs them to bring in such, who have promised before-hand what to vote and what to enact. Thus to regulate Candidates and Electors, and new model the ways of election, what is it but to cut up the government by the roots, and poison the very fountain of publick security. For the people having reserved to themselves the choice of their representatives, as the fence to their properties, could do it for no other end but that they might always be free chosen, and so chosen, freely act and advise, as the necessity of the commonwealth and the publick good should, upon examination and mature debate, be judged to require. This those who give their votes before they hear the debate, and have weighed the reason on all sides, are not capable of doing. To prepare such an assembly as this, and endeavour

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to set up the declared abettors of his own will for the true representatives of the people and the law-makers of the society, is certainly as great a breach of trust, and as perfect a declaration of a design to subvert the government as is possible to be met with. To which if one adds rewards and punishments visibly employed to the same end, and all the arts of perverted law made use of, to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the liberties of their country, 'twill be past doubt what is doing. What power they ought to have in the society, who thus employ it, contrary to the trust which went along with it in its first institution, is easy to determine; and one cannot but see, that he who once has attempted any such thing as this, cannot any longer be trusted." It, perhaps, may now be ask'd, who shall be judge on such an occasion? To this I answer, in the words of the same author, "The people shall be judge; for who shall be judge whether the trustee or deputy acts well, and according to the trust reposed in him, but he who deposes him, and must by having deposed him, have still a power to discard him, when he fails in his trust? If this be reasonable in particular cases of private men, why should it be otherwise in that of the greatest moment, where the welfare of millions is concerned, and also where the evil,

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if not prevented, is greater, and the redress very difficult, dear, and dangerous?"

Sect. 5. *Of what is lawful in war.*

Both fraud and force may be justly used in war, tho' not without many restrictions. Fraud is so far justifiable, as it is the means of obtaining a real and greater good, without encroaching upon, or injuring any one's property, or violating any right which another may have to the contrary. It must not extend to the breach of promises and oaths, for these transfer a right, the acting contrary to which is manifestly unjust. To endeavour to persuade the enemy, either by words or actions, that our design is different from what indeed it is, carries nothing with it that is unreasonable; but if we promise to forbear from such an action, then such promise gives such a right to the enemy, as that to violate it wounds the law of nature. If possible, we are in no respect to hurt truth; it is seldom done without a crime. It often happens, that an injur'd state before it denounces war, gives to its subjects Letters of Reprizal, which should be done on mature deliberation, and with great caution. They ought to be so penned, as not to authorize or countenance the possessors to act inconsistent with the law of nations. Some restrictions ought likewise to be put on privateers, who seldom keep

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within the bounds of their commission, and rather than go without their expected prize, take friend as well as foe; nay sometimes the vessels of their own country. Before any state enter upon hostilities, it ought to declare war, otherwise such state may be said to carry on a piratical war. Before such declaration, the former friendship that subsisted between it and any other nation, is supposed to continue, and while at amity, to commence hostilities, is barbarous and brutish. When war is declared, then is the time for annoying the enemy, both by force and stratagem. Plundering and killing become lawful, and violence in a thousand shapes receives sanction during its continuance. However there are some actions which are forbid by and are wholly contrary to the law of nature, while others, such as poisoning, are prohibited by consent of nations. To destroy by poison is justly abhorred and detested, tho' perhaps the prohibition is owing to a regard for the safety of princes, who would be in continual danger if it was countenanced. What is taken during the war, becomes the property of the captor. "By the law of nations, not only he who makes war for a just cause, but every man in a solemn war acquires the property of what he takes from the enemy, and that without rule or measure; so that both he and his assigns are to be defended in possession of them by all nations; which as the external

external effects of it may be called the Right of Property." It is the opinion of some authors, that to render what is taken, the property of the captor, it is necessary that there be possession for some time, which time is now generally allowed to be twenty-four hours; but I own my weakness in not apprehending the reasonableness of this proposition. The law of nature seems to give a right of property to the captor, as soon as the capture is made, and continues that right as long as the captor can keep the prize. Hence it follows, that when goods are taken by an enemy, and are retaken by a third hand, that the first proprietor has no right to them, for his right ceased when the enemy took them from him, they were no longer his, but became the property of the enemy; therefore he or they who retakes them from the enemy, takes the enemy's, not the first possessor's, property, and by such re-capture he or they become the lawful proprietor or proprietors. Thus if England happens to be at war with France, and a French ship takes an English ship, the latter on such capture becomes the property of the former. If another English ship retakes the former, then it is French property that is taken, and it becomes the property of the last captor. The law of nations or the civil law, may order it otherwise, as is often done, yet such orders do not prove, that the law of nature does not permit the method

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which I have laid down. Things in possession of, but not belonging to our enemy, being the property of a neutral person, or ally, do not become ours by caption; for to make that ours which is taken from the enemy, the law of nature requires, that it should belong to, and be the property of the enemy. But as Grotius observes, "Here is a more difficult question, to whom do the spoils taken from the enemy in a solemn war belong, whether to the people in general, or to private persons of and among the people?" In answer to this, Goods ought to be distinguished into moveables and immoveables; the former belong part to the captors, and part to the publick. Justice requires, that the soldier, who by venturing his life, gets a prize from the enemy, should enjoy the benefit of his risk, and likewise that the publick, who is at the charge of carrying on the war, should enjoy some of the spoils; so that moveables are partly the property of the publick, and partly of the captors. But as the publick good and the advantage of society in general, are always to be preferred to private ends, it seems reasonable, that when lands or territories are taken, that they should belong to the publick, and the moveables which are upon them, or belonging to them, to the captors. A state may pretend to what is taken in war, as being taken by its representatives, who are employed for its advantage,

tage, and who by a tacit condition, are to transfer to the publick whatever they take or seize, as of right belonging to it. It may likewise claim a right of dividing such prizes in the manner that seems the most conducive to the good of the whole, always preferring the immediate captors before any other particulars. Grotius thinks, that "when soldiers take any thing from their enemies, when they are not upon duty, or executing the commands of their captain, but doing what any other person might do, or by bare permission, what is thus taken is lawful prize to the captors, because they do not take them as servants of the publick. Such are the spoils taken in a single combat, and in excursions, made freely, without command, into an enemy's country, at a distance from the army, which the Italians call *Correria*, and distinguish it from booty." Certainly there is a difference to be made between taking a thing in a private capacity, and in a publick one, as a private man, and as a representative of the state. In war a right may be attained over persons. Those who are taken prisoners, do in a certain degree become the property of the captors, and may be employed in such a manner as they think proper. They may be confined, put to hard labour, or disposed of in a thousand different ways, without any violation done to the law of nature, so long as they are not abused or

cruelly treated. But cruelty is always contrary to the law of nature, and therefore is never committed without rendering the author guilty of a crime.

It is to be remembered, that no man can ever have a right to do what is in itself wicked, and therefore whenever any man acts cruelly, he becomes an object of the divine vengeance. Even in a battle, all appearance of cruelty is to be avoided, and the general good is to be the motive of action. He who kills another, not from this principle, but from private revenge, is guilty of murder. Prisoners may indeed be put to death, when the safety of the captors do absolutely require it, which may sometimes happen, otherwise they are to be preserved. When prisoners give their words to keep within the bounds prescribed to them, and on that condition are allowed a larger liberty; if they exceed those bounds, and endeavour to escape, they violate the law of nature, and become just objects of the enemy's resentment: they are guilty of ingratitude, as well as injustice. But when they are not bound by any promise or obligation to remain, then they commit no heinous offence in endeavouring to escape; tho' if they are retaken, the enemy has a right to confine them in a stricter and closer manner. But yet notwithstanding that right, they may always endeavour to escape, unless they oblige themselves to the contrary; for

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as Grotius says, "There are many rights that have only an external effect, and impose no internal obligation, such are those of war. Neither can one object, that from the very nature of property a real obligation is laid upon the conscience. Because there being many kinds of property, it may be such an one as has only power in human judgment and by compulsion, which is often found in other kinds of right." The judicious Mr. Barberac is of a different opinion, as also many others, who say, "That if the victors apprehended, that the prisoners, under pretext of the injustice of the war (they should say under any pretext) should believe they had a right to throw off the yoke, as soon as they had a favourable occasion, they would give none of them their lives." Now I can't think but that the victors, not only apprehend, but are fully persuaded that their prisoners will on the first favourable occasion make their escape, and not only humanity, but self-love, forbids them to destroy such prisoners on this account, for they know very well, that the enemy would act the same part, and it is for the benefit of both parties to use prisoners well. Great care is to be taken to use a victory with moderation, both in regard to persons and things. Barbarity is to be avoided as highly offensive to the Deity, whose vengeance is ready to fall on the head of the insolent conqueror. A general should

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consider the instability of human prosperity, that the Divine Being presides over all, and will certainly require of him the blood of every innocent person shed thro' his means. Let him therefore distinguish the innocent from the guilty, and never condemn to death, but when the crime of the party, or the safety of the publick, requires it. Things sacred and consecrated to divine service, should be treated with great tenderness and regard. He who is truly religious, will always have a respect for what is appropriated to religious uses. The heathens, both ancient and modern, seem to excel christians in this point, who in barbarity and inhumanity often exceed the most uncivilized and unpolished people. Very strange indeed! and inconsistent with the religion they profess. A particular tenderness is due to women and children, to the latter especially, on account of their innocence and unoffending age. He must be more than commonly brutish, who can torment and destroy poor innocent babes who have been guilty of no crimes, but are pure and white, un sullied and spotless, inoffensive and harmless; he, I say, who can butcher and torment these little children, must be cruel beyond description; and yet such horrid violence has been often committed in open defiance to all virtue and humanity. But let those, who now shew no mercy, beware lest the time may come when none shall be shewed

shewed to them. Women have in all ages been respected by civilized nations; it is a very wild notion, which some people entertain, that those who are prisoners of war do become so absolutely the property of the captors, that they may force them to yield their bodies to their lustful passions, that they may even by violence accomplish and gratify their lecherous desires. But little do those men consider, that no right can ever be attained by any means whatsoever, to do that which is contrary to the nature and relation of things, and is prohibited by God himself. To ravish a woman, is *malum in se*, and no human law can render it otherwise. The rights of war may authorize all actions not repugnant to moral good considered in itself, but can never sanctify absolute moral evil. Prisoners may be put to death, when it is apprehended that their lives are incompatible with the safety of their conquerors; but a woman's chastity can never be incompatible with such safety, neither can the violation of it any way advance the interest of the violators. It only satisfies a brutish passion, a crime which no wise general will allow, nor good one permit to pass unpunished; it being only a complication of beastly lust and cruelty. It is therefore with the greatest horror, that I hear of any such outrages, as have sometimes been committed by christians upon christians. Too often have barbarity and rank concupis-

cence broke into cloisters, and there wallowed in crimes not fit to be named.

To abuse the bodies of the enemy when dead, is another piece of shocking cruelty of which some men have been guilty, and carries with it an evident demonstration of ignorance and malice. He must be of a very mean spirit who is guilty of it. To carry resentment beyond death is as weak as it is wicked. What can more evidently prove a base soul, than to insult a dead body, upon which when animated, he dare not perhaps to cast a wry look. Silly wretch! does he think that his cowardly rage can reach the man? No, he is far beyond his and all human power: he perhaps at the very time that the monster is mangling his body, enjoys the highest felicity free from trouble and vexation.

From the nature of war, its causes and what hath been said thereon, it follows that peace is the end of war, which ought never to be undertaken but on very good grounds, and when undertaken all just and honourable methods should be used by neutral powers to bring it to an end, this perhaps is not the doctrine of sound policy, but I am sure it is of sound morality. But the rashly undertaking of civil war is of all wars mostly to be avoided. Were people to take a just view of these, they would not so readily as they often do, engage in them. Set before your eyes the

the direful consequences of those wars, the laws trampled on, justice disregarded, violence every where prevailing, your country covered with the dead bodies of your fellow citizens, and flowing with streams of blood running from the veins of many thousands of innocents; the father fighting against the son, and the son against the father; the wife betraying the husband, and the husband the wife; infants at the breast left to the mercy of men void of all mercy; virtue prostituted, and licentiousness riding triumphant on the ruins of liberty; all these, and many more, are the effects of civil wars, in which humanity is general entirely cast off, and all regard to ties of acquaintance, friendship or even blood is set aside.

When negotiations are carrying on for a peace; a good prince or minister will not break off such negotiations on a frivolous, trifling account, but they have a right and ought to break them off, if they find the other party trifling with them, and only endeavouring to gain time. When a treaty is concluded, all parties are obliged to conform to their respective engagements, and nothing furthers this more, than concluding on just terms. A nation which is satisfied with the conditions of a peace, will not probably violate it, but he who thinks himself much injured, will certainly embrace the first favourable opportunity to right himself. Princes indeed, who
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aim at universal monarchy, or at great acquisitions to which they have no right, will comply with no compacts or engagements, but break through all faith, and are only to be kept within bounds by virtue of an alliance against them capable of reducing them by force. Princes or states notorious for breach of their contracts, ought to be obliged to give security for their performance. However desirable peace is, it must not be purchased at too dear a rate, neither is such the way to keep it. Any nation which suffers itself to be trifled with, will seldom be in a better state than that of war, whatever specious name may be given to it. To be in a state of peace is to be free from all manner of hostilities and insults; any other state is not a state of perfect peace. It may be an hermaphrodite state, which if carefully examined, not by an hermaphrodite, but by a number of just impartial judges, will be found to be a most unnatural state. Treaties unless executed, are of no signification, and can only serve to bring that nation into contempt, who allows non-performance with impunity. France seems to have had those principles in view for many years past, but England has been influenced by very different motives. Our late treaties even according to their tenor are but very indifferent, and yet indifferent as they are, such articles as have been any way favourable to us, have never been complied with,

with, but always evaded, which certainly is owing to a contempt other nations entertain of us. They think that we are a dastardly, pusillanimous people, and unless we remove these notions, they will never deal better with us. I do not pretend to say that our misfortunes are owing to our ministers, they, for ought I know, have done their best to serve their country, and I take this opportunity to declare that this work is no party work, calculated for no faction whatsoever, but for the general good; the author is not attached to any particular set of men, but

*To virtue only, and her friends a friend,
The world besides may murmur or commend.*

To proceed; Worthy examples have always a great influence on generous minds. An able minister follows the footsteps of the most eminent of his predecessors, and does not like a method the worse for having been before made use of, therefore it cannot be taken amiss to recommend an inspection into former times, and to observe our manner of acting under those reigns most celebrated in history. His present majesty, I am fully persuaded, has entirely at heart the honour of his crown and the true interest of his people; I have the same opinion of every one of the royal family, whom may God long preserve and bless with all worldly happiness and prosperity,

0262

prosperity, I am certain they all aim at following the footsteps of their most glorious predecessors, and fix as the end of their actions the peace and safety of the people, which are the ends to which association and all the principles recommended in this treatise are designed and directed, and which are to be obtained, not by a tame submission to injuries, and passive obedience to every state who shall take it in its head to insult, but by a steady, prudent, virtuous and courageous conduct, by a strict observance of treaties when entered into, and being cautious not to engage in any treaties not absolutely necessary. A multiplicity of engagements and guarantees only serve to breed quarrels and intangle the affairs of a state into confusion, but seldom are of any other benefit than to serve a private end, and shift off a present evil hour, by laying the foundation of many future calamities.

The end of the FIRST PART.

PART

PART II.
 OF THE
 GOVERNMENT
 OF
 ENGLAND.



Advertisement.

THE reader may probably think that some passages in this second part, and also in the first are ill timed, seeing the reasons which might justify them, do no longer subsist; to this let it suffice to say, that excepting the last chapter of this second part, the whole work was finished in 1739, the most of it in 1738, and would have been published three years ago, had the author followed the advice of some gentlemen; but being of opinion that every work designed to be published should lie some time in oblivion that it may have a cool and impartial reading from its author, which can hardly be expected while the ink is wet upon the paper, and the fondness of a first production still glows warm, he has deferred it till now, and as the same circumstances may again happen, and as many of them still exist, he thinks it cannot be taken amiss to offer this work as it now appears to the publick.

Though

Though there are several alterations in trade since some of the following sheets have been wrote, yet there still remains a great deal to be done, the plantation trade calls yet loudly for the assistance of parliament, and commerce in general stands in need of amendment.

The author being a great distance from the press, hopes to meet with indulgence for any small errors that may creep in on that account.



O F

O F T H E
GOVERNMENT
O F
E N G L A N D.

THE love of liberty, so natural to mankind, hath not perhaps distinguished itself more eminently among any set of people than among the English. The preservation of the constitution of this nation hath appeared so dear, so valuable and precious to the subjects, that when we consider the many hard struggles, sharp encounters and glorious resistances made under tyrannical and powerful oppression, we cannot forbear to wonder at the fortitude which hath hitherto inspired the souls of Englishmen. Britons were freemen according to the earliest accounts of them, and as far as I can learn, the people had formerly a share in the government. Neither

Neither did liberty forsake the land during the dominion of the Saxons, on the contrary it advanced and gained ground; the same happened under the Danes, and William the first solemnly swore to observe the laws of Edward the confessor, and preserve the rights of the people, as did also his successors even of the Norman race; but I do not pretend that our constitution was in those days arrived to such perfection as it is at present, or hath been in this latter age. To this opinion I cannot assent, though I differ very much from those who will have our freedom to be of a recent date, and deny to the commons a share in the legislative power, till a considerable time after the Norman æra. To disprove this, I might easily enter into the field of antiquity, and from history, as well as records, shew that the commons had a share in the legislature long before the time of William the first; but this being a subject already handled by several judicious authors, I shall not enter thereon. Nevertheless, I cannot omit quoting some paragraphs from a treatise of W. Petyt, Esq; "At length upon William's declaring, that he would confirm the laws of St. Edward, he was elected *a clero & populo*, and with all the ceremonies and solemnities then in use, was crowned at Westminster, the whole nation submitting to him." But hear what the historians of those times

times say, * The English and the French meeting at London, at christmas, he by their unanimous consent took the crown of all England. Upon the day of his coronation, the archbishop of York harangued the English in an elegant speech; he was a wise, well spoken virtuous prelate, and he asked them whether they were willing that he should be crowned? All of them unanimously expressing their real assents, as if heaven had inspired them with one heart and one tongue. The Normans readily agreed to what the English did. The bishop of Constance having harangued them, and asked their sense of the matter. After the king was thus elected, the archbishop consecrated, and then crowned him, &c.

† He swore standing before St. Peter's altar, before the clergy and people, that he

* Londoniam convenientibus Francis & Anglis (ad nativitatem Domini) illisque omnibus concedentibus coronam totius Anglæ & dominationem suscepit. Die ordinationi decreto locutus ad Anglos condecanti sermone Eborac. Archiepiscopus, sapiens, bonus, eloquens, an consentirent eum sibi dominum coronari inquisivit, potestati sunt hilarem consensum universi minime hæsitantes, ac si cœlitus unâ mente datâ unaque voce Anglorum voluntati quam facillima Normanni consonuerunt fermocinato apud eos ac sentiam perunctato a Constantini præfule sic electum consecravit archiepiscopus imposuit ei diadema ipsumque regio solio, &c.

† Ante altare S. Petri apostoli coram clero & populo jurejurando promittens se velle sanctas Dei ecclesias & rectores illarum defendere necnon & cunctum populum sibi subjectum iuste & regali providentia regere, rectam legem statuere & tenere; rapinas injustaque judicia penitus interdicere. Exacto prius coram omni populo jurejurando quod se modeste erga subditos ageret & æquo jure Anglos & Francos tractaret.

would defend the holy church and her governors, and administer justice in the royal government of the people committed to him; that he would observe and keep the laws, and repress rapaciousness and injustice. Having first taken an oath before all the people that he would deal uprightly with all his subjects, and treat both Englishmen and Frenchmen alike.

Pursuant to all which, and to fix himself more sure in that his new-got chair of sovereignty, he by his Magna Charta, or great charter, granted and confirmed the laws of Edward the confessor. *Willielmus etiam rex cui sanctus Edwardus regnum contulit leges ipsius sancti servandas esse concessit*, says Sir Henry Spelman. But now we will set down a branch of the charter, which runs thus: § We likewise will, grant and command that all the free men of our kingdom have and hold their lands and possessions well and in peace, free of all unjust exaction and taillage, so as that we require nothing of them but their free Services, which they are bound by law to give us, and as it has been decreed we

§ Volumus etiam ac firmiter præcipimus & concedimus ut omnes liberi homines totius monarchiæ regni nostri prædicti habeant & teneant terras suas & possessiones suas bene & in pace, libere ab omni exactione injusta, & ab omni tallagio: Ita quod nihil ab eis exigatur vel capiatur nisi servitium suum liberum quod de jure nobis facere debent & facere tenentur & prout statutum est eis & illis a nobis datum & concessum jure hæreditario imperpetuum per commune concilium totius regni nostri prædicti.

should

should have it perpetually in virtue of that hereditary right given us by the common council of all our foresaid kingdom. From all which it must necessarily be granted, " 1. That this statute or law was made *per commune concilium totius regni*. 2. The Magna Charta of William I. Henry I. king Stephen, Henry II. and king John (the last of which says, *Nullum scutagium vel auxilium ponam in regno nostro nisi per commune concilium totius regni nostri*, the same in substance with the great charter of William I.) was but a restitution and declaration of the ancient common law and right of the kingdom, and no law introduced de novo, or forced upon king John at Running mead, to the disinherison of the crown, and which by their several sacred coronation oaths, they had so solemnly sworn inviolably to observe and keep." The same author opposes (with a great deal of reason) the opinion that the commons in parliament had their first birth by rebellion An. 49. Hen. III. after the battle of Lewis, and he endeavours to disprove this notion by the following arguments.

" 1. From the claim and prescription of the borough of St. Albans in the parliament of 8 E. II. to send two burgeses to all parliaments, *sicut cæteri burgenfes regni totis retroactis temporibus*, in the time of E. I. and his progenitors; if so, then in the time of

king John grandfather to E. I. and so before H. III.

2. From records an. 15. Johannis regis, wherein the citizens and burgeses (not so numerous then as after, and now) together with the earls, barons and *magnates Angliæ* were to give *concilium & auxilium ad honorem regis & suum statim regni*, who shortly after met at London, *convocatum parliamentum de toto clero & tota secta laicali*, and so within the express prescription of the borough of St. Albans.

3. From the solemn resolution and great judgment of both lords and commons in the parliament of 40 E. III. against the Pope, that if king John had an. 14. of his reign (which was three years before the granting of his Magna Charta) made the kingdom tributary to the Pope, he had done it *sanx lour assent*, which must be understood to be without the consent of the lords and commons, and therefore void.

4. From several records *inter alia, de annis* 28, 32, 37, 42, 48 H. III. mentioning parliaments then held, and their proceedings, in some of which the word commons is expressly mentioned, as well as the prelates and magnates, to be part of those parliaments.

5. From an act of parliament 2 H. V. that famous prince, where it is declared and admitted, that the commons of the land were ever a part of the parliament, and so consequently

quently were part of the parliaments annis 16, 17 Johannis, 28, 32, 37, 42, 48 H. III. all within the prescription of the borough of St. Albans.

6. From the form of penning of acts of parliament, and expressions in records in 49, 51, 54 H. III. when it is granted that the commons were a part of the legislative power, which agree with the phrases of records of acts of parliament before that time.

7. From the defect and loss of the parliament rolls of H. III. and E. I. and from the universal silence of all records, and our ancient historians contemporary and succeeding 49 H. III. till our days.

8. From the various opinions of learned men, in and since Henry VIII's time, who never dreamed of any such origin, nor was ever heard of, till of late.

9. From comparing of the ancient *generale concilium*, or parliament of Ireland, instanced anno 38 H. III. with ours in England, wherein the citizens and burgeses were, which was eleven years before the pretended beginning of the commons in England." To these the author adds a supplemental argument, " If in the general councils, or, in our present dialect, parliaments for instance, 1. of France, 2. Spain, 3. Portugal, 4. Denmark, 5. Sweden, and 6. Scotland, the cities and great towns or boroughs have from time immemorial, both *de jure & de facto*, had their de-

legates or representatives. Upon what authority or reason can it be believed, that so universal a northern custom or law, did not obtain, and was never practised in England before 49 H. III. ?”

It is indeed very improbable, that the subjects of England alone should be deprived of a privilege which all Europe besides did enjoy, and especially the Germans, who, without doubt, settled in England a form of government like that they lived under in their native country; and it is certain that there the people had a share in the legislature.

If prejudices did not strongly prevail, there would be no occasion to discuss this question with many arguments; for there is all the reason in the world to believe the probability on our side, and that in the time of Edward the confessor, the confirmation of whose laws has been always the demand of the nation, the witenagemote was composed of the king, the higher and lower nobility, and freeholders by representation. “In their own country (to use the words of a judicious author) the Saxons did all personally meet for the enacting laws, and so after their coming into England, all to whom the land was apportioned, personally assisted in the Saxon parliaments, which were held at first, during the heptarchy, in open places capable of receiving all that had a right to be there, because there was no minute freeholders in those early

early days. By the feudal law, all landholders were obliged to attend at the feudal courts, and had a right to give their assent or dissent to any laws or orders there proposed: whence we yet retain the expression of the convention of the estates. After the union of the seven kingdoms, when the exercise of the legislative power in the person of every individual became impracticable, by reason of their remoteness and number, some change in the outward form was necessary, in order to preserve the commonwealth on the same principles it was at first established; and as the whole kingdom was divided into so many little republics or tythings, some person out of every tything or borough came to the wittenagemote, to take care of the concerns of the society he belonged to. These were called witen, or wise men, and were no other than the presiding judge, or gerefa, of every tything, who was annually chosen both in the rural and town tythings. As therefore the earls, bishops, and abbots (who were the presiding judges in the communities, both ecclesiastical and civil, that the people were originally divided into) were undoubtedly members of the wittenagemote; so it is reasonable to think, that the witen (who were the presiding judges in the lesser communities that were afterwards made) were so too. For it was but natural, when every individual could not appear in person, that

that the delegate or representative of each community, should be the person, to whom they had by their own free choice, given the precedency amongst themselves. Hence it is plain, that the commons or landholders were ever a part of the legislature; because tho' the earls perhaps might not be elective or annual officers, after the dissolution of the heptarchy, as they were before; yet the graves of the tythings, who were elective, being members of the Saxon wittenagemote, the commons remained a constituent part of the Saxon legislature. Hence the ceorles (who were the same as our farmers, only paying their rent in corn, hay, &c. instead of money) and also the thanes (who had lands assigned to them by the king, or great men, in recompence for their service, and in lieu of wages, and consequently were no more than part of the family of him they had their lands of) were not members of the wittenagemote, except such thanes who held their lands of the crown for their service to the publick. A wittenagemote was then no other than an assembly of all the presiding judges of the nation, earls, bishops and wites, or the annual magistrates of the tythings and boroughs, who represented all the proprietors of lands in their respective tythings. Thus stood matters till the conquest. King William the first having assumed the regal state as his own right, treated all who

opposed

opposed him as rebels, and dispossessing them of their lands, distributed them amongst his own confederates, who held them of the crown, by furnishing a determined number of soldiers, in case of an invasion or rebellion, and they enfeoffed their own immediate followers with some portion of what was assigned to them under reservation of such service. These lands were called knights fees (each fee was about twenty pounds a year then, which is equal to a great deal more now.) As the Normans were much inferior to the English in numbers, their business was to secure all the power they could in their own hands. Accordingly over most of the tythings was placed a Norman chief, whose power was to be the same as the Saxon garesa, with this difference, that it was to be hereditary. These chiefs were called barons, and their estates baronies or honours. The conqueror, to undermine the power of the Saxon earls, which he could not safely destroy, dismembered the barons estates in a manner from the counties, and made them recognize no superior but the crown; by which means there was no difference between an earl and a baron, but only in extent, the power of both (which was exceeding great) being the same over their vassals. As for the boroughs, they were left in the same condition as in the Saxon times, and governed by annual magistrates of their own choosing. The conformity then be-

tween the Saxon wittenagemote and the Norman parliaments stood thus: the ecclesiasticks and earls were the same in both; the boroughs were represented in both by one of their own choosing, who was stiled burges instead of wite, probably because the magistrate was not always chosen representative; and as the Saxon wites, or presiding judges of the tythings, were members of the legislature, so were the Norman chiefs, or barons, with this difference only, that as the first had their right by election, and for a time, the others had theirs by succession. And as the Saxon wites served for their tythings, so the barons were intended by law to serve for the tenants of their baronies, which is the reason they were exempted from contributing to the wages of the knights of the shires. Thus every spot of land was still represented; for as every part was within some tything in the Saxon time, so in the Norman every part of the whole kingdom was within some barony or some borough. Things continued upon this solid foundation during the reigns of William Rufus and Henry the first. But the barons, who were so many petty princes, being divided in the civil war betwixt Stephen, Maud and Henry the second, each party treated those of the other side as rebels, which brought the possession of much land to the contending princes. And as each side had experienced the power of the

the barons over their vassals, and having besides many friends to remunerate, they split the baronies into smaller tenancies in chief, who all held immediately of the crown. Hence arose the distinction of fees of the old feoffments and fees of the new, and also of the greater and lesser barons. By granting thus small fees in the reigns of Stephen, Henry the second, and king John, tenants in capite or barons were so multiplied, that a very unequal representation of the kingdom arose, these lesser barons having an equal share in the legislature with the most potent. This grievance being grown to the greatest height, when king John was reduced to reason, there was a clause inserted in his Magna Charta, whereby all the greater baronies were to be severally summoned to parliament, and the lesser in general, by which means these last were excluded sitting in parliament singly, and in person; but however the being summoned in general, gave them a right to do this as a community, and by representation; and as these lesser barons were co-ordinate in rank, the right of representing them naturally devolved on such of their body as the rest conferred it on. The persons so chosen were called, from the tenure of their lands, and from their representing the respective counties for which they served, knights of the shire. These were to be chosen at the county courts, where none but the immediate

tenants

tenants of the crown (the lesser barons) came, and none other had votes, till by the eighth of Henry the sixth, all freeholders, of forty shillings per annum, had a right to vote at the election of knights of the shire."

Before I proceed further, it is necessary to take a cursory view of the prerogatives and privileges of the several members of the Saxon commonwealth; this is needful, in order to see the difference between the government then and at present.

The king was then, as now, the chief person in the nation. His most eminent prerogatives seem to have been, First, a power to call together the wittenagemote, but probably not to dissolve it. Secondly, a power to appoint the great officers of the nation, but hardly to turn them out without the consent of the states, except for very glaring crimes, or heinous misdemeanours. Thirdly, the royal assent was necessary to the ordinances of the wittenagemote, before they had the force of laws; but it is to be observed, that there seems in this to have been more form than reality; for if he would not agree to their resolutions, they had many ways to oblige him, and probably the constitution obliged him to assent to what should be presented to him by them. Fourthly, a power to pardon criminals, except in cases of appeal for private injuries, or state criminals condemned by the legislature, that is by himself
and

and the wittenagemote. Fifthly, we may suppose him to have had a very extensive power over those belonging to the demesne lands of the crown; but this all the great men in the nation had over their tenants, as well as over their servants; for the lowest sort of people then were not in near so happy a state as they are at present; they were little better than slaves to their lords, which cannot be now said of any man in the kingdom. Manufacturers and labourers now do with reason look on themselves to be as free as any man whatsoever, they are no farther bound than they bind themselves by compact and agreement. Hence it appears, that the abolition of the ancient tenures, which was the cause of the ancient servitude, is to the common people a very great blessing. 'Tis true, they are not even now, in regard to acts of the legislature, on a footing with freeholders (nor is it reasonable they should be so;) yet personal freedom and security they have in full perfection, and are not in any nation on so advantageous a footing as in this, and God forbid they should ever be on a worse.

As to the revenues of the Saxon kings, they bear no proportion to what the royal revenues are at present; such as they were, they were raised by the states, and accounted for to them, excepting the provisions for the household.

Concerning

Concerning the succession of the crown, there are very different opinions; for my part, I think the crown was hereditary, but not absolutely so. In case the apparent heir gave indication of great incapacity, or bad qualities, the wittenagemote probably interfered in the succession, or if a good, popular prince recommended to them for his successor one, who was not next heir, they conformed to his desire. Sometimes, I suppose, as in other countries, factions prevailed, and by fraud and violence the legal successor was set aside; but all this does not prove the crown not to have been hereditary in general.

Next to the king and royal family, comes in rank the ealdorman, of which were different sorts; the first were invested with higher power, than any subjects are at present, this indeed was common to them with peers after the Norman period; they had a right to sit in the wittenagemotes, or parliaments of the kingdoms; but in regard to their power in the counties over which they presided, nothing now is lodged in any subjects like it. The other sorts of ealdorman were, in some manner, subject to the former, and assistants to them in administering justice. The heretogs were military officers over the militia of the country, for the king had no more absolute power in military than in civil affairs. The principal gentry, who had military dependents,

dependents, had the command of those dependents, and in each county one of the above-mention'd heretogs commanded in chief.

The Clergy seem to have had then, as well as since, great rank and great authority. Indeed wherever there is the least tincture of superstition (and where is there not) they always are able to render themselves considerable; I would not be mistaken, for I think when they act agreeable to the doctrine of the religion they profess to teach, great respect is due to them.

The high sheriffs were next to the ealdorman in rank and in business; they supplied their places, they were officers of great consideration, and continued to be so for many years.

Thanes were, first, Those who held lands for publick services, and were of the first rank. Secondly, Those who held for private service. Besides these, we are to suppose many officers of different degrees, as must necessarily be in all societies; but it is needless to enter into a particular detail, my design being only to give so short, yet comprehensive a view, that any man may afford time to read it. What is here delivered may very well suffice, to give a general notion how things stood in those times; and I must observe, that notwithstanding the Norman alterations, yet absolute sovereignty was never pleaded for by any of them. Even king

P

William

William the first, tho' called the conqueror, did not claim the right of conquest; for the crown being offered to him by the city of London, he desired time to consider on an affair of such importance, and to advise with his friends; the result of which advice was his acceptance of the crown from the people, by which he acknowledged in them a right of election, and at his coronation, he swore, that he would protect the church and clergy, govern his people according to equity, and ordain just and wholesome laws. In his charter, it is enacted, that the laws of St. Edward shall be obeyed in all things, together with those added to them, for the advantage of the English. I know very well that, notwithstanding these fine promises, he governed tyrannically, and used the English ill, disregarded the wittenagemotes, making them only the shadow of what they had been. His second son and successor governed no better, tho' he was obliged to promise he would; but when he was seated on the throne, he forgot his compact, and reigned like a tyrant. But Henry the first found himself obliged to renew the like promises to gain his election, and indeed he reformed several abuses that prevailed, putting to death some of the most notorious oppressors of the people, and imprisoning others; he also abolished the curfeu bell, and by a charter confirmed and restored the laws of king Edward, and found himself

himself under a necessity of redressing many grievances. Stephen was likewise sensible he could not get the crown without making large concessions to the people; therefore he swore to fill up the vacancies of the church, to leave their temporalities to the clergy, to refrain from seizing any man's woods, and abolish dane gelt. Both the ecclesiasticks and laity swore allegiance to him with this proviso, so long as he kept his oath. His charter begins thus: *Ego Stephanus, dei gratia, assensu cleri & populi in regem Angliæ electus*; I Stephen, by the grace of God, chosen, elected with the consent of the clergy and people king of England. All this plainly evinces, that the people, the landholders of England, had a share in the government even in those days, and were not in such Egyptian bondage, as some men (for reasons best known to themselves) give out. Henry the second, and Richard the first, according to custom, took the oath when they acceded to the crown.

King John, it is well known, past a wretched and an anxious life, for violating the constitution, and endeavouring to render himself absolute; but all his endeavours prov'd vain, and instead of producing slavery, produced the great charter of liberties, which may be called the chief corner stone of our present constitution; and as without being acquainted with it, it is impossible to have a just notion

notion of our government ; therefore, for the sake of those readers who have not seen it, which I am afraid is the case of too many, I shall here transcribe it, believing there can be no reason to object to the room it takes up, as it must be very agreeable to those who are unacquainted with it, and may be passed over by those who have read it with proper attention, which is the duty of all members of parliament.

CHAP.

CHAP. II.

The charter of liberties, or Magna Charta, given in the year 1255.

JOHN, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitain, and earl of Anjou: to the archbishops, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, governours, officers, and to all bailiffs, and others his faithful subjects greeting. Know ye, that we in the presence of God, and for the health of our soul, and the souls of our ancestors and heirs, to the honour of God and exaltation of holy church, and amendment of our kingdom, by the advice of our venerable fathers, Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman church; Henry, archbishop of Dublin; William, bishop of London; Peter, of Winchester; Joscelin, of Bath and Glastonbury; Hugh, of Lincoln; Walter, of Worcester; William, of Coventry; Benedict, of Rochester, bishops; and master Pandulph, the pope's sub-deacon and servant, brother Aymeric, master of the Temple in England; and the noble persons William Mareſcall, earl of Pembroke; William, earl of Salisbury; William, earl of Warren; William, earl of Arundel; Alan de Galo-

way, constable of Scotland; Warin Fitz-Gerald, Peter Fitz-Herbert, Hubert de Burgh seneschal of Poictou, Hugo de Neville, Matthew Fitz-Herbert, Thomas Bassët, Alan Bassët, Philip de Albiny, Robert de Roppele, John Mariscall, John Fitz-Hugh, and others our liege men *, have in the first place granted to God, and by our present charter, confirmed for us and our heirs for ever,

I. That the church of England shall be free, and enjoy her whole rights and liberties inviolable.

II. We have also granted to all the freemen of our kingdom, for us and our heirs for ever, all the under-written liberties, to have and to hold, them and their heirs of us and our heirs.

III. If any of our earls, or barons, or others, who hold of us in chief by military service, shall die, and at the time of his death his heir is of full age, and owes a † relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl, for a whole earl's barony, by a hundred pounds; the heir or heirs of a baron by a whole barony for a hundred marks, the

* Liege-men, or subjects. † Relief, or a certain value payable in money or otherwise, by an heir to him of whom he holds his lands, provided such heir be of age, this relief was sometimes very oppressive therefore ascertained by this charter. An heir under age was said to be in ward, i. e. the heirs of those who held of the king. This was abolished in king Charles the second's time. The lord of wards had the custody of the lands during the time of wardship.

heir

heir or heirs of a knight for a whole knight's fee, by a hundred shillings at most; and he that oweth less shall give less, according to the ancient custom of fees.

IV. But if the heir of any such be under age, and shall be in ward when he comes of age, he shall have his inheritance without relief or fine.

V. VI. Relate to wardships and liveries, which are taken away by 12 Ch. II. I shall therefore pass them over.

VII. Heirs shall be married according to their rank, so as before matrimony is contracted, those who are nearest to the heir be acquainted of it.

VIII. A widow, after the death of her husband, shall forthwith, and without any difficulty, have liberty to marry, and her inheritance, which her husband and she held at the day of his death: and she may remain in the capital messuage, or mansion-house, of her husband forty days after his death; within which term her dower shall be assign'd.

IX. No widow shall be forced by seizing her goods to marry, so long as she has a mind to live without a husband. But she shall give security, she shall not marry without our consent, if she holds of us; or without the consent of the lord of whom she holds, if she holds of another *.

X.

* Tenures were anciently divided into the following, viz. Escuage, which was land held by the service of the shield, and

216 *Of the GOVERNMENT*

X. Neither we nor our bailiffs shall feize any land or rent for any debt, so long as there are chattles of the debtor's upon the premises, sufficient to pay the debt. Nor shall the sureties of the debtors be distrained, so long as the principal debtor is sufficient for the payment of the debt.

XI. And if the principal debtor fail in the payment of the debt, not having wherewithal

and by which the tenant was obliged to follow his lord into the wars at his own charge. Knights service and chivalry, where lands were held of the king or mesne lord, to perform service in war, and which drew after it homage, escuage, wardship, &c. Burgage tenure, where land was holden of the lord of the borough, at a certain rent. Villainage, a base tenure of lands, whereby the tenant was bound to do all inferior villainous services commanded by the lord. Grand serjeantry, a tenure of lands by honorary services at the king's coronation, &c. And petit serjeantry, where lands were held of the king, to contribute yearly some small things towards his wars. Frankalmoigne, a tenure by which land is held by ecclesiastical persons in free and perpetual alms. And socage tenure, where lands are holden by tenants to plough the land of their lord, and do other services of husbandry at their own expence; but this hath been turned into an yearly rent, for all manner of services when it is called free socage. Of these general ancient tenures, knights service, chivalry, escuage, petit serjeantry, villainage, &c. are taken away by statute 12 Ch. II. The common tenures, at this day, are fee simple, which is an absolute tenure of lands, to a man and his heirs for ever. Fee tail, a limited fee to a person, and the heirs of his body begotten, &c. By the curtesy, where a man marries a woman seized of lands in fee simple, &c. and hath issue by her born alive, after her death he shall hold the land during life. In dower, where a widow holds for her life the third part of her husband's land, whereof he was seized in fee. For life and years, where lands are held by tenants for those terms, on rents reserved. And copyhold tenure, a holding for lives or in fee, at the will of the lord, according to the custom of the manour, under divers services, &c. Jacob.

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to discharge it, or will not discharge it when he is able, then the sureties shall answer the debt: and if they will, they shall have the lands and rents of the debtor, until they be satisfied for the debt which they paid for him, unless the principal debtor can shew himself acquitted thereof against the said sureties.

XII. If any one have borrowed any thing of the Jews, more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold; and if the debt falls into our hands, we will take only the chattel mentioned in the charter or instrument.

XIII. And if any one die indebted to the Jews, his wife shall have her dower, and pay nothing of that debt; and if the deceased left children under age, they shall have necessaries provided for them according to the tenement (or real estate) of the deceased, and out of the residue the debt shall be paid; saving however the service of the lords. In like manner let it be with the debts due to other persons than the Jews.

XIV. No scutage or aid shall be imposed in our kingdom, unless by the common council of our kingdom, except to redeem our person, or to make our eldest son a knight, and once to marry our eldest daughter, and for this there shall only be paid a reasonable aid.

XV.

XV. In like manner it shall be concerning the aids of the city of London, and she shall have all her ancient liberties and free customs as well by land as by water.

XVI. Furthermore, we will and grant that all other cities and boroughs, and towns and ports, shall have all their liberties and free customs; and shall have the common council of the kingdom concerning the assessment of their aids, except in the three cases aforefaid.

XVII. And for the assessing of scutages we shall cause to be summoned the archbishops, bishops, abbots, earls and great barons of the realm singly by our letters.

XVIII. And furthermore, we will cause to be summoned in general by our sheriffs and bailiffs, all others who hold of us in * chief at a certain day, that is to say, forty days before their meeting at least, to a certain place; and in all letters of such summons we will declare the cause of the summons.

XIX. And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as are present, although all that were summoned come not.

XX. We will not for the future grant to any one, that he may take aid of his own free tenants, unless to redeem his body; and

* The lands of England were still represented in parliament.

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to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall only be paid a reasonable aid.

XXI. No man shall be distrained to perform more service for a knight's fee, or other free tenement, than is due from thence.

XXII. Common * pleas shall not follow

* We are not to imagine that the parliaments in these times enjoyed so much power as the wittenagemots in the Saxon times, to whom lay all appeals from other courts; but William the first not caring for this, "established a constant court in his own hall, made up of the officers of his palace, and they transacted the business both criminal and civil, and likewise the matters of the revenues, and as they sat in the hall they were a court criminal, and when up stairs, a court of revenue; the civil pleas they heard in either court. These courts consisted of the *justiciarii*, that were in nature of precedent, and called *capitalis justiciarius totius Angliæ*; it was he who chiefly determined all pleas, and with him sat the chancellor, the treasurer, constable, marshal, seneschal and the chamberlains. The justiciar of England's power was that which united the king's court under one head, and being so great an officer, he was dangerous to the government, and obnoxious to the baronage. Jeffry Peterfon, made *justiciar totius regni*, and continued till 15 John, got so great a power, that he became uneasy to the crown: so that king John from his death swore he then began to be king of England, and though there were two justiciars afterwards in his reign, they continued but for a short time; for Peter de Rocher was not long in his office, and being a Poitvin was not grateful to the English, and so to Hugo de Burgo, it is uncertain whether he was justiciar, or not. It plainly appears king John had a design to lay aside the power of the justiciar; and therefore he readily granted an article in the grand charter, that there should be reſedentiary justices, and that common pleas should not follow his court, but be held in some certain place. Whereupon a reſedentiary court was established at Westminster as a standing seat of justice; for the determination of such pleas as were merely civil, and belonged to the subjects between themselves, and thus began that court now called the common pleas." See hist. and pract. of the court of com. pleas.

our

our court, but be holden in some certain place : tryals upon the writs of * *novel disseisin* and of *mort d'ancestor*, and of † *darien presentment* shall be taken, but in their proper counties and after this manner: we, or (if we are out of the realm) our chief justiciary shall send two justiciaries through every county four times a year; who with the four knights chosen out of every shire, by the people, shall hold the said assizes in the county, on the day, and at the place appointed.

XXIII. And if any matters cannot be determined on the day appointed to hold the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid, shall be appointed to decide them, as is necessary according as there is more or less business.

XXIV. A free-man shall not be amerced for a small fault; but according to the degree of the fault; and for a great crime, in proportion to the heinousness of it; saving to him his contentment †; and after the same manner a merchant, saving to him his merchandize.

XXV. And a villain § shall be amerced || after the same manner, saving to him his ** wainage, if he falls under our mercy; and

* Writs to recover lands, rents, tenements, out of which a man is unjustly disseised, or ought to be seised, and a stranger seizes them before him. † Lies to recover a right to present to a church. ‡ Means of livelihood. § A bondman. || Fined. ** Appurtenances to his cart.

none

none of the aforesaid amerciaments shall be * assessed but by the oath of honest men of the neighbourhood, county.

XXVI. Earls and barons shall not be amerced but by their peers, and according to the quality of the offence.

XXVII. No ecclesiastical person shall be amerced for his lay tenement, but according to the proportion aforesaid, and not according to the value of his ecclesiastical benefice.

XXVIII. Neither a town, nor any person, shall be distrained to make bridges over rivers, unless that anciently and of right they are bound to do it, nor shall a river be imbanked, but what was imbanked in the time of king Henry our grandfather.

XXIX. No sheriff, constable, coroners, or other our bailiffs, shall hold pleas of the crown.

XXX. All counties, hundreds, wapentakes and trethings, shall stand at the old ferm, without any encrease, except in our demesne lands.

XXXI. If any one that holds of us a lay fee, dies, and the sheriff or our bailiff shew our letters patents of summons concerning the debt, due to us from the deceased; it shall be lawful for the sheriff, or our bailiff, to † attach and register the chattels of the deceased found upon his lay fee, to the value of the

* Laid on. † To seize or secure, attachment, a writ to do so.

debt,

debt, by the view of lawful men, so as nothing be removed until our whole debt be paid, and the rest shall be left to the executors to fulfil the will of the deceased; and if there be nothing due from him to us, all the chattels shall remain to the deceased, saving to his wife and children their reasonable share.

XXXII. If any free-man dies intestate (without will) his chattels shall be distributed by the hands of his nearest relations and friends by view of the church, saving to every one his debts which the deceased owed.

XXXIII. No constable or bailiff of ours shall take corn or other chattels of any man, unless he presently gives him money for it, or hath respite of payment from the seller, but if he be of the same town, he shall pay him within forty days.

XXXIV. No constable shall distrain any knight to give money for castle guard, if he himself will do it in his own person, or by another able man, in case he is hindred by any reasonable cause.

XXXV. And if we lead him, or send him into the army, he shall be free from castle guard, for the time he shall be in the army, by our command.

XXXVI. No sheriff or bailiff of ours, or any other, shall take horses or carts of any for carriage.

XXXVII. Neither we, nor our officers or others, shall take any man's timber for our castles,

castles, or other uses, unless by consent of owner of the timber.

XXXVIII. We will retain the lands of those that are convicted of felony but one year and a day, and then they shall be delivered to the lord of the fee.

XXXIX. All * wears for the time to come shall be destroyed in the rivers of Thames and Medway, and throughout all England, except on the sea coast.

XL. The writ which is called † *præcipe*, for the future, shall not be granted to any one of any tenement, whereby a free-man may lose his cause.

XLI. There shall be one ‡ measure of wine and one of ale, through our whole realm, and one measure of corn; that is to say, the London quarter; and one breadth of dyed cloth, and ruffets and haberjects, that is to say two ells within the list; and the weights shall be as the measures.

* Wears are stanks or great dams in a river, fitted for taking any fish, or conveying the stream to a mill. † The writ called *præcipe quod reddat*, from the first words in it, has several uses. It signifies in general an order from the king, or some court of justice, to put in possession one that complains of having been unjustly outed. Apparently several abuses had crept in on this article. Rapin. ‡ Notwithstanding this and the statute 22 Ch. II. in many places and counties there are different measures of corn and grain, and the bushel of one place is larger than in another, but the lawfulness of it is not well to be accounted for, since custom or prescription is not allowed to be good against a statute. Jacob.

XLII.

XLII. From henceforward nothing shall be given or taken for a writ of inquisition from him that desires an inquisition of life or limbs, but shall be granted gratis, and not denied.

XLIII. If any holds of us by fee farm, or socage or burgage, and holds lands of another by military service, we will not have the wardship of the heir or land which belongs to another man's fee, by reason of what he holds of us by fee farm, socage or burgage: nor will we have the wardship of the fee farm, socage or burgage, unless the fee farm is bound to perform military service.

XLIV. We will not have the wardship of an heir nor of any land, which he holds of another by military service, by reason of any petit serjeanty he holds of us, as by giving us daggers, arrows and the like.

XLV. No bailiff for the future shall put any man to his oath, upon his single accusation, without credible witnesses produced to prove it.

XLVI. No free-man shall be taken, or imprisoned or disseised of his freehold or liberties or free customs, or outlawed, or banished or any ways destroyed; nor will we pass upon him or commit him to prison, unless by the legal judgment of his peers, or by the law of the land.

XLVII. We will sell to no man, we will deny no man, nor defer right or justice.

XLVIII. All merchants shall have safe and

and secure freedom (unless they be publickly prohibited) to go out of, and to come into England, and to stay there, and to pass as well by land as by water, to buy and sell by the ancient and allowed * customs, without any evil tolls, except in time of war, or when they are of any nation in war with us.

XLIX. And if there be found any such in our land in the beginning of a war, they shall be attached, without damage to their bodies or goods, until it may be known unto us or our chief justiciary, how our merchants be treated by the nation in war with us; and if our be safe there, they shall be safe in our dominions.

L. It shall be lawful for the time to come, for any one to go out of our kingdom, and return safely and securely by land or water, saving his allegiance to us; unless in time of war, by some short space for the common benefit of the kingdom, except prisoners and out-laws, (according to the law of the land) and people in war with us, and merchants

* If any abuse be offered merchant strangers, or any other merchant in a corporation, and the head officer there do not provide a remedy, the franchise shall be seized; and the disturber shall answer double damages, and suffer one years imprisonment, &c. by stat. 9. Ed. III. Merchant strangers may come into this realm, and depart at their pleasure; and they are to be friendly entertained. 5 R. II. Merchant strangers shall be used in this kingdom as denizens are in others by 5 H. IV. If a difference arise between the king and any foreign state, alien merchants are to have forty days notice, or longer time to sell their estates and leave the kingdom, 27 Ed. III. All merchants may buy merchandize of the staple, 27 Ed. III. *Jacob.*

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who shall be in such condition as is above mentioned.

LII. If any man holds of any * Escheat, as of the honour of Wallingford, Nottingham, Boulogne, Lancafter, or of other escheats which are in our hands, and are baronies, and dies, his heir shall not give any other relief, or perform any other service to us than he would to the baron, if the barony were in possession of the baron; we will hold it after the same manner the baron held it.

LIII. Those men who dwell without the forest, from henceforth shall not come before our justiciaries of the forest upon common summons, but such as are impleaded, or are pledges for any that were attached for something concerning the † forest.

LIV. We will not make any justiciaries, constables, sheriffs or bailiffs, but what are knowing in the law of the realm, and are disposed duly to observe it.

LIV. All barons who are founders of abbies, and have charters of the kings of England for the ‡ advowson, or are entitled to it by ancient tenure, may have the custody of them, when void, as they ought to have.

* Escheats are lands or tenements which fall to the king or lord of a manor either by forfeiture or by the death of a tenant who leaves no heirs general or special. † Matthew Paris has several paragraphs relating to frankpledge and religious houses, &c. which being void, for brevity are omitted. ‡ Right to present to a church.

LV.

LV. All woods that have been taken into the forest, in our own time, shall forthwith be laid out again, and the like shall be done with the rivers that have been taken and fenced in by us during our reign, (except they were our demesne woods.)

LVI. All evil customs * concerning forests, warrens and foresters, warreners, sheriffs and their officers, rivers and their keepers, shall forthwith be enquired into in each county, by twelve knights of the same shire, chosen by the most creditable persons in the same county upon oath; and within forty days after the said inquest, be utterly abolished so as never to be restored.

LVII. We will immediately give up all hostages and engagements, delivered unto us by our English subjects as securities for their keeping the peace, and yielding us faithful service.

LVIII. We will entirely remove from our bailiwicks the relations of Gerard de Athyes, so as that for the future they shall have no bailiwick in England. We will also remove Engelard de Chygon, Andrew, Peter and Gyon de Canceles, Gyon de Cygon, Geoffrey de Martyn and his brothers, Philip, Mark and his brothers, and his nephew Geoffrey and their whole retinue.

LIX. And as soon as peace is restored, we will send out of the kingdom all foreign sol-

* It is incredible to what a height these were got.

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diers,

diers, crossbowmen and stipendaries, who are come with horses and arms to the injury of our people.

LX. If any one hath been dispossessed *, or deprived by us without the legal judgment of his peers, of his lands, castles, liberties or right, we will forthwith restore them to him ; and if any dispute arises upon this head, let the matter be decided by the five and twenty barons hereafter mentioned for the preservation of the peace.

LXI. As for all those things, of which any person has without the legal judgment of his peers been dispossessed or deprived, either by king Henry our father, or our brother king Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have a respite, till the term usually allowed the croises ; excepting those things about which there is a suit depending, or whereof an inquest hath been made by our order, before we undertook the crusade. But when we return from our pilgrimage, or if we do not perform it, we will immediately cause full justice to be administered therein.

LXII. The same respite we shall have for disafforesting the forests, which Henry our father, or our brother Richard have afforested; and for the wardship of the lands which are

* The many great Grievances which prevailed in those times are apparent from the whole tenor of the charter.

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in another's fee, in the same manner as we have hitherto enjoyed these wardships, by reason of a fee held of us by knights service ; and for the abbies founded in any other fee than our own, in which the lord of the fee claims a right : and when we return from our pilgrimage, or if we should not perform it, we will immediately do full justice to all the complaints in this behalf.

LXIII. No man shall be taken or imprisoned upon the appeal of a woman, for the death of any other man than her husband.

LXIV. All unjust and illegal fines, and all amerciements imposed unjustly, and contrary to the law of the land, shall be entirely forgiven, or else be left to the decision of the five and twenty barons hereafter mentioned for the preservation of the peace, or of the major part of them, together with the aforesaid Stephen archbishop of Canterbury, if he can be present, and others whom he shall think fit to take along with him : and if he cannot be present, the business shall notwithstanding go on without him. But so, that if one or more of the foresaid five and twenty barons be plaintiffs in the said cause, they shall be set aside, as to what concerns this particular affair ; and others be chosen in their room out of the said five and twenty, and sworn by the rest to decide that matter.

LXV. If we have disseised or dispossessed the Welsh of any lands, liberties or other

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things ,

things, without the legal judgment of their peers, they shall immediately be restored to them. And if any dispute arises upon this head, the matter shall be determined in the * marches, by the judgment of their peers: for tenements in England according to the law of England: for tenements in Wales according to the law of † Wales: the same shall the Welsh do to us and our subjects.

LXVI. As for all those things, of which any Welshman hath, without the legal judgment of his peers, been disseised or depriv'd by king Henry our father, or our brother king Richard, and which we either have in our hands, or others are possessed of, and we are obliged to warrant it; we shall have a respite till the time generally allowed the croises: excepting those things about which a suit is depending, or whereof an inquest hath been made by our order, before we undertook the crusade. But when we return, or if we stay at home and do not perform our

* Marches are the limits between England and Wales. The limits between England and Scotland are likewise called marches.

† The Welsh are the offspring of the ancient Britains, who would not submit to the Saxons, choosing rather to retire to the mountains and settle there, than part with their rights and liberties. In Henry the eighth's time, Wales was re-united with England, and enjoys the same privileges and immunities. Their law courts are kept in the English tongue. The king's eldest son is stiled prince of Wales, duke of Cornwall and earl of Chester, the revenues accruing to him from thence are but low. The Welsh are a brave, hardy, honest people.

pilgri-

pilgrimage, we will immediately do them full justice, according to the laws of the Welsh, and of the parts afore-mentioned.

LXVII. We will without delay dismiss the son of Lewelin, and all the Welsh hostages, and release them from the engagements they entered into with us for the preservation of the peace.

LXVIII. We shall treat with Alexander king of Scots, concerning the restoring of his sisters and hostages, and his right and liberties, in the same form and manner as we shall do to the rest of our barons of England; unless by the engagements which his father William, late king of Scots, hath entered into with us, it ought to be otherwise; and this shall be left to the determination of his peers in our court.

LXIX. All the afore said customs and liberties, which we have granted to be holden in our kingdom, as much as it belongs to us, towards our people, all our subjects, as well clergy as laity, shall observe as far as they are concerned, towards their dependents.

LXX. And whereas for the honour of God, and the amendment of our kingdom, and for quieting the discord that has arisen between us and our barons, we have granted all the things afore said; willing to render them firm and lasting, we do give and grant our subjects the following security; namely, that the barons may choose five and twenty

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barons

barons of the kingdom, whom they think convenient, who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and by this our present charter confirmed. So as that, if we, our justiciary, our bailiffs, or any of our officers, shall in any case fail in the performance of them, towards any person; or shall break through any of these articles of peace and security, and the offence is notified to four barons, chosen out of the five and twenty aforementioned, the said four barons shall repair to us, or our justiciary if we are out of the realm; and laying open the grievance, shall petition to have it redressed without delay; and if it is not redressed by us, or, if we should chance to be out of the realm, if it is not redressed by our justiciary within forty days, reckoning from the time it hath been notified to us, or to our justiciary if we should be out of the realm; the four barons aforesaid shall lay the cause before the rest of the five and twenty barons, and the said five and twenty barons, together with the community of the whole kingdom, shall distrain and distress us all the ways possible; namely, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person, and the person

son of our queen and children, and when it is redressed, they shall obey us as before.

LXXI. And any person whatsoever in the kingdom may swear, that he will obey the orders of the five and twenty barons aforesaid, in the execution of the premises, and that he will distress us, jointly with them, to the utmost of his power; and we give publick and free liberty to any one that will swear to them, and never shall hinder any person from taking the same oath.

LXXII. As for all those of our subjects who will not, of their own accord, swear to them to join the five and twenty barons, in distraining and distressing us, we will issue our order to make them take the same oath aforesaid.

LXXIII. And if any one of the five and twenty barons dies, or goes out of the kingdom, or is hindered any other way, from putting the things aforesaid in execution; the rest of the said five and twenty barons may choose another in his room, at their discretion, who shall be sworn as the rest.

LXXIV. In all things that are committed to the charge of those five and twenty barons, if when they are all assembled together, they should happen to disagree about any matter, or some of them, when summoned, will not or cannot come; whatever is agreed upon, or enjoyed by the major part of those who are present, shall be reputed as firm and valid,

lid, as if all the five and twenty had given their consent; and the aforesaid five and twenty shall swear, that all the premises they shall faithfully observe, and cause with all their power to be observed.

LXXV. And we will not by ourselves, or others, procure any thing, whereby any of these concessions and liberties be revoked, or lessened; and if any such thing be obtained, let it be null and void; neither shall we ever make use of it, either by ourselves, or any other.

LXXVI. And all the ill-will, anger, and malice, that hath arisen between us and our subjects, of the clergy and laity, from the first breaking out of the dissention between us, we do fully remit and forgive. Moreover all trespasses occasioned by the said dissention, from Easter, in the sixteenth year of our reign, till the restoration of peace and tranquillity, we hereby entirely remit to all, clergy as well as laity, and as far as in us lies, do fully forgive.

LXXVII. We have moreover granted them our letters patents testimonial of Stephen, lord archbishop of Canterbury; Henry, lord archbishop of Dublin, and the bishops aforesaid; as also of master Pandulph, for the security and concessions aforesaid.

LXXVIII. Wherefore we will and firmly enjoyn, that the church of England be free, and that all men in our kingdom have and hold, all the aforesaid liberties, rights and con-

cessions, truly and peaceably, freely and quietly, fully and wholly, to themselves and their heirs, of us and our heirs, in all things and places for ever, as is aforesaid.

LXXIX. It is also sworn, as well on our part, as on the part of the barons, that all the things aforesaid shall faithfully and sincerely be observed. Given under our hand in the presence of the witnesses above-named, and many others in the meadow called Runnigmede, between Windelesore and Stanes, the fifteenth day of June, in the 17th year of our reign.

King John was also obliged to grant another charter relating to forests, called Charta de Foresta. It being beyond dispute, that many intolerable oppressions had crept in and prevailed to the great vexation of the whole nation, it was very reasonable to redress these abuses, and reduce the forest laws within proper bounds, which by this charter was in great measure effected, and it is a pity that they ever got head again as they have done.

In those times it was reckoned a much greater crime to kill a stag than a man; nay, for the latter a pardon might more easily be procured. William the first, to please his wild passion for hunting, laid waste the country for above thirty miles in compass, he destroyed houses, pulled down churches and chappels, and drove the people from their ha-

habitations, in order to make proper receptacles for wild beasts, and to afford himself good sport.

When Henry the third succeeded John in 1216, he was but ten years old, and had many enemies; but by the prudence and loyalty of the earl of Pembroke, he was admitted to the throne and crowned. The good earl was made regent, and no man could be better qualified for that post. He had great capacity and great virtue; his chief aim seems to have been, to make both king and people happy. He twice issued out strict orders through the whole kingdom to proper officers, to cause the charters of king John to be observed; and had he liv'd, there would not probably on that account have been such an effusion both of blood and treasure as afterwards happened. This excellent patriot died in March 1219; but was succeeded by a set of men of quite opposite principles. Magna Charta was an eye-fore to them, they neglected it, and, by their arbitrary proceedings, laid the foundation of future miseries. Loudly was the observance of the great charters called for by the people; but they were neither wise nor honest enough to comply with so just a demand; and when the king himself came of age, he shewed as little inclination to observe them as his ministers. He often renewed them indeed, but it was only to get money, or serve a turn: hence arose

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seditions, conspiracies, rebellions and civil wars, the ever constant concomitants in England of absolute wicked measures; for from this time we often find in English history many both violent and artful attempts, but they have all proved abortive, and all the endeavours of men or devils, have not been able to make us slaves.

Henry, for violating the constitution, was threaten'd with the election of another king, and was oblig'd before he could get supplies, solemnly to promise to observe the charters, and redress grievances. On these terms the lords spiritual and temporal, the knights and freeholders in parliament assembled in 1237, did for themselves and their vassals grant him a subsidy; but on his part, he kept not his word, and consequently new troubles ensued.

We have undeniable proofs, that in this reign the commons often met in parliament; and some pretend, that it was in the forty-ninth year of this king that they met for the first time, or were first summoned: but this to me is evidently proved to be false, by the writings of several learned men, and I fancy will appear so to the impartial Reader by the quotation from Petyt, in the beginning of this second part. And even from the very words of the summons, it appears to have been no new thing. Besides, it is incredible, that an incident of so high importance, if falling within this period, should not once

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be mentioned by any ancient historian. It is true, supposing the antiquity of the commons to be of a much more recent date than this, their right at present is equally valid. Four hundred years is a long prescription; but as it is older, it is reasonable that truth should prevail.

Edward the first, successor to Henry the third, is looked on by many as the great founder of our present constitution; but it seems not very probable, for I don't think he made any great, or at least no essential alteration. In his reign indeed, the lords and commons first sat in different houses, and it was enacted, that no tax should be levied without the consent of parliament; but it could not be done before this act without a breach of the constitution; so it only confirmed the peoples rights.

As Edward was a wise prince, he found that it was impossible for him to perform great exploits without his peoples affection; therefore he was generally ready to confirm their liberties, and agree to wholesome laws. And I allow, that the government from the time of William the first, to king Edward the first, had not approached so near its Saxon form as it did in this prince's reign, for Magna Charta had been but too much neglected by Henry the third, and the rights of the nation had been infringed for many years before.

It

It would be too tedious to lead the reader thro' all the different varieties of the prerogatives of the crown, the rights of the nobility, and privileges of the commons as they happened, from this king down to the revolution. Let it suffice, that the fundamental constitution continued in spite of all the arts of wicked men. One great alteration indeed happened greatly to the advantage of the commons; this was the statute of alienations, which could not but in time bring a great weight into the scale of the commons; and it is owing to this and other acts in Henry the seventh's time, that the commons have been in so flourishing a condition for these two hundred years past. But before as well as after this period, the law was reckoned to be the rule of government, and when any princes, under pretence of prerogative, acted contrary to the laws, they broke the constitution, which ended sometimes with the loss of their crowns and lives; and from the constant tenor of all history it appears, we have always been a people who could not bear to be govern'd by the arbitrary will of one or a few, but always struggled to be governed according to law; and if ever we shall be made slaves, I am apt to think, it will be by law, by our own measures, under the shadow of ancient forms, i. e. by parliament; and then we shall be legal slaves; and, I am afraid, we will be sensible, when it is too late,

late, that of all kinds of slavery, that by law is the most grievous and oppressive, especially to those who have any remains of a spirit of liberty. As yet we are free; but how long we shall be so, I cannot say, but sincerely wish the period to continue, while we continue to be a people; and when liberty perishes, may we perish with it.

Kitchin, in his treatise on the jurisdiction of courts, tells us from Bracton, "The law maketh the king; let the king therefore attribute to the law, that which the law hath given unto him; that is to say, dominion and power: he is not truly king where will doth rule and not law. As subjects of the king are born to inherit lands, so are they to inherit laws. By Malebridge, chap. 1. it is enacted, that as well the greatest as the smallest should have and receive justice in the king's courts. Westminst. 1. chap. 1. Common right shall be done to all, as well to poor as to rich, without regard to any. By statute Edw. III. no command either by the great seal or privy seal, to disturb or delay common right, shall avail with the justices to forbear to do right in any point."

"The statute of the oath of the judges is, if any letters to the justices come, contrary to the law, they shall do nothing for such letters, but certify the king of it (that it is contrary to law) and resolve before to execute the law, notwithstanding those letters."

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It was king James the second's great misfortune, that he could not govern according to law, he had a notion that it was a diminution of his honour, whereas it is an additional lustre to a crown to have a latent power to do good, and at the same time an incapacity to do evil. But this unhappy prince could not make himself easy without an absolute power over his subjects minds and bodies; therefore he drew on himself a load of troubles, and at last lost his crown.

It is certain, he had many princely qualities, some excellently well adapted to govern a people, whose wealth and power depended on commerce and a good navy, but the bad use he made of them, deprived himself and the nation of their good effects. He drove things so far, that it became absolutely necessary to call in the prince of Orange, by whose assistance the government was re-established on a lawful footing. It is very necessary, that the reader should join to Magna Charta these acts of settlement to improve his knowledge of our constitution, which was so near destroyed at that time, and probably would have been destroyed, had not providence confounded the devices of our enemies, and inspired patriotism, I may say, into the breasts of by much the greatest part of the nation.

The parliament, after proper debate, declared the prince and princess of Orange king and queen of England; the latter, on their

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part, promised to preserve the constitution, and act agreeable to the following propositions.

1. That the pretended power of suspending laws, or the execution of laws, by regal authority is illegal.

2. That the pretended power of suspending laws, or execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of the like nature are illegal and pernicious.

4. That levying of money for, or to the use of the crown, by pretence of prerogative, without grant of parliament; for longer time, or in any other manner, than the same is or shall be granted, is illegal.

5. That it is the right of all subjects to petition the king, and all commitments and persecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament is against law.

7. Subjects, that are protestants, may have arms for their defence, suitable to their condition, and as allowed by law.

8. Elections of members of parliament ought to be free.

9. That the freedom of speech and debates, or proceedings in parliament, ought not

not to be impeached, or questioned in any court or place out of parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impanelled and returned; and jurors which pass upon men in trials of high treason, ought to be freeholders.

12. All grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.

13. And for the redress of all grievances, and for the amending, strengthening and preserving of the laws, parliaments ought to be held frequently. And they, the lords and commons, do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence and example. To which demand of their rights, they are particularly encouraged by the second declaration of his highness the prince of Orange, as being the only means of obtaining a full redress and remedy therein. Having therefore an entire confidence, that his said highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights,

which they have here asserted, and from all other attempts upon their religion, rights and liberties, the lords spiritual and temporal, and the commons assembled at Westminster do resolve, that William and Mary, prince and princess of Orange, be, and be declared king and queen of England, France and Ireland, and the dominions thereunto belonging, to hold, &c. From this, as well as from several other parts of English history, this important lesson may be learned, that the princes who govern Englishmen must remember, that the good of the people is the end of government; and that to preserve liberty without licentiousness is the end of association.

Sect. 2. *Concerning a compact between king and people.*

There is in every society at least a tacit compact between the governours and governed, which necessarily supposes a right in each party, and that each have their just prerogatives and privileges; so that when one invades and endeavours to destroy the rights of the other, the injured has a just power, and is obliged to oppose even to destruction, if it is necessary, the invading and usurping party. As to an express compact, that is not to be found every where: in England it is in very full and very strenuous terms, and was confirmed at a most critical juncture. To use the words

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of an author of the history of the revolution, "On the thirty-first of January the lords put this question, Whether or no there was an original contract between the king and people? Which question occasion'd many warm debates, not a few maintaining that kings held their crowns by divine right, which was vehemently denied by others, who asserted that all power originally belonged to the community, and to the king only by mutual compact. The former insisted, that there was no such thing in being; and ask'd where it was kept, and how they might come to it? Others answered, that it was imply'd in a legal and limited government, tho' in a long tract of time and in dark ages, there was not such an explicit proof of it to be found. Yet many hints from law-books, antient histories, and the proceedings at coronations, were brought to support the truth of it. And even the conqueror himself was received upon his promising to keep the laws of Edward the confessor, which was plainly the original contract between him and the nation. These were often renewed by his successors, more especially by their several confirmations of Magna Charta; and Edward the second, and Richard the second were deposed for breaking those laws and compacts; and these proceedings were still good in law, since they were never reversed, nor was the right of deposing them ever renounced or disown-

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ed? It was asked, what signified all the limitations of the regal power, if when a king broke thro' them all, the people were left without remedy to maintain their laws and preserve their constitution. And even if these limitations were only extorted by concessions, length of time made no difference between them and original privileges. It was indeed confessed, that this might have ill consequences, and might be carried too far; but the denying this right in all cases whatsoever, did plainly destroy all liberty, and establish tyranny. Upon the finishing this debate, the house being divided, fifty-three were for the mutual compact, and forty-six only for the negative; thus it appears, that tho' it might be doubtful before that time whether a compact subsisted between king and people. Since that happy æra, it can hardly be disputed, and that too according to the nature of a compact, which, when one party breaks it, the other is free from all former obligations." And now, I think, from what has been said, it plainly appears, that the legislative power in England is lodged in the king, nobles and commons, not in any one of these singly, but in all of them united together. When any one of these pretend to a power of enacting new or abrogating old laws, that branch of the legislature then acts a part inconsistent with the constitution, and which, if not quickly check'd, may overturn and ruin it.

Sect.

Sect. 3. *Of the king and his prerogatives.*

The executive power in England is in the king, who is to take care of his people, protect them from their enemies, support them in their rights, and cause the laws to be observed and executed, without which confusion must ensue. To enable him to do this, and to keep up the majesty of a king, he enjoys great and high prerogatives, which render him as powerful as is consistent with the end of society, and the happiness of associates, but not so extensive as to raise money to seize any man's property, hurt his life, or hinder him from freedom of speech and writing; these are acts only exercised by despotick princes, by tyrants and enemies to mankind. A British monarch has the prerogative of calling, proroguing and dissolving parliaments. When his majesty wills that a parliament shall meet, he issues out of chancery writs of summons to the lords spiritual and temporal, and to the wardens of the cinque ports, and to the sheriffs of the counties for the election of knights, citizens, and burgeses. Each county and each city send two; of the boroughs, some send two, others only one representative. Each knight must have an estate in copyhold or freehold, free from incumberances, of 600 l. per ann. and each burges or citizen 300 l. otherwise they are not

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qualified.

qualified. No law can be made without the royal assent, which his majesty may refuse if he thinks proper. He has the power of declaring war and making peace, as his royal wisdom shall direct, which is a very high prerogative, and requires great caution in exercising it; for how easily may an indiscreet prince involve a nation into a ruinous war, and thereby bring it to a necessity of concluding a dishonourable and shameful peace? Indeed, it is not in his power to raise money for the support of a war; this cannot be done without the representatives of the people, who, in a just war, will be very ready to give supplies. To have recourse too often to arms is but bad policy, and what a British monarch ought to avoid. It is much better to keep our neighbours low, by promoting dissensions among them, and suffering them to ruin one another, while we are at ease and flourishing; by which means, if occasion requires, we may fall on with greater weight, and turn the balance as we please; but this is what we have frequently neglected. It often happens, that a bad minister will involve his country in a war only for his own interest, to prevent some disadvantages falling on himself, or to have an opportunity of obtaining more power, or amassing greater wealth; but when this is the case, a discerning prince will soon perceive it, and as soon as he perceives it, will make a sacrifice of his false favourite

favourite to his injured people. And here I cannot omit to observe how necessary it is for ministers to be of moderate passions and desires, void of vain-glory and ready to give up all for the publick good. Let a minister have all other qualifications that are necessary to render a compleat statesman, yet if he wants this one of preferring the interest of the whole to that of particulars, he is not fit for his place. If he cannot suffer injuries in any shape, when his country requires forbearance, but will prosecute his resentment, he ought not to be employed. Such a conduct often produces terrible wars, the destruction of people and the ruin of countries. A British monarch enjoys the command of the army, militia and navy; the command of all forts and the disposal of dignities. To the great offices of the state he calls whom he pleases, and in many cases dismisses them as he thinks proper. He confers honours as he pleases, creating noblemen and bishops, nor can any canon have the force of law without his assent. These are prerogatives which certainly invest him with great power and authority, and indicate the great confidence that Britons have in their kings; they seem willing that he should have all possible power to do good, but taking care, that it be not so extensive as to enable him to do ill. The king can pardon felony and other crimes, or moderate the punishment; by which power he has many oppor-

opportunities of doing justice and shewing mercy, and ought seriously to consider the circumstances of the condemned, their age, education, temper, fortune, motives to action and the conjuncture attending their guilt; their sense of it, and many other accidents. By this he will be enabled to form a judgment of the proper objects both of justice and of mercy. But in this, I know, the king must in great measure be influenced by the judges who ought to be most impartial in their report, remembring at what tribunal they themselves must one day appear to give an account of their actions. The king has the preference in all suits, and his debts must be satisfied before those of the subject; there lies no action against the king's person, but petition to which every subject has a right. The king pays no costs, neither is final judgment given against him but with *salvo jure regis*. It would require a whole volume to discourse fully on the royal prerogatives which it is not my design to do; but from what has been said will appear that the kings of England are intrusted with as much power, and enjoy as many prerogatives as is consistent with the end of society; and to crown the whole, he has an ample civil list revenue amounting to near a million sterling *per annum*. As to the expence of the nation, estimates are laid before the house of commons for the service of every year, then a committee is appointed to find

out the most proper ways and means for raising the same. The regality of England is at present, and I hope always will be, in the most illustrious house of Hanover, who reign by virtue of an act of parliament made in the 12th. year of king William, by which papists are excluded from the throne, as having principles wholly inconsistent with the British constitution. Before I conclude this section, I must observe the vanity of the doctrine of divine hereditary right, which on several occasions has been disowned by the English nation, and is quite contrary to English history; and on this subject there is a passage in Rapin so much to the purpose, that for the sake of those who have not that voluminous workt I cannot help transcribing it. 1. No law can be produced on which may be founded the hereditary succession of the crown of England. 2. There are abundance of precedents in the English history which make appear that the parliament assumed a power to dispose of the crown, and settle the succession without any regard to the next heir. In the third place, more kings since the conquest, have mounted the throne by virtue of acts of parliament, or some other means than by hereditary right. The four first especially, namely, William the conqueror, William Rufus, Henry Ist and Stephen most certainly came not to the crown by this right. When was it then that the crown

crown became hereditary? It is their business who maintain this opinion, to mark out the time. In the fourth place, of all the kings from William the conqueror down to James the first, there was not one who had less right to the crown than Henry the seventh before the parliament confirmed him in his possession. It was therefore from the parliament's confirmation rather than from Henry the seventh's hereditary right, that James the first could derive his own title. Lastly, if some instances may be produced of kings succeeding from father to son; and if from thence it is inferred that it was done by hereditary right, it will also be easy to shew that this right vanishes when traced back to the original; for example, if it be granted that Elizabeth, Mary, Edward, and Henry the eighth came to the crown by hereditary right, though a great deal might be said with respect to the two queens, the foundation of this same right springs from Henry the seventh, who was natural heir to neither of the house of York, nor the house of Lancaster. Henry VI. and Hen.V. succeeded from father to son from Henry IV. who was not next heir to Richard the second. Edward the third could not succeed Edward the second his father who was yet alive, by hereditary right. Edward the second, Edward the first and Henry the third form the longest hereditary succession from father to son that occurs in the English history, but they derived

derived their right from John Lackland who certainly was not Richard the first's next heir. I pass over in silence the former kings, because the thing is too evident to need any further insisting upon. Thus of twenty three kings from the conquest to James the first, above one half at least did not ascend the throne by hereditary right. As for those who succeeded from father to son, and who may be supposed to have reigned by hereditary right, they could support their right of succession only by acts of parliament, whereby the crown was adjudged to some of their ancestors, contrary to hereditary right, how then can the hereditary right of the crown of England be settled in an indisputable manner? It follows from what I have been saying, that nothing is more undetermined than the right by which the kings of England reigned from the conquest to the time of James the first.

Sect. IV. *Of the peers of the realm.*

The lords or peers of the realm so called from their equality in their legislative capacity form a second part of the legislature, and to them are joined the lords spiritual, viz. the archbishops and bishops as barons, these, as also the temporal lords have assistants who attend and are consulted on several occasions, but have no vote. The lords may give their votes by proxy, but not the commons. They are, I may say, a bulwark against the encroachments

croachments of either king or people, especially the latter, and it seems to be their interest to keep the constitution in a right balance, otherwise they may soon become a prey to the prevailing party. They have power of judicature, and when the commons are prosecutors they are judges. Their persons are free from arrests for debt, but their estates may be sequestered. When guilty of any crime, they are to be tried by their peers, but in case of capital crimes, the bishops cannot sit in final judgment, but must withdraw, it being contrary to the canons for them to be judges in blood. This has been a point much disputed, and there are yet different opinions thereon. The peers of the realm are the king's hereditary counsellors, their privileges are great and very distinguishing, as is also their obligation to their country, which they ought seriously to consider and endeavour to fulfil, for many are the advantages they receive. In their judicative capacity, as being the highest court, they should promote justice and equity in the highest degree; partiality should be banished from their breasts, and corruption from their hearts. A peer sensible of his great dignity and character, can never be brought to think otherwise than his reason and judgment direct him. In any man such behaviour is base and detestable, but in those of high stations of life, the crime is beyond description.

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Sect. V. *Of the house of commons.*

It now remains to speak of the commons in their legislative capacity, who as the whole cannot meet, choose their representatives to act for them. No alien, nor even a person naturalized can be elected, nor any one under twenty one years, nor the judges, nor the barons of the exchequer. All members must take the oaths to the government before they can vote in the house, which is very necessary, as is also the statute obliging all electors to take an oath that they have received no money, reward, office, promise, &c. to give their votes, and if any elector do receive such reward, or if any one shall corrupt an elector, he is to be fined 500 l. Business cannot be entered on till the king be in person, or by representation in the parliament, where after a speech to both houses, an address of thanks is drawn up by each house and presented to his majesty. Members in this house are all equal, there is no precedency or superiority among them. Any one may move for a bill to be brought in, except it be a money bill, then it requires the order of the house. When it is allowed, that a bill be brought in, those who moved for and seconded it are commanded to prepare and present the same, which having a first and second reading, is generally committed and often amended; after the amendments are agreed to, the question

tion is put a third time, whether the bill shall pass so amended, which if it does, it is sent up to the lords for their concurrence, where it must likewise have three readings, and so is past, sometimes with amendments, to which if the commons agree, it is ready for the royal assent. Money-bills do always begin in the lower house; and the lords must either wholly reject them, or agree to them; for the commons never suffer any alteration to be made in them. Freedom of speech is an eminent privilege of the commons; none of the members are to answer out of parliament for words spoken in parliament, neither ought the king to interfere with any thing done in the house, till it be first reported to him by the house; otherwise the end of parliaments might be frustrated, and a wicked minister might use the royal authority to stop their proceedings, when contrary to his bad designs.

All members of parliament, with their servants and necessities, are, during the sitting of parliament, free from arrests, unless guilty of treason, felony, or breach of the peace. They have, in many cases, authority to punish their own members, and also others, when guilty of contempt or slander against the house, elections, and all cases relating thereunto come under their cognizance. As to arrests, the case of * George Ferrers is

* See Petyt, &c.

eminent

eminent, who, in the reign of Henry the eighth, was arrested for debt, which being made known to the house, the serjeant of the parliament was ordered to the Compter to demand him, where they not only refused to deliver the prisoner, but insulted the serjeant, who complaining to the sheriffs met with no better usage; the house being acquainted of this, repaired to the upper house, who referred the punishment to the house of commons; the result of which was, the sheriffs and clerk were committed to the tower, and the officers who executed the arrest to Newgate; where they were kept, till the humble petition of the lord-mayor, and others, procur'd their release; all which was approv'd of and commended by the lords in the most expressive terms. Mr. Hall, in the reign of Elizabeth, for writing a book derogatory to the dignity of the house of commons, was imprisoned, fined, and rendered incapable of serving in parliament, and his book adjudged utterly false. It is not the end of this treatise to enlarge on the privileges of parliament; I therefore only give a general hint of them; for they are great and many, and would require much time to give a full account of them, tho' they are far from being greater than the good of the nation requires; for as from the commons the money, that must pay the army, navy, and all other expences, comes, it is but just, that they should enjoy

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the privileges they do, and that their representatives should form a part of the legislative power, whose charge is very high and of the utmost importance, and concerning whose obligation and behaviour, it will not be amiss to enlarge a little. First, I suppose them knowing in the constitution of their country, in consequence of which, they are to stand up for, and support the people's liberty; they are to oppose arbitrary power, and every thing which favours absolute monarchy. They ought to be well acquainted with the people's interest, and also with the grievances they labour under, which, during the sitting of the parliament, should be first taken under consideration and redressed. The chief end of parliaments is to enact laws which may be serviceable, and abrogate those in being which are prejudicial to society. Therefore by redressing grievances, they only act agreeable to the end of their institution, which ought always to be their view. As to the necessary supplies, they certainly deserve the attention and dispatch of parliament, but not so as to hinder the former; for that would be preferring the means to the end, and even perverting the means to destroy the end. By entering immediately on and granting the supplies, a wicked prince may put off the redressing of grievances as he pleases, by proroguing or dissolving the parliament. Secondly, The members of the house of commons ought

ought to prevent heavy taxes being laid on, or unnecessary sums drawn from the people. The inconveniencies that great taxes lay trade under, are such as must soon bring ruin upon it. When taxes affect the necessaries of life, and these things without which the poor cannot subsist, then is it high time for the landed gentleman, the merchant, and every well-wisher of England to complain, and be apprehensive of an approaching storm; for the poor man and the labourer finding, that they must purchase the necessaries of life at a higher rate than before, are obliged to raise the value of their labour, and whatever additional sum the merchant must give, he charges to those he sells to, who will not be willing to give a higher price than before, especially if they can purchase at an easier rate from other people. It is observed, that the inhabitants of other countries can live much more sparingly and frugal than those of England. What wisdom should this teach us? To ease the people as much as possible, and since work is naturally dear, to use our endeavour and art to make it cheap, and this is only to be done by light taxes and easy impositions on the necessaries of life, goods exported and commodities imported, which are necessary for manufacturing our own product. There are at present several great taxes, which, if reduc'd, would certainly be more advantageous to the crown, and in whatever light

it may appear to some, it is a demonstrable truth, that severe and ill-placed taxes do fall heaviest on the landed gentlemen, tho' they may seem at first only to affect the merchant. For when the price of the labourer is heightened, and the merchant must either sell at the same price as before, or dispose of a less quantity, (which last is generally the case) land is less improved, fewer manufactures produced, rents fall, money becomes scarce, and many poor people are deprived of employment, and for a sustenance for themselves, their wives and helpless children, become either a burden to parishes, troublesome beggars, highwaymen, or pick-pockets: besides this heavy ill-judg'd taxes lessen and discourage sea-men, who are the defence of England. When trade diminishes, fewer ships, and consequently fewer seamen are employ'd. Thirdly, When the nation is in debt, it is the duty of the house of commons to use proper methods to clear the same, for which end certain funds should be appropriated and entirely apply'd; but the people are not to be too severely loaded, under pretence of quickly discharging them: soft methods are to be used, and the remedy must not be desperate where the disease is not so; but by this, it is not to be understood that I am for delaying the payment of publick obligations; no, it is my opinion they ought to be discharged as fast as the circumstances of the nation

tion will allow, thereby great sums will be sav'd, which otherwise must be paid for the interest, and as the debt is to be paid off sometime or other, by a due and punctual payment of the debts, most of the interest-money may be saved to the people. A minister may have several reasons grounded on selfish principles, to induce him to retard the clearing the publick engagements; but none of these reasons can be supposed to influence a house of commons, to postpone the paying what is their duty to pay as soon as they conveniently can. They are always to remember, that when the nation is free from debt and under easy taxes, the society will encrease in riches; for trade will thrive, and industry advance to the great benefit of both prince and subject. Fourthly, Attendance is a duty incumbent on every member, and considering the great obligation they lie under, the importance of their function, and the end of their election, it is surprizing, that any amongst them should be negligent and indifferent. Unless a man designs to act agreeable to his office, he ought not to solicit for it, such people will neither themselves serve their country, nor suffer others to do it; this indolence, which too often prevails, ought to be rigorously punished. All members should be obliged at their election to promise, in the most solemn manner, to be constant in their duty. It is wonderful, that a man can have

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the assurance to look at his constituents, after having so shamefully slighted their interests. How can he ever be reconciled to himself, when, during his absence, laws pernicious to his country are enacted? Or, what glory is it to him, if he is absent, when even beneficial laws are proposed and passed? He had no share in the honour, and cannot pretend to any of the merit. Fifthly, It belongs to a house of commons to impeach wicked ministers, and bring to justice the oppressors of the people; they cannot distinguish themselves more gloriously than by prosecuting the enemies of their country: but this they are to do with temper, and every member should, on such occasion, search his own breast, whether he is not actuated by envy, ambition, pride, revenge, affectation of popular applause, or some other unjustifiable motive. If he is, let him desist, otherwise go on boldly and impartially. To discharge the duty of a minister is difficult, and requires many qualifications, not to be found in the generality of mankind. The best of ministers may err; and it is not for trivial mistakes that they are to be prosecuted. It is when they are guilty of bribery, corruption, imbezeling the publick money, attacking the property of others, endeavouring to destroy liberty, persuading their masters to agree to inglorious treaties of peace or commerce, loading the subject with unnecessary taxes, or the

the like crimes, then they are to be proceeded against, with a becoming zeal and warmth.

Sect. 6. Of electors.

I cannot omit, before I conclude this chapter, recommending a few rules to the consideration of electors of members of parliament. 1. That they choose gentlemen that are known in the county, and have a competent estate free from incumbrances. Such gentlemen will not so readily fall into ministerial schemes, as men who have scarce a sufficient fortune to maintain themselves and families. 2. Choose men of abilities and judgment, who know our constitution and interests. It is strange, how some men who have been the dregs of the creation, ignorant, tenacious, proud and arrogant, fit for nothing but to give their yea and nay, as a minister shall order them, should yet be chosen to represent the nation in parliament. 3. Reflect on the former behaviour of the candidates, reject all those who have once deceived you, they are not to be trusted or believed, no service can be expected from them. To conclude, consider, that before you choose members, it is in your own power to be slaves or freemen. If you suffer yourselves to be corrupted, you must expect to be at your corruptor's mercy. If you give your votes for a bribe, you must imagine, that he who buys you will think he

has a right to sell you. Can you imagine that those men who launch out money for your votes, and make you so many servile promises, do not expect to gain by you? Depend on it, that whatever they give for your votes, they make you repay them three-fold in unnecessary taxes; from all which you might be free, by electing honest men and friends to liberty. In short, if you choose the free, you will yourselves be free; but if the corrupted, you put your liberties on a very tottering foundation. You trust your freedom to men, who for a little sordid gain and a vain title, will sacrifice you, your liberty, their own souls, and was it in their power, their Saviour himself. Reflect on these truths, and as you regard your own advantage, the esteem of men, and favour of heaven, elect good men, and scorn the mean and corrupted. Let not liberty perish in your hands, it is a jewel of inestimable value, and life without it is rather a curse than a blessing; when once it is gone, it is hardly possible to get it back.

Sect. 7. Of the laws of England.

The great advantage of the English constitution is, that all the members of the state are subject to the law, and in making laws every private man has, by his representatives, a vote in the same. No man, or set of men,
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on account of their power or grandeur, have any pretension to set aside the law; by this, the highest peer and lowest peasant are equally governed; the king himself is bound by the law, and must govern by it. A king governing without law, is unknown to a free people. A legal constitution prevails wherever there is liberty, which must raise in the people a love and affection for their country, not to be met with in absolute monarchies; where, on the will of one man (and he perhaps a madman) depends the lives, properties and fortunes of millions of people; but in a free government, as in England, the subjects have the law for their defence, which will bear them thro' all difficulties when their cause is just. At present, I thank God, we have a king, who, by his whole conduct, has demonstrated the regard he has for the laws, and his royal intention to govern by them: a conduct by which his fatherly affection for his people is testified in the highest degree. When the laws are set aside, then must follow confusion, violence and destruction; which in some countries have often happened, not that any man can have a right thus to govern wholly by his mere will and pleasure. "It is God alone who subsists by himself; the right of crowns and kingdoms, and all other things exist in mutual dependance and relation. The sovereignty, honours, lives, liberties and estates of all, are
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under the guard of the law, which when invaded by fraud or wit, or destroyed by force, a dismal confusion quickly veils the face of heaven, and brings with it horrid darkness, misery and desolation; rapine, plunder and cheating, both private and publick, will be allowed and protected; continual rebellions, unjust proscriptions, villainous accusations and whippings, illegal and lasting imprisonments and confiscations, dismal dungeons, tormenting racks and questions, arbitrary and martial law, murders, inhuman assassinations, and base and servile flatteries multiplied by revenge, ambition and insatiable avarice will become the common law of the land." From which miserable condition may God always preserve these realms.

The present laws of England may be ranked under the following threefold divisions.

1. Ancient customs particular to certain places.
2. The common law which is the most general and most ancient law of the nation.
3. The statute law which is ordinances of the king, lords and commons.

All these laws ought to be founded on the primary immutable law of nature, the sanction which renders all human laws good and valid.

The statute law serves to supply the defects of the common law which is of much greater antiquity, the most ancient statutes are but young in competition of it, of whose

rise I find the following account ready to my hand.

"After the decay of the Roman empire, three sorts of German people invaded the Britons, viz. the Saxons, the Angles and the Jutes; from the last sprung the Kentishmen and the inhabitants of the isle of Wight; from the Saxons came the people called East, South and West-Saxons; and from the Angles, the East-Angles, the Mercians and Northumbrians: these people having different customs, they inclined to the different laws by which their ancestors were governed; but the customs of the West-Saxons and Mercians, who dwelt in the midland countries being preferred before the rest, were for that reason called *jus Anglorum*, and by these laws those people were governed for many ages: but the East Saxons being afterwards subdued by the Danes, their customs were introduced, and a third law was substituted, which was called *Danelage*; as the other was there stiled *West-Saxonlage*, &c. At length the Danes being overcome by the Normans, William called the conqueror, upon consideration of all those laws and customs abrogated some, and established others; to which he added some of his own country laws, which he judged most to conduce to the preservation of the peace, and this is what we now call the common law. But though we usually date our common law from hence, this was not the original of the common

common law ; for Ethelbert the first christian king of this nation, made the first Saxon laws which were published by the advice of some of the wise men of his council : and king Alfred, who lived three hundred years afterwards, being the first sole monarch after the Heptarchy, collected all the Saxon laws into one book, and commanded them to be observed through the whole kingdom, which before only affected certain parts thereof ; and it was properly called the common law because it was common to the whole nation ; and soon after it was called the sole right, *i. e.* the peoples right. Alfred was stiled *Anglicarum legum conditor* ; and when the Danes had introduced their laws on the conquest of the kingdom, they were afterwards destroyed ; and Edward the confessor out of the former laws composed a body of the common law, wherefore he is called by our historians *Anglicarum legum restitutor*”.

Formerly all law processes were in French, afterwards they were ordered to be in English and inrolled in Latin ; but now to the great benefit of the nation and ease of the people, the whole must be in English, and written in a common engrossing hand, and the words at length ; however this statute does not extend in all cases to the admiralty or exchequer.

Our law courts for administering justice are many, of which the courts of chancery, exchequer,

chequer, kings bench and common pleas are the principal.

It is the province of a lawyer (which I am not) to describe these courts, and give an account of their proceedings : my subject is of a different nature, and I am persuaded the reader does not expect a treatise on laws, but a treatise on affociation, its end, and the means of attaining it. But they who are desirous, may find many books to their purpose, on all the different methods of proceedings in law courts and law processes, together with bodies of the law itself.

CHAP. II.

Sect. I. Of commerce in relation to England.

TO be convinced of the great benefit which trade has been to England, we need only attend to what Davenant has told us in his several treatises, especially to that paragraph where he says, “ that by comparing the ancient subsidies with the present aids and taxes on land, it does not appear that the general rental of England for land, houses, mines, before we became considerable in trade, viz. about the year 1600 did exceed *per annum* 6 millions, which general rental we take now to be 14 millions; so that the land of England at the rental of 6,000,000 l. and at 12 years purchase was in 1600 worth
72,000,000. l.

72,000,000. l. The land of England, &c. at the rental of 14 millions, and at 18 years purchase one with another was worth in the year 1688, 252,000,000. l.

Navy royal, May, 1660.	62,594. tuns.
Ditto 1688.	101,032. ditto.

Navy encreased	38,438.
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As to the species of money, there seems good reason to believe that our quantity of coin encreased all along as our trade augmented. As to plate it may be safely affirmed that there was more wrought for use in families from 1666, to 1668, than hath been fabricated in 200 years before. It seems that the stock (in which is comprehended coined gold and silver, bullion, wrought plate, rings, jewels, furniture, apparel, stock for trade, consumption and the live stock in cattle, &c.) of England was in the year 1600, about 17,000,000. l. that in 30 years it near doubled; in 30 more it doubled; and in 1660 was about 56 millions. That from 1660 to 1688 it above half doubled, and was 1688 about 88 millions." Thus far Davenant: and it is worth any gentleman's time and trouble, who is desirous of attaining to a knowledge of this kind, to examine under the same particulars, the state of the nation at different periods of time since 1688. It is my design to offer to the

the publick an estimation thereof in another work, by which we may have the pleasing prospect of our gradual improvements, if any such have happened.

In order to encourage trade, which appears to be of such great benefit to us, it is necessary to ease it of its several present unnecessary burdens. The good effects of this, would, I doubt not, appear and be manifest in a very short time. The only way to encrease the riches of the nation is to encrease its commerce, and by proper means, evident to honest considerate minds, enlarge our exports, and diminish our imports which serve for luxury.

SECT. II. On the present situation of trade.

At present the trade of England labours under many difficulties and hardships, of which if it is not soon eased, the decay will be very sensible. Now is the only time while * peace prevails, and there does not seem any necessity to put the people to extraordinary expences. At such a juncture, what fine advances might we, with suitable application and care, make in our commerce! But I am sorry to say it, our politicks seem to be chiefly levelled against commerce, which if not changed will bring certain ruin upon us. Our manufactures, shipping, seamen and treasure

* This was wrote in the year 1738.

must

must all decrease and fall. And then the national power and credit will certainly sink.

The duty on salt is very pernicious, it greatly affects labour which ought to be kept at as low a rate as possible, it raises the price of goods and of freight, thereby giving our rivals an advantage over us, which might be easily prevented, and whatever landed gentlemen may imagine, it falls with its full weight and force upon them, lessening the value of their lands and rendering the payment of rents more precarious, for, as the great Mr. Locke observes, "taxes however contrived, and out of whose hands soever immediately taken, do, in a country where the great fund is in the land, for the most part terminate upon land. Whatsoever the people is chiefly maintained by, the government supports itself on; nay, perhaps it will be found, that taxes which seem least to affect land, will most surely, of all others fall the rents." There cannot be a more prejudicial distinction, than that which some people endeavour to promote between the landed and trading part of this nation. A little reasonable reflection would soon convince country gentlemen that it is impossible to hurt trade without hurting their estates; you have seen that by enlarging trade, and a well conducted commerce, lands have risen in value from 12 to above 20 years purchase, and will be still higher, if commerce advances; on the contrary, if it

decreases and is oppressed, the value of land will in proportion fall. This is a truth which if harkened to in time, will be of the greatest benefit to the kingdom, otherwise it will be attended with too late repentance. There are several other taxes which are detrimental to trade, as affecting the necessaries of life, thereby raising the price of labour, the low price of which, should be the policy of all trading people. Such are those on soap, candles, leather, malt, coals and several others. If some of which were lightened and others taken off, there would be in a short time a visible encrease of our exportations, an additional ballance in our favour, an augmentation of shipping and seamen, employment of the poor, a lowering of interest, and raising the value of lands. Commodities for dying should be imported free from all duty. This is absolutely necessary to prevent the enhancing the price of the woolen manufactures, which must certainly be raised by a duty on the materials which are necessary for dying, and which gives other people an advantage of underselling us; to stop which should be the care, and is the interest of the whole nation. The plantations, fishery, woolen and other manufactures, together with the product of the mines, require the immediate attention and regard of the legislative power, and if these are assisted, and the shipping protected, they may retrieve the nation from its present circumstances,

cumstances, and put it in a fair way to pay its debts, regain its credit, power and honour. The natural advantages that England has for trade are as many and great as those of any nation whatever: her harbours and navigable rivers are unrivalled, all circumstances considered, which is a prodigious benefit if properly improved. She produces a great plenty of provisions more than is sufficient for home consumption. English wool is well known, and when manufactured is sent to all parts of the world which greatly helps towards bringing a ballance in our favour; the mines are also a great fund of riches, from them we have both for use and exportation large quantities of tin, lead, coals, &c. our leather is in great esteem, and its manufactures are numerous as well as good; by the help of the production of the plantations, re-exportation of East-India commodities and the fishery, England might carry on the most extensive commerce in the world. But in order to this the plantation business must be put on another footing, the fishery must be regained, and the national expence lessened. Amongst the most beneficial trades at present carried on, those to and from Turkey, Spain, Portugal, Holland and Africa are the chief. The plantation and India business shall be taken notice of in another place. To Turkey is exported in our own shipping, woollen manufactures, clockwork, lead, tin, wrought
iron

iron and steel with several small wares; from thence is imported, likewise in British shipping, raw silk, hair, cotton, fruit, oil, dying stuffs and a great many drugs. This trade is useful as employing the poor, and increasing navigation, and should be encouraged though our transportations were of less value than they are, for as Sir Josiah Child observes, "No trade deserves so much care to procure and preserve, and encouragement to prosecute, as those that employ the most shipping, although the commodities transported be of small value in themselves; for, first, they are certainly the most profitable; for besides the gain accruing by the goods, the freight, in such trades, is often more than the value of the goods, which is all profit to the nation; besides, they bring with them a great access of power (hands as well as money) many ships and seamen being justly the reputed strength and safety of England." To Spain are exported woollen manufactures; tin, lead, haberdashery ware, leather, sometimes corn, variety of stuffs, &c. From thence are imported fruit, wine, oil, wool, drugs, cochineal, indigo, hair, &c. the ballance in our favour is not at present comparable to what it has been; herein the French have done us great prejudice. To Portugal are exported woollen manufactures, lead, iron, copper, brass, pewter, leather, East-India piece goods, haberdashery ware, fish, corn, drugs, glass,
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castors, &c. From Portugal are imported wine, fruit, brazil tobacco, or snuff, oil, salt, cork, &c. and the ballance in favour of England is considerable. To Holland is exported part of almost every thing that we have, and from thence is likewise imported a great variety of commodities many of which might be furnished by our own industry, especially those articles which relate to the whale-fishery and Dutch manufactures; however, the ballance would be vastly in favour of England were the importations from Holland no greater than those made by the fair dealer, but alas! the value is run and smuggled: here I cannot help observing that of the whole society, those smugglers to a trading nation are the most pernicious members; pity it is that they should ever escape the rigour of the law. No punishment seems to be too severe for such men, who for a little private gain, sacrifice the publick good, and bring more evil upon their country than could be brought by even an unsuccessful war. From Africa we receive several valuable commodities, and the plantations are from thence supplied with negroes, by whom they, and all the trades depending on them, are supported. There are some other trades by which we do not lose, and there are several which were once beneficial that are now lost through our bad conduct, and the arts and industry of the French. It is surprizing how France has encreased in riches,

riches, shipping and seamen, how extensive their trade, and how well carried on. That government gives all imaginable encouragement to trade, and knowing the great importance of commerce, the promoting it is amongst their principal aims. Their plantations meet with all necessary encouragement, are cherished and encreasing in wealth and power, all which carries a very bad aspect to Great Britain, if she does not alter her present measures, and by good management retrieve her interest. Amongst the prejudicial trades at present carried on, those of France, Flanders and the East country hold the first rank, the wine, brandy, linen, cambricks, laces and silk manufactures imported from France amount to an immense sum, great part of which is run into the kingdom, and therefore it is impossible to name the value, but it certainly exceeds by hundreds per cent. the British exports which in proportion are but a trifle. The greatest article is tobacco, the other goods which we export are corn, tin, lead, horn plates, drugs, lanthorn leaves, a little iron, copper, brass and other things in small quantity and of little value. This prodigious ballance that France has against us deserves the serious consideration of the legislative power, by whose wisdom it is to be hoped the same may be remedied. It is indeed to be wished that all commerce with France directly and indirectly could be prevented,

vented; she is by nature our greatest enemy, and by her good policy and conduct is become our most formidable rival, in some degree prejudicial to us, in every branch of trade; the Italian and German commerce are by her means, from being profitable, become prejudicial to us. Time has been, when England received a considerable ballance from those countries, whereas now, a great ballance is paid to them. It is not only in commerce that France is so dangerous a neighbour, but likewise in power, which is arrived to such a height, that if by a train of good politicks it be not soon checked, nothing can prevent Europe being subject to an universal monarch, but a general war. It seems to have been a great error in the British ministry in the year 1729. to unite so closely (as they did) France and Spain, the bad effects of that union have too plainly appeared; it is the interest of England to disunite those powers, and keep them at variance as much as possible. It was pretended indeed, that the Austrian power was too great, and ought to be reduced; God knows, it seems at present to be low enough, not able, in case of a vigorous attack, of it self to act the defensive, and consequently incapable to carry on an offensive war. Flanders is likewise very destructive and hurtful to us in trade. They run vast quantities of goods into Great Britain, and have their returns chiefly, if not wholly, in gold and silver. The East country trade is also hurtful, the ballance is ex-

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ceeding great that is paid for naval stores, iron, timber, hemp, flax and other commodities, whereas, they might be all had from our plantations, and thereby employ many thousands of our poor, encrease all our manufactures, and preserve to us the whole ballance that is now paid to those countries. From England they take (in proportion) a very despicable quantity of goods, which are checked as much as possible.

Sect. III. *Concerning the East-India trade and monopolies.*

The East-India trade is very beneficial to the nation, and might be made much more so. The greatest exports from hence are chiefly silver, bullion or coin, also woolen manufactures, lead, toys and small wares. We import callicoes, muslin, spices, drugs, indico, raw silk, wrought silk, china ware, tea, ratans, canes and several other commodities, the re-exportation of which, is beneficial. Our home consumption is indeed very great, and requires a considerable diminution, for it by far exceeds a million sterling. The China trade might be made very profitable, but in order to make it, and the India trade as beneficial as it is capable of being, it is necessary to render it more open instead of having an exclusive privilege vested in a regular company. This brings me to offer my sentiments concerning monopolies, which are a grant to one or several persons, giving them

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the sole power of buying, or selling, or making, &c. any commodity, or carrying on any commerce, the pernicious effects of which shall be exemplified by the East-India company, which is a terrible monopoly, and may be very destructive to the society for the following reasons. 1. As it renders a few private men immensely rich and powerful. By their great wealth, they are able to support, or at least help wicked ministers, and by applying the money of the proprietors to further their schemes, become very hurtful members of society. It is generally allowed that sudden riches in private men are detrimental, and may be dangerous to the publick; and where have obscure mean people ever become more suddenly rich, than many directors and governors? If the trade was open, particular people would be unable to amass such wealth, and therefore incapable of assisting any ill intentioned minister. There are, doubtless, among the managers of companies good and honest men, but it is publick prudence to hinder them, and put it out of their power to hurt the nation, in case they were otherwise. The best way to keep men honest is to give them no tempting opportunities to be dishonest.

2. A monopoly is pernicious as it deprives a great many people of a comfortable living, by confining trade to one place: Whereas, were it open, ships would be employed from several ports to the benefit of merchants, the encreasing

encreasing of seamen, and the general good of the kingdom. 3. A monopoly is hurtful, as it obstructs the employment of the poor, for were the East-India trade free, there would be a greater call for manufactures, and consequently a greater number of people would be employed. the woollen manufactory may be greatly improved, and by laying open exclusive trades, I am certain that great improvements would be made. 4. If these trades were free, many people who now beg or follow a worse course, would be employed as porters or labourers; and handicraftmen in general would receive great profit; whereas now very few, excepting the relations and friends of the managers, receive any benefit. 5. Our commerce might be far more extensive, if there were not any monopolies. By the help of East-India goods, we trade to several places, and might trade yet more, were those goods cheaper, which they would be, was the trade open. When any commodity is in the hands of a few, they keep up the price, and sell it at an exorbitant rate; whereas private men sell as fast as they can, taking quick tho' small returns. It is certain, that in such a case particular people could not get so much wealth, but then the nation would get much more. In proportion to the sum employed, the profit would be less, which would be prejudicial only to those, who prefer private interest to the publick good.

good. It is evidently much better for the nation to trade for 3000 l. and get 20 per cent. than to trade only for one, though it should yield 40 cent. Some say in favour of the company, that as the trade exports bullion, and is detrimental to the manufactures, the less it is encouraged the better. As to the manufactures, it is easy to prevent the use of Indian ones, when they interfere with our own. As to exporting bullion, I believe, less of that, and a much greater quantity of manufactures would be exported if the trade was free; for then merchants would take the cheapest methods of buying goods for exportation, which they would sell at a lower price than at present they are sold at, and the Indians would take a much larger quantity from us. Companies do not trouble themselves to buy at the cheapest rates, neither will they, or can they, sell at so low prices as private adventurers could do. If the India trade was open, we could undersell at foreign markets all our competitors, and should be able to reduce all companies to the great benefit of this nation, and detriment of our rivals. I know, there are some well-meaning men, who apprehend that the nation would be exhausted in case of an open trade; but it appears from the foregoing passages, that wealth would daily flow in upon us, by our being able to undersell other nations, perhaps above 10 per cent. which must soon engross
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the business all into our hands; and when once trade is fixed, it is not easy to divert it from its channel, but by bad management. As to home consumption, that may be lessened by law, in case it be thought too extravagant. I own, that I am against using force in matters of commerce; for it is seldom attended by good effects. Sometimes however it is necessary, and at present we see the wear of many things prohibited, which interfere with home manufactures. To conclude this section, take a summary of reasons for and against the company by Mr. Pollexfen, "The advocates for settling this trade in a joint stock usually alledge, that the trade to the East-Indies, is remote, and cannot possibly be carried on without it: that there are, and must be, several forts and castles, and factories in several princes countries, with which princes differences do arise, and oftentimes with the Dutch: that there is a necessity of soldiers and garrisons at the Isle of St. Helena, Fort St. George, Bombay, &c. none of which can be maintained without great charge: that there is occasion to make treaties and engagements with the great Mogul and other princes, which cannot well be managed by particular persons: that they employ great ships, and breed up a great number of seamen: that they bring a great deal of treasure to the nation, by what goods they bring in and transport into foreign parts, and that others spent
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here at home are very useful, and come much cheaper to us than otherwise we should have them: that they have been long in possession of this trade, and have a right to their forts and castles, which they bought and paid for: that their adventurers are numerous, and therefore the trade is as diffusive under the company as it can be made otherways, and that all persons may come in at any time by buying stock; and that it being laid open before the year 1657, when this charter was first obtained, it was reduced to such a languishing condition in a few years, that the traders, that pursued it, soon lost much by it, and all joined in an application for getting it settled in a joint stock; and that the like will happen again if laid open, if not lost to the Dutch and French, or other nations.

The opposers have offered against these arguments, that tho' the trade be remote, yet that the Indians do as kindly receive all persons that come there to trade, and with as much civility, as any people in Europe; and that the company could never get any favour in trade among the natives above other people, unless by force and indirect means, as the interlopers have experienced: that the inhabitants of St. Helena are English, under the jurisdiction of England, and without much charge may be maintained, so as to serve for a watering place for the ships to come home: that the forts of St. George and Bombay, are not

not very serviceable, because the most of the trade is carried on at a great distance, and none of them capable of being defended against the Indians by land, or the Dutch by sea, if they should come with any force to attack them: that treaties and agreements with princes in the Indies, may be made with their merchants by any single person; the governour and others being always ready to treat with any merchants, and that there is no need of going to the prince himself: that the East-India trade employs many ships, and some of them very good, but that it is rather a consumption than a nursery of seamen, carrying away generally only the choicest, and sometimes burying the half of them: that the long possession this company have had of this trade, for near * forty years makes against them, it being not reasonable any set of men should keep so great a part of the trade of the nation in succession to perpetuity, exclusive to all others who have as much right to it as they: that the forts and castles cannot be properly said to belong to them, but only in trust for the government, and the trade is not so diffusive as it ought to be, because the stock is engrossed by a few: that the Dutch being in possession of so many ports and large territories in the Indies, have such strength at sea, that it is impossible for the English, as the case now stands, to keep

* This was wrote in the year 1696.

them

them in awe by strength there; and that this company never could, as appears by having lost to them, all that they ever thought worth taking, Amboyna, Palleroon, and all the spice islands, or factories, which we had in any such islands, and lately Bantam; and what we now have the Dutch would not be at the charge of keeping, if they had them." If notwithstanding all this, some gentlemen should, for the sake of regularity and maintaining the trade, be of opinion, that it ought to be carried on by a company, let, as proposed above, a regular one be established, whose servants may certainly be as capable of governing forts, or managing any affair, as the servants of the other, or let those places be put under the care of the crown, to satisfy whose servants, some acknowledgment may be ordered, to be paid by every one who enjoys the benefit of the trade, or some little additional tax may be laid upon their goods, payable to the crown, to defray the necessary charges of the company. Among the many commodities brought from Asia, there is none that we ought to encourage more than raw silk, especially that from China, instead of this, we most unreasonably load it with a great duty, thereby rendering it almost useless to us; whence this happens, or why we are so miserably blind, in respect to our own interest, I cannot say; but it is certain, that if we would recover from our

present (not to be envied) state, we must act on different principles, than we have done for some time past. At present the sum is very great that is paid to other states in Europe for raw silk, whereas by good management we might have a sufficient quantity at a moderate rate; not to mention what might be had from our own colonies, by which a very beneficial and extensive manufactory might be carried on, to the employment of many thousands of poor people, and enriching the nation.

On home consumption a tax should be laid, but all manufactures exported should be free from all imposition, otherwise no trade can ever be carried on with success. On commodities or manufactures that are not consumed at home, burdens may and should be laid; and they who would be luxurious (if they cannot be wholly hinder'd) should be obliged to pay for it. Such taxes are the most beneficial to the state that can be thought on; and I am sorry to say it would in England, if rightly managed, produce a very great revenue.

Sect. 4. *Of the South-Sea company.*

This company was enacted in the ninth year of the reign of queen Anne, on consideration of the subscribers paying the debts of the navy, army, transports, &c. amounting to

to above 9,000,000 l. including 500,000 l. to be supplied for the current service, for all which they were to have an annuity of 6 per cent. to be paid from the produce of the duties on wines, vinegar and tobacco, and East-India Goods, &c. as specified in the act; and for defraying the charges of the company 8000 l. per ann. was to be paid to their cashier, besides their annuity. Stock in the company was made a personal estate, free from taxes, and for their encouragement they were from the first of August, 1711, entituled unto, and vested in the sole trade, and traffick into, unto, and from all the places of America, on the east side thereof, from the river Aronoca to the southermost part of the Terra del Fuego, and on the west side thereof, from the said southermost part of the Terra del Fuego, through the South-Seas to the northermost part of America, and into, unto, and from all places within the said limits, which are reputed to belong to the crown of Spain, or which shall hereafter be found out, or discovered within the said limits, not exceeding 300 leagues from the continent of America, between the southermost part of Terra del Fuego, and the northermost part of America, on the west side thereof, except such places on the east side of America, as are now in actual possession of the crown of Portugal and the United Provinces. By this act, their bonds are to be
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taken by the officers of the customs, and their bonds do charge as well the annual fund payable to the said company as the other stock, effects and estate; they are also assignable at law by endorsement, which assignment does vest the property of bond and money due thereon in the assignees, their executors, &c. who may, in failure of payment of the money due on such bonds, bring and maintain their action of debt at law against the company. A stock is likewise to be set apart for and employed in the improving, enlarging, and carrying on the fishery of the realm, but not to the exclusion of others of her majesty's subjects. It is not my design to continue a history of the company by abridging the acts of parliament relating to it, neither shall I enter into a detail of the grand mystery of iniquity, that brought ruin on many thousands. These points have been often handled; my intention is only to observe, that this, as also several other trades, are not carried on with such spirit and publick benefit as they might be, which is to be imputed partly to the managers of the company, and partly to that mean spirit that now prevails, by which the trade is obstructed, merchants and their ships are insulted, and the nation in general dishonoured. Foreigners think, that England dares not enter into a war. They imagine, the state of the country will not allow it; therefore we are despised and daily
U affronted.

affronted. The ministry probably think, that the nation is already loaded with a great debt and high taxes, which being increased by a war, the burden would be too heavy; but I am apt to believe, there is hardly a subject, if he is well affected to the present royal family, but would part with much more to preserve, or rather to retrieve the honour and glory of his king and country, which in England are inseparable. A British monarch never shines with greater lustre than when his subjects are in a prosperous and flourishing condition; this is easily seen by perusing the history of England: our greatest kings have had the happiest subjects.

Sect. 5. *Of the Plantation trade.*

The plantation trade is justly regarded, as the great support of our commerce and preserver of its ballance in our favour, and therefore is well worth serious consideration. Our sugar plantations produce great quantities of sugar, cocoa, cotton, dying stuffs, fine woods, druggs, ginger, cod, pepper, and would, if encouraged, produce many other spices. These productions they send to their mother country, from whence is re-exported what is more than sufficient for her own consumption: we send them in return every thing that is wanted, either for use or luxury. It is a melancholy truth, that at present these colonies

nies are much decayed. Re-exportations are a mere trifle to what they have been; the French run away with the trade, and supply the markets that once were wholly furnished by this kingdom. This is entirely owing to the wise management of France, and the most foolish conduct of England. The French colonies are on as good a footing as they perhaps can possibly be, whilst ours may be said to be on as bad; the former can carry their sugars to foreign markets a great many per cent. cheaper than the latter, by which they have the preference, and consequently encrease in proportion as we decline; all which is to be imputed to the ignorance or knavery of those who represent our colonies in a false light to the legislative power. To this misfortune must be added another, which is, that as our exports diminish, home consumption encreases, that is to say, the less our income is, the greater is our expence; or the less we can afford, the more we spend. For God sake, where or in what must this end? In private life, it would end in the ruin of the spendthrift; unless remedied, it will have the same effect on the publick; and if we do not soon begin, I am afraid it will be too late to pretend to recover. But in case we should be so happy as to enter on this great work, the first thing to be done is, to repeal those plantation laws, which are grievous and burdensome to trade; next

we are to give encouragement to people to settle in and improve the colonies. This would be disagreeable to some planters, and others, who prefer their own private interest to the general good; but such discontent is to be contemned, since all they are dissatisfied with, is a conduct that would infallibly tend to enrich and strengthen the community. Many large tracts of land now lie waste and barren, which could be improved to the happiness of thousands, but many of the planters are not for such wholesome doctrine, they want to serve their private ends, heedless of the common weal. Is this a reason, or sufficient motive, to influence the supreme power of this kingdom? Certainly it ought to influence them, but not to encourage those mean notions; on the contrary, it ought to incite them to help and empower poor industrious people to settle in the colonies, and plant those tracts of land that now lie useless and of no service, by which means the price of sugar might be considerably lowered to our own advantage, and the detriment of our rivals in that trade. Spirits raised from the production of the plantations should be encouraged, and their consumption promoted: a little use would bring them into as great vogue as French spirits, for which such large sums of money are paid every year. The tobacco and other plantations might be turned to the immense benefit of their mother country.

try. Many necessary commodities might be raised, for which a great deal of money is now paid, and several advantageous trades might be carried on between our colonies and other places. A timber trade, well settled, would encrease both the seamen and riches of this kingdom. As the judicious Mr. Gee tells us, "There is no merchandize more profitable than timber, being the most bulky, and consequently employing the greatest number of ships and sailors, with a very small part of the national stock, which is sufficient to give it all imaginable encouragement." I have often considered the advantage that a timber trade would be to us, between the plantations and the Streights; and I cannot see but a thousand acres of timber-ground in America may be made more advantageous to England, than a thousand acres of corn-land within ourselves. A thousand acres of corn-land producing thirty crops in fifty years, at 4000 l. is 120000 l. we will likewise suppose, that twenty acres of wood-land in America, may afford timber enough to load four ships, of six hundred tun each, and each cargo to sell in Spain or Portugal for 900 l. which 3600 l. are produced by our own poor and national stock in this shipping. These 1000 acres will take fifty years cutting, and fifty crops at 3600 l. per crop, is 180000 l. I think, I have allowed double the quantity of land necessary to produce four ships loading

ing of timber ; for the land in those parts run very fast into timber, which grows quicker than in any other place that I know. Hemp and flax might be raised in our colonies, not only sufficient to supply ourselves with cordage and linnen, but also for foreign markets. Here is a large field to exercise our industry in, and a most inviting temptation ; since all the advantages that can be proposed by any trade, may accrue to the nation by this, if judiciously managed. The places where these materials should be raised are those that at present cannot, either by their growth or manufactures, raise sufficient to pay for their necessaries, and therefore are forced to be satisfied with a great deal of their own, not to remedy which, is very bad policy ; for the end of colonies is to encrease the consumption of our own produce abroad, receiving for the same, those things which must be otherwise bought of foreigners ; advancing trade and navigation, and bringing an additional balance in our favour by the help of the colony productions, which cannot be done unless the people of those colonies be impowered and enabled to work and cultivate the ground ; to which end, as I have already said, encouragement should be given by the nation to poor industrious people to go over, settle, and improve it, in such manner as shall be thought most conducive to the interest of the mother country. By such conduct, we might in a short

short time save the many hundred thousands of pounds, that are now paid to foreigners for linen, cambrick, lace, &c. and be supplied with the materials, in exchange for our own manufactures, which is an evident gain, and not at all difficult to put in practice. Every one, who has considered these affairs, knows how dear we pay for hemp, what a drain, it and naval stores are of the kingdom's treasure ; whereas, by a little industry, we need not pay an ounce of silver for them, but have them all in return for our own manufactures. I might here enter on another improvement, which would help us very much, that is to raise raw silk. This is likewise a very extensive theme, it is a material for which we pay a great deal of money ; tho' it might be had from China much cheaper than from the places it is at present chiefly imported from ; but to have it even from China, would be a needless expence, seeing it may be easily raised in our own plantations, which are as fine a soil and climate for planting mulberry-trees as any in the world. France must for ever acknowledge her obligation to that great king Henry the fourth, who by his care in this affair, laid the foundation of a manufactory, which has not only saved to the nation much treasure, but has also brought in great sums from other countries for this so much admired manufactory. That prince knew the value of raising such a material,

by the manufactory of which so many thousand poor people would be employed, and therefore he spared no cost nor labour to establish it. The example of the present French court and ministry, in encouraging the wear of their own fabrick, deserves a strict imitation, and I am persuaded would have the same effect here as there; it is a great pity the experiment is not tried. There is indeed nothing wanting but a trial, and industry to attain to the fore-mentioned advantages: industry will conquer innumerable difficulties, as we find by that unparalleled prince, Czar Peter, who raised his people from a gross ignorance, stupidity, and brutality, to be a wise, knowing and artful nation. Nothing less than his indefatigable genius could have reached so great an end. I have often considered with pleasure, the mighty benefit which would arise to my country, by setting on foot and driving these manufactures so often recommended, I suppose a million and two hundred thousand poor could be employed in them (including a manufactory not yet mention'd) and this without taking away any hands from works already settled. The least value of those peoples labour would be to the society a million and a half, besides the value of the navigation of so much as would be exported, which would be a recompence for any loss that might happen on that score.

Iron

Iron is another article, which it is very strange we do not encourage; and that the east country should be preferred, from whence at present we are supplied, and to whom a very great balance is paid; whereas with proper encouragement, England might, in a short time, be supplied with a sufficient quantity of pig iron from America, which might be work'd here at home into bar-iron, to the great benefit of all sorts of people.

In short many countries are much obliged to us for our complaisance in taking off their manufactures, otherwise many of their poor must be unemploy'd, money would become scarce amongst them, interest would be high, land would fall, and an universal loss ensue. For a proof of this, we need only take a view of our great, unnecessary importations from some places, and small exportations to them. But it is to be hoped that some gentlemen (before it is too late) from a love to their country will endeavour in parliament to get these evils remedied; then will they do the greatest service that can be performed to trade and navigation, and consequently to the Interest of this nation.

Should a scheme of this nature be set on foot, a repulse in one session is not to intimidate the patriots who shall undertake it from proposing it in another; because there may be ministerial or party reasons which may prevail

prevail at one time and not at another. A good man is to be constant in his views and apply himself assiduously to attain his honest ends; by a steady conduct he disunites the measures of his adversaries making them by degrees give way and if they do not join with him, it is sufficient they do not oppose him: whereas, by a faint and feeble conduct we have known one negative blast an affair and render it of no effect, which negative may for once be easy to procure, but not often: besides peoples eyes are opened by a repetition of good arguments, and time wears off prejudice. The people at first may not comprehend the reasonableness of the thing, yet they may, by having the matter frequently opened, be brought over to the publick as well as their own private good. For the present proposition there are so many strong reasons, and so few objections, that I am surprized any thing of the kind ever had a negative. The many materials which might be brought from America, are said by good judges to be as fit for use as those of any other country: if so, why are they not encouraged? give the reason, make some tolerable excuse in an affair of such importance. I know some men imagine that to give great encouragement to the colonies would render them too great and make them think of casting off the British dominion and set up to be their own masters, but this seems to be impracticable

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considering their situation in regard to each other, their different interests and separate views; the weakness of their power, which may always be kept under; and by good laws it may be made to be their apparent and real advantage to be dependent on their mother country. What we have most to fear is that they drive trades inconsistent with the interest of England, but this is easily remedied by ordinances obliging them to make use of British productions, and forbidding their manufacturing any thing that interferes with the manufactures at home. I know that if they were at liberty they would carry cargoes to foreign markets, taking in return the manufactures and luxury of those places which would be consumed in the colonies; thus the mother country would be frustrated of any benefit from them, which would all go to foreigners; but it will be our own fault if this evil should ever come to any height. Many are of opinion that to settle new plantations would be of great service to the country, to which I cannot wholly agree; perhaps there are already enough, provided a right use be made of them. There is not one improved as it might be; many are going to ruin thro' negligence and bad œconomy; remove the causes, you will soon find that the number of the plantations are sufficient for all the great and noble ends I have mentioned: but to render their state well known to the legisla-

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tive power, it is necessary that the commissioners of trade should in the first session of every parliament give in a state of the colonies, and trade in general, with their opinions concerning their increase or decrease; such a method is highly reasonable, and would be attended with many good consequences.

Sect. VI. *Of interest and the value of money.*

If we were so happy as to live in an age in which the publick good were preferred by individuals to private advantage, we should hardly hear any objections against a low interest, but it is an imperfection of our nature to prefer a little private gain to a national benefit, and such I take low interest to be; where it prevails money is plenty, land is of high value, as also rents. Merchants are both enabled and obliged to trade; they are enabled by getting money at a low rate, and obliged as being unable to live without it; a man worth 2000*l.* if interest be at 6 *per cent.* may live very well thereon, 120*l.* will support him genteely but 60*l.* could not, which would be the whole of his income in case interest was at 3 *per cent.* therefore he would be glad to get by trade 6 *per cent.* whereas, were interest at 6, it would not be worth his while to be at the trouble or hazard of trading to clear more. This is a plain proposition, and affords several useful inferences

inferences. Some people say, that the lower interest is, the less will be the income of moneyed men, to the prejudice of all tradesmen and country people, but this is a mistake, for the less interest that is paid, the more will remain to those people who are to pay interest, and therefore they may spend so much more as they will thereby be savers; and in regard to publick debts, the lower that the rate of interest is, it is plain that the people may be the more eased of taxes which certainly must enable them to live at a higher rate. Some apprehend that were interest reduced, foreigners would be able to get as large a premium in their own country, and on as good security as they have here; but this objection falls to the ground, when we consider that it is to be wished we could be without such a foreign stock as annually draws from us such a large sum in interest; therefore I have often wondred, why such slow progress is made in paying the national debts, which, while they continue, exhaust the treasure, spoil the trade, and lower the rents of the nation. Another reason which with some is of little effect, but to me seems a very good one, is that by paying our debts, at least that which is due to the East-India company, which might soon be done, that trade might be laid open to the great profit of the country, and would be a great means of lowering the interest of money, which is one of the best signs of a thriving

ing nation. High interest is always a sign of little trade, or trade badly managed; of scarcity of money; lowness of rents and lands, which can be no otherwise helped than by putting commerce on a better footing. To raise the nominal value of money will be far from having any good effect, as some people have imagined, neither will lowering it have any better. With regard to this, the best advice that can be given is to keep it on as equal a footing in relation to the value of gold and silver in Europe as possible. If a guinea be called thirty shillings, it is not to be supposed that any man will sell as much for a guinea after such nomination as he would before for thirty shillings, he will in proportion raise the nominal value of his goods, and foreigners will run in upon us great quantities of coin to our great prejudice; if on the contrary a guinea should be called fifteen shillings in a short time the nation would be without any gold species, it would be all run out. In short there can be no publick benefit proposed in altering the coin from its just value, at the most it can only serve a jobb of the government.

Sect. 7. On the ballance of trade.

To gain a ballance in the whole, must be the aim of every trading nation who pretends to increase in wealth and power; otherwise

wise destruction must soon follow: for a country that loses yearly, on the whole must by such loss decay: let her stock be ever so great, it must dwindle to nothing. This is an evident truth, and yet such is the infatuation of some people, that paying no regard to it, they still push on, and think to grow rich by exporting their treasure and consuming foreign luxury. In order to judge of the balance of trade, several methods are proposed, which by knowing our exports and imports, would be certainly safe enough, provided it was possible to get a just account of them; but this is not to be attained on account of false entries, smuggling, and the uncertain value of goods. However, this way may afford great light, and in certain trades will do very well, where it is to be observed, that goods imported in foreign shipping are to be valued with their charges till delivery here, but in our own shipping only with charges till on board, and the same in regard to goods exported. Encrease of shipping is a good sign of a thriving nation, provided such encrease continues. Exports and imports of gold and silver are means of knowing how the balance of trade hangs. If we use more foreign wares, than we export of our own commodities and manufactures, or re-export of other goods, it is plain that we, by such consumption become debtors; to satisfy which debts, money or bullion must be exported.

exported. On the other side, if we export more than we import, then money must be sent to us to ballance the difference; this is easily comprehended; therefore, if the quantity of money exported and imported could be known for several years, by the difference of it, the gain or loss of the nation by commerce may be likewise known. This is what I do not pretend to determine; but I am positive that by good management the ballance in our favour might be greatly encreas'd. Mr. Gee who was a good judge of trade, makes the following computation of the value of several articles that are in our power to attain and improve.

“ The encouragement and making fine lace, velvets, silver and gold stuffs, and valuing our selves as much in appearing in manufactures of our own, as the late French king and his courtiers did upon wearing woollens and other manufactures of France. The wearing of fine muslings and other fine manufactures of India, instead of wearing of French cambrick lawns.	} 300,000
	} 200,000

I do not see any occasion to wear either.

Prohibit-

Prohibiting the wearing of printed hollands and printed German linen, and confining that trade to the wearing English, and Scotch, and Irish linen.	} 1.
	} 100,000

Encouraging the sowing hemp and flax in our plantations, and supplying ourselves with part of what we use from thence, instead of having it all from Russia.	} 300,000
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Importing raw silk from china and throwing it with water engines here, instead of Piedmont silk, the cheapness of which would enable us to supply foreign markets as cheap as any other country in Europe.	} 100,000
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Further improvements upon fine raw silk to be made in Carolina, Pensilvania, &c. to answer the use of Piedmont silk.	} 200,000
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Encouraging the making of pig-iron in the plantations, and making it into bar-iron by additional forges to be erected here instead of having the whole from Sweden, &c.	} 100,000
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Disposing of bar-iron which may be made in the colonies, to Portugal, Italy, coast of Africa and all other parts of the Mediterranean as well as Turkey and India.	} 200,000
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Making

Making of pot-ash in the plantations instead of having it from Ruffia. } 1. 30,000

Encouraging our own navigation by building large bulky ships such as are used by the Danes and Swedes, and importing part of our timber from New England, Nova Scotia and Newfoundland. } 100,000

Regulating our trade from the plantations, by strengthening the act of navigation, in obliging all ships that come to Portugal, the Streights, &c. to come to England and lay out their money here, and by that short navigation to the Streights carry our plantation commodities as cheap as the French do theirs, by their new regulations. } 400,000

The making of cochineal, raising of indigo, encouraging the planting of cocoa trees, and many other improvements in Carolina, as well as the Sugar Islands. } 100,000

Supplying the north of England, Scotland, and Ireland with plenty of hemp and flax from our plantations would give employment to a million supposed to be now out of work, allowing each earn'd 1d. a day and accounting 300 working days in the year." } 1250,000

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It is possible that Mr. Gee may have over-valued several articles; but even allowing this, it is plain that by improving those several branches of trade, the nation would save several hundred thousands of pounds yearly, which would be just so much gain, and to these articles may be added several others, such as the fishing trade, and when our circumstances will allow us to raise our spirits, and act like men, we may drive a very advantageous commerce in the South-Sea, instead of which, ships and men are often sacrificed in the West-Indies, and losses are suffered with such tameness, as if we were in the lowest state of weakness, and wholly incapable of helping our selves. But bad as we are, I do not think our condition so very low, but that we might resent those injuries, make reprisals, and curb the encroachments of Spain. A steady and judicious administration; an ease of taxes; encouraging and protecting trade, will soon retrieve and enable us to recover our power and influence in Europe. The method to encrease the ballance of trade, is to encrease the exports and lessen the imports, then riches cannot fail of flowing in, and how to do this is in a great measure already shewn, and may be better understood from Sir Josiah Child, who says, that the rules for the enlargement of trade are 1. Increase hands in trade. 2. Increase stock. 3. Make trade easy and necessary, i. e. make

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it our interest to trade. 4. Make it the interest of other nations to trade with us. The first is done by an act of naturalization. Some enlargements of the foundations of societies of merchants. A more easy and free admiffion of inhabitants, merchants and artificers to be burghers of our cities and boroughs. Not to hinder any man from keeping as many fervants as he can, nor looms, working tools, &c. to abate the interest of money. Some relaxation of the ecclesiastical laws, would keep our own people at home, and invite others to us, and consequently encrease the number of our hands in trade. Employ, educate and relieve the poor. Honour and prefer the merchants in affairs, that they are fit for; and it is certain that in England there are Merchants who understand affairs and the interest of the nation as well as any men whatsoever. In parliament they are as eminent for eloquence as any other set of gentlemen, and what is far preferable, they generally employ that talent in advancing the interest of their country and defending its liberties.

Sect. 8. *Some observations on the conduct of our ancestors, in regard to commerce.*

Tho' of late we have too plainly been the dupes of other nations in most of our negotiations, yet we are not to imagine that this has always been the case. The times have been,

been, when the wisdom of England was as eminent in the cabinet as her valour in the field. It would be too tedious to carry the reader thro' a particular detail of our commercial negotiations in former times, I shall therefore only take a cursory view of some of them.

Queen Elizabeth took particular care of her people's commerce, she let no opportunity slip to secure and enlarge it, being sensible that by it only, her subjects could become rich and flourishing, therefore she used all prudent means to encourage it; and we may easily discover her honest intentions on this head, even in the most unfavourable times. This greatly contributed towards gaining her subjects affections, which was her great and constant end, and by which she baffled the machinations of all her enemies, and led a long and glorious life, attended with the highest honour and respect to her immortal memory.

It is not to be expected, that the reign of a prince of James the first's character can afford such a glorious prospect; however he sometimes thought on commerce, and endeavoured to put it upon an advantageous footing. He prevailed with the French king to engage to assist him, to get reparation for any unjust seizures that might be made on the goods of his subjects, or infringements on their trade, and got off some impositions, which

prejudic'd our woollen business in France; but alas! he had to do with princes far more political than himself, and whatever advantages they gave him, they took care to be doubly repayed.

The reign of king Charles the first was, we know, a continual dispute between him and his people. Had that prince been less fond of despotick power, he might have raised England to an exceeding height of glory. He could have easily rendered this nation flourishing and happy at home, and formidable abroad; but his schemes, mistaken man! all centered in arbitrary power, which brought the nation into a civil war, laid waste the country, and spread desolation all round, and at last ended with the loss of his own head upon a scaffold. Notwithstanding these troubles, we find some regard had in our treaties to commerce. In that with Spain 1630, a free access to all ports and dominions of his Catholick Majesty is agreed on, and extraordinary duties and impositions are provided against. With Portugal we were put on as favourable a footing as the most favour'd nation; and it is owing to our own conduct if we are not at this time on such a footing with all princes and states, with whom we carry on any commerce.

Oliver Cromwell had trade very much at heart, and had he not been influenced by his own private interest, would, I doubt not, have

have got more favourable terms for this nation in its commerce, than we have ever yet had. However, in his treaties with Holland, Sweden, and Denmark, he got us terms not at all dishonourable. He obliged the first to acknowledge the dignity of our flag, and gloriously procured reparation and satisfaction for some seizures made in Denmark by means of the Dutch. He indeed seems to have been too forward in allowing some foreigners the liberty of fishing and catching herrings on our coasts; but we must always remember, that Oliver had a private as well as a publick interest to manage, and this will very well account for and reconcile several seeming inconsistencies in his conduct. With Portugal he got us very good terms, and we cannot be too careful in preserving this branch of commerce; it requires our strictest attention that France does not supplant us in it, as in our other once profitable trades. Oliver, tho' the dupe of France, yet had a much greater regard for our commerce with that cunning nation, and kept a more watchful eye over it, than some modern politicians, who have endeavour'd to sacrifice to their polite favourites our rights, both religious and civil. In his treaty 1655, it is stipulated, article V. that the people and inhabitants of England, Scotland, and Ireland, and all the dominions thereof, may freely import all the manufactures of wool and

filk, which are carried on in England, Scotland and Ireland, and the said dominions thereof, into all the harbours and cities of the French dominions, and therein sell the same, without incurring any forfeiture thereof, or penalty for the same, any law, edict, decree, statute, or whatever else to the contrary notwithstanding. This seems to be very advantageous; but it must be acknowledg'd, that in return we yielded too much, and the English conduct at that time, and a few years afterwards, may very truly be said to be a principal cause of the many troubles, which have since happened in Europe. The protector was cunning enough to get articles seemingly beneficial to the nation; but this conduct did not proceed from ignorance or pusillanimity, but, as I have already observed, from a private interest. Had his title been just, and he secure of the peoples affection, I believe, I shall not incur any censure if I affirm, that England would probably at this time have been in a much more flourishing condition, unincumbered from such a monstrous load of debt, and consequently free from many grievous taxes, and the politicks of Europe on a very different foundation, free from any apprehensions of universal monarchy.

To conclude concerning Oliver Cromwell, let it be remember'd to his glory, that the nation, while under his government, was in a much more honourable and prosperous state
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than it had been in for many years before, or was in many years after, he made excellent relations in regard to trade, and conquered for his country, that fund of industry and riches, the island of Jamaica.

Charles the second came to the crown with great advantages, which he made a very ill use of; for he exhausted the nation's treasure in debauchery, corruption, and unjust wars. He was a tool to France, and greatly conduced to her aggrandizement. His sale of Dunkirk will be an eternal blemish on his memory in the opinion of all Englishmen. However, some good laws and some beneficial treaties relating to commerce were established during his reign. In the beginning of it, he entered into alliances with Sweden and Denmark, and concluded treaties of peace with the states of Algiers and Tunis. In 1664, the duke of Courland put the island of Tobago under his protection, and yielded to the crown of England Fort St. Andrew in Guinea, with all the ammunition, &c. belonging to it. With Spain he concluded two treaties, on which it is not necessary to enlarge, tho' they are the foundation of all our succeeding treaties with that nation, for they have been fully and often explained. However, so much I must say, that no man can find a right from either of them, for the Spaniards to stop our ships on the high seas, or in sight of their coasts, and plunder them
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in the manner they have done for many years past. We have not only a right of free navigation by these treaties, but also a right to enter their ports, and demand their assistance, if we want it, which they are to give us. We are indeed prohibited to trade in their ports; but hard would be our fate if we were prohibited to navigate the American seas, in order to carry on trade and commerce between our own colonies, or between them and our mother country. Nothing less than conquest will ever make us, if we consult our own interest, yield to such base terms, or give up our undoubted rights, founded on the law of nature and nations, and corroborated by most solemn treaties, which stipulate to us all the freedom and rights which were enjoyed by this nation in the time of king Charles the second of Spain, and which no ministers can answer for giving up. But in case any ministry should suffer themselves to be bullied into such a compliance, it is to be hoped, and it is certain, his majesty will disown their wicked conduct, and offer them a sacrifice to his injured honour and abused people. Otherwise we should be soon bullied by other nations out of every advantage we enjoy. When we come to conclude a definitive treaty with Spain, we are not to satisfy ourselves with vague references to former treaties, or with general expressions, but we must have our rights specifically expressed

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in terms the most significant, and most free from chicane and equivocation.

Tho' I do not design to examine our late commercial treaties, I would not be understood to approve of them; no, for tho' they renew those of 1667 and 1670, yet I am sensible, that even these are not so perfect as they might have been; and in our late ones, I sincerely think, there are many great faults committed, and many material points neglected, which, was it consistent with the design of this treatise, I could easily shew.

The Assiento contract for supplying the Spanish West-Indies with slaves, was, by many, thought a most beneficial treaty; but others expressed their apprehensions of the contrary; and in the opinion of very judicious merchants, the event has proved it to be a losing trade to the country, and a great prejudice to our colonies, which are the spring of our navigation, riches, and power. These I am afraid will soon decline, if new laws are not enacted concerning them, and our affairs with Spain put on a very different footing from what they are on at present. They must be obliged to conform themselves to treaties, and desist from searching and rummaging on the high seas or coasts for contraband and prohibited goods; the latter of which expressions, except in port, is nonsense, and the former is very plainly settled by the treaty of 1667: to which, I say, the Spaniards

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niards must be obliged to conform, or else our plantations will be quite ruined, and consequently we must be reduced to a very poor condition. Among others of our colonies we ought to take particular care of that valuable one of Georgia, our right to which was it possible a majority in parliament should endeavour to weaken, by an approbation of ministerial measures, would nevertheless remain good in the opinion of the nation; for, as Rapin observes, "the determination of a parliament is not always a convincing proof of the approbation of the whole English nation."

Let us now return to some of our commercial treaties with other nations. In 1667 king Charles concluded a peace with France and Holland at Breda, by which treaties that part of the island of St. Christophers, taken from the English during the war, was to be restored, as was to the Christian King the country of Acadia, and in general all places taken during the war were restor'd to their former owners. In case of a new war, six months were allowed to the subjects of both kings, without any let or molestation, to withdraw their goods and effects whithersoever they pleased. In regard to Holland, things were to remain on the footing they then were; and the Dutch obliged themselves to strike the flag, and lower the sail to English ships of war, as had been formerly practised. A treaty of commerce was accordingly concluded

cluded with them in 1668, but notwithstanding their mutual interest required the observance of these treaties, yet such a dupe was king Charles to Lewis, that in 1672, he broke the peace and entered into a second war, inconsistent with his own as well as the interest of all Europe. Before this, he indeed took a wise step in regard to the Algerines, whom he brought to terms very advantageous to this nation.

The second Dutch war afforded little matter of joy to our court; it gave great discontent to his people, and greatly advanced the progress of the French arms, which that prince was weak enough to promote with great zeal. When the nation, I may say, obliged him to a peace, after signing it, Burnet says, he told the French ambassador, that he had been doing a thing, which went more against his heart, than the losing of his right hand. This peace was concluded at Westminster, February 1674, by which the right of the English flag is acknowledged in any of the seas between Cape Finister and Van Staten in Norway, and liberty is given to withdraw without molestation all British property from Surinam. Places taken since the beginning of the war to be restored to the former proprietors, and commissioners were to be appointed to confer about and settle several points of commerce, which, not adjusted, might occasion new disturbances. By art.

art. X. the States General were to pay to his Britannick majesty the sum of 800000 patacoons, viz. 200000 on the exchange of the ratifications, and the rest at three equal payments within the space of three years next to come.

In 1675 a treaty of commerce was made with the Grand Sultan, whereby all our former privileges were confirmed, and new advantages added, a free trade was established, provision made against oppression and injustice, and the duties and customs settled; three per cent. being to be paid for merchandize imported and exported by English merchants. King James the second had excellent notions of trade and navigation, and great inclination to promote them; but bigotry and a love of arbitrary government prevented him from those wise and salutary measures, which would have certainly procured him glory and happiness. Notwithstanding the troublesome times of king William, that good prince did his utmost to retrieve our trade and manufactures; it was while he swayed the British sceptre, that several silk manufactures were established, as also those of glass, linen, paper, sail-cloth, brass, copper, steel, &c. and salt works were set up and improved all which were a very great benefit to the nation, for we cannot be over careful in promoting our own manufactures, or in discouraging the importation of French ones, which are of great

great prejudice to the nation, and encrease faster than is generally believed. The prodigious success of the British arms during the reign of queen Anne, and the low state to which France was brought, afforded us a fine opportunity of settling the affairs of Europe on a lasting foundation, and of improving our commerce by treaties, but alas! a private interest prevailed against the publick. We obtained little advantage for ourselves, but most erroneously yielded by the treaty of Utrecht, Cape Breton to the French, with a power to catch fish and dry them from Cape Bonavista to the northern point of the island, and from thence down by the western side as far as Point Riche, I shall not at present make any observations on our treaties, conventions, &c. since that time, for several obvious reasons; besides, as I design to offer to the world a view of the political conduct of Europe for above a century past, such an examination may last properly enough be reserved for that work. But there is one point on which I must say a few words.

Our conduct for near twenty years past, in regard to the house of Austria, has been entirely contrary to our true interests. Even within these dozen of years, we have had more than once very pressing motives founded on justice, equity and self-interest, to take up arms in defence of the injured family, in whom (had we conformed to our engagements)

ments) we should always have found a faithful ally, a willing and able bulwark against the fraud and force of the house of Bourbon.

C H A P. III.

Sect. I. **T**O this chapter, I have reserved some observations relating to liberty and the means of destroying or preserving it. By liberty is understood a power to dispose of our persons and property as we please, where the laws of the society do not interfere; which laws are not the commands of any particular person, but the resolutions of the majority of the society. Of this liberty, Men who enjoy it should be jealous, circumspect and careful; constant, resolute and intrepid in defending it against all attempts; for except free-men be upon their strict guard, they may soon find themselves surrounded with arbitrary power, tho' a little before, they perhaps imagined themselves free and secure.

In a free country every thing must be encouraged, which tends to secure right and property; and every measure be opposed which appears nearly or remotely to do them prejudice. A good ministry will rejoice, a bad one will tremble to see such a spirit distinguishing itself through a nation. Let us consider the misery of arbitrary government, and

and the benefit of liberty. Under despotick power, conformity in religion is among the first plagues. The people must pretend to be of the same system with their masters; if they do not, tortures and racks are ready to force them. Without hopes of redress, they must bear the insults of courtiers: without daring to complain, they must suffer heavy impositions and taxes; nay, in some places, the most indifferent actions of men, their looks, even their laughing or crying, nay their dreaming have brought upon them stripes and imprisonments, at the will of their lawless tyrants. On the other side, the free-man securely enjoys his property and his friend; he can with an easy mind indulge himself in the company of his acquaintances and relations; he can call the profits of his industry his own, and free from fears can take his midnight rest, and spend his cheerful day. He is not afraid to speak his mind; nor when aggrieved, to complain and demand redress. His house is free from the attacks of publick officers, nor are his goods plundered, or, as in absolute governments, the chastity of his wife and daughters liable to violation. In a free country, no man, because he is great, can abuse or insult his fellow associates. Liberty sets men beyond the reach of the insolence, the pride, or malice of ministers. The life of a free-man is secure, and while he does not forfeit it to the
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society, he need not be apprehensive of losing it, thro' the caprice or humour of a prince or his favourites. Liberty screens men from being drawn out at the pleasure of a king to follow him to unjust wars, and to be butchered at the will of an overgrown mortal: no prerogative in a free country dare extend to massacre and destroy the associates; no, for free-men look upon kings to be ordained for their benefit, and that they are no longer to be honoured, revered, or regarded, than while they act for the good of the society, and agreeable to the ends of their institution. Why should they? Kings are men like ourselves, liable to the same passions, as weak and helpless as other men; like other mortals endued with little knowledge, their capacity is often inferior to many thousands of their subjects; they come into the world after the same manner as we do. They bud, they blossom, ripen, decay and fall away, like the meanest beggars. Death seizes them, tho' on magnificent thrones and under rich canopies, as readily as those who have no other seat than the earth, and no other covering than the canopy of heaven.

*Pallida mors pulsat pede pauperum tabernas.
Regumque turreis.* Hor.

But we have not yet done with the miseries of absolute government, under which no man is

is secure of enjoying his life one hour; thousands, ten thousands, nay millions have been sacrificed to lawless monarchs. Cities and whole countries, have been depopulated and laid waste by their command. In defiance of reason and humanity, they have, with fire and sword, destroyed more than was ever destroyed by famine or pestilence: they have reduced to misery many thousands of poor innocent families, set adrift millions of honest people: they have, in their mirth and jollity, delivered over to torture multitudes of men, women and children: in a frolic they will wallow in human blood, and reduce to ashes their nearest kindred. Large tracts of land, blessed by heaven with a fine soil, and situated in the best of climates, thro' the brutality and wickedness of tyrants, lie barren and desolate, uninhabited mournful spectacles. You may travel thro' countries, by nature perhaps the finest under heaven, and view nothing but sterility, misery, wretchedness and solitude; or if the ground is better cultivated, by far the generality of the inhabitants still remain miserable. Italy, nature's most beautiful offspring, is a sad proof of this truth.

How has kind heav'n adorn'd the happy land,
And scatter'd blessings with a wasteful hand!
But what avail her unexhausted stores,
Her blooming mountains, and her sunny shores,
With all the gifts, that heaven and earth impart,
The smiles of nature, and the charms of art,

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 While proud oppreſſion in her vallies reigns,
 And tyranny uſurps her happy plains?
 The poor inhabitant beholds in vain,
 The red'ning Orange and the ſwelling grain:
 Joyleſs he ſees the growing oils and wines,
 And in the myrtles fragrant ſhade repines:
 Starves in the miſt of nature's bounty curſt,
 And in the loaden vineyard dies for thirſt.
 Oh! liberty, thou Goddeſs, heav'nly bright,
 Profuſe of bliſs, and pregnant with delight,
 Eternal pleaſures in thy preſence reign,
 And ſmiling plenty leads thy wanton train!
 Eas'd of her load, ſubjection grows more light,
 And poverty looks chearful in thy fight;
 Thou mak'ſt the gloomy face of nature gay,
 Giv'ſt beauty to the ſun, and pleaſure to the day.

ADDISON.

If you meet in thoſe doleful parts any people, you find them ſad, deplorable, pitiful and moving objects. But further, obſerve the conduct of an arbitrary prince of Ceylon. " He ſheds (ſays the author) a great deal of blood, and gives no reaſon for it; nor is he content to take away mens lives, but he puts them to long and lingering torments; for when he is diſpleaſed with any, he will command to cut and pull away their fleſh with pincers, and burn them with hot irons to confeſs their accomplices; which, to rid themſelves of the torments, they will readily do, and accuſe many that they never knew nor ſaw. Then he will order their hands to be tied about their necks, that they may

may eat their own fleſh, and ſo lead them thro' the city to execution, the dogs who are uſed to it following them to devour their fleſh. At the place of execution, which is always in the largeſt highway, that all may ſee and ſtand in awe, there are always ſome ſticking upon Poles, others hanging up in quarters upon trees, beſides what lie on the ground, killed by elephants or otherwiſe. He hath a great many priſoners, whom he keeps in chains; ſome in goal, others in the cuſtody of great men, and for what, or how long no man dares enquire. Some are allowed food, others not; and if they do any work to relieve their want, if he knows it, he will not permit them; becauſe, as he ſays, he puts them there to torment and puniſh them, and not to work and be well maintained; yet this is connived at, and there are ſhops by the priſons to ſell their wares. When the ſtreets by the palace are to be ſwept, the priſoners in their chains are let out to do it. When they have been long in priſon, at his pleaſure without any examination, they are led to execution; nor is his anger appeaſed by the death of the malefactor, but he oftentimes puniſhes all his generation; ſometimes killing them altogether, and ſometimes giving them all away for ſlaves, and thus he uſually deals with thoſe whoſe children are his attendants; for after they have been at court a-while, and know his cuſtoms and manners,

he cuts off their heads, and puts them in their bellies, no man knowing for what crime. When they are killed, they are called rebels and traitors, and their fathers houses, lands and estates seized on for the kings use, which are sometimes redeemed, by giving fees to the courtiers, but often the whole family and generation perish." Knox.

Sect. 2. It is now time to consider the methods by which the liberties of a people may be destroyed or preserved; and, first, I think it is very dangerous to liberty to trust too much power in the hands of the clergy. We find in most ages, that priests have been men who have drove the nail to the very head, they have always made use of weapons very prevalent with the vulgar. Religion was their cry, and the service of God was pretended to be their end. By these means they often became masters of mens souls, and employed the secular arm to master their bodies. Doubting of the pope's infallibility has been reckon'd the greatest of crimes, and contradicting his holiness, has brought excommunication upon kings and whole nations. Many monarchs influenced by the clergy have resolved, first, to be slaves to their confessors, and then to make their people slaves to themselves. Often have those reverend gentlemen been the props of arbitrary and despotic power, and too often do the people suffer under the pretext of

of religion. The Mahometan brings the alcoran in defence of passive obedience and non-resistance. The Heathen brings his oracles to maintain arbitrary government and unlimited sovereignty. The christian priest, shocking to relate, prostitutes the gospel, the doctrine of the blessed Jesus, to his vile ends. The bible is searched to defend the conduct, be it ever so wicked, of the Lord's anointed; and to defend liberty, the gift of heaven is prov'd to be a mortal sin. Fine doctrines indeed! Can we think, the good God, who creates us free, designs us for slavery? That he, who wills our happiness, would have us tamely give up liberty, the foundation of happiness, and without which it cannot subsist. These are notions, which many honest heathens of old, would have blush'd to have asserted. It indeed seems too true, that such absurdities " were reserved for the discovery of a few wretched, dreaming mahometan and christian monks, who, ignorant of all things, were made, or made themselves, the directors of all things, and bewitching the world with holy lies and unaccountable ravings, dress'd up in barbarous words and uncouth phrases, bent all their fairy force against common sense, and common liberty, and truth; and founded a pernicious, absurd and visionary empire upon their ruins. Systems without sense, propositions without truth, religion without reason, a rampant

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church without charity, severity without justice, and government without liberty or mercy, were all the blessed work of these religious madmen and godly pedants, who, by pretending to know the other world, cheated and confounded this; their enmity to common sense and their want of it, were their warrants for governing all mankind. By lying they were thought the champions of the truth; and by their fooleries, impieties, and cruelties were esteemed the favourites and confidants of the God of wisdom, mercy and peace. These were the men, who having demolished all sense and human judgment, first made it a principle, that people were not to judge of governors and government, nor preserve themselves from publick destroyers."

Sect. 3. A nation that would avoid slavery, must guard against luxury and corruption. "The most judicious historians, the most learned philosophers, and the profoundest politicians, all lay it down as a certain indisputable maxim, that wherever luxury prevails, it never fails to destroy the most flourishing states and kingdoms: and the experience of all ages and all nations, does but too clearly demonstrate this maxim." Luxury has always introduced corruption, and corruption slavery. This Greece fatally and suddenly experienced; while Grecian virtue continued, not the the arms of Asia could prevail against

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it. While virtuous men flourished, and their councils were followed, their country stood fast and firm in its liberty; but when once the love of money and vain grandeur possessed their souls, then, and not till then, their enemies subdued them. As the last quoted author observes, the Persians, who had found them invincible on the side of arms, as long as they continued united, applied their whole attention and policy in sowing the seeds of discord amongst them. For that reason they employed their gold and silver, which succeeded much better than their steel and armour had done before. The Greeks attacked invisibly in this manner by presents, secretly conveyed into the hands of those who had the greatest share in their government, were divided by domestick jealousies, and turned their victorious arms against themselves, which had rendered them superior to their enemies."

No people upon earth ever gave up their liberties, till the spirit of liberty was destroyed, till they were corrupted and vitiated in their principles; this I aver as a truth capable of being proved from the history of all the nations who have been or are reduced to the state of slavery. Standing armies, though very conducive and absolutely necessary to the finishing and obtaining despotick power, are not able to effect this beloved darling of wicked men, till the people are corrupted and have
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lost their virtue; nay no people, while a spirit of liberty and virtue predominates, will allow of any number of forces being kept, which are not absolutely necessary for their preservation, or such a number they will take care to have under such regulations as no one man, or no handful of men shall be able to pervert or make use of to ruin their rights; so that a standing army is first the consequence and then the promoter of corruption. Wicked men who are enemies to liberty and friends to slavery will always endeavour to debauch men's minds and make them dependant. There is nothing ripens their wicked schemes better than to get men enamoured with gewgaws, vanity and luxury, and to render them dependant, that they may be supported therein. When they have obtained this point, and got the means of maintaining it, then liberty is but a name, it may remain in imagination, but in reality is gone. There is less hope of regaining it to such a people, than to those who may have lost it by a conquering foreign force, because in these the spirit of liberty may remain, and if it does, it will exert itself on the first opportunity. Supposing it overawed or terrified by an army raised by themselves to carry on foreign wars, its spirit may indeed lie dormant for a while, but is certain of a resurrection. But liberty reduced by corruption, who ever knew to rise again? King Charles XII. of Sweden governed his people with

with an absolute sway, he had an army of veteran troops entirely at his disposal, ready to obey him on all occasions, and able to keep the whole nation in submission, therefore the spirit of liberty was depressed but not destroyed: on the demise of that king it reared its head and prevailed. Had Charles governed arbitrarily by corruption, had he found means to bribe electors and get returns made fit for his purpose, had he corrupted the nobles, and in short depraved the morals of the people, I am of opinion Sweden would not at this day have been a free state. The case was very different; liberty gave way to the violence of the times, but the spirit subsisted, else it would not have appeared as it did in 1719. We are not to imagine that it was destroyed at Rome in the reign of Tarquin; if so, we should have no account of the expulsion of that king, nor any examples of such illustrious magnanimity as that of Horatius Cocles who alone defended the sublician bridge against the enemy, nor of Mucius Cordus, who went by himself to Porsenna's camp in order to destroy that enemy to Rome.

Though arbitrary power may for a time like a violent torrent carry all before it, yet a virtuous people, who are in such circumstances, will be very assiduous to instil into the minds of their children principles of virtue and liberty, so that though they themselves should die during the times of violence, their children

children inheritors of their virtues as well as their estates will probably act on a proper occasion that honourable and just part, which they would have done had they lived. But when a people are corrupted, they bring up their offspring in corruption, and they having no notions of liberty are neglectful of all opportunities to regain it, and so slavery becomes hereditary from father to son. I am inclined to think that a spirit of liberty is not entirely destroyed even in France, and in a war with that kingdom, a wise enemy might reap great advantage from it. France, as were all nations, not only in Europe, but in the world, was once free and governed according to their own sentiments. Luxury and corruption marred mens minds, they neglected the use of arms, therefore were obliged to introduce armies to fight for them; designing men easily procured to themselves the command of these armies, and found it no difficult matter to enslave wretches to their wills, who had already enslaved themselves to vice and effeminacy. In the times of ancient virtue, every citizen was a soldier, ready with his life to serve his country, but such national bravery ill suits with the designs or intentions of modern politicians. Poverty was formerly no disgrace to a general or chief minister, their bravery and good conduct were rewarded not with wealth but with honours; a Roman triumph cost not the

the people near so much as does in England the monthly board wages of several useles officers. Their children were brought up in the same manner, inured to hardships and accustomed to disinterestedness. From their infancy they devoted their first and purest love to their country; but in after ages, luxury produced wicked factions, and from corruption all those frightful schemes and formidable projects, which ended in the destruction of the common good and common liberty received their birth. When a love of magnificent living, delicate eating, stately buildings and the like luxuries prevail among a people, those who possess these pageantries and imaginary glories, will be valued and respected by those who do not; and as envy and vanity are so natural to a great part of mankind when their passions are stirred up, men will be fond and desirous of arriving to the same pomp and gaiety as others. To arrive at this, it is necessary for them to have the same means, that is money, and many will stick at nothing to get it. Such is the degree of enchantment in many that they can rejoice in exchanging easy passions, a serene mind, an inoffensive conscience, honesty and innocence for an estate, a title or place; and when such miserable opinions prevail, the next step is to apply themselves to the possessors of the chimerical objects of their unnatural passions; these possessors often wanting help,

help, if they find the petitioners fit for their purpose, readily embrace the opportunity, and conditionally raise their new friends to the fine way of living they were so anxious after; then adieu to honour, farewell to virtue and all the tranquil and undisturbed meditations of a guiltless and uncorrupt soul. Come horror, guilty conscience, mistrusts, jealousies and dreadful apprehensions, the tormentors of the apostate wretch.

I am fully persuaded that Julius Cæsar could not have rendered himself absolute master of his country either by his forces or his cunning, unless he had found means to bribe and corrupt the minds of the people. This he knew very well, and therefore made use of all the means which his fruitful imagination could suggest to attain that infamous end. He softened them with shews, diversions and publick entertainments. He distributed lands among them, remitted many debts, supplied the indigent with corn, the extravagant with money, the ambitious with titles, and the vicious he encouraged in their vices. On his triumph, his profuseness, luxury and lavishness were incredible. Observe the account which Suetonius gives of them. "To every foot-man in his veteran legions, besides the two thousand sesterces paid them in the beginning of the civil war, he gave twenty thousand more, under the name of plunder. He assigned them lands too, but
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not together, that the former owners might not be entirely dispossessed. He gave the people of Rome besides ten modius's of corn, and as many pounds of oil, three hundred sesterces a man, which he had formerly promised them, and a hundred a piece more for delay. He likewise remitted a year's rent due to the treasury for such houses in Rome, as did not pay above two thousand sesterces a year, and the like he did through the rest of Italy, for all whose yearly rent did not exceed five hundred sesterces. To all this he added a publick entertainment, and a distribution of flesh, and after his Spanish victory two dinners. For looking upon the first as too mean, and not agreeable to his generosity, he five days after added another very plentiful one. He entertained the people with shews of various kinds, as a fight of gladiators, and stage plays in the several wards of the town, and in several languages; Circensian games too, wrestles and the representation of a sea fight. And in the fight of gladiators presented in the forum, Furius Leptinus, a gentleman of a pretorian family fought amongst them, as also Q. Calpenus formerly a senator, and a pleader of causes. The Pyrrick was danced by some young gentlemen, that were sons to persons of the greatest figure in Asia and Bithynia. Decimus Laberius acted a mimick piece of his own, and being immediately presented with five hundred thousand sesterces,
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and a gold ring, he went from the stage, through the orchestra, into the seats assigned the equestrian order. In the Cirenian games, the Circus being enlarged at each end, and a canal sunk round it, some young gentlemen of the first quality rode the races in chariots drawn some by four, and some by two horses, as also on single horses. The Trojan game was acted by two several companies of bigger and lesser boys. The hunting of wild beasts was presented for five days together, and at last a battle fought by five hundred foot, twenty elephants and and thirty horse on each side. To make room for which, the goals were taken away, and in their room two camps pitched over-against one another. Wrestlers too performed for three days together in a stadium provided for that purpose in the field of Mars, and in a lake sunk in the lesser Codeta. Tyrian and Egyptian fleets, consisting of ships of two, three and four banks of oars, and with a good many fighting men on board, entertained the people with the representation of a sea fight. To the sight of these diversions, such vast crouds of people flocked from all parts, that most of them were obliged to lodge in tents erected in the streets or the roads near the town."

It is scarce to be believed, the impressions which those excessive banquetings, diversions and prodigalities make upon even a free and uncorrupt people, they are secret poisons which

which imperceptibly penetrate into, and destroy human nature, they enervate and degenerate the soul when least apprehended, and render it incapable of any thing great or virtuous.

Sometimes men in power at court, will apply themselves to men of interest in their respective countries, and by dazzling promises, glittering but at the same time deceitful prospects will delude those popular gentlemen, and draw them into measures perfectly wicked, though nicely gilded over to the view. This has been a method made use of both in ancient and modern times, and has been practised in England with too great success. Ministers who have had bad designs, who have resolved to check the liberties of their country, to raise to themselves large fortunes by misapplying the publick treasure; these men knowing that to compass their ends they must have a majority of votes in parliament, have addressed themselves to such mean souls as would come into their schemes, who by the help of bribery have been elected representatives of the nation, and contracted to give their venal voices to their master's wish. This, however wicked and base, I do not so much wonder at, as at the mean conduct of the bribed electors, who are to be reckoned after such a practice amongst the vilest dregs of the creation. They for a little temporary trifling gain, which they must doubly repay

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another way, are content to entail on their children and posterity ; misery and slavery.

Sect. 4. Another way to introduce slavery, and which has been generally made use of, is a standing army. This, beyond what is absolutely necessary, is not to be admitted in a free country, and even troops that may be necessary ought to be under a regulation, which may as much as possible prevent ministers to use them for wicked purposes. It is needless to enlarge on the dangers which a free people are liable to from an army ; all histories are witnesses of the truth of it. Soldiers in a free country are very troublesome, and supposing no design against the constitution, yet are they very pernicious members of society. They bully and abuse the country people about them ; they disturb the villages and towns ; they riot and commit excesses ; they debauch and entice many young people of both sexes to their ruin and eternal infamy. These evils they would not be capable of committing, were they employed in the manufactures, or did they earn their bread by hard labour. There must indeed be some troops in all countries, but I would have them to be only so many as the good and safety of the people may require, not as the ambition and pleasure of a prince or his minister may demand. In a free country, fewer are requisite than in any other. In an island there is not oc-
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casion for so many as on the continent, and in all places, the publick good ought to be the end of keeping on foot an army either great or small ; remember it is the publick who maintains them.

Sect. 5. In such a government as that of England, long parliaments have a bad aspect to liberty. When a minister knows a parliament is to sit many years, he will use all possible means to gain it over to his views ; he can much better afford to give large pensions and bribes to men, whom he expects will be his servants many years, than to those who are only to be so for one, two or three years. Where parliaments sit but for a short time, a court must bear a much greater expence to keep a party on their side, and get elections agreeable to their will, than where parliaments are long, and elections seldom. Besides, members of short parliaments will be more cautious of displeasing the people, than members of long ones, and consequently will not be got so easily over. It takes time to garble an honest parliament, to pick and choose members fit for a ministerial use ; to bring men of character to be creatures and tools of a party, are things to be done by degrees, and in a series of time, not hastily or in a few months. If a short parliament should be corrupted, it could not effect our destruction, it might make the attempt, give the allarm, and put people up-

on their guard, but it must be a long parliament that can make us slaves by law ; it is these that steal insensibly upon us, and undermine us indiscernably. Under pretence of the publick safety, such assemblies will probably vote numerous armies, and tell us that the said armies cannot be dangerous, as they are allowed by parliament ; but we are to remember that an army proceeding from a corrupt parliament is of all armies the most terrible. Against short parliaments it hath been objected that as they occasion frequent elections, they keep up a spirit of dissention, and produce sloth and idleness amongst the people, by which trade and business are neglected, but I am apt to think that if elections were triennial, more peace and amity, and less debauchery would prevail, and they would be carried on with less heat and animosity than when they seldom return ; and that it would besides be a check to bribery. Perhaps at the first two or three elections people might act too zealously, but it is better to suffer by those primary broils than by the loss of liberty. There may happen some extraordinary times, during which, to elect a new parliament might be of bad consequence, but on such occasions obvious reasons may be given, and people will be satisfied.

Sect. 6. Votes of credit are also great enemies to liberty ; they are so dangerous to freedom

dom that it is very rare that any time or circumstances can render them necessary. By these freemen wholly divest themselves of power, and give up their liberty into the hands of the prince ; it depends upon him to make them slaves, or continue them free ; with such extent of power he can make them bend their necks to the yoke as he shall think proper. In England it has been said, that during the interval of parliament they may be reasonably given, but I never heard any good argument for the assertion. It requires no such long time as some imagine to call a new parliament, in the last sessions of a parliament, provision may be made for a short time against any very sudden exigency, and on its dissolution, writs may be directly issued out for new elections, which, if parliaments were triennial, would not take up a great deal of time.

The power which is given to kings by votes of credit, is very great ; greater than kings have occasion for, and which a good minister will not advise his master to desire. Power is lodged in kings for the good of their people, not for their destruction ; nor are they any more than the servants of the state, the good of which they ought always to have in view. “ It is not for himself alone that the Gods make a king, it is that he may be the creature of his people: To them he owes all his time, all his cares, all his affection ; and is no farther king, but as he forgets his own person,

person, and sacrifices all private considerations to the good of the public:" says the excellent author of the adventures of Telemachus. A good subject would for a good king sacrifice both life and fortune; but a good king would not desire a subject to sacrifice his liberty: such a prince cannot be called good. By votes of credit, and giving great opportunities, a prince, who never thought of rendering himself absolute, may be tempted to it: there are few men great enough to withstand the bait. Ambitious ministers will put it into their master's head, will daily sing the glories of despotic power; and upon the least shew of a prince's inclination for it, will not fail to drive him, either till he breaks his own or his peoples necks. The greatest happiness of such wicked ministers consists in having their levies filled with slaves, to have those who were formerly their equals in fortune, and their superiors in merit, waiting their commands; in short, to have, without controul, the whole people at their will. They have little regard to future fame, or how they shall be represented in future history; tho' certainly, if they were influenced by true glory, such considerations would have great effect on their conduct; and princes of spirit must be something concerned, when they reflect on the odious colours they will be represented in to posterity. As the judicious Mr. Gordon observes, "All men have some vanity,

nity, and thence some fondness for fame: if they would acquire it and avoid infamy, they must square their actions to the judgment of posterity: with posterity little evasions, false colourings, and chicane will not pass for reasons, tho' they may with our contemporaries, who are often influenced by friendships, often engaged in parties, often warmed and misled by passion and partiality. Death and time destroy all artifices, dissipate all mists, and unveil mysteries: the intentions of men, with all their motives, are then scanned and laid open. The flights of flattery will not then be termed fondness for the prince, nor the efforts of ambition miscalled publick zeal: Claudius and Pallas, Tiberius and Sejanus, Nero and Tigellinus, men so carested, applauded and worshipped during their life and power, men who then employed all tongues in their praises, do now fill, and have long filled the mouths of all men with detestation, and their hearts with abhorrence. What avail now their craft and subordinations, their power, and high posts? Does the awe of purple, or the violence of the sword, do pretorian guards and perverted laws secure their memory, as they did their persons? Do I, for example, fear their charges of treason, or the vile breath of their informers, while I treat them as sanguinary monsters, as the tyrants, pests and oppressors of the earth, as publick curses and murderers in cold blood?

These tyrants and their flatterers, tho' they pushed both tyranny and flattery as far as they would go, have not been able, with all their arts and terrors, to stifle the memory of men, nor restrain the speech. They are handed down to us under their proper titles; the emperor Nero we seldom say; but the tyrant Nero is in every one's mouth; and the idea of a sycophant ever accompanies the name of Vitellius: his great credit and offices are forgot, or remember'd only to his infamy. What a check must history and the censure of posterity be to a prince who has any reflection?"

Sect. 7. A great number of officers, and a long continuance of them, and magistrates in places of great trust and power, may likewise be attended with fatal effects to liberty; such, by sad experience, are found in all countries, where they are, to be prodigious plagues. They obstruct business, are a great bar to industry; but great promoters of luxury, idleness, debauchery, corruption, irreligion, and the like pests of a flourishing society. These evils they not only encrease in regard to themselves, but they draw into the same destructive vices, thousands of other people, who otherwise would probably have led a frugal, sober and industrious life. These gentry commonly outrun their lawful gains, and their principles being long debauched, they resolve to supply their

their extravagancies by any means which may offer, whether lawful or unlawful; thus resolved and determined, publick money, if they can reach it, is the first sacrifice to their infamous passions. This is an ever plentiful fund for many, whose practices prove, that they think they have a right to it: but if it be not in their power to get this, they generally turn their views on young people who have any fortune, and to these, so long as their fortunes can hold out, they stick close. They endeavour to find out that blind-side in them which all men have in a greater or less degree, and when they have found it, they ply it constantly, and, with all their cunning, study to gratify their darling vices; nothing can be too detestable for these wretches to act, if the humours of the rich bubbles require them. Thus they introduce the banes of liberty, and banish the virtues that uphold a state. Besides these capital evils, the maintaining such men is very chargeable to the publick; the sums which are issued out for this end, might certainly be much better employed, and turned to the publick advantage. In most countries there are many more posts and places than are requisite: the publick business might be done better, if there were not so many: provided those few employed were honest, knowing, careful men; not like those ignorant, neglectful swarms which now buz in the world, and at best are only

fit to be mechanical, blind tools of a party. A long continuance of magistrates and great officers have been in all ages of bad consequence, and what every wise people have endeavour'd to guard against. In old Rome they were sensible of this, and therefore they suffered, in their happy days, but a short continuance in publick offices; her consuls were only of a year's duration, her dictators of six months, her tribunes and others were likewise of a short date, and all wise governments have observed the same policy. When men continue long in power, they grow fond of it, and commonly are for enlarging it: many schemes offer to such men, and however destructive they be to the nation, if they favour their ambition they are entertained, cherished, and, when opportunity offers, put in execution; whereas were such men only to be in power for a year or two, they would hardly be so bold, they would probably turn their thoughts on discharging their duty, and pleasing the people by being just and equitable. But we must observe, that in states which aim at freedom, a rotation in offices is not entirely sufficient, a just election is also necessary; for otherwise the work of liberty is left undone; nay, a rotation without election is worse than a long continuance by nomination. If annual offices are to be at the disposal of any one man, or a few, the effects will be the same, if not worse, in regard to
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the publick good, than if the offices were decennial or longer, and besides would in a short time, if managed by a cunning head, bring the balance of property quite over to the prince, or disposer of such offices, and consequently render every thing dependent on him, and at his will. I am not for encroaching too much on prerogative; I think kingly government rightly regulated the best that can be invented, and kings ought to have great prerogatives, for the good of society requires it. But then they ought to be such as enable them to do good to their subjects, and not to ruin or destroy them; my regard for kings cannot force itself into any such compliance; for it is not in my power to esteem and respect wicked men, however distinguished by worldly titles and honours: true wisdom teaches to put it as far as possible out of the power of men to be wicked, and on serious reflection, we may perhaps find that the most absolute are not the most powerful in a proper sense, and, I am sure, they are far from being the most secure; for it is very seldom that they have any sincere friends.

The excellent Mr. Fenelon had very just notions of this truth, which he thus beautifully expresses; "Wherever the command of a prince is most absolute, there the prince is least powerful; he takes all, ruins every thing, and is the only possessor of his whole state:
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but then the state languishes, the country is uncultivated and almost desert; the towns every day decay and grow thin, and trade entirely sinks. The king, who cannot possibly be such by himself, but must be such with respect to the subjects, undoes himself by degrees in proportion as he undoes his people, to whom he owes both his riches and his power; his kingdom is drained of money and men; and the loss of the latter is the greatest and most irreparable of all losses. His despotic power makes as many slaves as he has subjects: they all seem to adore him; they all tremble at the least glance of his eye. But see what will happen upon the least revolution; this monstrous power wound up to too excessive a height cannot be durable; it is destitute of supplies from the hearts of the people; it has tired out and exasperated the several degrees of men in the state, and forces all the members of that body to fight with equal ardour for a change. At the very first blow, the idol is thrown down and trampled under foot. Contempt, hatred, fear, resentment, distrust, in short, all the passions unite themselves against so obnoxious and hateful an authority. The king, who during the time of his vain prosperity, could find no body that durst speak the truth to him, shall not find in his misfortunes one man that will vouchsafe to excuse him or defend him against his enemies."

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Sect. 8. A numerous nobility is very hurtful to a free society. As by noblemen we understand men enjoying privileges denied to the rest of the society; if they are too numerous, such privileges may be of very bad consequences. A nation does not flourish and become powerful by a set of men of high rank and superior liberty to the greatest part of the associates, but by the laborious industrious part of mankind; and it is very hard that a few men, who contribute little to the nation's support, shall be invested with greater advantages than those who do. In any state, where a few possess greater liberty than the many, these few will be apt on every occasion to let the rest know, if not feel, their power. By all history we find the nobility have claimed a right of authority over the plebeians: they look on themselves in their own persons as above the common level of mortals; and assume a dignity which neither God or nature have given, while nothing but their own assurance, and the weakness of their fellow-creatures, support them in this arrogance. I would not be understood to oppose nobility in general, no, superior merit, high virtue, and eminent services ought to be distinguished; I only write against a numerous and too powerful nobility, as is in some countries; where, in a short time, the greatest part of property will be in their hands, and therefore the greatest share of power will be likewise

likewise held by them, and yet many hundreds of them are indigent and miserable: for in such countries all the children of a nobleman are noble, and enjoy equal privileges with any other nobleman, tho' perhaps they have scarce bread to eat; notwithstanding which poverty, they will not condescend to do any work. They have not greatness of soul sufficient to endeavour to attain a fortune of their own: in their opinion it is dishonourable; but they do not hold it dishonourable to prey on the rest of the nation, and, at the expence of the poor people, to lead an indolent, lazy and unactive life. That this is a great flaw in a government is evident; and the more considerate and wise part among them are sensible of the evil, but cannot help it. Among the Romans the nobility would not allow the plebeians to hold any honourable office, or intermarry with them; this indeed was carrying the distinction as far as it could possibly be carried. No man, as is already said, should enjoy higher privileges than another, but for higher merit; for distinguishing and apparent virtue, and the best of qualities, it is that a man deserves the distinction of his prince and country: but times have often been so bad, that to be good has been dangerous, and wickedness the only recommendation to power. Many have attained to honours by shewing themselves void of honour: many, by the worst of actions, have become powerful and

and mighty. Fathers, by prostituting their own daughters to lustful princes, have been raised over the heads of men of merit; and by their unnatural abominable suppleeness have been set on the pinnacle of earthly grandeur. In short, the worst of vices, have been the cause of many families being reputed noble by those who do not know wherein true honour and real nobility consist. Man being by nature equal, coming into the world alike and without distinction, cannot receive any merit by the word of his fellow-creatures, it must be by his own superior virtue. When power and honour are placed on wrong objects, they do not alter them, but only render them more remarkably deformed; but when they are rightly placed, virtue becomes more conspicuous, and the great soul shews itself with greater advantage than before; and it is but just, that such men should be honoured, esteemed and respected. The following are the sentiments of a judicious author already mentioned. "The people are the materials of government, their protection its end, nor can it have any other; and that government is a monster where the people have no share, such a monster as nature produces not, a head unconcerned for the body and members, and instead of nourishing, devouring them. In society no man should be higher than others, but for the good of others; when that good is not obtained, when he considers himself only for

that when laws to their prejudice are under deliberation, they can without fear remonstrate against them, and by communicating their reasons to the whole nation, perhaps prevent them. I could mention several schemes that would have been authorized by passing into laws, and which by this time would have probably enslaved England, had not men of spirit, lovers of their country, acquainted (by means of the press) their fellow associates of the danger, and roused them up to an opposition. It is a great check upon ministers and officers, when they consider that their actions are liable to public enquiry, that they will be represented as they deserve, either friends or enemies to the society. The liberty of the press is attended with so many eminent advantages, is so beneficial to a people, so instructive to our understandings, so conducive to the improving our minds, that it ought to be looked upon as a jewel of inestimable value, and deserves to be defended with our utmost power, with our lives and with our fortunes. For what do our lives and fortunes avail, when liberty is gone, when our freedom is swallowed up in the horrible gulph of arbitrary power? And there is no readier way to be reduced to that cursed state, than by suffering the props and supporters of liberty to be destroyed; when the foundation is taken away the structure must fall. The least stop pretended to be put to the liberty
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of the press ought to be looked upon as being effected by the advice or power of a public enemy. If a man writes to hurt society, calumniate a righteous government, let the author be punished according to law; but let there not be any prohibition to write on the subject of society and administration. There is no institution but may be ill used, no preservative but may be wrongly applied; but this is no fault in the institution or preservative.

There are some people who, under pretence of great regard for religion, would have a curb upon the pens of all those whom they are pleased to style heterodox. I allow that many impious pieces are wrote; but no man is obliged to believe those impieties, and there are sufficient numbers who will oppose those pieces, and lay open their weakness. No person will assent further than he thinks reasonable; and so far as any book appears reasonable to a reader, so far he will agree with it, and I think no farther. This a man cannot help, for belief is not in his power, he can't believe as he pleases or wills, but as reason, at least to him apparent reason and evidence, direct him. It is methinks very hard, that because a man differs from me in his religious notions, he shall not have the same freedom to express or declare his notions as I have. True religion can bear examining, and the more it is tried, the more it is searched into, and even the more it is scoffed at, shews it-
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self more clearly, appears with greater brightness and shines with a more glorious lustre: The care therefore which those gentlemen take of it, and the restraint they put on its enemies, is vain, insignificant, and hurtful to religion. Any religious society, which is pernicious to the national society, detrimental to the public, or destructive of the end proposed by association, ought to be suppressed; but when this is not the case, a man ought not to be troubled for his religious sentiments. There is now a sect in some parts of Germany, and other places, who, from an excess of piety, regard no secular affairs, they think that God will feed them without their toiling and labouring, that they need only sit still, and manna will be poured down upon them from heaven; now such are very bad members of society, and are not to be any way encouraged, they are destroyers of industry and labour, by which societies must flourish. But supposing we had such people in England, I could not approve, even then, of depriving them of the liberty of the press, for I am apprehensive that whenever we are debarred the liberty of the press in relation to religion, we shall not long enjoy the liberty of political writing. The one supports the other, they are inseparable from a free people, therefore a free people ought never to suffer any of them to be infringed, but defend them with all their might. Never let your writings come under the care

of licensers, the banes of learning and ingenuity. In short the liberty of the press is a palladium of such high worth, that you cannot know or imagine its value, unless you should be so unfortunate as to lose it, then you will discover ten thousand benefits flowing from it, which now you slightly pass over. When your pens are restrained, be assured your tongues will soon undergo the same fate. No more free conferences or generous consultations for the publick good: farewell the liberty of the press; farewell liberty itself and all its graceful charms, the blessed lot given by heaven to undeserving mortals: farewell all that is good in life. Racks and tortures for the body; the constant attendants of superstition and bigotry will succeed; and introduce tortures for the mind, with stupidity and ignorance; want and poverty, with all the black train of slavery, and the certain symptoms of lost liberty. But I hope that those who are still so happy as to enjoy freedom will not be so base as to part with it, and consequently part with its best support, but will take the same care to hand it down to their posterity, as their ancestors have done to them. By so doing they will discharge their duty to both God and man, and not ungratefully throw back to heaven its precious blessing, nor cruelly intail on their unborn fellow creatures misery and slavery, which they certainly will do, if they give up the

liberty of writing their sentiments as they think proper. There is a certain zeal which must be kept up amongst a free people, or else they will be in a declining despised degenerate way; whereas a zeal for the good of their country keeps them awake, and upon their guard. It was owing to this that the Gracians became such a glorious people, and it was the loss of this which ruined them; they, while they flourished, had such a zeal for liberty, which as Rollin says, "no danger was capable of intimidating, and an irreconcilable abhorrence for whoever conceived the least thought against it, that united their counsels, and put an end to all dissention and discord in a moment; there were some difference between the republicks as to authority and power, but none in regard to liberty; on that side they were perfectly agreed."

Sect. 10. A second preserver of liberty which I shall mention is, that the people reserve to themselves the power of raising money and giving supplies according to the exigencies of the nation. This is a great bulwark to liberty. Money is necessary to carry on all projects, and without it little can be done; it is the sinews of war and the supporter of all the luxury and corruption which prevail in courts. To engage an army a prince must have money; money is requisite for influencing elections, and getting members over to a court interest,

interest, and therefore in some countries elections cannot be carried as in England. There, perhaps, titles may be conferred on a few ambitious men, but these cannot infect the body of the people. So long as a people keep the cash in their own pockets, they in a great degree put it out of the prince's power to hurt them. But if they ever transfer to him an authority of raising money, they transfer to him an ability to do what he pleases. Where there is the greatest property, there will lodge the greatest power and influence, and this we find in almost every history.

At present the king of England enjoys as much power, as many prerogatives as are necessary to make him a great, though not an arbitrary prince, and I believe his royal mind is too good to be desirous of more. It is much more glorious to reign father of a free people, than tyrant of slaves. If ever a prince should be otherwise inclined, and a people be so degenerated as to comply with his inclination, they cannot take a readier step than investing him with a prerogative of raising money. Then the ballance of property will be in his favour. This, when on the side of the people, has a wonderful effect upon mankind, it makes them brave and magnanimous, it raises their spirits, and maintains them in a love and regard for their country, from whence so great a happiness flows to them: whereas, the want of it depresses and disheartens

disheartens them, renders them timorous and indifferent for their country's welfare; and having nothing certain to defend, they have not those incentives to valour as others.

It is justly said by Mr. Walker, "The property of goods is the mother of courage and the nurse of industry, makes us valiant in war, and good husbands in peace. And to apply to free-men in general, what the same gentleman said of Englishmen; It is not the fear of imprisonment, or if need be, of death itself, that can keep a true-hearted free-man from the care to leave this part of his inheritance as entire to posterity as he received it from his ancestors." And in all free governments it is the duty of the assemblies or representatives of the people to redress grievances, rectify what may be amiss, before they resolve on the supplies to be given to the prince; this was a method used by the Spaniards when they were a free people. They took care to have the rights of their constituents confirmed, their privileges secured, good laws enacted, and bad ones abolished, then came the money business. They no sooner left off this wise way of proceeding, than they found their folly, and when it was too late they repented; when in slavery they bewailed their neglect in not reforming (while they could) the government, and carrying it back to its first principles.

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Sect. 11. It is a great security to liberty to have the laws put in execution, and not violated with impunity. It is a certain sign of a weak or wicked government, when people can transgress the laws, and no notice be taken of such transgression. Such a country promises a speedy tyranny or anarchy. No law should be enacted but what is necessary and reasonable to be enacted, and then it should be obeyed and observed with the greatest strictness. The happiness and wisdom of a society does not consist in a great number of laws about trifling insignificant affairs, but in a few judicious, plain and weighty ordinances, grounded on the same principles as society itself, and having in view the same end, that is, the welfare of the whole, and which look to the interest of the people in general, and not to a party or faction. Society ought to be regulated by laws, which it is the interest of all good citizens to observe. Such laws, when observed, cannot fail to render a people happy; and they having a further advantage of being of a durable nature, they need not frequent alterations or amendments. It is a great misfortune to a country to have a multitude of laws of small moment, and therefore broke and despised; this, by degrees, brings those of the greatest moment and importance to the same fate, and then is the time for the enemies of liberty to give the attack,

tack, for they have then too promising hopes of success. When licentiousness prevails liberty must sink; these two are incompatible. The laws of a people, who would remain free, ought to be equally binding to every member of whatever dignity or station; even the prince himself is as much obliged to observe and act agreeable to them as any of his subjects. A prince, who regards the welfare of his people, will, if possible, shew himself more tenuous and fixed in this respect than any of the society.

It is a glorious omen when a supreme magistrate sets a good example; it has a great effect. Good kings and good subjects are commonly together; their interest is the same, and therefore will take the same steps, and proceed in the same manner: but when their interests are separate, when private ends are promoting, when the governors have other prospects than the good of the governed, factions must ensue, and the public interest infallibly suffer. Hence proceed neglect of the laws, and an endeavour in the prince or ministry to get a power over them, which, in a well regulated society, can never be admitted. A power over the people may, in many cases, be allowed to a king, but not a power over the laws.

Few countries, perhaps none, has such a confused body of laws as England, which may be attended with very bad consequences.

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Such a multitude of acts are apt to produce disorders and inconsistent judgments in courts of justice, which greatly tend towards licentiousness. The forms of law-processes in England are likewise, in many cases, very frivolous, insignificant and tedious, which is not very agreeable with a free government.

To conclude, liberty receives strength and vigour by wholesome laws, and a punctual observance of them; not by contemning or treading them under foot. Justice, equity and regularity are all friends to liberty: she cannot subsist without them; and, in a word, courts virtue as her chief and bosom friend, and abhors vice as her greatest enemy.

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