DISCOURSES
CONCERNING
GOVERNMENT,
BY
Algernon Sidney,

Son to Robert Earl of Leicester, and
Ambassador from the Commonwealth of England to Charles Gustavus King of Sweden.

Published from an Original Manuscript.


To which is Added,

The Paper He deliver'd to the Sheriffs immediately before his Death.

And an Alphabetical Table.

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HOW highly the Writings of wise and good Men concerning Government have been esteem'd in all Ages, the testimony of History, and the preservation of so many Books compos'd by the Antients on that Subject, do sufficiently manifest. And it may be truly said, that unless men have utterly abandon'd themselves to all that is detestable, they have seldom attempted to detract from the worth of the Assertors of Liberty, tho' Ambition and other passions have influenc'd them to act in opposition to it. When Augustus had surpriz'd a young Roman who was related to him, reading a political Discourse of Cicero, he commended his judgment in that choice. The History of France, written by the President de Thou, with a spirit of Freedom that might have bin worthy of those who liv'd before the violation of their Liberty, has bin so generally valu'd by men of all ranks in that Nation, that 'tis hard to find a Book on any important Subject which has bin so many Editions. And the just esteem that the Emperor Charles the Fifth made of the Memoirs of Philip de Commines (tho' that Author has given so many instances of his detestation of Tyranny) may be enough to put this matter out of dispute. But if all other proof were wanting, the implacable hatred, and unwearied industry of the worst of men to suppress such Writings, would abundantly testify their excellency.

That Nations should be well inform'd of their Rights, is of the most absolute necessity: because the happiness or infelicity of any People entirely depends upon the enjoyment or deprivation of Liberty; which is so invincibly prov'd in the following Discourses, that to endeavour to make it more clear, would be an unpardonable presumption.

If any man think the publication of this Work to be unseasonable at this time, he is desir'd to consider, that as men expect good Laws only from a good Government, so the Reign of a Prince, whose Title is founded upon the principle of Liberty which is here defended, cannot but be the most proper; if not the only time to inform the People of their just Rights, that from a due sense of their inestimable Value, they may be encourag'd to assert them against the attempts of ill men in time to come.
The Preface.

'Tis not necessary here to say anything concerning the Person of the Author. He was so well known in the world, so universally esteem'd by those who knew how to set a just value upon true Merit, and will appear so admirable in the following Discourses, as not to stand in need of a flattering Panegyric. But it may not be amiss to say something of the Discourses now publish'd.

The Paper deliver'd to the Sheriffs immediately before his death informs us, that he had left a Large and a Lesser Treatise written against the Principles contain'd in Filmer's Book; and that a small part of the lesser Treatise had bin produc'd for evidence against him at his Trial. 'Tis there also said, that the lesser Treatise neither was, nor probably ever should have bin finish'd. This therefore is the Large Work mention'd in that Paper, and not the Lesser, upon part of which the wicked Sentence pronounc'd, and executed against him, was grounded.

It remains only to add a few words for satisfaction of the Publick, that these Discourses are genuine. And here I shall not need to say, that they were put into the hands of a Person of eminent Quality and Integrity by the Author himself; and that the Original is, in the judgment of those who knew him best, all written by his own hand: His inimitable manner of treating this noble Subject, is instead of a thousand demonstrations, that the Work can belong to no other than the Great Man whose Name it bears.

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HAVING lately seen a Book intituled *Patriarcha*, written by Sir Robert Filmer, concerning the Universal and undistinguish'd Right of all Kings, I thought a time of leisure might be well employ'd in examining his Doctrine, and the Questions arising from it; which seem so far to concern all Mankind, that besides the Influence upon our future Life, they may be said to comprehend all that in this World deserves to be cared for. If he say true, there is but one Government in the World that can have any thing of Justice in it: and those who have hitherto been esteem'd the best and wisest of Men, for having constituted Commonwealths or Kingdoms; and taken much pains so to proportion the Powers of several Magistracies, that they might all concur in procuring the Publick Good; or so to divide the Powers 'twixt the Magistrates and People, that a well-regulated Harmony might be preferv'd in the whole, were the most unjust and foolishest of all Men. They were not builders, but overthrowers of Governments: their business was to set up Aristocratical, Democratical or mix'd Governments, in opposition to that Monarchy which by the immutable Laws of God and Nature is imposed upon Mankind; or presumptuously to put Shackles upon the Monarch, who by the same Laws is to be absolute and uncontrolled: They were rebellious and disobedient Sons, who rose up against their Father; and not only refused to hearken to his Voice, but made him bend to their Will. In their Opinion, such only deserv'd to be call'd Good Men, who endeavour'd to be good to Mankind; or to that Country to which they were more particularly related: and in as much as that Good consists in a Felicity of Estate, and Perfection of Person, they highly valued such as had endeavour'd to make Men better, wiser and happier. This they understood to be the end for which Men enter'd into Societies: And the Cicero says, that Commonwealths were instituted for the obtaining of Justice, he contradicts them not, but comprehends all in that word.
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I.

word; because 'tis just that whosoever receives a Power, should employ it wholly for the accomplishment of the Ends for which it was given. This Work could be perform'd only by such as excell'd in Virtue; but left they should defect from it, no Government was thought to be well constituted, unless the Laws prevail'd above the Commands of Men; and they were accounted as the work of Beasts, who did not prefer such a Condition before a Subjection to the fluctuating and irregular Will of a Man.

If we believe Sir Robert, all this is mistaken. Nothing of this kind was ever left to the Choice of Men. They are not to inquire what conduces to their own good: God and Nature have put us into a way from which we are not to swerve: We are not to live to him, nor to our selves, but to the Matter that he hath set over us. One Government is establisht over all, and no Limits can be set to the Power of the Person that manages it. This is the Prerogative, or, as another Author of the same Stamp calls it, the Royal Charter granted to Kings by God. They all have an equal right to it; Women and Children are Patriarchs; and the next in Blood, without any regard to Age, Sex, or other Qualities of the Mind or Body, are Fathers of as many Nations as fall under their Power. We are not to examine, whether he or she be young or old, virtuous or vicious, sober minded or stark mad; the Right and Power is the same in all. Whether Virtue be exalted or suppress'd; whether he that bears the Sword be a Praise to those that do well, and a Terror to those that do evil; or a Praise to those that do evil, and a Terror to such as do well, it concerns us not; for the King must not lose his Right, nor have his Power diminished on any account. I have bin sometimes apt to wonder, how things of this nature could enter into the head of any Man: Or, if no Wickedness or Folly be so great, but some may fall into it, I could not well conceive why they should publish it to the World. But these thoughts cease'd, when I consider'd that a People from all Ages in love with Liberty, and desirous to maintain their own Privileges, could never be brought to resign'em, unless they were made to believe that in Conscience they ought to do it; which could not be, unless they were also persuaded to believe, that there was a Law set to all Mankind which none might transgress, and which put the Examination of all those Matters out of their power. This is our Author's Work. By this it will appear whose Throne he seeks to advance, and whose Servant he is, whilst he pretends to serve the King. And that it may be evident he has made use of Means futable to the Ends propos'd for the Service of his great Master, I hope to shew that he has not us'd one Argument that is not false, nor cited one Author whom he has not perverted and abus'd. Whilst my work is so to lay open these Snares that the most simple may not be taken in them, I shall not examin how Sir Robert came to think himself a Man fit to undertake so great a Work; as to destroy the Principles, which from the beginning seem to have bin common to all Mankind; but only weighing the Positions and Arguments that he alledges, will, if there be either truth or strength in them, confes the Discovery comes from him that gave us least reason to expect it; and that in spite of the Antients, there is not in the World a Piece of Wood out of which a Mercury may not be made.
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S E C T. II.

The common Notions of Liberty are not from School-Divines, but from Nature.

IN the first Lines of his Book he seems to denounce War against Mankind, endeavouring to overthrow the Principle of Liberty in which God created us, and which includes the chief Advantages of the Life we enjoy, as well as the greatest helps towards the Felicity, that is the end of our hopes in the other. To this end he absurdly imputes to the School-Divines that which was taken up by them as a common Notion, written in the Hearts of all Men, denied by none but such as are degenerated into Beasts, from whence they might prove such Points as of themselves were less evident. Thus did Euclid lay down certain Axioms, which none could deny that did not renounce common Sense, from whence he drew the Proofs of such Propositions as were less obvious to the Understanding; and they may with as much reason be accused of Paganism, who say that the Whole is greater than a Part, that two Halves make the Whole, or that a ftraight Line is the shortest way from Point to Point, as to say, that they who in Politicks lay such Foundations as have been taken up by Schoolmen and others as undeniable Truths, do therefore follow them, or have any regard to their Authority. Tho the Schoolmen were corrupt, they were neither stupid nor unlearned: They could not but see that which all Men saw, nor lay more approv'd Foundations, than, That Man is naturally free; That he cannot justly be depriv'd of that Liberty without cause, and that he does not resign it, or any part of it, unless it be in consideration of a greater good, which he proposes to himself. But if he unjustly imputes the Invention of this to School-Divines, he in some measure repairs his Fault in saying, This has bin softer'd by all succeeding Papists for good Divinity: The Divines of the reformed Churches have entertain'd it, and the Common People everywhere tenderly embrace it. That is to say, all Christian Divines, whether reform'd or unreform'd, do approve it, and the People everywhere magnify it, as the height of human Felicity. But Filmer and such as are like to him, being neither reform'd nor unreform'd Christians, nor the People, can have no Title to Christianity; and, in as much as they set themselves against that which is the height of human Felicity, they declare themselves Enemies to all that are concern'd in it, that is, to all Mankind.

But, says he, They do not remember that the desire of Liberty was the first cause of the Fall of Man: and I desire it may not be forgotten, that the Liberty asserted is not a Licentiousness of doing what is pleasing to every one against the Command of God; but an Exemption from all human Laws, to which they have not given their assent. If he would make us believe there was any thing of this in Adam's Sin, he ought to have prov'd, that the Law which he transgressed was impos'd upon him by Man, and consequently that there was a Man to impose it; for it will easily appear that neither the reform'd or unreform'd Divines, nor the People following them, do place the Felicity of Man in an exemption from the Laws of God, but in a most perfect conformity to them. Our Saviour taught us not to fear such as could kill the Body, but him that could kill and cast into Hell:
Hell: And the Apostle tells us that we should obey God rather than Man. It has been ever hereupon observed, that they who most precisely adhere to the Laws of God, are least solicitous concerning the Commands of Men, unless they are well grounded; and those who most delight in the glorious Liberty of the Sons of God, do not only subject themselves to him, but are most regular Observers of the just Ordinances of Man, made by the consent of such as are concerned according to the Will of God.

The Error of not observing this may perhaps deserve to be pardoned in a Man that had read no Books, as proceeding from Ignorance; if such as are grossly ignorant can be excused, when they take upon them to write of such Matters as require the highest knowledge: But in Sir Robert's prevarication and fraud to impute to Schoolmen and Puritans that which in his first Page he acknowledged to be the Doctrine of all Reform'd and Un-reform'd Christian Churches, and that he knows to have bin the Principle in which the Grecians, Italians, Spaniards, Gauls, Germans, and Britains, and all other generous Nations ever liv'd, before the Name of Christ was known in the World; insomuch that the base effeminate Asiatics and Africans, for being careless of their Liberty, or unable to govern themselves, were by Aristotle and other wise Men call'd Slaves by Nature, and look'd upon as little different from Beasts.

This which hath its Root in common Sense, not being to be overthrown by Reason, he spares his pains of seeking any; but thinks it enough to render his Doctrine plausible to his own Party, by joining the Jesuits to Geneva, and coupling Buchanan to Dolman, as both maintaining the fame Doctrine: tho' he might as well have join'd the Puritans with the Turks, because they all think that one and one makes two. But whoever marks the Proceedings of Hibern and his Masters, as well as his Disciples, will rather believe that they have learn'd from Rome and the Jesuits to hate Geneva, than that Geneva and Rome can agree in any thing farther than as they are oblig'd to submit to the Evidence of Truth; or that Geneva and Rome can concur in any Design or Interest that is not common to Mankind.

These Men allow'd to the People a liberty of deposing their Princes. This is a desperate Opinion. Bellarmin and Calvin look along at it. But why is this a desperate Opinion? If Disagreements happen between King and People, why is it a more desperate Opinion to think the King should be subject to the Censures of the People, than the People subject to the Will of the King? Did the People make the King, or the King make the People? Is the King for the People, or the People for the King? Did God create the Hebrews that Saul might reign over them? or did they, from an opinion of procuring their own Good, ask a King, that might judge them, and fight their Battles? If God's interposition, which shall be hereafter explain'd, does alter the Cafe; did the Romans make Romulus, Numa, Tullus Hostilius, and Tarquinius Prius Kings? or did they make, or beget the Romans? If they were made Kings by the Romans, 'tis certain they that made them fought their own good in so doing; and if they were made by and for the City and People, I desire to know if it was not better, that when their Successors departed from the End of their Institution, by endeavouring to destroy it, or all that was good in it, they should be censur'd and ejected, than be permitted to ruin that People for whose good they were created? Was it more just that Caligula or Nero should be suffer'd to destroy the poor Remains of the Roman Nobility and People, with the Nations subject to that Empire, than that the Race of such Monitors should
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should be extinguish'd, and a great part of Mankind, especially the best, Sect. 2.
against whom they were most fierce, prefer'd by their Death?

I presume our Author thought these Questions might be easily decided; and that no more was requir'd to shew the forementioned Affirmations were not at all desperate, than to examin the Grounds of them; but he seeks to divert us from this enquiry, by proposing the dreadful Consequences of subjecting Kings to the Centuries of their People: whereas no Consequence can destroy any Truth; and the worst of this is, That if it were receiv'd, some Princes might be restrain'd from doing Evil, or punisht'd if they will not be restrain'd. We are therefore only to consider whether the People, Senate, or any Magistracy made by and for the People, have, or can have such a Right; for if they have, whatsoever the Consequences may be, it must stand: And as the one tends to the Good of Mankind in restraining the Lusts of wicked Kings; the other exposes 'em without Remedy to the Fury of the most savage of all Beasts. I am not affh'm'd in this to concur with Buchanan, Calvin, or Bellarmin; and without Envy leave to Filmer and his Associates the Glory of maintaining the contrary.

But notwithstanding our Author's aversion to Truth, he confesses, That Hayward, Blackwood, Barclay, and others who have bravely vindicated the Right of Kings in this Point, do with one consent admit, as an unquestionable Truth, and asfert unto the natural Liberty and Equality of Mankind, not so much as once questioning or opposing it. And indeed I believe, that tho' the Sin of our first Parents the Earth has brought forth Briars and Brambles, and the Nature of Man has bin fruitful only in Vice and Wickedness; neither the Authors he mentions, nor any others, have had impudence enough to deny such evident Truth as seems to be planted in the Hearts of all Men; or to publish Doctrins so contrary to common Sense, Virtue, and Humanity, till these Times. The production of Laud, Mawraring, Sibthorp, Hobbs, Filmer and Heylin, seems to have bin referv'd as an additional Curse to compleat the Shame and Misery of our Age and Country. Those who had Wit and Learning, with something of Ingenious and Modesty, tho they belièved that Nations might possibly make an ill use of their Power, and were very desirous to maintain the Cause of Kings, as far as they could put any good colour upon it; yet never denied that some had suffer'd justly (which could not be, if there were no Power of judging them) nor ever ascertained any thing that might arm them with an irresistible Power of doing mischief, animate them to persist in the most flagitious Courtes, with assurance of perpetual Impunity, or engage Nations in an inevitable necessity of suffering all manner of Outrages. They knew that the Actions of those Princes who were not altogether detestable, might be defended by particular Reasons drawn from them, or the Laws of their Country; and would neither undertake the defence of such as were abominable, nor bring Princes, to whom they with'd well, into the odious extremity of justifying themselves by Arguments that favour'd Caligula and Nero, as well as themselves, and that must be taken for a Concession, that they were as bad as could be imagin'd; since nothing could be said for them that might not as well be applied to the worst that had bin, or could be. But Filmer, Heylin, and their Associates, foorning to be restrain'd by such Considerations, boldly lay the Ax to the Root of the Tree, and rightly enough affirm, That the whole Fabrick of that which they call Popular Sedition would fall to the ground, if the Principle of natural Liberty were remov'd. And on the other hand it must be acknowledg'd that the whole Fabrick of Tyranny will be
be much weaken'd, if we prove, That Nations have a right to make their own Laws, constitute their own Magistrates; and that such as are so constituted, owe an account of their Actions to those by whom, and for whom they are appointed.

S E C T. III.

Implicit Faith belongs to Fools, and Truth is comprehended by examining Principles.

WHILST Filmer's business is to overthrow Liberty and Truth, he, in his Passages, modestly professes not to meddle with Mysteries of State, or Arcana Imperii. He renounces those Inquiries thro an implicit Faith, which never enter'd into the head of any but Fools, and such as, thro a carelessness of the Point in question, acted as if they were so. This is the Foundation of the Papal Power, and it can stand no longer than those that compose the Roman Church can be persuaded to submit their Consciences to the Word of the Priests, and effect themselves discharge'd from the necessity of searching the Scriptures, in order to know whether the things that are told them are true or false. This may shew whether our Author or those of Geneva do best agree with the Roman Doctrin. But his Instance is yet more fortith than his Profession: An Implicit Faith, says he, is given to the meanest Artificer. I wonder by whom! Who will wear a Shoo that hurts him, because the Shoemaker tells him 'tis well made? or who will live in a House that yields no defence against the extremitys of Weather, because the Mason or Carpenter assures him 'tis a very good House? Such as have Reason, Understanding, or common Sense, will, and ought to make use of it in those things that concern themselves and their Potterity, and suspect the Words of such as are interested in deceiving or persuading them not to see with their own Eyes, that they may be more easily deceiv'd. This Rule obliges us so far to search into Matters of State, as to examine the Original Principles of Government in general, and of our own in particular. We cannot distinguish Truth from Falshood, Right from Wrong, or know what Obedience we owe to the Magistrate, or what we may justly expect from him, unless we know what he is, why he is, and by whom he is made to be what he is. These perhaps may be call'd Mysteries of State, and some would persuade us they are to be oftentimes Arcana; but whatsoever confesses himself to be ignorant of 'em, must acknowledge he is incapable of giving any judgment upon things relating to the Superstructure, and in so doing, evidently shews to others, that they ought not at all to hearken to what he says.

His Argument to prove this is more admirable. If an Implicit Faith, says he, is given to the meanest Artificer in his Craft, much more to a Prince in the profound Secrets of Government. But where is the Consequence? If I truft to the judgment of an Artificer, or one of a more ingenious Profession, 'tis not because he is of it, but because I am persuaded he does well understand it, and that he will be faithful to me in things relating to his Art. I do not lend for Lower or Micklethwait when I am sick, nor ask the Advice of Maynard or Jones in a Suit of Law, because the first are Physicians, and the other Lawyers; but because I think them wise, learned, diligent,
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diligent, and faithful, there being a multitude of others who go under sect. 3.,
the same name, whose Opinion I would never ask. Therefore if any
Conclusion can be drawn from thence in favour of Princes, it must be of
such as have all the Qualities of Ability and Integrity, that should create
this confidence in me; or it must be prov'd that all Princes, in as much as
they are Princes, have such Qualities. No general Conclusion can be
drawn from the first Cafe, because it must depend upon the Circum-
stances, which ought to be particularly prov'd: And if the other be aff-
erted, I desire to know whether Caligula, Claudius, Nero, Vitellius, Do-
mitian, Commodus, Heliodorus, and others not unlike to them, had those
admirable Endowments, upon which an Implicit Faith ought to have bin
grounded; how they came by them; and whether we have any Promife
from God, that all Princes should for ever excel in those Vertues, or wheth-
er by experience we find that they do that. If they are or have bin want-
ing in any, the whole falls to the ground; for no Man enjoys as a Prince
that which is not common to all Princes: And if every Prince has not
Wisdom to understand these profound Secrets, Integrity to direct him, ac-
ccording to what he knows to be good, and a sufficient measure of Indu-
stry and Valour to protect me, he is not the Artificer to whom the Im-
licit Faith is due. His Eyes are as subject to dazzle as my own. But 'tis a
blame to infilt on such a Point as this. We see Princes of all forts; they
are born as other Men: The vilest Flatterer dares not deny that they are
wise or foolish, good or bad, valiant or cowardly, like other Men: and
the Crown dos neither bellow extraordinary Qualities, ripen such as are
found in Princes sooner than in the meanest, nor preserve them from the
decays of Age, Sicknefs, or other Accidents, to which all Men are subject.
And if the greatest King in the World falls into them, he is as uncapable
of that mysterious Knowledge, and his Judgment is as little to be relied on,
as that of the pooreft Peafant.

This Matter is not mended by sending us to seek those Vertues in the
Minifters, which are wanting in the Prince. The ill effects of Rehobo-
am's Folly could not be corrected by the Wisdom of Solomon's Counfel-
lors: He rejected them; and such as are like to him will always do the
same thing. Nero advis'd with none but Musicians, Players, Charif-
drivers, or the abominable Minifters of his Pleasures and Crueltys. Ar-
cadius his Senat was chiefly compos'd of Buffoons and Coeks, influence'd
by an old rationally Eunuch. And 'tis an eternal Truth, that a weak or
wicked Prince can never chufe a wife Council, nor receive any benefit by
one that is impost'd upon him, unless they have a Power of acting with
out him, which would render the Government in effect Ariflocratical,
and would probably displease our Author as much as if it were fo in name
also. Good and wise Counfellors do not grow up like Musrooms; great
Judgment is requir'd in chufing and preparing them. If a weak or vi-
cious Prince should be fo happy to find them chofen to his hand, they
would avail him nothing. There will ever be variety of Opinions a-
mongft them; and he that is of a perverted Judgment will always chufe
the worfe of those that are propos'd, and favour the worfe Men, as moft
like to himself. Therefore if this Implicit Faith be grounded upon a sup-
pofition of profound Wisdom in the Prince, the Foundation is over-
thrown, and cannot stand; for to repose confidence in the Judgment and
Integrity of one that has none, is the moft brutifh of all Follies. So that
if a Prince may have or want the Qualities, upon which my Faith in him
can be rationally grounded, I cannot yield the Obedience he requires, un-
less...
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Chap. I. I search into the Secrets relating to his Person and Commands, which he forbids. I cannot know how to obey, unless I know in what, and to whom: Nor in what, unless I know what ought to be commanded: Nor what ought to be commanded, unless I understand the Original Right of the Commander, which is the great Arcanum. Our Author finding himself involv'd in many Difficultys, proposes an Expedient as ridiculous as any thing that had gone before, being nothing more than an absurd begging the main question, and determining it without any shadow of proof. He enjoins an active or passive Obedience, before he shews what should oblige or perswade us to it. This indeed were a compendious way of obviating that which he calls Popular Sedition, and of exposing all Nations, that fall under the Power of Tyrants, to be destroy'd utterly by them. Nero or Domitian would have defir'd no more, than that those who would not execute their wicked Commands, should patiently have suffer'd their Throats to be cut by such as were less scrupulous: And the World that had suffer'd those Monitors for some years, must have continu'd under their Fury, till all that was good and virtuous had bin abolisht. But in those Ages and Parts of the World, where there has bin any thing of Vertue and Goodness, we may observe a third sort of Men, who would neither do Villany, nor suffer more than the Laws did permit, or the consideration of the publick Peace did require. Whilst Tyrants with their Slaves, and the Infrumments of their Crueltys, were accounted the Dregs of Mankind, and made the objects of dejection and scorn, these Men who deliver'd their Countries from such Plagues were thought to have something of Divine in them, and have bin famous above all the rest of Mankind to this day. Of this sort were Pelopidas, Epaminondas, Thrasybulus, Harmodius, Aristogiton, Philopoemen, Lucius Brutus, Publius Valerius, Marcus Brutus, C. Cassius, M. Cato, with a multitude of others amongst the antient Heathens. Such as were Instruments of the like Deliverances amongst the Hebrews, as Moses, Othniel, Ehud, Barak, Gideon, Samson, Jephtha, Samuel, David, Jehu, the Maccabees and others, have from the Scriptures a certain Testimony of the Righteousness of their Proceedings, when they neither would act what was evil, nor suffer more than was reasonable. But lest we should learn by their Examples, and the Praisess given to them, our Author confines the Subject's choice to acting or sufferings, that is, doing what is commanded, or lying down to have his Throat cut, or to see his Family and Country made desolate. This he calls giving to Cesar that which is Cesar's; whereas he ought to have consider'd that the Question is not, whether that which is Cesar's should be render'd to him, for that is to be done to all Men; but who is Cesar, and what doth of right belong to him, which he no way indicates to us: so that the Question remains intire, as if he had never mention'd it, unless we do in a compendious way take his word for the whole.

S E C T. IV.

The Rights of particular Nations cannot subsist, if General Principles contrary to them are receiv'd as true.

Notwithstanding this, our Author, if we will believe him, dos not que-

tion or quarrel at the Rights or Liberties of this or any other Nation.
He only denies they can have any such, in subjeeting them necessarily and
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universally to the will of one Man; and says not a word that is not applica-
tle bitterness of his malice seems to be most especially directed against Eng-
lum, I am inclin'd to believe he hurts other Country's only by accident: as the
famous * French Lady intended only to poison her Father, Husband, Brother, and some more of her nearest Relations; but rather than they
should escape, destroy'd many other Persons of Quality, who at several
times did with them: and if that ought to excuse her, I am content he
also should pass uncensur'd, tho' his Crimes are incomparably greater than
those for which she was condemn'd, or than any can be which are not of
a publick extent.

SECT. V.

To depend upon the Will of a Man is Slavery.

This, as he thinks, is farther sweeten'd, by afferting, that he does not
inquire what the Rights of a People are, but from whence; not
considering, that whilst he denies they can proceed from the Laws of
natural Liberty, or any other Root than the Grace and Bounty of the
Prince, he declares they can have none at all. For as Liberty solely con-
sists in an independency upon the Will of another, and by the name of
Slave we understand a Man, who can neither dispose of his Person nor
Goods, but enjoys all at the will of his Master; there is no such thing in
nature as a Slave, if those Men or Nations are not Slaves, who have no
other title to what they enjoy, than the grace of the Prince, which he
may revoke whenever he pleases. But there is more than ordinary Ex-
travagance in his Affertion, That the greatest Liberty in the World is for
a People to live under a Monarch, when his whole Book is to prove,
That this Monarch has his Right from God and Nature, is endow'd with
an unlimited Power of doing what he pleases, and can be restraint'd by no
Law. If it be Liberty to live under such a Government, I desire to know
what is Slavery. It has bin hitherto believe'd in the World, that the Assy-
rians, Medes, Arabs, Egyptians, Turks, and others like them, liv'd in
Slavery, because their Princes were Masters of their Lives and Goods:
Whereas the Greeks, Italians, Gauls, Germans, Spaniards, and Cartha-
ginians, as long as they had any Strength, Vertue or Courage amongst
'em, were esteem'd free Nations, because they abhor'd such a Subjection:
They were, and would be govern'd only by Laws of their own making:
Potentiora erant Legem quam hominum Imperia. Even their Princes had the C. Tacit:
Authority or Credit of Persuading, rather than the Power of Commanding.
But all this was mistaken. Th'fe Men were Slaves, and the Asiaticks were
Free men. By the same rule the Venetians, Switzers, Grifons, and Hol-
landers, are not free Nations: but Liberty in its perfection is enjoy'd in
France, and Turkey. The Intention of our Ancestors was, without doubt,
to establish this amongst us by Magna Charta, and other preceding or sub-
sequent Laws; but they ought to have added one clause, That the Con-
ts of 'em should be in force only so long as it pleas'd the King. King
Alfred, upon whose Laws Magna Charta was grounded, when he said the
English Nation was as free as the internal thoughts of a Man, did only
mean, that it should be so long as it pleas'd their Master. This it seems
was
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CHAP. I. was the end of our Law, and we who are born under it, and are descend-
ed from such as have so valiantly defended their Rights against the En-
croachments of Kings, have follow’d after vain shadows, and without the ex-
perience of Sweat, Treasure, or Blood, might have incur’d our beloved
Liberty, by casting all into the King’s hands.

We owe the discovery of these Secrets to our Author, who after having
gravely declar’d ‘em, thinks no offence ought to be taken at the freedom
he assumes of examining things relating to the Liberty of Mankind, be-
cause he has the Right which is common to all. But he ought to have
consider’d, that in ascertaining that Right to himself, he allows it to all
Mankind. And as the temporal good of all Men consists in the preserva-
tion of it, he declares himself to be their mortal Enemy, who endeavours
to destroy it. If he were alive, this would deserve to be answer’d with
Stones rather than Words. He that oppugns the publik Liberty, over-
throws his own, and is guilty of the most brutifh of all Follys, whilst he
arrogates to himself that which he denies to all Men.

I cannot but commend his Modesty and Care not to detract from the
Worth of Learned Men; but it seems they were all subject to error, except
himself, who is render’d infallible thro’ Pride, Ignorance, and Impudence.
But if Hooker and Aristotle were wrong in their Fundamentals concerning
natural Liberty, how could they be in the right when they built upon it?
Or if they did mistake, how can they deserve to be cited? or rather,
why is such care taken to pervert their Sense? It seems our Author is by
their Errors brought to the knowledge of the Truth. Men have heard of
a Dwarf standing on the Shoulders of a Giant, who saw farther than the
Giant; but now that the Dwarf standing on the Ground sees that which the
Giant did overlook, we must learn from him. If there be Sense in this, the
Giant must be blind, or have such eyes only as are of no use to him. He
minded only the things that were far from him: These Great and Learned
Men mistook the very Principle and Foundation of all their Doctrine. If we
believe our Author, this misfortune befel them, because they too much
trusted to the Schoolmen. He names Aristotle, and I presume intends
to comprehend Plato, Plutarch, Thucydides, Xenophon, Polybius, and all
the antient Grecians, Italians, and others, who ascertained the natural Free-
dom of Mankind, only in imitation of the Schoolmen, to advance the
Power of the Pope; and would have compast their design, if Filmer and
his Associates had not oppos’d ‘em. These Men had taught us to make the
unnatural Division between Royalist and Patriot; and kept us from seeing,
That the relation between King and People is so great that their well-being is
reciprocal. If this be true, how came Tarquin to think it good for him to
continue King at Rome, when the People would turn him out? or the
People to think it good for them to turn him out, when he desir’d to
continue in? Why did the Syracusians destroy the Tyranny of Dionysius,
which he was not willing to leave, till he was pull’d out by the heels?
How could Nero think of burning Rome? Or why did Caligula with
the People had but one Neck, that he might strike it off at one blow,
if their Welfare was thus reciprocal? ’Tis not enough to say, These
were wicked or mad Men; for other Princes may be so also, and there may
be the same reason of differing from them. For if the Proposition be not
universally true, ’tis not to be receiv’d as true in relation to any, till it be
particularly prov’d; and then ’tis not to be impur’d to the Quality of
Prince, but to the personal Vertue of the Man.
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I do not find any great matters in the passages taken out of Bellarmin, Sect. 6, which, our Author says, comprehend the strength of all that ever he had heard, read, or seen produce for the natural Liberty of the Subject: but he not mentioning where they are to be found, I do not think my self oblig'd to examin all his Works, to see whether they are rightly cited or not; however there is certainly nothing new in them: We see the same, as to the substance, in those who wrote many Ages before him, as well as in many that have liv'd since his time, who neither minded him, nor what he had written. I dare not take upon me to give an account of his Works, having read few of them; but as he seems to have laid the Foundation of his Discourses in such common Notions as were affented to by all Mankind, those who follow the same method have no more regard to Jesuitism and Popery, tho he was a Jesuit and a Cardinal, than they who agree with Faber and other Jesuits in the Principles of Geometry, which no sober Man did ever deny.

SECT. VI.

God leaves to Man the choice of Forms in Government; and those who constitute one Form, may abrogate it.

But Sir Robert desires to make Observations on Bellarmin's words, before he examines or refutes them; and indeed it were not possible to make such full of his Doctrine as he does, if he had examined or did understand it. First, he very wittily concludes, That if by the Law of God, the Power be immediately in the People, God is the Author of a Democracy: And why not as well as of a Tyranny? Is there any thing in it repugnant to the Being of God? Is there more reason to impute to God Caligula's Monarchy, than the Democracy of Athens? Or is it more for the Glory of God, to assert his Preference with the Ottoman or French Monarchs, than with the popular Governments of the Switers and Grifons? Is Pride, Malice, Luxury and Violence so suitable to his Being, that they who exercize them are to be reputed his Minifters? And is Modesty, Humility, Equality, and Justice so contrary to his Nature, that they who live in them should be thought his Enemies? Is there any absurdity in saying, that since God in Goodness and Mercy to Mankind, has with an equal hand given to all the Benefit of Liberty, with some measure of understanding how to employ it, 'tis lawful for any Nation, as occasion shall require, to give the Exercize of that Power to one or more Men, under certain Limitations or Conditions; or to retain it in themselves, if they think it good for them? If this may be done, we are at the end of all Controversies concerning one Form of Government establisht'd by God, to which all Mankind must submit; and we may safely conclude, that having given to all Men in some degree a Capacity of judging what is good for themselves, he has granted to all likewise a Liberty of inventing such Forms as please them best, without favouring one more than another.

His second Observation is grounded upon a Fallacy in matter of Fact: Bellarmin does not say, that Democracy is an Ordinance of God more than any other Government; nor that the People have no Power to make use of their Right; but that they do, that is to say ordinarily, tranfmit the Exercize of it to one or more. And 'tis certain they do sometimes, especially.
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Chapter I. Especially in small Cities, retain it in themselves: But whether that were observ'd or not by Bellarmin, makes nothing to our Cause, which we defend, and not him.

The next Point is subtile, and he thinks thereby to have brought Bellarmin, and such as agree with his Principle, to a Nonplus. He doubts who shall judge of the lawful cause of changing the Government, and says, It is a pestilent Conclusion to place that Power in the Multitude. But why should this be esteem'd pestilent? or to whom? If the allowance of such a Power to the Senat was pestilent to Nero, it was beneficial to Mankind; and the denial of it, which would have given to Nero an opportunity of continuing in his Villanys, would have bin pestilent to the best of Men, whom he endeavour'd to destroy, and to all others that receiv'd benefit from them. But this Question depends upon another; for if Governments are constituted for the Pleasure, Greatness or Profit of one Man, he must not be interrupted; for the opposing of his Will, is to overthrow the Institution. On the other side, if the Good of the Governed be sought, care must be taken that the End be accomplish'd, tho it be with the prejudice of the Governor: If the Power be originally in the Multitude, and one or more Men, to whom the exercise of it, or a part of it was committed, had no more than their Brethren, till it was confer'd on him or them, it cannot be believ'd that rational Creatures would advance one or a few of their Equals above themselves, unless in consideration of their own Good; and then I find no inconvenience in leaving to them a right of judging, whether this be duly perform'd or not. We say in general, He that institutes, may also abrogate, most especially when the Institution is not only by, but for himself. If the Multitude therefore do institute, the Multitude may abrogate; and they themselves, or those who succeed in the fame Right, can only be fit Judges of the performance of the Ends of the Institution. Our Author may perhaps say, The publick Peace may be hereby disturb'd: but he ought to know, There can be no Peace, where there is no Justice; nor any Justice, if the Government instituted for the good of a Nation be turn'd to its ruin. But in plain English, the Inconvenience with which such as he endeavour to a right us, is no more than that He or They, to whom the Power is given, may be restrain'd or chaife'd, if they betray their Trust; which I presume will displease none, but such as would rather subject Rome with the best part of the World depending on it, to the Will of Caligula or Nero, than Caligula or Nero to the Judgment of the Senat and People; that is, rather to expose many great and brave Nations to be destroy'd by the rage of a savage Beast, than subject that Beast to the Judgment of all, or the choicest Men of them, who can have no interest to pervert them, or other reason to be severe to him, than to prevent the Mitchiefs he would commit, and to save the People from ruin.

In the next place he recites an Argument of Bellarmin, That 'tis evident in Scripture God has ordain'd Powers; but God has given them to no particular Person, because by Nature all Men are equal; therefore he has given Power to the People or Multitude. I leave him to unite that Knot if he can; but, as 'tis usual with Impostors, he goes about by Surmises to elude the Force of this Argument, pretending that in some other place he had contradicted himself, and acknowledg'd that every Man was Prince of his Posterity; because that if many Men had bin created together, they ought all to have bin Princes of their Posterity. But 'tis not necessary to argue upon Passages cited
cited from Authors, when he that cites 'em may be justly suspected of Sect. 6. Fraud, and neither indicates the Place nor Treatise, lest it should be detected; most especially when we are no way concern'd in the Author's Credit. I take Bellarmine's Argument to be strong; and if he in some place did contradict it, the hurt is only to himself: but in this particular I should not think he did it, tho' I were sure our Author had faithfully repeated his words; for in allowing every Man to be Prince of his Posterity, he only says, every Man should be chief in his own Family, and have a Power over his Children, which no man denies: But he does not understand Latin, who thinks the word Princeps doth in any degree signify an absolute Power, or a right of transmitting it to his Heirs and Successors, upon which the Doctrine of our Author wholly depends. On the contrary, The same Law that gave to my Father a Power over me, gives me the like over my Children; and if I had a thousand Brothers, each of them would have the same over their Children. Bellarmine's Argument therefore being no way enervated by the alleged'd Passage, I may justly insist upon it, and add, That God has not only declar'd in Scripture, but written on the Heart of every Man, that as it is better to be cloth'd, than to go naked; to live in a Houfe, than to lie in the Fields; to be defended by the united Force of a Multitude, than to place the hopes of his Security solely in his own Strength; and to prefer the Benefits of Society, before a savage and barbarous Solitude; he has also taught them to frame such Societies, and to establish such Laws as were necessary to preserve them. And we may as reasonably affirm, that Mankind is for ever oblig'd to use no other Clothes than leather Breeches, like Adam; to live in hollow Trees, and eat Acorns, or to seek after the Model of his Houfe for a Habitation, and to use no Arms except such as were known to the Patriarchs; as to think all Nations for ever oblig'd to be govern'd as they govern'd their Families. This I take to be the genuine sense of the Scripture, and the most respectful way of interpreting the Places relating to our purpose. 'Tis hard to imagin, that God who has left all things to our choice, that are not evil in themselves, should tie us up in this; and utterly incredible that he should impose upon us a necessity of following his Will, without declaring it to us. Instead of constituting a Government over his People, consoling of many Parts, which we take to be a Model fit to be imitated by others, he might have declar'd in a word, That the eldest Man of the eldest Line should be King; and that his Will ought to be their Law. This had bin more suitable to the Goodness and Mercy of God, than to leave us in a dark Labyrinth, full of Precipices; or rather, to make the Government given to his own People, a false Light to lead us to destruction. This could not be avoided, if there were such a thing as our Author calls a Lord Paramount over his Children's Children to all Generations. We fee nothing in Scripture, of Precept or Example, that is not utterly abhorrent to this Chimera. The only fort of Kings mention'd there with approbation, is such a one as may not raise his Heart above his Brethren. If Deut. 17: God had constituted a Lord Paramount with an absolute Power, and multitudes of Nations were to labour and fight for his Greatness and Pleasure, this were to raise his Heart to a height, that would make him forget he was a Man. Such as are vers'd in Scripture, not only know that it neither agrees with the Letter or Spirit of that Book; but that it is unreasonable in itself, unless he were of a Species different from the rest of Mankind. His exaltation would not agree with God's Indulgence to his Creatures, tho' he were the better for it; much les when probably he would
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would be made more unhappy, and worse, by the Pride, Luxury and other Vices, that always attend the highest Fortunes. 'Tis no less incredible that God, who disposes all things in Wisdom and Goodness, and appoints a due Place for all, should, without distinction, ordain such a Power, to every one succeeding in such a Line, as cannot be executed; the Wife would refuse, and Fools cannot take upon 'em the burden of it, without ruin to themselves, and such as are under them: or expose Man-kind to a multitude of other Absurdities and Mitchiefs; subjecting the Aged to be govern'd by Children; the Wife to depend on the Will of Fools; the Strong and Valiant, to expect defence from the Weak or Cowardly; and all in general to receive Justice from him, who neither knows nor cares for it.

S E C T. VII.

Abraham and the Patriarchs were not Kings.

If any Man say, that we are not to seek into the depth of God's Counsels; I answer, That if he had, for Reasons known only to himself, affix'd such a Right to any one Line, he would have set a Mark upon those who come of it, that Nations might know to whom they owe Subjection; or given some testimony of his Presence with Pilmer and Heylin, if he had sent them to reveal so great a Mystery. Till that be done, we may safely look upon them as the worst of Men, and teachers only of Lies and Folly's. This persuades me little, to examine what would have bin, if God had it once created many Men, or the Conclusions that can be drawn from Adam's having bin alone. For nothing can be more evident than that if many had bin created, they had bin all equal, unless God had given a Preference to one. All their Sons had inherited the same Right after their death; and no Dream was ever more empty, than his Whimsey of Adam's Kingdom, or that of the ensuing Patriarchs. To say the truth, 'tis hard to speak seriously of Abraham's Kingdom, or to think any Man to be in earnest who mentions it. He was a Stranger, and a Pilgrim in the Land where he liv'd, and pretended to no Authority beyond his own Family, which confitted only of a Wife and Slaves. He liv'd with Lot as with his Equal, and would have no Contest with him, because they were Brethren. His Wife and Servants could neither make up, nor be any part of a Kingdom, in as much as the despotical Government, both in Practice and Principle, differs from the Regal. If his Kingdom was to be grounded on the Paternal Right, it vanish'd away of it self; he had no Child: Eliezer of Damascus, for want of a better, was to be his Heir: Lot, tho his Nephew, was excluded: He durst not own his own Wife: He had not one foot of Land, till he bought a Field for a burying-place: His three hundred and eighteen Men were Servants, (bought according to the custom of those days) or their Children; and the War he made with them, was like to Gideon's Enterprize; which shows only that God can fave by a few as well as by many, but makes nothing to our Author's purpose. For if they had bin as many in number as the Army of Semiramis, they could have no relation to the Regal, much less to the Paternal Power; for a Father dos not buy, but beget Children.

* Not-
Notwithstanding this, our Author bestows the proud Title of Lord Pa-
ramount upon him, and transmits it to Judah, who was indeed a King like
his Father; great, admirable, and glorious in Wisdom and Holiness, but
utterly void of all worldly splendor or power. This spiritual Kingdom
was inherited by Jacob, whose Title to it was not founded on Prerogative
of Birth, but Election and peculiar Grace; but he never enjoy'd any other
worldly Inheritance, than the Field and Cave which Abraham had bought
for a burying-place, and the Goods he had gain'd in Laban's Service.

The Example of Judah his Sentence upon Thamar is yet farther from
the purpose, if it be possible; for he was then a Member of a privat
Family, the fourth Son of a Father then living; neither in possession, nor
under the promise of the Privileges of Primogeniture, the Ruben, Simeon
and Levi fell from it by their Sons. Whatsoever therefore the Right was,
which belong'd to the Head of the Family, it must have bin in Jacob;
but as he profess'd himself a keeper of Sheep, as his Fathers had bin, the
exercise of that Employment was so far from Regal, that it deferves no
explanation. If that Act of Judah is to be imputed to a Royal Power, I
have as much as I ask: He, tho living with his Father, and elder Bro-
thers, when he came to be of Age to have Children, had the same Power
over such, as were of, or came into his Family, as his Father had over
him; for none can go beyond the Power of Life and Death: The same
in the utmost extent, cannot at the same time equally belong to many.
If it be divided equally, it is no more than that Univerfal Liberty which
God has given to Mankind; and every Man is a King till he devellts him-
self of his Right, in consideration of something that he thinks better for
him.

S E C T. VIII.

Nimrod was the first King, during the Life of Chush, Cham,
Shem, and Noah.

The Creation is exactly describ'd in the Scripture; but we know
so little of what pass between the finishing of it and the Flood, that
our Author may say what he pleases, and I may leave him to seek his
Proofs where he can find them. In the mean time I utterly deny, that
any Power did remain in the Heads of Familys after the Flood, that dos
in the least degree resemble the Regal in Principle or Practice. If in this
I am mistaken, such Power must have bin in Noah, and transmitted to
one of his Sons. The Scripture says only, that he built an Altar, sacri-
field to the Lord, was a Husbandman, planted a Vineyard, and per-
form'd such Offices as bear nothing of the Image of a King, for the space
of three hundred and fifty Years. We have reason to believe, that his Sons
after his Death continu'd in the same manner of Life, and the Equality
properly belonging to Brethren. 'Tis not easy to determin, whether
Shem or Japheth were the Elder; but Ham is declar'd to be the younger:
and Noah's Blessing to Shem seems to be purely Prophetical and Spiritual,
of what should be accomplish'd in his Posterity; with which Japheth should
be perfuaded to join. If it had bin worldly, the whole Earth must have
bin brought under him, and have for ever continu'd in his Race, which
never was accomplish'd, otherwise than in the Spiritual Kingdom of

\[\text{(Signature, etc.)}\]
Discourses concerning Government.

Chap. I. Christ, which relates not to our Author's Lord Paramount.

As to earthly Kings, the first of them was Nimrod, the sixth Son of Chus, the Son of Ham, Noa'h's younger and accursed Son. This Kingdom was set up about a hundred and thirty Years after the Flood, whilst Chus, Ham, Shem and Noa'h were yet living: whereas if there were any thing of Truth in our Author's Proposition, all Mankind must have continued under the Government of Noa'h whilst he liv'd; and that Power must have bin transmitted to Shem, who liv'd about three hundred and seventy Years after the erection of Nimrod's Kingdom; and must have come to Japhet if he was the Elder, but could never come to Shem, who is declared to have bin certainly the Younger, and condemn'd to be a Servant to them both; much less to the younger Son of his Son, whilst he, and those to whom he and his Posterity were to be Subjects, were still living.

This Rule therefore, which the Partizans of Absolute Monarchy fancy to be universal and perpetual, falling out in its first beginning, directly contrary to what they assert; and being never known to have bin recover'd, were enough to silence them, if they had any thing of modesty or regard to Truth. But the matter may be carried farther: For the Scripture not only telessly, that this Kingdom of Nimrod was an Utteration, void of all Right, proceeding from the most violent and mitchievous Vices, but exercising with the utmost fury, that the most wicked Man of the accursed Race, who set himself up against God, and all that is good, could be capable of. The progress of this Kingdom was futable to its Institution; that which was begun in wickedness, was carried on with madness, and produced Confusion. The mighty Hunter, whom the belt Interpreters call a cruel Tyrant, receiv'd from the simplicity and innocence of the Patriarchs, who were Husbandmen or Shepherds, arrogating to himself a Dominion over Shem, to whom he and his Fathers were to be Servants, did thereby so peculiarly become the Heir of God's Curse, that whatsoever has bin said to this day, of the Power that did most directly set it self against God and his People, has related literally to the Babel that he built, or figuratively to that which resembles it in Pride, Cruelty, Injustice and Madnefs.

But the shameless rage of some of these Writers is such, that they rather chuse to ascribe the beginning of their Idol to this odious Violence, than to own it from the content of a willing People; as if they thought, that as all Action must be futable to its Principle, so that which is unjust in its practice, ought to scorn to be deriv'd from that which is not defeatable in its principle. 'Tis hardly worth our pains to examine whether the Nations, that went from Babel after the confusion of Languages, were more or less than seventy two, for they seem not to have gone according to Famils, but every one to have associated himself to those that underflood his Speech; and the chief of the Fathers, as Noa'h and his Sons, were not there, or were subject to Nimrod; each of which Points doth destroy, even in the Root, all pretence to Paternal Government. Besides, 'tis evident in Scripture, that Noa'h liv'd three hundred and fifty Years after the Flood; Shem five hundred; Abraham was born about two hundred and ninety Years after the Flood, and liv'd one hundred seventy five Years: He was therefore born under the Government of Noa'h, and died under that of Shem: He could not therefore exercise a regal Power whilst he liv'd, for that was in Shem: So that in leaving his Country, and setting up a Family for himself, that never acknowledg'd any Superior, and never pretending to reign over any other, he fully shew'd he thought
thought himself free, and to owe subjectíon to none: And being as far sect. 8. from arrogating to himself any Power upon the Title of Paternity, as from acknowledging it in any other, left every one to the same liberty.

The puntuall enumeration of the Years that the Fathers of the holy Seed lived, gives us ground of making a more than probable conjecture, that they of the collateral Lines were, in number of days, not unequal to them; and if that be true, Ham and Chusf were alive when Nimrod set himself up to be King. He must therefore have usurp'd this Power over his Father, Grandfather, and great Grandfather; or, which is more probable, he turn'd into Violence and Oppression the Power given him by a Multitude; which, like a Flock without a Shepherd, not knowing whom to obey, set him up to be their Chief. I leave to our Author the liberty of chusing which of these two dos belte fute with his Paternal Monarchy; but as far as I can understand, the first is directly against it, as well as against the Laws of God and Man; the other being from the content of the Multitude, cannot be extended farther than they would have it, nor turn'd to their prejudice, without the most abominable ingratitude and treachery, from whence no Right can be deriv'd, nor any justifiable Example taken.

Nevertheless, if our Author resolve that Abraham was also a King, he must presume that Shem did emancipate him, before he went to seek his Fortune. This was not a Kingly posture; but I will not contradict him, if I may know over whom he reign'd. Paternal Monarchy is exercis'd by the Father of the Family over his Descendents, or fuch as had bin under the Dominion of him whole Heir he is. But Abraham had neither of these: Thofe of his nearest Kindred continu'd in Mesopotamia, as appears by what is said of Bethuel and Laban. He had only Lot with him, over whom he pretended no right: He had no Children till he was a hundred Years old, (that is to fay, he was a King without a Subject) and then he had but one. I have heard that Soveraigns do impatiently bear Competitors; but now I find Subjection also doth admit of none. Abraham's Kingdom was too great when he had two Children; and to disburden it, Ishmael must be expel'd soon after the birth of Isaac. He observ'd the fame method after the death of Sarah: He had Children by Keturah; but he gave them Gifts and sent them away, leaving Isaac like a Stoical King reigning in and over himself, without any other Subject till the birth of Jacob and Esau. But his Kingdom was not to be of a larger extent than that of his Father: The two Twins could not agree: Jacob was sent away by his Mother; he reign'd over Esau only, and this not easy to determine who was the Heir of his worldly Kingdom; for tho Jacob had the birth-right, we do not find he had any other Goods than what he had gotten in Laban's service. If our Author say true, the right of Primogeniture, with the Dominion perpetually annex'd by the Laws of God and Nature, must go to the eldest: Isaac therefore, tho he had not bin deceiv'd, could not have confer'd it upon the younger; for Man cannot overthrow what God and Nature have instituted. Jacob, in the Court-Language, had bin a double Rebel, in beguiling his Father, and supplanting his Brother: The blessings of being Lord over his Brethren, could not have taken place. Or if Isaac had Power, and his Act was good, the Prerogative of the Elder is not rooted in the Law of God or Nature, but is matter of conveniency only, which may be chang'd at the Will of the Father, whether he know what he dos or not. But if this Paternal Right to Dominion were of any value, or Dominion over Men were
Chap. I. were a thing to be deier'd; why did Abraham, Isaac, and Jacob, content themselves with such a narrow Territory, when after the death of their Ancestors, they ought, according to that rule, to have bin Lords of the World? All Authors conclude that Shem was the eldest by birth, or prefer'd by the appointment of God, so as the Right must have bin in him, and from him transmitted to Abraham and Isaac: but if they were so possess'd with the contemplation of a Heavenly Kingdom, as not to care for the greatest on Earth; 'tis strange that Esau, whose modesty is not much commended, should so far forget his Interest, as neither to lay claim to the Empire of the World, nor dispute with his Brother the possession of the Field and Cave bought by Abraham, but rather to fight for a dwelling on Mount Seir, that was neither possess'd by, nor promised to his Fathers. If he was fallen from his Right, Jacob might have claim'd it; but God was his Inheritance, and being assur'd of his Blessing, he contented himself with what he could gain by his Industry, in a way that was not at all futable to the Pomp and Majesty of a King. Which way fover therefore the busines's be turn'd, whether, according to Isaac's Blessing, Esau should serve Jacob, or to our Author's opinion, Jacob must serve Esau, neither of the two was effected in their Persons: And the Kingdom of two being divided into two, each of them remain'd Lord of himself.

S E C T. IX.

The Power of a Father belongs only to a Father.

This leads us to an easy determination of the Question, which our Author thinks insoluble; If Adam was Lord of his Children, he das not see how any can be free from the subjeftion of his Parents. For as no good Man will ever desire to be free from the repect that is due to his Father, who did beget and educate him, no wise Man will ever think the like to be due to his Brother or Nephew that did neither. If Esau and Jacob were equally free; if Noah, as our Author affirms, divided Europe, Asia, and Africa, amongst his three Sons, tho he can't prove it; and if seveny two Nations under fo many Heads or Kings went from Babylon to people the Earth, about a hundred and thirty years after the Flood, I know not why, according to the fame rule and proportion, it may not be safely concluded, that in four thousand years Kings are fo multiplied, as to be in number equal to the Men that are in the World; that is to say, they are, according to the Laws of God and Nature, all free, and independent upon each other, as Shem, Ham, and Japhet were. And therefore, tho Adam and Noah had reign'd alone when there were no Men in the World except such as Issu'd from them, that is no reason why any other should reign over those that he has not begotten. As the Right of Noah was divided amongst the Children he left, and when he was dead, no one of them depended on the other, because no one of them was Father of the other; and the Right of a Father can only belong to him that is so, the like must for ever attend every other Father in the World. This paternal Power must necessarily accrue to every Father: He is a King by the same Right as the Sons of Noah; and how numerous forever Families may be upon the increase of Mankind, they are all free, till they agree

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to recede from their own Right, and join together in, or under one Go. Sect. 16.

S E C T. X.

Such as enter into Society, must in some degree diminish their Liberty.

R E A S O N leads them to this: No one Man or Family is able to provide that which is requisite for their convenience or security, whilst every one has an equal Right to every thing, and none acknowledges a Superior to determine the Controversies, that upon such occasions must continually arise, and will probably be so many and great, that Man-kind cannot bear them. Therefore tho' I do not believe that Bellarmine said, a Commonwealth could not exercise its Power; for he could not be ignorant, that Rome and Athens did exercise theirs, and that all the Regular Kingdoms in the World are Commonwealths: yet there is nothing of absurdity in saying, That Man cannot continue in the perpetual and entire fruition of the Liberty that God has given him. The Liberty of one is thwarted by that of another; and whilst they are all equal, none will yield to any, otherwise than by a general consent. This is the ground of all just Governments; for Violence or Fraud can create no Right; and the same consent gives the Form to them all, how much ever they differ from each other. Some small numbers of Men, living within the Precincts of one City, have, as it were, cast into a common Stock, the Right which they had of governing themselves and Children; and by common Consent joining in one body, exercis'd such Power over every single Person as seem'd beneficial to the whole: and this Men call perfect Democracy. Others chose rather to be govern'd by a select number of such as most excell'd in Wisdom and Virtue; and this, according to the signification of the word, was call'd Aristocracy: Or when one Man excell'd all others, the Government was put into his hands under the name of Monarchy. But the wisest, best, and far the greatest part of Mankind, rejecting these simple Species, did form Governments mix'd or compos'd of the three, as shall be prov'd hereafter, which commonly receiv'd their respective Denomination from the Part that prevail'd, and did deserve praise or blame, as they were well or ill proportion'd.

It were a folly hereupon to say, that the Liberty for which we contend, is of no use to us, since we cannot endure the Solitude, Barbarity, Weakness, Want, Misery and Dangers that accompany it whilst we live alone, nor can enter into a Society without resigning it; for the choice of that Society, and the liberty of framing it according to our own Wills, for our own good, is all we seek. This remains to us whilst we form Governments, that we our selves are Judges how far 'tis good for us to recede from our natural Liberty; which is of so great importance, that from thence only we can know whether we are Freemen or Slaves: and the difference between the best Government and the worst, does wholly depend upon a right or wrong exercise of that Power. If Men are naturally free, such as have Wisdom and Understanding will always frame good Governments: But if they are born under the necessity of a perpetual Slavery, no Wisdom can be of use to them; but all must for ever depend on the Will of their Lords, how cruel, mad, proud or wicked soever they be.
No Man comes to command many, unless by Consent or by Force.

But because I cannot believe God has created Man in such a state of Misery and Slavery as I just now mention'd; by discovering the vanity of our Author's whimsical Patriarchial Kingdom, I am led to a certain conclusion, That every Father of a Family is free and exempt from the domination of any other, as the seventy two that went from Babel were. 'Tis hard to comprehend how one Man can come to be master of many, equal to himself in Right, unless it be by Consent or by Force. If by Consent, we are at an end of our Controversies: Governments, and the Magistrats that execute them, are created by Man. They who give a being to them, cannot but have a right of regulating, limiting and directing them as best pleases themselves; and all our Author's Assertions concerning the absolute Power of one Man, fall to the ground: If by Force, we are to examine how it can be possible or justifiable. This subduing by Force we call Conquest; but as he that forces must be stronger than those that are forc'd, to talk of one Man who in strength exceeds many millions of Men, is to go beyond the extravagance of Fables and Romances. This Wound is not cur'd by saying, that he first conquers one, and then more, and with their help others: for as to matter of fact, the first news we hear of Nimrod is, that he reign'd over a great multitude, and built vast Cities; and we know of no Kingdom in the World, that did not begin with a greater number than any one Man could possibly subdue. If they who chuse one to be their Head, did under his conduct subdue others, they were Fellow-conquerors with him; and nothing can be more brutish, than to think, that by their Vertue and Valour they had purchas'd perpetual Slavery to themselves and their Posterity. But if it were possible, it could not be justifiable; and whilst our Dispute is concerning Right, that which ought not to be is no more to be receiv'd, than if it could not be. No Right can come by conquest, unless there were a Right of making that Conquest, which, by reason of the Equality that our Author confesseth to have bin amongst the Heads of Families, and as I have prov'd goes into Infinity, can never be on the Aggressor's side. No Man can justly impose any thing upon those who owne nothing. Our Author therefore, who ascribes the enlargement of Nimrod's Kingdom to Usurpation and Tyranny, might as well have acknowledg'd the same in the beginning, as he says all other Authors have done. However, he ought not to have imputed to Sir Walter Raleigh an Approbation of his Right, as Lord or King over his Family; for he could never think him to be a Lord by the right of a Father, who by that rule must have liv'd and died a Slave to his Fathers that overliv'd him. Whosoever therefore like Nimrod grounds his pretensions of Right upon Usurpation and Tyranny, declares himself to be, like Nimrod, a Usurper and a Tyrant, that is, an Enemy to God and Man, and to have no Right at all. That which was unjust in its beginning, can of it self never change its nature. Tempus in fe, faith Gratian, nullam habet vim essentiam. He that persists in doing Injustice, aggravates it, and takes upon himself all the guilt of his Predecessors. But if there be a King in the World, that claims a Right by Conquest,
21 and would justify it, he might do well to tell whom he conquer'd, Sect. 12; when, with what assistance, and upon what reason he undertook the War: for he could ground no title upon the obscurity of an unsearchable antiquity; and if he does it not, he ought to be look'd upon as a usurping Nimrod.

S E C T. XII.

The pretended Paternal Right is divisible or indivisible: if divisible; 'tis extinguish'd; if indivisible, universal.

This paternal right to Regality, if there be any thing in it, is divisible or indivisible: if indivisible, as Adam has but one Heir, one Man is rightly Lord of the whole World, and neither Nimrod nor any of his Successors could ever have bin Kings, nor the seventy two that went from Babylon: Noah surviv'd him near two hundred years: Shem continu'd one hundred and fifty years longer. The Dominion must have bin in him, and by him transmitted to his Pofterity for ever. Those that call themselves Kings in all other Nations, set themselves up against the Law of God and Nature: This is the Man we are to seek out, that we may yield obedience to him. I know not where to find him; but he must be of the race of Abraham. Shem was prefer'd before his Brethren; The Inheritance that could not be divided must come to him, and from him to Isaac, who was the first of his Descendants that outliv'd him. 'Tis pity that Jacob did not know this, and that the Lord of all the Earth, thro ignorance of his Title, should be forc'd to keep one of his Subjects Sheep for wages; and strange, that he who had wit enough to supplant his Brother, did so little understand his own bargain, as not to know that he had bought the perpetual Empire of the World. If in confidence he could not take such a price for a dish of Pottage, it must remain in Esau: However our Lord Paramount must come from Isaac. If the Deed of Sale made by Esau be good, we must seek him amongst the Jews; if he could not so easily devest himself of his Right, it must remain amongst his Descendants, who are Turks. We need not scruple the reception of either, since the late Scots Act tells us, That Kings derive their Royal Power from God alone; and no difference of Religion, &c. can divert the right of Succession. But I know not what we shall do, if we cannot find this Man; for de non apparetibus & non existentibus eadem est ratio. The Right must fall if there be none to inherit: If we do not know who is that has the Right, we do not know who is near to him: All Mankind must inherit the Right, to which every one has an equal title; and that which is Dominion, if in one, when 'tis equally divided among all Men, is that universal Liberty which I allert. Wherefore I leave it to the choice of such as have inherited our Author's opinions, to produce this Jew or Turk that ought to be Lord of the whole Earth, or to prove a better title in some other Person, and to persuade all the Princes and Nations of the World to submit: If this be not done, it must be confess this Paternal Right is a mere whimsical Fiction, and that no Man by birth has a Right above another, or can have any, unless by the concession of those who are concern'd.

If this Right to an universal Empire be divisible, and Noah did actually divide it among his three Sons: if seventy and two absolute Monarchs
Discourses concerning Government.

Chap. I.

D id at once arise out of the Multitude that had assembled at Babel; Noah, nor his Sons, nor any of the holy Seed, nor probably any elder than Nimrod having bin there; many other Monarchs must necessarily have arisen from them also. Abraham, as our Author says, was a King: Lot must have bin so also; for they were equals: his Sons Ammon and Moab had no dependence upon the Descendants of Abraham: Ismael and Esau set up for themselves, and great Nations came of them: Abraham's Sons by Ke turah did so also; that is to say, every one as soon as he came to be of age to provide for himself, did so, without retaining any dependence upon the Stock from whence he came: Thое of that Stock, or the Head of it, pretended to no Right over those who went from them. Nay, nearer's in Blood was so little regarded, that tho' Lot was Abraham's Brother's Son, Eliezer his Servant had bin his Heir, if he had died childless. The like continued among Jacob's Sons; no Jurisdiction was given to one above the rest: an equal division of Land was made amongst 'em: Their Judges and Magistrates were of several Tribes and Families, without any other preference of one before another, than what did arise from the advantages God had given to any particular Person. This I take to be a proof of the utmost extent and certainty, that the Equality amongst Mankind was then perfect: He therefore that will deny it to be so now, ought to prove that neither the Prophets, Patriarchs, or any other Men did ever understand or regard the Law deliver'd by God and Nature to Mankind; or that having bin common and free at the first, and so continued for many hundreds of years after the Flood, it was afterwards abolished, and a new one introduc'd. He that afferts this must prove it; but till it do appear to us, when, where, how, and by whom this was done, we may safely believe there is no such thing; and that no Man is or can be a Lord amongst us, till we make him so; and that by nature we are all Brethren.

Our Author, by endeavouring farther to illustrate the Patriarchal Power, destroys it, and cannot deny to any Man the Right which he acknowledges to have bin in Ismael and Esau. But if every Man has a Right of setting up for himself with his Family, or before he has any, he cannot but have a right of joining with others if he pleases; as his joining or not joining with others, and the choice of those others depends upon his own will, he cannot but have a right of judging upon what conditions 'tis good for him to enter into such a Society, as must necessarily hinder him from exercising the Right which he has originally in himself. But as it cannot be imagin'd that Men should generally put such Fetters upon themselves, unless it were in expectation of a greater good thereby to accrue to them, no more can be requir'd to prove that they do voluntarily enter into these Societies, institute them for their own good, and prescribe such Rules and Forms to them as best please themselves, without giving account to any. But if every Man be free, till he enter into such a Society as he chooses for his own good, and those Societies may regulate themselves as they think fit; no more can be requir'd to prove the natural Equality in which all Men are born, and continue, till they resign it as into a common flock, in such measure as they think fit for the constituting of Societies for their own good, which I assert, and our Author denies.

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S E C T. XIII.

There was no shadow of a Paternal Kingdom amongst the Hebrews, nor precept for it.

Our Author is so modest to confess, that Jacob's Kingdom, consisting of seventy two Persons, was swallow'd up by the power of the greater Monarch Pharaoh: But if this was an Act of Tyranny, 'tis strange that the sacred and eternal Right, grounded upon the immutable Laws of God and Nature, should not be restored to God's chosen People, when he deliver'd them from that Tyranny. Why was not Jacob's Monarchy confer'd upon his right Heir? How came the People to neglect a Point of such importance? Or if they did forget it, why did not Moses put 'em in mind of it? Why did not Jacob declare to whom it did belong? Or if he is understood to have declar'd it, in saying the Scepter should not depart from Judah, why was it not deliver'd into his hands, or into his Heirs? If he was hard to be found in a People of one kindred, but four degrees remov'd from Jacob their Head, who were exact in observing Genealogies; how can we hope to find him after so many thousand years, when we do not so much as know from whom we are deriv'd? Or rather how comes that Right, which is eternal and universal, to have bin nip'd in the bud, and so abolish'd before it could take any effect in the World, as never to have bin heard of amongst the Gentiles, nor the People of God, either before or after the Captivity, from the death of Jacob to this day? This I affirm, and I give up the Cause if I do not prove it. To this end I begin with Moses and Aaron the first Rulers of the People, who were neither of the eldest Tribe according to birth, nor the disposition of Jacob, if he did, or could give it to any; nor were they of the eldest Line of their own Tribe: and even between them the Superiority was given to Moses, who was the younger; as 'tis said, I have made thee a God to Pharaoh, and Aaron thy Brother shall be thy Prophet. If Moses was a King, as our Author says, but I deny, and shall hereafter prove, the matter is worse: He must have bin an Ufurer of a moft unjust Dominion over his Brethren; and this Patriarchical power, which by the Law of God was to be perpetually fix'd in his Descendants, perish'd with him, and his Sons continued in an obscure rank amongst the Levites. Joshua of the Tribe of Ephraim succeed'd him; Othniel was of Judah, Ehud of Benjamin, Barak of Naphtali, and Gideon of Manasseh. The other Judges were of several Tribes; and they being dead, their Children lay hid among the common People, and we hear no more of 'em. The first King was taken out of the least Family of the least and youngest Tribe. The second, whilst the Children of the first King were yet alive, was the youngest of eight Sons of an obscure Man in the Tribe of Judah: Solomon one of his youngest Sons succeed'd him; Ten Tribes deferted Rehoboam, and by the command of God set up Jeroboam to be their King. The Kingdom of Israel by the destruction of one Family pass'd into another: That of Judah by God's peculiar promise continu'd in David's race till the Captivity; but we know not that the eldest Son was always prefer'd, and have no reason to presume it. David their most reverenced King left no precept for it, and gave an example to the contrary: he did not set up the Eldest,
but the Wisest. After the Captivity, they who had most wisdom or va-
lour to defend the People, were thought most fit to command; and the
Kingdom at the last came to the Aryan Race, whilst the Pottery of
David was buried in the masts of the common People, and utterly depriv'd
of all worldly Rule or Glory. If the Judges had not a Regal Power, or
the Regal were only just, as instituted by God, and eternally annex'd
Paternity, all that they did was evil: There could be nothing of Juf-
tice in the Powers exercis'd by Moses, Joshua, Gideon, Samuel, and the rest
of the Judges. If the Power was regal and just, it must have continu'd
in the Descendants of the first: Saul, David, and Solomon could never
have bin Kings: The Right failing in them, their Descendants could in-
herit none from them; and the others after the Captivity were guilty of
the like injustice.

Now as the Rule is not general, to which there is any one just excep-
tion, there is not one of these Examples that would not overthrow our
Author's Doctrine: If one deviation from it were lawful, another might
be, and fo to infinity. But the utmost degree of impudent madness to
which perhaps any Man in the world has ever arriv'd, is to affert that to
be universal and perpetual, which cannot be verify'd by any one Example
to have bin in any place of the World, nor justify'd by any Precept.

If it be objected, That all these things were done by God's immediate
disposition: I answer, that it were an impious madness to believe that
God did perpetually lend his Prophets to overthrow what he had ordain'd
from the beginning, and as it were in spite to bring the minds of Men into
inextricable confusion and darkness; and by particular Commands to over-
throw his universal and eternal Law. But to render this point more
clear, I desire it may be consider'd, That we have but three ways of di-
istinguishing between good and evil.

1. When God by his Word reveals it to us.
2. When by his Deeds he declares it; because that which he does is
good, as that which he says is true.
3. By the Light of Reason, which is good, in as much as it is from God.

And first; It cannot be said we have an explicit word for that contin-
nuance of the Power in the eldest; for it appears not, and having none,
we might conclude it to be left to our liberty: For it agrees not with the
goodness of God to leave us in a perpetual ignorance of his Will in a mat-
ter of so great importance, nor to have suffer'd his own People, or any
other, to pervert, without the least reproof or admonition, in a perpetual
opposition to it, if it had please'd him.

To the 2d. The Dispenations of his Providence, which are the ema-
nations of his Will, have gone contrary to this pretended Law: There
can therefore be no such thing; for God is constant to himself: his Works
do not contradict his Word, and both of them do equally declare to us
that which is good.

Thirdly: If there be any Precept that by the light of Nature we can in
matters of this kind look upon as certain, 'tis that the Government of a
People should be given to him that can best perform the Duties of it: No
Man has it for himself, or from himself; but for and from those who be-
fore he had it were his Equals, that he may do good to them. If there
were a Man, who in Wisdom, Valour, Justice and Purity, surpass'd all
others, he might be call'd a King by Nature, because he is best able to
bear the weight of so great a charge; and like a good Shepherd to lead the
People to good. Letur dignior is the voice of Reason; and that we may
be sure Detur senior is not so, Solomon tells us, That a wise Child is better Sect. 14.
than an old and foolish King. But if this pretended Right do not belong to him that is truly the eldest, nothing can be more absurd than a fantastical pretence to a Right deduced from him that is not so. Now left I should be thought to follow my own Inventions, and call them Reason, or the Light of God in us, I desire it may be observ’d that God himself has ever taken this method. When he rais’d up Moses to be the leader of his People, he endow’d him with the most admirable gifts of his Spirit that ever he bestow’d upon a Man: When he chose seventy Men to assist him, he endow’d them with the same spirit. Joshua had no other title to succeed him than the like evidence of God’s Presence with him. When the People thro sin fell into misery, he did not seek out their Descendants, nor such as boasted in a prerogative of Birth; but shew’d whom he design’d for their Deliverer, by bestowing such gifts upon him as were requir’d for the performance of his work; and never fail’d of doing this, till that miserable sinful People rejecting God and his Government, defir’d that which was in use among their accursed Neighbours, that they might be as like to them in the most shameful Slavery to Man, as in the Worship of Idols set up against God.

But if this pretended Right be grounded upon no word or work of God, nor the reason of Man, 'tis to be accounted a mere figment, that has nothing of truth in it.

S E C T. XIV.

If the paternal Right had included Dominion, and was to be transfer’d to a single Heir, it must perish if he were not known; and could be applied to no other Person.

Having shew’d that the first Kings were not Fathers, nor the first Fathers Kings; that all the Kings of the Jews and Gentiles mention’d in Scripture came in upon Titles different from, and inconsistent with that of Paternity; and that we are not led by the Word nor the Works of God, nor the Reason of Man, or Light of Nature, to believe there is any such thing; we may safely conclude there never was any such thing, or that it never had any effect, which to us is the same. 'Tis as ridiculous to think of retrieving that, which from the beginning of the World was lost, as to create that which never was. But I may go farther, and affirm, that tho there had bin such a Right in the first Fathers of Mankind exercis’d by them, and for some ages individually transmit ted to their eldest Sons, it must necessarily perish, since the Generations of Men are so confus’d, that no Man knows his own original, and consequently this Heir is no where to be found; for 'tis a folly for a Man to pretend to an Inheritance, who cannot prove himself to be the right Heir. If this be not true, I desire to know from which of Noah’s Sons the Kings of England, France, or Spain do deduce their original; or what reason they can give why the title to Dominion, which is fancied to be in Noah, did rather belong to the first of their respective Races, that attain’d to the Crowns they now enjoy, than to the meanest Peasant of their Kingdoms; or how that can be transmitted to them, which was not in the first. We know that no Man can give what he has not; that if there be no giver,
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there is no gift; if there be no root, there can be no branch; and that the
first point failing, all that should be deriv'd from it must necessarily fail.

Our Author, who is good at resolving difficulties, shews us an easy way
out of this strait. 'Tis true, says he, all kings are not natural parents of
their subjects; yet they either are, or are to be reputed the next heirs to those
first progenitors, who were at first the natural parents of the whole people,
and in their right succeed to the exercise of the supreme jurisprudence: and such
heirs are not only lords of their own children, but also of their brethren, and
all those that were subject to their father, &c. By this means it comes to pass,
that many a child succeeding a king, hath the right of a father over many a
grey-headed multitude, and hath the title of pater patria.

An assertion comprehending so many points, upon which the most
important rights of all mankind do depend, might deserve some proof:
but he being of opinion we ought to take it upon his credit, does not vouch-
safe to give us so much as the shadow of any. Nevertheless being unwilling
either cruelly to receive, or rashly to reject it, I shall take the liberty of examining the proposition, and hope I may be pardon'd, if I
dwell a little more than ordinarily upon that which is the foundation of
his work.

We are beholden to him for confessing modestly that all kings are not
the natural fathers of their people, and sparing us the pains of proving,
that the kings of Persia, who reign'd from the indies to the hellespont, did
not beget all the men that liv'd in those countries; nor that the kings of
France and Spain, who began to reign before they were five years old,
were not the natural fathers of the nations under them. But if all kings
are not fathers, none are, as they are kings: if any one is, or ever was,
the rights of paternity belong to him, and to no other who is not so.
This must be made evident; for matters of such importance require proof,
and ought not to be taken upon supposition. If Filmer therefore will pretend
that the right of father belongs to any one king, he must prove that
he is the father of his people; for otherwise it does not appertain to him:
he is not the man we seek.

'Tis no less absurd to say he is to be reputed heir to the first progenitor:
for it must be first proved, that the nation did descend from one single
progenitor without mixture of other races: that this progenitor was the
man, to whom Noah (according to filmer's whimsical division of Asia,
europe, and Africa among his sons) did give the land now inhabited by
that people: that this division so made was not capable of subdivisions;
and that this man is by a true and uninterrupted succession descended
from the first and eldest line of that progenitor: and all fails, if every
one of these points be not made good. If there never was any such man
who had that right, it cannot be inherited from him. If by the same
rule that a parcel of the world was allotted to him, that parcel might be
subdivided amongst his children as they increased, the subdivisions may
be infinite, and the right of dominion thereby destroy'd. If several na-
tions inhabit the same land, they owe obedience to several fathers: that
which is due to their true father, cannot be render'd to him that is
not so; for he would by that means be depriv'd of the right which is
inseparably annex'd to his person: and lastly, whatsoever the right of an
heir may be, it can belong only to him that is heir.

Left any should be deduced from these plain truths by frivolous sug-
gestions, 'tis good to consider that the title of pater patria, with which
our author would cheat us, has no relation to the matters of right, upon
which
which we dispute. 'Tis a figurative speech, that may have bin rightly Sect. 14, enough applied to some excellent Princes on account of their care and love to their People, resembling that of a Father to his Children; and can relate to none but those who had it. No man that had common sense, or valu'd truth, did ever call Phalaris, Dionysius, Nabis, Nero, or Caligula, Fathers of their Countrys; but Montes, that to the utmost of their power endeavour'd their destruction: which is enough to prove, that sacred Name cannot be given to all, and in consequence to none but such, as by their Virtue, Piety, and good Government do deserve it.

These matters will yet appear more evident, if it be consider'd, that tho Noah had reign'd as a King; that Zoroafter, as some suppose, was Ham, who reign'd over his Children, and that thereby some Right might perhaps be deriv'd to such as succeeded them; yet this can have no influence upon such as have not the like Original: and no man is to be presum'd to have it, till it be prov'd, since we have prov'd that many had it not. If Nimrod set himself up against his Grandfather; and if Nimrod, who was descend'd from him in the fifth Generation, shew him, they ill deferv'd the name and rights of Fathers; and none, but those who have renounce'd all Humanity, Virtue, and common Sense, can give it to them; or their Successors. If therefore Noah and Shem had not so much as the shadow of Regal Power, and the actions of Nimrod, Ninus, and others who were Kings in their times, shew they did not reign in the right of Fathers, but were set up in a direct opposition to it, the titles of the first Kings were not from Paternity, nor consistent with it.

Our Author therefore, who should have prov'd every point, does neither prove any one, nor affirm that which is agreeable to divine or human Story, as to matter of fact; and as little conformable to common sense. It does not only appear contrary to his general Proposition, That all Governments have not begun with the Paternal Power; but we do not find that any ever did. They who according to his rules should have bin Lords of the whole Earth, liv'd and died private men, whilst the most wicked and boisterous of their Children commanded the greatest part of the then inhabited World, not excepting even those Countries where they spent and ended their days; and instead of entering upon the Government by the right of Fathers, or managing it as Fathers, they did by the most outrageous injustice usurp a violent Domination over their Brethren and Fathers.

It may easily be imagin'd what the Right is that could be thus acquire'd, and transmitted to their Successors. Nevertheless our Author says, All Kings either are, or ought to be reputed next Heirs, &c. But why reputed, if they are not? How could any of the accursed race of Ham be reputed Father of Noah or Shem, to whom he was to be a Servant? How could Nimrod and Ninus be reputed Fathers of Ham, and of those whom they ought to have obey'd? Can Reason oblige me to believe that which I know to be false? Cana Lie, that is hateful to God and good Men, not only be excus'd, but enjoind, when (as he will perhaps say) it is for the King's Service? Can I serve two Masters, or, without the most unpardonable injustice, repute him to be my Father, who is not my Father; and pay the obedience due to him who did beget and educate me, to one from whom I never receiv'd any good? If this be so absurd, that no man dares affirm it in the person of any, 'tis as preposterous in relation to his Heirs: For Nimrod the first King could be Heir to no man as King, and could transmit to no man a Right which he had not. If it was ridiculous
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CHAP. I. and abominable to say that he was Father of Chusub, Ham, Shem and Noah; tis as ridiculous to say, he had the Right of Father, if he was not their Father; or that his Successors inherited it from him, if he never had it. If there be any way thro this, it must have accurre'd to him by the extirpation of all his Elders, and their Races; fo as he who will affect this pretended Right to have bin in the Babylonian Kings, must afferr, that Noah, Shem, Japhet, Ham, Chusub, and all Nimrod's elder Brothers, with all their Descendants, were utterly extirpated before he began to reign, and all Mankind to be descended from him.

This must be, if Nimrod, as the Scripture says, was the firt that became mighty in the Earth; unlefs men might be Kings, without having more Power than others: for Chusub, Ham and Noah were his Elders and Progenitors in the direct Line, and all the Sons of Shem and Japhet, and their Descendants in the Collaterals, were to be prefer'd before him; and he could have no Right at all that was not directly contrary to those Principles which, our Author says, are grounded upon the eternal and indifpenfable Laws of God and Nature. The like may be faid of the seventy two Heads of Colonys, which (following, as I suppofe, Sir Walter Raleigh) he fays went out to people the Earth, and whom he calls Kings: for according to the fame Rule, Noah, Shem and Japhet, with their Descendants, could not be of the number; fo that neither Nimrod, nor the others that eftablisht the Kingdoms of the World, and from whence he thinks all the relt to be deriv'd, could have any thing of Justice in them, unlefs it were from a Root altogether inconsistent with his Principles. They are therefore false, or the Eftablishments beforemention'd could have no Right. If they had none, they cannot be reputed to have any; for no man can think that to be true, which he knows to be false: having none, they could tranfmit none to their Heirs and Successors. And if we are to believe, that all the Kingdoms of the Earth are eftablisht upon this Paternal Right; it muf't be prov'd that all thofe, who in birth ought to have bin prefer'd before Nimrod, and the seventy two, were extirpated; or that the firt and true Heir of Noah did afterwards abolifh all these unjust Uprarations; and making himfelf Matter of the whole, left it to his Heirs, in whom it continues to this day. When this is done, I will acknowledg the Foundation to be well laid, and admit of all that can be rightly built upon it; but if this fails, all fails: The poifon of the Root continues in the Branches. If the right Heir be not in pofteffion, he is not the right who is in pofteffion: If the true Heir be known, he ought to be prefer'd to his Right: If he be not known, the Right muf't perifh: For nothing can be faid to belong to any man, if no man knows to whom it belongs, and can have no more effect than if it were not. This conclusion will continue immovable, tho' the divifion into seventy two Kingdoms were allow'd; which cannot be without destroying the Paternal Power, or subjefting it to be subdivided into as many parcels as there are men, which destroys Regality; for the fame thing may be require'd in every one of the diftinft Kingdoms, and others deriv'd from them. Or we must know who was that true Heir of Noah, that recover'd all: How, when, and to whom he gave the feveral Portions; and that every one of them do continue in the pofteffion of thofe, who by this prerogative of Birth are rais'd above the reft of mankind: and if they are not, 'tis an impious folly to repute them fo, to the prejudice of thofe that are; and if they do not appear, to the prejudice of all mankind; who being equal, are thereby made fubjeft to them. For as Truth is the Rule of Justice; there
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there can be none, when he is reputed superior to all who is certainly inferior to

[In this place two Pages are wanting in the Original Manuscript.]

— degenerated from that Reason which distinguishes men from beasts. Tho it may be fit to use some Ceremonies before a man be admitted to practice Physick, or set up a Trade, 'tis his own Skill that makes him a Doctor or an Artificer, and others do but declare it. An As will not leave his stupidity, tho he be cover'd with Scarlet; and he that is by nature a Slave, will be so still, tho a Crown be put upon his Head: and 'tis hard to imagine a more violent inversion of the Laws of God and Nature, than to raise him to the Throne, whom Nature intended for the Chain; or to make them Slaves to Slaves, whom God has endow'd with the Virtues requir'd in Kings. Nothing can be more preposterous, than to impute to God the frantic Dominations, which is often exercis'd by wicked, foolish and vile Persons, over the Wife, valiant, just and good; or to subject the best to the rage of the worst. If there be any Family therefore in the world, that can by the Law of God and Nature, distinct from the Ordinance of Man, pretend to an hereditary Right of Domination over any People, it must be one that never did, and never can produce any Person that is not free from all the Infirmities and Vices that render him unable to exercise the Sovereign Power; and is endow'd with all the Virtues requir'd to that end; or at least a Promise from God, verify'd by Experience, that the next in Blood shall ever be able and fit for that work. But since we do not know that any such has yet appear'd in the World, we have no reason to believe that there is, or ever was any such; and consequently none upon whom God has confer'd the Rights that cannot be exercis'd without them.

If there was no shadow of a Paternal Right in the Institution of the Kingdoms of Saul and David, there could be none in those that succeeded. Rehoboam could have no other than from Solomon: When he reign'd over two Tribes, and Jeroboam over ten, 'tis not possible that both of 'em could be the next Heir of their last common Father Jacob; and 'tis absurd to say, that ought to be reputed which is impossible: for our thoughts are ever to be guided by Truth, or such an appearance of it, as does persuade or convince us.

The same Title of Father is yet more ridiculously or odiously apply'd to the succeeding Kings. Baalsh had no other Title to the Crown, than by killing Nadab the Son of Jeroboam, and destroying his Family. Zimri purchas'd the fame honour by the slaughter of Elah when he was drunk, and dealing with the House of Baalsh, as he had done with that of Jeroboam. Zimri burning himself, transfer'd the same to Omri, as a reward for bringing him to that extremity. As Jehu was more fierce than these, he seems to have gain'd a more excellent recompence than any since Jeroboam, even a conditional Promise of a perpetual Kingdom; but falling from these glorious Privileges, purchased by his Zeal in killing two wicked Kings, and above one hundred of their Brethren, Shallum must have inherited them, by destroying Zachary and all that remain'd of his Race. This in plain English is no less than to say, that whosoever kills a King, and invades a Crown, tho the act and means of accomplishing it be never so detestable, dos thereby become Father of his Country, and Heir of all the Divine Privileges annex'd to that glorious Inheritance. And tho
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CHAP. I. I cannot tell whether such a Doctrin be more foolish, monstrous or impious, I dare affirm, that if it were receiv'd, no King in the World could think himself safe in his Throne for one day: They are already encompass'd with many dangers; but left Pride, Avarice, Ambition, Lust, Rage, and all the Vices that usully reign in the hearts of worldly men, should not be sufficient to invite 'em perpetually to disturb Mankind, thro' the desire of gaining the Power, Riches and Splendor that accompany a Crown, our Author proposeth 'em the most sacred Privileges, as a reward of the most execrable Crimes. He that was 'str'd upon by the violence of his own Nature, thought that a Kingdom could never be bought at too dear a rate;

— — — — Pro Regno velim
Patriam, Penates, conjagem fummis dare:
Imperis precio quo libet constant bene. Senec. Theb.

But if the sacred Character of God's Anointed or Vicegerent, and Father of a Country, were added to the other Advantages that follow the highest Fortunes; the most modest and just men would be fill'd with fury, that they might attain to them. Nay, it may be, even the belt would be the most forward in conspiring against such as reign: they who could not be tempted with external Pleasures, would be most in love with divine Privileges; and since they should become the sacred Ministers of God, if they succeeded, and Traitors or Rogues only if they miscarried, their only care would be to lay their Designs, that they might be securely executed. This is a Doctrin worthy of Titus's Invention, and Heylin's Approbation; which being well weight'd, will shew to all good and just Kings how far they are oblig'd to those, who under pretence of advancing their Authority, fill the minds of men with such Notions as are to desperately pernicious to them.

S E C T. XVI.
The Antients chose Those to be Kings, who excel'd in the Virtues that are most beneficial to Civil Societys.

If the Israelites, whose Lawgiver was God, had no King in the first Institution of their Government, 'tis no wonder that other Nations should not think themselves oblig'd to set up any: if they who came all of one flock, and knew their Genealogys, when they did institute Kings, had no regard to our Author's Chimerical right of Inheritance, nor were taught by God or his Prophets to have any; 'tis not strange that Nations, who did not know their own Original, and who probably, if not certainly, came of several Stocks, never put themselves to the trouble of seeking one, who by his birth deserv'd to be prefer'd before others: and various Changes happening in all Kingdoms (whereby in process of time the Crowns were transported into divers Families, to which the Right of Inheritance could not without the utmost impiety and madness be imputed) such a fancy certainly could only enter into the heads of Fools; and we know of none to foolish to have harbour'd it.

The Grecians, amongst others who follow'd the Light of Reason, knew no other original Title to the Government of a Nation, than that Wisdom,
dom, Valour and Justice, which was beneficial to the People. These Sect. 16. Qualities gave beginning to those Governments, which we call Heroum Regna; and the Veneration paid to such as enjoy'd them, proceeded from a grateful sense of the Good receiv'd from them: They were thought to be descended from the Gods, who in Vertue and Beneficence surpris'd other men: The fame attended their Descendants, till they came to abuse their Power, and by their Vices shew'd themselves like to, or worse than others. Those Nations did not seek the most antient, but the most worthy; and thought such only worthy to be prefer'd before others, who could best perform their Duty. The Spartans knew that Hercules and Achilles were not their Fathers, for they were a Nation before either of them were born; but thinking their Children might be like to them in Valour, they brought them from Theses and Epimus to be their Kings. If our Author is of another opinion, I desire to know, whether the Heraclides, or the Arcides were, or ought to be reputed Fathers of the Macedonians; for if the one was, the other was not.

The fame method was follow'd in Italy; and they who esteem'd themselves Aborigines, could not set up one to govern them under the Title of Parent. They could pay no veneration to any Man under the name of a common Father, who thought they had none; and they who esteem'd themselves equal, could have no reason to prefer any one, unless he were distinguish'd from others by the Vertues that were beneficial to all. This may be illustrated by matters of fact. Romulus and Remus, the Sons of a Nun, confurprized, as is probable, by a lusty Soldier, who was said to be Mars, for their Vigour and Valour were made heads of a gather'd People. We know not that ever they had any Children; but we are sure they could not be Fathers of the People that flock'd to them from several places, nor in any manner be reputed Heirs of him or them that were so: for they never knew who was their own Father; and when their Mother came to be discover'd, they ought to have bin Subjects to Amulus or Numitor. They could not be his Heirs whilst he liv'd, and were not when he die'd: The Government of the Latins continu'd at Alba, and Romulus reign'd over those who join'd with him in building Rome. The Power not coming to him by Inheritance, must have bin gain'd by Force, or confer'd upon him by Consent: It could not be acquir'd by Force; for one Man could not force a multitude of fierce and valiant men, as they appear to have bin. It must therefore have bin by Consent: And when he aim'd at more Authority than they were willing to allow, they flew him. He being dead, theyetch'd Numa from among the Sabiners: He was not their Father, nor Heir to their Father, but a Stranger; not a Conqueror, but an unarmed Philosopher. Tullus Hostilius had no other Title: Anes Martius was no way related to such as had reign'd. The first Tarquin was the Son of a banish'd Corinthian. Servius Tullus came to Rome in the belly of his captive Mother, and could inherit nothing but Chains from his vanquish'd Father. Tarquin the Proud murder'd him, and first took upon himself the Title of King, sine jussu Populi. If this Liv. Murder and Upropration be call'd a Conquest, and thought to create a Right, the effect will be but small: The Conqueror was soon conquer'd, banish'd, and his Sons slain, after which we hear no more of him or his Descendants. Whatsoever he gain'd from Servius, or the People, was

* —— Qui recto veloce nat
 soon lost, and did accrue to those that conquer'd and ejected him; and they
might retain what was their own, or confer it upon one or more, in such
manner and measure as best pleas'd themselves. If the Regal Power,
which our Author says was in the Consuls, could be divided into two
parts, limited to a Year, and suffer such restrictions as the People pleas'd to
lay upon it, they might have divided it into as many parcels, and put it in-
to such form, as best suited with their Inclinations; and the several Ma-
giftacies which they did create for the exercise of the Kingly, and all other
Powers, shews they were to give account to none but themselves.

The Israelites, Spartans, Romans and others, who thus fram'd their
Governments according to their own Will, did it not by any peculiar Pri-
viledg, but by a universal Right confer'd upon them by God and Nature:
They were made of no better Clay than others: They had no Right,
that dos not as well belong to other Nations; that is to say, The Constitu-
tion of every Government is refer'd to those who are concern'd in it, and
no other has any thing to do with it.

Yet if it be asser'ted, that the Government of Rome was Paternal, or they
had none at all; I desire to know, how they came to have six Fathers of
several Families, whilst they liv'd under Kings; and two or more new
ones every Year afterwards: Or how they came to be so excellent in Vertue
and Fortune, as to conquer the best part of the World, if they had no
Government. Hobbs indeed does scurrilously deride Cicero, Plato and Ari-
stote, Cato, Verres; Romans & Greece Anarchie autores. But 'tis strange
that this Anarchy, which he resembes to a Chaos, full of darkness and
confusion, that can have no Strength or regular Action, should overthrow
all the Monarchys that came within their reach, If (as our Author says)
the best order, greatest strength, and most stability be in them. It must
therefore be asser't, that these Governments are, in their various Forms,
rightly institufd by several Nations, without any regard to Inhe-
ritance; or that these Nations have had no Governments, and were
more strong, vertuous and happy without Government, than under it,
which is most absurd.

But if Governments arise from the Consent of Men, and are instituted by
Men according to their own Inclinations, they do therein seek their own
Good; for the Will is ever drawn by some real Good, or the appearance
of it. This is that which man seeks by all the regular or irregular mo-
tions of his mind: Reason and Passion, Vertue and Vice do herein con-
cur, tho' they differ vaftly in the Objects, in which each of 'em thinks
this Good to consist. A People therefore that sets up Kings, Dictators,
Consuls, Pretors or Emperors, dos it not, that they may be great, glo-
rious, rich or happy, but that it may be well with themselves and their
Poffertvity. This is not accomplish'd simply by fetting one, a few, or
more men in the administration of Powers, but by placing the Authority
in those who may rightly perform their Office. This is not every man's
Work: Valour, Integrity, Wisdom, Industry, Experience and Skill,
are requir'd for the management of those Military and Civil Affairs that
necesarily fall under the care of the chief Magiftrats. He or they there-
fore may rea' onably be advanc'd above their Equals, who are most fit
to perform the Dutys belonging to their Stations, in order to the publick
Good, for which they were instituted.

Marins, Sylia, Catiline, Julius or Octavius Cæsar, and all those who by
force or fraud ufurp'd a Dominion over their Brethren, could have no
Title to this Right; much les could they become Fathers of the People,
by using all the most wicked means that could well be imagin'd to destroy them; and not being regularly chosen for their Vertues, or the opinion of them, nor prefer'd on account of any Prerogative that had bin from the beginning annex'd to their Families, they could have no other Right than Occupation could confer upon them. If this can confer a Right, there is an end of all Disputes concerning the Laws of God or Man. If Julius and Otho were Cæsar did succesivevly become Lords and Fathers of their Country, by slaughtering almost all the Senat, and such Persons as were eminent for Nobility, or Vertue, together with the greater part of the People, it cannot be denied, that a Thief, who breaks into his Neighbour's Houfe, and kills him, is justly Master of his Estate; and may exact the same obedience from his Children, that they render'd to their Father. If this Right could be transfer'd to Tiberius, either thro' the maleice of Otho, or the fraud of his Wife; a wet Blanket laid over his face, and a few corrupt Soldiers could invest Caligula with the fame. A vile Rascal pulling Claudius out by the heels from behind the Hangings where he had hid himself, could give it to him. A dish of Muffrooms well season'd by the infamous Strumpet his Wife, and a Potion prepar'd for Britannicus by Locusta, could transfer it to her Son, who was a stranger to his Blood. Galba became Heir to it, by driving Nero to despair and death. Two common Soldiers by exciting his Guards to kill him, could give a just Title to the Empire of the World to Otho, who was thought to be the worst man in it. If a Company of Villains in the German Army, thinking it as fit for them as others to create a Father of Mankind, could confer the Dignity upon Vitellius; and if Vespasian, causing him to be kill'd, and thrown into a Jakes left impure than his Life, did inherit all the glorious and sacred Privileges belonging to that Title, 'tis in vain to inquire after any man's Right to any thing.

But if there be such a thing as Right or Wrong to be examin'd by men, and any Rules set, whereby the one may be distinguis'd from the other; these Extravagancies can have no effect of Right. Such as commit 'em, are not to be look'd upon as Fathers, but as the most mortal Enemies of their respective Countries. No Right is to be acknowledg'd in any, but such as is confer'd upon them by those who have the right of conferring, and are concern'd in the exercize of the Power, upon such conditions as best pleae themselves. No Obedience can be due to him or them, who have not a right of commanding; which cannot reasonably be confer'd upon any, that are not esteem'd willing and able rightly to execute it. This ability to perform the highest Works that come within the reach of Men; and integrity of Will not to be diverted from it by any temptation, or consideration of privat Advantages, comprehending all that is most commendable in Man; we may candidly see, that whensoever men act according to the Law of their own Nature, which is Reason, they can have no other rule to direct them in advancing one above another, than the opinion of a Man's Virtue and Ability, best to perform the Duty incumbent upon him; that is, by all means to procure the good of the People committed to his charge. He is only fit to conduct a Ship, who understands the Art of a Pilot: When we are sick, we seek the assistance of such as are best skill'd in Phyfic: The Command of an Army is prudently confer'd upon him that has most Industry, Skill, Experience and Valour: In like manner, He only can, according to the rules of Nature, be advance'd to the Dignity of the World, who excels in the Vertues require'd for the performance of the Dutys annex'd to them;
for he only can answer the end of his Institution. The Law of every in-
stituted Power, is to accomplish the end of its Institution, as Creatures are to do the Will of their Creator, and in deflecting from it, overthrow their own being. Magistrates are distinguished from other men, by the Power with which the Law invests them for the publick Good: He that cannot or will not procure that Good, destroys his own being, and be-
comes like to other men. In matters of the greatest importance, Detur
digniori is the Voice of Nature; all her most sacred Laws are perverted, if this be not observ'd in the disposition of Governments; and all are neglected and violated, if they are not put into the hands of such as excel in all manner of Vertues: for they only are worthy of them, and they only can have a right who are worthy, because they only can perform the end for which they are instituted. This may seem strange to tho' he who have their heads infected with Filmer's whimys; but to others, so cer-
tainly grounded upon Truth, that * Bartolomeo de las Cajas Bishop of Chiapa, in a Treatise written by him, and dedicated to the Emperor Charles V. concerning the Indies, makes it the foundation of all his Dis-
course. That notwithstanding his grant of all those Countries from the Pope, and his pretensions to Conquest, he could have no right over any of those Nations, unless he did in the first place, as the principal end, re-
gard their Good: The reason, says he, is, that regard is to be had to the principal End and Cause, for which a supreme or universal Lord is set over them, which is their good and profit, and not that it should turn to their de-
struction and ruin; for if that should be, there is no doubt but from thence forward, that Power would be tyrannical and unjust, as tending more to the interest and profit of that Lord, than to the publick good and profit of the Subjects; which, according to natural Reason, and the Laws of God and Man, is abhor'd, and deserves to be abhor'd. And in another place, speak-
ing of the Governors, who, abusing their Power, brought many trou-
bles and vexations upon the Indians; he says, * They had rendered his Ma-
jestys Government intolerable, and his Yoke insupportable, tyrannical, and moft justly abhor'd. I do not alledg this thro' an opinion, that a Spanish Bishop is of more Authority than another man; but to shew, that these are common Notions agreed by all Mankind; and that the greatest Mo-
narchs do neither refuse to hear them, or to regulate themselves ac-
cording to them, till they renounce common fense, and degenerate into Beafls.

But if that Government be unreasonable, and abhor'd by the Laws of God and Man, which is not instituted for the good of those who live un-
der it; and an Empire grounded upon the Donation of the Pope, which amongst those of the Roman Religion is of great importance, and an in-
tire conquest of the People, with whom there had bin no former Com-
pact, do degenerate into a moft unjust and detestable Tyranny, so soon as the Supreme Lord begins to prefer his own interest or profit before the good of his Subjects; What shall we say of those who pretend to a right

* La razón es porque siempre se ha de tener respecto al fin y causa final, por el qual, el tal supremo y universal Senor se les pone, que es su bien y utilidad, y que no se le convierte el tal supremo Senorrio in danno, pernici y destruccion. Porque si affi fueller, no ay que dudar, que non debe entonces incluvisimemente serfa injunto, Tyrannico y unico tal Senorrio, como mas se enderezase al proprio interesse y provecho del Senor, que al bien y utilidad comun de los Subditos; lo qual de la razón natural y de todas las Leyes humanas y divinas es abhorredio y abhorredible. Bar. de las Cajas de la de las Indias, pag. 111.

† El yugo y gobernacion de Vueftra Mageftad inportable, Tirannico y dgeo de todo abhorredimiento. Pag. 157.
of Dominion over free Nations, as inseparably united to their Persons, sect. 17.
without distinction of Age or Sex, or the least consideration of their In-
firmity and Vices; as if they were not plac’d in the Throne for the good
of their People, but to enjoy the Honours and Pleasures that attend the
highest Fortune? What name can be fit for thofe, who have no other Ti-
tle to the Places they poffefs, than the most unjust and violent Usurpa-
on; or being advanced from thofe, who for their Vertues were, by the
Peoples content, duly advance’d to the exercise of a legitimate Power, and
having Iworn to administer it, according to the Conditions upon which
it was given, for the good of thofe who gave it, turn all to their own
Pleasure and Profit, without any care of the Publick? These may be liable
to hard Cenfures: but thofe who ufe them moft gently, muft confuse,
that such an extreme deviation from the end of their Institution, annuls
it; and the Wound thereby given to the natural and original Rights of
thofe Nations cannot be cur’d, unlefs they resume the Liberties of which
they have bin depriv’d, and return to the antient Custom of choosing thofe
to be Magiftrats, who for thofe Vertues beft deferve to be prefer’d before
their Brethren, and are endow’d with thofe Qualities that beft enable men
to perform the great end of providing for the publick Safety.

sect. xvii.

God having given the Government of the World to no one Man, nor de-
clar’d how it should be divided, left it to the Will of Man.

Our Author’s next Inquiry is, What becomes of the Right of Father-
hood, in cafe the Crown should escheat for want of an Heir? Whether
it doth not escheat to the People? His answer is, ’Tis but the negligence or
ignorance of the People, to lose the knowledge of the true Heir, &c. And
a little below, The Power is not devolvo’d to the Multitude: No; the Kingly
Power escheats on independent Heads of Families: All such prime Heads have
Power to confer in the uniting, or conferring their Fatherly Right of Sove-
reign Authority on whom they plege; and he that is so elect’d, claims not his
Power as a Donative from the People, but as being.Substituted by God, from
whom he receives his Royal Charter of Universal Father, &c.

In my opinion, before he had ask’d, What should be done in cafe the
Crown should escheat for want of an Heir? he ought to have prov’d,
there had bin a Man in the world, who had the Right in himself, and
telling who he was, have shew’d how it had bin transmitted for some
Generations, that we might know where to feek his Heir: and before he
accus’d the Multitude of ignorance or negligence, in not knowing this
Heir, he ought to have inform’d us, how it may be possible to know him,
or what it would avail us if we did know him; for ’tis in vain to know
to whom a Right belongs, that never was, and never can be executed.
But we may go farther, and affirm, that as the Universal Right muft
have bin in Noah and Shem (if in any) who never exercis’d it; we have
reason to believe there never was any such thing: And having prov’d
from Scripture and Human History, That the first Kingdoms were fet up in
a direct opposition to this Right, by Nimrod and others, he that should
seek and find their Heirs, would only find thofe, who by a moft accurfed
Wickedness, had ufurp’d and continu’d a Dominion over their Fathers,
contrary
contrary to the Laws of God and Nature; and we should neither be more wife, nor more happy than we are, tho' our Author should furnish us with certain and authentic Genealogys, by which we might know the true Heirs of Nimrod, and the seventy two Kings that went from Babylon, who, as he suppos'd, gave beginning to all the Kingdoms of the Earth.

Moreover, if the Right be Universal, it must be in one; for the World being but one, the whole Right of commanding it cannot at the same time be in many, and proceed from the Ordinance of God, or of Man. It cannot proceed from the Ordinance of God; for he does nothing in vain: He never gave a Right that could not be executed. No man can govern that which he does not so much as know: No man did ever know all the World; no man therefore did or could govern it: and none could be appointed by God to do that which is absolutely impossible to be done; for it could not confit with his Wisdom. We find this in our selves. It were a shame for one of us poor, weak, short-sighted Creatures, in the dispo
sal of our Affairs, to appoint such a method, as were utterly ineffectual for the Preservation of our Families, or destructive to them; and the blasphemy of imputing to God such an Ordinance as would be a reproach to one of us, can fute only with the wicked and impudent Fury of such as our Author, who delights in Monsters. This also shews us that it cannot be from Men: One, or a few, may commit Follies, but Mankind dos not universally commit, and perpetually persist in any: They cannot therefore, by a general and permanent Authority, enact that which is ut
erly absurd and impossible; or if they do, they destroy their own Nature, and can no longer deserve the Name of reasonable Creatures. There can be therefore no such man; and the Folly of seeking him, or his Heir that never was, may be left to the Disciples of Filmer.

The Difficultys are as great, if it be said, The World might be divided into parcels, and we are to seek the Heirs of the first Poliessors; for besides that no man can be oblig'd to seek that which cannot be found, (all men knowing that Caigenus nole hac premisit Deus) and that the Genealogys of Mankind are so confus'd, that, unless possibily among the Jews, we have reason to believe there is not a man in the world who knows his own Original, it could be of no advantage to us tho' we knew that of every one; for the Division would be of no value, unless it were at the first rightly made by him who had all the Authority in himself, (which dos no where appear) and rightly deduce'd to him, who, according to that division, claims a right to the Parcel he enjoys. And I fear our Author would terribly shake the Crowns, in which the Nations of Europe are concern'd, if they should be persuaded to search into the Ge
ealogys of their Princes, and to judge of their Rights according to the proofs they should give of Titles rightly deduce'd by succesion of Blood from the seventy two first Kings, from whom our Author fancy's all the Kingdoms of the World to be deriv'd.

Besides, tho' this were done, it would be to no purpose; for the seventy two were not sent out by Noah, nor was he or his Sons of that number; but they went, or were sent, from Babylon where Nimrod reign'd, who, as has bin already prov'd, neither had, nor could have any right at all, but was a mighty Hunter, even a proud and cruel Tyrant, usurping a Power to which he had no right, and which was perpetually exercis'd by him and his Successors against God and his People. From whence I may safely conclude, That no right can ever be deriv'd; and may justly presume
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It will be denied by none who are of better Morals, and of more found Principles in matters of Law and Religion than Filmer and Heylin; since it is no less absurd to deduce a right from him that had none, than to expect pure and wholesome Waters from a filthy, polluted, and poisonous Fountain.

If it be pretended that some other man since Noah had this universal Right, it must either remain in one single person as his right Heir, or be divided. If in one, I desire to know who he is, and where we may find him, that the Empire of the World may be deliver’d to him. But if he cannot be found, the bulwarks is at an end: for every man in the World may pretend himself to be the person; and the infinite controversies arising thereupon can never be decided, unless either the Genealogies of every one from Noah were extant and prov’d, or we had a Word from Heaven, with a sufficient testimony of his mission which announces it. When this is done, ‘twill be time to consider what kind of obedience is due to this wonderfully happy and glorious Person. But whilst the first appears to be absolutely impossible, and we have no promise or reason to expect the other, the Proposition is to be esteem’d one of our Author’s empty whimsies, which cannot be receiv’d by mankind, unless they come all to be polled with an Epidemical madness, which would call them into that which Hobbs calls Bellum omnium contra omnes; when every man’s Sword would be drawn against every man, if God should so abandon the World to suffer them to fall into such misery.

If this pretended Right be divided, it concerns us to know by whom, when, how, and to whom: for the division cannot be of any value, unless the Right was originally in one; that he did exercise this Right in making the division; that the parcels into which the World is divided are according to the allotment made; and that the Persons claiming them by virtue of it are the true Heirs of those to whom they were first granted. Many other difficulties may be alleged’d no less inextricable than these; but this seeming sufficient for the present, I shall not trouble myself with more, promising that when they shall be remov’d, I will propose others, or confessing my errors, yield up the cause.

But if the Dominion of the whole World cannot belong to any one man, and every one has an equal title to that which should give it; or if it did belong to one, none did ever exercise it in governing the whole, or dividing it; or if he did divide it, no man knows when, and to whom: so that they who lay claim to any parcels can give no testimony of that division, nor shew any better title than other men deriv’d from his first Progenitor, to whom ‘tis said to have bin granted; and that we have neither a Word, nor the promise of a Word from God to decide the controversies arising thereupon, nor any Prophet giving testimony of his mission that takes upon him to do it, the whole Fabric of our Author’s Patriarchal Dominion falls to the ground; and they who propose these Doctrines, which (if they were receiv’d) would be a root of perpetual and reconcilable hatred in every man against every man, can be accounted no less than Ministers of the Devil, tho they want the abilities he has sometimes infused into those who have bin employ’d upon the like occasions. And we may justly conclude, that God having never given the whole World to be govern’d by one man, nor prescribe’d any rule for the division of it; nor declare’d where the right of dividing or subdividing that which every man has should terminate; we may safely affirm that the whole is for ever left to the will and discretion of Man: We may enter into, form,
and continue in greater or leffer Societys, as best pleases our selves: The
right of Paternity as to Dominion is at an end, and no more remains, but
the love, veneration, and obedience, which proceeding from a due sense of
the benefits of Birth and Education, have their root in Gratitute, and are
esteem'd sacred and inviolable by all that are sober and vertuous. And as
'tis impossible to transfer thefe Benefits by inheritance, fo 'tis impossible to
transfer the Rights arising from them. No man can be my Father but he
that did beget me; and 'tis as abfur'd to fay I owe that Duty to one who
is not my Father, which I owe to my Father, as to fay, he did beget me,
who did not beget me; for the obligation that arifes from benefits can
only be to him that confer'd them. 'Tis in vain to fay the fame is due
to his Heir; for that can take place only when he has but one, which in
this cafe signifies nothing: For if I being the only Son of my Father,
inherit his Right, and have the fame power over my Children as he had
over me; if I had one hundred Brothers, they muft all inherit the fame;
and the Law of England, which acknowledges one only Heir, is not ge-
neral, but municipal, and is fo far from being general, as the precept of
God and Nature, that I doubt whether it was ever known or us'd in any
Nation of the World beyond our Island. The words of the Apostle, If
we are Children, we are therefore Heirs and Co-heirs with Christ, are the voice
of God and Nature; and as the universal Law of God and Nature is al-
ways the fame, every one of us who have Children, have the fame Right
over them, as Abraham, Isaac, and Jacob had over theirs; and that Right
which was not devolv'd to any one of them, but inherited by them all
(I mean the right of Father as Father) not the peculiar promises, which
were not according to the Law of Nature, but the election of Grace, is
also inherited by every one of us, and ours, that is, by all Mankind.
But if that which could be inherited was inherited by all, and it be
impoofible that a right of Dominion over all can be due to every one, then
all that is or can be inherited by every one is that exemption from the
Dominion of another, which we call Liberty, and is the gift of God and
Nature.

S E C T. XVIII.

If a right of Dominion were esteem'd Hereditary according to the Law
of Nature, a multitude of deftructive and inextricable Controversys
would thereupon arife.

There being no fuch thing therefore, according to the Law of Na-
ture, as an Hereditary Right to the Dominion of the World, or
any part of it; nor any one man that can derive to himself a title from
the fift Fathers of Mankind, by which he can rightly pretend to be pre-
fer'd before others to that command, or a part of it; and none can be de-
riv'd from Nimrod, or other Usurpers, who had none in themselves,
we may juftly fpare our pains of seeking farther into this matter. But as
things of the higheft importance can never be too fully explain'd; it may
not be amifs to obferve, That if Mankind could be brought to believe
that fuch a right of Dominion were by the Law of God and Nature hered-
ditary, a great number of the moft deftructive and inextricable Contro-
versys muft thereupon arife, which the wisdom and goodness of God can
never
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never enjoin, and Nature, which is Reason, can never intend; but at Sect. 18.
present I shall only mention two, from whence others must perpetually
spring. First if there be such a Law, no Human Constitution can alter
it; no length of time can be a defence against it: All Governments that
are not conformable to it are vicious and void even in their root, and must
be so for ever: That which is originally unjust may be justly overthrown.
We do not know of any (at least in that part of the World in which we
are most concern'd) that is establish'd, or exercis'd with an absolute Pow-
er, as by the Authors of those opinions is esteem'd ineparable from it;
Many, as the Empire, and other States, are directly contrary; and on
that account can have no Justice in them. It being certain therefore that
he or they who exercis'those Governments have no right: that there is a
Man to whom it does belong, and no man knowing who he is, there is no
one man who has not as good a title to it as any other: There is not there-
fore one who has not a right, as well as any, to overthrow that which
has none at all. He that has no part in the Government may destroy it, as
well as he that has the greatest; for he neither has that which God or-
dain'd he should have, nor can shew a title to that which he enjoys from
that original Prerogative of Birth, from whence it can only be deriv'd.

If it be said, that some Governments are arbitrary, as they ought to be;
and France, Turkey, and the like be alleg'd as instances, the matter is not
mended: for we do not only know when those, who deserve to be re-
garded by us, were not absolute, and how they came to be so; but also,
that those very Families which are now in possession are not of very long
continuance, had no more title to the original right we speak of than any
other men, and consequently can have none to this day. And tho' we
cannot perhaps say that the Governments of the barbarous Eastern Na-
tions were ever other than they are, yet the known Original of them
deprives them of all pretence to the Patriarchal Inheritance; and they
may be as justly as any other depriv'd of the Power to which they have
no title.

In the second place, tho' all mens Genealogies were extant, and ful-
ly verif'd, and it were allow'd that the Dominion of the World, or ev-
ry part of it, did belong to the right Heir of the first Progenitor, or any
other to whom the first did rightly assign the Parcel, which is under
question; yet it were impossible for us to know who should be esteem'd
the true Heir, or according to what rule he should be judg'd to be: for
God has not by a precise word determin'd it, and Men cannot agree a-
bout it, as appears by the various Laws and Customs of several Nations,
difposing severally of Hereditary Dominions.

'Tis a folly to say, they ought to go to the next in blood; for 'tis not
known who is that next. Some give the preference to him who amongst
many Competitors is the fewest degrees remot'd from their common Pro-
genitor who first obtain'd the Crown: Others look only upon the laft that
pos'd it. Some admit of Representation, by which means the Grand-
child of a King by his eldest Son, is prefer'd before his second Son, he
being said to represent his dead Father, who was the eldest: Others ex-
clude these, and advance the younger Son, who is nearer by one degree
to the common Progenitor that last enjoy'd the Crown than the Grand-
child. According to the first rule, Richard II. was advance'd to the Crown
of England, as Son of the eldest Son of Edward III. before his Uncles,
who by one degree were nearer to the last Possessor: And in pursuance of
the second, Sancho firm'm'd the Brave, second Son of Alphonso the Wife,
King
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King of Castile, was prefer'd before Alphonso Son of Ferdinand his eldest Brother, according to the Law of Thanestry, which was in force in Spain ever since we have had any knowledge of that Country, as appears by the contest between Corbus and Orfua, decided by Combat before Scipio Africanus; continu'd in full force as long as the Kingdom of the Goths last'd, and was ever highly valu'd, till the House of Austria got possession of that Country, and introduc'd Laws and Customs formerly unknown to the Inhabitants.

The History of all Nations furnish us with innumerable Examples of both forts; and whoever takes upon him to determine which side is in the right, ought to shew by what authority he undertakes to be the Judge of Mankind, and how the infinite breaches thereby made upon the rights of the governing Familys shall be cur'd, without the overthrow of those that he shall condemn, and of the Nations where such Laws have bin in force as he dislikes: and till that be done, in my opinion, no place will afford a better lodging for him that shall impudently assmue such a Power, than the new buildings in Moor-fields.

'Tis no les hard to decide whether this next Heir is to be fought in the Male Line only, or whether Females also may be admitted. If we follow the first as the Law of God and Nature, the title of our English Kings is wholly abolish'd; for not one of them since Henry the 1st has had the least pretence to an inheritance by the Masculine Line; and if it were necessary, we have enough to say of those that were before him.

If it be said, that the same Right belongs to Females, it ought to be prov'd that Women are as fit as Men to perform the Office of a King, that is, as the Israelites said to Samuel, to go in and out before us, to judge us, and to fight our Battles; for it were an impious folly to say that God had ordain'd those for the Offices on which the good of Mankind so much depends, who by nature are unable to perform the duties of them. If on the other side, the sweetness, gentleness, delicacy, and tenderness of the Sex render them so unfit for manly exercizes, that they are accounted utterly repugnant to, and inconsistent with that modesty which dos so eminently shine in all those that are good amongst them; that Law of Nature which should advance them to the Government of Men, would overthrow its own Work, and make those to be the Heads of Nations, which cannot be the Heads of privat Familys; for, as the Apostle says, The Woman is not the head of the Man, but the Man is the head of the Woman. This were no les than to oblige Mankind to lay aside the name of reasonable Creature: for if Reason be his Nature, it cannot enjoin that which is contrary to it self; if it be not, the definition Homo est animal rationale, is false, and ought no longer to be assum'd.

If any man think these Arguments to be mistaken or misappli'd, I desire him to enquire of the French Nation on what account they have always excluded Females, and such as descended from them? How comes the House of Bourbon to be advance'd to the Throne before a great Number of Familys that come from the Daughters of the House of Valois? Or what title those could have before the Daughters of the other Lines, descended from Hugh Capet, Pepin, Merovaeu, or Pharamond? I know not how such questions would be receiv'd; but I am inclin'd to think that the wickednes and folly of those who should thereby endeavour to overthrow the most antient and most venerated Constitutions of the greatest Nations, and by that means to involve them in the most inextricable difficulties, would be required only with Stones.
It cannot be denied, that the most valiant, wife, learned, and best po

Sect. 18.

lish'd Nations have always follow'd the same Rule, tho the weak and
barbarous acted otherwise; and no man ever heard of a Queen, or a
man deriving his title from a Female among the antient civiliz'd Nations.
But if this be not enough, the Law of God, that wholly omits Females,
is sufficient to shew that Nature, which is his Handmaid, cannot advance
them. When God describes who should be the King of his People (if
they would have one) and how he should govern; no mention is made
of Daughters. The Israelites offer'd the Kingdom to Gideon, and to his
Sons; God promis'd, and gave it to Saul, David, Jeroboam, Jehu, and
their Sons. When all of them, save David, by their Crimes fell from
the Kingdom, the Males only were extirpated; and the Females who
had no part in the Promises, did not fall under the Penalties, or the Vengeance
that was executed upon those Familys: and we do not in the
Word of God, or in the History of the Jews, hear of any Feminin Reign,
except that which was usurp'd by Athaliah; nor that any consideration
was had of their Descendents in relation to the Kingdom: which is e-
ough to shew that it is not according to the Law of God, nor to the
Law of Nature, which cannot differ from it. So that Females, or fuch
as derive their right by inheritance from Females, must have it from some
other Law, or they can have none at all.

But tho this question were authentically decided, and concluded that
Females might or might not succeed, we should not be at the end of our
contests: for if they were excluded, it would not from thence follow, as
in France, that their Descendents should be so also; for the Privilege
which is denied to them, because they cannot, without receding from
the modesty and gentlenes of the Sex, take upon them to execute all
the Dutys requir'd, may be transfer'd to their Children, as Henry the
second and Henry the seventh were admitted, tho their Mothers were re-
jected.

If it be said that every Nation ought in this to follow their own Con-
stitutions, we are at an end of our Controversys; for they ought not to be
follow'd, unless they are rightly made: They cannot be rightly made, if
they are contrary to the universal Law of God and Nature. If there be
a general Rule, 'tis impossible but some of them, being directly contrary
to each other, must be contrary to it. If therefore all of them are to be
follow'd, there can be no general Law given to all; but every People is
by God and Nature left to the liberty of regulating these matters relat-
ing to themselves according to their own prudence or convenience: and
this seems to be so certainly true, that whoever dos, as our Author,
propose Doctrins to the contrary, must either be thought rashly to utter
that which he do not understand, or maliciously to call balls of Division
among all Nations, whereby every man's Sword would be drawn against
every man, to the total subversion of all Order and Government.

* Reginarum; fab armis

Barbariae pars magna iacet. Lucan. Phars.
S E C T. XIX.

Kings cannot confer the right of Father upon Princes, nor Princes upon Kings.

lest what has bin said before by our Author should not be sufficient to accomplish his design of bringing confusion upon Mankind, and some may yet he still for want of knowing at whose command he should cut his Brother's throat, if he has not power or courage to set up a title for himself, he has a new project that would certainly do his work, if it were receiv'd. Not content with the absurditys and untruths already utter'd in giving the incommunicable right of Fathers, not only to those who, as is manifestly testifying'd by sacred and profane Historys, did usurp a power over their Fathers, or such as ow'd no manner of obedience to them: and justifying those Usurpations, which are most odious to God and all good men, he now fancies a Kingdom fto gotten may of cheat for want of an Heir; whereas there is no need of seeking any, if Usurpation can confer a Right, and that he who gets the Power into his hands, ought to be reputed the right Heir of the first Progenitor; for such a one will seldom be wanting, if violence and fraud be justified by the command of God, and Nations stand oblig'd to render obedience, till a stronger or more successful Villain throws him from the Throne he had invaded. But if it should come to pass that no man would step into the vacant place, he has a new way of depriving the People of their Right to provide for the Government of themselves. Because, says he, the dependency of antient Familys is of obscure, and worn out of knowledge; therefore the Wisdom of all or most Princes has thought fit many times to adopt those for Heads of Familys, and Princes of Provinces, whose merits, abilities, or fortunes have enabled them, and made them fit and capable of such Royal Favours: All such prime Heads and Fathers have power to confer to the uniting and conferring of their fatherly Right and Sovereignty on whom they please, &c.

I may justly ask how any one or more Familys come to be esteem'd more antient than others, if all are descende from one common Father, as the Scriptures testify; or to what purpose it were to inquire what Familys were the most antient, if there were any such, when the youngest and most mean by usurpation gets an absolute right of Dominion over the eldest, tho' his own Progenitors, as Nimrod did: but I may certainly conclude, That whatever the Right be that belongs to those antient Familys, it is inherent in them, and cannot be confer'd on any other by any human Power; for it proceeds from Nature only. The Duty I owe to my Father do not arise from an usurp'd or delegated Power, but from my birth deriv'd from him; and 'tis as impossible for any man to usurp or receive, by the grant of another, the right of a Father over me, as for him to become, or pretend to be made my Father by another who did not beget me. But if he say true, this right of Father do not arise from Nature; nor the obedience that I owe to him that beget me, from the benefits which I receiv'd, but is merely an artificial thing depending upon the Will of another: and that we may be sure there can be no error in this, our Author attributes it to the wisdom of Princes. But before this comes
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comes to be authentick, we must at the least be sure that all Princes have Sect. 19 this great and profound Wisdom, which our Author acknowledges to be in them, and which is certainly necessary for the doing of such great things, if they were refer'd to them. They seem to us to be born like other men, and to be generally no wiser than other men. We are not oblig'd to believe that Nebuchadnezzar was wife, till God had given him the heart of a man; or that his Grandson Belshazzar, who being laid in the balance was found too light, had any such profound Wisdom. Ahsa-furs threw'd it not in appointing all the People of God to be slain, upon a Lie told him by a Rascl; and the matter was not very much mend-ed, when being inform'd of the truth, he gave 'em leave to kill as many of their Enemys as they pleas'd. The hardiness of Pharaoh's heart, and the overthrow thereby brought upon himself and People, dos not argue to profound a Judgment as our Author presumes every Prince must have: And 'tis not probable that Samuel would have told Saul, He had done foolibly, if Kings had always bin fo exceeding wife; Nay, if Wisdom had bin annex'd to the Charafter, Solomon might have par'd the pains of asking it from God, and Rehoboam must have had it. Not to multiply examples out of Scripture, 'tis believ'd that Xerxes had not inflicted Stripes upon the Sea for breaking his Navy in pieces, if he had bin fo very wife. Caligula for the same reason might have fav'd the labour of making love to the Moon, or have chosen a fitter Subject to advance to the Consulat than his Horfe Incitatus: Nero had not endeavour'd to make a Woman of a Man, nor married a Man as a Woman. Many other Examples might be alludg'd to shew that Kings are not always wise: and not only the Roman Satyrift, who says Quicquid delirant Reges, &c. shews that he did not believe them to be generally wiser than other men; but Solomon himself judges them to be as liable to infirmitys, when he prefers a wife Child before an old and foolish King. If therefore the strength of our Author's Argument lies in the certainty of the Wisdom of Kings, it can be of no value, till he proves it to be more universal in them than History or Experience will permit us to believe. Nay, if there be Truth or Wisdom in the Scripture, which frequented represents the wicked Man as a Fool, we cannot think that all Kings are wise, unlefs it be prov'd that none of them have bin wicked; and when this is perform'd by Filmer's Disci-ples, I shall confess my error.

Men give testimony of their Wisdom, when they undertake that which they ought to do, and rightly perform that which they undertake; both which points do utterly fail in the subject of our Discouerse. We have often heard of such as have adopted those to be their Sons who were not fo, and some Civil Laws approve it. This signifies no more, than that such a Man, either thro' affection to one who is not his Son, or to his Parents, or for some other reason, takes him into his Family, and shews kindnfs to him, as to his Son: but the adoption of Fathers is a whimsical piece of nonfence. If this be capable of an aggravation, I think none can be greater, than not to leave it to my own discretion, who having no Fa-ther, may resolve to pay the Duty I ow'd to my Father to one who may have shew'd Kindnfs to me; but for another to impofe a Father upon a Man, or a People compos'd of Fathers, or such as have Fathers, where-by they should be depriv'd of that natural Honour and Right which he makes the foundation of his Discouerse, is the utmost of all absurdities. If any Prince therefore has ever undertaken to appoint Fathers of his Peo-ple, he cannot be accounted a man of profound Wisdom, but a Fool or a
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CHAP. I. Madman; and his Acts can be of no value. But if the thing were con-

fonant to Nature, and refer'd to the Will of Princes (which I abso-
lutely deny) the frequent Extravagancies committed by them in the ele-
vation of their Favorites, shews that they intend not to make them Fa-
thers of the People, or know not what they do when they do it.

To chuse or institute a Father is nonsene in the very term; but if any
were to be chosen to perform the Office of Fathers to such as have none,
and are not of age to provide for themselves (as men do Tutors or Guar-
dians for Orphans) none could be capable of being elected, but such as
in kindnes to the person they were to take under their care, did most re-
semble his true Father, and had the virtues and abilities requir'd rightly to
provide for his good. If this fails, all Right ceases; and such a corruption
is introduc'd as we saw in our Court of Wards, which the Nation could
not bear, when the Institution was perverted, and the King, who ought
to have taken a tender care of the Wards and their Estates, deliver'd 'em
as a prey to those whom he fav'rd.

Our Author ridiculously attributes the Title and Authority of Father
to the word Prince; for it has none in it, and signifies no more than a Man,
who in some kind is more eminent than the Vulgar. In this sense
Mutius Scævola told Porfena, that Three hundred Princes of the Roman
Youth had conspir'd against him: By which he could not mean that three
hundred Fathers of the Roman Youth, but three hundred Roman young
men had conspir'd; and they could not be Fathers of the City, unlefs
they had bin Fathers of their own Fathers. Princeps Senatus was under-
flood in the same sense; and T. Sempronius the Cenfor, chiming Q. Fa-
bus Maximus to that Honour, gave for a reafon, Se lecturam Q. Fabi-
um Maximum, quem tum Principem Romana Civitatis esse, vel Amni-
bae judice, dicturus esse; which could not be understood that Hannibal
thought him to be the Father or Lord of the City (for he knew he was
not) but the Man who for Wisdom and Valour was the most eminent in
it.

The like are and ought to be the Princes of every Nation; and tho
something of Honour may justly be attributed to the Descendents of such
as have done great Services to their Country, yet they who degenerate
from them cannot be esteem'd Princes; much les can such Honours or
Rights be confer'd upon Court-creatures or Favorites. Tiberius, Cali-
gala, Claudius, Nero, Galba, and others, could advance Macro, Pallas,
Narcissus, Tigellinus, Viminus, Laco, and the like, to the highest de-
gress of Riches and Power; but they still continu'd to be Villains, and
so they died.

No wise or good Man ever thought otherwise of thofe, who thro the
tolly of Princes have bin advance'd to the highest places in several Coun-
trys. The madnes of attributing to them a paternal power, feems to
have bin peculiarly refer'd to compleat the infamy of our Author; for he
only could acknowled a cooptitious Father, or give to another man the
power of chusing him. I confefs that a man in his infancy may have bin
 expos'd, like Moses, Cyrus, Oedipus, Romulus: He may have bin taken
in War; or by the charity of some good perfon fav'd from the teeth of
wild Beasts, or from the Sword by which his Parents fell, and may have
bin educated with that care which Fathers usually have of their Children:
'tis reasonable that such a one in the whole courfe of his life shoul'd pay
that veneration and obedience to him, who gave him as it were a second
birth, which was due to his natural Father; and this, tho improperly,
may
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may be call'd an Adoption. But to think that any man can assume it to Sect. 19: himself, or confer it upon another, and thereby arrogate to himself the service and obedience, which, by the most tender and sacred Laws of Nature, we owe to those from whom we receive Birth and Education, is the most preposterous folly that hitherto has ever enter'd into the heart of man.

Our Author nevertheless is not ashamed of it; and gives Reasons no way unfitable to the Proposition. Men are, says he, adopted Fathers of Provinces for their Abilities, Merits, or Fortunes. But these Abilities can simply deserve nothing; for if they are ill employ'd, they are the worst of Vices, and the most powerful Instruments of Mischief. Merits, in regard of another, are nothing unless they be to him; and he alone can merit from me the respect due to a Father, who has confer'd Benefits upon me, in some measure proportionable to those which we usually receive from our Fathers: and the world may judge, whether all the Court-Ministers and Favorites that we have known, do upon this account deserve to be esteem'd Fathers of Nations. But to allow this on account of their Fortunes, is, if possible, more extravagant than any thing that has bin yet utter'd. By this account Mazarin must have bin Father of the French Nation: The same Right was inherited by his caft Niece, and remain'd in her, till she and her silly Husband dissipat'd the Treasures which her Uncle had torn from the Bowels of that People. The Patriots may generally claim the same Right over the Provinces they have pillag'd: Old Audley, Dow Smith, Bp Duppa, Brownloe, Child, Dafwood, Fox, &c. are to be esteem'd Fathers of the People of England. This Doctrine is perfectly Canonical, if Filmer and Heylin were good Divines; and Legal, if they judg'd more rightly touching matters of Law. But if it be absurd and detestable, they are to be reputed Men, who, by attributing the highest Honours to the vilest Wretches of the world, for what they had gain'd by the most abominable means, endeavour to encrease those Vices, which are already come to such a height, that they can by no other way be brought to a greater. Daily experience too plainly shews, with what rage Avarice usually fills the hearts of men. There are not many destructive Villanys committed in the World, that do not proceed from it. In this respect 'tis call'd Idolatry, and the root of all evil. Solomon warns us to beware of such as make hale to grow rich, and says, they shall not be innocent. But 'tis no matter what the Prophets, the Apostles, or the wisest of men say of Riches, and the ways of gaining them; for our Author tells us, that men of the greatest Fortunes, without examining how they came to them, or what use they make of them, deserve to be made Fathers of Provinces.

But this is not his only quarrel with all that is just and good: His whole Book goes directly against the letter and spirit of the Scripture. The work of all thole, whom God in several Ages has rais'd up to announce his Word, was to abate the Lufts and Passions that arise in the hearts of men; to shew the vanity of worldly Enjoyments, with the dangers that accompany Riches and Honors, and to raise our hearts to the love of thole Treasures that perish not. Honest and wise men, following the Light of Nature, have in some measure imitated this. Such as liv'd private lives, as Plato, Socrates, Episthene, and others, made it their business to abate mens Lufts, by shewing the folly of seeking vain Honors, useless Riches, or unsatisfying Pleasures; and those who were like to them, if they were rais'd to supreme Magistracys, have endeavour'd by the severest Punishments
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Chapter I.

Ments to restrain men from committing the Crimes by which Riches are most commonly gain'd: but Filmer and Heylin lead us into a new way. If they deserve credit, whosoever would become supreme Lord and Father of his Country, absolute, sacred and inviolable, is only to kill him that is in the head of the Government: Usurpation confers an equal Right with Election or Inheritance: We are to look upon the Power, not the Ways by which it is obtain'd: Possession only is to be regarded; and men must venerate the present Power, as set up by God, tho gain'd by Violence, Treachery or Poison: Children must not impose Laws upon, nor examine the Actions of their Father. Tho' these who are a little more modest, and would content themselves with the Honour of being Fathers and Lords only of Provinces, if they get Riches by the favour of the King, or the favour of the King by Riches, may receive that honour from him: The Lord Paramount may make them peculiar Lords of each Province as sacred as himself; and by that means every man shall have an immediate and a subaltern Father. This would be a Spur to excite even the mostleeping Lyfts; and a Poison that would fill the gentlest Spirits with the most violent Furies. If men should believe this, there would hardly be found one of whom it might not be said, Hac spe, minanti fulmen occurrer Jovi. No more is require'd to fill the World with Fire and Blood, than the reception of these Precepts: No man can look upon that as a Wickedness, which shall render him Sacred; nor fear to attempt that which shall make him God's Vicerenger. And I doubt, whether the wickedness of filling mens heads with such Notions was ever equal'd, unless by him who said, Te shall not die, but be as Gods.

But since our Author is pleas'd to teach us these strange things, I wish he would also have told us, how many men in every Nation ought to be look'd upon as adopted Fathers: What proportion of Riches, Ability or Merit, is naturally or divinely require'd to make them capable of this sublime Character: Whether the Right of this Chimerical Father does not destroy that of the Natural; or whether both continue in force, and men thereby stand oblig'd, in despite of what Christ said, to serve two Masters. For if the Right of my Artificial Father arise from any Act of the King, in favour of his Riches, Abilities or Merit, I ought to know whether he is to excel in all, or any one of these Points: How far, and which of 'em gives the preference; since 'tis impossible for me to determine whether my Father, who may be wife, tho not rich, is thereby devested of his Right, and it comes to be transfer'd to another, who may be rich tho not wise, nor of any personal merit at all, till that Point be decided; or, so much as to guesses when I am emancipated from the Duty I owe to him, by whom I was begotten and educated, unless I know whether he be fallen from his Right, thro want of Merit, Wisdom or Estate; and that can never be, till it be determin'd, that he has forfeited his Right, by being defective in all, or any of the three; and what proportion of Merit, Wisdom or Estate is require'd in him, for the enjoyment of his Right, or in another that would acquire it: for no man can succeed to the Right of another, unless the first Possessor be rightly deprived of it; and it cannot belong to them both, because common sense universally reaches, that two distinct Persons cannot, at the same time, and in the same degree, have an equal Right to the same individual thing.
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The Right of Father cannot therefore be confer’d upon Princes by Sect. 26. Kings, but must for ever follow the Rule of Nature. The Character of a Father is indelible, and incommunicable: The Duty of Children arising from Benefits receiv’d is perpetual, because they can never not have receiv’d them, and can be due only to him from whom they are receiv’d. For these Reasons we see, that such as our Author calls Princes, cannot confer it upon a King; for they cannot give what they have not in themselves: They who have nothing, can give nothing: They who are only supposititious, cannot make another to be real; and the Whimsey of Kings making Princes to be Fathers, and Princes conferring that Right on Kings, comes to nothing.

S E C T. XX.

All just Magistratical Power is from the People.

HAVING prov’d that the Right of a Father proceeds from the Generation and Education of his Children: That no man can have that Right over those, whom he has not begotten and educated: That every man has it over those who owe their Birth and Education to him: That all the Sons of Noah, Abraham, Isaac, Jacob, and others, did equally inherit it: That by the fame Reasons, it dos for ever belong to every man that begets Children; it plainly appears, that no Father can have a Right over others, unless it be by them granted to him, and that he receive his Right from those who granted it. But our Author, with an admirable sagacity peculiar to himself, discovers, and with equal confidence tells us, that that which is from the People, or the chief Heads of them, is not from the People: He that is so elected, says he, claims not his Right from the People as a Donative, but from God. That is, if I mistake not, Romulus was not made King of the Romans by that People, but by God: Those men being newly gather’d together, had two Fathers, tho’ neither of them had any Children; and no man knew who was their Father, nor which of ’em was the elder: But Romulus by the slaughter of his Brother decided all Questions, and purchas’d to himself a Royal Charter from God; and the Act of the People which confer’d the Power on him, was the Act of God. We had formerly learnt, that whatsoever was done by Monarchs, was to be imputed to God; and that whosoever murder’d the Father of a People, acquire’d the fame Right to himself: but now it seems, that Nations also have the same privilege, and that God does what they do. Now I understand why it was said of old, Vox Populi est Vox Dei: But if it was so in regard of Romulus, the fame must be confert of Tullius Hostilius, Ancius Martius, Tarquinius Priscus, and Servius Tullus; who being all strangers to each other, and most of them Aliens also, were successively advance’d by the same People, without any respect to the Children, Relations or Heirs of their Predecessors. And I cannot comprehend, why the Act of the fame People should not have the fame Virtue, and be equally attributed to God, when they gave the same or more power to Consuls, Military Tribunes, Decemviri, or Dictators; or why the fame Divine Character should not be in the fame manner confer’d upon any Magistracies, that by any People have bin, are, or shall be at any time erect’d for the fame ends.

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**Chap. I.** Upon the fame grounds we may conclude, that no Privilege is peculiarly annex'd to any Form of Government; but that all Magistrates are equally the Ministers of God, who perform the Work for which they were instituted; and that the People which instituteth them, may proportion, regulate and terminate their Power, as to time, measure, and number of Persons, as seems most convenient to themselves, which can be no other than their own good. For it cannot be imagin'd that a multitude of People should send for Numa, or any other Person to whom they owed nothing, to reign over 'em, that he might live in Glory and Pleasure; or for any other reason, than that it might be good for them and their Posterity. This shews the Work of all Magistrates to be always and every where the same, even the doing of Justice, and procuring the Welfare of those that create them. This we learn from common sense: Plato, Aristotle, Cicero, and the best human Authors lay it as an unmovable Foundation, upon which they build their Arguments relating to matters of that nature: And the Apostle from better Authority declares, That Rulers are not a terror to good Works, but to Evil: Wilt thou then not be afraid of the Power? do that which is good, and thou shalt have praise of the same; for he is the Minister of God unto thee for good: But if thou do that which is evil, be afraid; for he bears not the Sword in vain; for he is the Minister of God, a revenger to execute Wrath upon him that doth evil. And the reason he gives for praying for Kings, and all that are in Authority, is, that we may live a quiet and peaceable life, in all godliness and honesty. But if this be the Work of the Magistrate, and the glorious Name of God's Minister be given to him for the performance of it, we may easily tie to whom that Title belongs. His Children and Servants ye are, whose Works ye do. He therefore, and he only, is the Servant of God, who does the Work of God; who is a terror to those that do evil, and a praise to those that do well; who bears the Sword for the punishment of Wickedness and Vice, and so governs, that the People may live quietly in all godliness and honesty. The order of his Institution is inverted, and the Institution vacated, if the Power be turn'd to the praise of those that do evil, and becomes a terror to such as do well; and that none who live honestly and justly can be quiet under it. If God be the Fountain of Justice, Mercy and Truth, and those his Servants who walk in them, no exercise of Violence, Fraud, Cruelty, Pride, or Avarice, is patroniz'd by him: and they who are the Authors of those Villanies, cannot but be the Ministers of him, who sets himself up against God; because 'tis impossible that Truth and Falsity, Mercy and Cruelty, Justice and the most violent Oppression can proceed from the same Root. It was a folly and a lie in those Jews, to call themselves the Children of Abraham, who did not the Works of Abraham; and Christ declar'd them to be the Children of the Devil, whose Works they did; which words proceeding from the Eternal Truth, doas well indicate to us whose Child and Servant every man is to be accounted, as to those who first heard them.

If our Author's former Affertions were void of Judgment and Truth, his next Clause shews a great defect in his Memory, and contradicts the former: The Judgments of God, says he, who has Power to give and take away Kingdoms, are most just; yet the ministrly of Men, who execute God's judgments without Commission, is sinful and damnable. If it be true, as he says, that we are to look at the Power, not the Ways by which it is gain'd; and that he who has it, whether it be by Usurpation, Conquest, or any other means, is to be accounted as Father, or right Heir to the Father.
Father of the People, to which Title the most sublime and divine Privileges are annex'd; a man who by the most wicked and unjust Actions advances himself to the Power, becomes immediately the Father of the People, and the Minister of God; which I take to be a piece of Divinity worthy our Author and his Disciples.

It may be doubted what he means by a Commission from God; for we know of none but what is outwardly by his Word, or inwardly by his Spirit; and I am apt to think, that neither he nor his Abettors allowing of either as to the Point in question, he does fouly prevaricate, in alleging that which he thinks cannot be of any effect. If any man should say, that the Word of God to Moses, Josua, Ehud, Gideon, Samuel, Jeroboam and Jehu, or any others, are, in the like cases, Rules to be observ'd by all; because that which was from God was good, that which was good, is good; and he that does good, is justified by it: He would probably tell us, that what was good in them, is not good in others; and that the Word of God does justly those only to whom it is spoken: That is to say, No man can execute the just Judgments of God, to the benefit of mankind, according to the Example of those Servants of God, without damnable sin, unless he has a precise Word particularly directed to him for it, as Moses had. But if any man should pretend that such a Word was come to him, he would be accounted an Enthusiast, and obtain no credit. So that, which way soever the Clause be taken, it appears to be full of Fraud, confessing only in the Theory, that which he thinks can never be brought into practice; that his beloved Villains may be thereby secured, and that the glorious Examples of the most heroic Actions, performed by the best and wisest men that ever were in the World for the benefit of mankind, may never be imitated.

The next Clause shews, that I did our Author no wrong in saying, that he gave a right to Usurpation; for he plainly says, That whether the Prince be the supreme Father of his People, or the true Heir of such a Father; or whether be come to the Crown by Usurpation, or Election of the Nobles or People, or by any other way whatsoever, &c. it is the only Right and Authority of the natural Father. In the 3d Chap. Sect. 8. It skills not which way the King comes by his Power, whether by Election, Donation, Succession, or by any other means. And in another place, That we are to regard the Power, not the Means by which it is gain'd. To which I need say no more, than that I cannot sufficiently admire the ingenuously invented Title of Father by Usurpation; and confess, that since there is such a thing in the World, to which not only privat men, but whole Nations owe obedience, whatsoever has bin saib antiently, (as was thought to express the highest excess of Fury and Injustice) as, Jus datum secleri; Jus omne in ferro est stium; Justice in jugulos nossos sibi fecerit ene; Sylla potens Marius; ferus & Cinneasuenta, Celareque domus sires; were solid Truths, good Law and Divinity; which did not only signify the actual exercise of the Power, but induced a conscientious Obligation of obeying it. The Powers so gain'd, did carry in themselves the most sacred and inviolable Rights; and the Actors of the most detestable Villains thereby became the Ministers of God, and the Fathers of their subdu'd People. Or if this be not true, it cannot be denied, that F1mer and his followers, in the most impudent and outrageous Blasphemy, have surpaft all that have gone before them.

To confirm his Affertion, he gives us a wonderful explanation of the fifth Commandment; which, he says, enjoins Obedience to Princes, uner
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CHAP. I. Under the terms of, Honour thy Father and thy Mother; drawing this Inference, That as all Power is in the Father, the Prince who hath it, cannot be restrained by any Law; which being grounded upon the perfect likeness between Kings and Fathers, no man can deny it to be true. But if Claudius was the Father of the Roman People, I suppose the chief Messalina was the Mother, and to be honour’d by virtue of the same Commandment: But then I fear that such as met her in the most obscene places, were not only guilty of Adultery, but of Incest. The same Honour must needs belong to Nero and his vertuous Poppea, unless it were transfer’d to his new-made Woman Sporus; or perhaps his himself was the Mother, and the glorious Title of Pater Patriae belong’d to the Racal, who married him as a Woman. The like may be said of Agathocles, Dionysius, Phalaris, Busiris, Machanidas, Peter the Cruel of Castile, Chrisiern of Denmark, the last Princes of the House of Valois in France, and Philip the Second of Spain. Tho’ Actions of theirs which men have ever esteem’d most detestable, and the whole course of their abominable Government, did not proceed from Pride, Avarice, Cruelty, Madnes and Lust, but from the tender care of most pious Fathers. Tacitus sadly describes the state of his Country: Urbs incendiis vaflata, consumptis antiquissimis delubris, ipso Capitolio Civium manibus incenso; polluta Ceremontia; magna Adulteria; plenam Exilis mare; infecit calibus scopuli; aetosius in Urbe facitum; Nobilitas, opes, omiffi vel gesti honores pro crimine, & ob virtutes certissimum extitum: But he was to blame; all this proceeded from the ardency of a paternal Affectation. When Nero, by the death of Helvidius Priscus and Thraseas, endeavour’d to cut up Vertue by the roots, ipsam e* fei* dere virtutem, he did it, because he knew it was good for the World that there should be no vertuous man in it. When he fird the City, and when Caligula wish’d the People had but one Neck that he might strike it off at one blow, they did it thro’ a prudent care of their Childrens good, knowing it would be for their advantage to be destroy’d; and that the empty defolatd World would be no more troubled with popular Seditions. By the same rule Pharaoh, Eglon, Nebuchadneb, Antiochus, Herod, and the like, were Fathers of the Hebrews. And without looking far backward, or depending upon the Faith of History, we may enumerate many Princes, who in a perpetual care of their People, have not yielded to Nero or Caligula. If our Author say true, all those Actions of theirs, which we have ever attributed to the utmost excess of Pride, Cruelty, Avarice and Perfidiousness, proceeded from their princely Wisdom and fatherly Kindness to the Nations under ’em: and we are beholden to him for the discovery of so great a Mystery, which has bin hid from mankind from the beginning of the World to this day: if not, we may still look upon them as Children of the Devil; and continue to believe, that Princes as well as other Magistrats were set up by the People for the publick Good; that the Praifés given to such as are Wife, Juf’t and Good, are purely personal, and can belong only to those, who by a due exercize of their Power do deserve it, and to no others.
CHAP. II.

SECT. I.

That 'tis natural for Nations to govern, or to choose Governors; and that Virtue only gives a natural preference of one man above another, or reason why one should be chosen rather than another.

IN this Chapter our Author fights valiantly against Bellarmin and Suarez, seeming to think himself victorious, if he can shew that either of them has contradicted the other, or himself; but being no way concern'd in them, I shall leave their followers to defend their Quarrel: My work is to seek after Truth; and, tho' they may have said some things, in matters not concerning their beloved Cause of Popery, that are agreeable to Reason, Law, or Scripture, I have little hope of finding it among those who apply themselves chiefly to School Sophistry, as the best means to support Idolatry. That which I maintain, is the Cause of Mankind; which ought not to suffer, tho' Champions of corrupt Principles have weakly defended, or maliciously betray'd it: and therefore not at all relying on their Authority, I intend to reject whatsoever they say that agrees not with Reason, Scripture, or the approved Examples of the best polished Nations. He also attacks Plato and Aristotle, upon whose Opinions I set a far greater value, in as much as they seem to have penetrated more deeply into the secrets of human Nature; and not only to have judged more rightly of the Interests of Mankind, but also to have comprehended in their Writings the Wisdom of the Grecians, with all that they had learn'd from the Phcenicians, Egyptians, and Hebrews; which may lead us to the discovery of the Truth we seek. If this be our work, the question is not, whether it be a Paradox, or a received Opinion, That People naturally govern, or choose Governors; but whether it be true or not: for many Paradoxes are true, and the most gross Errors have often bin most common. Tho' I hope to prove, that what he calls a Paradox, is not only true; but a Truth planted in the hearts of men, and acknowledg'd to be by all that have hearkned to the voice of Nature, and disapprov'd by none, but such as thro' wickedness, stupidity, or bafeness of Spirit, seem to have degenerated into the worst of Beasts, and to have retain'd nothing of men, but the outward shape, or the ability of doing those mischiefs which they have learn'd from their Master the Devil.

We have already seen, that the Patriarchical Power resembles not the Regal in principle or practice: that the beginning and continuance of Regal Power was contrary to, and inconsistent with the Patriarchical: that the first Fathers of mankind left all their Children independent on each other, and in an equal liberty of providing for themselves: that every man continued in this liberty, till the number so increas'd, that they became trou-
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Chap. II. pl, and dangerous to each other; and finding no other remedy to the disorders growing, or like to grow among them, join'd many Families into one civil Body, that they might the better provide for the convenience, safety, and defence of themselves and their Children. This was a collation of every man's privat Right into a publick Stock; and no one having any other right than what was common to all, except it were that of Parents over their Children, they were all equally free when their Parents were dead; and nothing could induce 'em to join, and lessen that natural liberty by joining in Societys, but the hopes of a publick Advantage such as were wife and valiant procured it, by setting up regular Governments, and placing the best Men in the Administration; whilst the weakest and basest fell under the power of the most boisterous and violent of their Neighbours. Those of the first fort had their root in Wisdom and Justice, and are call'd lawful Kingdoms or Commonwealths; and the Rules by which they are govern'd, are known by the name of Laws. These Governments have ever bin the Nurseries of Vertue: The Nations living under them have flourisht in Peace and Comforts, or made Wars with Glory and Advantage: whereas the other fort springing from Violence and Wrong, have ever gone under the odious title of Tyrannies; and by fomenting Vices, like to those from whence they grew, have brought shame and misery upon those who were subject to them. This appears so plainly in Scripture, that the asserter of Liberty want no other Patron than God himself; and his Word so fully justifies what we contend for, that it were not necessary to make use of human Authority, if our Adversaries did not oblige us to examine such as are cited by them. This, in our present case, would be an easy work, if our Author had rightly mark'd the passages he would make use of, or had bin faithful in his Interpretation or Explication of such as he truly cites; but failing grofily in both, 'tis hard to trace him.

He cites the 16th Chapter of the third Book of Aristotle's Politicks, and I do not find there is more than twelve; or tho that Wound might be cur'd, by saying the Words are in the twelfth, his Fraud in perverting the Sense were unpardonable, tho the other mistake be past over. 'Tis true that Aristotle does there seem to doubt whether there be any such thing as one man naturally a Lord over many Citizens, since a City consists of Equals: but in the whole scope of that Chapter, Book, and his other Writings, he fully shews his doubt did not arise from an imagination that one man could naturally inherit a Right of Dominion over many not descended from him; or that they were born under a necessity of being Slaves to him (for such fancies can proceed only from dinstead[d] Brains) but that Civil Societys aiming at the publick good, those who by nature were endow'd with such Vertues or Talents as were most beneficial to them, ought to be prefer'd. And nothing can be more contrary to the frantick whimsy of our Author, who fancies an hereditary Prerogative of Dominion inherent to a person as Father of a People, or Heir, or to be reputed Heir of the first Father, when 'tis certain he is not, but that either he or his Predecessor came in by Election or Usurpation, than to shew that 'tis only Wisdom, Justice, Valour, and other commendable Vertues, which are not hereditary, that can give the preference; and that the only reason why it should be given, is, that Men so qualify'd can better than others accomplish the end for which Societies are constituted: For tho, says he, all are equally free, all are not equally endow'd with those Vertues that render Liberty safe, prosperous, and happy. That equality which
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which is just among Equals, is just only among Equals; but such as are Sect. 1. base, ignorant, vicious, slothful, or cowardly, are not equal in natural or acquire'd Vertues, to the generous, wise, valiant, and industrious; nor equally useful to the Societys in which they live: they cannot therefore have an equal part in the Government of them, they cannot equally provide for the common good; and 'tis not a personal, but a publick Benefit that is fought in their constitution and continuance. There may be a hundred thousand men in an Army, who are all equally free; but they only are naturally most fit to be Commanders or Leaders, who most excel in the Vertues requir'd for the right performance of those Offices; and that, not because 'tis good for them to be rais'd above their Brethren, but because 'tis good for their Brethren to be guided by them, as 'tis ever good to be govern'd by the wisest and the best. If the nature of man be Reason, Detur digniori, in matters of this kind, is the voice of Nature; and it were not only a deviation from Reason, but a most desperate and mifchievous madness, for a Company going to the Indies, to give the guidance of their Ship to the Son of the best Pilot in the world, if he want the skill requir'd to that employment, or to one who was maliciously set to destroy them: and he only can have a Right grounded upon the dictates of Nature, to be advance'd to the Helm, who best knows how to govern it, and has given the best testimony of his Integrity and Intentions to employ his skill for the good of those that are imbark'd. But as the work of a Magistrat, especially if he be the supreme, is the highest, noblest, and most difficult that can be committed to the charge of a man, a more excellent Vertue is requir'd in the Person to be advance'd to it, than for any other; and he that is most excellent in that Vertue, is reasonably and naturally to be prefer'd before any other. Aristotle having this in his view, seems to think, that those who believ'd it not to be natural for one man to be Lord of all the Citizens, since a City consists of Equals, had not observ'd that inequality of Endowments, Vertues and Abilities in men, which render some more fit than others for the performance of their Duties, and the Work intended; but it will not be found, as I suppose, that he did ever dream of a natural Superiority, that any man could ever have in a civil Society, unleas it be such a superiority in Vertue as most conduces to the publick good.

He confirms this in proceeding to examin the different forts of Governments, according to the different dispositions of Nations; and is so bold to say, That a popular Government is the best for a People, who are naturally generous and warlike: that the Government of a few fates best with those, among whom a few men are found to excel others in those Vertues that are profitable to Societys; and that the Government of one is good, when that one does so far surpass all others in those Vertues, that he has more of them than all the rest of the people together. And for the same reason that induc'd him to believe that equality is just amongst Equals, he concludes inequality of Power to be most unjust, unless there be inequality of Merit; and equality of Power to be so also, when there is inequality of Vertue, that being the only rule by which every man's part ought to be regulated.

But if it be neither reasonable nor just that those who are not equal in Vertue should be made equal in Power, or that such as are equal in Vertue should be unequal in Power; the most brutal and abominable of all extravagancies is to make one or a few, who in Vertue and Abilities to perform Civil Functions are inferior to others, superior to all in power: and the Miserys suffer'd by those Nations, who, inverting the Laws of Nature
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Chap. II. Nature and Reason, have placed Children or Men of no Virtue in the Government, when men that excel'd in all Virtues were not wanting, do so far manifest this Truth, that the pains of proving it may be spared.

'Tis not necessary for me to inquire, whether it be possible to find such a Man as Aristotle calls Natural Regem; or whether he intended to recommend Alexander to the world for the Man design'd by God and Nature to be King over all, because no man was equal to him in the Virtues that were beneficial to all. For pursuing my Position, that Virtue only can give a just and natural preference, I ingenuously confess, that when such a Man, or race of Men as he describes, shall appear in the world, they carry the true marks of Sovereignty upon them: We ought to believe, that God has rais'd 'em above all, whom he has made to excel all: It were an impious folly to think of reducing him to the ordinary level of Mankind, whom God has placed above it. 'Twere better for us to be guided by him, than to follow our own judgment; nay, I could almoft say, 'twere better to serve such a Master, than to be free. But this will be nothing to the purpose, till such a Man, or succession of men do appear; and if our Author would persuade us, that all Mankind, or every particular, is oblig'd to a perpetual subjection to one Man or Family, upon any other condition, he must do it by the credit of those who favour his Design more than Aristotle.

I know not who that will be, but am confident he will find no help from Plato: for if his Principles be examin'd, by which a grave Author's sense is best comprehended, it will appear, that all his Books of Laws, and of a Commonwealth, are chiefly grounded upon this, That Magistrates are chosen by Societies, seeking their own good; and that the best men ought to be chosen for the attaining of it: whereas his whole design of seeking which is the best form of Government, or what Laws do most conduci to its perfection and permanency, (if one Rule were by nature appointed for all, and none could justly transgress it; if God had design'd an universal Lord over the whole World, or a particular one over every Nation, who could be bound by no Law) were utterly absurd; and they who write Books concerning Political matters, and take upon 'em to instruct Nations how to govern themselves, would be found either too unskillfully to mislead their time, or impiously to incite People to rebel against the Ordinance of God. If this can justly be imputed to Plato, he is not the wise Man he is suppos'd to have bin; and can less declare the title of Divine, which our Author gives him: but if he remain justly free from such Censures, it must be confess'd, that whilst he seeks what is good for a people, and to convince 'em by reason that it is so, he takes it for granted, that they have a liberty of choosing that which appears to be the best to them. He first says, 'That this Good consists in the obtaining of Justice; but farther explaining himself, he shews that under the name of Justice, he comprehends all that tends to their perfection and felicity: in as much as every People, by joining in a civil Society, and creating Magistrates, doth seek its own good; and 'tis just, that he or they who are created, should, to the utmost of their power, accomplish the end of their Creation, and lead the People to Justice, without which there is neither perfection nor happiness: That the proper act of Justice is to give to every one his due; to Man that which belongs to Man, and to God that which is God's. But as no man can be just, or desire to be so, unless he know that Justice is good; nor know that it is good, unless he know that original Justice and Goodness,
For justice, unless he have the knowledge of God; or to bring a people to justice, unless he bring them to the knowledge of God, who is the root of all justice and goodnefs. If Plato therefore deferve credit, he only can duly perform the part of a good Magiftrate, whole moral Vertues are ripen'd and heightned by a fuperinduction of Divine Knowledge. The misery of Man proceeds from his being separated from God: This separation is wrought by corruption; his restitution therefore to Felicity and Integrity, can only be brought about by his reunion to the Good from which he is fallen. Plato looks upon this as the only worthy Object of Man's desire: and in his Laws and Politicks he intends not to teach us how to erect Manufactures, and to increafe Trade or Riches; but how Magiftrates may be helpful to Nations in the manner before mention'd, and consequently what men are fit to be Magiftrates. If our Author therefore would make use of Plato's Doctrine to his end, he ought to have prov'd that there is a Family in every Nation, to the chief of which, and succifively to the next in Blood, God does ever reveal and infuſe such a knowledge of himself, as may render him a Light to others; and failing in this, all that he says is to no purpoſe.

The weakneſs in which we are born, renders us unable to attain this Good of our felves: we want help in all things, especially in the greatest. The fierce Barbarity of a loofe Multitude, bound by no Law, and regulatered by no Disciplin, is wholly repugnant to it: Whilst every Man fears his Neighbour, and has no other defence than his own strength, he must live in that perpetual anxiety which is equally contrary to that happiness, and that fedeate temper of mind which is requir'd for the search of it. The first step towards the cure of this peftilent Evil, is for many to join in one body, that every one may be protected by the united force of all, and the various Talents that men possifefs, may by good disciplin be render'd useful to the whole; as the meaneft piece of wood or stone being plac'd by a wise Architect, conduces to the beauty of the most glorious Building. But every man bearing in his own breast Affections, Faffions, and Vices repugnant to this end, and no man owing any Submisſion to his Neighbour; none will subject the correction or restriclion of themselves to another, unlefs he also submit to the fame Rule. They are rough pieces of timber or stone, which 'tis neceffary to cleave, lave, or cut: This is the work of a skillful Builder, and he only is capable of erecting a great Fabrick, who is fo: Magiftrates are Political Architecfts; and they only can perform the Work incumbent on them, who excel in Political Vertues. Nature, in variouſly framing the minds of men, according to the variety of Uses in which they may be employ'd, in order to the institution and prefervation of Civil Societies, muft be our Guide, in allotting to every one his proper work. And Plato observing this Variety, affirms, "That the Laws of Nature cannot be more abfurdlly violat'd, than by giving the Government of a People to fuch, as do not excel others in thofe Arts and Vertues that tend to the ultimate Ends for which Governments are institut'd. By this means thofe who are Slaves by Nature, or render'd fo by their Vices, are often fet above thofe that God and Nature had fett for the highest Commands; and Societies which fubfift only by order, fall into corruption, when all Order is fo preposterously inverted, and the moft extreme Confufion introduc'd. This is an Evil that Solomon detefted: Folly is set in great dignity, and the

† Rich
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Chap. II. Rich fit in low places: I have seen Servants upon Horses, and Princes walking as Servants upon the Earth. They who understand Solomon's Language, will easily see, that the Rich, and the Princes he means, are such only who are rich in Vertue and Wisdom, and who ought to be prefer'd for those Qualities: And when he says, a Servant that reigneth is one of the three things the Earth cannot bear, he can only mean such as deserve to be Servants; for when they reign, they do not serve, but are serv'd by others: Which perfectly agrees with what we learn from Plato, and plainly shews, that true Philosophy is perfectly conformable with what is taught us by those who were divinely inspir'd. Therefore tho' I should allow to our Author, that Aristotle, in those words, It seems to some, not to be natural for one Man to be Lord of all the Citizens, since the City consists of Equals, did speak the opinion of others rather than his own; and should confefs that he and his Master Plato did acknowledge a natural inequality among men, it would be nothing to his purpose: for the Inequality, and the rational Superiority due to some, or to one, by reason of that Inequality, did not proceed from Blood or Extraction, and had nothing Patriarchal in it; but consisted solely in the Vertues of the Persons, by which they were render'd more able than others to perform their Duty, for the good of the Society. Therefore if these Authors are to be trusted, whatsoever place a Man is advance'd to in a City, 'tis not for his own sake, but for that of the City; and we are not to ask who was his Father, but what are his Vertues in relation to it. This induces a necessity of distinguishing between a simple and a relative Inequality; for if it were possible for a man to have great Vertues, and yet no way beneficial to the Society of which he is, or to have some one Vice that renders 'em useless, he could have no pretense to a Magistratical Power more than any other. They who are equally free, may equally enjoy their freedom; but the Powers that can only be executed by such as are endow'd with great Wisdom, Justice and Valor, can belong to none, nor be rightly confer'd upon any, except such as excel in those Vertues. And if no such can be found, all are equally by turns to participate of the Honours annex'd to Magistracy; and Law, which is said to be written Reason, cannot justly exalt those, whom Nature, which is Reason, has depreft, nor deprives those whom Nature has exalted. It cannot make Kings Slaves, nor Slaves Kings, without introducing that Evil, which, if we believe Solomon, and the Spirit by which he spake, the Earth cannot bear. This may discover what Lawgivers deserve to be reputed wise or just; and what Decrees or Sanctions ought to be reputed Laws. Aristotle proceeding by this Rule, rather tells us who is naturally a King, than where we should find him; and after having given the highest Praisef to this true natural King and his Government, he thinks not to declare that of one Man, in Vertue equal or inferior to others, to be a mere Tyranny, even the worst of all, as it is the corruption of the best, (or, as our Author calls it, the most Divine) and such as can be fit only for those barbarous and stupid Nations, which, the bearing the shape of Men, are little different from Beasts. Whoever therefore will from Aristotle's words infer, that Nature has design'd one Man, or succession of Men, to be Lords of every Country, must shew that Man to be endow'd with all the Vertues that render him fit for so great an Office, which he does not bear for his own Pleasure, Glory or Profit, but for the good of those that are under him; and if that be not done, he must look after other Patrons than Aristotle for his opinion.
Plato does more explicitly say, that the Civil or Politick Man, the Shepherd, Father, or King of the People, is the same, design'd for the same Work, enabled to perform it by the excellency of the same Vertues, and made perfect by the infusion of the divine Wisdom. This is Plato's Monarch, and I confess, that wheresoever he does appear in the World, he ought to be accounted as sent from God for the good of that People. His Government is the best that can be fet up among Men; and if allowance can be given, that his Children, Heirs or Successors, shall for ever be equal to him in the above-mention'd Vertues, it were a folly and a sin to bring him under the government of any other, or to an equality with them: since God had made him to excel them all; and 'tis better for them to be ruled by him, than to follow their own judgment. This is that which gives him the preference: He is wise thro' the knowledge of the Truth, and thereby becomes good, happy, pure, beautiful and perfect. The divine Light shining forth in him, is a guide to others; and he is a fit Leader of a People to the good that he enjoys. If this can be express by words in faithful, this is his Prerogative; this is the Royal Charter given to him by God, and to him only, who is so adapted for the performance of his Office. He that should pretend to the same Privileges, without the same Abilities to perform the Works for which they are granted, would exceed the folly of a Child, that takes upon him a burden which can only be born by a Giant; or the madness of one who pretends to give Physick, and understands not the Art of a Physician, thereby drawing guil upon himself, and death upon his Patient. It were as vain to expect that a Child should carry the Giant's burden, and that an ignorant man should give wholesome Physick, as that one who lives void of all knowledge of Good, should conduct men to it. Whenever therefore such a Man, as is above-describ'd, does not appear, Nature and Reason instruct us to seek him or them who are most like to him; and to lay such burdens upon them as are proportionable to their strength; which is as much as to say, to prefer every man according to his merit, and assign to every one such Works as he seems able to accomplish.

But that Plato and Aristotle may neither be thought unreasonably addicted to Monarchy; nor, wholly rejecting it, to have talk'd in vain of a Monarch, that is not to be found; 'tis good to consider that this is not a Fiction. Moses, Job, Samuel, and others, were such as they define; and were made to be such, by that communion with God which Plato requires. And he in all his Writings, intending the institution of such a Discipline as should render men happy, wise and good, could take no better way to bring his Countrymen to it, than by shewing 'em that Wisdom, Vertue, and Purity only could make a natural difference among men.

'Tis not my work to justify these Opinions of Plato and his Scholar Aristotle: They were men, and, tho' wise and learned, subject to error. If they err'd in thes Points, it hurts not me, nor the Cause I maintain; since I make no other use of their Books, than to shew the impudence and prevarication of those, who gather small scraps out of good Books, to justify their Assertions concerning such Kings as are known amongst us; which being examin'd, are found to be wholly against 'em; and if they were follow'd, would destroy their Persons and Power.

But our Author's intention being only to cavil, or to cheat such as are not vers'd in the Writings of the Antients, or at least to caufe those who do not make Truth their Guide, to waver and fluctuate in their Discourses,
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Chap. II.

He does in one page say, That without doubt Moises his History of the Creation guided these Philosophers in finding out this lineal Subjection. And in the next affirms, That the Ignorance of the Creation occasion'd several among the Heathen Philosophers to think that men met together as herds of Cattle. Whereas they could not have bin ignorant of the Creation, if they had read the Books that Moises writ; and having that knowledge, they could not think that men met together as herds of Cattle. However, I deny that any of 'em did ever dream of that lineal Subjection, deriv'd from the first Parents of mankind, or that any such thing was to be learnt from Moises. Tho they did not perhaps justly know the beginning of Mankind, they did know the beginnings and progress of the Governments under which they liv'd: and being affur'd that the first Kingdoms had bin those, which they call'd Heroum Regna, that is, of those who had bin most beneficial to Mankind; that their Descendants in many places degenerating from their Virtues, had given Nations occasion to set up Aristocracies; and they also falling into corruption, to institute Democracies, or mix'd Governments; did rightly conclude, That every Nation might justly order their own Affairs according to their own pleasure, and could have neither obligation nor reason to set up one man or a few above others, unless it did appear to them that they had more of those Virtues which conduces to the good of Civil Societies, than the rest of their Brethren.

Our Author's cavil upon Aristotle's Opinion, That those who are wise in mind are by nature fitted to be Lords, and those who are strong of body ordain'd to obey, deserves no answer; for he plainly falsifies the Text. Aristotle speaks only of those Qualities which are requir'd for every purpose; and means no more, than that such as are eminent in the Virtues of the mind, and those who are fit to govern, tho they do not excel in bodily strength; and that those who are strong of body, tho of little understanding, and uncapable of commanding, may be useful in executing the commands of others: But is so far from denying that one man may excel in all the perfections of mind and body, that he acknowledges him only to be a King by nature who does so, both being requir'd for the full performance of his Duty. And if this be not true, I suppose that one or two are like Agrippa Poloheue, Corporis viribus solida s ferro, may be fit to govern many Nations; and Moises or Samuel, if they naturally wanted bodily strength, or that it decay'd by age, might justly be made Slaves, which is a discovery worthy our Author's invention.

Sect. I.

Every Man that has Children, has the right of a Father, and is capable of preferment in a Society compos'd of many.

I am not concern'd in making good what Suarez says: A Jesuit may speak that which is true; but it ought to be receiv'd, as from the Devil, cautiously, lest mischief be hid under it: and Sir Robert's frequent prevarications upon the Scripture, and many good Authors, give reason to suspect he may have falsify'd one, that few Protestants read, if it serv'd to his purpose; and not mentioning the place, his fraud cannot easily be discover'd, unless it be by one who has leisure to examine all his vasty voluminous Writings. But as to the point in question, that pains may
may be fav'd; there is nothing that can be imputed to the invention of Sect. 2: 
Sau<re>z; for, that Adam had only an Oeconomical, not a Political Power, 
is not the voice of a Jefuit, but of Nature and common Sen:e; for Pol-

itick signifying no more in Greek, than Civil in Latin; 'tis evident there 
could be no Civil Power, where there was no Civil Society; and there 
could be none between him and his Children, because a Civil Society is 
compos'd of Equals, and fortify'd by mutual compacts, which could not 
be between him and his Children, at least if there be any thing of truth 
in our Author's Doctrin, That all Children do perpetually and absolutely de-
pend upon the Will of their Father. Sau<re>z seems to have bin of another 
 opinion; and observing the benefits we receive from Parents, and the Ve-
neration we owe to 'em to be reciprocal, he could not think any Duty 
could extend farther than the knowledg of the Relation upon which it 
was grounded; and makes a difference between the Power of a Father 
before and after his Children are made free; that is in truth, before and 
after they are able to provide for themselves, and to deliver their Parents 
from the burden of taking care of them. Which will appear rational to any 
who are able to distinguish between what a Man of 50 years old, fubfifting 
by himself, and having a Family of his own, or a Child of eight, dos owe 
to his Father: The fame reafon that obliges a Child to submit entirely to 
the Will of his Parents, when he is utterly ignorant of all things, dos per-
mit, and often enjoin men of ripe age to examin the Commands they receive 
before they obey them; and 'tis not more plain that I owe all manner of 
duty, affection, and respect to him that did beget and educate me, than 
that I can owe nothing on any such account to one that did neither.

This may have bin the opinion of Sau<re>z: but I can hardly believe 
such a notion, as, that Adam in procefs of time might have Servants, could 
procefs from any other brain than our Author's; for if he had liv'd to 
this day, he could have had none under him but his own Children; and 
if a Family be not compleat without Servants, his must always have bin 
detective; and his Kingdom must have bin fo too, if that has such a re-
semblance to a Family as our Author fancies. This is evident, that a 
hard Father may ufe his Children as Servants, or a rebellious, fubborn 
Son may deferve to be fo us'd; and a gentle and good Master may 
fhew that kindness to faithful and well-deferving Servants, which 
resembles the fweetnefs of a fatherly rule: but neither of 'em can change 
their nature; a Son can never grow to be a Servant, nor a Servant to be 
a Son. If a Family therefore be not compleat, unlefs it confift of Chil-
dren and Servants, it cannot be like to a Kingdom or City, which is 
compos'd of Freemen and Equals: Servants may be in it, but are not 
Members of it. As Truth can never be repugnant to Justice, 'tis impos-
sible this should be a prejudice to the paternal Rule, which is moft juft; 
especially when a grateful remembrance of the benefits receiv'd, dos still 
remain, with a neceffary and perpetual obligation of repaying them in all 
affection and duty: whereas the care of ever providing for their Families, 
as they did probably increase in the time of our firft long-living Fathers, 
would have bin an insupportable burden to Parents, if it had bin incum-
bent on 'em. We do not find that Adam exercis'd any fuch power over 
Cain, when he had flain Abel, as our Author fancies to be Regal: The 
Murderer went out, and built a City for himself, and call'd it by the 
name of his firft-born. And we have not the leaft reafon to believe, that 
after Adam's death Cain had any Dominion over his Brethren, or their 
Posterity; or any one of them over him and his. He fear'd that whofo-
ever law him would kill him, which language does not agree with the
Rights belonging to the haughty Title of Heir apparent to the Dominion
of the whole Earth. The like was practis’d by Noah and his Sons, who
set up Colonys for themselves; but liv’d as privates men in obscure places,
whilst their Children of the fourth or fifth Generation, especially of the
youngest and accursed Son, were great and powerful Kings, as is fully
prov’d in the first Chapter.

Tho this had bin otherwise, it would have no effect upon us; for no
argument drawn from the examples of Shem, Ham, and Japhet, if they
and their Children had continued under the Dominion of Noah as long as
he liv’d, can oblige me to resign my self and all my concerns absolutely
into the hands of one who is not my Father. But when the con-
trary is evidently true in them, and their next ensuing Generations, ’tis
an admirable boldness in our Author to think of imposing upon us for an
eternal and universal Law (when the knowledge of our first Progenitors
is utterly extinguish’d) that which was not at all regarded by those
who could not be ignorant of their own Original, or the Duty thereby
incumbent upon them, or their immediate Fathers then living, to whom
the Rights must have belonged, if there had bin any such thing in nature,
or that they had bin of any advantage to them: whereas in truth, if there
had bin such a Law in the beginning, it must have vanish’d of it self,
for want of being exercis’d in the beginning, and could not possibly be
reviv’d after four thousand years, when no man in the world can possibly
know to whom the universal right of Dominion over the whole World
or particular Nations does belong; for ’tis in vain to speak of a Right,
when no one man can have a better Title to it than any other. But there
being no precept in the Scripture for it, and the examples directed or
appov’d by God himself and his most faithful Servants, being inconsistent
with, and contrary to it, we may before there never was any such thing;
and that men being left to the free use of their own understanding, may
order and dispose of their own Affairs as they think fit: No man can
have a better title than another, unless for his personal Vertues; every
man that in the judgment of those concern’d excells in them, may be ad-
cendant; and those Nations that thro mistake set up such as are unworthy,
or do not take right measures in providing for a succession of men worthy,
and other things necessary to their welfare, may be guilty of great folly,
to their own shame and misery; but can do no injustice to any in rela-
tion to an hereditary Right, which can be naturally in none.

S E C T. III.

Government is not instituted for the good of the Governor, but of the
Governed; and Power is not an Advantage, but a Burden.

T HE Follys with which our Author endeavours to corrupt and trou-
ble the World, seem to proceed from his fundamental mistakes of
the Ends for which Governments are constituted; and from an Opinion,
that an excessive Power is good for the Governor, or the diminution of it
a prejudice: whereas common sense teaches, and all good men acknow-
ledg, that Governments are not set up for the Advantage, Profit, Plea-
sure or Glory of one or a few men, but for the good of the Society. For
this
this reason Plato and Aristotle find no more certain way of distinguishing Sect. 3.
" between a lawful King and a Tyrant, than that the first seeks to pro-
" cure the common Good, and the other his own Pleasure or Profit;
" and doubt not to declare, That he who according to his Instruc-
" tion was " the first, destroys his own being, and degenerates into the latter, if he
" defect from that rule: He that was the best of Men, becomes the
" worst; and the Father or Shepherd of the People makes himself their
" Enemy. And we may from hence collect, that in all Controversies
concerning the Power of Magistrates, we are not to examine what con-
duces to their Profit or Glory, but what is good for the Publick.

His second Error is no less gross and mischiefous than the first; and
that absolute Power to which he would exalt the chief Magistrate, would
be burdensome, and desperately dangerous if he had it. The highest Places
are always slippery: Men's eyes dazzle when they are carried up to them;
and all falls from them are mortal. Few Kings or Tyrants, says * juve-
nal, go down to the Grave in peace; and he did not imprudently couple
them together, because in his time few or no Kings were known who
were not Tyrants. Dionysius thought no man left a Tyranny, till he was
drawn out by the heels. But Tacitus says, Nefcit quam grave & inte-
randum sit canali regendi annus. Moses could not hear it: Gideon
would not accept of any Resemblance of it. The moral sense of Jotham's wife
Parable is eternal: The Bramble coveted the Power, which the Vine, O-
live and Figtree refused. The worst and basest of men are ambitious of
the highest places, which the best and wisest reject; or if some, who
may be otherwise well quality'd——

[In this place two pages are wanting in the Original Manuscript.]

——as the fittest to be follow'd by Mankind. If these Philosophers and
Divines deserve credit, Nimrod, Ninus, Pharaoh, and the rest of that ac-
curred Crew, did not commit such excesses as were condemned by God,
and abhor'd by good Men; but gaining to themselves the glorious Cha-
acter of his Vicegerents, left their practices as a perpetual Law to all
 succeeding Generations; whereby the world, and every part of it, would
be for ever expos'd to the violence, cruelty and madness of the most wicked
men that it should produce. But if these Opinions comprehend an ex-
travagancy of wickedness and madness, that was not known among
men, till some of these Wretches presum'd to attempt the increase of
that corruption under which Mankind groans, by adding fuel to the worst
of all Vices; we may safely return to our Propositions, That God having
establish'd no such Authority as our Author fancies, Nations are left to
the use of their own Judgment, in making provision for their own Wel-
fare: That there is no lawful Magistrate over any of them, but such as
they have set up; that in creating them, they do not seek the advantage
of their Magistrate, but their own: And having found that an absolute
Power over a People, is a burden which no man can bear; and that no
wife or good Man ever desir'd it; from thence conclude, that it is not
good for any to have it, nor just for any to affect it, tho' it were perfon-
ally good for himself; because he is not exalted to seek his own good, but
that of the Publick.

*——Sine cadde & linguine pauci
Descendunt reges, & seca morte Tyrannt. Juvem, Sat.  

SECT.
THO the perversity of our Author's Judgment and Nature may have driven him into the most gross Errors, 'tis not amiss to observe, that many of those deliver'd by him, proceed from his ignorance of the most important Differences between Father and Lord, King and Tyrant; which are so evident and irreconcilable, that one would have thought no man could be so stupid, as not to see it impossible for one and the same man, at the same time, to be Father and Mafter, King and Tyrant, over the same Persons. But left he should think me too scrupulous, or too strict in inquiring after Truth, I intend for the present to wave that inquiry, and to seek what was good for Adam or Noah: What we have reason to believe they desir'd to transmit to their Posterity, and to take it for a perpetual Law in its utmost extent; which I think will be of no advantage to our Author: for this Authority, which was universal during their lives, must necessarily after their decease be divided, as an Inheritance, into as many parcels as they had Children. The Apostle says, If Children, then Heirs, Heirs of God, and joint Heirs with Christ; which alluding to the Laws and Customs of Nations, could have bin of no force, unless it had bin true and known to be so. But if Children are Heirs, or joint Heirs, whatsoever Authority Adam or Noah had, is inherited by every man in the world; and that title of Heir which our Author so much magnifies, as it annex'd to one single person, vanishes into nothing; or else the words of the Apostle could have neither strength nor truth in them, but would be built upon a false Foundation, which may perhaps agree with our Author's Divinity.

Yet if the Apostle had not declar'd himself so fully in this Point, we might easily have seen that Adam and Noah did leave their Children in that equality; for Fathers are ever understood to embrace all their Children with equal Affection, till the discovery of personal Vertues or Vices makes a difference. But the personal Vertues, that give a reasonable preference of one before another, or make him more fit to govern than the others, cannot appear before he is, nor can be annex'd to any one Line: Therefore the Father cannot be thought to have given to one Man, or his Descendants, the Government of his Brethren and their Descendants.

Besides, the the Law of England may make one man to be sole Heir of his Father, yet the Laws of God and Nature do not so. All the Children of Noah were his Heirs: The Land promis'd to Abraham, Isaac, and Jacob, was equally divided among their Children. If the Children of Joseph made two Tribes, it was not as the first-born, but by the Will of Jacob, who adopted Ephraim and Manasseh; and they thereby became his Sons, and obtain'd an Inheritance equal to that of the other Tribes. The Law allow'd a double Portion to the first begotten; but this made a difference between Brothers only in proportion, whereas that between Lord and Servant is in species, not in degree. And if our Author's Opinion might take place, instead of such a division of the common

Inhe-
Inheritance between Brothers, as was made between the Children of the Nation, and a great difference in the Nature of Brethren, which Nature abhors.

If Nature does not make one man Lord over his Brethren, he can never come to be their Lord, unless they make him so, or he subdue them. If he subdue them, it is an act of Violence, contrary to Right, which may consequently he recover’d: If they make him Lord, ’tis for their own fakes, not for his; and he must seek their good, not his own, left, as Aristotle says, he degenerat from a King into a Tyrant. He therefore who would persuade us, that the Dominion over every Nation does naturally belong to one Man, Woman or Child, at a venture; or to the Heir, whatsoever he or the be, as to Age, Sex, or other Qualifications, must prove it good for all Nations to be under them. But as Reason is our Nature, that can never be natural to us that is not rational. Reason gives Paria paribus, equal Power to those who have equal Abilities and Merit: It allots to every one the part he is most fit to perform; and this fitness must be equally lauffling with the Law that allots it. But as it can never be good for great Nations, having among them some of Vertue, Experience, Wisdom and Goodness, to be govern’d by Children, Fools, or vicious and wicked Persons; and we neither find that the Vertues requir’d in such as deserve to govern them, did ever continue in any race of men, nor have reason to believe they ever will, it can never be reasonable to annex the Dominion of a Nation to any one Line. We may take this upon Solomon’s word, Wo to thee, O Land, when thy King is a Child, and thy Princes eat in the morning! And I wish the experience of all Ages did not make this Truth too evident to us. This therefore can never be the Work, much less the Law of Nature; and if there be any such thing in the world, as the Dominion over a Nation inseparably united to a Man and his Family, it can have no other Root than a civil or municipal Law, which is not the subject of our Discourse.

Moreover, every Father’s Right must cease, when he ceases to be; or be transmitted to those, who, being also Fathers, have the same Title to it. And tho the contrary method of annexing the whole Inheritance to one Person, or expoling all his Brethren to be destroy’d by his rage if they will not submit, may conduce to the enlargement of a proud and violent Empire, as in Turkey; where he that gains the Power, usually begins his Reign with the slaughter of his Brothers and Nephews: yet it can never agree with the piety, gentleness and wisdom of the Patriarchs, or the Laws of God and Nature.

These things being agreed, we need not trouble our selves with the Limits or Definition of a Family, and as little with the Titles given to the Head of it: ’Tis all one to us, whether it be confin’d to one Roof and Fire, or extended farther; and none but such as are strangers to the practice of mankind, can think that titles of Civility have a power to create a right of Dominion. Every man in Latin is call’d Dominus, unless such as are of the vilest condition, or in a great subjection to those who speak to them; and yet the word strictly taken, relates only to Servus, for a Man is Lord only of his Servant or Slave. The Italians are not leas liberal of the Titles of Signore and Padrone, and the Spaniards of Senor; but he would be ridiculous in those Countries, who thereupon should arrogate to himself a right of Dominion over those who are so civil. The vanity of our Age seems to carry this Point a little higher, especially among the French, who put a great weight upon the word Prince; but they
Discourses concerning Government.

Chap. II. they cannot change the true signification of it; and even in their sense, Prince du Sang signifiys no more than a chief Man of the Royal Blood, to whom they pay much respect, because he may come to the Crown; as they at Rome do to Cardinals, who have the Power of choosing Popes, and out of whole number, for some Ages, they have bin chosen. In this sense did Scaevola, when he was apprehended by Porfena, say, Trecenti conjuravitmus Romane juventutis Principes; which was never otherwise understood, than of such young Citizens as were remarkable amongst their Companions. And nothing can be more absurd than to think, if the name of Prince had carried an absolute and despotic Power with it, that it could belong to three hundred in a City, that posses no more than a ten miles territory; or that it could have bin given to them, whilst they were young, and the most part of their Fathers, as is most probable, still living.

I should, like our Author, run round in a Circle, if I should refuse what he says of a Regal Power in our first Parents; or shew, that the Regal, where it is, is not absolute as often as he does affert it. But having already prov’d, that Adam, Noah, Abraham, Isaac, Jacob, &c. enjoyed no such Power; transmitted to every one of their Sons that which they had, and they became Fathers of many great Nations, who always continued independent on each other; I leave to our Author to prove, when and by what Law the Right of subdividing the Paternal Power was lost, and how any one or more of their Descendants came to have that Power over their Brethren, which none of their immediate Children had over theirs.

His question to Suarez, how and when Sons become free, favours more of Jesuitical Sophistry, than any thing said by the Jesuit; but the Solution is easy: for if he mean the respect, veneration and kindness proceeding from gratitude, ceases only with the Life of the Father to whom it is due, and the memory of it must last as long as that of the Son; and if they had bin possed of such an absolute Power as he fancys, it must have ceased with the reasons upon which it was grounded.

First, Because the Power, of which a Father would probably have made a wife and gentle use, could not be rightly trusted in the hands of one who is not a Father; and that which tended only to the preservation of all the Children, could not be turn’d to the increafe of the Pride, Luxury and Violence of one, to the oppression of others who are equally Heirs.

In the second place, Society cannot be instituted, unless the Heads of the Familys that are to compose them, resign to much of their Right as seems convenient into the publick Stock, to which every one becomes subject: But that same Power should, at the same time, continue in the true Father, and the figurative Father, the Magistrate; and that the Children should owe intire Obedience to the Commands of both, which may often crofs each other, is absurd.

Thirdly, It ceases when it cannot be executed; as when men live to fee four or five Generations, as many do at this day; because the Son cannot tell whether he should obey his Father, Grandfather, or Great-Grandfather, and cannot be equally subject to them all; most especially, when they live in divers places, and set up Familys of their own, as the Sons of the Patriarchs did: which being observ’d, I know no place where this Paternal Power could have any effect, unless in the fabulous Island of Pines; and even there it must have ceased, when he died, who,
by the Inventor of the Story, is said to have been above ten thousand Persons issued of his body.

And if it be said, that Noah, Shem, Abraham, &c. contended that their Children should go where they thought fit, and provide for themselves; I answer, that the like has been done in all Ages, and must be done for ever. 'Tis the Voice of Nature, obey'd not only by Mankind, but by all living Creatures; and there is none so stupid as not to understand it. A Hen leaves her Chickens, when they can seek their own nourishment: A Cow looks after her Call no longer, than till it is able to feed: A Lion gives over hunting for his Whelps, when they are able to seek their own Prey, and have strength enough to provide what is sufficient for themselves. And the contrary would be an insupportable burden to all living Creatures, but especially to Men; for the good order that the rational Nature delights in, would be overthrown, and Civil Societies, by which it is best preserved, would never be established.

We are not concern'd to examine, Whether the Political and Oeconomical Powers be entirely the same, or in what they differ: for that absolute Power which he contends for, is purely despotic, different from both, or rather inconsistent with either as to the same Subject; and that which the Patriarchs exercise'd, having bin equally inherited by their Children, and consequently by every one of their Posterity, 'tis as much as is required for my purpose of proving the natural, universal Liberty of Mankind; and I am no way concern'd in the Question, Whether the first Parents of Mankind had a Power of Life and Death over their Children, or not.

**S E C T. V.**

Freemen join together and frame greater or lesser Societies, and give such Forms to them as best please themselves.

This being established, I shall leave Filmer to fight against Suarez and Bellarmin; or to turn one of them against the other, without any concernment in the Combat, or the success of it. But since he thereupon raises a Question, Whether the supreme Power be so in the People, that there is but one and the same Power in all the People of the World; so that no Power can be granted, unless all Men upon the Earth meet, and agree to choose a Governor: I think it deserves to be answer'd, and might do it by proposing a Question to him; Whether in his opinion, the Empire of the whole World, by the Laws of God and Nature, belong to one Man, and who that Man is? Or, how it came so to be divided, as we have ever known it to have bin, without such an injury to the Universal Monarch, as can never be repair'd? But intending to proceed more candidly, and not to trouble myself with Bellarmin or Suarez, I say, that they who place the Power in a Multitude, understand a Multitude compos'd of Freemen, who think it for their convenience to join together, and to establish such Laws and Rules as they oblige themselves to observe; which Multitude, whether it be great or small, has the same Right, because ten Men are as free as ten Millions of Men; and tho' it may be more prudent in some cases to join with the greater than the smaller number, because there is more strength, it is not so always: But however, every Man must there-
in be his own judg, since if he mistake, the hurt is only to himself; and
the ten may as justly resolve to live together, frame a Civil Society, and
oblige themselves to Laws, as the greatest number of Men that ever met
together in the World.

Thus we find that a few Men assembling together upon the Banks of the
Tiber, resolv'd to build a City, and set up a Government among them-
selves: And the Multitude that met at Babylon, when their design of
building a Tower that should reach up to Heaven fail'd, and their Lan-
guage was confounded, divided themselves, as our Author says, into fe-
venty two parcels, and by the same Right might have divided into more,
and their Descendants did into almost an infinite number before the death
of their common Father Noah. But we cannot find a more perfect Picture
of Freemen, living according to their own Will, than in Abraham and
Lot; they went together into Canaan, continu'd together as long as was
convenient for them, and parted when their Substance did so increafe, that
they became troublesome to each other. In the like manner Ismael, Isaac,
and Abraham's fix Sons by Keturah, might have continu'd together and
made one Nation; Isaac and Esau, Moab and Ammon, might have done
so too; or all of them that came of the same Stock might have united to-
gether; but they did not: And their Descendants by the same rule might
have subdivided perpetually, if they had thought it expedient for them-
selves: and if the Sons of Jacob did not do the like, 'tis probable they were
kept together by the hope of an Inheritance promis'd to 'em by God, in
which we find no shadow of a despotic Dominion, affected by one as
Father or Heir to the first Father, or reputed to be the Heir; but all con-
tinu'd in that fraternal equality, which according to Abraham's words to
Lot they ought to do. There was no Lord, Slave or Vassal; no strife
was to be among them: They were Brethren; they might live together,
or separate, as they found it convenient for themselves. By the same Law
that Abraham and Lot, Moab and Ammon, Ismael, Isaac, and the Sons of
Keturah, Jacob, Esau, and their Descendants, did divide and set up seve-
ral Governments, every one of their Children might have done the like:
and the same Right remain'd to their Issue, till they had by agreement
engag'd themselves to each other. But if they had no dependence upon
each other, and might live together in that fraternal equality which was
between Abraham and Lot; or separate, and continue in that separation,
or reunite; they could not but have a right of framing such conditions of
their union as best pleas'd themsefes. By this means every number of
Men, agreeing together and framing a Society, became a compleat Body,
having all Power in themselves over themselves, subject to no other hu-
man Law than their own. All thofe that compofe the Society, being
equally free to enter into it or not, no Man could have any Prerogative
above others, unlefs it were granted by the consent of the whole: and
nothing obliging them to enter into this Society, but the confideration of
their own Good; that Good, or the opinion of it, must have bin the
Rule, Morive and End of all that they did ordain. 'Tis lawful therefore
for any fuch Bodys to set up one, or a few Men to govern them, or to re-
tain the Power in themselves; and he or they who are set up, having no
other Power but what is confcrv'd upon them by that Multitude, wheth-
er great or small, are truly by them made what they are; and by the
Law of their own Creation, are to exercise thofe Powers according to the
proportion, and to the ends for which they were given.

These...
These Rights, in several Nations and Ages, have bin variously executed, in the establishment of Monarchies, Aristocracies, Democracies, or mix'd Governments, according to the variety of Circumstances; and the Governments have bin good or evil, according to the rectitude or pravity of their Institution, and the vertue and wisdom, or the folly and vices of those to whom the Power was committed: but the end which was ever propos'd, being the good of the Publick, they only perform'd their duty, who procur'd it according to the Laws of the Society, which were equally valid as to their own Magistrats, whether they were few or many.

This might suffice to anwer our Author's Question; but he endeavours further to perplex it, by a fiction of his own brain, That God gave this Power to the whole Multitude met, and not to every particular Assembly of Men: And expects a proof, That the whole Multitude met, and divided this Power which God gave them in gros, by breaking it into parcels, and by appointing a distinct Power to each Commonwealth. He also fathers it upon the Affertors of Liberty; and does not see, as he says, how there can be an Election of a Magistrate by any Commonwealth, that is not an Usurpation upon the Privilege of the whole World, unless all Mankind had met together, and divided the Power into parcels which God had given them in gros. But before I put my self to the trouble of anwering that which is but an Appendix to a whimsy of his own, I may justly ask, What hurt he finds in Usurpation, who afferts, that the fame Obedience is due to all Monarchis, whether they come in by Inheritance, Election or Usurpation? If Usurpation can give a Right to a Monarch, why dos it not confer the fame upon a People? Or rather, if God did in gros confer such a Right upon all Mankind, and they neither did, nor can meet together by consent to dispose of it for the good of the whole; why should not tho' who can, and do consent to meet together, agree upon that which seems most expedient to them for the Government of themselves? Did God create Man under the necessity of wanting Government, and all the good that proceeds from it; because at the first all did not, and afterwards all could not meet to agree upon Rules? Or did he ever declare, that unless they should use the first opportunity of dividing themselves into such parcels as were to remain unalterable, the right of reigning over every one shall fall to the first Villain that should dare to attempt it? Is it not more connon to the Wifdom and Goodnes of God, to leave to every Nation a liberty of repairing the Mischiefs fallen upon them thro' the omission of their first Parents, by setting up Governments among themselves, than to lay 'em under a necessity of submitting to any that should insolently aspire to a Domination over them? Is it not more just and reasonable to believe, that the universal Right not being executed, devolves upon particular Nations, as Members of the great Body, than that it should become the reward of Violence or Fraud? Or is it possible that any one Man can make himself Lord of a People, or parcel of that Body, to whom God had given the liberty of governing themselves, by any other means than Violence or Fraud, unless they did willingly submit to him? If this Right be not devolv'd upon any one Man, is not the invasion of it the most outrageous Injury that can be done to all Mankind, and most particularly to the Nation that is enslav'd by it? Or if the Justice of every Government depends necessarily upon an original Grant, and a Succession certainly deduc'd from our first Fathers, does not he by his own Principles condemn all the Monarchys of the World, as the most detestable Usurpations, since not one of 'em that we know do any way pretend to it? Or, tho' I, who deny
any Power to be just that is not founded upon Consent, may boldly blame UfIGNATION; is it not an absurd and unpardonable impudence in FIrmer, to condemn Ufignation in a People, when he has declar'd that the Right and Power of a Father may be gain'd by Ufignation; and that Nations in their Obedience are to regard the Power, not the Means by which it was gain'd? But not to lose more time upon a most frivolous fiction, I affirm, that the Liberty which we contend for is granted by God to every Man in his own Person, in such a manner as may be useful to him and his Posterity, and as it was exercis'd by Noah, Shem, Abraham, Isaac, Jacob, &c. and their Children, as has bin prov'd, and not to the vast Body of all Mankind, which never did meet together since the first Age after the Flood, and never could meet to receive any benefit by it.

His next Question deserves scorn and hatred, with all the effects of either, if it proceed from malice; tho' perhaps he may deserve compassion, if his Crime proceed from ignorance: Was a general Meeting of a whole Kingdom, says he, ever known for the Election of a Prince? But if there never were any general Meetings of whole Nations, or of such as they did delegate and entrust with the Power of the whole, how did any Man that was elected come to have a Power over the whole? Why may not a People meet to chuse a Prince, as well as any other Magistrate? Why might not the Athenians, Romans, or Carthaginians, have chosen Princes as well as Archons, Consuls, Dictators or Sultanes, if it had pleas'd them? Who chose all the Roman Kings, except Tarquin the Proud, if the People did not; since their Historys testify, that he was the first who took upon himself to reign for us populus? Who ever heard of a King of the Goths in Spain, that was not chosen by the Nobility and People? Or, how could they choose him, if they did not meet in their Persons, or by their Deputies, which is the same thing, when a People has agreed it should be so? How did the Kings of Sweden come by their Power, unless by the like Election, till the Crown was made hereditary, in the time of Gustavus the First, as a Reward of his Vertue and Service, in delivering that Country from the Tyranny of the Danes? How did Charles Gustavus come to be King, unless it was by the Election of the Nobility? He acknowledged by the Act of his Election, and upon all occasions, that he had no other right to the Crown than what they had confer'd on him. Did not the like Custom prevail in Hungary and Bohemia, till those Countries fell under the Power of the House of Austria? and in Denmark till the Year 1660? Do not the Kings of Poland derive their Authority from this popular Election, which he derides? Do not the file of the Oath of Allegiance us'd in the Kingdom of Aragon, as it is related by Antonio Perez Secretary of State to Philip 2d, flew, that their Kings were of their own making? Could they say, * We who are as good as you, make you our King, on condition that you keep and observe our Privileges and Liberties; and if not, not; if he did not come in by their Election? Were not the Roman Emperors, in disorderly times, chosen by the Soldiers; and in such as were more regular, by the Senate, with the consent of the People?

Our Author may say, the whole Body of these Nations did not meet at their Elections; tho' that is not always true, for in the Infancy of Rome, when the whole People dwelt within the Walls of a small City, they did meet for the choice of their Kings, as afterwards for the choice of other,

* Nos que valem tanto como vos, os hazemos nuestro Rey, con tal que nos guardes nuestros libertades, y sino, no. Relacion de Ant. Perez.
Discourses concerning Government.

Magistrats. Whilst the Goths, Franks, Vandals and Saxons, liv'd with [Sect. 5.] in the Precincts of a Camp, they frequently met for the Election of a King, and rais'd upon a Target the Person they had cho din: but finding that to be inconvenient, or rather impossible, when they were vastly increas'd in number, and divers'd over all the Countries they had conquer'd, no better way was found, than to institute Gomotes, Parliaments, Diets, Cortez, Assemblies of Estates, or the like, to do that which formerly had bin perform'd by themselves; and when a People is, by mutual compact, join'd together in a civil Society, there is no difference as to Right, between that which is done by them all in their own Persons, or by some deputies by all, and acting according to the Powers receiv'd from all.

If our Author was ignorant of these things, which are the most common in all Histories, he might have spair'd the pains of writing upon more abstruse Points; but 'tis a stupendous folly in him, to presume to raise Doctrines depending upon the universal Law of God and Nature, without examining the only Law that ever God did in a publick manner give to Man. If he had look'd into it, he might have learnt, That all Israel was, by the command of God, assembled at Mischeth to chuse a King, and did chuse Saul: He being slain, all Judah came to Hebron, and made David their King: After the death of Ishbo Beth, all the Tribes went to Hebron, and anointed him King over them, and he made a Covenant with them before the Lord. When Solomon was dead, all Israel met together in Shechem, and ten Tribes disliking the proceedings of Rehoboam, rejected him, and made Jeroboam their King. The same People in the time of the Judges, had general Assemblies, as often as occasion did require, to set up a Judge, make War, or the like: And the several Tribes had their Assemblies to treat of Business relating to themselves. The Histories of all Nations, especially of those that have peopled the best parts of Europe, are so full of Examples in this kind, that no man can question them, unless he be brutally ignorant, or maliciously contentious. The great matters among the Germans were transacted omnia consensu. De minoribus consultant Principes; de majoribus omnes. The Miracle of aamong the Saxons was an Assembly of the whole People: The Baragusum is truly said to be the same, in as much as it comprehended all the Freemen, that is, all the People; for the difference between Civis and Servus is irreconcilable; and no man, whilst he is a Servant, can be a Member of a Commonweal th; for he that is not in his own power, cannot have a part in the Government of others. All the foremost'd Northern Nations had the like customs among 'em: The Governments they had were fo insti tuted. The utmost that any now remaining pretends to, is, to derive their right from them: If, according to Filmer, their first Assembly could not confer it upon the first, they had none: Such as claim under 'em, can inherit none from those that had none; and there can be no right in all the Governments we so much venerate; and nothing can tend more to their overthrow than the reception of our Author's Doctrine.

Tho any one Instance would be sufficient to overthrow his general negative Proposition (for a Rule is not generally true, if there be any just Exception against it) I have alledge'd many, and find it so easy to increase the number, that there is no Nation, whose Original we know, out of whose Historys I will not undertake to produce the like: But I have not bin solicitous expressly to distinguish, which Nations have acte
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Chap. II. in their own Persons, and which have made use of Delegates; nor in what times they have chang'd from one way to the other: for if any have acted by themselves, the thing is possible; and whatsoever is done by delegated Powers, must be refer'd to their Principals; for none can give to any a Power which they have not in themselves.

He is graciously pleas'd to confes, 'That when Men are assembled by a human Power, that Power that does assemble them, may also limit the manner of the execution of that Power, &c. But in Assemblies that take their Authority from the Law of Nature, it is not so; for what liberty or freedom is due to any man by the Law of Nature, no inferior Power can alter, limit or diminish: No one man, or multitude of men, can give away the natural Right of another, &c. These are strong Lines, and such as, if there be any fene in them, utterly overthrow all our Author's Doctrin; for if any Assembly of men did ever take their Authority from the Law of Nature, it must be of such as, remaining in the entire fruition of their natural Liberty, and restrain'd by no Contraft, meet together to deliberate of such matters as concern themselves; and if they can be restrain'd by no one man, or number of men, they may dispose of their own Affairs as they think fit. But because no one of them is oblig'd to enter into the Society that the rest may constitute, he cannot enjoy the benefit of that Society unless he enter into it: He may be gone and set up for himself, or set up another with such as will agree with him. But if he enter into the Society, he is oblig'd by the Laws of it; and if one of those Laws be, that all things should be determin'd by the plurality of Voices, his Assent is afterwards comprehended in all the Resolutions of that Plurality. Reuben or Simeon might, according to the Laws of Nature, have divided themselves from their Brethren, as well as Lot from Abraham, or Ishmael and the Sons of Keturah from Isaac; but when they, in hopes of having a part in the Inheritance promis'd to their Fathers, had join'd with their Brethren, a few of their Descendants could not have a right, by their dissent, to hinder the Resolutions of the whole Body, or such a part of it as by the first Agreement was to pass for an Act of the whole. And the Scripture teaches us, that when the Lot was fallen upon Saul, they who defpis'd him were still Men of Belial; and the rest, after his Victory over the Ammonites, would have lain 'em if he had permitted. In the like manner, when a number of Men met together to build Rome, any man who had dislik'd the design, might justly have refus'd to join in it; but when he had enter'd into the Society, he could not by his Vote invalidate the Acts of the whole, nor destroy the Rights of Romulus, Numa, and the others, who by the Senate and People were made Kings; nor those of the other Magistrates, who after their expulsion were legally created.

This is as much as is requir'd to establish the natural Liberty of Mankind in its utmost extent, and cannot be shaken by our Author's surmise, That a Gap is thereby open'd for every seditious multitude to raise a new Commonwealth: For till the Commonwealth be established, no multitude can be seditions, because they are not subject to any human Law; and Sedition implies an unjust and disorderly opposition of that Power which is legally established; which cannot be when there is none, nor by him who is not a Member of the Society that makes it; and when it is made, such as enter'd into it, are oblig'd to the Laws of it.

This shewing the root and foundation of Civil Powers, we may judge of the use and extent of them, according to the letter of the Law, or the true intentional meaning of it; both which declare them to be purely Human.
Human Ordinances, proceeding from the will of those who seek their own good; and may certainly infer, that since all Multitudes are compos'd of such as are under some Contract, or free from all, no Man is oblig'd to enter into those contracts against his own will, nor oblig'd by any to which he dos not affent: Those multitudes that enter into such Contracts, and thereupon form Civil Societies, act according to their own will: Those that are engag'd in none, take their Authority from the Law of Nature; their Rights cannot be limited or diminished by any one Man, or number of Men; and consequently whoever does it, or attempts the doing of it, violates the most sacred Laws of God and Nature.

His cavils concerning Proxys, and the way of using them, deserve no answer, as relating only to one sort of Men amongst us, and can have no influence upon the Laws of Nature, or the proceedings of Assemblies, acting according to such Rules as they set to themselves. In some places they have voted all together in their own persons, as in Athens: In others by Tribes, as in Rome: Sometimes by Delegates, when the number of the whole People is so great, that no one place can contain them, as in the Parliaments, Diets, General Assemblies of Estates, long us'd in the great Kingdoms of Europe. In other parts many Cities are join'd together in Leagues, as antiently the Achaians, Eoliens, Samnites, Tuscaus; and in these times the States of Holland, and Cantons of Switzerland: but our Author not regarding such matters, in pursuance of his folly, with an ignorance as admirable as his stupidty, repeats his Challenge; I ask, says he, but one Example out of the History of the whole World; let the Commonwealth be nam'd, wherever the Multitude, or so much as the major part of it, consented either by Voice or Procuration to the Election of a Prince: not observing, that if an Anfwcer could not be given, he did overthrow the Rights of all the Princes that are, or ever have bin in the World: for if the Liberty of one Man cannot be limited or diminished by one, or any number of Men, and none can give away the Right of another; this plain that the Ambition of one Man, or of many, a faction of Citizens, or the mutiny of an Army, cannot give a Right to any over the Liberties of a whole Nation. Those who are so set up, have their root in Violence or Fraud, and are rather to be accounted Robbers and Pirates, than Magistrats. Leo Africannus observing in his History, that since the extintion of Mahomet's Race (to whom his Countrymen thought God had given the Empire of the World) their Princes did not come in by the consent of those Nations which they govern'd, says, that they are esteem'd Thieves; and that on this account, the most honourable Men among the Arabians and Moors scorn to eat, drink, or make Alliances with them: and if the care were as general as that Author makes it, no better Rule could be any where follow'd by honourable and worthy Men. But a good Cause must not be lost by the fault of an ill Advocate; the Rights of Kings must not perish, because Filmer knows not how to defend, or dos maliciously betray them. I have already prov'd that David, and divers of the Judges, were chosen by all Israel; Jeroboam by ten Tribes; all the Kings of Rome, except Tarquin the Proud, by the whole City. I may add many Examples of the Saxons in our own Country: Ina and Offa were made Kings, omnium confenlus: These All are express plainly by the words, Archibishopis, Episcopis, Abbatibus, Senatoribus, Ducibus & Populo terre. Egbert and Ethelward came to the Crown by the same Authority, Omnium confenlus Rex creatur. Ethelwolf the Monk, Necissitate cogente factus est Rex, & consenlus publicus in regem dari petit. Ethel...
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Chap. II. First, tho a bastard, eleétus est magnó conséntu Optimátum, & a Populo consúlátus. In the like manner Edwín's Government being diffick'd, they chose Edgær: Omnìmi omnium consipratóres, Edwino déjefcio, eligérint Deo délaté Edgærum in Regem, & annuente Populo: And in another place, Edgærus ab omnì Anglorum Populo eleétus est. Ironside being dead, Canutus was receive'd by the general consent of all: Juráverunt illi, quod cum regem fbi eligere vellent; fudás etiam cum principibus & omni populo ipse, & illi cum ipfo percúfferunt. Whereupon, Omnium conséntu super totam Angliam Canutus coronátor. Hardicanutus gaudenter ab omnibus fuscipit & eleétus est. The same Author says that Edgær the Conféllor, eleétus est in regem ab omni populo: And another, Omnium Electione in Edwárdum concédatur. Tho the name of Conqueror be odiously given to William the Norman, he had the fame Title to the Crown with his Predecessors; In magnis exsultatione a Clero & Populo suscéptus, & ab omnibus Res acclamationis. I cannot recite all the Examples of this kind, that the History of almost all Nations furnishes, unless I should make a Volume in bulk not inferior to the Book of Martyrs: But those which I have mention'd out of the Sacred, Roman, and English History, being more than sufficient to answer our Author's Challenge, I take liberty to add, that tho there could not be one Example produc'd of a Prince, or any other Magistrate, chosen by the general consent of the People, or by the major part of them, it could be of no advantage to the Caufe he has undertaken to maintain: For when a People has either indefinitely, or under certain Conditions and Limitations, refign'd their Power into the hands of a certain number of Men; or agreed upon Rules, according to which Persons should, from time to time, be deputed for the management of their Affairs, the Acts of those Persons, if their Power be without restrictions, are of the same value as the Acts of the whole Nation, and the aflent of every individual Man is comprehended in them. If the Power be limited, whatsoever is done according to that limitation, has the fame Authority. If it does therefore appear (as is teftify'd by the Laws and Historys of all our Northern Nations) that the power of every People is either wholly, or to such a degree as is necessary for creating Kings, granted to their several Gomotes, Diets, Cortes, Assemblies of Estates, Parliaments, and the like; all the Kings that they have any where, or at any time chosen, do reign by the fame authority, and have the fame right, as if every individual Man of the nations had asseent to their Election. But that these Gomotes, Diets, and other Assemblies of State, have every where had fuch Powers, and executed them by rejecting or setting up Kings; and that the King now in being among us have receive'd their beginning from fuch Acts, has bin fully prov'd, and is fo plain in it fell, that none but those who are grofly stupid or impudent can deny it: which is enough to shew that all Kings are not set up by violence, deceit, fiction of a few powerful Men, or the mutiny of Armies; but from the consent of fuch multitudes, as joining together, frame Civil Societies; and either in their own Persons at general Assemblies, or by their Delegates, confer a juft and legal Power upon them; which our Author rejectıng, he dos, as far as in him lies, prove them all to be Usurpers and Tyrants.
SECT. VI.

They who have a right of chusing a King, have the right of making a King.

THO the Right of Magistrats do essentially depend upon the consent of those they govern, it is hardly worth our pains to examin, whether the silent acceptation of a Governor by part of the People be an argument of their concurrence in the election of him; or by the same reason the tacit consent of the whole Commonwealth may be maintain'd: for when the question is concerning Right, fraudulent surmises are of no value; much less will it from thence follow, that a Prince commanding by Succession, Conquest, or Usurpation, may be said to be elected by the People; for evident marks of different are often given: Some declare their hatred; others murmur more privately; many oppose the Governor or Government, and succeed according to the measure of their Strength, Virtue, or Fortune. Many would resist, but cannot; and it were ridiculous to say, that the Inhabitants of Greece, the Kingdom of Naples, or Dutchy of Tuscany, do tacitly assent to the Government of the Great Turk, King of Spain, or Duke of Florence; when nothing is more certain than that those miserable Nations abhor the Tyranny they are under; and if they were not master'd by a Power much too great for them, they would soon free themselves. And they who are under such Governments do no more assent to them, tho' they may be silent, than a Man approves of being robb'd, when, without saying a word, he delivers his Purse to a Thief that he knows to be too strong for him.

'Tis not therefore the bare sufferance of a Government when a disgust is declar'd, nor a silent submission when the power of opposing is wanting, that can imply an Assent, or Election, and create a Right; but an explicit act of Approbation, when Men have ability and courage to resist or deny. Which being agreed, 'tis evident that our Author's distinction between eligeret and instituere signifies nothing: tho' if the power of instituting were only left to Nations, it would be sufficient; for he is in vain elected who is not instituted; and he that is instituted is certainly elected, for his Institution is an Election. As the Romans who chose Romulus, Numa, and Hostilius to be Kings; and Brutus, Valerius, or Lucretius to be Consuls; did make them so, and their Right was solely grounded upon their Election. The Text brought by our Author against this does fully prove it, Him shalt thou set King over thee whom the Lord shall chuse; Deut. 17, for God did not only make the institution of a King to be purely an act of the People, but left it to them to institute one or not, as should best please themselves: and the words, whom the Lord shall chuse, can have no other signification, than that the People resolving to have a King, and following the Rules prescrib'd by his Servant Moses, he would direct 'em in their choice; which relates only to that particular People in covenant with God, and immediately under his Government, which no other was. But this pains might have bin fav'd, if God by a universal Law had given a rule to all. The Israelites could not have bin three hundred years without a King, and then left to the liberty of making one, or not, if he by a perpetual Law had ordain'd that every Nation should have one; and it
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Chap. II. had bin as well impertinent as unjust to deliberate who should be King, if the Dominion had by right of Inheritance belong'd to one: They must have submitted to him whether they would or not: No care was to be taken in the election or institution of him, who by his birth had a Right annex'd to his Person that could not be alter'd: He could not have bin forbidden to multiply Silver or Gold, who by the Law of his Creation might do what he pleas'd: It had bin ridiculous to say, he should not raise his Heart above his Brethren, who had no Brethren, that is, no Equals; but was rais'd above all by God, who had impos'd upon all others a necessity of obeying him. But God, who dos nothing in vain, did neither constitute or elect any till they defir'd it, nor command 'em to do it themselves, unless it so pleas'd themselves; nor appoint 'em to take him out of any one Line: Every Israelite might be chosen: None but Strangers were excluded; and the People were left to the liberty of chusing and instituting any one of their Brethren.

Our Author endeavouring by Hooker's authority to establish his distinction between eligere and inftituere, destroys it, and the paternal Right, which he makes the foundation of his Doctrine. Heaps of Scripture are alleged, says he, concerning the solemn Coronation and Inauguration of Saul, David, Solomon and others, by Nobles, Antients, and People of the Commonwealth of Israel: which is enough to prove that the whole work was theirs; that no other had any title more than what they bestow'd upon him; that the Kings were set up by the Nobles, Antients and People: Even God did no otherwise intervene than by such a secret disposition of the Lots by his Providence, as is exercis'd in the Government of all the things in the World; and we cannot have a more certain evidence, that a paternal right to Dominion is a mere Whimsy; than that God did not caufe the Lot to fall upon the elddest, of the elddest Line, of the elddest Tribe; but upon Saul, a young Man, of the youngest Tribe: and afterwards, tho he had design'd David, Solomon, Jeroboam, and others, who had no pretence to the paternal Right, to be Kings, he left both the election and institution of them to the Elders and People.

But Hooker being well examin'd, it will appear that his opinions are as contrary to the Doctrine of our Author, as those we have mention'd out of Plato and Aristotle. He plainly says, It is impossible that any should have a compleat lawful power over a multitude consisting of so many Families, as every politic Society dos, but by consent of Men, or immediate appointment from God: Because not having the natural Superiority of others, their Power must needs be usurp'd, and then unlawful; or if lawful, then either granted or consented to by them over whom they exercise the same, or else given extraordinary by God. And tho he thinks Kings to have bin the first Governors so consecuted, he adds, That this is not the only Regiment that has bin receiv'd in the World. The inconveniences of one kind have caus'd sundry others to be devised. So that in a word, all publick Regiments, of what kind soever, seems evidently to have risen from deliberate advice, consultation and composition between Men, judging it convenient and behoofful. And a little below, Man's Nature being therefore as it doth, some kind of regimen the Law of Nature dos require, yet the kinds thereof being many, Nature ties not to any one, but leaves the choice as a thing arbitrary. And again, To live by one Man's will, became all Men's misery: This constrain'd them to come unto Laws, &c. But as those Laws do not only teach that which is good, but enjoyn it, they have in them a constraining force. To constrain Men to any thing inconvenient seems unreasonable: Most requisite therefore it is that to devise Laws, which
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which all Men should be forced to obey, none but wife Men should be admitted. Sect. 6.

Moreover that which we say concerning the power of Government, must here be apply’d to the power of making Laws, whereby to govern; which Power God has over all; and by the natural Law, whereunto he has made all subject, the lawful power of making Laws to command whole politick Societies of men, belongs so properly to the same entire Societies, that for any Prince or Potentate, of what kind soever upon Earth, to exercise the same of himself, and not either by express commission immediately from God, or else by authority derived at the first from their consent, upon whose persons they impose Laws, it is no better than mere Tyranny. Laws therefore they are not, which publick consent has not made so. The humour of our Age confider’d, I should not have ventured to say so much: But if Hooker be a Man of such great Authority, I cannot offend in transcribing his words, and shewing how vilely he is abus’d by Filmer; concluding, that if he be in the right, the choice and constitution of Government, the making of Laws, Coronation, Inauguration, and all that belongs to the chusing and making of Kings, or other Magistrates, is merely from the People; and that all Power exercis’d over them, which is not so, is Ufurpation and Tyranny, unless it be by an immediate Commission from God; which if any man has, let him give testimony of it, and I will confess he comes not within the reach of our reasonings, but ought to be obey’d by thole to whom he is fent, or over whom he is plac’d.

Neverthelass our Author is of another opinion; but scorning to give us a reason, he adds to Hooker’s words, As if these Solemnities were a kind of deed, whereby the right of Dominion is given; which strange, untrue, and unnatural Conjects are set abroad by Seedmen of Rebellion: And a little farther, Unless we will openly proclaim defiance to all Law, Equity, and Reason, we must say (for there is no remedy) that in Kingdoms hereditary, Birthright growth a Right to Sovereign Dominon, &c. Those Solemnities do either serve for an open testification of the Inheritor’s Right, or belong to the form of inducing him into the possession. These are bold Cenfures, and do not only reach Mr. Hooker, whose modesty and peaceableness of spirit is no lesse estim’d than his Learning; but the Scriptures also, and the best of human Authors, upon which he founded his Opinions. But why shou’d it be thought strange, untrue, or unnatural Conject, to believe that when the Scriptures say Nimrod was the first that grew powerful in the Earth, long before the death of his Fathers, and could consequentlie neither have a right of Dominion over the Multitude met together at Babylon, nor subdue them by his own strenght, he was set up by their Consent; or that they who made him their Governor, might prescribe Rules by which he should govern? Nothing seems to me les strange, than that a multitude of reasonable Creatures, in the performance of Acts of the greatest importance, should consider why they do them. And the infinite variety which is observ’d in the constitution, mixture, and regulation of Governments, dos not only shew that the several Nations of the World have consider’d them; but clearly prove that all Nations have perpetually continu’d in the exercise of that Right. Nothing is more natural than to follow the voice of Mankind: The wisest and best have ever employ’d their studys in forming Kingdoms and Commonwealths, or in adding to the perfections of such as were already constituted; which had bin contrary to the Laws of God and Nature, if a general Rule had bin set, that had oblig’d all to be for ever subject to the Will of one; and they had not bin the best, but the worst of men who had departed from
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Chap. II. from it. Nay, I may say, that the Law given by God to his peculiar People, and the Commandments deliver'd by his Servants in order to it, or the prosecution of it, had bin contrary to his own eternal and universal Law; which is impossible. A Law therefore having bin given by God, which had no relation to, or confininty with the absolute paternal power; Judges and Kings created, who had no pretence to any preference before their Brethren, till they were created, and commanded not to raise their Hearts above them when they should be created; the Widsom and Virtue of the best men in all ages shewn in the constitution or reformation of Governments; and Nations in variously framing them, preserving the possession of their natural Right, to be govern'd by none, and in no other way than they should appoint: The opinions of Hooker, That all publick Regiments, of what kind soever, arises from the deliberate advice of men seeking their own good, and that all other is mere Tyranny; are not untrue and unnatural conceits set abroad by the Seedsmen of Rebellion, but real Truths grounded upon the Laws of God and Nature, acknowledged and practis'd by Mankind. And no Nation being justly subject to any but such as they set up, nor in any other manner than according to such Laws as they ordain, the right of chusing and making those that are to govern them, must wholly depend upon their Will.

Sect. VII.

The Laws of every Nation are the measure of Magistratical Power.

Our Author lays much weight upon the word Hereditary: but the question is, What is inherited in an Hereditary Kingdom, and how it comes to be hereditary? 'Tis in vain to say the Kingdom; for we do not know what he means by the Kingdom: 'tis one thing in one place, and very different in others; and I think it not easy to find two in the World that in power are exactly the same. If he understands all that is comprehended within the precipitation which it reaches, I deny that any such is to be found in the World: If he refers to what preceding Kings enjoy'd, no determination can be made, till the first original of that Kingdom be examin'd, that it may be known what that first King had, and from whence he had it.

If this variety be denied, I desire to know whether the Kings of Sparta and Persia had the same power over their Subjects; if the same, whether both were absolute, or both limited; if limited, how came the Decrees of the Persian Kings to pass for Laws? If absolute, how could the Spartan Kings be subject to Fines, Imprisonment, or the sentence of Death; and not to have power to tend for their own Supper out of the Common Hall? Why did Xenophon call Agesilaus a good and faithful King, obedient to the Laws of his Country, when, upon the command of the Ephori, he left the War that he had with so much glory begun in Asia, if he was subject to none? How came the Ephori to be establish'd to restrain the Power of Kings, if it could no way be restrain'd, if all owed obedience to them, and they to none? Why did Theopompus his Wife reprove him for suffering his power to be diminisht by their creation, if it could not be diminisht? Or why did he say he had made the Power
Power more permanent in making it less odious, if it was perpetual and unalterable? We may go farther, and taking Xenophon and Plutarch for our guides, assert that the Kings of Sparta never had the powers of War or Peace, Life and Death, which our Author seems inseparable from Regality, and conclude either that no King has them, or that all Kings are not alike in power. If they are not in all places the same, Kings do not reign by an universal Law, but by the particular Laws of each Country; which give to every one so much power, as in the opinion of the givers conduces to the end of their Institution, which is the publick good.

It may be also worth our inquiry how this inherited Power came to be hereditary. We know that the Sons of Vespasian and Constatine inherited the Roman Empire, tho' their Fathers had no such title: But having gain'd the Empire by violence, which Hooker says is mere Tyranny that can create no right, they could devolve none to their Children. The Kings of France of the three Races have inherited the Crown; but Merovens, Pepin, and Hugh Capet could neither pretend title nor conquest, or any other Right than what was confer'd upon them by the Clergy, Nobility, and People; and consequently whatsoever is inherited from them can have no other Original; for that is the gift of the People which is bestowed upon the first, under whom the Successors claim, as if it had bin by a peculiar Act given to every one of them. It will be more hard to shew how the Crown of England is become hereditary, unless it be by the Will of the People; for tho' it were granted that some of the Saxon Kings came in by inheritance (which I do not, having, as I think, prov'd them to have bin absolutely elective) yet William the Norman did not, for he was a Baffard, and could inherit nothing. William Rufus and Henry did not; for their Elder Brother Robert by right of Inheritance ought to have bin prefer'd before 'em: Stephen and Henry the Econd did not; for Maud the only Heirefs of Henry the first was living when both were crown'd: Richard and John did not, for they were Baffards born in adultery. They must therefore have receiv'd their Right from the People, or they could have none at all; and their Successors fall under the same condition.

Moreover, I find great variety in the deduction of this hereditary Right. In Sparta there were two Kings of different Familys, endow'd with an equal power. If the Heraclide did reign as Fathers of the People, the Aesacide did not: if the right was in the Aesacide, the Heraclide could have none; for 'tis equally impossible to have two Fathers as two thousand. 'Tis in vain to say that two Familys join'd, and agreed to reign jointly: for 'tis evident the Spartans had Kings before the time of Hercules or Achilles, who were the Fathers of the two Races. If it be said that the Regal power with which they were invested did entitle 'em to the right of Fathers, it must in like manner have belong'd to the Roman Consuls, Military Tribunes, Dictators and Pretors; for they had more Power than the Spartan Kings; and that glorious Nation might change their Fathers every year, and multiply or diminish the number of 'em as they pleas'd. If this be most ridiculous and absurd, 'tis certain that the Name and Office of King, Consul, Dictator, or the like, does not confer any determin'd Right upon the Person that has it: Every one has a right to that which is allotted to him by the Laws of the Country by which he is created.
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As the Persians, Spartans, Romans or Germans, might make such Magistrats, and under such names as best pleas’d themselves, and accordingly enlarge or diminish their Power; the same Right belongs to all Nations, and the Rights due unto, as well as the Duties incumbent upon every one, are to be known only by the Laws of that place. This may seem strange to those who know neither Books nor Things, Histories nor Laws; but is well explain’d by Grotius, who denying the Sovereign Power to be annex’d to any Name, speaks of divers Magistrats under several names that had, and others that under the fame names had it not; and distinguishes those who have the Summum Imperium summo modo, from those who have it modo non summo: and tho’ probably he look’d on the first fort as a thing merely speculative, if by that summo modo, a right of doing what one pleases be understood; yet he gives many Examples of the other. Among those who had libertimum imperium, if any had it, he names the Kings of the Sabans; who nevertheless were under such a condition, that tho’ they were, as Agatharchidas reports, obey’d in all things, whilst they continu’d within the Walls of their Palace, might be frown’d on by any that met ’em without it. He finds also another Obstacle to the Absolute power, Cum Rex partem habeat summii Imperii, partem Senatus, sine Populo; which parts are proportion’d according to the Laws of each Kingdom, whether Hereditary or Elective, both being equally regulated by them.

The Law that gives and measures the Power, prescribes Rules how it should be transmitted. In some places the supreme Magistrats are annually elected, in others their Power is for life; in some they are merely elective, in others hereditary under certain Rules or Limitations. The antient Kingdoms and Lordships of Spain were hereditary; but the Succession went ordinarily to the eldest of the reigning Family, not to the nearest in Blood. This was the ground of the Quarrel between Corbis the Brother, and Orfina the Son of the last Prince, decided by combat before Scipio. I know not whether the Goths brought that custom with ’em when they conquer’d Spain, or whether they learnt it from the Inhabitants; but certain it is, that keeping themselves to the Familys of the Balthei, and Amalthei, they had more regard to Age than Proximity; and almost ever prefer’d the Brother, or eldest Kindman of the last King before his Son. The like custom was in use among the Moors in Spain and Africa, who according to the several Changes that happen’d among the Familys of Almohades, Almoranides, and Benemerini, did always take one of the reigning Blood; but in the choice of him had most respect to Age and Capacity. This is usulally call’d the Law of Thanestry; and, as in many other places, prevail’d also in Ireland, till that Country fell under the English Government.

In France and Turky the Male that is nearest in Blood, succeeds; and I do not know of any deviation from that Rule in France, since Henry the First was prefer’d before Robert his elder Brother, Grandchild to Hugh Capes: But notwithstanding the great veneration they have for the Royal Blood, they utterly exclude Females, left the Crown should fall to a Stranger; or a Woman that is seldom able to govern her self, should come to govern so great a People. Some Nations admit Females, either simply, as well as Males; or under a condition of not marrying out of their Country, or without the consent of the Eftates, with an absolute exclusion of them and their Children if they do; according to which Law, now in force among the Swedes, Charles Gustavus was chosen King upon
upon the resignation of Queen Chriflina, as having no Title; and the Sect. 7.
Crown fetled upon the Heirs of his Body, to the utter exclusion of his
Brother Adolphus, their Mother having married a German. Tho divers
Nations have differently disposed their Affairs; all those that are not na-
turely Slaves, and like to Beasts, have prefer'd their own Good before
the personal Interests of him that expects the Crown, fo as upon no pre-
tence whatever to admit of one who is evidently guilty of such Vices as
are prejudicial to the State. For this reafon the French, tho much ad-
dicted to their Kings, rejected the vile remainders of Meroving his Race,
and made Pepin the Son of Charles Martel King: And when his Defcend-
ents fell into the like Vices, they were often depos'd, till at laft they
were wholly rejected, and the Crown given to Capet and to his Heirs
Male as formerly. Yet for all this Henry his Grandchild, being esteem'd
more fit to govern than his elder Brother Robert, was, as is said before,
made King, and that Crown still remains in his Defcendants; no confider-
ation being had of the Children of Robert, who continu'd Dukes of
Burgundy during the reigns of ten Kings. And in the memory of our Fa-
thers, Henry of Navarre was rejected by two Aftemblys of the Estates,
because he differ'd in Religion from the Body of the Nation, and could
never be receiv'd as King, till he had renounce'd his own, tho he was cer-
tainly the next in Blood; and that in all other respects he excell'd in thofe
Vertues which they moft esteem.

We have already prov'd, that our own History is full of the like Ex-
amples, and might enumerate a multitude of others, if it were not too
tedious: and as the various Rules, according to which all the hereditary
Crowns of the World are inherited; fhew, that none is fet by Nature,
but that every People proceeds according to their own Will; the fre-
quent deviations from thofe Rules do evidently tellify, that Salus Populi
eft Lex suprema; and that no Crown is granted otherwise, than in sub-
mifion to it.

But tho there were a Rule, which in no cafe ought to be tranfgreff,
there muft be a Power of judging to whom it ought to be applied. 'Tis
perhaps hard to conceive one more precife than that of France, where the
elleft Legitimate Male in the direct Line is prefer'd; and yet that alone
is not sufficient. There may be Baffardy in the cafe: Baffards may be
thought legitimate, and legitimate Sons Baffards. The Children born of
Isabel of Portugal during her Marriage with John the Third of Castile
were declar'd Baffards; and the Title of the Houfe of Austria to that
Crown, depends upon that Declaration. We often fee that Marriages
which have bin contracted, and for a long time taken to be good, have
bin declar'd null; and the legitimation of the prefent King of France
is founded solely upon the abolition of the Marriage of Henry the Fourth
with Marguerite of Valois, which for the space of twenty seven Years
was thought to have bin good. Whilst Spain was divided into five or six
Kingdoms, and the several Kings link'd to each other by mutual Allian-
ces, incestuous Marriages were often contracted, and upon better confi-
deration annul'd; many have bin utterly void, thro' the preengagement
of one of the Partys. These are not feign'd Cafes, but fuch as happen
frequently: and the diverfity of Accidents, as well as the humours of
Men, may produce many others, which would involve Nations in the
doif fatal Diforders, if every one should think himfelf oblig'd to follow
fuch a one who pretended a Title, that to him might feem plauflible, when
another fhoild fet up one as pleafing to others, and there were no Power

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to terminate those Disputes to which both must submit, but the decision must be left to the Sword.

This is that which I call the Application of the Rule, when it is as plain and certain as human Wisdom can make it; but if it be left more at large, as where females inherit, the difficulties are inextricable: and he that says, the next Heir is really King when one is dead, before he be so declared by a Power that may judge of his Title, dos, as far as in him lies, expose Nations to be split into the most desperate factions, and every man to fight for the Title which he fancies to be good, till he destroy those of the contrary Party, or be destroy'd by them. This is the blessed way propos'd by our Author to prevent Sedition: But, God be thank'd, our Ancestors found a better. They did not look upon Robert the Norman as King of England after the death of his Father; and when he did proudly endeavour, on pretence of Inheritance, to impose himself upon the Nation, that thought fit to prefer his younger Brothers before him, he paid the penalty of his folly, by the loss of his Eyes and Liberty. The French did not think the Grandchild of Pharamond to be King after the death of his Father, nor seek who was the next Heir of the Merovin- gian Line, when Childeper the Third was dead; nor regard the Title of Charles of Lorraine after the death of his Brother Lothair, or of Robert of Burgundy eldest Son of King Robert; but advance'd Meroveus, Pepin, Car- pet and Henry the First, who had no other Right than what the Nobility and People bestowed upon them. And if such Acts do not destroy the Pretences of all who lay claim to Crowns by Inheritance, and do not create a Right, I think it will be hard to find a lawful King in the world, or that there ever has bin any; since the first did plainly come in like Nimrod, and those who have bin every where since History are known to us, ow'd their exaltation to the Consent of Nations, arm'd or unarm'd, by the deposition or exclusion of the Heirs of such as had reign'd before them.

Our Author not troubling himself with these things, or any other relating to the matter in question, is pleas'd to slight Hooker's Opinions concerning Coronation and Inauguration, with the heaps of Scripture upon which he grounds them; whereas those Solenmities would not only have bin foolish and impertinent, but profane and impious, if they were not Deeds by which the Right of Dominion is really confer'd. What could be more wickedly superstitious, than to call all Israel together before the Lord, and to cast Lots upon every Tribe, Family and Person, for the election of a King, if it had bin known to whom the Crown did belong by a natural and unalterable Right? Or if there had bin such a thing in Nature, how could God have caus'd that Lot to fall upon one of the youngest Tribe, for ever to discontinue his own Law, and divert Nations from taking any notice of it? It had bin absurd for the Tribe of Judah to chuse and anoint David, and for the other Tribes to follow their example after the death of Ishboiseth, if he had bin King by a Right not depending on their Will. David did worse in slaying the Sons of Rim- mon, saying, they had kill'd a righteous Man lying upon his bed, if Ish- bosheth, whose Head they presented, had most unrighteously detain'd from him, as long as he liv'd, the Dominion of the ten Tribes: The King, Elders and People, had most scornfully abus'd the most sacred things, by using such Ceremonys in making him King, and completing their Work in a Covenant made between him and them before the Lord, if he had bin already King, and if those Acts had
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had bin empty Ceremonys conferring no Right at all.

I dare not fay that a League dos imply an abfolute equality between both Partys; for there is a Fadus inequale, wherein the weaker, as Grotius fays, dos ufually obtain protection, and the stronger honour; but there can be none at all, unlefs both Partys are equally free to make it, or not to make it. David therefore was not King, till he was elected, and thofe Covenants made; and he was made King by that Election and Covenants.

This is not shaken by our Author’s Suppofition, That the People would not have taken Joas, Manaffeh or Jofiah, if they had had a right of chufing a King; fince Solomon fays, Wo unto the Kingdom whose King is a Child!

For, firft, they who at the firft had a right of chufing whom they pleas’d to be King, by the Covenant made with him whom they did chufe, may have depriv’d themselves of the farther execution of it, and render’d the Crown hereditary even to Children, unlefs the Conditions come to be violared upon which it was granted. In the second place, if the Infancy of a King brings Wo upon a People, the Government of fuch a one cannot be according to the Laws of God and Nature; for Governments are not inftructed by either for the pleafure of a Man, but for the good of Nations; and their Weal, not their Wo, is fought by both: And if Children are any where admitted to rule, ’tis by the particular Law of the place, grounded perhaps upon an opinion, that it is the beft way to prevent dangerous Contefts; or that other ways may be found to prevent the Inconveniences that may proceed from their weaknefs. Thirdly, It cannot be concluded that they might not reject Children, because they did not: Such matters require positive Proofs, Suppofitions are of no value in relation to them, and the whole matter may be alter’d by particular Circumftances. The Jews might reasonably have a great veneration for the Houfe of David: they knew what was promis’d to that Family; and whatever refpect was paid, or privilege granted on that account, can be of no advantage to any other in the world. They might be farther induc’d to fet up Joas, in hope the defects of his Age might be supplied by the Vertue, Experience and Wisdom of Jehoiada. We do not know what good opinion may have bin conceiv’d of Manaffeh when he was twelve years old; but much might be hop’d from one that had bin virtuoufly educated, and was probably under the care of fuch as had bin chosen by Hezekiah: and tho the contrary did fall out, the mischiefes brought upon the People by his wicked Reign, proceeded not from the weaknefs of his Childhood, but from the malice of his riper Years. And both the Examples of Joas and Jofiah prove, that neither of ’em came in by their own right, but by the choice of the People. Jehoiada gather’d the Levites out of all the Cities of Judah, and the chief of the Fathers of Israell, and they came to Jerusalem: And all the Congregation made a Covenant with the King in the Houfe of God, and brought out the Kings Son, and put upon him the Crown, and gave him the Testimony, and made him King; whereupon they flew Athaliah. And when Ammon was fain, the people of the Land flew them that had confpir’d against King Ammon; and the people of the Land made Jofiah his Son King in his stead: which had bin moft impertinent, if he was of himfelf King before they made him fo. Besides, the Infancy may be a just caufe of excepting againft, and rejecting the next Heir to a Crown, ’tis not the greatest or ftrongeft.

’Tis far more easy to find a Remedy againft the folly of a Child (if the State be well regulated) than the more rooted Vices of grown men.

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CHAP. II. The English, who willingly receiv'd Henry the Sixth, Edward the Fifth and Sixth, the Children, resolutely oppos'd Robert the Norman: And the French, who willingly submitted to Charles the Ninth, Lewis the Thirteenth and Fourteenth in their Infancy, rejected the rude remainders of Meroving his Race, Charles of Lorraine with his Kindred descended from Pepin, Robert Duke of Burgundy with his Descendants, and Henry of Navarre, till he had satisfy'd the Nobility and People in the point of Religion. And tho I do not know that the Letter upon the words, \textit{Ve regno ejus Rex non est}, recited by Lambard, was written by Eleutherius Bishop of Rome; yet the Authority given to it by the Saxons, who made it a Law, is much more to be valu'd than what it could receive from the Writer: And whoever he was, he seems rightly to have understood Solomon's meaning, who did not look upon him as a Child that wanted years, or was superannuated, but him only who was guilty of Insolence, Luxury, Folly and Madness; and be that said, \textit{A wife Child was better than an old and foolish King}, could have no other meaning, unless he should say, it was worse to be govern'd by a wife Person than a Fool; which may agree with the judgment of our Author, but could never enter into the heart of Solomon.

Lastly, Tho the practice of one or more Nations may indicate what Laws, Covenants or Customs were in force among them, yet they cannot bind others: The diversity of them proceeds from the variety of mens Judgments, and declares, that the direction of all such Affairs depends upon their own Will; according to which every People for themselves do form and measure the Magistracy, and magistratical Power; which, as it is directed solely for the good, has its exercites and extent proportionable to the Command of those that institute it; and such Ordinances being good for men, God makes them his own.

S E C T. VIII.

There is no natural propensity in Man or Beast to Monarchy.

I S E E no reason to believe that God did approve the Government of one over many, because he created but one: but to the contrary, in as much he did endow him, and those that came from him, as well the youngest as the eldest Line, with understanding to provide for themselves, and by the invention of Arts and Sciences to be beneficial to each other; he shew'd, that they ought to make use of that understanding in forming Governments according to their own convenience, and such occasions as should arise, as well as in other matters. And it might as well be inter'd, that it is unlawful for us to build, clothe, arm, defend, or nourish our selves, otherwise than our first Parents did, before or soon after the Flood, as to take from us the liberty of instituting Governments that were not known to them. If they did not find out all that conduces to the use of man, but a Faculty as well as a Liberty was left to every one, and will be to the end of the World, to make use of his Wit, Industry, and Experience, according to present Exigences, to invent and practice such things as seem convenient to himself and others in matters of the least importance; it were absurd to imagin, that the political Science, which of all others
others is the most abstruse and variable according to Accidents and Circumstances, should have been perfectly known to them who had no use of it; and that their Descendants are oblig'd to add nothing to what they practis'd. But the reason given by our Author to prove this extravagant fancy, is yet more ridiculous than the thing it self; God, says he, shew'd his opinion, viz. that all should be govern'd by one, when he endow'd not only Men, but Beasts with a natural propensity to Monarchy: Neither can it be doubted, but a natural propensity is refer'd to God who is the Author of Nature: Which I suppose may appear if it be consider'd.

Nevertheless I cannot but commend him in the first place for introducing God speaking so modestly, not declaring his Will, but his Opinion. He puts haughty and majestic Language into the mouth of Kings. They command and decide, as if they were subject to no Error, and their Will ought to be taken for perpetual Laws; but to God he ascribes an humble delivery of his Opinion only, as if he fear'd to be mistaken. In the second place, I deny that there is any such general propensity in Man or Beast, or that Monarchy would thereby be justly'd tho' it were found in them. It cannot be in Beasts, for they know not what Government is; and being incapable of it, cannot distinguish the several forts, nor consequently incline to one more than another. Salmasius his story of Bees is only fit for old Women to prate of in Chimney-corners; and they who representative Lions and Eagles as Kings of Birds and Beasts, do it only to show, that their Power is nothing but brutish Violence, exercis'd in the destruction of all that are not able to oppose it, and that has nothing of goodness or justice in it: which Similitude (though it should prove to be in all respects adequate to the matter in question) could only shew, that those who have no sense of Right, Reason or Religion, have a natural propensity to make use of their strength to the destruction of such as are weaker than they; and not that any are willing to submit, or not to resist it if they can; which I think will be of no great advantage to Monarchy. But whatever propensity may be in Beasts, it cannot be attributed generally to Men; for if it were, they never could have deviated from it, unless they were violently put out of their natural course; which in this case cannot be, for there is no Power to force them. But that they have most frequently deviated, appears by the various Forms of Government establish'd by them. There is therefore no natural propensity to any one, but they chuse that which in their judgment seems best for them. Or, if he would have that inconsiderate impulse, by which brutish and ignorant men may be sway'd when they know no better, to pass for a Propensity; others are no more oblig'd to follow it, than to live upon Acorns, or inhabit hollow Trees, because their Fathers did it when they had no better dwellings, and found no better nourishment in the uncultivated World. And he that exhibits such Examples, as far as in him lies, endeavours to take from us the use of Reason, and, extinguishing the light of it, to make us live like the worst of Beasts, that we may be fit Subjects to absolute Monarchy. This may perhaps be our Author's intention, having learn'd from Aristotle, that such a Government is only suitable to the nature of the most beastly men, who being incapable of governing themselves, fall under the Power of such as will take the conduct of 'em: But he ought withal to have remember'd, that, according to Aristotle's opinion, this Conductor must be in nature different from those he takes the charge of; and if he be not, there can be no Government, nor Order, by which it subsumes: Beasts follow Beasts, and the blind lead the blind to destruction.

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CHAP. II. But tho' I should grant this Propensity to be general, it could not be imputed to God, since man by Sin is fallen from the Law of his Creation. The wickedness of man (even in the first Ages) was great in the World: All the imaginations of his heart are evil, and that continually. All men are liars: There is none that doth good, no not one. Out of the heart proceed evil Thoughts, Murders, Adulteries, Fornications, Thefts, false Testimonies, &c. These are the Fruits of our corrupted nature, which the Apostle observing, does not only make a difference between the natural and the spiritual Man, whose proceeding only can be refer'd to God, and that only so far as he is guided by his Spirit; but shews, that the natural man is in a perpetual enmity against God, without any possibility of being reconcil'd to him, unless by the destruction of the old Man, and the regenerating or renewing him thro' the Spirit of Grace. There being no footsteps of this in our Author's Book, he and his Master Heylin may have differ'd from the Apostle, referring that Propensity of Nature to God, which he declares to be utter enmity against him; and we may conclude, that this Propensity, however general it may be, cannot be attributed to God as the Author of Nature, since it cannot be more general than the Corruptions into which we are fallen.

S E C T. IX.

The Government instituted by God over the Israelites was Aristocratical.

Notwithstanding all this, our Author is resolv'd that Monarchy must be from God: What form of Government, says he, God ordain'd by his Authority, may be gather'd by that Commonwealth which he instituted amongst the Hebrews; which was not Aristocratical, as Calvin says, but plainly Monarchical. I may in as few words deny the Government set up by God to have bin Monarchical, as he afferts it; but finding such Language ordinarily to proceed from a mixture of folly, impudence and pride, I chuse rather to shew upon what I ground my Opinions, than nakedly to deliver them; most especially, when by insisting upon the Government instituted by God over his People, he refers us to the Scripture. And I do this the more boldly, since I follow Calvin's Expolation, and believe that he having bin highly esteem'd for his Wit, Judgment, and Learning, by such as were endow'd with the like, and reverenc'd as a glorious Servant of God, might, if he were now alive, comfort himself, tho' he had the misfortune to fall under the cenures of Filmer and his followers. 'Tis probable he gave some Reasons for his Opinions; but our Author having maliciously conceal'd 'em, and I not having leasure at present to examin all his Writings to find 'em, must content my self with such as my small understanding may suggeft, and such as I have found in approved Authors.

In the first place I may safely fay, he was not alone of that opinion: Jofephus, Philo, and Moisès Maimonides, with all the best of the Jewifh and Chrifitian Authors, had long before deliver'd the fame. Jofephus says, that Saul's first Sin by which he fell, was, that he took away the Aristocracy; which he could not do if it had never bin eftablifh'd. Philo imputes the institution of Kingly Government, as it was in Israel, neither
to God nor his Word, but to the fury of the sinful People. Abarbenel says, it proceeded from their delight in the Idolatry to which their Neighbours were addicted, and which could be upheld only by a Government, in practice and principle contrary to that which God had instituted. Maimonides frequently says the same thing, grounded upon the words of Hosea, I gave them Kings in my Wrath; and whosoever will call that a divine Institution, may give the same name to Plagues or Famines, and induce a necessity incumbent upon all men to go and search the one where they may find it, and to leave their Lands for ever uncultivated that they may be sure of the other: which being too befial to be asferted by a man, I may safely lay the Hebrew Kings were not instituted by God, but given as a punishment of their Sin, who despis’d the Government he had instituted; and the above-mention’d Authors agree in the same thing, calling the Peoples desire to have a King, furious, mad, wicked, and proceeding from their love to the Idolatry of their Neighbours, which was futed to their Government; both which were inconsistent with what God had establish’d over his own People.

But wavin the opinions of men, ’tis good to see what we can learn from the Scripture, and inquire if there be any Precept there expressly commanding them to make a King; or any Example that they did fo whilst they continu’d obedient to the Word of God; or any thing from whence we may reasonably infer they ought to have done it: all which, if I mistake not, will be found directly contrary.

The only Precept that we find in the Law concerning Kings, is that of Deut. 17. already mention’d; and that is not a Command to the People to make, but Instru&ions what manner of King they should make if they desir’d to have one: There was therefore none at all.

Examples do as little favour our Author’s Affertions. Moses, Joshua, and the other Judges, had not the name or power of Kings: They were not of the Tribe to which the Scepter was promis’d: They did not transmit the Power they had to their Children, which in our Adversary’s opinion is a Right inseparable from Kings; and their Power was not continu’d by any kind of Succession, but created occasionally, as need requir’d, according to the Vertues discover’d in those who were rais’d by God to deliver the Nation in the time of their diffires; which being done, their Children lay hid among the rest of the People. Thus were Ehud, Gideon, Jephtha, and others set up: Whosoever will give battle (say the Princes and People of Gilead) to the Children of Ammon, shall be head over the Inheritance of Gilead: and finding Jephtha to be such a man as they fought, they made him their Chief, and all Israel follow’d them. When Othniel had shew’d his Valour in taking Kiriath Sepher, and delivering his Brethren from Cauban-Ribhabaim, he was made Judge: When Ehud had kill’d Eglon; when Shamgar and Samson had destroy’d great numbers of the Philistins; and when Gideon had defeated the Midianites, they were fit to be advanc’d above their Brethren. Thes Dignities were not inherent in their Persons or Families, but confer’d upon them; nor confer’d, that they might be exalted in Riches and Glory, but that they might be Ministers of Good to the People. This may juftify Plato’s opinion, that if one man be found incomparably to excel all others in the Vertues that are beneficial to Civil Societies, he ought to be advanc’d above all: but I think it will be hard from thence to deduce an Argument in favour of such a Monarchy as is necessarily to defend to the next in Blood, whether Man, Woman, or Child, without any consideration of Vertue,
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Vertue, Age, Sex, or Ability; and that failing, it can be of no use to our Author. But whatever the dignity of a Hebrew Judge was, and howsoever he was rais’d to that Office, it certainly differ’d from that of a King. Gideon could not have refus’d to be a King when the People would have made him so, if he had bin a King already; or that God from the beginning had appointed they should have one: The Elders and People could not have ask’d a King of Samuel, if he had bin King; and he could not without impiety have bin displeas’d with them for asking such a one as God had appointed; neither would God have said to him, They have not rejected thee, but they have rejected me that I should not reign over them, if he had ordain’d what they desir’d.

They did not indeed reject God with their Mouths: They pretended to use the liberty he had given them to make a King; but would have such a one as he had forbidden: They drew near to him with their Lips, but their Hearts were far from him; and he seeing their Hypocrify, severely chastis’d ’em in granting their ill conceiv’d request; and foretold the Miseries that should thereupon befall ’em, from which he would not deliver ’em, tho’ they should cry to him by reason of what they suffer’d from their King: He was their Creature, and the mischiefs thereby brought upon them were the fruits of their own labour.

This is that which our Author calls God’s institution of Kings; but the Prophet explains the matter much better, I gave them Kings in my anger, and took them away in my wrath: in destroying them God brought desolation upon the people that had sinn’d in asking for them, and following their example in all kind of Wickedness. This is all that our Author has to boast of: but God who acknowledges those works only to be his own, which proceed from his goodnes and mercy to his People, disowns this; Israel hath cast off the thing that is good (even the Government that he had establish’d) the Enemy shall pursue him: They have set up Kings, but not by me; and Princes, but I know them not. As if he fought to justify the severity of his Judgments brought upon them by the wickedness of their Kings, that they, not he, had ordain’d.

Having seen what Government God did not ordain, it may be reasona-
ble to examine the Nature of the Government which he did ordain; and we shall easily find that it consisted of three parts, besides the Magistrates of the several Tribes and Cities. They had a chief Magistrat, who was call’d Judg or Captain, as Jefhua, Gideon, and others; a Council of se-
venty chosen men; and the General Assembly of the People.

The first was merely occasional, like to the Dictators of Rome: and as the Romans in times of danger frequently chose such a Man as was much esteem’d for Valour and Wisdom, God’s peculiar People had a peculiar regard to that Wisdom and Valour which was accompanied with his Pre-
sence, hoping for deliverance only from him.

The second is known by the name of the Great Sanhedrin, which be-
ing instituted by Mosè according to the command of God, continu’d, till they were all save one slain by Herod. And the third part, which is the Assembly of the People, was so common, that none can be ignorant of it, but such as never look’d into the Scripture. When the Tribes of Reu-
ben, Gad, and half that of Manasseh had built an Altar on the side of Jor-
dan, The whole Congregation of the Children of Israel gather’d together at Shiloh to go up to war against them, and sent Phineas the Son of Eleazer, and with him ten Princes, &c. This was the highest and most important action that could concern a People, even War or Peace, and that not with

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with Strangers, but their own Brethren. *Joshua* was then alive: The SECT. 9.
Elders never fail’d: yet this was not transacted by him or them, but by
the collected body of the People; for They sent Phineas. This Demo-
cratical Embassy was Democratically receiv’d: It was not directed to one
Man, but to all the Children of Reuben, Gad, and Manasseh, and the
Answer was sent by them all; which being pleasing to Phineas, and the
ten that were with him, they made their report to the Congregation,
and all was quiet.

The laft eminent Act perform’d by *Joshua* was the calling of a like Af-
sembly to Shechem, compos’d of Elders, Heads of Family, Judges, Of-
ficers, and all the People, to whom he propos’d, and they agreeing made
a Covenant before the Lord.

*Joshua* being dead, the Proceedings of every Tribe were grounded up-
on Counsels taken at such Assemblies among themselves for their own
concerns, as appears by the Actions of Judah, Simeon, &c. against the
Canaanites; and when the Levite complain’d that his Wife had bin forc’d *Judg. 1*
by those of Gibeon, the whole Congregation of Israel met together at
Mispeth from all parts, even from Dan to Beer-sheba, as one man, and
there resolv’d upon that terrible War which they made against the Tribe
of Benjamin. The like Assembly was gather’d together for the election of
Saul, every man was there: and tho’ the Elders only are said to have
ask’d a King of Samuel, they seem to have bin deputed from the whole
Congregation; for God said, *Hearken to the Voice of the People.* In the 1 Sam. 8. 7:
fame manner the Tribe of Judah, and after that the rest, chose and an-
nointed David to be their King. After the death of Solomon all Israel
met together to treat with Rehoboam; and not receiving satisfaction from
him, ten of the Tribes abrogated his Kingdom.

If these Actions were consider’d singly by themselves, Calvin might
have given the name of a Democracy to the Hebrew Government, as well
as to that of Athens; for without doubt they evidently manifest the su-
preme Power to have bin in the supreme manner in these General As-
semblies: but the Government (as to its outward order) consisting of those
three parts, which comprehend the three simple species; and no times
having bin appointed, nor occasions specify’d, upon which Judges should
be chosen, or these Assemblies call’d, whereas the Sanhedrim, which was
the Aristocratical part, was permanent; the whole might rightly be call’d an Aristocracy, that part prevailing above the others: and tho’ *Jo-
ephus* calls it a Theocracy, by reason of God’s presence with his People;
yet in relation to man he calls it an Aristocracy, and says that Saul’s first
Sin by which he fell from the Kingdom was, that *Gubernationem optimatum
suscitit*; which could not be, if they were govern’d by a Monarch before
he was chosen.

Our Author taking no notice of these matters, first endeavours to prove
the excellency of Monarchy from natural instinct; and then begging the
question, says, that God did always govern his People by Monarchy:
whereas he ought in the first place to have observ’d that this instinct (if
there be any such thing) is only an irrational appetite, attributed to
Beasts, that know not why they do any thing; and is to be follow’d
only by those men who being equally irrational, live in the same igno-
rance: and the second being prov’d to be absolutely false by the ex-
pres words of the Scripture, *There was then no King in Israel, seve-
ral times repeated, and the whole series of the History, he has no
other evasiou than to say, That even then the Israelites were under the
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Kingly Government of the Fathers of particular Families.

It appears by the forementioned Text cited also by our Author, that in the Assembly of the People, gather’d together to take counsel concerning the War against Benjamin, were four hundred thousand Footmen that drew Sword; They all arose together, saying, Not a man of us shall go to his Tent. So all the men of Israel were gather’d together against the City. This is repeated several times in the relation. The Benjaminites proceeded in the like manner in preparing for their defence; and if all these who did so meet to consult and determine were Monarchs, there were then in Israel and Benjamin four hundred twenty six thousand seven hundred Monarchs or Kings, tho the Scripture says there was not one.

If yet our Author infilts upon his notion of Kingly Government, I desire to know who were the Subjects, if all these were Kings; for the Text says, that the whole Congregation was gather’d together as one man from Dan to Beer-sheba. If there can be so many Kings without one Subject, what becomes of the Right of Abraham, Isaac and Jacob, that was to have bin devolv’d upon one Man as Heir to them, and thereby Lord of all? If every man had an equal part in that inheritance, and by virtue of it became a King, why is not the fame eternally subdivided to as many men as are in the World, who are also Kings? If this be their natural condition, how comes it to be alter’d, till they dethrone themselves by content, to set up one or more to have a power over them all? Why should they devest themselves of their natural Right to set up one above themselves, unless in consideration of their own good? If the 426700 Kings might retain the power in themselves, or give it to one, why might they not give it to any such number of men as should please themselves, or retain it in their own hands, as they did till the days of Saul; or frame, limit, and direct it according to their own pleasure? If this be true, God is the Author of Democracy; and no afferter of human Liberty did ever claim more than the People of God did enjoy and exercise at the time when our Author says they were under the Kingly Government; which Liberty being not granted by any peculiar concession or institution, the fame must belong to all Mankind.

'Tis in vain to say the 426700 men were heads of Families; for the Scripture only says, They were Footmen that drew the Sword, or rather all the men of Israel from Dan to Beer-sheba, who were able to make War. When six hundred Benjaminites did only remain of the 26700, 'tis plain that no more were left of that Tribe, their Women and Children having bin destroy’d in the Citys after their defeat. The next Chapter makes the matter yet more plain; for when all that were at the Congregation in Mijpeh were found to have sworn, they would not give their Daughters to any of the Tribe of Benjamin, no Israelite was free from the Oath, but the men of Jabez Gilead, who had not bin at the Assembly: All the rest of Israel was therefore comprehended; and they continuing to govern in a popular way with absolute power, sent twelve thousand of their most valiant men to destroy all the Males of Jabez Gilead, and the Women that had lain by Man, reverting the Virgins for the Benjaminites. This is enough for my purpose: for the question is not concerning the power that every Householder in London has over his Wife, Children and Servants; but whether they are all perpetually subject to one man and Family; and I intend not to set up their Wives, Prentices, and Children against them, or to diminish their Rights, but to affer in them, as the gift of God and Nature, no otherwife to be restrain’d than by Laws made with their own consent.
Reafon failing, our Author pleades himſelf with terms of his own In-
vention: When the People beg'd a King of Samuel, they were govern'd by a
Kingly power: God out of a special love and care to the House of Israel, did
choſe to be their King himſelf, and did govern them at that time by his Vice-
roy Samuel and his Sons. The behaviour of the Israelites towards Samuel
has bin thought proud, perverfe, and obstinate; but the fine Court-word
begging was never before apply'd to them; and their infolent fury was
not only feen againſt Samuel, but againſt God; They have not rejected thee,
but they have rejected me. And I think Filmer is the first who ever found
that Beggars in begging did reject him of whom they beg'd: Or if they
were Beggars, they were fuch as would not be denied; for after all that
Samuel had faid to difuade them from their wicked design, they faid,
Nay, but we will have a King.

But left I should be thought too much inclin'd to contradict our Au-
thor, I confefs that once he has happen'd to be in the right. God out of
a special love to the Houfe of Israel chose to be their King: He gave them
Laws, prefcrib'd a Form of Government, rais'd up Men in a wonderful man-
ner to execute it, fill'd them with his Spirit, was ever present when they call'd up-
on him: He gave them counsel in their doubts, and affiftance in all their ex-
travagancies: He made a Covenant with them, and would be exalted by them.
But what is this to an earthly Monarch? Who can from hence derive a
Right to any one man to play the Lord over his Brethren, or a reafon why
any Nation should fet him up? God is our Lord by right of creation, and
our only Lord, becaufe he only has created us. If any other were equal
to him in Wisdom, Power, Goodnefs, and Beneficence to us, he might
challenge the fame duty from us. If growing out of our felves, re-
ceiving being from none, depending on no providence, we were offer'd
the protection of a Wisdom subject to no error, a Goodnefs that could
never fail, and a Power that nothing could reſift; it were reaſonable for
us to enter into a Covenant, submit our felves to him, and with all the fac-
ulty of our minds to addic our felves to his Service. But what
Right can from hence accrue to a mortal Creature like to one of us, from
whom we have receiv'd nothing, and who stands in need of help as
much as we? Who can from hence deduce an argument to persuade us
to depend upon his Wisdom, who has as little as other men? To submit
to his Will who is subject to the fame Frailty, Passions, and Vices with
the reſt of Mankind? Or to expect protection and defence from him
whose life depends upon as slender threds as our own; and who can have
no power but that which we confer upon him? If this cannot be done,
but is of all things the moft contrary to common fene, no man can in
himſelf have any right over us; we are all as free as the four hundred
twenty six thouſand seven hundred Hebrew Kings: We can naturally
owe allegiance to none; and I doubt whether all the lufts that have
reign'd amongst Men since the beginning of the World, have brought
more guilt and misery upon them than that preposterous and impudent
pretence of imitating what God had instituted. When Saul fet himself
most violently to oppofe the command of God, he pretended to fulfil it:
When the Jews grew weary of God's Government, and refolv'd to re-
ject him, that he should not reign over them, they us'd fome of Mohe's
words, and ask'd that King of God, whom they intended to fet up
againſt him: But this King had not bin fet up againſt God, the People
had not rejected God, and fin'd in asking for him, if every Nation by a
general Law ought to have one, or by a particular Law one had bin
ap-
S E C T. X.

Aristotle was not simply for Monarchy or against Popular Government; but approv'd or disapprov'd of either according to circumstances.

Our Author well observes that Aristotle is hardly brought to give a general opinion in favour of Monarchy, as if it were the best form of Government, or to say true, never dos it. He uses much caution, proposes conditions and limitations, and makes no decision but according to circumstances. Men of Wisdom and Learning are subject to such doubts; but none ought to wonder if stupidity and ignorance defend Filmer and his Followers from them; or that their hatred to the antient Vertue should give 'em an aversion to the Learning that was the Nurfe of it. Those who neither understand the several Species of Government, nor the various Tempers of Nations, may without fear or shame give their opinions in favour of that which best pleases them; but wise men will always proportion their praise to the merit of the Subject, and never commend that simply which is good only according to circumstances. Aristotle highly applauds Monarchy, when the Monarch has more of those Vertues that tend to the good of a Commonwealth, than all they who compose it. This is the King mention'd in his Ethicks, and extol'd in his Politicks: He is above all by Nature, and ought not by a municipal Law to be made equal to others in Power: He ought to govern, because 'tis better for a People to be govern'd by him, than to enjoy their Liberty; or rather, they do enjoy their Liberty, which is never more safe, than when defended by one who is a living Law to himself and others. Whereforever such a man appears, he ought to reign: He bears in his Person the Divine Character of a Sovereign: God has rais'd him above all; and such as will not submit to him, ought to be accounted Sons of Belial, brought forth and slain. But he dos withal confefs, that if no such man be found, there is no natural King: All the Prerogatives belonging to him vanish, for want of one who is capable of enjoying them. He lays severe Censures upon those who not being thus qualified take upon them to govern men, equal to or better than themselves; and judges the assumption of such Powers by perfons not naturally adapted to the administration of them, as barbarous Usurpations, which no Law or Reafon can justify; and is not so much transported with the excellency of this true King, as not to confefs he ought to be limited by Law: Qui legem proeiffe jubes, videtur jube re proeiffe Deam & Leges: qui autem hominem proeiffe jubes, adjungit & belfism; libibo quippe talis est, atque obliquos agit, etiam viros optimos qui sunt in potestate, ex quo mens atque appetitus Lex est. This agrees with the words of the best King that is known to have bin in the world, proceeding, as is most probable, from a fene of the Passions that reign'd in his own breast: Men being in honour, has no understanding, but is like to the beast that perishes. This shews that such as deny that Kings do reign.
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by Law, or that Laws may be put upon Kings, do equally set themselves Sect. 16. against the opinions of wise Men, and the Word of God: and our Au-

thor having found that Learning made the Grecians feditious, may rea-

nably doubt that Religion may make others worfe; fo as none will be fit Subjects of his applauded Government, but thofe who have neither Religion nor Learning; and that it cannot be introduc’d till both be ex-

tinguifh’d.

Aristotle having declar’d his mind concerning Government, in the

Books expressly written on that Subject, whatfoever is faid by the by in

his Moral Discourses, must be refer’d to and interpreted by the other:

And if he faid (which I do not find) that Monarchy is the beft Form

of Government, and a Popular State the worft, he cannot be thought to

have meant otherwife, than that thofe Nations were the moft happy,

who had fuch a Man as he thinks fit to be made a Monarch; and thofe

the moft unhappy, who neither had fuch a one, nor a few, that any way

excel’d the reft; but all being equally brutifh, must take upon ’em the

Government they were unable to manage: for he dos no where admit

any other end of Juft and Civil Government, than the good of the

Governed; nor any advantage due to one or a few persons, unlefs for fuch

Vertues as conduce to the common good of the Society. And as our

Author thinks Learning makes men feditious, Aristotle also acknow-

ledges, that thofe who have Underftanding and Courage, which may

be taken for Learning, or the effect of it, will never endure the Govern-

ment of one or a few that do not excel them in Vertue: but no where

dispraises a Popular Government, unlefs the Multitude be compos’d of

fuch as are barbarous, ftrait, lead, vicious, and incapable of the Happy-

nefs for which Governments are inftituted; who cannot live to them-

selves, but like a herd of Beafis must be brought under the dominion of

another; or who, having among themselves fuch an excellent Perfon as

is above describ’d, will not submit to him, but either kill, banifh, or

bring him to be equal with others, whom God had made to excel all. I
do not trouble my felf, or the Reader, with citing here and there a Line

out of his Books, but refer my felf to thofe who have perus’d his Moral

and Political Writings, submitting to the feverest Cenfures, if this be not

the true Sense of ’em; and that Vertue alone, in his opinion, ought to

give the preheminence. And as Aristotle following the wife Men of thofe

times, shews us how far Reason, improv’d by Meditation, can advance in

the knowledge and love of that which is truly good; fo we may in Filmer

guided by Heylin, fee an Example of corrupted Chriftians, who extinguish-

ing the Light of Religion by their Vices, and degenerating into Beafis

(whilft they endeavour to support the personal Interett of fome men,

who are rais’d to Dignitys by the consent of Nations, or by unwarrant-

able ways and means) would caft all the Power into the hands of fuch

as happen to be born in certain Families; as if Governments had not bin

inftituted for the common good of Nations, but only to increafe their

Pride, and foment their Vices; or that the care and direction of a great

People were fo easy a work, that every Man, Woman, or Child, how

young, weak, foolifh or wicked foever, may be worthy of it, and able to

manage it.
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S E C T. XI.

Liberty produces Vertue, Order and Stability: Slavery is accompanied with Vice, Weakness and Misery.

Our Author's judgment, as well as inclinations to Vertue, are manifested in the preference he gives to the manners of the Assyrions and other Eastern Nations, before the Grecians and Romans: Whereas the first were never remarkable for any thing, but Pride, Leudness, Treachery, Cruelty, Cowardice, Madness, and hatred to all that is good; whilst the others excel'd in Wildom, Valour, and all the Vertues that deserve imitation. This was so well observ'd by St. Augustin, that he brings no stronger Argument to prove, that God leaves nothing that is good in man unrewarded, than that he gave the dominion of the best part of the World to the Romans, who in moral Vertues excel'd all other Nations. And I think no Example can be alledged of a Free People that has ever bin conquer'd by an Abolute Monarch, unless he did incomparably surprize them in Riches and Strength; whereas many great Kings have bin overthrown by small Republicks: and the success being constantly the same, it cannot be attributed to Fortune, but must necessarily be the production of Vertue and good Order. Machiavel discoursing of these matters, finds Vertue to be so essentially necessary to the establishment and preservation of Liberty, that he thinks it impossible for a corrupted People to set up a good Government, or for a Tyranny to be introduc'd if they be vertuous; and makes this * Conclusion, That where the Matter (that is, the body of the People) is not corrupted, Tumults and Disorders do no hurt; and where it is corrupted, good Laws do no good: Which being confirm'd by Reason and Experience, I think no wise man has ever contradicted him.

But I do not more wonder that Filmer should look upon Abolute Monarchy to be the Nure of Vertue, tho we see they did never subsist together, than that he should attribute Order and Stability to it; whereas Order principally consists in appointing to every one his right Place, Office or Work; and he lays the whole weight of the Government upon one Person, who very often dos neither deserve, nor is able to bear the least part of it. Plato, Aristotle, Hooker, and (I may say in short) all wise men have held, that Order requir'd that the wisest, best, and most valiant should be plac'd in the Offices where Wildom, Vertue and Valour are requisite. If common sense did not teach us this, we might learn it from the Scripture. When God gave the conduct of his People to Moses, Joshua, Samuel, and others, he endow'd them with all the Vertues and Graces requir'd for the right performance of their Duty. When the Israelites were oppressed by the Midianites, Philistins and Ammonites, they expected help from the most wise and valiant. When Hannibal was at the Gates of Rome, and had fill'd Italy with Fire and Blood; or when the Gauls overwhelm'd that Country with their multitudes and fury, the Senat and People of Rome put themselves under the conduct of Ca-

* Si puo far questa conclusione, che dove la materia non e corrotta, i tumulti ed altri scandalì non miroono: la dove la e corrotta le buone Leggi non giovano. Machiav. Disc. sopra T. Livio, lib. 1. millius,
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millos, Manlius, Fabius, Scipio, and the like; and when they fail'd to such as were fit for the work to be done, they receiv'd such defeats as convince'd them of their Error. But if our Author say true, Order requir'd that the Power of defending the Country should have bin annex'd as an Inheritance to one Family, or left to him that could get it, and the exercise of all Authority committed to the next in Blood, tho' the weakest of Women, or the baseft of Men.

The like may be said of judging, or doing of Justice; and 'tis absurd to pretend that either is expected from the Power, not the Person of the Monarch; for experience does too well shew how much all things halt in relation to Justice or Defence, when there is a defect in him that ought to judge us, and to fight our Battles. But of all things this ought least to be allegd by the Advocats for absolute Monarchy, who deny that the Authority can be separated from the Person, and lay it as a fundamental Principle, that whosoever has it may do what he pleases, and be accountable to no man.

Our Author's next work is to shew, that Stability is the effect of this good Order; but he ought to have known, that Stability is then only worthy of praise, when it is in that which is good. No man delights in sickness or pain, because it is long, or incurable; nor in slavery and misery, because it is perpetual; much less will any man in his senses commend a permanency in vice and wickedness. He must therefore prove, that the Stability he boasts of is in things that are good, or all that he says of it signifies nothing.

I might leave him here with as little fear, that any man who shall espouse his Quarrel, will ever be able to remove this Obstacle, as that he himself should rise out of his Grave and do it. But I hope to prove, that of all things under the Sun, there is none more mutable or unstable than absolute Monarchy; which is all that I dispute against, professing much veneration for that which is mix'd, regulated by Law, and directed to the Publick Good.

This might be prov'd by many Arguments, but I shall confine myself to two; the one drawn from Reason, the other from matters of Fact.

Nothing can be call'd stable, that is not so in Principle and Practice, in which respect human Nature is not well capable of Stability; but the utmost deviation from it that can be imagin'd, is, when such an Error is laid for a Foundation as can never be corrected. All will confes, that if there be any Stability in man, it must be in Wisdom and Vertue, and in those Actions that are thereby directed; for in weaknes, folly and madness, there can be none. The Stability therefore that we seek, in relation to the exercise of Civil and Military Powers, can never be found, unless care be taken that such as exercise those Powers, be endow'd with the Qualities that should make them stable. This is utterly repugnant to our Author's Doctrin: He lays for a Foundation, That the Succession goes to the next in Blood, without distinction of Age, Sex, or personal Qualities; whereas even he himself could not have the impudence to say, that Children, and Women (where they are admitted) or Fools, Madmen, and such as are full of all wickedness, do not come to be the Heirs of reigning Families, as well as of the meanest. The Stability therefore that can be expected from such a Government, either depends upon those who have none in themselves, or is refer'd wholly to Chance, which is directly opposite to Stability.

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This would be the case, tho' it were (as we say) an even Wager, whether the Person would be fit or unfit, and that there were as many men in the world able, as unable to perform the Duty of a King; but Experience shewing that among many millions of men, there is hardly one that possesses the Qualitj's requir'd in a King, 'tis so many to one, that he upon whom the Lot shall fall, will not be the man we seek, in whose Person and Government there can be such a Stability as is aJerted. And that failing, all must necessarily fail; for there can be no Stability in his Will, Laws or Actions, who has none in his Person.

That we may see whether this be verily'd by Experience, we need not search into the dark relations of the Babylonian and Assyrian Monarchies: Thofe rude Ages afford us little instruction; and tho' the fragments of History remaining do sufficiently show, that all things there were in perpetual fluctuation, by reason of the madnefs of their Kings, and the violence of thofe who transported the Empire from one Place or Family to another, I will not much rely upon them, but flightly touching fome of their Stories, pafs to thofe that are better known to us.

The Kings of thofe Ages seem to have liv'd rather like Beafis in a Forest, than Men join'd in Civil Society: they follow'd the Example of Nimrod the mighty Hunter; Force was the only Law that prevail'd, the stronger devour'd the weaker, and continu'd in Power till ejec ted by one of more strength or better fortune. By this means the race of Nimus was deftroy'd by Belochus: Arbaces rent the Kingdom afunder, and took Media to himfelf: Morothch extinguifh'd the Race of Belochus, and was made King: Nabuchodonfor like a Flood overwhelm'd all for a time, deftroy'd the Kingdoms of Jerufalem and Egypt, with many others, and found no obftacle, till his rage and pride turn'd to a moft batalial madnefs: And the Assyrian Empire was wholly aboliifh'd at the death of his Grandchild Belshazzar; and no Stability can be found in the reigns of thofe great Kings, unless that name be given to the Pride, Idolatry, Cruelty, and Wickednefs in which they remain'd conftant. If we examin matters more distinctly, we fhall find that all things vari'd according to the humour of the Prince. Whilft Pharaoh liv'd, who had receiv'd many Signal Services from Joseph, the Israelites were well us'd: but when another rofe up who knew him not, they were perfecuted with all the extremities of Injustice and Cruelty, till the furious King perifhing in his design of exterminating them, brought defftruction upon himfelf and the Nation. Where the like Power has prevail'd, it has ever produc'd the like effects. When some great men of Persia had perfuaded Darius, that it was a fine thing to command that no man for the space of thirty days should make any Petition to God or Man, but to the King only, Daniel the moft wise and holy Man then in the world must be thrown to the Lions. When God had miraculously sav'd him, the fame Sentence was pass'd againft the Princes of the Nation. When Haman had fill'd Ahasuerus his ears with Lies, all the Jews were appointed to be flain; and when the fraud of that Villain was detected, leave was given them, with the like precipitancy, to kill whom they pleas'd. When the Israelites came to have Kings, they were subject to the fame Storms, and always with their Blood suffer'd the Penalty of their Princes madnefs. When one kind of Fury possifled Saul, he flew the Priests, perfecuted David, and would have kill'd his brave Son Jonathan: When he fell under another, he took upon him to do the Priet's Office, pretended to understand the Word of God better than Samuel, and fpar'd thofe that God had command'd him to deftroy:

† Upon
Upon another whimsy he kill'd the Gibeonites, and never rested from finding new Inventions to vex the People, till he had brought many thousands of them to perirh with himself and his Sons on Mount Gilboa. We do not find any King, in Wisdom, Valour and Holiness, equal to David; and yet he falling under the temptations that attend the greatest Fortunes, brought Civil Wars and a Plague upon the Nation. When Solomon's heart was drawn away by strange Women, he fill'd the Land with Idols, and oppress the People with intolerable Tributes. Rehoboam's Folly made that Rent in the Kingdom which could never be made up. Under his Successors the people serv'd God, Baal or Ahab, as best pleas'd him who had the Power; and no other marks of Stability can be alledged to have bin in that Kingdom, than the conftancy of their Kings in the practice of Idolatry, their cruelty to the Prophets, hatred to the Jews, and civil Wars producing such Slaughter as are reported in few other Stories: The Kingdom was in the space of about two hundred years posseft by nine several Families, not one of 'em getting posseffion otherwise than by the slaughter of his Predecessor, and the extirpation of his Race; and ended in the Bondage of the ten Tribes, which continues to this day.

He that desires farther proofs of this Point, may seek 'em in the Histories of Alexander of Macedon, and his Successors: He seems to have bin endow'd with all the Vertues that Nature improv'd by Discipline did ever attain, so that he is believ'd to be the man meant by Aristotle, who on account of the excellency of his Vertues was by Nature fram'd for a King; and Plutarch ascribes his Conquests rather to those, than to his Fortune. But even that Vertue was overthrown by the Successes that accompanied it: He burnt the most magnificent Palace of the world in a frolick, to please a mad drunken Whore: Upon the most frivolous suggestions of Eunuchs and Rafcals, he kill'd the best and bravest of his Friends; and his Valour, which had no equal, not subsisting without his other Vertues, perisht when he became loud, proud, cruel and superflitious; so as it may be truly said, he died a Coward. His Successors did not differ from him: When they had kill'd his Mother, Wife and Children, they exercis'd their fury against one another; and tearing the Kingdom to pieces, the Survivors left the Sword as an Inheritance to their Families, who perish'd by it, or under the weight of the Roman Chains.

When the Romans had lost that Liberty which had bin the Nurfe of their Vertue, and gain'd the Empire in lieu of it, they attain'd to our Author's applaud'd Stability. Julius being slain in the Senat, the first Question was, whether it could be reftor'd, or not? And that being decided by the Battel of Philippi, the Conquerors fet themselves to destroy all the eminent men in the City, as the best means to etabliffh the Monarchy. Augustus gain'd it by the death of Antonius, and the corruption of the Soldiers; and he dying naturally, or by the fraud of his Wife, the Empire was transfer'd to her Son Tiberius; under whom the miserable People suffer'd the worst effects of the most impure Lust and inhuman Cruelty: He being stifled, the Government went on with much uniformity and Stability; Caligula, Claudius, Nero, Galba, Otho, Vitellius regularly and confantly did all the mischief they could, and were not more like to each other in the Villanys they committed, than in the Deaths they suffer'd. Vespasian's more genteel Reign did no way compensate the Blood he fpilt to attain the Empire: And the Benefits receiv'd from Titus his short live'd Vertue, were infinitely overbalanc'd by the de
testable Vices of his Brother Domitian, who turn'd all things into the old Channel of Cruelty, Luft, Rapine and Perfidiousness. His slaughter gave a little breath to the gasping perishing World; and men might be vertuous under the Government of Nero, Trajan, Antoninus, Aurelius, and a few more; tho' even in their time Religion was always dangerous. But when the Power fell into the hands of Commodus, Heligabales, Caracalla, and others of that fort, nothing was safe but obfuscity, or the utmost excesses of leudnes and baufenes. However, whilst the Will of the Governor pass'd for a Law, and the Power did usually fall into the hands of such as were most bold and violent, the utmost security that any man could have for his Person or Estate, depended upon his temper; and Princes themselves, whether good or bad, had no longer Leaves of their lives, than the furious and corrupted Soldiers would give them; and the Empire of the World was changeable, according to the Success of a Battel.

Matters were not much mended when the Emperors became Chrisitian: Some favour'd those who were call'd Orthodox, and gave great Revenues to corrupt the Clergy. Others supported Ariantism, and persecuted the Orthodox with as much aperity as the Pagans had done. Some revolted, and theyd themselves more fierce against the professors of Chiiftianity, than they that had never had any knowledg of it. The World was torn in pieces amongst them, and often suffer'd as great miseries by their sloth, ignorance and cowardice, as by their fury and madness, till the Empire was totally diflovd and loft. That which under the weaknes and irregularity of a popular Government, had conquer'd all from the Euphrates to Britain, and destroy'd the Kingdoms of Asia, Egypt, Macedon, Numidia, and a multitude of others, was made a prey to unknown barbarous Nations, and rent into as many pieces as it had bin compos'd of, when it enjoy'd the Stability that accompanies Divine and Absolute Monarchy.

The like may be said of all the Kingdoms in the World: they may have their ebings and flowings according to the Vertues or Vices of Princes or their Favorites; but can never have any Stability, because there is, and can be none in them. Or if any Exception may be brought against this Rule, it must be of those Monarchys only which are mix'd and regulated by Laws, where Diets, Parliaments, Affemblys of Ettates, or Senats, may supply the defects of a Prince, restrain him if he prove extravagant, and reject such as are found to be unworthy of their Office, which are as odious to our Author and his Followers, as the most popular Governments, and can be of no advantage to his Cause.

There is another ground of perpetual Fluctuation in Absolute Monarchys; or such as are grown so strong, that they cannot be restrain'd by Law, tho' according to their Institution they ought to be, distinct from, but in some measure relating to the Inclinations of the Monarch, that is, the impulse of Minifters, Favorites, Wives or Whores, who frequently govern all things according to their own Passions or Interests. And tho' we cannot say who were the Favorites of every one of the Assyrian or Egyptian Kings, yet the Examples before-mention'd of the different method follow'd in Egypt before and after the death of Joseph, and in Peru whilst the idolatrous Princes, and Haman, or Daniel, Esther and Mordecai were in credit; the violent Changes happening thereupon, give us reason to believe the like were in the times of other Kings: and if we ex-amine the Hiftory of latter Ages, and the Lives of Princes that are more exactly
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exactly known, we shall find that Kingdoms are more frequently sway'd by those who have Power with the Prince, than by his own Judgment: So that whosoever has to deal with Princes concerning Foreign or Domestick Affairs, is oblig'd more to regard the humour of those Persons, than the most important Interests of a Prince or People.

I might draw too much envy upon my self, if I should take upon me to circulate the Examples of this kind that are found in modern Histories, or the Memoirs that do more precisely shew the Temper of Princes, and the secret Springs by which they were mov'd. But as those who have well observed the management of Affairs in France during the Reigns of Francis the First, Henry the Second, Francis the Second, Charles the Ninth, Henry the Third, Henry the Fourth, and Lewis the Thirteenth, will confess, that the Interests of the Dukes of Montmorency and Guise, Queen Katherine de Medeis, the Duke of Epernon, La Fosseuse, Madame de Guische, de Gabriele, d'Entragues, the Marchal d' Ancre, the Conftable de Luines, and the Cardinal de Richelieu, were more to be consider'd by those who had any publick or private Business to treat at Court, than the Opinions of those Princes, or the most weighty Concernments of the State; so it cannot be denied, that other Kingdoms where Princes legally have, or wrongfully usurp the like Power, are govern'd in the like manner; or if it be, there is hardly any Prince's Reign that will not furnish abundant proof of what I have asserted.

I agree with our Author, that good Order and Stability produce Strength. If Monarchy therefore excel in them, Absolute Monarchies should be of more strength than those that are limited, according to the proportion of their Riches, extent of Territory, and number of People that they govern; and those limited Monarchies in the like proportion more strong than popular Governments or Commonweaths. If this be so, I wonder how a few of those giddy Greeks who, according to our Author, had learning enough only to make them seditious, came to overthrow the vast Armies of the Persians as often as they met with 'em; and seldom found any other difficulty than what arose from their own Countrymen, who sometimes sided with the Barbarians. Seditions are often rais'd by a little prating; but when one Man was to fight against fifty, or a hundred, as at the Battles of Salamis, Platea, Marathon, and others, then Industry, Wisdom, Skill and Valour were requir'd; and if their Learning had not made 'em to excel in those Vertues, they must have bin overwhelm'd by the prodigious multitudes of their Enemies. This was so well known to the Persians, that when Cyrus the younger prepar'd to invade his Brother Artaxerxes, he brought together indeed a vast Army of Achætacks; but chiefly relied upon the Couniel and Valour of ten thousand Grecians, whom he had engag'd to serve him. Those giddy heads, accompanied with good hands, in the great Battle near Babylon, found no resistance from Artaxerxes his Army; and when Cyrus was kill'd by accident in the pursuit of the Victory they had gain'd, and their own Officers treacherously murder'd, they made good their retreat into Greece under the conduct of Xenophon, in despite of above four hundred thousand Horse and Foot, who endeavour'd to oppose them. They were destitute of Horse, Mony, Provisions, Friends and all other help, except what their Wisdom and Valour furnish'd them; and thereupon relying, they pass'd over the Belys of all the Enemies that ventured to appear against them in a march of a thousand miles. These things were perform'd in the weakness of popular confusion; but Agesilaus not being sensible of so great defects, accompanied only with
Chap. II. with six and thirty Spartans, and such other Forces as he could raise upon his personal credit, adventur'd without Authority or Mony to undertake a War against that great King Artaxerxes; and having often beaten Pher-nabazus and Tissaphernes his Lieutenants, was preparing to assault him in the heart of his Kingdom, when he was commanded by the Ephors to return for the defence of his own Country.

It may in like manner appear strange, that Alexander with the Forces of Greece, much diminish'd by the Phocean, Peloponnesian, Theban, and other intestine Wars, could overthrow all the Powers of the East, and conquer more Provinces than any other Army ever saw; if so much order and stability were to be found in absolute Monarchys, and if the Liberty in which the Greeks were educated did only fit them for Seditions: And it would seem no less astonishing, that Rome and Greece, whilst they were free, should furnish such numbers of men excelling in all moral Vertues, to the admiration of all succeeding Ages; and thereby become so powerful that no Monarchies were able to resist them; and that the same Country since the loss of their Liberty, have always bin weak, base, cowardly and vicious, if the same Liberty had not bin the Mother and Nurse of their Vertue, as well as the root of their Power.

It cannot be said that Alexander was a Monarch in our Author's sense; for the power of the Macedonian Kings was small. Philip confest the People were Freemen, and his Son found them to be so, when his Fortune had overthrown his Vertue, and he fell to hate and fear that generosi-

ity of Spirit which it creates. He made his Conquests by it, and lov'd it as long as he deferv'd to be lov'd. His Successors had the same fortune: When their Hearts came to be fill'd with Barbarick Pride, and to delight only in rendering men Slaves, they became weak and base, and were easily overthrown by the Romans, whose Vertue and Fortune did also perish with their Liberty. All the Nations they had to deal with, had the same fate. They never conquer'd a Free People without extreme difficulty: They receiv'd many great defeats, and were often neceffitated to fight for their Lives against the Latins, Sabins, Tufcans, Samnites, Carthaginians, Spaniards; and in the height of their Power found it a hard work to subdue a few poor Etoians: But the greatest Kings were easily overcome. When Antiocbus had insolently boast'd that he would cover Greece and Italy with the multitude of his Troops, Quintus Flaminius ingeniously compar'd his Army of Persians, Chaldeans, Syrians, Medopotamians, Cappadocians, Arabians, and other base Asiatic Slaves, to a Supper let before him by a Grecian Freind, which seeming to be of several forts of Venion, was all cut out of one Hog, variouly dress'd; and not long after, that vast multitude was as easilly slaughter'd as the Hog had bin.

The greatest danger of the War with Mithridates was to avoid his Poisons and Treacherys; and to follow him thro the Deferts where he fled. When Lucellus with less than twenty thousand men had put Tigranes with two hundred thouand to flight, the Roman Soldiers who for a while had pursu'd the chace, stood still on a sudden, and fell into a loud laughter at themselves for using their Arms against such wretched cowardly Slaves. If this be not enough to prove the Falshood of our Author's Proposition, I desire it may be consider'd whether good Order or Stability be wanting in Venice: Whether Tuscany be in a better condition to defend it self since it fell under the power of the Medes, or when it was full of free Citys: Whether it were an easy work to conquer Switzerland: Whether the Hollanders are of greater strength since the recovery of
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of their Liberty, or when they groan'd under the Yoke of Spain: And Sect. 12.

lastly, whether the entire conquest of Scotland and Ireland, the Victories
obtain'd against the Hollanders when in the height of their Power, and
the reputation to which England did rise in less than five years after 1648.
be good marks of the instability, disorder, and weakness of free Nati-
ons: And if the contrary be true, nothing can be more absurdly false than
our Author's assertion.

S E C T. XII.

The Glory, Virtue, and Power of the Romans began and ended with
their Liberty.

A mong many fine things propos'd by our Author, I see none more to
be admir'd, or that better declares the soundness of his Judgment,
than that he is only pleas'd with the beginning and end of the Roman
Empire; and says, that their time of Liberty (between those two ex-
tremes) had nothing of good in it, but that it was of short continuance.
Whereas I dare affirm that all that was ever desirable, or worthy of praise
and imitation in Rome, proceeded from its Liberty, and grew up and per-
rish'd with it: which I think will not be contradicted by any, but those
who prefer the moft fordid Vices before the moft eminent Vertues; who
believe the People to have bin more worthily employ'd by the Tarquins;
in cleansing Jakes and common Shores, than in acquiring the Dominion
of the beft part of Mankind; and account it better for a People to be op-
prest with hard labour under a proud Master, in a fciril, unhealthy ten-
mile Territory, than to command all the Countrys that lie between the
Euphrates and Britain. Such Opinions will hardly find any better Patron
than Filmer and his Disciples, nor the matters of fact, as they are repres-
ented, be denied by any that know the Histories of those times. Many
Romans may have had seeds of virtue in them, whilst in the infancy of
that City they liv'd under Kings; but they brought forth little fruit.
Tarquin, firnam'd the Proud, being a Grecian by extraction, had perhaps
observ'd that the Virtue of that Nation had render'd them averse to
the Divine Government he desir'd to set up; and having by his well-
natur'd Tullia poison'd his own Brother her Husband, and his own Wife
her Sister, married her, kill'd her Father, and spar'd none that he
thought able to oppose his designs, to finish the work, he butcher'd the
Senat, with such as seem'd most eminent among the People, and like a
moft pious Father endeavour'd to render the City desolate: during that
time they who would not be made instruments of those Villains, were
oblig'd for their own safety to conceal their Vertues; but he being re-
mov'd, they shin'd in their Glory. Whilst he reign'd, Brutiis, Vale-
rius, Horatius, Horminius, Lareius, and Coriolanus, lay hid and unreg-
garded; but when they came to fight for themselves, and to employ their
Valour for the good of their Country, they gave such testimonies of Bra-
very as have bin admir'd by all succeeding ages, and settled such a Disci-
plin, as produce others like to them, or more excellent than they, as long
as their Liberty lasted. In two hundred and sixty years that they re-
main'd under the Government of Kings, tho' all of 'em, the last only ex-
cepted, were chosen by the Senat and People, and did as much to advance
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Chap. II. the publick Service as could reasonably be expected from them, their Dominion hardly extended so far as from London to Homestow: But in little more than three hundred years after they recover'd their Liberty, they had subdu'd all the warlike Nations of Italy, destroy'd vast Armies of the Gauls, Cimbri, and Germans, overthrown the formidable power of Carthage, conquer'd the Cifalpine and Transalpine Gauls, with all the Nations of Spain, notwithstanding the ferocity of the one, and the more constant valour of the other, with the prodigious multitudes of both: They had brought all Greece into subjection, and by the conquest of Macedon the Spouts of the World to adorn their City; and found to little difficulty in all the Wars that happen'd between them and the greatest Kings after the Death of Alexander of Epirus and Ptolemy, that the defeats of Siphax, Perse, Antiochus, Ptolemy, Tigranes, Ptolemy, and many others, did hardly deferve to be number'd among their Victories.

It was ridiculous to impute this to chance, or to think that Fortune, which of all things is the most variable, could for so many Ages continue the same course, unless supported by Vertue; or to suppose that all these Monarchys which are so much extol'd, could have bin destroy'd by that Commonwealth, if it had wanted Strength, Stability, Vertue, or good Order. The secret Counsels of God are impenetrable; but the ways by which he accomplishes his designs are often evident: When he intends to exalt a People, he fills both them and their Leaders with the Vertues suitable to the accomplishment of his end; and takes away all Wifdom and Vertue from thofe he resolves to destroy. The Pride of the Babylonians and Assyrians fell thro' the benefits of Sardanapalus; and the great City was taken while Belbazzar lay drunk amongf his Whores: The Empire was transport'd to the Persians and Grecians by the valour of Cyrus, Alexander, and the brave Armies that follow'd them. History furnifh us with innumerable examples of this kind: But I think none can be found of a cowardly, weak, efeminate, foolish, ill-disciplin'd People, that have ever subdue'd fuch as were eminent in Strength, Wifdom, Valor, and good Disciplin; or that these qualities have bin found or subsifted any where, unless cultivated and nourifh'd by a well-order'd Government. If this therefore was found among the Romans, and not in the Kingdoms they overthrew, they had the order and Stability which the Monarchys had not; and the Strength and Vertue by which they obtained fuch successes, was the produce of them. But if this Vertue and the glorious effects of it did begin with Liberty, it alfo expir'd with the fame. The beet men that had not fallen in Battel were glean'd up by the Profcriptions, or circumvented for the moft part by falfe and frivolous Accufations. Mankind is inclin'd to Vice, and the way to Vertue is fo hard, that it wants encouragement; but when all Honours, Advantages and Preferments are given to Vice, and defpis'd Vertue finds no other reward than Hatred, PerSecution, and Death, there are few who will follow it. Tacitus well describes the State of the Empire, when the Power was absolutely fallen into the hands of one: Italia novis cladiibus, vel post longam sequarum seriem repetitis, affilia; Urbis incendis etflata, consuetudinis antiquissimis delubris, ipso Capitolio Civitatem manibus incenso; poluata ceremonia; magna adulteria; plenus exitus mare; infelici cadibus foculis; atrocis in urbe fexitum; Nobilissas, opes, omni vel gestis honores pro criminibus, & ob vertues certisimum exiitium. His following words shew, that the rewards of these abominations were not less odious than the things themselves: The highest Dignities were beftow'd upon the Dela-
Doctores, who were a kind of Rogues like to our Irith Witneses, or those Sect. 12. that by a new-coined word we call Trepanners. This is not a Picture drawn by a vulgar hand, but by one of the best Painters in the world; and being a Model that so much pleases our Author, 'tis good to see what it produce'd. The first fruit was such an entire degeneracy from all good, that Rome may be justly said never to have produc'd a brave Man since the first age of her Slavery. Germanicus and Corbulo were born expirante Libertate; and the recompence they receiv'd did so little encourage others to follow their example, that none have bin found in any degree like to them; and those of the most noble Families applied themselves to sleep, laziness, and luxury, that they might not be suspected to be better than their Masters. Thraseas, Soranus, and Helvidius were worthy men, who resolve'd to perfect in their Integrity, tho' they should die for it; but that was the only thing that made them eminent; for they were of unknown Families, not Romans by birth, nor ever employ'd in War: And those Emperors who did arrive to any degree of Vertue, were Spaniards, Gauls, Africans, Thracians, and of all Nations, except Romans. The Patrician and Plebeian Families, which for many ages had fill'd the World with great Commanders, and such as exceed'd in all Vertues, being thus extinguish'd or corrupted, the common People fell into the lowest degree of barrenness; Plebs forida Circo & Theatris sua, That People which in magnanimity surpass'd all that have bin known in the World; who never found any Enterprize above their Spirit to undertake, and Power to accomplish, with their Liberty lost all their Vigor and Vertue. They who by their Votes had dispos'd of Kingdoms and Provinces, fell to desire nothing but to live and see * Plays. Whether their Emperors were good or bad, they usually rejoic'd at their Death, in hopes of getting a little Mony or Victuals from the Successors. Tho' the Empire was by this means grown weak and bloodless, yet it could not fall on a sudden: So vast a Body could not die in a moment: All the neighbouring Nations had bin so much broken by their Power, that none was able to take advantage of their Weakness; and life was preserv'd by the strength of hungry Barbarians, allur'd by the greatness of the Pay they receiv'd to defend those, who had no power left to defend themselves. This precarious and accidental help could not be durable. They who for a while had bin contented with their Wages, soon began to think it fit for them rather to fight for themselves, than for their weak Masters; and thereupon fell to set up Emperors depending on themselves, or to seize upon the naked Provinces, where they found no other difficulty than to contend with other Strangers, who might have the like design upon the fame. Thus did the Armys of the East and West set up Emperors at their pleasure; and tho' the Goths, Vandals, Huns, Sueves, Alans, and others, had cruel Wars among themselves, yet they fear'd and dier'd little or nothing from the Romans. This state of things was so soon observ'd, that in the beginning of Tiberius his reign, they who endeavour'd to excite the Gauls to take Arms, us'd no other arguments than such as were drawn from the extreme weakness of the Romans. It was evident that after the Battels of Philippi and Actium, the strength of the Ro-

* Duas cantum res anxius operat, Finesque & Grenias. Tacit. Sall.
+ Quam inops Italia, Plebs urbana imbellis, nihil in exercitibus validum praeter exterum. Tacit. An. 1. 3.
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Chap. II. man Armies consisted of Strangers; and even the Victories that went under their name were gain'd by those Nations which in the time of their Liberty they had subdued. They had nothing left but Riches gather'd out of their vast Dominions; and they learnt by their ruin, that an Empire acquire'd by Vertue could not long be supported by Mony. They who by their Valour had arriv'd at such a height of Glory, Power, Greatness, and Happines, that was never equal'd, and who in all appearance had nothing to fear from any foreign Power, could never have fallen, unless their Vertue and Disciplin had decay'd, and the corruption of their Manners excited 'em to turn their victorious Swords into their own bowels. Whilft they were in that flourishing condition, they thought they had nothing more to desire than continuance: but if our Author's judgment is to be follow'd, there was nothing of good in it, except the florines of its continuance; they were beholden to those who wrought the Change; they were the better for the Battels of Pharsalia, Philippi, Munda, and Actium; the destruction of two thirds of the People, with the slaughter of all the most eminent men among them, was for their advantage: The Proscriptions were wholesome Remedy's: Tacitus did not understand the state of his own Country, when he seems to be atham'd to write the History of it, Nobis in arto et inglorios labor; when instead of such glorious things as had bin archiev'd by the Romans, whilst either the Senat, or the Common People prevail'd, he had nothing left to relate, but Sena justa, continuas acutiationes, fallaces amicitias, pernicion innocentiun: They enjoy'd nothing that was good from the expulsion of the Tarquins to the reestablishment of Divine absolute Monarchy in the Perfons of those pious Fathers of the People, Tibertius, Caligula, Claudius, Nero, Galba, Otho, Vitellius, &c. There was no Vertue in the Janii, Horatii, Cornelii, Quintii, Decii, Manlii; but the generous and tender-hearted Princes before-mention'd were perfect examples of it: Whilft annual Magistrates govern'd, there was no stability; Sejanus, Macro and Tigellinus introduc'd good order: Vertue was not esteem'd by the ancients Senat and People; Moffalina, Agrippina, Poppes, Narcissus, Pallas, Vinnius, and Laco knew how to put a just value upon it: The irregularities of popular Assemblies, and want of Prudence in the Senat, was repair'd by the temperate proceedings of the German, Pannonian and Eastern Armies, or the modest dierson of the Pretorian Bands: The City was deliver'd by them from the burden of governing the World, and for its own good frequently plunder'd, sir'd; and at last, with the rest of defolat'd Italy, and the noblest Provinces of Europe, Asia, and Africa, brought under the yoke of the most barbarous and cruel Nations. By the same light we may see that those who endeavour'd to perpetuate the misery of Liberty to Rome, or left their lives in the defence of it, were the worst or the most thoughtless of men, and that they were the beasts who did overthrow it. This rectifies all our Errors; and if the highest Praisës are due to him that did the work, the next are well deserv'd by those who perish'd in attempting it: and if the Sons of Brutus, with their Companions the Vitellius and Aquillii; Tullus Appius the Decemvirs; tho'f that would have betray'd the City to Porfenna; Spurius Melius, Spur. Cossius, Manlius Capitolinus, Saturninus, Catiline, Cethogus, Lentulus, had bin as fortunate as Julius Cæsar, they might as well have deserv'd an Apotheosis. But it all this be falfe, absurd, beastial, and abominable, the principles that necessarily lead us to such conclusions are so alfo; which is enough to shew, that the Strength, Vertue, Glory, Wealth, Power,
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Power, and Happiness of Rome proceeding from Liberty, did rise, grow, Sect. 13, and perish with it.

S E C T. XIII.

There is no disorder or prejudice in changing the name or number of Magistrats, whilst the root and principle of their Power continues intire.

In the next place our Author would persuade us that the Romans were inconstant, because of their changes from annual Consuls to Military Tribunes, Decemvirs, and Dictators; and gives the name of Sedition to the complaints made against Usury, or the contests concerning Marriages or Magistracy: But I affirm,

1. That no change of Magistracy, as to the name, number, or form, dos testify irregularity, or bring any manner of prejudice, as long as it is done by those who have a right of doing it, and he or they who are created continue within the power of the Law to accomplish the end of their institution; many forms being in themselves equally good, and may be us'd as well one as another, according to times and other circumstances.

2. In the second place, 'tis a rare thing for a City at the first to be rightly constituted: Men can hardly at once foresee all that may happen in many Ages, and the changes that accompany them ought to be provided for. Rome in its foundation was subject to these defects, and the inconveniences arising from them were by degrees discover'd and remedied. They did not think of regulating Usury, till they saw the mischief proceeding from the cruelty of Usurers; or of setting limits to the proportion of Land that one man might enjoy, till the avarice of a few had so far succeeded, that their Riches were grown formidable, and many by the poverty to which they were reduc'd became useful to the City. It was not time to make a Law that the Plebeians might marry with the Patricians, till the distinction had rais'd the Patricians to such Pride, as to look upon themselves to have something of divine, and the others to be infipid, or profane, and brought the City into danger by that division; nor to make the Plebeians capable of being elected to the chief Magistracies, till they had men able to perform the duties of them. But these things being observ'd, remedies were seasonably apply'd without any bloodshed or mischief, tho not without noise and wrangling.

3. All human Constitutions are subject to corruption, and must perish, unless timely renew'd and reduc'd to their first principles: This was chiefly done by means of those Tumults which our Author ignorantly blames: The whole People by whom the Magistracy had bin at first created, executed their power in those things which comprehend Sovereignty in the highest degree, and brought every one to acknowledge it: There was nothing that they could not do, who first confer'd the supreme Honours upon the Patricians, and then made the Plebeians equal to them. Yet their Modesty was not less than their Power or Courage: and therefore when by the Law they might have made a Plebeian Consul, they did not chuse one in forty years; and when they did make use of their Right in advancing men of their own Order, they were so prudent, that they could...
not be said to have bin mistaken in their Elections three times, whilst their Votes were free: whereas, of all the Emperors that came in by Ufurpation, pretence of Blood from those who had uſturp'd, or that were set up by the Soldiers, or a few Electors, hardly three can be nam'd who deserv'd that Honour, and most of them were such as seem'd to be born for Plagues to Mankind.

4. He manifests his fraud or ignorance in attributing the Legislative power sometimes to the Senat, and sometimes to the People; for the Senat never had it. The title of Senatus conſultus, Populus juſſis, was never alter'd; but the right of Advicing continuing in the Senat, that of Enacting ever continu'd in the People.

5. An occasion of commending absolute Power, in order to the establishment of Hereditary Monarchy, is absurdly drawn from their Custom of creating a Dictator in time of danger; for no man was ever created, but such as seem'd able to bear so great a burden, which in hereditary Governments is wholly left to chance. Tho his Power was great, it did arise from the Law; and being confin'd to six months, 'twas almost impossible for any man to abuse it, or to corrupt so many of those who had enjoy'd the fame honour, or might aspire to it, as to bring them for his pleasure to betray their Country: and as no man was ever chosen who had not given great testimonys of his Vertues, so no one did ever forfeit the good opinion conceiv'd of him. Vertue was then honour'd, and thought so neceſsarily to comprehend a sincere love and fidelity to the Commonwealth, that without it the moſt eminent qualities were reputed vile and odious; and the memory of former Services could no way expiate the guilt of conspiring against it. This seeming Severity was in truth the greateft Clemency: for tho our Author has the impudence to fay, that during the Roman Liberty the leſt men thrice theworft, and the worſt leſt, he cannot alledg one example of any eminent Roman put to death (except Manlius Capitolinus) from the expulfion of the Tarquins to the time of the Gracchi, and the Civil Wars not long after ensuing; and of very few who were banifh'd. By these means Crimes were prevented; and the temptations to evil being remov'd, Treachery was destroy'd in the root; and such as might be naturally ambitious, were made to fee there was no other way to Honour and Power, than by acting verſouſly.

But left this should not be ſufficient to refrain aspiring men, what Power ever was granted to any Magiftrate, the Sovereignty ſill remain'd in the People, and all without exception were ſubject to them. This may seem strange to thoſe who think the Dictators were absolute, because they are said to have bin fene provocations; but that is to be only understood in relation to other Magiftrats, and not to the People, as is clearly prov'd in the cafe of Q. Fabius, whom Papirius the Dictator would have put to death: Tribunos Plebi appello, fays Fabius Maximus his Father, & provocem ad Populum, enoj; ibi fugitini exercitus sui, fugiunt Senatus judicium, judicem fero; qui certe amas pluquam tua dictaturæ potest polletque: videro, cessuruse fies provocationem, cui Tullus Hostilius effet. And tho the People did rather intercede for Fabius than command his deliverance, that modesty did evidently proceed from an opinion that Papirius was in the right; and tho they deci'd to save Fabius, who seem'd to have bin one of the greatest and beſt men that ever the City produc'd, they would not encourage that military Discipline, to which they ow'd, not only their greatneſs, but their subsiftence; moſt espe-
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...cally when their Sovereign Authority was acknowledged by all, and the Sect. 14. Dictator himself had submitted. This right of Appeals to the People was the foundation of the Roman Commonwealth, laid in the days of Romulus, submitted to by Hostilius in the case of Horatius, and never violated, till the Laws and the Liberty which they supported were overthrown by the power of the Sword. This is confirm'd by the speech of Metellus the Tribune, who in the time of the second Carthaginian War, caufefully disliking the Proceedings of Q. Fabius Maximus then Dictator, in a publick Assembly of the People said, Quod si antiquus animus Plebi Romana effect, fe audacter latum de abrogando Q. Fabii Imperio; nunc medicam rogationem promulgaturum, de aequando Magistris Equitum & Dictatoris jure: which was done, and that Action, which had no precedent, shews that the People needed none, and that their Power being eminently above that of all Magistrats, was oblig'd to no other rule than that of their own Will. Tho I do therefore grant that a Power like to the Dictatorial, limited in time, circumscrib'd by Law, and kept perpetually under the supreme Authority of the People, may, by virtuous and well-disciplin'd Nations, upon some occasions, be prudently granted to a virtuous man, it can have no relation to our Author's Monarch, whose Power is in himself, subject to no Law, perpetually exercis'd by himself, and for his own fake, whether he has any of the abilities requir'd for the due performance of so great a work, or be entirely deitificat of them; nothing being more unreasonable than to deduce conquences from cafes, which in substance and circumstances are altogether unlike: but to the contrary, these examples shewing that the Romans, even in the time of such Magistrats as seem'd to be most absolute, did retain and exercifie the Sovereign Power, do most evidently prove that the Government was ever the same remaining in the People, who without prejudice might give the Administration to one or more men as best pleas'd themselves, and the success shews that they did it prudently.

S E C T. XIV.

No Sedition was hurtful to Rome, till thro their Prosperity some men gain'd a Power above the Laws.

Little pains is requir'd to confute our Author, who imputes much bloodshed to the popular Government of Rome; for he cannot prove that one man was unjustly put to death, or slain in any Sedition before Publius Gracchus: The Foundations of the Commonwealth were then so shaken, that the Laws could not be executed; and whatsoever did then fall out, ought to be attributed to the Monarchy for which the great Men began to contend. Whilst they had no other Wars than with neighboring Nations, they had a strict eye upon their Commanders, and could preferve Disciplin among the Soldiers: but when by the excellence of their Valour and Conduct the greatest Powers of the World were subdu'd, and for the better carrying on of foreign Wars, Armys were suffer'd to continue in the fame hands longer than the Law did direct, Soldiery came to be accounted a Trade, and those who had the worst designs against the Commonwealth, began to favour all manner of Licentioufnes and Rapine, that they might gain the favour of the Legions, who by that means be-
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CHAP. II. came unruly and seditious; ’twas hard, if not impossible, to preserve a Civil equality, when the Spoils of the greatest Kingdoms were brought to adorn the Houses of private men; and they who had the greatest Cities and Nations to be their Dependents and Clients, were apt to scorn the power of the Law. This was a most dangerous Disease, like those to which human Bodies are subject, when arriv’d to that which Physicians call the Athletick habit, proceeding from the highest perfection of Health, Activity and Strength, that the best Constitution by Diet and Exercise can attain. Whosoever falls into them shews that he had attain’d that perfection; and he who blames that which brings a State into the like condition, condemns that which is most perfect among men. Whilst the Romans were in the way to this, no Sedition did them any hurt: they were compos’d without Blood; and those that seem’d to be the most dangerous, produc’d the best Laws. But when they were arriv’d to that condition, no Order could do them good; the fatal period for human things was come, they could go no higher,

—Summique negatum

Stare aus,

and all that our Author blames, is not to be imputed to their Constitution, but their departing from it. All men were ever subject to error, and it may be said that the mistaken People in the space of about three hundred years did unjustly fine or banish five or fix men; but those mistakes were so frankly acknowledg’d, and carefully repair’d by Honours bestow’d upon the injur’d Persons, as appears by the Examples of Camillus, Livius Salinator, Paulius Emilius, and others, that they deserve more praise than if they had not fail’d.

If for the above-mention’d time Seditions were harmless or profitable, they were also absolutely exempted from Civil Wars. Tho’ of Apulia and Greece were Revolts of conquer’d Nations, and can no way fall under that name: But ’tis most absurdly apply’d to the servile and gladiatorial Wars; for the Gladiators were Slaves also, and Civil Wars can be made only by those who are Members of the Civil Society, which Slaves are not. Tho’ that made the bellum Sociale, were Freemen, but not Citizens; and the War they made could not be call’d Civil. The Romans had three ways of dealing with conquer’d Nations.

1. Some were receive’d into the body of the City, Civitate donati, as the Latins by Romanus; the Albans by Hostilius; the Privates when their Ambassadors declar’d, that no Peace could be durable unless it were just and easy; and the Senate said, Se vini & liberi vocem audiretur, & legis dignos esse ut Romani sint; and the like Favour was show’d to many others.

2. By making Leagues with them, as Livy says, Populum Romanum deciditis bello populos, malle societate & amicitia habere conjunctos, quam vires subjectos servatis: Of which Fort were the Sammites, who not liking their condition, join’d with Hannibal; and afterwards, under the conduct of the brave Telemaeus, with other Nations that liv’d under the condition of Socii, made an unprepared attempt to deliver themselves.

3. Tho’ those who after many Rebellions were in Provinciam redacti, as the Capitans, when their City was taken by Appius Claudius, and Q. Fulvius Flaccus.

We often hear of Wars made by those of the two latter sorts; but of none that can be call’d Civil, till the times of Marius, Sulla, and Catiline: and as they are to be esteem’d the last Strugglings of expiring Liberty, when
when the Laws, by which it had subsisted, were enervated; so those Sect. 14.
that happen'd between Cæsar and Pompey, Octavius and Antonius, with
the Proscriptions, Triumvirate, and all the Mischiefs that accompany'd
them, are to be imputed wholly to the Monarchy for which they con-
trended, as well as those between Nero, Galba, Otho, Vitellius, and Vesp-
asian, that hardly ever ceas'd till the Empire was abolisht; for the
name of a Commonwealth continu'd to the end; and I know not why
Tiberius or Nero might not use it as well as Sylla or Marius.
Yet if our Author be refolv'd to impute to Popular Government all that
pass'd before Cæsar made himself perpetual Dictator, he will find no more
than is seen in all places. We have known few small States, and no great
one free from Revolts of Subjects or Allies; and the greatest Empire of
the East was overthrown by the rebellion of the Mamelukes their Slaves.
If there is any difference to be observ'd between what happen'd at Rome,
'tis chiefly, that whilst there was any shadow of Liberty, the Slaves,
Gladiators, Subjects or Allies, were always beaten and suppres'd; whereas
in the time of the Emperors, the Revolt of a Province was
sufficient to give a new Matter to the best part of Mankind; and he
having no more power than was requir'd for a present Mischief, was for
the most part, in a short time, destroy'd by another. But to please our
Author, I will acknowledg a second defect, even that Wantonnefs to
which he ascribes all their Disorders; thro' I must withal desire him to
consider from whence Wantonnefs do proceed. If the People of Turkey
or France did rebel, I should think they were driven to it by Mifery,
Beggary, or Defpair; and could lay Wantonnefs only to the charge of
those who enjoy much Prosperity. Nations that are oppreff and made
miferable, may fall into Rage, but can never grow wanton. In the
time of the Roman Emperors, the Pretorian Cohorts, or the Armies that
had the liberty of ravaging the richest Provinces, might be proud of
their Strength, or grow wanton thro' the abundance of their Enjoyments:
The Janizaries in later Ages may, for the same reafons, have fallen into
the like excesfs; but such as have loft their Liberty are in no danger of
them. When all the Nobility of Rome was destroy'd, and those who
excel'd in Reputation or Vertue, were fallen in the Wars, or by the Pro-
scriptions; when two thirds of the People were slain, the best Cities and
Colony's burn'd, the Provinces exhausted, and the small remains left in
them oppreff with a most miferable Slavery, they may have revolted,
and sometimes did, as the Britains, Batavians, and others mention'd in
the Roman History: But they were driven to those Revolts by Fury and
Necelivity, arising from the Mifery and Indignity, they suffer'd under an
infupportable Tyranny; and Wantonnefs had no part in them. The
People of Rome, when they were a little freed from the Terror of the
Soldiers, did sometimes for the same reafons confpire against the Empe-
rors; and when they could do no more, expref their hatred by breaking
their Statues: But after the Battels of Pharsalia, Philippus, and the Pro-
scriptions, they never committed any folly thro' Wantonnefs. In the
like manner Naples and Sicily have revolted within these few years; and
some who are well acquainted with the State of those Kingdoms, think
them ready again to do the like: but if it should happen, no man of un-
derstanding would impute it to Wantonnefs. The Preflures under which
they groan, have cur'd 'em of all fuch Disease; and the Romans after
the loss of their Liberty could never fall into them. They may have
grown wanton when their Authority was reverenc'd, their Vertue ad-

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mir'd,
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 Chap. II. mir'd, their Power irresistible, and the Riches of the World were flowing in upon them, as it were, to corrupt their Manners, by inticing them to pleasure. But when all that was lost, and they found their Persons expos'd to all manner of Violence from the basest of men; their Riches exhausted by Tributes and Rapine, whilst the Treasures of the Empire were not sufficient to supply the Luxury of their Masters: the misery they suffer'd, and the flame of suffering it, with the contemptible weaknesses to which they were reduc'd, did too strongly admonish them that the Vices of Wantonness belong'd only to those who enjoy'd a Condition far different from theirs; and the memory of what they had lost, sharpen'd the sense of what they felt. This is the state of things which pleases our Author; and, by praising that Government, which depriv'd those who were under it of all that is most desirable in the world, and introduc'd all that ought to be detest'd, he sufficiently shews that he delights only in that which is most abominable, and would introduce his admir'd Absolute Monarchy, only as an Instrument of bringing Vice, Misery, Devastation and Infamy upon Mankind.

S E C T. XV.

The Empire of Rome perpetually decay'd when it fell into the hands of one Man.

In pursuance of his Design our Author, with as much Judgment as Truth, denies that Rome became Mistress of the World under the Popular Government: It is not so, says he, for Rome began her Empire under Kings, and did perfect it under Emperors: It did only increase under that Popularity: Her greatest exaltation was under Trajan, and longest Peace under Augustus. For the illustration of which, I desire these few things may be consider'd.

1. That the first Monarchy of Rome was not absolute: The Kings were made by the People without regard to any Man's Title, or other reason than the common Good, choosing him that seem'd most likely to procure it; setting up at the same time a Senate consisting of a hundred of the most eminent Men among them; and, after the reception of the Sabins into the City, adding as many more to them, and committing the principal part of the Government to their care, retaining the power of making those Laws to which the Kings who reign'd by their Command were subject, and referring to themselves the Judgment of all great Matters upon Appeal. If any of their Kings deferv'd to be call'd a Monarch, according to Fitter's Definition, it was the last Tarquin; for he alone of all their Kings reign'd not justly Populis, but came in by Treachery and Murder. If he had continu'd, he had cur'd the People of all Vices proceeding from Wantonness; but his Peasants Conquest was of the small Town of Gabii ten miles distant from Rome, which he effect'd by the fraud of his detestable Son; and that being then the utmost limit of the Roman Empire, must deserve to be call'd the World, or the Empire of it was not gain'd by their Kings.

2. The Extent of Conquests is not the only, nor the chief thing that ought to be consider'd in them; regard is to be had to the Means whereby they are made, and the Valour or Force that was employ'd by the Enemy.

T. Liv. 1. 2.
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my. In these respects not only the overthrow of Carthage, and the Con-
quests of Spain, but the Victory's gain'd against the Sabin, Latins, Tus-
cans, Samnites, and other valiant Nations of Italy, who most obstinately
defended their Liberty, when the Romans had no Forces but their own,
shew more Vertue, and deserve incomparably more Praise, than the De-
feats of any Nations whatsoever, when they were increas'd in Number,
Riches, Reputation and Power, and had many other warlike People instruc-
ted in their Disciplin, and fighting under their Ensigns. But I deny that the
Romans did ever make any Considerable acquisition after the loss of their
Liberty. They had already subdued all Italy, Greece, Macedon, the
Islands of the Mediterranean Sea, Thrace, Illyrium, Asia the Lefs, Pontus,
Armenia, Syria, Egypt, Africa, Gaul and Spain. The Forces of Germany
were broken; a Bridg laid over the Rhine, and all the Countries on this
side subdued. This was all that was ever gain'd by the Valour of their
own Forces, and that could bring either Honour or Profit. But I know
of no Conquest made after that time, unless the name of Conquest be gi-
gen to Caligula's Expedition, when he said he had subdued the Sea, in
making an useless Bridg from Patela to Baia; or that of the other Fool,
who enter'd Rome in triumph, for having gather'd shells on the Se-
shore. Trajan's Expedition into the East, was rather a Journey than a
War: He rambled over the Provinces that Augustus had abandon'd as not
worth keeping, and others that had nothing to defend them, but ill-
arm'd and unwarlike Barbarians: Upon the whole matter, he seems to
have bin led only by Curiosity; and the vanity of looking upon them as
Conquests, appears in their being relinquish'd as soon as gain'd. Britain
was easily taken from a naked and unskilful, tho' a brave People; hardly
kept, and shamefully lost. But tho' the Emperors had made greater
Wars than the Commonwealth, vanquish'd Nations of more value and
skill than their Italian Neighbours, the Grecians or Carthaginians; sub-
du'd and slaughter'd tho'f that in Numbers and Ferocity had exceeded
the Cimbri, Gauls and Teutons, encounter'd Captains more formidable
than Pirrus and Hannibal, it might indeed increase the Glory of him
that should have done it, but could add nothing of Honour or Advantage
to the Roman Name: The Nobility was extirpated long before, the People
corrupted and enslav'd, Italy lay desolate, so as a Roman was hardly to be
found in a Roman Army, which was generally compos'd of fuch, as fighting
for themselves or their Commander, never thought of any thing less
than the Interest of Rome. And as it is impossible that what is so neglected
and betray'd, should be durable, that Empire which was acquir'd by the
Valour and Conduct of the braveft and best disciplin'd People of the
World, decay'd and perish'd in the hands of tho'f Absolute Monarchs
who ought to have preferv'd it.

3. Peace is desir'd by a State that is constitufed for it, who contenting
themselves with their own Territory, have no desires of enlarging them:
Or perhaps it might simply deferve praise, if Mankind were fo fram'd,
that a People intending hurt to none, could preferv'e themselves; but the
World being so far of another temper, that no Nation can be fafe without
Valour and Strength, tho'f Governments only deferve to be commended,
which by Disciplin and Exercise increaf'e both, and the Roman above all,
that exceed in both. Peace therefore may be good in its fefon, and was
fo in Numas's Reign; yet two or three fuch Kings would have encour-
g'd fome active Neighbours to put an end to that aspiring City, be-
fore its Territory had extend'd beyond Fidenae. But the Disciplin that
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best agreed with the Temper and Designs of a Warlike People, being renew'd by his brave Successors, the Dangers were put on their Enemies; and all of them, the last only excepted, persisting in the same way, did reasonably well perform their Duty. When they were remov'd, and the Affairs of the City depended no longer upon the Tempter or Capacity of one Man, the ends for which the City was constituted were vigorously purfu'd, and such Magistrats annually chosen, as would not long continue in a universal Peace, till they had gotten the Empire to which they aspir'd, or were by ill Fortune brought to such weaknes, as to be no longer able to make War. Both of these happen'd in the so much magnify'd Reign of Augustus. He found the Empire so great, that all Additions might rationally be rejected as ufeles or prejudicial; and Italy so exhausted, that Wars could only be carry'd on by the Strength of Strangers: It was time to lie still when they had no power to act; and they might do it safely, whilst the Reputation gain'd by former Victories prevent'd them from Foreign Invasions. When Crassus, Pompey, and Cesar, who had torn the Commonwealth into three Monarchies, were kill'd, and the Flower of the Roman Nobility and People deſtroy'd with them, or by them: When Cato's Vertue had prov'd too weak to support a falling State, and Brutus with Cassius had perift in their noble Attempt to reftore their Liberty; When the beft part of the Senat had been expos'd for a Prey to the Vultus and Wolves of Thesaly, and one hundred and thirty of those who deſerv'd the hatred of Tyrants, and had escap'd the fury of War, had bin deſtroy'd by the Procrifions: When neither Captains nor Soldiers remain'd in the defolate City; when the Tyrant abhor'd and fear'd all those who had either Reputation or Vertue, and by the moft Subtil Arts endeavour'd to corrupt and break the Spirits of the remaining People, that they might not think of their former Greatnes, or the ways of recovering it, we ought not to wonder that they ceas'd from War. But such a Peace is no more to be commended, than that which Men have in the Grave; as in the Epitaph of the Marques Trisulcio seen at Milan, Qui nangnum quiesit, quiescit, pace. This Peace is in every Wildernes: The Turks have establish'd it in the empty Provinces of Asia and Greece. Where there are no men, or if those men have no Courage, there can be no War. Our Ancestors the Britons obferv'd, that the Peace which in that Age the Romans establish'd in the Provinces, confift'd in the moft wretched flavery and solitude: Mijerrimi servitutem pacem appellant. And in another place, Solitudinem faciant, pacem vocant. This is the Peace the Spaniards settle'd in their Dominions of the West-Indies, by the destruction of above * forty millions of Souls. The Countrys were very quiet, when wild Beasts only were left to fight in them, or a few miserable Wretches, who had neither Strength nor Courage to reftit their Violence. This was the Peace the Romans enjoy'd under Augustus: A few of those who made themselves subservient to his Pleasure, and Ministers of the publick Calamity, were put into a flourishing condition; but the rest pin'd, wither'd, and never recover'd. If yet our Author will have us to think the Liberty and People of Rome oblig'd to Augustus, who procur'd such a Peace for them, he ought to remember that besides what they suffer'd in settling it, they paid dear for it even in the Future; for Italy was thereby so weaken'd, as never to recover any Strength or Vertue to defend it felt; but depending abfolutely upon barbarous Nations, or Armies compos'd of them, was ravag'd and torn in pieces by every Invader.

* Earth, de la Cals, deſtruye de la Indes.
That Peace is only to be valu'd which is accompany'd with Justice; and those Governments only deserve praise, who put the Power into the hands of the best Men. This was wholly wanting during the Reigns of Augustus and his Successors. The want of Men gain'd the Sovereignty by Alliance, Fraud, or Violence, and advance'd such as most resembled themselves. Augustus was worse in the beginning than in the latter end of his Reign; but his bloody and impure Successor grew every day more wicked as long as he liv'd: Whilst he fat upon the Rocks at Caprea with his Chaldeans, he meditated nothing but Luft or Mischief, and had Sejanus and Macro always ready to execute his detestable Designs. Caligula could find none equal to himself in all manner of Villanies; but favour'd those most who were like to him. Claudius his stupidity, drunkenness, and subjection to the fury of two impudent Strumpets, and manumiss'd Slaves, prov'd as hurtful to the Empire, as the savage fury of his Predecessor. Tho Nero was a Monster that the World could not bear, yet the raging Soldiers kill'd Galba, and gave the Empire to Otho for no other reason, than that he had bin the Companion of his Debacles, and of all Men was thought most to resemble him. With them all Evils came in like a Flood; and their Successors finding none so bad as themselves, but the Favorites, Whores and Slaves that govern'd them, would suffer no Virtue to grow up; and fill'd the City with a base, lead, and miserable Rabble, that carr'd for nothing beyond Stage-plays and Bread. Such a People could not be feditious; but Rome had bin defolate, if they had not thus fill'd it. And tho this temper and condition of a People may please our Author; yet it was an incurable Wound to the State, and in consequence to the best part of the World.

When the City had bin burnt by the Gauls, it was soon restor'd: The Defeats of Ticinum, Trebia, Trasmimas, and Canne, were repair'd with equal or greater Victories: The War of the Allies ended in their overthrow: The Fury of the Gladiators was extinguish'd with their Blood: The Commonwealth loft Battels, but was never conquer'd in any War; and in the end triumph'd over all that had contended with them. Whilst Liberty continu'd, it was the Nurse of Virtue; and all the Loffes suffer'd in Foreign or Civil Wars, were easily recover'd: but when Liberty was loft, Valour and Virtue was torn up by the roots, and the Roman Power proceeding from it, perish'd.

I have not dwelt so long upon this point to expose the folly of our Author, but to show that the abovemention'd Evils did proceed from a permanent caufe, which will always produce the like effects; and History testifies, that it has done the same in all places. Carthage was rebuild, after it had bin destroy'd by Scipio, and continu'd to be a rich City for almost a thousand years, but produc'd no such Men as Amilcar, Asdrubal and Hannibal: Cleomenes and Eucles were the last that deferv'd to be call'd Spartans: Athens never had an eminent Man, after it felt the weight of the Macedonian Yoke; and Philopoemen was the last of the Achæans. Tho the Commonwealths of Italy in later Ages, having too much apply'd themselves to the acquisition of Mony, wanted that greatness of Spirit which had reign'd in their Ancestors, yet they have not bin without Valour and Virtue. That of Pisa was famous for Power at Sea, till the Genoese overthrew them. Florence had a brave Nobility, and a stout People. Arezzo, Pisa, Cortona, Sienna, and other small Towns of Tuscany, were not without strength, tho for the most part unhappily exercis'd in the Factions of Ghibelins and Guelphs, Nerì and Bianchi, that divided
but but but Chriftian Government, this defire the defire we attribute be continuance, Tacitus reciting what past in his time, and somewhat before (for want of a Christian Spirit) in the bitterness of his Soul says, Nee unquam atrocioribus Populi Romani cladius, magisque justis indicis probatum est, non effe e t co Deis securitatem nostram esse alternum. Some thought that no Punishments could be justly deferv'd by a People that had so much favour'd Vertue; others, that even the Gods they ador'd, envi'd their Felicity and Glory; but all confess'd they were fallen from the highest pitch of human Happiness into the lowest degree of Infamy and Milery: And our Author being the first that ever found they had gain'd by the change, we are to attribute the discovery of so great a Spirit to the excellency of his Wisdom. If, suspending my Judgment in this point, till it be prov'd by better Authority than his word, I in the mean time follow the opinion of those who think Slavery dos naturally produce meanness of Spirit, with its worst effect, flattery, whichTacitus calls fudum servitutis crimen; I must believe, that the Impudence of carrying it to such a height, as to commend nothing in the most glorious Liberty, that made the most vertuous People in the world, but the shortness of its continuance, and to prefer the Tyranny of the basest of Men, or worst of Monfters, is peculiar to Filmer; and that their wickedness, which had never bin equal'd, is surpaft by him, who recommends as the Ordinance of God, the Principles that certainly produce them.

But, says our Author, the Rome was for a while miraculously upheld in Glory by a greater Prudence than its own, yet in a short time, after manifold Alterations, she was ruin'd by her own hand. But 'tis absurd to say, that the overthrow of a Government, which had nothing of good in it, can be a ruin; or that the Glory in which it continu'd, had nothing of good in it; and most of all, that it could be ruin'd by no hands but its own, if that Glory had not bin gain'd, and immediately or instrumen tally supported by such vertue and strength as is worthy to be prefer'd before all other temporal Happiness, and dos ever produce it. This shews that Lars ought to have good memories. But passing over such foolish Contradictions, I defire to know, how that Prudence, greater than its own (which till I am better inform'd, I must think to be inefeparably united to Justice and Goodneis) came miraculously to support a Government, which was not only evil in it self, as contrary to the Laws of God and Nature; but so perpetually bent against that Monarchy, which he says is according to them, as to hate all Monarchs, despite all that would live under them, destroy as many of them as came within their reach; and make a Law by which any man was authoris'd to kill him, who should endeavour to set up this Divine Power among them. Moreover, no human Prudence prefer'd the Roman Glory but their own: the others directly set themselves to oppose it, and the most eminent fell under it. We know of no Pru-
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...dence surpassing the human, unless it be the Divine: But the Divine Sect. 15. Prudence did never miraculously exert itself, except to bear witness to the Truth, and to give authority to those that announced it. If therefore the Glory of this Popular Government was miraculously supported by a more than human Prudence, it was good in itself; the Miracles done in favour of it did testify it, and all that our Author says against it is false and abominable.

If I lay aside the word Miraculous, as put in by chance, it will be hard to know how God (who in the usual course of his Providence guides all things by such a gentle and undiscover'd Power, that they seem to go on of themselves) should give such virtue to this popular Government, and the Magistrats bred up under it, that the greatest Monarchs of the Earth were as dust before them, unless there had bin an excellency in their Discipline, far surpassing that of their Enemies; or how that can be call'd ill in its Principle, and said to comprehend no good, which God did gloriously support, and no man was ever able to refist. This cannot be better answer'd than by our Author's Citation, Sais & ipfa Roma viribus ruat; That City which had overthrown the greatest Powers of the World must, in all appearance, have lasted for ever, if their Virtue and Discipline had not decay'd, or their Forces bin turn'd against themselves. If our Author therefore say true, the greatest good that ever befel the Romans, was the decay of their Virtue and Discipline; and the turning of their own Arms against themselves, was not their Ruin but their Preservation.

When they had brought the warlike Nations of Italy into subjection, or affection; often repref the fury of the Gauls, Cimbri and Teutons; overthrown the Wealth, Power and Wit of Carthage, supported by the Skill, Industry and Valour of Hannibal and his brave Relations; almost extirpated the valiant Spaniards, who would no other way be subdu'd; defeated Philip, Perseus, Antiochus, Gentius, Syphax and Jugurtha; struck an aw into Ptolomy; avoided the snares and poifons of Mithridates; follow'd him in his Flights, reveng'd his Treacherys, and carry'd their victorious Arms beyond his conquer'd Kingdoms to the Banks of Tigris: When neither the Revolt of their Italian Associates, nor the Rebellion of their Slaves led by Spartacus (who in skill seems to have bin equal to Hannibal, and above him in Courage) could put a stop to their Victories: When Greece had bin reduc'd to yield to a Virtue rather than a Power greater than their own, we may well say that Government was supported by a more than human prudence, which led them thro Virtue to a height of Glory, Power and Happines, that till that day had bin unknown to the World, and could never have bin ruin'd, if by the decay of that Virtue they had not turn'd their victorious Arms against themselves. That City was a Giant that could die by no other hand than his own; like Hercules poison'd and driven into madness, after he had destroy'd Thieves, Monsters and Tyrants, and found nothing on the Earth able to reft him. The wiseft of men in antient times, looking upon this as a point of more than human Perfection, thought or feign'd to think, that he was defend'd from the Gods, and at his death receiv'd into their number, tho perhaps Filmer would prefer a weak, base and effeminate Slave before him. The matter will not be much different, if we adhere to the foremention'd similitude of the Athlestick Habits; for the danger proceeds only from the perfection of it, and he who dislikes it, must commend that Weakness and Vice which may perish, but can ne-
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CHAP. II. Never be chang'd into any thing worse than it self, as those that lie upon the ground can never fall. However this Fall of the Romans, which our Author, speaking truth against his will, calls their Ruin, was into that which he recommends as the Ordinance of God: Which is as much as to say, that they were ruin'd when they fell from their own unnatural Inventions to follow the Law of God and of Nature; that Luxury also thro' which they fell, was the product of their Felicity; and that the Nations that had bin subdu'd by them, had no other way of avenging their Defeats, than by alluring their Malters to their own Vices: This was the Root of their Civil Wars. When that proud City found no more reli-
fance, it grew wanton. Honest Poverty became uneafy, when Ho-
nours were given to ill-gotten Riches. This was so Monarchical, that a People infected with such a Custom muft needs fall by it. They who by Vice had exhausted their Fortunes, could repair them only by bringing their Country under a Government that would give impunity to Rapine; and such as had not Vertues to deferve Advancement from the Senat and Peo-
ple, would always endeavour to set up a Man that would bellow the Honours due to Vertue, upon thofe who would be moft abjefly fubfer-
vient to his Will and Interests. When mens minds are fill'd with this Fury, they facrifice the common Good to the advancement of their pri-
vote Concernments. This was the temper of Catiline exprefl by Salluff,

Luxuria principi gravit, paupertas vix à privato toleranda; and this put him upon that desperate extremity to fay, Interdum nmum ruíná extin-
guam. Others in the fame manner being fill'd with the fame rage, he
could not want Companions in his moft villainous Designs. 'Tis not long since a Perfon of the highest Quality, and no lefs famous for Learning and Wit, having obferv'd the State of England, as it ftood not many years ago, and that to which it has bin reduce'd since the year fixty, as is thought very much by the Advice and Example of France, faid, That they were now taking a moft cruel Vengeance upon us for all the Over-
throws receiv'd from our Ancestors, by introducing their moft damna-
ble Maxims, and teaching us the worft of their Vices. 'Tis not for
me to determin whether this Judgment was rightly made or not; for I
intend not to fpeak of our Affairs: but all Hiftorians agreeing, that the
change of the Roman Government was wrought by fuch means as I have men- tion'd; and our Author acknowledging that change to have bin their
ruin, as in truth it was, I may juftly conclude, that the overthrow of
that Government could not have bin a ruin to them, but good for them,
unless it had bin good; and that the Power which did ruin it, and was
set up in the room of it, cannot have bin according to the Laws of God
or Nature, for they confer only that which is good, and defroy nothing
that is fo; but muft have bin moft contrary to that good which was over-
thrown by it.

---Savior armis

Luxuria incubuit, vitium; ulcifcitur orbem. Lucan.

†

SECT.
OUR Author's cavils concerning I know not what vulgar Opinions that Democracies were introduc'd to curb Tyranny, deserve no an-
swer; for our question is, Whether one form of Government be pref-
err'd to us by God and Nature, or we are left according to our own un-
derstanding, to constitute such as seem best to our selves. As for Demo-
cracy, he may say what pleases him of it; and I believe it can suite only
with the convenience of a small Town, accompany'd with such Circum-
fstances as are seldom found. But this no way obliges men to run into the
other extreme, in as much as the variety of Forms between mere Democ-
cracy and Absolute Monarchy is almost infinite: And if I should under-
take to say, there never was a good Government in the world, that did
not consist of the three simple Species of Monarchy, Ariftocracy and
Democracy, I think I might make it good. This at the least is certain,
that the Government of the Hebrews instituted by God, had a Judge, the
great Sanc'hedrin, and General Assemblies of the People: Sparta had two
Kings, a Senat of twenty eight chosen Men, and the like Assemblies: All
the Dorian Cities had a chief Magistrat, a Senat, and occasional Assem-
blys: The Ionian, Athenes, and others, had an Archon, the Areopagi; and
all Judgments concerning matters of the greatest importance, as well as
the Election of Magistrats, were refer'd to the People. Rome in the be-
ginning had a King and a Senat, whilst the Election of Kings, and Judg-
ments upon Appeals remain'd in the People; afterwards Consuls repre-
senting Kings, and vested with equal Power, a more numerous Senat,
and more frequent meetings of the People. Venice has at this day a
Duke, the Senat of the Pregadi, and the Great Assembly of the Nobility,
which is the whole City, the rest of the Inhabitants being only Incole,
not Civer; and those of the other Cities or Countries are their Subjectis,
and do not participate of the Government. Genoes is govern'd in like man-
er: Luca not unlike to them. Germany is at this day govern'd by an
Emperor, the Princes or great Lords in their several Precincts, the Citys
by their own Magistrats, and by general Diets, in which the whole Pow-
er of the Nation resides, and where the Emperor, Princes, Nobility, and
Citys have their places in person, or by their Deputies. All the Nor-
thern Nations, which upon the dissolution of the Roman Empire posseft
the best Provinces that had compos'd it, were under that form which is
usually call'd the Gothick Polity: They had King, Lords, Commons,
Diets, Assemblies of Estates, Cortez, and Parliaments, in which the So-
vereign Powers of those Nations did reside, and by which they were exer-
cis'd. The like was practis'd in Hungary, Bohemia, Sweden, Denmark,
Poland; and if things are chang'd in some of these places within a few
years, they must give better proofs of having gain'd by the change than
are yet seen in the World, before I think my self oblig'd to change my
opinion.

Some Nations not liking the name of King, have given such a power
as Kings enjoy'd in other places to one or more Magistrats, either limited
to a certain time, or left to be perpetual, as best pleas'd themselves: Others approving the Name, made the Dignity purely elective. Some have in their Elecions principally regarded one Family as long as it last-ed: Others consider'd nothing but the fitness of the Person, and reser've'd to themselves a Liberty of taking where they pleas'd. Some have permitted the Crown to be hereditary as to its ordinary course; but restrain'd the Power, and instituted Officers to inspect the Proceedings of Kings, and to take care that the Laws were not violated: Of this sort were the Ephori of Sparta, the Maires du Palais, and afterwards the Con-stable of France; the Juflicia in Arragon; the Rijchhofmeifter in Denmark; the High Steward in England; and in all places such Assemblies as are be-fore mention'd under several names, who had the Power of the whole Na- tion. Some have continu'd long, and it may be always in the fame form; others have chang'd it: Some being incens'd against their Kings, as the Romans exasperated by the Villanys of Tarquin, and the Tufcans by the Crueltys of Mezentius, abolish'd the name of King: Others, as Athens, Sie- ton, Argos, Corinth, Thebes, and the Latins, did not lay for such extremity; but set up other Governments when they thought it best for themselves, and by this conduct prevented the evils that usually fall upon Nations, when their Kings degenerate into Tyrants, and a Nation is brought to enter into a War by which all may be loft, and nothing can be gain'd which was not their own before. The Romans took not this salutary Course; the mischief was grown up before they perceiv'd, or set themselves against it; and when the effects of Pride, Avarice, Cruelty and Luft were grown to such a height, that they could no longer be endure'd, they could not free themselves without a War: and whereas upon other occa-sions their Victories had brought them increafe of Strength, Territory, and Glory; the only reward of their Virtue in this was, to be deliver'd from a Plague they had unadvisedly suffer'd to grow up among them. I confess this was most of all to be esteem'd; for if they had bin over-thrown, their condition under Tarquin would have bin more intolerable than if they had fallen under the power of Pirhus or Hannibal; and all their following Prosperity was the fruit of their recover'd Liberty: But it had bin much better to have reform'd the State after the death of one of their good Kings, than to be brought to fight for their Lives against that abo-minable Tyrant. Our Author in pursuance of his averion to all that is good, disapproves this; and wanting reasons to justify his dislike, accord-ing to the custom of Impostors and Cheats, has recourse to the ugly terms of a Back-door, Sedition, and Faction: as if it were not as just for a People to lay aside their Kings when they receive nothing but evil, and can rationally hope for no benefit by them, as for others to set them up in expection of good from them. But if the truth be examin'd, nothing will be found more orderly than the changes of Government, or of the Perions and Races of those that govern'd, which have bin made by many Nations. When Pharamon's Grandson seem'd not to deserve the Crown he had worn, the French gave it to Mercowe, who more resembled him in Vertue: In process of time when this Race alfo degenerated, they were reject'd, and Pepin advance'd to the Throne; and the moft remote in blood of his Descendants having often bin prefer'd before the nearest, and Baftards before the legitimate Issue, they were at last all laid aside; and the Crown remains to this day in the Family of Hugh Capet, upon whom it was beftow'd on the rejection of Charles of Lorrain. In like manner the Castilians took Don Sancho firmam'd the Brave, second Son to Alphonso the Wife,
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Wife, before Alphonso el Despereado, Son of the elder Brother Ferdinand. Sect. 16.

The States of Aragon prefier'd Martin, Brother to John the first, before Mary his Daughter marry'd to the Count de Foix, tho' the Females were not excluded from the Succeffion; and the Houfe of Austria now enjoys that Crown from Joan Daughter to Ferdinand. In that and many other Kingdoms, Baftards have bin advance'd before their legitimate Brothers. Henry Count of Trastamara, Baftard to Alphonfo XI. King of Castile, receiv'd the Crown as a reward of the good Service he had done to his Country against his Brother Peter the Cruel, without any regard had to the Houfe of La Cerda descendent from Alphonfo el Despereado, which to this day never enjoy'd any greater honour than that of Duke de Medina Celi. Not long after the Portuguese conceiving a dislike of their King Ferdinand, and his Daughter marry'd to John King of Castile, rejefted her and her Uncle by the Father's side, and gave the Crown to John a Knight of Calatrava, and Baftard to an Uncle of Ferdinand their King. About the beginning of this age the Swedes depos'd their King Sigismund for being a Papift, and made Charles his Uncle King. Divers Examples of the like nature in England have bin already mention'd. All these transportations of Crowns were Acts perform'd by Assemblies of the three Elitages in the several Kingdoms, and these Crowns are to this day enjoy'd under Titles deriv'd from such as were thus brought in by the deposition or rejection of thofe, who according to descent of Blood had better Titles than the preffent Poffeffors. The Acts therefore were lawful and good, or they can have no Title at all; and they who made 'em, had a juft power fo to do.

If our Author can draw any advantage from the resemblance of Regality that he finds in the Roman Confuls and Athenian Archons, I flall without envy leave him the enjoyment of it; but I am much miftaken if that does not prove my afertion, that thofe Governments were compos'd of the three fimple species: for if the Monarchical part was in them, it cannot be deny'd that the Ariftocratical was in the Senat or Areopagi, and the Democratic in the People. But he ought to have remember'd, that if there was nothing of Monarchical in thofe Governments when they are fai'd to have bin Popular, there was nothing of Ariftocratical and Democratic in thofe that were call'd Regal; which juftifieth my propofition on both fides, and fhou'd that the denomination was taken from the part that prevail'd: and if this were not fo, the Governments of France, Spain, and Germany might be call'd Democracies, and thofe of Rome and Athens Monarchys, becaufe the People have a part in the one, and an image of Monarchy was preferv'd in the other.

If our Author will not allow the cafes to be altogether equal, I think he will find no other difference, than that the Confuls and Archons were regularly made by the Votes of the confenting People, and orderly resign'd their Power, when the time was expir'd for which it was given; whereas Tarquin, Dionysius, Agathocles, Nabis, Phalaris, Cesar, and almofl all his Successors, whom he takes for compleat Monarchs, came in by violence, fraud, and corruption, by the help of the worft men, by the flaugber of the best, and most commonly (when the method was once establish'd) by that of his Predecessor, who, if our Author fays true, was the Father of his Country, and his alfo. This was the root and foundation of the only Government that deserves praise: this is that which flamps the divine character upon Agathocles, Dionysius and Cesar, and that had bestow'd the fame upon Manlius, Marius, or Cassius, if they had gain'd the Monarchy they affected. But I fuppofe that fuch as

God
God has blest with better judgment, and a due regard to Justice and Truth, will say, that all those who have attain'd to such greatness as destroys all manner of good in the places where they have fet up themselves by the most detestable Villanys, came in by a backdoor; and that such Magistrates as were orderly chosen by a willing People, were the true Shepherds who came in by the gate of the Sheepfold, and might justly be call'd the Ministers of God, fo long as they perform'd their duty in providing for the good of the Nations committed to their charge.

S E C T. XVII.

Good Governments admit of Changes in the Superstructures, whilst the Foundations remain unchangeable.

If I go a step farther, and confess the Romans made some changes in the outward Form of their Government, I may safely say they did well in it, and prosper'd by it. After the Expulsion of the Kings, the Power was chiefly in the Nobility, who had bin Leaders of the People; but it was necessary to humble them, when they began to presume too much upon the advantages of their Birth; and the City could never have bin great, unless the Plebeians who were the Body of it, and the main strength of their Armies, had bin admitted to a participation of Honours. This could not be done at the first: They who had bin so visibly oppressed by Tarquin, and harassed with making or cleansing Sinks, were not then fit for Magistracies, or the Command of Armies; but they could not justly be excluded from them, when they had men who in courage and conduct were equal to the best of the Patricians; and it had bin absurd for any man to think it a disparagement to him to marry the Daughter of one whom he had obey'd as Dictator or Consul, and perhaps follow'd in his Triumph. Rome that was constituted for War, and fought its Grandeur by that means, could never have arriv'd to any considerable height, if the People had not bin exercis'd in Arms, and their Spirits rais'd to delight in Conquests, and willing to expose themselves to the greatest fatigues and dangers to accomplish them. Such men as these were not to be us'd like Slaves, or oppress'd by the unmerciful hand of Usurers. They who by their sweat and blood were to defend and enlarge the Territories of the State, were to be convince'd they fought for themselves; and they had reason to demand a Magistracy of their own, vested with a Power that none might offend, to maintain their Rights, and to protect their Families whilst they were abroad in the Armies. These were the Tribuns of the People, made, as they call'd it, Sacrofanci or inviolable; and the creation of them was the most considerable Change that happen'd till the time of Marius, who brought all into disorder: The creation or abolition of Military Tribuns with Consular Power, ought to be account'd as nothing; for it import'd little whether that Authority were exercis'd by two, or by five: That of the Decemviri was as little to be regard'd: they were intend'd only for a Year; and the new ones were created for another, on pretence the Laws they were to frame could not be brought to perfection in so short a time, yet they were thrown down from the Power they usurp'd, and endeavour'd to retain contrary to Law: The creation of Dictators was no novelty, they were
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were made occasionally from the beginning, and never otherwise than occasionally, till Julius Cæsar subverted all order, and invading that supreme Magistracy by force, usurp’d the Right which belonged to all. This indeed was a mortal Change even in root and principle. All other Magistrats had bin created by the People for the publick good, and always were within the power of those that had created them. But Cæsar coming in by force, sought only the satisfaction of his own raging Ambition, or that of the Soldiers, whom he had corrupted to destroy their Country; and his Successors governing for themselves by the help of the like Villains, perpetually expos’d the Empire to be ravag’d by them. But whatever opinion any man may have of the other Changes, I dare affirm, there are few or no Monarchys (whose Histories are so well known to us as that of Rome) which have not suffer’d Changes incomparably greater and more mischievous than those of Rome whilst it was free. The Macedonian Monarchy fell into pieces immediately after the death of Alexander: ’Tis thought he perish’d by Poison: His Wives, Children and Mother, were destroy’d by his own Captains: The best of those who had escap’d his fury, fell by the Sword of each other. When the famous Argyrospides might have expected some Reward of their labours, and a little rest in old age, they were maliciously sent into the East by Antigonus, to perish by hunger and misery, after he had corrupted them to betray Eumenes. No better fate attended the rest; all was in confusion, every one follow’d whom he pleas’d, and all of them seem’d to be fill’d with such a rage, that they never ceas’d from mutual slaughters till they were consum’d; and their Kingdoms continu’d in perpetual Wars against each other, till they all fell under the Roman Power. The fortune of Rome was the same after it became a Monarchy: Treachery, Murder and Fury, reign’d in every part; there was no Law but Power; he that could corrupt an Army, thought he had a sufficient Title to the Empire: by this means there were frequently three or four, and at one time thirty several Pretenders, who call’d themselves Emperors; of which number he only reign’d that had the happiness to destroy all his Competitors; and he himself continu’d no longer than till another durst attempt the destruction of him and his Pottery. In this state they remain’d, till the wafted and bloodless Provinces were poifeft by a multitude of barbarous Nations. The Kingdoms establish’d by them enjoy’d as little Peace or Justice; that of France was frequently divided into as many parts as the Kings of Merovingus or Pepin’s Race had Children, under the names of the Kingdoms of Paris, Orleans, Soissons, Arles, Burgundy, Austrasia, and others: These were perpetually vex’d by the unnatural fury of Brothers or nearest Relations, whilst the miserable Nobility and People were oblig’d to fight up-on their foolish Quarrels, till all fell under the power of the strongest. This mischief was in some measure cur’d by a Law made in the time of Hugh Capet, that the Kingdom should no more be divided: But the Appanages, as they call them, granted to the King’s Brothers, with the several Dukedoms and Earldoms erected to pleae them and other great Lords, produc’d frequently almost as bad effects. This is testified by the desperate and mortal Faction, that went under the names of Burgundy and Orleans, Armagnac and Orleans, Montmorency and Guife: These were follow’d by thole of the League, and the Wars of the Hugonots: They

* Jura omnium in fc traxit.
were no sooner finish'd by the taking of Rochel, but new ones began by the Intrigues of the Duke of Orleans, Brother to Lewis the 12th, and his Mother; and pursu'd with that animosity by them, that they put themselves under the protection of Spain: To which may be added, that the Houltes of Conde, Soiffons, Montmorency, Guife, Vendome, Angouleme, Bouillon, Roban, Longueville, Rochefoucault, Epernon, and I think I may say every one that is of great eminency in that Kingdom, with the City's of Paris, Bourdeaux, and many others, in the space of these last fifty years, have fided with the perpetual Enemies of their own Country.

Again, other great Alterations have happen'd within the same Kingdom: The Races of Kings four times wholly chang'd: Five Kings depos'd in less than 150 Years after the death of Charles the Great: The Offices of Maire du Palais, and Constable, erected and laid aside: The great Duke-dom and Earldoms, little inferior to Sovereign Principalities, establish'd and suppress'd: The decision of all Causes, and the execution of the Laws, plac'd absolutely in the hands of the Nobility, their Deputies, Seneschals, or Vice-Seneschals, and taken from them again: Parliaments set up to receive Appeals from the other Courts, and to judge soveraignly in all cases, expressly to curb them: The Power of these Parliaments, after they had crush'd the Nobility, brought so low, that within the last twenty years they are made to register, and give the Power of Laws, to Edicts, of which the Titles only are read to them; and the General Assemblys of Eftates, that from the time of Pepin had the Power of the Nation in their hands, are now brought to nothing, and almost forgotten.

Tho I mention these things, 'tis not with a design of blaming them, for some of them deserve it not; and it ought to be consider'd, that the Wisdom of man is imperfect, and unable to foresee the Effects that may proceed from an infinite variety of Accidents, which according to Emergencies, necessarily require new Constitutions, to prevent or cure the mifchiefs arising from them, or to advance a good that at the first was not thought on: And as the noblest work in which the Wit of man can be exercis'd, were (if it could be done) to constitute a Government that should last for ever, the next to that is to frame Laws to prevent Exigences, and so much as is in the power of man to foresee: And he that should resolve to persist obstinately in the way he first enter'd upon, or to blame those who go out of that in which their Fathers had walk'd, when they find it necessary, does as far as in him lies, render the worst of Errors perpetual. Changes therefore are unavoidable, and the Wit of man can go no farther than to institute such, as in relation to the Forces, Manners, Nature, Religion or Interests of a People and their Neighbours, are suitable and adequate to what is seen, or apprehended to be seen: And he who would oblige all Nations at all times to take the fame course, would prove as foolish as a Physicain who should apply the fame Medicin to all Distempers, or an Architect that would build the fame kind of House for all Persons, without considering their Eftates, Dignities, the number of their Children or Servants, the Time or Climate in which they live, and many other Circumstances; or, which is, if possible, more forfoth, a General who should obstinately resolve always to make War in the same way, and to draw up his Army in the fame form, without examining the nature, number and strength of his own and his Enemies Forces, or the advantages and disadavantages of the Ground. But as there may be some universal Rules in Phyfick, Architecture and Military Discipline, from which men ought never to depart; so there are some in Politicks also, which
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which ought always to be observ'd; and wife Legislators adhering to Sect. 17, them only, will be ready to change all others as occasion may require, in order to the publick Good. This we may learn from Moses, who laying the Foundation of the Law given to the Israelites in that Justice, Charity and Truth, which having its root in God, is subject to no change, left them the liberty of having Judges or no Judges, Kings or no Kings, or to give the Sovereign Power to High Priests or Captains, as beft pleas'd themselves; and the Mifchiefes they afterwards suffer'd, proceeded not simply from chang- ing, but changing for the worse. The like judgment may be made of the Alterations that have happen'd in other places. They who aim at the publick Good, and wisely institute means proportionable and adequate to the attainment of it, deserve praise; and thofe only are to be diſlikg'd, who either foolishly or maliciously set up a corrupt private Interest in one or a few men. Whofever therefore would judge of the Roman Changes, may fee, that expelling the Tarquins, creating Consuls, abating the violence of Ufurers, admitting Plebeians to marry with the Patricians, rend- ering them capable of Magiftracies, deducing Colonies, dividing Lands gain'd from their Enemies, erecting Tribuns to defend the Rights of the Commons, appointing the Decemviri to regulate the Law, and abrogating their Power when they abus'd it, creating Dictators and Military Tri- buins with a Confular Power, as occasions requir'd; they acted in the face of the Sun for the good of the Publick; and fuch Acts having always producd Effects fuitable to the reftitude of their Intentions, they confe- quently deserve praise. But when another Principle began to govern, all things were chang'd in a very different manner: Evil Designs, tending only to the advancement of private Interests, were carry'd on in the dark by means as wicked as the end. If Tarquin when he had a mind to be King, poison'd his first Wife and his Brother, contrafted an inceftuous Mar- riage with his fcond by the death of her first Husband, murder'd her Fa- ther and the best men in Rome, yet Cefar did worse: He favour'd Catiline and his villainous Affociats, bri'd and corrupted Magiftrats; confpir'd with Cratius and Pompèy; continu'd in the Command of an Army beyond the time prefcrib'd by Law, and turn'd the Arms with which he had bin introducted for the fervice of the Commonwealth, to the deftruction of it; which was rightly represented by his Dream, that he had confurprad his Mother: In the like manner when Æneas, Antonius and Lepidus, divided the Empire, and then quarrel'd among themselves; and when Galba, Otho, Vitellius and Vespasian let up Partys in feverall Provinces, all was manag'd with Treachery, Fraud and Cruelty; nothing was intended but the advancement of one Man, and the Recompence of the Villains that serv'd him: And when the Empire had suffer'd infinite Calamities by pulling down or rejecting one, and setting up another, it was for the most part difficult to determin who was the worft of the two; or whether the prevailing Side had gain'd or loft by their Victory. The question therefore upon which a Judgment may be made to the praise or difpraise of the Roman Government, before or after the losfs of their Liberty, ought not to be, Whether either were subject to Changes, for neither they nor any thing under the Sun was ever exempted from them; but whether the Changes that happen'd after the establishment of Abolute Power in the Emperors, did not solely proceed from Ambition, and tend to the publick Ruin: whereas thofe Alterations related by our Author concerning Consuls, Dictators, Decemviri, Tribunes and Laws, were far more rare, less violent, tending to, and procuring the publick Good, and there-
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Chap. II. fore deserving praise. The like having bin prov'd by the Examples of other Kingdoms, and might be farther confirm'd by many more, which on account of brevity I omit, is in my opinion sufficient to manifest, that whilst the Foundation and Principle of a Government remains good, the Superstructures may be chang'd according to occasions, without any prejudice to it.

S E C T. XVIII.

Xenophon in blaming the Disorders of Democracy, favours Aristocracies, not Monarchys.

In the next place our Author introduces Xenophon disallowing Popular Governments: Cites Rome and Athens as Places where the best Men thriv'd worst, and the worst best; and condemns the Romans for making it capital to pass Sentence of Death, Banishment, loss of Liberty, or Stripes upon any Citizen of Rome. But left his Fraud in this should be detected, he cites no precise Passage of any Author, alledges few Examples, and those mistaken; never tells us what that Law was, when made, or where to be found: whereas I hope to prove, that he has upon the whole matter abominably prevaricated, and advance'd things that he knows to be either impertinent or false.

1. To this end we are in the first place to consider, whether Xenophon speaks of Popular Governments simply, or comparatively: if simply, his confest that a pure Democracy can never be good, unless for a small Town; if comparatively, we must examine to what he compares it: We are sure it was not to Absolute Monarchy; there was no such thing amongst the Greeks establish'd by Law: The little Tyrants who had enslave'd their own Country, as Jason, Phereus, Phalaris, and the like, had no pretence to it, and were accounted as the worst of Beasts: None but such as in all bestiality were like to 'em, did ever speak or think well of them. Xenophon's Opinion in this point, may be easily found out by what pass'd between his Master Plato and the Sicilian Tyrant; and the matter will not be mended by referring to his own experience: He had seen the vast Monarchy of Persia torn in pieces by the fury of two Brothers, and more than a million of men brought to fight upon their private quarrel: Instead of that Order, Stability and Strength which our Author ascribes to Absolute Monarchy as the effect of Wisdom and Justice, he knew, that by filling one man with pride and cruelty, it brought unspeakable miseries upon all others, and infected 'em with all the Vices that accompany Slavery: Men liv'd like Fisces, the great ones devour'd the small; and as appear'd by Tissaphernes, Pharnabazus, and others with whom he had to deal, the worst and basest were made to be the greatest: The Slaves infulted over those of meaner rank, with an insolence and cruelty that equal'd the depth of their servile submission to their proud Master. Luxury and Avarice reign'd in all: many great Nations were made to live for the service of one man, and to foment his Vices. This produce'd weakness and cowardice; no number of those Slaves were able to stand against a few like Grecians. No man knew this better than Xenophon, who after the death of Cyrus the younger, and the treacherous murder of Clearchus, and other Officers that commanded the Grecians who
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had serv'd him, made his retreat from Babylon to the Hellespont with ten thousand foot, and passed over the bellys of all that dar'd to oppose him. He would never have spent his life in exciting his Countrymen to attempt the Conquest of Asia, nor persuaded Agesilaus to put himself at the head of the Enterprize, if he had thought there was such admirable Order, Stability and Strength in that Monarchy, and in the Greeks nothing but giddiness of Spirit, and so much Learning as made them feditious: Nor could he, being a wife man and an excellent Captain, have conceiv'd such a design, if he had not by experience found that Liberty inspir'd his Countrymen with such solid Vertue, and produc'd such Stability, good Order and Strength, that with small numbers of them he might hope to overthrow the vain Pomp of the Barbarians, and to posses himself of their Riches, tho' they could bring more than a hundred men to fight against one; which Design being interrupted in his time by domestick Wars, was soon after his death accomplish'd by Alexander.

But that Xenophon's meaning may be better understood, 'tis good to consider, that he spoke of such Governments as were then in ufe among the Greeks; which the mix'd, yet took their denomination from the prevailing part: so that the Dorians, who plac'd the Power chiefly in the hands of a few chosen men, were faid to be govern'd Arisfocratically; and the Ionians giving more Power to the common People, Democratically: And he, tho' an Ionian, either thro' friendfhip to Agesilaus, conversation with the Spartans, or for other reasons best known to himself, prefer'd the Government of Sparta, or some other which he thought he could frame, and defir'd to introduce, before that of Athens; as Cimcras, Thucydides, and many other excellent men of that City are faid to have done: And if I acknowledg they were in the right, and that Athens was more subject to disorder, and had left Stability than Sparta, I think it will be of little advantage to Absolute Monarchy.

2. The Athenians did banish some worthy men, and put others to death; but our Author, like the Devil, never speaking truth, unlefs to turn it into a lie, prevaricates in his report of them. The temporary banishment, which they call'd Ostracism, was without hurt or dishonour, never accounted as a Punishment, nor intended for any other end, than to put a stop to the too eminent greatnefs of a man, that might prove dangerous to the City; and some excellent Persons who fell under it, were soon recall'd, and brought home with glory. But I am not solicitous whether that reafon be sufficient to justify it or not: We are upon a general Thesis relating to the Laws of God and Nature; and if the Athenians, by a fancy of their own, did make an imprudent ufe of their Liberty, it cannot prejudice the publike Cause. They who make the worft of it can only say, that by fuch means they, for a time, depriv'd themselves of the benefits they might have receiv'd from the Vertues of some excellent men, to the hurt of none but themselves; and the application of it as an injustice done to Themiftocles, is absolutely false: He was a man of great Wit, Industry and Valour, but of uncertain Faith, too much addicted to his own Intereft, and held a moft dangerous Correpondence with the Persians, who then threaten'd the destruction of Greece. Tho' envy and Spite to Arifides, and to increase his own Power, he rais'd dangerous factions in the City, and being fummon'd to render an account of his Proceedings, he declin'd the Judgment of his Country, fled to their Enemies, and juftly deliv'rd the Sentence pronounc'd against him. Some among them were unjustly put to death, and above all Socrates; but the People, who
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who, deceiv'd by false Witnesses, (against whom neither the Laws of God or Man have ever prescrib'd a sufficient defence) had condemn'd him, did so much lament their Crime, when the truth was discover'd to them, that I doubt whether a more righteous Judgment had given better testimony of their righteous Intentions. But our Author's impudence appears in the highest excess, in imputing the death of Phocion to the popular State of Athens: Their Forces had bin broken in the Sicilian War; the City taken, and the principal Men slain by Lyfander; the remains of the most Worthy destroy'd by the thirty Tyrants set up by him; their ill-recover'd Liberty overthrown by the Macedonians, and the death of Phocion compait by Polyperchon, who with Foreign Soldiers, Slaves, Vagabonds, and Outlaws, over power'd the People.

The proceedings of Rome may be more compleatly justify'd: Coriolanus was duly condemn'd, he fet too great a price upon his own Valour, and arrogated to himself a Power in Rome, which would hardly have bin induc'd in Coriol: His violence and pride overbalance'd his Services; and he that would submit to no Law, was justly driven out from the Society which could subsift only by Law. Quintius was not unlike him, and Manlius Capitolinus far worfe than either. Their Vertues were not to be consider'd when they departed from them. Consideration ought to be had of human frailty, and some indulgence may be extended to those who commit Errors, after having done important Services; but a State cannot subsist, which compensating evil Actions with good, gives impunity to the most dangerous Crimes, in remembrance of any Services whatever. He that does well, performs his Duty, and ought always to do so: Justice and Prudence concur in this; and 'tis no les jut than profitable, that every Action be consider'd by it self, and such a reward or punishment allotted to it, as in nature and proportion it beft de-

This, as I suppose, is enough for their Cases; but relates not to those of Manereus, Camillus, Livius Salinator, and Emlyius Paulus; their Virtue was compleat, they were wrongfully sentence'd. But the best Princes, Senat or People that ever was in the world, by the deceit of evil men, may and have bin drawn out of the way of Justice: Yet of all the States that are known to us, none was ever so free from Crimes of malice and wilful injustice; none was ever guilty of so few Errors as that of Rome; and none did ever give better testimonys of Repentance, when they were discover'd, than the Romans did by the Veneration they shew'd to those worthy Persons, and the Honors they confer'd upon them afterwards. Manereus was made Dictator, to repair the unjust mark of Infamy laid upon him by the Cenfors. Camillus being recall'd from his banishment, often enjoy'd the same honour, and died the most reverenc'd Man that had ever bin in that City. Livius Salinator was not only made Conful after he had bin fin'd, but the People (as it were to expiate the guilt of having condemn'd him) suffer'd that asperity of speech and manners, which might have persuaded such as had bin les confident of his Virtue and their own, that he defir'd to be reveng'd, tho' it were with the ruin of the City. They dealt in the like manner with Paulus Emlyius, repairing the injury of a fine unduly impos'd. Their generosity in leaving the Tribuns in the Forum, with their Acculation against Scipio Africamus, and following him to celebrate an annual Sacrifice in the Capitol, in commemoration of his victory against Hannibal, was no les admirable than the greatnes of his mind, who thought his Vertue should be so well known,
that no account ought to be expected from him; which was an Error proceeding from a noble Root, but not to be born in a well-govern'd Commonwealth. The Laws that aim at the publick Good, make no distinction of Persons; and none can be exempted from the Penalties of them, otherwise than by approv'd Innocence, which cannot appear without a Trial: He that will not bend his mind to them, shakes off the equality of a Citizen, and usurps a Power above the Law, to which no man submitts upon any other condition, than that none should be exempted from the power of it. And Scipio being the first Roman that thus disdain'd the Power of the Law, I do not know whether the prejudice brought upon the City by so dangerous an Example, did not outweigh all the Services he had done: Nevertheles the people contented with his retirement to his own houle, and afterwards convinc'd of his Innocence, would probably (if he had not dy'd in a few months) have brought him back with the Honours that Fate referv'd for his athes.

I do not at present remember any other eminent men, who can be said in any respect to have thriv'd ill, whilst the People and Senat of Rome acted freely; and if this be not sufficient to clear the point, I desire to know the names of those worst men that thriv'd best. If they may have bin judg'd to thrive, who were frequently advanc'd to the supreme Magistracies, and enjoy'd the chief Honors; I find no men fo eminent as Brutus, Publicola, Quintius Cincinnatus, and Capitolinus, the two Fabii firnam'd Maximus, Corvinus, Torquatus, Camillus, and the like: and if these were the worst Men that Rome produc'd in those Ages, Valor, Wildom, Induftry in the Service of their Country, and a moft intire Love to it, must have bin the worst of qualities; and I presume our Author may have thought them fo, since they were invincible obstacles to the introduction of that Divine Monarchy which Appius Claudius the Decemvir, Manlius Capitolinus, Spurius Cassius, Sp. Melius, and some others may be thought to have affected.

However, these infances are not to be understood as they are simply in themselves, but comparatively with what has happen'd in other places under abfolute Monarchys: for our inquiry is not after that which is perfect, well knowing that no such thing is found among men; but we seek that human Constitution which is attended with the leaft, or the moft pardonable inconveniences. And if we find that in the space of three hundred years, while the Senat, People, and legally created Magiftrats govern'd Rome, not one worthy Man was put to death, not above five or six condemn'd to Fines by the beguil'd People, and thosse injuries repair'd by the moft honourable satisfaction that could be given; so that Vertue continu'd ever flourishing; the beft men that could be found were put into the chief Commands, and the City was fill'd with more excellent men than were ever known to be in any other place: And on the other side, if the Emperors so soon as the Government was chang'd, made it their busines to destroy the beft, and so far succeeded in their design, that they left none; and never fail'd to advance the worst, unless it fell out as to Queen Katherine de Medici, who is said never to have done any good but by mistake, and some few may have prov'd better than was intended; it will appear, that our Author's Affertions are in the utmost degree false. Of this we need no better witnes than Tacitus. The Civil Wars, and the Profcrptions upon which he touches, are justly to be attributed to that Monarchy which was then setting up, the only question being who should be the Monarch, when the Liberty was already overthrown.

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And if any eminent Men ecape’d, it was much against the will of those who had usurp’d the Power: He acknowledges his Hiftories to be a continu’d relation of the slaughter of the moft illuftrious Perfons, and that in the times of which he writes, Vertue was attended with certain destruction. After the death of Germanicus and his eldest Children, Varrius Aftatius, Seneca, Corbulus, and an infinite number more who were thought moft to reemble them, found this to be true at the expence of their lives: Nero, in purfance of the fame tyrannical design, murder’d Helvidius and Tibrases, that he might * tear up Vertue by the roots: Comi-
tian spair’d none willingly that had either Vertue or Reputation; and tho’ Trajan, with perhaps some other, might grow up under him in the remote Provinces, yet no good Man could ecape who came under his eye, and was fo eminent as to be obliwer’d by him. Whilst thefe, who were thought to be the beft Men that appear’d in the Roman Empire, did thrive in this manner, Sejanus, Macro, Narcissus, Pallas, Tigellinus, Ictus, Vini-
arius, Laco, and others like to ’em, had the power of the Empire in their hands. Therefore, unlefs Mankind has bin miiftaken to this day, and that thefe, who have hitherto bin account’d the worft of Villains, were indeed the beft Men in the world; and that thefe destroy’d by them, who are thought to have bin the beft, were truly the worft, it cannot be deny’d that the beft Men, during the Liberty of Rome, thrive’d beft; that good Men suffer’d no indignity, unlefs by some fraud impose’d upon the well-meaning People; and that fo soon as the Liberty was subverted, the worft men thrive’d beft. The beft Men were expos’d to fo many Calami-
ts and Snares, that it was thought a matter of great wonder to fee a vertuous man die in his bed: and if the account were well made, I think it might appear, that every one of the Emperors before Titus shed more noble and innocent Blood, than Rome and all the Commonwealths in the world have done, whilst they had the free enjoyment of their own Liberty. But if any man in favour of our Author feeks to diminish the vast difproportion between the two differing forts of Government, and imputes the disorders that happen’d in the time of the Gracchi, and others, whilst Rome was struggling for her Liberty, to the Government of a Common-
wealth, he will find them no more to be compar’d with those that fell out afterwards, than the railings of a turbulent Tribune againft the Senat, to the Villains and Crueltys that corrupted and dispoepe’d the Provinces from Babylon to Scotland. And whereas the State never fail’d to recover from any disorders, as long as the Root of Liberty remain’d untouch’d, and became more powerful and glorious than ever, even after the Wars of Marius and Sylla; when that was destroy’d, the City fell into a lan-
guishing condition, and grew weaker and weaker, till that and the whole Empire was ruin’d by the Barbarians.

3. Our Author, to shew that his memory is as good as his judgment, having represent’d Rome in the times of Liberty as a publick Slaughter-
houfe, soon after blames the Clemency of their Laws: whereas ’tis imposible that the fame City could at the fame time be guilty of those contrary ex-
tremities; and no lefs certain, that it was perfectly free from them both. His aliention seems to be grounded upon Cesar’s Speech (related by Sallust) in favour of Lentulus and Catheus Companions of Catiline: but tho’ he there endeavour’d to put the beft colour he could upon their caufe, it signi-
ifies’d only thus much, that a Roman Citizen could not be put to death,
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without being heard in publick; which Law will displeaze none that in Sect. 127,
understanding and integrity may not be compar’d to Filmer and his follow-ers. 'Tis a folly to extend it farther; for 'tis easily prov’d that there was always a power of putting Citizens to death, and that it was exercis’d when occasion requir’d. The Laws were the same in the time of the Kings, when that Office was executed by Confuls, excepting such changes as are already mention’d. The Lex pertuallionis cited by Livy in the case of Horatius who had kill’d his Sifer, continu’d in force from the foundation to the end of that Government: the condemnation was to death, the words of the Sentence thefe, Caput obnubito, infelici arbo re reflesuspendito; verberato intra Pomerium vel extra Pomerium. He was try’d by this Law upon an appeal made to the People by his Father, and absolvd admiratione magis virtutis quam jure causa; which could not have bin, if by the Law no Citizen might be put to death. The Sons of Brutus were condemn’d to death in publick, and executed with the Aquilii and Vitellii their Companions in the fame Conspiracy: Manlius Capitolinus was put to death by the vote of the People: Titus Manlius by the command of his Father Torquatus, for fighting without order: Two Legions were decimated by Appius Claudius: Spurius Melius refusing to appear before the Dictator, was kill’d by Servilius Ahala General of the Horse, and pronounc’d jure cefam: Quintus Fabius was by Papirius the Dictator condemn’d to die, and could not have bin fav’d but by the interceffion and authority of the People. If this be not fo, I desire to be inform’d what the Senat meant by condemning Nero to be put to death more majorum, if more majorum no Citizen might be put to death: Why the Confuls, Dictators, Military Tribuns, Decemviri, caus’d Rods and Axes to be carry’d before them, as well within as without the City, if no ofe was to be made of ’em. Were they only vain Badges of a Power never to be executed; or upon whom was the Supreme Power signify’d by them, to be exercis’d within and without the City, if the Citizens were not subject to it? 'Tis strange that a man who had ever read a Book of matters relating to the Affairs of Rome, should fancy these things; or hope to impose them upon the World, if he knew them to be foolifh, false, and absurd. But of all the marks of a moft supine ftupidity that can be given by a man, I know none equal to this of our Author, who in the fame Clause wherein he says no Citizen could be put to death or banifh’d, adds, that the Magiftrats were upon pain of death forbidden to do it; for if a Magiftrate might be put to death for banifhing a Citizen, or caus’d him to be executed, a Citizen might be put to death; for the Magiftrats were not Strangers, but Citizens. If this was not fo, he muft think that no Crime was capital, but the punifhment of capitol Crimes; or that no man was subject to the Supreme Power, but he that was created for the execution of it. Yet even this will not stop the gap; for the Law that condemn’d the Magiftrate to die, could be of no effect, if there were no man to execute it; and there could be none if the Law prohibited it, or that he who did it was to die for it: And this goes on to infinity. For if a Magiftrate could not put a Citizen to death, I fuppose a Citizen could not put to death a Magiftrate; for he also is a Citizen. So that upon the whole matter we may conclude, that Malice is blind, and that Wickednefs is Madnefs. 'Tis hard to fay more in praiie of Popular Governments than will refult from what he fays againft them: his reproaches are Praifes, and his Praifes reproaches. As Government is inftituted for the prefervation of the Governed, the Romans were fparing of
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off Blood, and are wisely commended by Livy for it: Nulli anguum Popul-

lomiiiores placuerunt pane; which gentlemens will never be blaim'd, unless

by those who are pleas'd with nothing so much as the fury of those Moun-

ters, who with the ruin of the best part of Mankind, usurp't the domi-

nion of that glorious City. But if the Romans were gentle in punishing

Offences, they were also diligent in preventing them: the excellence of

courts in the Youth to Vertue, and the Honors they receiv'd for recompence

confirm'd them in it. By this means many of them became

Laws to themselves; and they who were not the most excellent, were

yet taught so much of good, that they had a veneration for those they

could not equal, which not only serv'd to incite them to do well according

to their Talents, but kept them in such an as to fear incurring their

ill opinion by any bad action, as much as by the penalty of the Law.

This integrity of manners made the Laws as it were useless; and whilst

they seem'd to sleep, ignorant persons thought there were none: But

their Disciplin being corrupted by Prosperity, those Vices came in which

made way for the Monarchy; and Wickednes being plac'd in the

Throne, there was no safety for any but such as would be of the same

spirit, and the Empire was ruin'd by it.


S E C T. XIX.

That Corruption and Venality which is natural to Courts,

is seldom found in Popular Governments.

OUR Author's next work is, with that modesty and truth which is

natural to him, to impute Corruption and Venality to Common-

wealths. He knows that Monarchys are exempted from those evils, and

has discover'd this truth from the integrity observ'd in the modern Courts

of England, France, and Spain, or the more antient of Rome and Persia: But after many falsehoods in matter of fact, and misrepresentations of

that which is true, he shews that the Corruption, Venality, and Violence

he blames, were neither the effects of Liberty, nor coincident with it.

Cneius Manlius, who with his Asiatic Army brought in the Luxury that
gave birth to those mischiefs, did probably follow the loosenes of his own
disposition; yet the best and wisest men of that time knew from the be-

ginning that it would ruin the City, unless a stop might be put to the

course of that evil: But they who had seen Kings under their feet, and
could no longer content themselves with that equality which is necessary
among Citizens, fomented it as the chief means to advance their am-
bitions designs. Tho Marius was rigid in his nature, and car'd nei-
ther for Money nor sensual Pleasures, yet he favour'd those Vices in others,
and is said to be the first that made use of 'em to his advantage. Catiline
was one of the leadeft men in the world, and had no other way of com-
passing his designs than by rendering others as bad as himself: and Cefar
set up his Tyranny by spreading that corruption farther than the others
had bin able to do; and tho he, Caligula, and some others were fain, yet
the best men found it as impossible to restore Liberty to the City when it
was corrupted, as the worst had done to set up a Tyranny whilst the inte-
grety of their manners did continue. Men have a strange propensitry to
run into all manner of excesses, when plenty of means invite, and there
is no power to deter; of which the succeeding Emperors took advantage, and knowing that even their subsistence depended upon it, they thought themselves oblig'd by interest as well as inclination to make Honors and Preferments the rewards of Vice: and tho it be not always true in the utmost extent that all men follow the example of the King; yet it is of great efficacy: Tho some are so good that they will not be perverted, and others so bad that they will not be corrected; yet a great number dos always follow the course that is favour'd and rewarded by those that govern. There were Idolaters doubtless among the Jews in the days of David and Hezekiah; but they prosper'd better under Jeroboam and Abah: England was not without Papists in the time of Queen Elizabeth; but they thriv'd much better during the Reign of her furious Sister. False Witneffes and Accusers had a better trade under Tiberius, who call'd them Cæfides Legum, than under Trajan who abhor'd them; and Whores, Players, and Fiddlers, with other such Vermin, abounded certainly more when encourag'd by Nero, than when despis'd by Antoninus and Marcus Aurelius. But as every one of these manifested what he was by those he favor'd or punifh'd, and that a man can only be judg'd by his principles or practices, he that would know whether absolute Monarchys or mix'd Governments do most foment or punifh Venality and Corruption, ought to ex- amin the principle and practice of both, and compare them one with the other.

As to the Principle, the above-mention'd Vices may be profitable to private men, but they can never be so to the Government, if it be popular or mix'd: No People was ever the better for that which renders them weak or base; and a duly created Magiftracy, governing a Nation with their confent, can have no intereft distinct from that of the Publick, or desire to diminish the strength of the People, which is their own, and by which they subsist. On the other side, the absolute Monarch who governs for himself, and chiefly seeks his own prefervation, looks upon the strength and bravery of his Subjects as the root of his greatest danger, and frequently defires to render them weak, base, corrupt, and unfaithful to each other, that they may neither dare to attempt the breaking of the Yoke he lays upon them, nor trust one another in any generous defign for the recovery of their Liberty. So that the fame corruption which preserves such a Prince, if it were introduc'd by a People, would weaken, if not utterly destroy them.

Again, all things have their continuance from a principle in Nature fu- table to their Original: all Tyrannys have had their beginnings from corrup- tion. The Historys of Greece, Sicily, and Italy, shew that all those who made themselves Tyrants in several places, did it by the help of the worft, and the laughter of the beft: Men could not be made subjevt to their Lusfs whilst they continu'd in their integrity; so as their busineses was to destroy those who would not be corrupted. They must therefore endeavour to maintain or increase the corruption by which they attain their greatnes: If they fail in this point, they must fall as Tarquin, Pisistratus, and others have done; but if they succeed so far that the vicious part do much prevail, the Government is secure, tho the Prince may be in danger. And the fame thing dos in a great meafure accidentally conduce to the safety of his Person: For they who for the moft part are the Authors of great Revolutions, not being so much led by a particular hatred to the Man, as by a desire to do good to the Publick, seldom let themselves to confpire against the Tyrant, unless he be altogether detefta-
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The contrary is seen in all popular and well-mixed Governments: they are ever established by wife and good men, and can never be upheld otherwise than by Virtue: The worst men always conspiring against them, they must fall, if the best have not power to preserve them. Wherefore therefore a People is to govern'd, the Magistrates will obviate afar off the introduction of Vices, which tend as much to the ruin of their Persons and Government, as to the preservation of the Prince and his.

This is evidenc'd by experience. 'Tis not easy to name a Monarch that had so many good qualities as Julius Cæsar, till they were extinguish'd by his Ambition, which was inconsistent with them: He knew that his strength lay in the corruption of the People, and that he could not accomplish his designs without increasing it. He did not seek good men, but such as would be for him; and thought none sufficiently addicted to his Interests, but such as stuck at the performance of no wickedness that he commanded: he was a Soldier according to Cæsar's heart who said,

_Prepare si fratris gladium jugulor; parentis
Condere me jubeas, gravidae in ossaera partu
Conjugis, invita pragam tamen omnia dextra._

Lucan.

And left such as were devoted to him should grow faint in Villany, he industriously inflam'd their fury:

---Vult omnia Cæsar
_A se jave peti, vult præmia Mariis amari._

 Ib.

Having spread this Poison amongst the Soldiers, his next work was by corrupting the Tribuns to turn that Power to the destruction of the People, which had bin erected for their preservation; and pouring the Treasures he had gain'd by rapine in Gaul into the Bofom of Curio, made him an instrument of mischief, who had bin a most eminent Supporter of the Laws. Tho he was thought to have affected the glory of sparing Cato, and with trouble to have found that he depis'd life when it was to be accounted his gift; yet in suspecting Brutus and Cassius, he shew'd he could not believe that virtuous men who lov'd their Country could be his Friends. Such as carry on the like designs with less Valor, Wit, and Generosity of Spirit, will always be more bitterly bent to destroy all that are good, knowing that the deformity of their own Vices is render'd most manifest, when they are compar'd with the good qualities of those who are most unlike them; and that they can never defend themselves against the scorn and hatred they incur by their Vices, unless such a number can be infect'd with the same, and made to delight in the recompences of iniquity that foment them, as may be able to keep the rest of the People in subjection.

The same thing happens even when the Usurpation is not so violent as that of Agathocles, Dionysius, or the last King of Denmark, who in one day by the strength of a mercenary Soldiery overthrew all the Laws of his Country: and a lawfully created Magistrate is forc'd to follow the same ways as soon as he begins to affect a Power which the Laws do not confer upon him. I wish I could say there were few of these; but experience shews that such a proportion of Wisdom, moderation of Spirit, and Justice is requir'd in a supreme Magistrate, to render him content with a limited
limited Power, as is seldom found. Man is of an aspiring nature, and apt to put too high a value upon himself; they who are raised above their Brethren, tho' but a little, desire to go farther; and if they gain the name of King, they think themselves wrong'd and degraded, when they are not suffer'd to do what they please. In these things they never want Masters; and the nearer they come to a Power that is not easily restrain'd by Law, the more passionately they desire to abolish all that opposes it; and when their Hearts are fill'd with this fury, they never fail to chuse such Ministers as will be subservient to their Will: and this is so well known, that those only approach them who resolve to be so. Their interests as well as their inclinations incite them to diffuse their own manners as far as they can, which is no less than to bring those who are under their power to all that wickedness of which the nature of man is capable; and no greater testimony can be given of the efficacy of these means towards the utter corruption of Nations, than the accursed effects we see of 'em in our own and the neighboring Countries.

It may be said that some Princes are so full of Vertue and Goodness, as not to desire more power than the Laws allow, and are not oblig'd to chuse ill men, because they desire nothing but what the best are willing to do. This may be, and sometimes is: the Nation is happy that has such a King; but he is hard to find, and more than a human Power is requir'd to keep him in so good a way. The strength of his own affections will ever be against him: Wives, Children, and Servants will always join with those Enemies that arise in his own breast to pervert him: if he has any weak side, any Lust unrebut't, they will gain the victory. He has not search'd into the nature of Man, who thinks that any one can resist when he is thus on all sides assaulting: Nothing but the wonderful and immediate power of God's Spirit can preserve him; and to alledge it will be nothing to the purpose, unless it can be prov'd that all Princes are blest with such an assistance, or that God has promis'd it to them and their Successors for ever, by what means never they came to the Crowns they enjoy.

Nothing is farther from my intention than to speak irreverently of Kings; and I presume no wise man will think I do so, if I profess, that having observ'd as well as I can what History and daily Experience teach us concerning the Vertues and Religions that are or have bin from the beginning of the World encourage'd and supported by Monarchs, the methods they have follow'd since they have gone under the name of Christians, their moral as well as theological Graces, together with what the Scriptures tell us of those who in the last days will principally support the Throne of Antichrist; I cannot be confident that they are generally in an extraordinary manner prefer'red by the hand of God from the Vices and Frailties to which the rest of mankind is subject. If no man can shew that I am in this mistaken, I may conclude, that as they are more than any other men in the world expos'd to temptations and snares, they are more than any in danger of being corrupted, and made Instruments of corrupting others, if they are no otherwise defended than the rest of men.

This being the state of the matter on both sides, we may easily collect, that all Governments are subject to corruption and decay; but with this difference, that Absolute Monarchy is by principle led unto, or root
in it; whereas mix'd or popular Governments are only in a possibility of falling into it: As the first cannot sub fist, unless the prevailing part of the people be corrupted; the other must certainly perish, unless prefer'd in a great measure free from Vices. And I doubt whether any better reason can be given, why there have bin and are more Monarchys than popular Governments in the world, than that Nations are more easily drawn into corruption than defended from it; and I think that Monarchy can be said to be natural in no other fense, than that our deprav'd Nature is most inclin'd to that which is worst.

To avoid unnecessary Disputes, I give the name of Popular Governments to thofe of Rome, Athens, Sparta, and the like, tho improperly, unless the fame may also be given to many that are usually called Monarchys, since there is nothing of violence in either; the Power is confer'd upon the chief Magiftrats of both by the free content of a willing People, and fuch a part as they think fit is still retain'd and executed in their own Assemblies; and in this fense it is that our Author seems to speak againft them. As to Popular Government in the stricteft fene, (that is pure Democracy, where the People in themfelves, and by themfelves, perform all that belong to Government) I know of no fuch thing; and if it be in the World, have nothing to fay for it. In afferting the Liberty, generally, as I fuppofe, granted by God to all mankind, I neither deny, that fo many as think it fit to enter into a Society, may give fo much of their Power as they pleafe to one or more men, for a time or perpetually, to them and their Heirs, according to fuch Rules as they precribe; nor approve the Difforders that must arise if they keep it entirely in their own hands. And looking upon the feveral Governments, which under different forms and names have bin regularly confituted by Nations, as fo many undeniable Testimonys, that they thought it good for themselves and their Posterity to do, I infer, that as there is no man who would not rather chufe to be govern'd by fuch as are just, induftrious, valiant and wife, than by thofe that are wicked, flothful, cowardly and foolish; and to live in Society with fuch as are qualify'd like thofe of the firit fort, rather than with thofe who will be ever ready to commit all manner of Villany, or want experience, strength or courage, to join in repelling the Injuries offer'd by others: So there are none who do not according to the meafure of their understanding, endeavour to fet up thofe who foom to be bett qualify'd, and to prevent the introduction of thofe Vices which render the Faith of the Magiftrate fufpeeted, or make him unable to perform his duty, in providing for the execution of Justice, and the publick defence of the State againft Foreign or Domefick Enemys. For as no man who is not absolutely mad, will commit the care of a Flock to a Villain, that has neither skill, diligence, nor courage to defend them, or perhaps is maliciously set to de- froy them, rather than to a flout, faithful, and wise Shepherd; 'tis fets to be imagin'd that any would commit the fame error in relation to that Society which comprehends himself with his Children, Friends, and all that is dear to him.

The fame Considerations are of equal force in relation to the Body of every Nation: For since the Magiftrate, tho the moft perfect in his kind, cannot perform his duty, if the people be fo base, vicious, effeminate and cowardly, as not to focond his good Intentions; thofe who expect good from him, cannot defire to corrupt their Companions that are to help him, as to render it imposfible for him to accomplifh it. Tho I believe there have bin in all Ages bad men in every Nation, yet I doubt whether there was one
one in Rome, except a Catiline or a Cesar who design'd to make themselves Tyrants, that would not rather have with'd the whole People as brave and virtuous as in the time of the Carthaginian Wars, than vile and base as in the days of Nero and Domitian. But 'tis madness to think, that the whole Body would not rather with to be as it was when Vertue flourisht, and nothing upon Earth was able to resift their power, than weak, miserable, base, lascivious, and trampled under foot by any that would invade them; and 'tis not for the Body to become a prey to those that were strongest. Which is sufficient to shew, that a People acting according to the liberty of their own Will, never advance unworthy men, unlefs it be by mistake, nor willingly suffer the introduction of Vices: Whereas the Absolute Monarch alwaies prefers the worst of those who are addicted to him, and cannot subsift unlefs the prevailing part of the People be base and vicious.

If it be said, that those Governments in which the Democratical part governs moft, do more frequently err in the choice of men, or the means of preferring that purity of Manners which is requir'd for the well-being of a People, than those wherein Aristocracy prevails; I confess it, and that in Rome and Athens the best and wisest men did for the most part incline to Aristocracy. Xenophon, Plato, Aristotle, Thucydides, Livy, Tacitus, Cicero, and others, were of this sort: But if our Author there seek Patrons for his Absolute Monarchy, he will find none but Phalaris, Agathocles, Dionysius, Catiline, Cathegus, Lentulus, with the corrupted Crew of mercenary Rascals, who did, or endeavor'd to fer 'em up. These are they qui bus ex honelo nulla est spes; they abhor the Dominion of the Law, because it curbs their Vices, and make themselves subservient to the Lusts of a man who may nourish them. Similitude of Interests, Manners, and Designs, is a link of Union between them: Both are Enemies to popular and mix'd Government; and those Governments are Enemies to them, and by preferring Vertue and Integrity, oppose both; knowing, that if they do not, they and their Governments must certainly perish.

S E C T. XX.

Man's natural love to Liberty is temper'd by Reason, which originally is his Nature.

That our Author's Book may appear to be a heap of Incongruities and Contradictions, 'tis not amiss to add to what has already obser'd, that having asserted Absolute Monarchy to be the only natural Government, he now says, that the nature of all People is to desire Liberty without restraint. But if Monarchy be that Power which above all restrains Liberty, and subjects all to the Will of one; this is as much as to say, that all People naturally desire that which is against Nature; and by a wonderful excess of extravagance and folly to avert contrary Propositions, that on both sides are equally absurd and false. For as we have already prov'd that no Government is imposed upon men by God or Nature, 'tis no less evident, that Man being a rational Creature, nothing can be universally natural to him, that is not rational. But this Liberty without restraint being inconfident with any Government, and the Good
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Good which man naturally desires for himself, Children and Friends, we find no place in the world where the Inhabitants do not enter into some kind of Society or Government to restrain it: and to say that all men desire Liberty without restraint, and yet that all do restrain it, is ridiculous. The truth is, man is hereunto led by Reason which is his Nature. Every one fees they cannot well live together, nor many together, without some Rule to which all must submit. This submision is a restraint of Liberty, but could be of no effect as to the Good intended, unless it were general; nor general, unless it were natural. When all are born to the same freedom, none will not resign that which is their own, unless others do the like: This general consent of all to resign such a part of their Liberty as seems to be for the good of all, is the voice of Nature, and the act of Men (according to natural Reason) seeking their own Good: And if all go not in the same way, according to the fame form, 'tis an evident testimony that no one is directed by Nature; but as a few or many may join together, and frame smaller or greater Societies, so those Societies may institute such an order or form of Government as best pleases themselves; and if the ends of Government are obtain'd, they all equally follow the voice of Nature in constituting them.

Again, if man were by nature so tenacious of his Liberty without restraint, he must be rationally so. The creation of Absolute Monarchys, which entirely extinguishes it, must necessarily be most contrary to it, tho' the people were willing; for they thereby abjure their own Nature. The usurpation of them can be no less than the most abominable and outrageous violation of the Laws of Nature that can be imagin'd: The Laws of God must be in the like measure broken; and of all Governments, Democracy, in which every man's Liberty is least restrain'd, because every man has an equal part, would certainly prove to be the most just, rational and natural; whereas our Author represents it as a perpetual spring of disorder, confusion and vice. This consequence would be unavoidable, if he said true; but it being my fate often to differ from him, I hope to be excus'd if I do so in this alto, and affirm, that nothing but the plain and certain dictates of Reason can be generally applicable to all men as the Law of their Nature; and they who, according to the best of their understanding, provide for the good of themselves and their Posterity, do all equally observe it. He that inquires more exactly into the matter may find, that Reason enjoins every man not to arrogate to himself more than he allows to others, nor to retain that Liberty which will prove hurtful to him; or to expect that others will suffer themselves to be restrain'd, whilst he, to their prejudice, remains in the exercise of that freedom which Nature allows. He who would be exempted from this common Rule, must shew for what reason he should be rais'd above his Brethren; and if he does not, he is an enemy to them. This is not Popularity, but Tyranny; and Tyrants are said excus' hominem, to throw off the Nature of men, because they do unjustly and unreasonably affume to themselves that which agrees not with the frailty of human Nature, and set up an Interest in themselves contrary to that of their Equals, which they ought to defend as their own. Such as favour them are like to them; and we know of no Tyranny that was not set up by the worst, nor of any that have bin destroy'd, unleas by the best of men. The several Tyrannies of Syracuse were introduced by Agathocles, Dionysus, Hieronimus, Hippocrates, Epicides, and others, by the help of leud, dissolute, mercenary Villains; and overthrown by Timoleon, Dion, Theodorus,
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domus, and others, whose Vertues will be remember'd in all ages. Thefe, Sect. 20:
and others like to them, never fought liberty without restraint, but
such as was restrain'd by Laws tending to the publick Good; that
all might concur in promoting it, and the unruly desires of thofe who
affected Power and Honours which they did not deferve might be repreff.
The like was seen in Rome: When Brutus, Valerius, and other ver-
tuous Citizens had throw'n out the lead Tarquins, they trusted to their
own innocence and reputation; and thinking them fad under the pro-
tection of the Law, contented themselves with fuch Honors as their
Countrymen thought they deferv'd. This would not satisfy the difflu-
lute crew that us'd to be companions to the Tarquins. I cannot fay
that either of thefe fought a Liberty without restraint; for the vertuous
were willing to be refrain'd by the Law, and the vicious to submit to
the Will of a man, to gain impunity in offending. But if our Author
fays true, the licentious fury of thefe lead young men, who endeavour'd
to subvert the Conftitution of their Country to procure the impunity of
their own Crimes, would have bin more natural, that is more reasonable
than the ordinary proceedings of the moft vertuous, who 'defir'd that the
Law might be the rule of their Actions, which is moft abfurd.
The like vicious Wretches have in all times endeavour'd to put the
Power into the hands of one man, who might protef't them in their Villanys,
and advance them to exorbitant Riches or undefer've'd Honors; whilst the
beft men trufting in their Innocence, and defiring no other Riches or Pre-
ferments than what by their Equals they were thought to deferve, were
confentted with a due Liberty, under the protection of a just Law: and I
muft transferibe the Historys of the World, or at leaft fo much of them
as concerns the Tyrannys that have bin set up or cast down, if I should
here infert all the proofs that might be given of it. But I shall come
nearer to the point, which is not to compare Democracy with Monarchy,
but a regular mix't Government with fuch an Absolute Monarchy, as
leaves all to the will of that Man, Woman, or Child, who happens to
be born in the reigning Family, how ill foever they may be quality'd. I
defer thofe who are lovers of Truth to confer, whether the wifefl,
befl, and bravest of Men, are not naturally led to be pleas'd with a Go-
verment that protects them from receiving wrong, when they have not
the leaft inclination to do any? Whether they who defer no unjust ad-
vantage above their Brethren, will not always deferve that a People or Se-
fat conftituted as that of Rome, from the expulfion of Tarquins to the
setting up of Cesar, should rather judg of their Merit, than Tarquins,
Cesar, or his Successors? Or whether the leaft or corrupted Pretorian,
Bands, with Macro, Sejanus, Tigellinus, and the like, commanding them
will not ever, like Brutus his Sons, abhor the inexorable Power of the
Laws, with the necifcity of living only by their innocence, and favour
the Interêt of Princes like to thofe that advanced them? If this be not
fufficient, they may be pleas'd a little to reftect upon the Affairs of our
own Country, and seriously confer whether H-de, Cl-f-d, E-brith,
Arlng-n and D-ny, could have pretended to the chief places, if the

* Sodales adolescentium Tarquiniorum affueri more Regio vivere, em tum aqua jure omnium
licentiam quaerentes, libertatem atque in flan vertiffe fervitutem conquercbantur. Regem homi-
 nem elle, ft quo imperes ubi jus, ubi injuria opus est. Elle gratia locum, elle beneficii & in\nfaci & ignotere posse. Leges rem tardam effe & inexorabilem, falsubscron inopin quam potens:
nibi laxamentum nec vertere habere, fi medium exccefiret: peculiam esse in nobis humanis errabitis sola
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Chap. II. 'Dispos'd of them had bin in a free and well-regulated Parliament? Whether they did most resemble Brutus, Publicola, and the rest of the Valerii, the Fabii, Quintii, Cornelii, &c. or Narcissus, Pallas, Icteus, Laco, Vinnius, and the like? Whether all men, good and bad, do not favour that state of things, which favours them and such as they are? Whether Clav-ld, Prfmp-th, and others of the same trade, have attain'd to the Riches and Honors they enjoy by Services done to the Commonwealth? And what places Chiffnch, F--s, and Jenkins, could probably have attain'd, if our Affairs had bin regulated as good men desire? Whether the old Arts of begging, flealing and bawding, or the new ones of informing and trelpanning, thrive best under one man who may be weak or vicious, and is always subject to be circumvented by Flatterers, or under the fewere scrutiny's of a Senat or People? In a word, whether they who live by such Arts, and know no other, do not always endeavour to advance the Government under which they enjoy, or may hope to obtain the highest Honors, and abhor that, in which they are expos'd to all manner of scorn and punishment? Which being determin'd, it will easily appear why the worst men have ever bin for Absolute Monarchy, and the best against it; and which of the two in so doing can be said to defire an unrestrain'd Liberty of doing that which is evil.

Sect. XXI.

Mix'd and Popular Governments preserve Peace, and manage Wars, better than Absolute Monarchys.

Being no way concern'd in the defence of Democracy; and having prov'd that Xenophon, Thucydides, and others of the Ancients, in speaking against the over-great Power of the common People, intended to add Reputation to the Aristocratical Party to which they were addicted, and not to set up Absolute Monarchy, which never fell under discourse among them, but as an object of scorn and hatred, evil in itself, and only to be endur'd by base and barbarous People; I may leave our Knight, like Don Quixote, fighting against the Phantafsms of his own brain, and saying what he pleases against such Governments as never were, unleas in such a place as San Marino near Sinigaglia in Italy, where a hundred Clowns govern a barbarous Rock that no man invades, and relates nothing to our question. If his Doctrin be true, the Monarchy he extols is not only to be prefer'd before untruly Democracy, and mix'd Governments, but is the only one that, without a grofs violation of the Laws of God and Nature, can be establish'd over any Nation. But having, as I hope, sufficiently prov'd, that God did neither institute, nor appoint any such to be instituted, nor approve those that were; that Nature dos not incline us to it, and that the best as well as the wisest men have always abhor'd it; that it has bin agreeable only to the most stupid and base Nations; and if others have submitted to it, they have done so only as to the greatest of Evils brought upon them by Violence, Corruption or Fraud; I may now proceed to shew that the Progres of it has bin in all respects futile to its beginning.

To this end 'twill not be amiss to examin our Author's words. Thus, says he, do they pains to the life this Beast with many heads: Let me give the
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the Cypher of their Form of Government; as it is begot by Sedition, so it is Sected. 21: nourish’d by Crimes: It can never stand without Wars, either with an Enemy abroad, or with Friends at home. And in order to this I will not criticize upon the terms, tho’ the Cypher of a Form, and War with Friends, may be justly call’d Nontence; but coming to his Affertions, that popular or mix’d Governments have their birth in Sedition, and are ever afterwards vex’d with Civil or Foreign Wars, I take liberty to say, That whereas there is no Form appointed by God or Nature, those Governments only can be call’d Just, which are establish’d by the consent of Nations. These Nations may at the first set up popular or mix’d Governments, and without the guilt of Sedition introduce them afterwards, if that which was first establish’d prove unprofitable or hurtful to them; and those that have done so, have enjoy’d more Justice in times of Peace, and managed Wars, when occasion requir’d, with more vertue and better success, than any Absoluto Monarchys have done. And whereas he says, that in popular Governments each man has a care of his particular, and thinks safely of the common Good; They look upon approaching Mischiefs as they do upon Thunder, only every man wishes it may not touch his own Person: I say, that men can no other wise be engag’d to take care of the Publick, than by having such a part in it, as Absoluto Monarchy dos nor allow; for under them they can neither obtain the Good for themselves, Polterity and Friends, that they desire, nor prevent the Mischiefs they fear, which are the principal Arguments that persuade men to expose themselves to labours or dangers. ’Tis a folly to say, that the vigilance and wisdom of the Monarch supplies the defect of care in others; for we know that no men under the Sun were ever more void of both, and all manner of vertue requir’d to such a work, than very many Monarchs have bin: And, which is yet worse, the strength and happiness of the People being frequently dangerous to them, they have not so much as the will to promote it: nay, sometimes set themselves to destroy it. Antient Monarchys afford us frequent examples of this kind; and if we consider those of France and Turkey, which seem most to flourish in our Age, the People will appear to be so miserable under both, that they cannot fear any change of Governor or Government; and all, except a few Ministers, are kept so far from the knowledge of, or power in the management of Affairs, that if any of them should fancy a possibility of something that might befall them worse than what they suffer, or hope for that which might alleviate their misery, they could do nothing towards the advancement of the one, or prevention of the other. Tacitus observes, that in his time no man was able to write what part, Insecta Republique at aline. They neglected the Publick Affairs in which they had no part. In the same Age it was said, that the People, who whilst they fought for their own Interests had bin invincible, being enslav’d, were grown fordid, idle, base, running after Stage-plays and Shows; so as the whole strength of the Roman Armies confin’d of Strangers. When their Spirits were depript by servitude, they had neither courage to defend themselves, nor will to fight for their wicked Masters; and least of all to increase their Power, which was destructive to themselves. The same thing is found in all places. Tho the Turk commands many vast Provinces, that naturally produce as good Soldiers as any, yet his greatest strength is in Children that do not know their Fathers; who not being very many in number, may perish in one Battel, and the Empire by that means be loft, the miserable Nations that groan under that Tyranny having neither courage,
power, nor will to defend it. This was the fate of the Mamlukes. They had for the space of almost two hundred years dominion'd in Egypt, and a great part of Asia; but the people under them being weak and disaffected, they could never recover the defeat they received from Selim near Tripoli, who pursuing his victory, in a few months utterly abolished their kingdom.

Notwithstanding the present Pride of France, the numbers and warlike inclinations of that people, the bravery of the Nobility, extent of Dominion, convenience of Situation, and the vast revenues of their King, his greatest advantages have bin gain'd by the mistaken counsels of England, the valor of our soldiers unhappily sent to serve him, and the strangers of whom the strength of his armies consists; which is so unsteady a support, that many who are well versed in affairs of this nature, incline to think he subsists rather by little arts, and corrupting ministers in foreign courts, than by the power of his own armies; and that some reformation in the counsels of his neighbours might prove sufficient to overthrow that greatness which is grown formidable to Europe; the same misery to which he has reduc'd his people, rendering them as unable to defend him, upon any change of fortune, as to defend their own rights against him.

This proceeds not from any particular defect in the French Government, but that which is common to all absolute monarchies. And no state can be placed upon a steady foundation, except those whose strength is in their own soldiery, and the body of their own people. Such as serve for wages, often betray their masters in distress, and always want the courage and industry which is found in those who fight for their own interest, and are to have a part in the victory. The business of mercenaries is to perform their duty as to keep their employments, and to draw profit from them; but that is not enough to support the spirits of men in extreme dangers. The shepherd who is a hireling, flies when the thief comes; and this adventurous help failing, all that a prince can reasonably expect from a disaffected and oppressed people is, that they should bear the yoke patiently in the time of his prosperity; but upon the change of his fortune they leave him to shift for himself, or join with his enemies to avenge the injuries they had received. Thus did Alphons and Ferdinand kings of Naples, and Lodovico Sforza Duke of Milan fall in the times of Charles the Eighth and Louis the Twelfth, Kings of France. The two first had bin sable, violent, and cruel; nothing within their kingdom could oppose their fury: but when they were invaded by a foreign power, they lost all, as Guicciardini says, without breaking one lance; and Sforza was by his own mercenary soldiers delivered into the hands of his enemies.

I think it may be hard to find examples of such as proceeding in the same way, as having had better success: But if it should so fall out, that a people living under an absolute monarchy, should through custom, or fear of something worse (if that can be) not only suffer patiently, but desire to uphold the government; neither the nobility, nor commonalty can do anything towards it. They are strangers to all publick concerns: All things are governed by one, or a few men, and others know nothing either of action or counsel. Filmer will tell us 'tis no matter; the profound wisdom of the prince provides for all. But what if this prince be a child, a fool, a superannuated dotard, or a madman? Or if he does not fall under any of these extremities, and possesses such a proportion
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how shall he supply the Office that indeed requires profound Wisdom, and an equal measure of Experience and Valor? 'Tis no purpose to say a good Council may supply his defects; for it does not appear how he should come by this Council, nor who should oblige him to follow their advice: If he be left to his own will to do what he pleases, the good advice be given to him; yet his judgment being perverted, he will always incline to the worst: If a necessity be imposed upon him of acting according to the advice of his Council, he is not that absolute Monarch of whom we speak, nor the Government Monarchical, but Aristocratical. There are imperfect Figleaf coverings of Nakedness. It was in vain to give good Counsell to Sardanapalus; and none could defend the Assyrian Empire, when he lay wallowing amongst his Whores, without any other thought than of his Lusts. None could preserve Rome, when Domitian's chief business was to kill Flies, and that of Honour to take care of his Hens. The Monarchy of France must have perished under the base Kings they call Les Roys faineants, if the Scepter had not been wrested out of their unworthy hands. The World is full of Examples in this kind: and when it pleases God to bestow a just, wise, and valiant King as a blessing upon a Nation, 'tis only a momentary help, his Vertues end with him; and there being neither any divine Promisef nor human Reafon, moving us to believe that they shall always be renewed and continued in his Successors, men cannot rely upon it; and to asledge a possibility of such a thing is nothing to the purpose.

On the other side, in a popular or mix'd Government every man is concern'd: Every one has a part according to his quality or merit; all changes are prejudicial to all: Whatever any man conceives to be for the public good, he may propose it in the Magistracy, or to the Magistrate: The body of the People is the publick defence, and every man is arm'd and disciplin'd: the advantages of good successes are communicated to all, and every one bears a part in the losses. This makes men generous and industrious, and fills their hearts with Love to their Country: * This, and the desire of that praise which is the Reward of Vertue, rais'd the Romans above the rest of Mankind; and wheresoever the same ways are taken, they will in a great measure have the same effects. By this means they had as many Soldiers to fight for their Country as there were Freemen in it. Whilst they had to deal with the free Nations of Italy, Greece, Africa or Spain, they never conquer'd a Country, till the Inhabitants were exhausted: But when they came to fight against Kings, the success of a Battel was enough to bring a Kingdom under their power. Antiochus upon a ruffle receiv'd from Acilius at Thermopyla, left all that he possest in Greece; and being defeated by Scipio Nasica, he quitted all the Kingdoms and Territories of Asia on this side Taurus. Paulus Emilius became Master of Macedon by one prosperous fight against Perse. Syphax, Gentius, Tigranes, Ptolomy, and others, were more easily subdued. The mercenary Armies on which they rely'd being broken, the Citys and Countreys not caring for their Masters, submitted to those who had more vertue, and better fortune. If the Roman Power had not been built upon a more sure foundation, they could not have subsisted. Notwithstanding their Valor, they were often beaten; but their losses were imme-

* Amor patriae, laudisque immensae cupiditate.
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CHAP. II. Diectly repair'd by the excellence of their Disciplin. When Hannibal had gain'd the Battles of Trebis, Ticinum, Thrasimene, and Cannae; defeated the Romans in many other Encounters, and slain above two hundred thousand of their Men, with Paulus Emilius, C. Serвлlius, Sempronius Gracchus, Quintus, Marcellus, and many other excellent Commanders: When about the same time the two brave Scipio's had bin cut off with their Armies in Spain, and many great Losses had bin suffer'd in Sicily and by Sea, one would have thought it impossible for the City to have refist'd: But their Vertue, love to their Country, and good Government was a strength that increas'd under all their Calamities, and in the end overcame all. The nearer Hannibal came to the Walls, the more obstinate was their resistance. Tho he had kill'd more great Captains than any Kingdom ever had, others daily step'd up in their place, who excel'd them in all manner of Vertue. I know not, if at any time that conquering City could glory in a greater number of men fit for the highest Enterprizes, than at the end of that cruel War, which had consum'd so many of them; but I think that the finishing Victories by them obtain'd, are but ill proofs of our Author's affection, that they thought basely of the common Good, and sought only to save themselves. We know of none except Cecilius Metellus, who after the Battel of Cannae had so base a thought as to design the withdrawing himself from the publick ruin; but Scipio (afterwards firnam'd Africanus) threatening death to those who would not swear never to abandon their Country, forc'd him to leave it. This may in general be imputed to good Government and Disciplin, with which all were so seafon'd from their infancy, that no affection was rooted in them, as an ardent love to their Country, and a resolution to die for it, or with it; but the means by which they accomplish'd their great Ends, so as after their defeats to have such men as carry'd on their noblest Designs with more glory than ever, was their annual Elections of Magistrats, many being thereby advance'd to the supreme Commands, and every one by the Honors he enjoy'd, fill'd with a desire of rendring himself worthy of them.

I should not much insist upon these things, if they had bin seen only in Rome: but tho their Disciplin seems to have bin more perfect, better observ'd, and to have produc'd a Vertue that surpris'd all others; the like has bin found, tho perhaps not in the same degree, in all Nations that have enjoy'd their Liberty, and were admitted to such a part of the Government, as might give them a love to it. This was evident in all the Nations of Italy. The Sabins, Volsci, Aqui, Tuscsans, Samnites and others, were never conquer'd, till they had no men left. The Samnites alone inhabiting a small and barren Province, suffer'd more defeats before they were subdu'd, than all the Kingdoms of Numida, Egypt, Macedon, and Asia; and, as 'tis express in their Embalmy to Hannibal, never yielded, till they who had brought vast numbers of men into the Field, and by them defeated some of the Roman Armys, were reduce'd to such weaknes, that they could not refist one Legion. We hear of few Spartans who did not willingly expose their Lives for the service of their Country; and the Women themselves were so far inflam'd with the fame affection, that they refus'd to mourn for their Children and Husbands who dy'd in the defence of it. When the brave Brasidas was slain, some eminent men went to comfort his Mother upon the news of his death: and telling her he was the most valiant man in the City, she answer'd, that he was indeed a valiant man, and dy'd as he ought to do,
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but that thro' the goodness of the Gods, many others were left as valiant Sect. 22.
as he.

When Xerxes invaded Greece, there was not a Citizen of Athens able to bear Arms, who did not leave his Wife and Children to shift for themselves in the neighbouring Citys, and their Houses to be burnt when they imbarke'd with Themistocles; and never thought of either till they had defeated the Barbarians at Salamis by Sea, and at Platea by Land. When men are thus spirited, some will ever prove excellent: and as none did ever sur-pas those who are bred under this disciplin in all moral, military and civil Vertues; those very Country's where they flourish'd most, have not produc'd any eminent men since they lost that Liberty which was the Mother and Nurse of them.

Tho' I should fill a Volume with examples of this kind (as I might eaily do) such as our Author will say, that in Popular Governments men look upon Mitchiefs as Thunder, and only wish it may not touch themselves: But leaving them to the fcor and hatred they desere by their impudence and folly, I conclude this point with the answer, that Traiano Ragon. 99. Boccalini puts into the mouth of Apollo, to the Princes who complain'd that their Subjects had not that love to their Country's, as had bin, and was daily seen in those who liv'd under Commonwealths; which amounted to no more than to tell them, that their ill Government was the caufe of that defect, and that the prejudices incur'd by Rapine, Violence, and Fraud, were to be repair'd only by Liberality, Justice, and such a care of their Subjects, that they might live happily under them.

SECT. XXII.

Commonwealths seek Peace or War according to the Variety of their Constitutions.

If I have hitherto spoken in general of popular or mix'd Government, as if they were all founded on the same principle, it was only because our Author without distinction has generally blam'd them all, and generally imputed to every one those Faults, which perhaps never were in any; but most certainly are directly opposite to the temper and constitution of many among them. Malice and Ignorance reign so equally in him, that 'tis not easy to determin from which of the two this false representation proceeds. But left any man should thereby be impos'd upon, 'tis time to observe, That the Constitutions of Commonwealths have bin so various, according to the different temper of Nations and Times, that if some of them seem to have bin principally constituted for War, others have as much delighted in Peace; and many having taken the middle, and (as some think) the best way, have so moderated their love to Peace, as not to suffer the Spirits of the People to fall, but kept them in a perpetual readiness to make War when there was occasion: and every one of those having follow'd several ways and ends, deserve our particular consideration.

The Citys of Rome, Sparta, Thebes, and all the Associations of the Etylians, Achabians, Sabins, Latins, Samnites, and many others that anciently flourish'd in Greece and Italy, seem to have intended nothing but the just preservation of Liberty at home, and making War abroad. All the Nations
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tions of Spain, Germany, and Gaul fought the same things. Their principal work was to render their People valiant, obedient to their Commanders, lovers of their Country, and always ready to fight for it: And for this reason when the Senators of Rome had kill'd Romulus, they persuaded Julius Pecularus to affirm, that he had seen him in a most glorious form ascending to Heaven, and promising great things to the City, Princedem militarem colant. The Athenians were not less inclin'd to War, but apply'd themselves to Trade, as subervient to that end, by increasing the number of the People, and furnishing them with the means of carrying it on with more vigor and power. The Phenician Cities, of which Carthage was the most eminent, follow'd the same method; but knowing that Riches do not defend themselves, or scorn ing slothfully to enjoy what was gain'd by Commerce, they so far apply'd themselves to War, that they grew to a Power, which Rome only was able to overthrow, Venice, Florence, Genoa, Lucca, and some other Cities of Italy seem chiefly to have aim'd at Trade; and placing the hopes of their safety in the protection of more powerful States, have unwillingly enter'd into Wars, especially by Land; and when they did, they made them by mercenary Soldiers.

Again, some of those that intended War defir'd to enlarge their Territory by conquest; others only to preserve their own, and to live with freedom and safety upon them. Rome was of the first sort; and knowing that such ends cannot be accomplish'd without great numbers of men, they freely admitted Strangers into the City, Senat, and Magistracy. Numa was a Sabin: Tarquinius Priscus was the Son of a Grecian: One hundred of those Sabins who came with Tatius were admitted into the Senat: Appius Claudius of the same People came to Rome, was made a Member of the Senat, and created Consul. They demolish'd several Cities, and brought the Inhabitants to their own; gave the right of Citizens to many others (sometimes to whole Cities and Provinces), and car'd not how many they receiv'd, so they could engrat them upon the same interest with the old stock, and season them with the same Principles, Discipline, and Manners. On the other side, the Spartans desiring only to continue free, virtuous, and safe in the enjoyment of their own Territory; and thinking themselves strong enough to defend it, fram'd a most severe Discipline, to which few Strangers would submit. They banish'd all those curious Arts, that are useful to Trade; prohibited the importation of Gold and Silver; appointed the Helotes to cultivate their Lands, and to exercise such Trades as are necessary to life; admitted few Strangers to live amongst them; made none of them free of their City, and educated their Youth in such exercises only as prepar'd them for War. I will not take upon me to judge whether this proceeded from such a moderation of Spirit, as plac'd Felicity rather in the fulness and stability of Liberty, Integrity, Virtue, and the enjoyment of their own, than in Riches, Power, and Dominion over others; nor which of these two different methods deserves most to be commended: But certain it is that both succeeded according to the intention of the Founders.

Rome conquer'd the best part of the World, and never wanted men to defend what was gain'd: Sparta liv'd in such happiness and reputation, that till it was invaded by Epimandonas, an Enemy's Trumpet had not bin heard by those within the Town for the space of eight hundred years, and never suffer'd any great disaster, till receding from their own Institutions, they were brought by prosperity to affect the principality of Greece, and
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and to undertake such Wars as could not be carry'd on without Mony, and greater numbers of men than a small City was able to furnish by which means they were oblig'd to beg affittance from the Barbarians, whom they feern'd and hated, as appears by the Stories of Callixer-tides, Lyfander, and Aegistus, and fell into such traits as were never recover'd.

The like variety has bin observ'd in the Constitutions of those Northern Nations that invaded the Roman Empire; for the all of them intended War, and look'd upon those only to be Members of their Commonwealths who us'd arms to defend them, yet some did immediately incorporate themselves with those of the conquer'd Countries. Of this number were the Franks, who presently became one Nation with the Gauls; others kept themselves in a distinct Body, as the Saxons did from the Britains: And the Goths for more than three hundred years that they reign'd in Spain, never contracted Marriages, or otherwise mix'd with the Spaniards, till their Kingdom was overthrown by the Moors.

These things, and others of the like nature, being weigh'd, many have doubted whether it were better to constitute a Commonwealth for War or for Trade; and of such as intend War, whether those are most to be prais'd who prepare for defence only, or those who design by conquest to enlarge their Dominions. Or, if they admit of Trade, whether they should propole the acquisition of Riches for their ultimate end, and depend upon foreign or mercenary Forces to defend them; or to as helps to enable their own People to carry on those Wars in which they may be frequently engag'd. These Questions might perhaps be easily decided, if Mankind were of a temper to suffer those to live in peace, who offer no injury to any; or that men who have Mony to hire Soldiers when they stand in need of them, could find such as would valiantly and faithfully defend them, whilst they apply themselves to their Trades. But experience teaching us that those only can be safe who are strong; and that no People was ever well defended but those who fought for themselves; the best Judges of these matters have always given the preference to those Constitutions that principally intend War, and make use of Trade as affilling to that end: and think it better to aim at conquest, rather than simply to stand upon their own defence; since he that loses all if he be overcome, fights upon very unequal terms; and if he obtain the Victory, gains no other advantage, than for the present to repel the danger that threatens him.

These Opinions are confirm'd by the examples of the Romans, who prosper'd much more than the Spartans: And the Carthaginians, who made use of Trade as a help to War, rais'd their City to be one of the most potent that ever was in the World: Whereas the Venetians having rely'd on Trade and mercenary Soldiers, are always forc'd too much to depend upon foreign Potentats; very often to buy Peace with ignominious and prejudicial conditions; and sometimes to fear the infidelity of their own Commanders, no less than the violence of their Enemies. But that which ought to be valu'd above all in point of Wisdom as well as Jusitce, is the Government given by God to the Hebrews, which chiefly fitted them for War, and to make Conquests. Mojes divided them under several Captains, into thousands, hundreds, fiftys, and tens: This was a perpetual Ordinance amongst them: In numbring them, those only were counted, who were able to bear arms: Every man was oblig'd to go out to War, except such as had marry'd a Wife, or upon other special
special occasions were for a time excus'd; and the whole series of the sacred History shews that there were always as many Soldiers to fight for their Country as there were men able to fight. And if this be taken for a Picture of a many-headed Beast delighting in Blood, begotten by Sedition, and nourish'd by Crimes, God himself was the drawer of it.

In this variety of Constitutions, and Effects proceeding from them, I can see nothing more justly and generally to be attributed to them all, than that Love to their Country, which our Author impudently affirms to be wanting in all. In other matters their proceedings are not only different, but contrary to each other: yet it cannot be said that any Nations have injoy'd so much Peace as some Republicks. The Venetians too great inclination to Peace is accounted to be a mortal error in their Constitution; and they have not bin less free from domestick Seditions than foreign Wars: the Conspiracies of the Falerii and Tiepoli were extinguis'd by their punishment, and that of La Ceva crucify'd before it was ripe. Genoa has not bin altogether so happy: the factions of the Guelphs and Ghibelins that spread themselves over all Italy, infected that City; and the malice of the Spaniards and French rais'd others under the Fregosi and Adorni; but they being compos'd, they have for more than a hundred and fifty years refted in quiet.

There is another sort of Commonwealth compos'd of many Citys associated together, and living aquo jure; every one retaining and exercising a Sovereign Power within it self, except in some cases express in the Act of Union, or League made between them. Thence I confefs are more hardly prefer'd in Peace. Disputes may arise among them concerning Limits, Jurisdiction, and the like. They cannot always be equally concern'd in the same things. The injuries offer'd to one do not equally affect all. Their Neighbors will fow Divisions among them; and not having a Mother-City to decide their Controversys by her authority, they may be apt to fall into quarrels, especially if they profess Christianity; which having bin split into variety of opinions ever since it was preach'd, and the Papists by their cruelty to such as differ from them, shewing to all, that there is no other way of defending themselves against them, than by using the fame, almoft every man is come to think he ought (as far as in him lies) to impose his belief on others, and that he can give no better testimony of his Zeal, than the excess of his violence on that account. Nevertheless the Cantons of the Swizzers, tho accompany'd with all the moft dangerous circumstances that can be imagin'd, being thirteen in number, independent on each other, govern'd in a high degree popularly, professing Christianity differing in most important points; eight of them much influenc'd by the Jesuits, and perpetually excited to War against their Brethren by the powerful Crowns of Spain and France, have ever since they cast off the insupportable Yoke of the Earls of Hapsburg, enjoy'd more peace than any other State of Europe, and from the most inconsiderable people, are grown to such a Power, that the greatest Monarchs do moft sollicitously seek their Friendship; and none have dar'd to invade them, since Charles Duke of Burgundy did it to his ruin: and he who for a long time had bin a terror to the great, dangerous, and subtil King of France, gave by the los of three Armys and his own life, a lasting testimony of his remery in affaulting a free and valiant, tho a poor people, fighting in their own quarrel. Commires well relates that War; but a vaif heap of Bones remaining to this day at Muret with this inscription, Caroli fortifimi Burgundiorum Ducis exercitus Muretum obfides.
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So brought the hope League the their be may or requir'd temper Let but and or and among where as their were under government, that by the use of Arms they may keep up that Courage, Reputation, and Experience which is requir'd for the defence of their own Country. No Government was ever more free from popular Seditions; the revolts of their Subjects have bin few, weak, and easily suppressed; the dissension rais'd by the Jefuits between the Cantons of Zurich and Lucern was as soon compos'd as the rebellion of the County of Vaux against the Canton of Bern; and those few of the like nature that have happen'd among them have had the like success: So that Thucydides in the History of his time, comprehending about fifty years, and relating the horrid domestick and foreign Wars, that distracted Germany, France, Spain, Italy, Flanders, England, Scotland, Poland, Denmark, Sweden, Hungary, Transylvanian, Muscovy, Turkey, Africa, and other places, has no more to say of them than to shew what Arts had bin in vain us'd to disturb their so much envy'd quiet. But if the modest temper of the People, together with the Wisdom, Justice, and Strength of their Government, could not be discompos'd by the measures of Spain and France, by the industry of their Embassadors, or the malicious craft of the Jefuits, we may safely conclude that their State is as well settled as any thing among men can be, and can hardly comprehend what is like to interrupt it. As much might be laid of the Citys of the Hanfatick Society, if they had an entire Sovereignty in themselves: But the Citys of the United Provinces in the Low Countries being every one of them Sovereign within themselves, and many in number, still continuing in their Union in spite of all the endeavours that have bin us'd to divide them, give us an example of such steadiness in practice and principle, as is hardly to be paralleld in the world, and that undeniably prove a temper in their Constitutions directly opposite to that which our Author imputes to all popular Governments: and if the Death of Barneveld and De Wit, or the pretention of some most unlike to them, be taken for a testimony that the best men thrive worst, and the worst best, I hope it may be consider'd that those Violences proceeded from that which is most contrary to Popularity, tho' I am not very willing to explain it.

If these matters are not clear in themselves, I desire they may be compared with what has happen'd between any Princes that from the beginning of the world have bin join'd in League to each other, whether they were of the same or of different Nations. Let an example be brought of six, thirteen, or more Princes or Kings who enter'd into a League; and for the space of one or more Ages, did neither break it, nor quarrel upon the explication of it. Let the States of the Switzers, Grifons, or Hollanders, be compared with that of France, when it was sometimes divided between two, three, or four Brothers of Meroveus or Pepin's Races; with the Heptarchy of England; the Kingdoms of Leon, Arragon, Navarre, Castile and Portugal, under which the Christians in Spain were divided; or those of Cordoua, Sevill, Malaga, Granada, and others under the Power of the Moors: and if it be not evident, that the popular States have bin remarkable for Peace among themselves, constancy to their Union, and Fidelity to the Leagues made with their Affociates; whereas all the abovemention'd Kingdoms, and such others as are known among men to have bin join'd in the like Leagues, were ever infellett with domestick Rebellions and Quarrels arising from the Ambition of Princes,

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so as no Confederacy could be so cautiously made, but they would find ways to elude it, or so solemn and sacred, but they would in far less time break thro it: I will confess, that Kingdoms have sometimes bin as free from civil disturbances; and that Leagues made between several Princes, have bin as constantly and religiously observ'd, as by Commonwealths. But if no such thing dos appear in the World, and no man who is not impudent or ignorant dare pretend it, I may justly conclude, that tho' every Commonwealth has its Action futable to its Constitution, and that many associated together are not so free from disturbances, as those that wholly depend upon the Authority of a Mother City; yet we know of none that have not bin, and are more regular and quiet than any Principalties; and as to Foreign Wars, they seek or avoid them according to their various Constitutions.

S E C T. XXIII.

That is the best Government, which best provides for War.

Our Author having huddled up all popular and mix'd Governments into one, has in some measure forc'd me to explain the various Constitutions and Principles upon which they are grounded: But as the wisdom of a Father is seen, not only in providing Bread for his Family, or increasing his Patrimonial Estate, but in making all possible provision for the security of it; so that Government is evidently the best, which, not relying upon what it dos at first enjoy, seeks to increase the number, strength, and riches of the People; and by the best Disciplin to bring the Power fo improv'd into fuch order as may be of most use to the Publick. This comprehends all things conducing to the administration of Justice, the preservation of dometick Peace, and the increase of Commerce, that the People being pleas'd with their present condition, may be fill'd with love to their Country, encourag'd to fight boldly for the publick Cause, which is their own; and as men do willingly join with that which prosper, that Strangers may be invited to fix their Habitation in fuch a City, and to expound the Principles that reign in it. This is necessary for several reasons; but I shall principally insist upon one, which is, that all things in their beginning are weak: The Whelp of a Lion newly born has neither strength nor fierceness. He that builds a City, and dos not intend it should increase, commits as great an absurdity, as if he should defire his Child might ever continue under the fame weakness in which he is born. If it dos not grow, it must pine and perish; for in this World nothing is permanent: that which dos not grow better will grow worse. This increasae also is ufelefs, or perhaps hurtful, if it be not in Strength, as well as in Riches or Number; for every one is apt to feize upon ill-guarded Treasures: and the terror that the City of London was poiffed with, when a few Dutch Ships came to Chatham, shews that no numbers of men, tho' naturally valiant, are able to defend themselves, unlefs they be well arm'd, disciplin'd and conducted. Their Multitude brings confusion: their Wealth, when 'tis like to be made a prey, increaseth the fears of the owners; and they, who if they were brought into good order, might conquer a great part of the World, being deftitute of it, durst not think of defending themselves.

*
If it be said that the wife Father mention'd by me endeavours to secure his Patrimony by Law, not by Force; I answer, that all defence terminates in force; and if a private man dos not prepare to defend his Estate with his own Force, 'tis because he lives under the protection of the Law, and expects the force of the Magistrate should be a security to him: but Kingdoms and Commonwealths acknowledging no Superior, except God alone, can reasonably hope to be protected by him only; and by him, if with industry and courage they make use of the means he has given them for their own defence. God helps those who help themselves; and men are by several reasons (suppose to prevent the increase of a suspected Power) induc'd to succour an industrious and brave People: But such as neglect the means of their own preservation, are ever left to perish with shame. Men cannot rely upon any League: The State that is defended by one Potentate against another, becomes a Slave to their Protector; Mercenary Soldiers always want Fidelity or Courage, and most commonly both. If they are not corrupted or beaten by the Invader, they make a prey of their Masters. These are the followers of Camps who have neither Faith nor Piety*, but prefer Gain before Right. They who expose their Blood to sole, look where they can make the best bargain, and never fail of pretences for following their interests.

Moreover, private Families may by several arts increase their Wealth, as they increase in number; but when a People multiplies (as they will always do in a good Climat under a good Government) such an enlargement of Territory as is necessary for their subsistence can be acquire'd only by War. This was known to the Northern Nations that invaded the Roman Empire; but for want of such Constitutions as might best improve their Strength and Valor, the numbers they sent out when they were overburden'd, provided well for themselves, but were of no use to the Countrys they left; and whilst those Goths, Vandals, Franks, and Normans enjoy'd the most opulent and delicious Provinces of the World, their Fathers languish'd obfuscure in their frozen Climates. For the like reasons, or thro' the same defect, the Switzers are oblig'd to serve other Princes, and often to implant that valor in advancing the power of their Neighbors, which might be us'd to increase their own. Genoa, Lucca, Genova, and other small Commonwealths, having no Wars, are not able to nourish the men they breed; but sending many of their Children to seek their Fortunes abroad, scarce a third part of those that are born among them, die in those Cities; and if they did not take this course, they would have no better than the Nations inhabiting near the River Niger, who fell their Children as the increase of their Flocks.

This does not less concern Monarchies than Commonwealths; nor the absolute less than the mix't: All of them have bin prosperous or miserable, glorious or contemptible, as they were better or worse arm'd, disciplin'd, or conducted. The Assyrian Valor was irresistible under Nabuchodonozar; but was brought to nothing under his base and luxurious Grandson Belshazzar: The Persians who under Cyrus conquer'd Asia, were like Swine expos'd to slaughter when their Disciplin fail'd, and they were commanded by his proud, cruel, and cowardly Successors. The Macedonian Army overthrown by Paulus Emilius was not less in number than that with which Alexander gain'd the Empire of the East; and perhaps had not bin inferior in Valor, if it had bin as well commanded. Many poor and almost unknown Nations have bin carry'd to such a height of
Glory by the Bravery of their Princes, that I might incline to think their Government as fit as any other for disciplining a People to War, if their Vertues continu’d in their Families, or could be transmitted to their Successors. The impossibility of this is a breach never to be repair’d; and no account is to be made of the good that is always uncertain, and seldom enjoy’d. This difease is not only in absolute Monarchys, but in those also where any regard is had to Succession of Blood, tho’ under the strictest limitations. The Fruit of all the Victories gain’d by Edward the First and Third, or Henry the Fifth of England, perish’d by the bafeness of their Successors: the glory of our Arms was turn’d into Shame; and we, by the los of Treasure, Blood, and Territory, suffer’d the punishment of their Vices. The effects of these changes are not always equally violent; but they are frequent, and must fall out as often as occasion is present’d. It was not possible for Lewis the Thirteenth of France to pursue the great designs of Henry the Fourth: Christina of Sweden could not supply the place of her brave Father; nor the present King in his Infancy accomplish what the great Charles Guiflauus had nobly undertaken; and no remedy can be found for this mortal infirmity, unless the power be put into the hands of those who are able to execute it, and not left to the blindnefs of fortune. When the Regal Power is committed to an annual or otherwise chosen Magiftracy, the Vertues of excellent men are of use, but all do not depend upon their persons: One man finifhes what another had begun; and when many are by practice render’d able to perform the fame things, the los of one is easily supply’d by the election of another. When good Principles are planted, they do not die with the person that introduce’d them; and good Constitutions remain, tho’ the Authors of them perish. Rome did not fall back into Slavery when Bratus was kill’d, who had led them to recover their Liberty: Others like to him pursu’d the fame ends; and notwithstanding the los of so many great Commanders confum’d in their almost continual Wars, they never wanted such as were fit to execute whatever they could design. A well-govern’d State is as fruitful to all good purposes, as the seven-headed Serpent is faid to have bin in evil; when one head is cut off, many rise up in the place of it. Good Order being once establish’d, makes good men; and as long as it lasts, such as are fit for the greatest employments will never be wanting. By this means the Romans could not be surpris’d: No King or Captain ever invaded them, who did not find many excellent Commanders to oppose him; whereas they themselves found it easy to overthrow Kingdoms, tho’ they had bin establish’d by the bravest Princes, thro’ the bafeness of their Successors.

But if our Author says true, ’tis of no advantage to a popular State to have excellent men; and therefore he implores a necessity upon every People to chufe the worst men for being the worst, and most like to themselves; lest that if vertuous and good men should come into power, they should be excluded for being vicious and wicked, &c. Wise men would feize upon the State, and take it from the People. For the understanding of these words, ’tis good to consider whether they are to be taken simply, as usually applied to the Devil and some of his instruments, or relatively, as to the thing in question: If simply, it must be concluded that Valerius, Bratus, Cincinnatus, Capitoline, Mamercus, Paulus Emilius, Nafica, and others like to them, were not only the worst men of the City; but that they were so often advance’d to the supreme Magiftracy because they were so: if in the other sense relating to Magiftracy, and the command of Armys,
Armies, the worst are the most ignorant, unfaithful, flothful, or cowardly; and our Author, to make good his proposition, must prove, that when the People of Rome, Carthage, Athens, and other States had the power of chusing whom they pleas'd, they chose Camillus, Corvinus, Torquatus, Fabius, Rutilus, Scipio, Amilcar, Hannibal, Afrubal, Pelopidas, Epaminondas, Pericles, Aristides, Themistocles, Phocion, Alcibiades, and others like to them, for their Ignorance, Infidelity, Sloth, and Cowardice; and on account of those Vices, most like to those who chose them. But if these were the worst, I desire to know what wit or eloquence can describe or comprehend the excellency of the best; or of the Discipline that brings whole Nations to such perfection, that worse than these could not be found among them? And if they were not so, but such as all succeeding Ages have justly admired for their Wisdom, Vertue, Industry, and Valor, the impudence of so wicked and false an Assertion ought to be rejected with scorn and hatred.

But if all Governments, whether Monarchial or Popular, absolute or limited, deserve praise or blame as they are well or ill constituted for making War; and that the attainment of this end does entirely depend upon the qualifications of the Commanders, and the Strength, Courage, Number, Affection, and temper of the People out of which the Armies are drawn; those Governments must necessarily be the best which take the best care that those Armies may be well commanded; and so provide for the good of the People, that they may daily increase in Number, Courage, and Strength, and be so satisfy'd with the present state of things, as to fear a change, and fight for the preservation or advancement of the publick Interest as of their own. We have already found that in Hereditary Monarchies no care at all is taken of the Commander: He is not chosen, but comes by chance; and so not only frequently prove defective, but for the most part utterly incapable of performing any part of his duty; whereas in Popular Governments excellent men are generally chosen; and there are so many of them, that if one or more perish, others are ready to supply their places. And this Discourse having (if I mistake not) in the whole series shewn, that the advantages of popular Governments, in relation to the increase of Courage, Number, and Strength in a People, out of which Armies are to be form'd, and bringing them to such a temper as prepares 'em bravely to perform their duty, are as much above those of Monarchies, as the prudence of Choice surpassesthe accidents of Birth; it cannot be deny'd that in both respects the part which relates to War is much better perform'd in Popular Governments than in Monarchies.

That which we are by reason led to believe, is confirm'd to us by experience. We every where see the difference between the Courage of men fighting for themselves and their posterity, and those that serve a Master who by good success is often render'd infupportable. This is of such efficacy, that no King could ever boast to have overthrown any considerable Commonwealth, unless it were divided within itself, or weaken'd by Wars made with such as were also free; which was the case of the Grecian Commonwealths when the Macedonians fell in upon them. Whereas the greatest Kingdoms have bin easily destroy'd by Commonwealths; and these also have loft all Strength, Valor and Spirit, after the change of their Government. The Power and Vertue of the Italians grew up, decay'd and perish'd with their Liberty. When they were divided into many Commonwealths, every one of them was able to fend out great Armys,
Armies, and to suffer many Defeats before they were subdued; so that their Cities were deliver'd up by the old Men, Women, and Children, when all those who were able to bear arms had bin slain: And when they were all brought under the Romans, either as Adjacents or Subjects, they made the greatest Strength that ever was in the World.

Alexander of Epirus was in Valor thought equal, and in Power little inferior to Alexander of Macedon: but having the fortune to attack those who had bin brought up in Liberty, taught to hazard or suffer all things for it, and to think that God has given to men Hands and Swords only to defend it, he perish'd in his attempt; whilst the other encountering flavish Nations, under the conduct of proud, cruel and for the most part unwarlike Tyrants, became Master of Asia.

Pyrhus seems to have bin equal to either of them; but the Victo-
rys he obtain'd by an admirable Valor and Conduct, cost him so dear, that he desir'd Peace with those Enemys who might be defeated, not sub-
du'd.

Hannibal wanting the prudence of Pyrrhus, loft the fruits of all his Victories; and being torn out of Italy, where he had nefted himself, fell under the Sword of those whose Fathers he had defeated or slain; and dy'd a banish'd man from his ruin'd Country.

The Gauls did once bring Rome, when it was small, to the brink of Destruction; but they left their Carcasses to pay for the mischiefs they had done; and in succeeding times their Invasions were mention'd as Tumults rather than Wars.

The Germans did perhaps surpass them in numbers and strength, and were equal to them in fortune as long as Rome was free. They often enter'd Italy, but they continu'd not long there, unless under the weight of their Chains. Whereas the same Nations, and others like to them, assaulting that Country, or other Provinces under the Emperors, found no other difficulty than what arose upon contents among themselves who should be Master of them. No manly Virtue or Discipline remain'd among the Italians: Those who govern'd them, rely'd upon tricks and shifts; they who could not defend themselves, hire'd some of these Nations to undertake their Quarrels against others. These trinnkings could not last. The Goths scorning to depend upon those who in Valor and Strength were much inferior to themselves, seiz'd upon the City that had commanded the World, whilst Honorius was so busy in providing for his Hens, that he could not think of defending it. Arcadius had the luck not to lose his principal City; but passing his time among Fidlers, Players, Eunuchs, Cooks, Dancers, and Buffoons, the Provinces were securely plunder'd and ranfack'd by Nations, that are known only from their Victories a-
gainst him.

'Tis in vain to say that this proceeded from the fatal corruption of that Age; for that corruption proceeded from the Government, and the en-
suing defolation was the effect of it. And as the like disorder in Govern-
ment has bin ever since in Greece and the greatest part of Italy, those Coun-
tries which for Extent, Riches, convenience of Situation, and numbers of men, are equal to the best in the world, and for the Wit, Courage, and Industry of the Natives, perhaps justly preferable to any, have since that time bin always expos'd as a prey to the first Invader. Charles the Eighth of France is by Guicciardin, and other Writers, represent'd as a Prince equally weak in Body, Mind, Mony, and Forces; but as an ill Hare is said to make a good Dog, he conquer'd the best part of Italy without breaking
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Ferdinand and Alphonso of Arragon, Kings of Naples, had good government by Trepanners, false Witnesses, corrupt Judges, mercenary Soldiers, and other Ministers of Iniquity: but these could afford no help against an Invader; and neither the opprest Nobility, nor People, Concerning themselves in the quarrel, they who had bin proud, fierce, and cruel against their poor Subjects, never durst look an Enemy in the face; and the Father dying with anguish and fear, the Son shamefully fled from his ill-govern'd Kingdom.

The same things are no less evident in Spain. No People ever defended themselves with more Obstinacy and Valor than the Spaniards did against the Carthaginians and Romans, who surpaft them in Wealth and Skill. Livy calls them Gentem ad bella gerenda & reparanda natam, and who generally kill'd themselves when they were matter'd and disarm'd, Nullam fine armis vitam effe rati. But tho the mixture of Roman Blood could not impair their Race, and the conjunction of the Goths had improv'd their Force; yet no more was requir'd for the overthrow of them all, than the weaknefs and bafeñefs of the two lead Tyrants, Witiza and Rodrigo, who disdain'd all Laws, and resolv'd to govern according to their Luit. They who for more than two hundred years had refuited the Romans, were entirely sub'd by the vile, half-naked Moors, in one flight Skirmith; and do not to this day know what became of the King who brought the Destruction upon them. That Kingdom after many Revolutions, is with many others come to the Houfe of Austria, and enjoys all the Wealth of the Indies; whereupon they are thought to have affected an universal Monarchy. Sed at junt levia Autorum ingenia, this was grounded upon nothing except their own Vanity: They had Mony and Craft; but wanting that solid Virtue and Strength which makes and preserves Conquests, their Kings have nothing but Milan that did not come to them by Marriage: And tho they have not receiv'd any extraordinary disasters in War, yet they languish and consume thro' the defects of their own Government, and are forc'd to beg assistance from their mortal and formerly despis'd Enemies. These are the best hopes of defence that they have from abroad; and the only Enemy an Invader ought to fear in their desolate Territories, is that Want and Famin which testifies the good Order, Strength and Stability of our Author's divine Monarchy; the profound Wisdom of their Kings in subtilly finding out so sure a way of defending the Country; their paternal care in providing for the good of their Subjects; and that whatsoever is defective in the Prince, is assuredly supply'd by the Sedulity of a good Council.

We have already said enough to obviate the objections that may be drawn from the prosperity of the French Monarchy. The beauty of it is false and painted. There is a rich and haughty King, who is blest with such Neighbours as are not likely to disturb him, and has nothing to fear from his miserable Subjects; but the whole body of that State is full of boils, and wounds, and putrid fores: There is no real strength in it. The People are so unwilling to serve him, that he is said to have put to death above fourscore thousand of his own Soldiers within the space of fifteen years, for flying from their Colours; and if he were vigorously attack'd, little help could be expected from a discontented Nobility, or a starving and despairing People. If to diminish the force of these arguments and examples, it be said, that in two or three thousand years all things are chang'd; the antient Virtue of Mankind is extinguish'd; and the love that every one had to his Country is turn'd into a care of his private Interests:
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CHAP. II.

terests: I answer, that Time changes nothing, and the Changes produced in this time proceed only from the change of Governments. The Nations which have been governed arbitrarily, have always suffered the same Plagues, and been infected with the same Vices; which is as natural, as for Animals ever to generate according to their kinds, and Fruits to be of the same nature with the Roots and Seeds from which they come. The same Order that made men valiant and indolent in the service of their Country during the first Ages, would have the same effect, if it were now in being. Men would have the same love to the Publick as the Spartans and Romans had, if there was the same reason for it. We need no other proof of this than what we have seen in our own Country, where in a few years, good Discipline and a just Encouragement given to those who did well, produced more examples of pure, compleat, incorruptible, and invincible Virtue than Rome or Greece could ever boast; or if more be wanting, they may easily be found among the Switzers, Hollanders, and others: but 'tis not necessary to light a Candle to the Sun.

S E C T. XXIV.

Popular Governments are less subject to Civil Disorders than Monarchies; manage them more ably, and more easily recover out of them.

TIS in vain to seek a Government in all points free from a possibility of Civil Wars, Tumults, and Seditions: that is a Blessing denied to this life, and refered to complete the Felicity of the next. But if there are to be accounted the greatest evils that can fall upon a People, the rectitude or defects of Governments will best appear if we examine which Species is more or less exposed to, or exempted from them. This may be done two ways.

1. By searching into the causes from whence they may, or usually do arise.

2. Which kind has actually been most frequently and dangerously disturb'd by them.

To the first: Seditions, Tumults, and Wars do arise from mistake, or from malice; from just occasions, or unjust. From mistake, when a People think an evil to be done or intended, which is not done nor intended; or take that to be evil which is done, tho in truth it be not so. Well regulated Cities may fall into these errors. The Romans being jealous of their newly recover'd Liberty, thought that Valerius Publicola design'd to make himself King, when he built a House in a place that seemed too strong and eminent for a private Man. The Spartans were not less suspicious of Lysurgus; and a lewd young Fellow in a Sedition put out one of his eyes: but no People ever continu'd in a more constant affection to their best deserving Citizens, than both the Romans and Spartans afterwards manifested to those virtuous and wrongfully suspected men.

Sometimes the fact is true, but otherwise understood than was intended. When the Tarquins were expel'd from Rome, the Patricians retain'd to themselves the principal Magistracies; but never thought of bringing back Kings, or of setting up a corrupt oligarchy among themselves, as the Plebeians imagin'd: And this mistake being discover'd, the fury they had
had conceiv'd, vanish'd; and they who seem'd to intend nothing less than the extirpation of all the Patrician Families, grew quiet. *Menevius Agrippa* append'd one of the most violent Seditions that ever happen'd amongst them (till civil Interests were pursu'd by arm'd Troops) with a Fable of the several parts of the Body that murmur'd against the Belly: and the most dangerous of all was compos'd by creating Tribuns to protect them. Some of the Patrician young men had favour'd the Decemviri, and others being unwilling to appear against them, the People believe'd they had all conspir'd with those new Tyrants: but *Valerius and Horatius* putting themselves at the head of those who sought their destruction, they perceiv'd their Error, and look'd upon the *Patricians* as the best defenders of their Liberty: *Et inde, says Livy, auram Libertatis capture, unde servitutem timuissent.* Democratical Governments are most liable to these mistakes: In Aristocracies they are seldom seen, and we hear of none in *Spars* after the establishment of the Laws by *Lycurgus.* But Absolute Monarchies seem to be totally exempted from them. The mischiefs design'd are often dissambled or deny'd, till they are past all possibility of being cur'd by any other way than force: and such as are by necessity driven to use that remedy, know they must perfect their work or perish. He that draws his Sword against the Prince, say the French, ought to throw away the Scabbard; for tho' the design be never so just, yet the Authors are sure to be ruin'd if it miscarry. Peace is seldom made, and never kept, unless the Subject retain such a Power in his hands, as may oblige the Prince to stand to what is agreed; and in time some trick is found to deprive them of that benefit.

Seditions proceeding from malice, are seldom or never seen in popular Governments; for they are hurtful to the People, and none have ever willingly and knowingly hurt themselves. There may be, and often is malice in those who excite them; but the People are ever deceiv'd, and whatsoever is thereupon done, ought to be imputed to error, as I said before. If this be discover'd in time, it usually turns to the destruction of the Contriver: as in the cases of *Manlius Capitolinus, Spurius Melius,* and *Sp. Caffius:* if not, for the most part it produces a Tyranny, as in those of *Agathocles, Dionysius, Phipitares,* and *Cesar.* But in Absolute Monarchies, almost all the Troubles that arise, proceed from malice; they cannot be reform'd, the extinction of them is exceeding difficult, if they have continu'd long enough to corrupt the People; and those who appear against 'em, seek only to set up themselves, or their Friends. Thus we see that in the Civil Wars of the East, the question was, Whether *Artaxerxes or Cyrus, Phraates* or *Bardanes,* should reign over the *Persians and Parthians:* The People suffer'd equally from both whilst the Contests lasted; and the decision left 'em under the power of a proud and cruel Master. The like is seen in all places. After the death of *Brutus and Cassius,* no War was ever undertaken in the Roman Empire upon a better account than one man's private concerns: The Provinces suffer'd under all; and he, whom they had asifted to overthrow one wicked Tyrant, very often prov'd worse than his Predecessor. And the only ground of all the Dissensions with which France was vex'd under the Princes of *Meroveus and Pepin's Races,* were, which of them should reign, the People remaining miserable under them all.

The case is not much different in mix'd Monarchies: Some Wars may be undertaken upon a jut and publick account, but the pretences are commonly false: a lasting Reformation is hardly introduc'd, an intire Change often
often disliked. And tho' such Kingdoms are frequently and terribly disturbed, as appears by the beforemention'd Examples of England, Spain, &c., the Quarrels are for the most part begun upon personal Titles, as between Henry the First and Robert; Stephen and Maud; or the House of Lancaster and York; and the People who get nothing by the Victory which way ever it fall, and might therefore prudently leave the Competitors to decide their own Quarrels, like Theorlestes and Polimbis, with their own Swords, become cruelly engag'd in them.

It may seem strange to some that I mention Seditions, Tumults, and Wars, upon just occasions; but I can find no reason to retract the term. God intending that men should live justly with one another, does certainly intend that he or they who do no wrong, should suffer none; and the Law that forbids Injuries, were of no use, if no Penalty might be inflicted on those who will not obey it. If Injustice therefore be evil, and Injuries forbidden, they are also to be punished; and the Law instituted for their prevention, must necessarily intend the avenging of such as cannot be prevented. The work of the Magistracy is to execute this Law; the Sword of Justice is put into their hands to restrain the fury of those within the Society who will not be a Law to themselves; and the Sword of War to protect the people against the violence of foreigners. This is without exception, and would be in vain if it were not. But the Magistrate who is to protect the People from Injury, may, and is often known not to have done it: he sometimes renders his Office useless by neglecting to do Justice; sometimes mischievous by overthrowing it. This strikes at the root of God's general Ordinance, That there should be Laws; and the particular Ordinances of all Societies, that appoint such as seem best to them. The Magistrate therefore is comprehended under both, and subject to both, as well as private men.

The ways of preventing or punishing Injuries, are Judicial or Extrajudicial. Judicial proceedings are of force against those who submit or may be brought to trial, but are of no effect against those who resist, and are of such power that they cannot be constrain'd. It were absurd to cite a man to appear before a Tribunal who can awe the Judges, or has Armies to defend him; and impious to think that he who has added Treachery to his other Crimes, and usurp'd a Power above the Law, should be protected by the enormity of his wickedness. Legal proceedings therefore are to be used when the Delinquent submits to the Law; and all are just, when he will not be kept in order by the legal.

The word Sedition is generally apply'd to all numerous Assemblies, without or against the Authority of the Magistrate, or of those who assume that Power. Athaliah and Jezebel were more ready to cry out Treason than David; and examples of that sort are so frequent, that I need not alleg'd them.

Tumult is from the disorderly manner of those Assemblies, where things can seldom be done regularly; and War is that Deceratio per omni, or trial by force, to which men come when other ways are ineffectual.

If the Laws of God and Men are therefore of no effect, when the Magistracy is left at liberty to break them; and if the lusts of those who are too strong for the Tribunals of Justice, cannot be otherwise restrain'd than by Sedition, Tumults and War, those Seditions, Tumults, and Wars, are justify'd by the Laws of God and Man.
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I will not take upon me to enumerate all the cases in which this may be Sec. 24.
done, but content myself with three, which have most frequently given occation for proceedings of this kind.

The first is, When one or more men take upon them the Power and Name of a Magistracy, to which they are not justly call'd.

The second, When one or more being justly call'd, continue in their Magistracy longer than the Laws by which they are call'd do prescribe.

And the third, When he or they who are rightly call'd, do assume a Power, tho within the time prescribed, that the Law does not give; or turn that which the Law does give, to an end different and contrary to that which is intended by it.

For the first; Filmer forbids us to examin Titles: he tells us, we must submit to the Power, whether acquir'd by Usurpation or otherwise, not observing the mischievous Abfurndity of rewarding the most detestable Villains with the highest Honors, and rendering the veneration due to the supreme Magistrate as Father of the People, to one who has no other advantage above his Brethren, than what he has gain'd by injuriously dissipating or murdering him that was so. Hobbs fearing the advantages that may be taken from such desperate nonsense, or not thinking it necessary to his end to carry the matter so far, has no regard at all to him who comes in without Title or Consent; and denying him to be either King or Tyrant, gives him no other name than Hostis & Latro, and allows all things to be lawful against him, that may be done to a publick Enemy or Pyrat: which is as much as to say, any man may destroy him how he can. Whatever he may be guilty of in other respects, he does in this follow the voice of Mankind, and the dictates of common sense: for no man can make himself a Magistrate for himself, and no man can have the right of a Magistrate, who is not a Magistrate. If he be justly account'd an Enemy to all, who injures all; he above all must be the publick Enemy of a Nation, who by usurping a power over them, doth the greatest and most publick injury that a People can suffer: For which reason, by an established Law among the most virtuous Nations, every man might kill a Tyrant; and no Names are recorded in History with more honor, than of those who did it.

These are by other Authors call'd Tyranni sine titulo, and that name is given to all those who obtain the supreme Power by illegal and unjust means. The Laws which they overthrow can give them no protection; and every man is a Soldier against him who is a publick Enemy.

The same rule holds, tho they are more in number; as the Magi, who usurp'd the Dominion of Persia after the death of Camby Sea; the thirty Tyrants at Athens overthrown by Thrasybulus; those of Thebes flain by Pelopidas; the Decemviri of Rome, and others: For tho the multitude of Offenders may sometimes procure impunity, yet that act which is wicked in one, must be so in ten or twenty; and whatsoever is lawful against one Usurper, is so against them all.

2. If those who were rightly created, continue beyond the time limited by the Law, 'tis the same thing. That which is expir'd, is as if it had never bin. He that was created Consul for a year, or Dictator for six months, was after that a private man; and if he had continu'd in the exercise of his Magistracy, had bin subject to the same punishment as if he had usurp'd it at the first. This was known to Epaminondas, who finding that his Enterprize against Sparta could not be accomplish'd within X 2
within the time for which he was made Beoturches, rather chose to trust his Countrymen with his life than to desist, and was 'twas merely thro an admiration of his Vertue, assurance of his good Intentions, and the glory of the Adition.

The Roman Decemviri, tho duly elected, were proceeded against as private men usurping the Magistracy, when they continued beyond their time. Other Magistrates had ceased; there was none that could regularly call the Senat or People to an Assembly: but when their ambition was manifest, and the People exasperated by the death of Virginia, they laid aside all ceremonies. The Senat and People met, and exercising their Authority in the same manner as if they had bin regularly call'd by the Magistrate appointed to that end, they abrogated the Power of the Decemviri, proceeded against them as Enemies and Tyrants, and by that means preferred themselves from utter ruin.

3. The same course is justly us'd against a legal Magistrate, who takes upon him (tho within the time prescrib'd by the Law) to exercise a Power which the Law does not give; for in that respect he is a private man, Quia, as Grotius says, estenus non habet imperium; and may be restrained as well as any other, because he is not set up to do what he lifts, but what the Law appoints for the good of the People: and as he has no other Power than what the Law allows, so the same Law limits and directs the exercise of that which he has. This Right naturally belonging to Nations, is no way impair'd by the name of Supreme given to their Magistrates; for it signifies no more, than that they do act sovereignly in the matters committed to their charge. Thus are the Parliaments of France call'd Cours Souveraines; for they judg of Life and Death, determin Controversies concerning Estates; and there is no appeal from their Decrees: but no man ever thought, that it was therefore lawful for them to do what they pleas'd; or that they might not be oppos'd, if they should attempt to do that which they ought not. And tho the Roman Dictators and Consuls were supreme Magistrates, they were subject to the People, and might be punisht as well as others if they transgress the Law. Thuanus carries the word so far, that when Barlotta, Giaustiniano, and others who were but Colonels, were sent as Commanders in chief of three or four thousand men upon an Enterprize, he always says, Sumnum Imperium ei delatum. Grotius explains this point, by distinguishing those who have the sumnum Imperium summo modo, from those who have it modo non summo. I know not where to find an Example of this Sovereign Power, enjoy'd without restriction, under a better title than Occupation; which relates not to our purpose, who seek only that which is legal and just. Therefore laying aside that point for the present, we may follow Grotius in examining the right of those who are certainly limited: Ubi partem Imperii habet Rex, partem Senatus fvee Populus; in which case he says, Regi in partem non suam involanti, vis jufa opponi potest, in as much as they who have a part, cannot but have a right of defending that part. Quia data facultate, datur jus facultatem tuendi, without which it could be of no effect.

The particular limits of the Rights belonging to each, can only be judged by the precise Letter, or general Intention of the Law. The Dukes of Venice have certainly a part in the Government, and could not be call'd Magistrates if they had not. They are said to be supreme; all Laws and publick Acts bear their Names. The Embassador of that State speaking to Pope Paul the Fifth, deny'd that he acknowledg'd any other Superior than
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than God. But they are so well known to be under the Power of the Sect. 24.

Law, that divers of 'em have bin put to death for transgressing it; and a

marble Gallows is seen at the foot of the Itairs in St. Mark's Palace, upon

which some of them, and no others, have bin executed. But if they

may be duly oppos'd, when they commit undue Acts, no man of judg-

ment will deny, that if one of them by an outrageous Violence shoul-
d endeavour to overthrow the Law, he might by violence be suppredit and

chaftis'd.

Again, some Magistrats are intrusted with a power of providing Ships,

Arms, Ammunition, and Victuals for War; raising and disciplining

Soldiers, appointing Officers to command in Forts and Garisons, and

making Leagues with Foreign Princes and States. But if one of thes

should imbezal, fell, or give to an Enemy those Ships, Arms, Ammuni-
tion or Provisions; betray the Forts; employ only or principally, such

men as will serve him in those wicked Actions; and, contrary to the

trust repos'd in him, make such Leagues with Foreigners, as tend to the

advancement of his personal Interests, and to the detriment of the Pub-

lick, he abrogates his own Magistracy; and the Right he had, periishes

(as the Lawyers say) frustratiione finis. He cannot be protected by the

Law which he has overthrown, nor obtain impunity for his Crimes

from the Authority that was confer'd upon him, only that he might do

good with it. He was singulis major on account of the excellency of his

Office; but universis minor, from the nature and end of his Institution.

The surest way of extinguishing his Prerogative, was by turning it to

the hurt of those who gave it. When matters are brought to this po-

ture, the Author of the mischief, or the Nation must perish. A Flock

cannot subsist under a Shepherd that seeks its ruin, nor a People under an

unfaithful Magistrate. Honor and Riches are justly heap'd upon the

heads of those who rightly perform their duty, because the difficulty as

well as the excellency of the work is great. It requires Courage, Expe-

rience, Industry, Fidelity and Wisdom. The good Shepherd, says our

Saviour, lays down his life for his Sheep: The Hireling who flies in time

of danger, is represent'd under an ill character; but he that sets himself

to destroy his Flock, is a Wolf. His Authority is incompatible with their

subsistence; and whoever disapproves Tumults, Seditious or War, by

which he may be remot'd from it, if gentler means are ineffectual, sub-

verts the Foundation of all Law, exalts the fury of one man to the de-

struction of a Nation; and giving an irresistible Power to the most abo-
nominable Iniquity, exposes all that are good to be destroy'd, and Vertue

to be utterly extinguish'd.

Few will allow such a Preeminence to the Dukes of Venice or Genoa,

the Advoyers of Switzerland, or the Burgomasters of Amsterdam. Ma-

ny will say these are Rascals if they prove false, and ought rather to be

hang'd, than suffer'd to accomplish the Villanys they design. But if this

be confest in relation to the highest Magistrats that are among those Na-

tions, why should not the fame be in all others, by what name soever

they are call'd? When did God confer upon those Nations the extraor-
dinary privilege of providing better for their own safety than others?

Or was the Gift universal, tho the Benefit accrue only to those who have

bani'd great Titles from among them? If this be fo, 'tis not their Feli-
city, but their Wisdom that we ought to admire and imitate. But why

should any think their Ancestors had not the same care? Have not they,

who retain'd in themselves a Power over a Magistrate of one name, the

like
like over another? Is there a charm in words, or any name of such efficacy, that he who receives it should immediately become Master of those that created him, whereas all others do remain for ever subject to them? Would the Venetian Government change its nature, if they should give the name of King to their Prince? Are the Polanders lefts free since the title of King is confer'd upon their Dukes; or are the Moscovites left Slaves, because their chief Magistrate has no other than that of Duke? If we examin things but a little, 'twill appear that Magistrates have enjoy'd large Powers, who never had the name of Kings; and none were ever more restrain'd by Laws than those of Sparta, Arragon, the Goths in Spain, Hungary, Bohemia, Sweden, Denmark, Poland, and others, who had that Title. There is therefore no such thing as a Right universally belonging to a Name; but every one enjoys that which the Laws, by which he is, confer upon him. The Law that gives the Power, regulates it; and they who give no more than what they please, cannot be oblig'd to suffer him to whom they give it, to take more than they thought fit to give, or to go unpunish'd if he do. The Agreements made are always confirm'd by Oath, and the treachery of violating them is consequently aggravated by Perjury. They are good Philosophers and able Divines, who think this can create a Right to those who had none; or that the Laws can be a protection to such as overthrow them, and give opportunity of doing the mischief they design. If it do not, then he that was a Magistrate, by such actions returns into the condition of a private man; and whatever is lawful against a Thief who submits to no Law, is lawful against him.

Men who delight in cavils may ask, Who shall be the Judge of these occasions? And whether I intend to give to the People the decision of their own Cause? To which I answer, that when the contest is between the Magistrate and the People, the party to which the determination is refer'd, must be the Judg of his own case; and the question is only, Whether the Magistrate should depend on the Judgment of the People, or the People on that of the Magistrate; and which is most to be suspected of injustice: That is, whether the People of Rome should judg Tarquin, or Tarquin judg the People. He that knew all good men abhor'd him for the murder of his Wife, Brother, Father-in-law, and the best of the Senate, would certainly strike off the heads of the most eminent remaining Poppins; and having incur'd the general hatred of the people by the wickedness of his Government, he fear'd revenge; and endeavouring to destroy those he fear'd (that is the City) he might easily have accomplish'd his work, if the judgment had bin refer'd to him. If the People judg Tarquin, it is hard to imagin how they should be brought to give an unjust Sentence: They lov'd their former Kings, and hated him only for his Villanys: They did not fancy, but know his cruelty. When the best were slain, no man that any way resembled them could think himself secure. Brutus did not pretend to be a Fool, till by the murder of his Brother he found how dangerous a thing it was to be thought wise. If the people, as our Author says, be always leud, foolish, mad, wicked, and deifrous to put the Power into the hands of such as are most like to themselves, he and his Sons were such men as they sought, and he was sure to find favourable Judges: If vertuous and good, no injustice was to be fear'd from them, and he could have no other reason to decline their judgment, than what was suggested by his own wickedness. Caligula, Nero, Domitian, and the like, had probably the same considerations: But no man of com-
mon sense ever thought that the Senate and People of Rome did not better Sect. 24.
deserve to judge, whether such Monsters should reign over the best part
of mankind to their destruction, than they to determine whether their
Crimes should be punish'd or not.
If I mention some of these known Cases, every man's experience will
suggest others of the like nature; and whoever condemns all Seditions,
Tumults and Wars rais'd against such Princes, must say, that none are
wicked, or seek the ruin of their People, which is absurd: for Caligula
with'd the People had but one Neck, that he might cut it off at a blow;
Nero set the City on fire; and we have known such as have bin worse
than either of them: They must either be suffer'd to continue in the free
exercise of their rage, that is, to do all the mischief they design; or must
be restrain'd by a legal, judicial, or extrajudicial way; and they who
disallow the extrajudicial, do as little like the judicial. They will not
hear of bringing a supreme Magistrate before a Tribunal, when it may
be done. They will, says our Author, depose their Kings. Why should
they not be depose'd, if they become Enemies to their People, and set up
an interest in their own persons inconsistent with the publick good, for
the promoting of which they were created? If they were created by the
publick consent, for the publick good, shall they not be remov'd when they
prove to be of publick damage? If they set up themselves, may they not
be thrown down? Shall it be lawful for them to usurp a Power over the
liberty of others, and shall it not be lawful for an injurd People to re
sume their own? If injustice exalt itself, must it be for ever establish'd?
Shall great Persons be render'd sacred by rape, perjury and murder?
The crimes for which private men do justly suffer the most grievous
punishments, exempt them from all, who commit them in the highest ex
ceps, with most power, and most to the prejudice of mankind? Shall the
Laws that solely aim at the prevention of Crimes, be made to patronize
them, and become snares to the innocent whom they ought to protect?
Has every man given up into the common store his right of avenging the
Injuries he may receive, that the publick Power which ought to protect
or avenge him, should be turn'd to the destruction of himself, his Po
erty, and the Society into which they enter, without any possibility of
redress? Shall the Ordinance of God be render'd of no effect; or the
Powers he has appointed to be set up for the distribution of Justice, be
made subservient to the lusts of one or a few men, and by impunity in
courage them to commit all manner of crimes? Is the corruption of man's
Nature so little known, that such as have common sense should expect
Justice from those, who fear no punishment if they do Injustice; or that
the modesty, integrity, and innocence, which is seldom found in one
man, who never so cautiously chosen, should be constantly found in all those
who by any means attain to Greatness, and continue for ever in their
Successors; or that there can be any security under their Government, if
they have them not? Surely if this were the condition of men living
under Government, Forests would be more safe than Cities; and were
better for every man to stand in his own defence, than to enter into
Societys. He that lives alone might encounter such as should assault him
upon equal terms, and stand or fall according to the measure of his courage
and strength; but no Valor can defend him, if the malice of his Enemy
be upheld by a publick Power. There must therefore be a right of pro
ceeding judicially or extrajudicially against all persons who transgress the
Laws, or else those Laws, and the Societys that should subsist by them,
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Chapter II. cannot stand; and the ends for which Governments are constituted, together with the Governments themselves, must be overthrown. Extrajudicial proceedings by Sedition, Tumult, or War, must take place, when the persons concerned are of such power, that they cannot be brought under the Judicial. They who deny this, deny all help against an usurping Tyrant, or the perniciousness of a lawfully created Magistrate, who adds the crimes of ingratitude and Treachery to Usurpation. These all men are the most dangerous Enemies to supreme Magistrates: for as no man defires indemnity for such Crimes as are never committed, he that would exempt all from punishment, supposes they will be guilty of the worst; and by concluding that the People will depose them if they have the power, acknowledged that they pursue an Interest annex'd to their Persons, contrary to that of their People, which they would not bear if they could deliver themselves from it. This bewing all those Governments to be tyrannical, lays such a burden upon those who administer them, as must necessarily weigh them down to destruction.

If it be said that the word Sedition implies that which is evil; I answer, that it ought not then to be apply'd to those who seek nothing but that which is just; and the the ways of delivering an oppressed People from the violence of a wicked Magistrate, who having arm'd a Crew of lewd Villains, and fatted them with the Blood and Confiscations of such as were most ready to oppose him, be extraordinary, the inward righteousness of the Act does fully justify the Authors. He that has virtue and power to save a People, can never want a right of doing it. Valerius Africanius had no hand in the death of Cæcina; but when the furious Guards began tumultuously to inquire who had kill'd him, he appeased them with wishing he had bin the man. No wife man ever ask'd by what authority Thrasius, Harmodius, Aristogiton, Pelopidas, Epaminondas, Dion, Timoleon, Lucius Brutus, Publicola, Horatius, Valerius, Marcus Brutus, C. Caillius, and the like, deliver'd their Countries from Tyrants. Their Actions carry'd in them their own justification, and their Virtues will never be forgotten whilst the names of Greece and Rome are remembered in the World.

If this be not enough to declare the Justice inherent in, and the Glory that ought to accompany these Works, the examples of Moses, Aaron, Osbal, Ehud, Barac, Gideon, Samuel, Phinehas, David, John, Jehoshaphat, the Maccabees, and other holy men rais'd up by God for the deliverance of his People from their Oppressors, decide the Question. They are perpetually renown'd for having led the People by extraordinary ways (which such as our Author express under the names of Sedition, Tumult, and War) to recover their Liberties, and avenge the injuries receiv'd from foreign or domestic Tyrants. The work of the Apostles was not in their time to set up or pull down any civil State; but they fo behave'd themselves in relation to all the Powers of the Earth, that they gain'd the name of pestilent seditious Fellows, Disturbers of the People: and left it as an inheritance to those, who in succeeding Ages by following their steps should deserve to be call'd their Successors; whereby they were expos'd to the hatred of corrupt Magistrates, and brought under the necessity of persifling by them, or defending themselves against them: and he that denies them that right, does at once condemn the most glorious Actions of the wisest, best, and holiest men that have bin in the world, together with the Laws of God and Man, upon which they were founded.

Nevertheless,
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Nevertheless, there is a sort of Sedition, Tumult, and War proceeding from Malice, which is always detestable, aiming only at the satisfaction of private Lust, without regard to the publick Good. This cannot happen in a Popular Government, unless it be amongst the Rabble; or when the Body of the People is so corrupted, that it cannot stand; but is most frequent in, and natural to absolute Monarchys. When Abimelech desired to make himself King, he rais'd a Tumult among the basest of the People: He hir'd light and vain Persons, some Translations call them lead Vagabonds, kill'd his Brethren, but perish'd in his design; the corrupt party that forced him not having Strength enough to subdue the other, who were more sincere. Sp. Melius, Sp. Caflus, and Manlius attempted the like in Rome: they acted maliciously, their pretences to procure the publick Good were false. 'Tis probable that some in the City were as bad as they, and knew that mischief was intended; but the Body of the People not being corrupted, they were suppress'd. It appear'd, says Livy, Nihil esse minus popolare quam regnum: they who had favor'd Manlius, condemn'd him to death when it was prov'd, that egregias aliqui virtutes feda regni cupidine maculasset. But when the People is generally corrupted, such designs seldom miscarry, and the success is always the erection of a Tyranny. Nothing else can please vain and profligate persons, and no Tyranny was ever set up by such as were better quality'd. The ways of attaining it have always bin by corrupting the manners of the People, bribing Soldiers, entertaining mercenary Strangers, opening Prifons, giving Liberty to Slaves, alluring indigent persons with hopes of abolishing Debts, coming to a new division of Lands, and the like. Seditions rais'd by such men always tend to the ruin of popular Government; but when they happen under absolute Monarchys, the hurt intended is only to the Person, who being remov'd, the Promoters of 'em set up another; and he that is set up, subsisting only by the strength of those who made him, is oblig'd to foment the Vices that drew them to serve him; tho another may perhaps make use of the same against him.

The consequence of this is, That those who uphold popular Governments, look upon Vice and Indigence as mischief's that naturally increase each other, and equally tend to the ruin of the State. When men are by Vice brought into want, they are ready for mischief; there is no Villany that men of profligate Lives, loft Reputation, and desperate Fortunes will not undertake. Popular Equality is an enemy to these; and they who would preserve it, must preserve integrity of Manners, Sobriety, and an honest contentedness with what the Law allows. On the other side, the absolute Monarch, who will have no other Law than his own Will, desires to increase the number of those who thro loudness and boggery may incline to depend upon him; tho the same temper of Mind, and condition of Fortune prepare them also for such Seditions as may bring him into danger; and the same corruption which led them to fet him up, may invite them to fell him to another that will give them better wages.

I do not by this conclude that all Monarchs are vicious men; but that whoever will set up an absolute Power, must do it by these means; and that if such a Power be already establish'd, and should fall into the hands of a perfon, who by his Vertue and the gentleness of his Nature should endeavor to render the Yoke so easy, that a better disciplin'd People might be contented to bear it; yet this method could last no longer than
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CHAP. II. His life, and probably would be a means to shorten it; that which was at first established by evil Arts always returning to the same: That which was vicious in the principle, can never be long upheld by Vertue; and we see that the worst of the Roman Emperors were not in greater danger from such good men as remain'd undefroy'd, than the best from the corrupt Party that would not be corrected, and fought such a Matter as would lay no restriction upon their Vices. Those few who escap'd the rage of these Villains, only gave a little breathing time to the afflicted World, which by their Children or Successors was again plunged into that extremity of misery, from which they intended to deliver it. An extraordinary Vertue was requir'd to keep a Prince in a way contrary to the principles of his own Government; which being rarely found, and never continuing long in a Family or Succession of men, the endeavors of the best became ineffectual, and either they themselves perish'd in them, or after their death all things return'd into the old polluted Channel.

Tho the Power of the Hebrew Kings was not unlimited, yet it exceeded the Rules set by God, and was sufficient to increase the number of the worst of men, and to give them opportunitys of raising perpetual disturbances. On the King's side there were Flatterers and Instruments of mischief: On the other side there were indebted and discontented Persons. Notwithstanding the Justice of David's caufe, the Wifdom, Valor, and Piety of his Person, none would follow him, except a few of his own Kindred (who knew what God had promis'd to him) and such as were uneasy in their worldly circumstances. After the death of Saul there was a long and bloody War between Ishboiath and David. The former being kill'd, the lightest matters were sufficient to put the whole Nation into blood. Absalom with a few fair words was able to raise all Israel against his Father: Sheba the Son of Biebri with as much cafe rais'd a more dangerous Tumult: David, by Wifdom, Valor, and the Blessing of God, surmounted these Difficultys, and prepar'd a peaceable Reign for Solomon: but after his death they broke out into a Flame that was never quench'd, till the Nation was so dispers'd that no man knew where to find his Enemies. Solomon by his Magnificence had reduc'd Israel to such poverty, as inclin'd them to revolt upon the first offer of an opportunity by Jerobom. From that time forward Israel was perpetually vex'd with Civil Seditions and Conspiracies, or Wars with their Brethren of Judah. Nine Kings with their Families were destroy'd by the first, and the latter brought such Slaughters upon the miserable People, as were never suffer'd by any who were not agitated by the like Fury; and the course of these mischiefs was never interrupted, till they had brought the Nation into Captivity, and the Country to Desolation. Tho God according to his promise did preserve a light in the House of David, yet the Tribe of Judah was not the more happy. Josiah was slain by a private Conspiration, and Amaziah (as is most probable) by publack Authority, for having foolishly brought a terrible Slaughter upon Judah. Athaliah destroy'd the King's Race, and was kill'd her self by Jeboiada; who not having learn'd from our Author to regard the Power only, and not the ways by which it was obtain'd, caus'd her to be drag'd out of the Temple, and put to a well-deferv'd Death. The whole Story is a Tragedy: and if it be pretended that this proceed'd rather from the wrath of God against his People for their Idolatry, than from such causes as are applicable to other Nations; I answer, that this Idolatry was the production
production of the Government they had set up, and most fitutable to it; and chusing rather to subject themselves to the Will of a man than to the Law of God, they deferredly suffer'd the evils that naturally follow the worst Counsels. We know of none who, taking the like course, have not suffer'd the like miseries. Notwithstanding the admirable Virtue and Success of Alexander, his Reign was full of Conspiracies, and his knowledge of them prompt'd him to destroy Parmeno, Philotas, Citius, Callisthenes, Hermolaus, and many more of his best Friends. If he escap'd the Sword, he fell by Poison. The Murder of his Wives, Mother, and Children, by the rage of his own Soldiers; the Fury of his Captains employ'd in mutual Slaughters, till they were consum'd; his paternal Kingdom after many Revolutions transfer'd to Cassander his most mortal Enemy; the utter extinction of his conquering Army, and particularly the famous Argypides, who being grown faithless and seditious, after the death of Eumenes were sent to perish in unknown parts of the East, abundantly testify the admirable stability, good order, peace, and quiet that is enjoy'd under absolute Monarchy. The next Government of the like nature that appear'd upon the Stage of the World was that of Rome, introduc'd by Wars that consum'd two thirds of the People; confirm'd by Proscriptions, in which all that were eminent for Nobility, Riches, or Virtue, perish'd. The peace they had under Augustus was like that which the Devil allow'd to the Child in the Gospel, whom he rent forely, and left as dead. The miserable City was only cast into a Swound: after long and violent vexations by Seditions, Tumults, and Wars, it lay as dead; and finding no helper like to him who cur'd the Child, it was deliver'd to new Devils to be torment'd, till it was utterly destroy'd. Tiberius was appointed as a fit instrument for such a purpose. It was thought that those who should feel the effects of his Pride, Cruelty, and Lust, would look upon the Death of Augustus as a loss. He perform'd the work for which he was chosen; his Reign was an uninterrupted Series of Murders, Subornations, Perjuries, and Poisonings, intermix'd with the most detestable Impurities, the revolts of Provinces, and Mutiny of Armys. The matter was not mended by his Successors: Caligula was kill'd by his own Guards; Claudius poison'd by his Wife: Spain, Gaul, Germany, Pannonia, Mecha, Syria, and Egypt, revolted at once from Nero; the People and Senat follow'd the example of the Provinces. This I think was, in our Author's sense, Sedition with a witness. Nero being dead by the hand of a Slave, or his own, to prevent that of the Hangman, Galba enter'd the City with Blood and Slaughter; but when his own Soldiers found he would not give the Mony for which they intended to sell the Empire, they kill'd him: and to shew the flability of Absolute Monarchy, it may be observ'd, that this was not done by the advice of the Senat, or by a conspiracy of great men; Sucepore duo ma-
icipulares Populi Romanui Imperium transferendum, et transfulerunt. Two Rafcals gave the Empire to Otho, and the whole Senat was like to be butcher'd for not being so ready to follow their venerable Authority as they ought to have bin, and hardly escap'd the fury of their mad and drunken Companions. As a farther testimony that these Monarchys are not subject to Seditions and Tumults, he had at once only two Competitors against whom he was to defend the well-acquir'd Empire: His Ar-

my was defeated at Brother, he kill'd himself; and his Successor Vitellius was soon after thrown into the Common-fl ore. The same method still continu'd: Rome was fill'd with Blood and Aflhes; and to recite all the publick
publick Mischiefs would be to transcribe the History: For as Pyrrhus being ask'd who should succeed him, answer'd, He who has the sharpest Sword; that was the only Law that govern'd in the following ages. Whoever could corrupt two or three Legions, thought he had a good title to the Empire; and unless he happen'd to be kill'd by Treachery, or another Tumult of his own Soldiers, he seldom receiv'd from it without a Battel, wherein he that was most successful, had no other security than what the present temper of the Soldiers afforded him: and the miserable Provinces having neither Virtue nor Force, were oblig'd slavishly to follow the fury or fortune of those Villains. In this state did Rome dedicate to Constantine the Triumphal Arch that had bin prepar'd for Maxentius; and the Provinces which had set up Albinus and Niger submitted to Septimius Severus. In the vast variety of Accidents that in those Ages disturb'd the World, no Emperor had a better title than what he purchas'd by Mony or Violence; and enjoy'd it no longer than those helps continu'd, which of all things were the most uncertain. By this means most of the Princes perish'd by the Sword, Italy was made desolate, and Rome was several times sack'd and burn'd. The Misfortunes of the World being made a Slave, the Provinces which had bin acquir'd by the Blood of her antient vertuous Citizens, became part of an Usurper's Patrimony, who without any regard to the publick good, distributed 'em to his Children according to their number, or his passion. These either destroy'd one another, or fell under the Sword of a third who had the fortune of their Father, the greatest part most commonly falling to the share of the worst. If at any time the contrary happen'd, the Government of the best was but a lucid interval, and well-wishing men grew more extremely to abhor the darknefs that follow'd when they were gone. The best of 'em could do no more than suspend mischief for a while, but could not correct the corrupt principle of their Government; and some of 'em were destroy'd as soon as they were thought to intend it: Others who finish'd their days in peace, left the Empire to such persons of their relations as were most unlike to them. Domitian came in as Brother to Titus. Commodus and Heliogabalus were recommended by the memory of those Vertues that had bin found in Antoninus and Aurelius. Honorius and Arcadius, who by their baseness brought utter ruin upon the Western and Eastern Empires, were the Sons of the brave Theodosius. They who could keep their hands free from Blood, and their Hearts from Malice, Covetousness, and Pride, could not transmit their Vertues to their Successors, nor correct the perverseness that lay at the root and foundation of their Government. The whole mafs of Blood was vitiated: the Body was but one vail Sore, which no hand but that of the Almighty could heal; and he who from an abhorrence of iniquity had declar'd he would not hear the crys of his own people, when they had chosen the thing that was not good, would not shew mercy to Strangers who had done the same thing.

I have insifted upon the Hebrew, Macedonian and Roman Histories, because they are the most eminent and best known to us: We are in the dark concerning the Babylonian, Assyrian, Chaldean, Batavian, and Egyptian Monarchys: We know little more of them than the Scripture occasionally relates concerning their barbarous cruelty, bestial pride, and extravagant folly. Others have bin like to them, and I know not where to find a peaceable Monarchy unless it be in Persia, where the Tusca Garcilaffio de la Vega fays, that a Man and a Woman, Children of the Sun and the Moon,
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Moon, appearing amongst a barbarous people living without any Religion or Law, establish’d a Government amongst them, which continu’d in much Peace and Justice for twelve Generations: But this seeming to be as fabulous as their Birth, we may pass it over, and fix upon those that are better known; of which there is not one that has not suffer’d more dangerous and mischievous Seditions, than all the popular Governments that have bin in the World: And the condition of those Kingdoms which are not absolute, and yet give a preference to Birth, without consideration of Merit or Virtue, is not much better.

This is prov’d by the Reasons of those Seditions and Tumults, as well as from the Fact it self.

The Reasons arise from the violence of the Passions that incite men to them, and the intricacy of the Questions concerning Succession.

Every man has Passions; few know how to moderate, and no one can wholly extinguish them. As they are various in their nature, so they are govern’d by various Objects; and men usually follow that which is predominant in them, whether it proceed from Anger or Desire, and whether it terminate in Ambition, Covetousness, Lust, or any other more or less blamable Appetite. Every manner of life furnishes something, that in some measure may foment thefe; but a Crown comprehends all that can be grateful to the most violent and vicious. He who is covetous, has vast Revenues, besides what he may get by fraud and rapine, to satisfy his Appetite. If he be given to Senfuality, the variety of pleasures, and the facility of accomplishing whatever he desires, tends farther to inflame that Passion. Such as are ambitious, are incited by the greatnes of their Power to attempt great matters; and the most fottish or lazy may discharge themselves of Cares, and hope that others will be easily hir’d to take the burden of Business upon them whilst they lie at ease. They who naturally incline to pride and cruelty, are more violently tempted to usurp Dominion; and the wicked Advices of Flatterers, always concurring with their Passions, incite them to exercise the Power they have gotten with the utmost rigor, to fatiate their own rage, and to secure themselves against the effects of the publick hatred, which they know they have dererv’d. If there be, as our Author says, no other Rule than Force and Succes, and that he must be taken for the Father of a People who is in possession of a Power over them; whoever has the one, may put the other to a trial. Nay, even those who have regard to Justice, will seldom want Reasons to perswade them that it is on their side. Something may be amis in the State; Injuries may be done to themselves and their Friends. Such Honors may be deny’d as they think they deserve; or others of less Merit, as they suppose, may be prefer’d before them. Men do so rarely make a right estimate of their own Merits, that those who mean well may be often deceive’; and if nothing but Success be require’d to make a Monarch, they may think it just to attempt whatever they can hope to accomplish. This was the case of Julius Caesar; he thought all things lawful, when the Confulat, which he suppose’d he had deserve’d, was deny’d. These Enterprizes seem to belong to men of great Spirits; but there are none so base not to be capable of undertaking, and (as things may stand) of bringing ’em to perfection. Hi-
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Chapter II.

Drury represents no man under a more contemptible character of follish Laziness, Cowardice, and Drunkenness, than Vitellius; no one more impure and fordid than Galba: Otho was advanced for being in his manners like to Nero: Vespasian was scorn'd for his Avarice, till the Power fell into such hands as made the world believe none could be unworthy of the Empire; and in the following Ages the worst men by the worst means most frequently obtain'd it.

These Wounds are not cur'd by saying, that the Law of God and Nature prevents this mischief, by annexing the Succeedance of Crowns to proximity of Blood; for mankind had not, bin continually afflicted with them if there had bin such a Law, or that they could have bin prevented by it: and tho there were such a Law, yet more Questions would arise about that Proximity, than any wise man would dare to determine. The Law can be of no effect, unless there be a Power to decide the Contests arising upon it: But the fundamental Maxim of the great Monarchy, is, that there can be no Interregnum: The Heir of the Crown is in possession, as soon as he who did injoy it is dead. Le Mort, as the French say, Saië te vif: There can be therefore no such Law, or it serves for nothing. If there be Judges to interpret the Law, no man is a King till judgment be given in his favor; and he is not King by his own Title, but by the Sentence given by them. If there be none, the Law is merely imaginary, and every man may in his own case make it what he pleases. He who has a Crown in his view, and Arms in his hand, wants nothing but success to make him a King; and if he prospers, all men are oblig'd to obey him.

'Tis a folly to say the matter is clear, and needs no decision; for every man knows that no Law concerning privat Inheritances can be so exactly drawn, but many Controversys will arise upon it, that must be decide by a Power to which both Partys are subject: and the disputes concerning Kingdoms are so much the more difficult, because this Law is no where to be found; and the more dangerous, because the Competitors are for the most part more powerful.

Again, this Law must either be general to all Mankind, or particular to each Nation. If particular, a matter of such importance requires good proof, when, where, how, and by whom it was given to every one. But the Scriptures testifying to the contrary, that God gave Laws to the Jews only, and that no such thing as hereditary Monarchy, according to proximity of Blood, was prescrib'd by them, we may safely say, that God never gave any such Law to every particular, nor to any Nation. If he did not give it to any one, he did not give it to all, for every one is comprehended in all; and if no one has it, 'tis impossible that all can have it; or that it should be obligatory to all, when no man knows or can tell, when, where, and by what hand it was given, nor what is the senfe of it: all which is evident by the various Laws and Customs of Nations in the dispofal of hereditary Successions: And no one of them, that we know, has to this day bin able to shew that the method follow'd by them, is more according to nature than that of others.

If our Author pretends to be God's Interpreter, and to give the solution of these doubts, I may ask which of the five following ways are appointed by God, and then we may examin Cases resulting from them.
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1. In France, Turky, and other places, the Succession comes to the next Male, in the strictest eldest Line, according to which the Son is prefer'd before the Brother of him who last enjoyed the Crown, (as the present King of France before his Uncle the Duke of Orleans) and the Son of the eldest before the Brothers of the eldest; as in the case of Richard the Second of England, who was advance'd preferably to all the Brothers of the black Prince his Father.

2. Others keep to the Males of the reigning Family; yet have more regard to the eldest Man than to the eldest Line: and Representation taking no place among them, the eldest Man is thought to be nearest to the first King; and a second Son of the Person that last reign'd, to be nearer to him than his Grandchild by the eldest Son: according to which Rule, any one of the Sons of Edward the Third remaining after his death, should have bin prefer'd before Richard the Second who was his Grandchild.

3. In the two cases before-mention'd, no manner of regard is had to Females, who being thought naturally incapable of commanding Men, or performing the Functions of a Magistrate, are, together with their Descendants, utterly excluded from the supreme as well as from the inferior Magistracies; and in Turky, France, and other great Kingdoms, have no pretence to any Title: But in some places, and particularly in England, the advantages of Proximity belong to them as well as to Males; by which means our Crown has bin transported to several Familys and Nations.

4. As in some places they are utterly rejected, and in others receiv'd simply without any condition; so those are not wanting, where that of not marrying out of the Country, or without the consent of the Estates, is imposed, of which Sweden is an Example.

5. In some places Proximity of Blood is only regarded, whether the Issue be legitimate, or illegitimate; in others Bastards are wholly excluded.

By this variety of Judgments made by several Nations upon this Point, it may appear, that tho it were agreed by all that the next in Blood ought to succeed, yet such Content would arise upon the interpretation and application of the general Rule, as must necessarily be a perpetual Spring of irreconcilable and mortal Quarrels.

If any man say, The Rule observ'd in England is that which God gave to Mankind; I leave him first to dispute that point with the Kings of France, and many others, who can have no right to the Crowns they wear, if it be admitted; and in the next place to prove that our Ancestors had a more immediate communication with God, and a more certain knowledge of his Will than others, who for any thing we know, may be of Authority equal to them: But in the mean time we may rationally conclude, that if there be such a Rule, we have had no King in England for the space of almost a thousand years, having not had one who did not come to the Crown by a most manifest violation of it; as appears by the forcitied Examples of William the First and Second; Henry the First; Henry the Second and his Children; John, Edward the Third, Henry the Fourth, Edward the Fourth and his Children; Henry the Seventh, and all that claim under any of them. And if Possession or Success can give a right, it will I think follow, that Jack Straw, Wat Tyler, Perkin Warbeck, or any other Rascal, might have had it if he had bin as happy as bold in his Enterprise. This is no less than to expose Crowns to the first
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that can seize them, to destroy all Law and Rule, and to render Right a slave to Fortune. If this be so, a late Earl of Pembroke, whose understanding was not thought great, judged rightly when he said his Grandfather was a wise man tho' he could neither write nor read, in as much as he resolved to follow the Crown, tho' it were upon a Coalition. But if this be sufficient to make a wife man, 'tis pity the secret was no sooner discovered, since many, who for want of it lived and dy'd in all the infamy that justly accompanies Knavery, Cowardice and Folly, might have gained the reputation of the most excellent Men in their several ages. The bloody Factions with which all Nations subject to this sort of Monarchy have been perpetually vex'd, might have been prevented by throwing up cores or pile, or by battel between the Competitors body to body, as was done by Corbis and Orsue, Cleopetra and Polinxes, Ironside and Canutas; it being most unreasonable, or rather impiously absurd, for any to venture their Lives and Fortunes, when their Consciences are not concerned in the Contest, and that they are to gain nothing by the Victory.

If Reason teaches, that till this expeditious way of ending Controversies be received, the Ambition of men will be apt to imbroil Nations in their Quarrels; and others judging variously of those matters, which can be reduced to no certain Rule, will think themselves in Conscience oblig'd to follow the party that seems to them to be most just: Experience manifests the fame, and that Ambition has produced more violent mischief's than all the other desires and passions that have ever possessed the hearts of men. That this may appear, it will not be amiss to divide those mischief's, into such as proceed from him who is in possession of the Power, thro' jealousy of State, as they call it, to prevent the enterprizes of those who would dispossess him, and such as arise between Competitors contending for it.

Tarquin's Counsel concerning the Poppy's, and Periander's heads of Corn, are of the first sort. The most eminent are always most fear'd, as the readiest to undertake, and most able to accomplish great Designs. This eminence proceeds from Birth, Riches, Vertue, or Reputation, and is sometimes wrought up to the greatest height by a conjunction of all these. But I know not where to find an example of such a man, who could long subsist under Absolute Monarchy. If he be of high Birth, he must, like Brutus, conceal his Vertue, and gain no reputation, or resolve to perish, if he do not prevent his own death by that of the Tyrant: All other ways are ineffectual; the suspicions, fears and hatred therupon arising, are not to be removed: Personal respects are forgotten, and such services as cannot be sufficiently valued, must be blotted out by the death of those who did them. Various ways may be taken, and pretences us'd according to the temper of Times and Nations; but the thing must be done; and whether it be colour'd by a trick of Law, or performed by a Mute with a Bowstring, imports little. Henry the fourth was made King by the Earl of Northumberland, and his brave Son Hotspur; Edward the fourth by the valiant Earl of Warwick; Henry the seventh by Stanley: but neither of 'em could think himself safe, till his Benefactor was dead. No continu'd fidelity, no testimonies of modesty and humility can prevent this. The modesty of Germanicus in rejecting the Honors that were offer'd to him, and his industry in quieting the mutiny'd Legion, accelerated his ruin: When 'twas evident he might be Emperor if he pleas'd, he must be fo, or die: There was no middle stati-
on between the Throne and the Grave. 'Tis probable that Caligula, Sect. 24.
Nero, and other Beasts like to them, might hate Vertue for the good which is in it; but I cannot think that either they, their Predecessors or Successors, would have put themselves upon the desperate design of exterminating it, if they had not found it to be inconsistent with their Government; and that being once concluded, they spair'd none of their nearest Relations. Artaxerxes kill'd his Son Darius: Herod murder'd the best of his Wives, and all his Sons except the worst. Tiberius destroy'd Agrippa Posthumus, and Germanicus with his Wife and two Sons. How highly foever Constantine the Great be commended, he was polluted with the Blood of his Father-in-law, Wife, and Son. Philip the second of Spain did in like manner deliver himself from his fears of Don Carlos; and 'tis not doubted that Philip the fourth, for the same reasons, dispatch'd his Brother Don Carlos, and his Son Balthasar. The like cases were so common in England, that all the Plantagenets, and the noble Family's ally'd to them, being extinguis'd, our Anceftors were sent to fetch a King in one of the meanest in Wales.

This method being known, those who are unwilling to die so tamely, endeavour to find out ways of defending themselves; and there being no other than the death of the Person who is in the Throne, they usually seek to compafs it by secret Conspiracy, or open Violence; and the number of Princes that have bin destroy'd, and Countrys disturb'd by thofe who tho' fear have bin driven to extremity, is not much lefs than of thofe who have suffer'd the like from men following the impulse of their own Ambition.

The disorders arifing from Contests between several Competitors, before any one could be fettled in the pofteffion of Kingdoms, have bin no lefs frequent and bloody than thofe above mention'd; and the miferous suffer'd by them, together with the ruin brought upon the Empires of Macedon and Rome, may be sufficient to prove it: however to make the matter more clear, I shall alledg others. But becaufe it may be prefumption in me to think I know all the Historys of the World, or tedious to relate all thofe I know, I fhall content my self with fome of the moft eminent and remarkable: And if it appears they have all suffer'd the fame mischiefs, we may believe they proceed not from Accidents, but from the power of a permanent Cause, that always produces the fame or the like Effects.

To begin with France. The Succession not being well fettled in the time of Meroueaus, who had difpoifell the Grandchildren of Pharamond, he was no sooner dead than Gilon set up himfelf, and with much flaughter drove his Son Chilperic out of the Kingdom; who after a little time returning with like fury, is faid to have been a Vifion, firft of Lions and Leopards, then of Bears and Wolves, and laftly of Dogs and Cats, all tearing one another to pieces. This has bin always accounted by the French to be a repreffation of the nature and fortune of the three Races that were to command them, and has bin too much verify'd by experience. Clovis their firft Christian and moft renowned King, having by good means or evil exceedingly enlarg'd his Territories, but chiefly by the murders of Alaric, and Ragnacaire with his Children, and suborning Sigeon of Metz to kill his Father Sigebert, left his Kingdom to be torn in pieces by the rage of his four Sons, each of 'em endeavouring to make himself Master of the whole; and when, according to the utifal fate of fuch Contests, Succes had crown'd Clothair, who was the worst of 'em
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Chap. II. all, by the slaughter of his Brothers and Nephews, with all the flower of the French and Gaulish Nobility, the advantages of his Fortune only resulted to his own person. For after his death the miserable Nations suffered so much from the madness of his Sons, as they had done by himself and his Brothers. They had learnt from their Predecessors not to be slow in doing mischief, but were farther incited by the rage of two infamous Strumpets, Fredegonde and Brunehaud, which is a fort of Vermin that, I am inclin’d to think, has not usually govern’d Senats or Popular Assemblies. Chilperic the second, who by the slaughter of many Persons of the Royal Blood, with infinite numbers of the Nobility and People, came to be Master of so much of the Country as procured him the name of King of France, kill’d his eldest Son on suspicion he was excited against him by Brunehaud, and his second, left he should revenge the death of his Brother: he marry’d Fredegonde, and was soon after kill’d by her Adulterer Landry. The Kingdom continu’d in the same misery thro the rage of the surviving Princes, and found no relief, the moth of ’em fell by the Sword; and that Brunehaud who had bin a principal Cause of those Tragedies, was ty’d to the tails of four wild Horses, and suffer’d a death as foul as her life. These were Lions and Leopards. They involv’d the Kingdom in desperate troubles; but being Men of valor and industry, they kept up in some measure the Reputations and Power of the Nation, and he who attain’d to the Crown defended it. But they being fallen by the hands of each other, the poisonous Root put forth another Plague more mortal than their Fury. The vigor was spent, and the Succession becoming more fettled, ten base and slothful Kings, by the French called Les Roys faimeans, succeed. Some may say, They who do nothing, do no hurt; but the Rule is false in relation to Kings. He that takes upon him the Government of a People, can do no greater evil than by doing nothing, nor be guilty of a more unpardonable Crime, than by Negligence, Cowardice, Voluptuousness, and Sloth, to defect his charge. Virtue and Manhood perish under him; good Disciplin is forgotten; Justice slighted; the Laws perverted or render’d useless; the People corrupted; the publick Treasures exhausted; and the Power of the Government always falling into the hands of Flatterers, Whores, Favorites, Bauds, and such base Wretches as render it contemptible, a way is laid open for all manner of disorders. The greatest cruelty that has bin known in the world, if accompany’d with wit and courage, never did so much hurt as this slothful bestiality; or rather these slothful Beastfs have ever bin most cruel. The Reigns of Septius Severus, Mahomet the second, or Selim the second, were cruel and bloody; but their fury was turn’d against Foreigners, and some of their near Relations, or against such as fell under the suspicion of making attempts against them: The condition of the People was tolerable; those who would be quiet might be safe; the Laws kept their right course; the Reputation of the Empire was maintain’d, the Limis defended, and the publick Peace preserv’d. But when the Sword past into the hands of lead, slothful, foolish, and cowardly Princes, it was of no power against foreign Enemies, or the disturbers of domestic Peace, the always sharp against the best of their own Subjects. No man knew how to secure himself against them, unless by raising civil Wars; which will always be frequent, when a Crown defended by a weak hand is propos’d as a Prize to any that dare invade it. This is a perpetual Spring of disorders; and no Nation was ever quiet, when the most eminent men found leas danger in the most violent Attempts, than in submitting patiently to the Will
Will of a Prince, that suffers his Power to be manag'd by vile Perfons, who get credit by flattering him in his Vices. But this is not all; such Princes naturally hate and fear those who excel them in Vertue and Reputation, as much as they are inferior to them in Fortune; and think their Perfons cannot be secure'd, nor their Authority enlarg'd, except by their destruction. 'Tis ordinary for them, inter foerta & gannaes principibvs viris perniciei machinare, and to make Cruelty a cover to Ignorance and Cowardice. Besides the Mitchiefs brought upon the Publick by the loss of eminent Men, who are the Pillars of every State, such Reigns are always accompany'd with Tumults and Civil Wars, the great Men striving with no less violence who shall get the weak Prince into his power, when such regard is had to succession that they think it not fit to depriv'd him of the Title, than when with less respect they contend for the Sovereignty it fell. And whilst this sort of Princes reign'd, France was not less afflicted with the Contests between Grim baud, Ebros, Grimoald, and others, for the Mayoralty of the Palace, than they had bin before by the rage of those Princes who had contested for the Crown. The Influence also was the same: After many Revolutions, Charles Martel gain'd the Power of the Kingdom, which he had so bravely defended against the Saracens; and having transmit'ted it to his Son Pepin, the General Assembly of Estates, with the approbation of Mankind, confer'd the Title also upon him. This gave the Nation eafe for the present; but the deep-rooted Evil could not be so cur'd; and the Kingdom, that by the Wildom, Valor, and Reputations of Pepin, had bin preferv'd from civil Troubles during his life, fell as deeply as ever into them fo soon as he was dead. His Sons, Carloman and Charles, divided the Dominions, but in a little time each of them would have all. Carloman fill'd the Kingdom with Tumult; rais'd the Lombards, and march'd with a great Army against his Brother, till his courage was interrupted by death, caus'd, as is suppos'd, by such helps as Princes liberally afford to their aspiring Relations. Charles depriv'd his two Sons of their Inheritance, put them in Prison, and we hear no more of them. His third Brother Griffon was not more quiet, nor more successful; and there could be no Peace in Gafoiny, Italy, or Germany, till he was kill'd. But all the Advantages which Charles, by an extraordinary Vertue and Fortune, had purchas'd for his Country, ended with his Life. He left his Son Lewis the Gentle in possession of the Empire, and Kingdom of France, and his Grandson Bernard King of Italy: But these two could not agree, and Bernard falling into the hands of Lewis, was depriv'd of his Eyes, and some time after kill'd. This was not enough to preserve the Peace: Lothair, Lewis and Pepin, all three Sons to Lewis, rebell'd against him; call'd a Council at Lions, depos'd him, and divided the Empire amongst themselves. After five years he escap'd from the Monastery where he had bin kept, renew'd the War, and was again taken Prisoner by Lothair. When he was dead, the War broke out more fiercely than ever between his Children: Lothair the Emperor assault'd Lewis King of Bavaria and Charles King of Rhetia; was defeated by them, and confin'd to a Monastery, where he dy'd. New Quarrels arose between the two Brothers, upon the division of the Countries taken from him, and Lorain only was left to his Son. Lewis dy'd soon after, and Charles getting possession of the Empire and Kingdom, ended an inglorious Reign in an unprosperous attempt to deprive Hermingrade, Daughter to his Brother Lewis, of the Kingdom of Arles, and other places left to her by her Father.
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Chapter II.

The severe Lewis his Son, call’d the Stutterer, reign’d two years in much trouble; and his only legitimate Son, Charles the Simple, came not to the Crown till after the death of his two Bafard Brothers, Lewis and Carlowman, Charles le Gros, and Eudes Duke of Anjou. Charles le Gros was depos’d from the Empire and Kingdom, strip’d of his Goods, and left to perish through poverty in an obscure Village. Charles the Simple, and the Nations under him, thriv’d no better: Robert Duke of Anjou rais’d War against him, and was crown’d at Rheims; but was himself slain soon after in a bloody battle near Saissions. His Son-in-law, Hubert Earl of Vermandois, gather’d up the remains of his scatter’d Party, got Charles into his power, and call’d a General Assembly of Estates, who depos’d him, and gave the Crown to Raoul Duke of Burgundy; tho he was no otherwise related to the Royal Blood than by his Mother, which in France is nothing at all. He being dead, Lewis Son to the depos’d Charles was made King; but his Reign was as inglorious to him, as miserable to his Subjects. This is the Peace which the French enjoy’d for the space of five or fix Ages under their Monarchy; and ’tis hard to determine whether they suffer’d most by the Violence of those who poss’d, or the Ambition of others who aspired to the Crown; and whether the fury of active, or the baseness of thriftless Princes was most pernicious to them: But upon the whole matter, tho the defects of those of the latter sort, they lost all they had gain’d by sweat and blood under the conduct of the former, Henry and Otho of Saxony, by a Virtue like that of Charlemagne, depriv’d them of the Empire, and settled it in Germany, leaving France only to Lewis firmam’d Outremer, and his Son Lothair. These seem’d to be equally compos’d of Treachery, Cruelty, Ambition, and Baseness: They were always mutinous, and always beaten: Their frantick Passions put ’em always upon unjust designs, and were such plagues to their Subjects and Neighbours, that they became equally detested and despis’d. These things extinguis’d the veneration due to the memory of Pepin and Charles; and oblig’d the whole Nation rather to seek relief from a Stranger, than to be ruin’d by their worthless Descendants. They had try’d all ways that were in their power, depos’d four crowned Kings within the space of a hundred and fifty years; crown’d five who had no other Title than the People confer’d upon them, and restor’d the Descendants of those they had rejected, but all was in vain: Their Vices were incorrigible, the Mischiefs produc’d by them intolerable; they never ceas’d from murdering one another in battle, or by treachery, and bringing the Nation into Civil Wars upon their wicked or foolish Quarrels, till the whole Race was reject’d, and the Crown plac’d upon the head of Hugh Capet. These Mischiefs rag’d not in the same extremity under him and his Descendants, but the abatement proceeded from a caufe no way advantageous to Absolute Monarchy. The French were by their Calamities taught more strictly to limit the Real Power; and by turning the Dukedoms and Earldoms into Patrimonys, which had bin Offices, gave an Authority to the chief of the Nobility, by which that of Kings was curb’d; and tho by this means the Commonality were expos’d to some Pressures, yet they were small in comparison of what they had suffer’d in former times. When many great Men had Estates of their own that did not depend upon the Will of Kings, they grew to love their Country; and tho they cheerfully serv’d the Crown in all cases of publick Concernment, they were not easily engag’d in the personal quarrels of those who possess’d it, or had a mind to gain it. To preserve themselves in
in this condition, they were oblig'd to use their Vassals gently; and this SEC. 24.
continuing in some measure till within the last fifty years, the Monarchy was less tumultuous, than when the King's Will had bin less restraint'd.
Nevertheless they had not much reason to boast; there was a Root still remaining, that from time to time produc'd poisonous Fruits; Civil Wars were frequent among them, tho not carry'd on with such desperate madness as formerly; and many of them upon the account of disputes between Competitors for the Crown. All the Wars with England, since Edward the Second marry'd Isabella Daughter, and, as he pretended, Heir of Philip Le Bel, were of this nature. The defeats of Crecy, Poitiers, and Agincourt, with the slaughters and devastations suffer'd from Edward the Third, the black Prince, and Henry the Fifth, were merely upon Contests for the Crown. The Factious of Orleans and Burgundy, Orleans and Armagnac, proceeded from the same Spring; and the Murders that seem to have bin the immediate causes of those Quarrels, were only the effects of the hatred growing from their competition. The more odious, tho less bloody Contests between Lewis the 11th, and his Father Charles the 7th, with the jealousy of the former against his Son Charles the 8th, arose from the same Principle. Charles of Bourbon prepar'd to fill France with Fire and Blood upon the like quarrel, when his Designs were overthrown by his death in the assault of Rome. If the Dukes of Guise had bin more fortunate, they had soon turn'd the cause of Religion into a claim to the Crown, and repair'd the Injury done, as they pretended, to Pepin's Race, by destroying that of Capet: And Henry the Third thinking to prevent this by the slaughter of Henry le Balafre, and his Brother the Cardinal de Guise, brought ruin upon himself, and cast the Kingdom into a most horrid confusion. Our own Age furnishes us with more than one example of the same kind, attended with the like success. The Duke of Orleans was several times in arms against Lewis the 13th his Brother; the Queen-mother drew the Spaniards to favour him; Montmorency perish'd in his Quarrel; Fontrailles reviv'd it by a Treaty with Spain, which struck at the King's head as well as the Cardinal's, and was suppress'd by the death of Cing Mars and de Thou. Those who understand the Affairs of that Kingdom, make no doubt that the Count de Soiffons would have set up for himself, and bin follow'd by the best part of France, if he had not bin kill'd in the pursuit of his Victory at the Battel of Sedan. Since that time the Kingdom has suffer'd such Disturbances as shew, that more was intended than the removal of Mazarin: And the Marechal de Turenne was often told, that the check he gave to the Prince of Condé at Gien, after he had defeated Hoequingcourt, had preferv'd the Crown upon the King's Head. And to testify the Stability, good Order, and domestick Peace that accompanies Abolute Monarchy, we have in our own days seen the Houfe of Bourbon often divided within itself; the Duke of Orleans, the Count de Soiffons, and the Princes of Condé and Conti in war against the King; the Dukes of Angouleme, Vendome, Longueville, the Count de Moret, and other Baffards of the Royal Family, following their example; the Houfes of Gaife, D' Elbeuf, Bourbon, Nemours, Rochefoucault, and almost all the most eminent in France, with the Parliaments of Paris, Bourbon, and some others, joining with them. I might allude many more Examples, to shew that this Monarchy, as well as all others, has from the first establishment bin full of blood and slaughter, thro' the violence of those who poiffet the Crown, and the Ambition of such as aspire to it; and that the end of one Civil War has bin the beginning of
of another: But I presume upon the whole, these will be thought sufficient to prove, that it never enjoy'd any permanent Domestic Quiet.

The Kingdoms of Spain have bin no les disturb'd by the same means; but especially that of Castile, where the Kings had more power than in other places. To cite all the Examples, were to transcribe their Histories; but whoever has leisure to examine them will find, that after many troubles, Alphonfo the Second, notwithstanding his glorious firname of Wise, was depos'd by means of his ambitious Son: Don Alonso, firname'd El Desheredado, supplanted by his Uncle Don Sancho el Bravo: Peter the Cruel caft from the Throne, and kill'd by his baftard Brother the Condé de Trafamara. From the time of the above-nam'd Alphonfo to that of Ferdinand and Isabella, containing about two hundred years, so few of them paft without Civil Wars, that I hardly remember two together that were free from them: And whatsoever pretends that of late years that Monarchy has bin more quiet, muft, if he be ingenious, confess their Peace is rather to be imputed to the dexterity of removing such Persons as have bin moft likely to raise Disturbances (of which number were Don John of Austria, Don Carlos Son to Philip the Second, another of the fame name Son to Philip the Third, and Don Belthazar Son to Philip the Fourth) than to the reductiue of their Constitutions.

He that is not convince'd of these Truths by what has bin saied, may come nearer home, and fee what Mitchiefs were brought upon Scotland by the Contests between Baliol and Bruce, with their Consequences, till the Crown came to the Stuart Family; the quiet Reigns and happy Deaths of the five James's, together with the admirable Stability and Peace of the Government under Queen Mary, and the perfect Union in which she liv'd with her Husband, Son and People, as well as the Happinefs of the Nation whilst it lasted.

But the Miseries of England, upon the like occasions, surpass all. William the Norman was no sooner dead, but the Nation was rent in pieces by his eldest Son Robert, contending with his younger Sons William and Henry for the Crown. They being all dead and their Sons, the like happen'd between Stephen and Maud: Henry the Second was made King to terminate all Disputes, but it prov'd a fruitless Expedition: Such as were more scandalous, and not les dangerous, did soon arise between him and his Sons; who besides the Evils brought upon the Nation, vex'd him to death by their Rebellion. The Reigns of John and Henry the Third were yet more tempestuous. Edward the Second's lead, foolish, infamous and detestable Government, ended in his deposition and death, to which he was brought by his Wife and Son. Edward the Third employ'd his own and his Subjects Valor against the French and Scots; but whilst the Foundations were out of order, the Nation could never receive any advantage by their Victories: All was calculated for the Glory, and turn'd to the Advantage of one Man. He being dead, all that the English held in Scotland and in France, was lost thro' the baseless of his Successor, with more Blood than it had bin gain'd; and the Civil Wars rais'd by his wickednes and madness, ended as tho' he of Edward the Second had done. The Peace of Henry the Fourth's Reign was interrupted by dangerous Civil Wars; and the Victory obtain'd at Shrewsbury had not perhaps secu'red him in the Throne, if his Death had not prevented new Troubles. Henry the Fifth acquire'd such reputation by his

†  Vertue
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Virtue and Victories, that none dar'd to invade the Crown during his life; but immediately after his death the Storms prepar'd against his Family, broke out with the utmost violence. His Son's weakness encourag'd Richard Duke of York to set up a new Title, which produc'd such Mischief as hardly any People have suffer'd, unless upon the like occasion: For besides the slaughter of many thousands of the People, and especially of those who had bin accustom'd to Arms, the devastation of the best parts of the Kingdom, and the loss of all that our Kings had inherited in France, or gain'd by the blood of their Subjects, fourcore Princes of the Blood, as Philip de Commines calls them, dy'd in Battel, or under the hand of the Hangman. Many of the most noble Families were extinguish'd; others lost their most eminent Men. Three Kings and two presumptive Heirs of the Crown were murder'd, and the Nation brought to that shameful exigence, to set up a young Man to reign over them, who had no better cover for his forbid extraction than a Welch Pedegree, that might shew how a Tailor was descended from Prince Arthur, Cadwallader and Brutus. But the Wounds of the Nation were not to be heal'd with such a Plaister. He could not rely upon a Title made up of such stuff, and patch'd with a Marriage to a Prince of a very questionable birth. His own meanness inclin'd him to hate the Nobility; and thinking it to be as easy for them to take the Crown from him, as to give it to him, he industriously apply'd himself to clean up the Remainders of the House of York, from whence a Competitor might arise, and by all means to crush those who were most able to oppose him. This exceedingly weaken'd the Nobility, who held the Balance between him and the Commons, and was a great step towards the dissolution of our ancient Government: but he was so far from settling the Kingdom in peace, that such Rascals as Perkin Warbeck and Simnel were able to disturb it. The Reign of Henry the Eighth was turbulent and bloody; that of Mary furious, and such as had brought us into subjection to the most powerful, proud and cruel Nation at that time in the World, if God had not wonderfully protect'd us. Nay, Edward the Sixth, and Queen Elizabeth, notwithstanding the natural excellency of their Dispositions, and their knowledge of the Truth in matters of Religion, were forc'd, by that which men call Jealousy of State, to foul their hands so often with illurious Blood, that if their Reigns deserve to be accounted among the most gentle of Monarchys, they were more heavy than the Government of any Commonwealth; and yet their Lives were never secure against such as conspir'd against them upon the account of Title.

Having in some measure shew'd what Mischerys have bin usally, if not perpetually brought upon Nations subject to Monarchys by the violence of some Princes, and the bafenes, folly, and cowardice of others, together with what they have suffer'd in Contests for the several Crowns, whilif they men divided into divers Factions, strive with as much vehemency to advance the Perfon they favour, as if they or their Country were interested in the quarrel; and fight as fiercely for a Master as they might reasonably do to have none; I am not able to determin which of the two Evils is the most mortal. 'Tis evident the Vices of Princes refult to the Damage of the People; but whether Pride and Cruelty, or Stupidity and Sloth be the worst, I cannot tell. All Monarchys are subject to be afflicted with Civil Wars: but whether the most frequent and bloody do arise from the quarrels of divers Competitors for Crowns before any one
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Chap. II. gain the possession of them, or afterwards thro the fears of him that would keep what he has gain'd, or the rage of those who would wrest it from him, is not so easily decided. But Commonweaths are les troubled with those Diffemper. Women, Children, or such as are notoriously foolish or mad, are never advance'd to the Supreme Power. Whilst the Laws, and that Discipline which nourishes Virtue in force, Men of Wisdom and Valor are never wanting; and every man desires to give testimony of his Virtue, when he knows 'twill be rewarded with Honor and Power. If unworthy Persons creep into Magistracies, or are by mistake any way prefer'd, their Vices for the most part turn to their own hurt; and the State cannot easily receive any great damage by the incapacity of one who is not to continue in Office above a year; and is usually encompassed with those who having born, or are aspiring to the fame, are by their Virtue able to supply his defects; cannot hope for a Reward from one unable to corrupt 'em, and are sure of the favor of the Senat and People to support 'em in the defence of the publick Interests. As long as this good Order continues, private Quarrels are suppress'd by the Authority of the Magistrate, or prove to be of little effect. Such as arise between the Nobles and Commons frequently produce good Laws for the maintenance of Liberty, as they did in Rome for above three hundred years after the expulsion of Tarquin; and almost ever terminate with little or no blood. Sometimes the Errors of one or both Partys are discover'd by the discourse of a wise and good Man; and those who have most violently oppos'd one another become the best Friends, every one joining to remove the evil that causes the division. When the Senat and People of Rome seem'd to be most furiously incens'd against each other, the creation of Tribuns, communication of Honors and Marriages between the Patrician and Plebeian Familys, or the mitigation of Usury, compos'd all; and these were not only harmless things, but such as gave opportunities of correcting the defects that had bin in the first Constitution of the Government, without which they could never have attain'd to the Greatness, Glory and Happiness they afterwards enjoy'd. Such as had seen that People meeting in tumult, running thro the City, crying out against the Kings, Consuls, Senat, or Decemviri, might have thought they would have fill'd all with blood and slaughter; but no such thing happen'd. They declare no more than to take away the Kingdom which Tarquin had wickedly usurp'd; and never sought about so much as to punish one Minister of the mischief he had done, or to take away his Goods, till upon pretence of treating, his Embassadors by a new Treachery had cal'd the City into greater danger than ever. Tho the Decemviri had by the like Villanys equally provok'd the People, they were us'd with the like gentlenefs: Appius Claudius and Oppius having by voluntary death subfraacted themselves from publick punishment, their Collegues were only banish'd, and the Magistracies of the City reduc'd to the former order, without the effusion of more blood. They who contended for their just Rights, were fatify'd with the recovery of them; whereas such as follow the impulse of an unruly Ambition, never think themselves safe till they have destroy'd all that seem'd able to disturb them, and fatiared their rage with the blood of their Adversaries. This makes, as well as shews the difference between the Tumults of Rome, or the feecession of the common People to Mount Aventine, and the Battels of Towton, Teuxbury, Eveshal, Lewes, Hesham, Barnet, St. Albans, and Bosworth, 'Tis in vain to say these ought rather to be compar'd to those of Pharsalia, Actium, or Philippa; for
for when the Laws of a Commonwealth are abolifh'd, the Name also
caufes. Whatever is done by force or fraud to fet up the Interests and
Lufts of one man in opposition to the Laws of his Country, is purely
and abfolutely Monarchical. Whateuer paft between Marius, Sylia,
Cinna, Catiline, Cesar, Pompey, Crafius, Augustus, Antonius, and Lepi-
dus, is to be imputed to the Contests that arifc between Competitors for
Monarchy, as well as thofe that in the next age happen'd between Galba,
Obo, Vitellius, and Vepfian: Or, which is worse, whereas all men in
Commonwealths fight for themselves when there is occasion, and if they
fucced, enjoy the fruits of their Victory, fo as even thofe who remain
of the vanquifh'd party, partake of the Liberty thereby eftablisht, or
the good Laws thereupon made; fuch as follow'd the Ensigns of thofe
men who fought to fet up themselves, did, rather like brats than men,
hazard and fuffer many unspeakable evils to purchafe misery to them-
selves and their Politerity, and to make one their Master, who increafing
in Pride, Avarice, and Cruelty, was to be thrown down again with as
much Blood as he had bin fet up.

These things, if I mistake not, being in the left degree evident, I may
leave to our Author all the advantages he can gain by his rhetorical
Description of the Tumults of Rome, when Blood was in the Market-place
fucks up with Sponges, and the Jakes stuff'd with Carcafae; to which he may
add the crimes of Sylia's Life, and the miserys of his Death: But withal I
defire to know what number of Sponges were sufficient to suck up the
Blood of five hundred thoufand men in one day, when the Houfes of
David and Jeroboam contended for the Crown of Ifrael, or of four
hundred thoufand who fell in one barrel between Jofab and Amaziah on
the fame occasion; what Jakes were capacious enough to contain the
Carcafae thofe that perifh'd in the quarrels between the Succifors of
Alexander, the feveral Competitors for the Roman Empire; or thofe
which happen'd in France, Spain, England, and other places upon the like
occasions. If Sylia for some time actted as an abfolute Monarch, 'tis no
wonder that he dy'd like one, or that God punish'd him as Herod, Philip
the fecond of Spain, and fome others, because the hand of his fellow-Ci-
tizens had unjustly fpar'd him. If when he was become deteftable to
God and Man, he became alfo meriftable, his example ought to deter
others from the Crimes that are aveng'd by a Power which none can ef-
cape, and to encourage thofe who defend, or endeavour to recover their
violated Libertys, to act vigorously in a Caufe that God dos evidently
patronize.

S E C T. XXV.

Courts are more Subject to Venality and Corruption than
Popular Governments.

THO Court-flatterers impute many evils to Popular Governments
they no way deserve, I could not think any fo impudent as to lay
Corruption and Venality to their charge, till I found it in our Author.
They might in my opinion have taken thofe faults upon themselves, since
they certainly abound moft where Bawds, Whores, Buffoons, Players,
Slaves, and other base people who are naturally mercenary, are moft
prevalent.
prevalent. And whosoever would know whether this was more frequently befal Commonwealt hs than Monarchys, especially if they are absolute, need only to inquire whether the Cornelii, Junii, Fabii, Valerii, Quinti, Curi, Fabritii, and others who most prevailed in Rome after the expulsion of the Kings, or Sejanus, Macro, Narcissus, Pallas, Icteus, Tigellinus, Vinius, Laco, Agrrippina, Messalina, Lolita, Poppaz, and the like, were most subject to those base Vices: Whether it were more easy to corrupt one or two of those Villains and Strumpets, or the Senats and People of Rome, Carthage, Athens, and Sparta; and whether that fort of Rabble had more power over the Princes they serv'd, than such as most reframbled them had whilst the Popular Government continu'd. 'Tis in vain to say those Princes were wicked and vile, for many others are so likewise; and when the Power is in the hands of one man, there can be no assurance he will not be like them. Nay, when the Power is so plac'd, ill men will always find opportunities of compassing their desires: Bonus, cautos, optimus Imperator venditur, said Dioclesian; and tho he was no unwise man, yet that which principally induc'd him to renounce the Empire, was the impossibility he found of defending himself against those that were in credit with him, who daily betray'd and fold him. They see with the eyes of other men, and cannot refit the frauds that are perpetually put upon them. Antonius Pius and Marcus Aurelius seem'd to have bin the best and wisest of all the Roman Emperors; but the two Faustina's had such an ascendant over them, as was most shameful to their persons, and mischievous to the Empire and the best men in it. Such as these may gain too much upon the affections of one man in the best regulated Government; but that could be of no great danger to the Publick, when many others equal, or not much inferior to him in authority, are ready to oppose whatever he should endeavour to promote by their impulse: but there is no remedy when all depends upon the Will of a single person who is govern'd by them. There was more of acuteness and jett, than of truth in that saying of Themistocles, That his little boy had more power than any man in Greece; for he govern'd his Mother, his him, he Athens, and Athens Greece. For he himself was found to have little power, when for private passions and concerns he departed from the interest of the Publick; and the like has bin found in all places that have bin govern'd in the like manner.

Again; Corruption will always reign most, where those who have the power do most favour it, where the rewards of such Crimes are greatest, easiest and most valued, and where the punishment of them is least feared.

1. For the first, we have already prov'd that Liberty cannot be preferred, if the manners of the People are corrupted, nor absolute Monarchy introduc'd where they are sincere; which is sufficient to shew that those who manage free Governments ought always to the utmost of their power to oppose Corruption, because otherwise both they and their Government must inevitably perish; and that on the other hand, the absolute Monarch must endeavour to introduce it, because he cannot subsist without it. 'Tis also so natural for all such Monarchs to place men in power who pretend to love their Persons, and will depend upon their pleasure, that possibly 'twould be hard to find one in the world who has not made it the rule of his Government: And this is not only the way to corruption, but the most dangerous of all. For tho a good man may love a good Monarch, he will obey him only when he commands that which
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is just; and no one can engage himself blindly to do whatever he is commanded, without renouncing all Vertue and Religion; because he knows not whether that which shall be commanded is consistent with either, or directly contrary to the Laws of God and Man. But if such a Monarch be evil, and his Actions such as they are too often found to be, whoever bears an affection to him, and seconds his designs, declares himself an Enemy to all that is good; and the advancement of such men to power does not only introduce, foment, and increase Corruption, but fortifies it in such a manner, that without an entire renovation of that State, it cannot be removed. Ill men may possibly creep into any Government; but when the worst are plac'd nearest to the Throne, and rais'd to Honors for being so, they will with that force endeavour to draw all men to a conformity of Spirit with themselves, that it can no otherwise be prevented, than by destroying them and the Principle in which they live.

2. To the second; Man naturally follows that which is good, or seems to him to be so. Hence it is that in well-govern'd States, where a value is put upon Vertue, and no one honor'd unless for such Qualities as are beneficial to the Publick, men are from the tenderest years brought up in a belief, that nothing in this world deserves to be fought after, but such Honors as are acquire'd by virtuous Actions: By this means Vertue it self becomes popular, as in Sparta, Rome, and other places, where Riches (which with the Vanity that follows them, and the Honors men give to them, are the root of all evil) were either totally banish'd, or little regarded. When no other advantage attended the greatest Riches than the opportunity of living more sumptuously or deliciously, men of great Spirits flighted them. When Aristippus told Cleanthes, that if he would go to Court and flatter the Tyrant, he need not seek his Supper under a hedge; the Philosopher answer'd, that he who could content himself with such a Supper, need not go to Court, or flatter the Tyrant. Epaminondas, Aristides, Phocion, and even the Lacedemonian Kings, found no inconvenience in Poverty, whilst their Vertue was honor'd, and the richest Princes in the world fear'd their Valor and Power. It was not difficult for Curius, Fabricius, Cincinnatus, or Emilius Paulus, to content themselves with the narrowest Fortune, when it was no obstacle to them in the pursuit of those Honors which their Vertues deserv'd. 'Twas in vain to think of bribing a man who sup'd upon the Coleworts of his own Garden. He could not be gain'd by Gold, who did not think it necessary. He that could rise from the Plow to the triumphal Chariot, and contentedly return thither again, could not be corrupted; and he that left the fene of his Poverty to his Executors, who found not wherewith to bury him, might leave Macedon and Greece to the pillage of his Soldiers, without taking to himself any part of the Booty. But when Luxury was brought into fashion, and they came to be honor'd who liv'd magnificently, tho they had in themselves no qualities to distinguish them from the basest of Slaves, the most vertuous men were expos'd to scorn if they were poor; and that poverty which had bin the mother and nurse of their Vertue, grew insupportable. The Poet well understood what effect this change had upon the World, who said,

Nullum crimen absit facinusque libidinis, ex quo Paupertas Romana perit. Juven.

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When Riches grew to be necessary, the desire of them, which is the spring of all mischief, follow'd. They who could not obtain Honors by the noblest Actions, were oblig'd to get Wealth, or purchase them from Whores and Villains, who expos'd them to sale: and when they were once enter'd into this track, they soon learn'd the Vices of those from whom they had receiv'd their Preferment, and to delight in the ways that had brought them to it. When they were come to this, nothing could stop them: All thought and remembrance of good was extinguish'd. They who had bought the Commands of Armies or Provinces, from Jetus or Narcissus, fought only how to draw Mony from them, to enable them to purchase higher Dignities, or gain a more affur'd protection from those Patrons. This brought the Government of the World under a most infamous Traffick; and the Treasures arising from it were, for the most part, dissipat'd by worse vices, than the Rapine, Violence and Fraud with which they had bin gotten. The Authors of those Crimes had nothing left but their Crimes, and the necessity of committing more, thro' the indigence into which they were plung'd by the extravagance of their Expences. These things are inseparable from the life of a Courtier: for as servile Nature are guided rather by sense than reason, such as addict themselves to the service of Courts, find no other consolation in their misery, than what they receive from sensual pleasures, or such vanities as they put a value upon; and have no other care, than to get Mony for their supply by beggling, stealing, bribing, and other infamous practices. Their Offices are more or lesse esteem'd according to the opportunities they afford for the exercitc of these Vices; and no man seeks them for any other end than for gain, nor takes any other way than that which conduceth to it. The usual means of attaining them are, by observing the Prince's Humor, flattering his Vices, serving him in his Pleasures, somenting his Passions, and by advancing his worst Designs, to create an opinion in him that they love his person, and are entirely addicted to his Will. When Valor, Industry and Wisdom advance'd men to Offices, it was no easy matter for a man to persuade the Senat he had such Qualities as were requir'd, if he had them not: But when Princes seek only such as love them, and will do what they command, 'tis easy to impose upon them; and because none that are good will obey them when they command that which is not so, they are always encompass'd by the worst. Those who follow them only for Reward, are most liberal in professing affection to them, and by that means rise to places of Authority and Power. The Fountain being thus corrupted, nothing that is pure can come from it. These mercenary Wretches having the management of Affairs, Justice and Honors are set at a price, and the most lucrative Traffick in the world is thereby establish'd. * Eutropius when he was a Slave, us'd to pick Pockets and Locks; but being made a Minister, he sold Cities, Armies and Provinces: and some have undertaken to give probable reasons to believe, that Pallas, one of Claudius's mansumis'd Slaves, by these means brought together more Wealth in six years, than all the Roman Dictators and Consuls had done from the expulsion of the Kings to their paffage into Asia. The reit walk'd in the same way, us'd the same arts, and many of them succeeded in the same manner. Their Riches consisted not of Spoils taken from Enemies, but were the base product of their own corruption. They valu'd nothing but Mony, and

* —— Nunc ubierrae rapina Percet in ore manam. Claud.,

those
those who could bribe them, were sure to be advance'd to the highest Offices; and whatever they did, fear'd no punishment. Like Effects will ever proceed from the like Causes. When Vanity, Luxury and Prodigality are in fashion, the desire of Riches must necessarily increase in proportion to them: And when the Power is in the hands of base mercenary persons, they will always (to use the Courtiers phrase) make as much profit of their places as they can. Not only matters of Favor, but of Justice too, will be expos'd to sale; and no way will be open to Honors or Magistracies, but by paying largely for them. He that gets an Office by these means, will not execute it gratefully: he thinks he may sell what he has bought; and would not have enter'd by corrupt ways, if he had not intended to deal corruptly. Nay, if a well-meaning man should suffer himself to be so far carry'd away by the stream of a prevailing Custom, as to purchase Honors of such Villains, he would be oblig'd to continue in the same course, that he might gain Riches to procure the continuance of his Benefactors protection, or to obtain the favor of such as happen to succeed them: And the corruption thus beginning in the Head, must necessarily diffuse it itself into all the Members of the Commonwealth. Or, if any one (which is not to be expected) after having bin guilty of one Villany, should resolve to commit no more, it could have no other effect than to bring him to ruin; and he being taken away, all things would return to their former channel.

Besides this, whoever desires to advance himself, must use such means as are fuitable to the time in which he lives, and the humor of the persons with whom he is to deal. It had bin as absurd for any man void of merit to set himself up against Janius Brutus, Cincinnatus, Papirius Cursor, Camillus, Fabius Maximus, or Scipio; and by bribing the Senate and People of Rome, think to be chosen Captain against the Tarquins, Tusculus, Latins, Sammites, Gauls or Carthaginians, as for the most vertuous men by the most certain proofs of their Wisdom, Experience, Integrity and Valor, to expect advancement from Caligula, Claudius, and Nero, or the least Wretches that govern'd them. They hated and fear'd all those that excel'd in Vertue, and setting themselves to destroy the best for being the best, they pluck'd the strength of the Government in the hands of the worst, which produc'd the effects beforemention'd. This seems to have bin so well known, that no man pretended to be great at Court, but those who had cast off all thoughts of honor and common honesty: Revertar cum Leno, Meretrix, Scarru, Cinedus ero, said one who saw what manners prevail'd there; and wherever they do prevail, such as will rise, must render themselves conformable in all corruption and venality. And it may be observ'd, that a noble Person now living amongst us, who is a great enemy to Bribery, was turn'd out from a considerable Office, as a scandal to the Court; for, said the principal Minister, he will make no profit of his place, and by that means calls a scandal upon those that do.

If any man say, this is not generally the fate of all Courts, I confess it; and that if the Prince be just, vertuous, wife, of great Spirit, and not pretending to be absolute, he may chuse such men as are not mercenary, or take such a course as may render it hard for them to deferve Bribes, or to preserve themselves from punishment, if they should defect from his intention. And a Prince of this Age, speaking familiarly with some great Men about him, said, he had heard much of vast Gains made by those who were near to Princes, and ask'd if they made the like? one
of them answer'd, that they were as willing as others to get something, but that no man would give them a farthing; for every one finding a free admittance to his Majesty, no man needed a Solicitor: And it was no lefs known that he did of himself grant those things that were juft, than that none of them had so much credit as to promote such as were not so. I will not say such a King is a Phenix; perhaps more than one may be found in an Age; but they are certainly rare, and all that is good in their Government proceeding from the excellency of their personal Vertues, it must fail when that Vertue fails which was the root of it. Experience shews how little we can rely upon such a help; for where Crowns are hereditary, Children feldom prove like to their Fathers; and such as are elective have also their defects. Many seem to be modest and innocent in private Fortunes, who prove corrupt and vicious when they are rais'd to Power. The violence, pride and malice of Saul, was never discover'd till the People had plac'd him in the Throne. But where the Government is Absolute, or the Prince endeavours to make it fo, this integrity can never be found: He will always seek such as are content to depend upon his Will, which being always unruly, good men will never comply; ill men will be paid for it, and that opens a gap to all manner of corruption. Something like to this may befall regular Monarchys, or popular Governments. They who are plac'd in the principal Offices of trust, may be treacherous; and when they are fo, they will always by these means seek to gain Partizans and Dependents upon themselves. Their designs being corrupt, they must be carry'd on by corruption: But such as would support Monarchy in its regularity, or popular Governments, must oppose it, or be destroy'd by it. And nothing can better manifest how far Absolute Monarchys are more subject to this venality and corruption than the regular and popular Governments, than that they are rooted in the principle of the one, which cannot subsist without them; and are fo contrary to the others, that they must certainly perish unless they defend themselves from them.

If any man be so far of another opinion, as to believe that Brutus, Camillus, Scipio, Fabius, Hannibal, Pericles, Aristides, Agesilaus, Eumenes or Pelopidas, were as easily corrupted as Sejanus, Tigellinus, Vinius or Laco: That the Senate and People of Rome, Carthage, Athens, Sparta or Thebes, were to be bought at as easy rates as one profligate Villain, a Slave, an Eunuch or a Whore; or tho' it was not in former Ages, yet it is so now: he may be pleas'd to confider by what means men now rise to places of Judicature, Church-preferment, or any Offices of trust, honor or profit under those Monarchys which we know, that either are or would be absolute. Let him examin how all the Offices of Justice are now dispos'd in France; how Mazarin came to be advanced; what traffick he made of Abbeys and Bishopricks, and what treaures he gain'd by that means: Whether the like has not continu'd since his death, and as a laudable Example bin tranfmitted to us since his Majesty's happy reftoration: Whether Bauds, Whores, Thieves, Buffoons, Parasites, and fuch vile wretches as are naturally mercenary, have not more Power at Whitehall, Versailles, the Vatican, and the Escorial, than in Venice, Amsterdam, and Switzerland: Whether H-de, Arl-ngt-n, Donby, their Grace's of Cleveland and Portsmouth, S-n-dr-rlnd, Jenkins or Chiffinch, could probably have attain'd such Power as they have had amongst us, if it had bin dispos'd by the Suffrages of the Parliament and People: Or laftly, Whether fuch as know only how to work upon the perfonal Vices of a man, have more influence
influence upon one who happens to be born in a reigning Family, or upon Sect. 26.
a Senat consisting of men chosen for their Vertues and Quality, or the
whole Body of a Nation.

But if he who possest or affects an absolute Power be by his interest
led to introduce that corruption which the People, Senat, and Magistrates
who uphold Popular Governments, abhor, as that which threatens them
with destruction: if the example, arts, and means us'd by him and his
dependents be of wonderful efficacy towards the introduction of it: if
nothing but an admirable Vertue, which can hardly be in one that enjoys
or desires such a Power, can divert him from that design; and if such
Vertue never did, nor probably ever will continue long in any one Family,
we cannot rationally believe there ever was a race of men invovled
with, or possesting such a Power, or that there will ever be any, who
have not and will not endeavour to introduce that corruption, which is
so necessary for the defence of their Persons, and most important Concern-
ments, and certainly accomplish their great Design, unless they are op-
pos'd or remov'd.

S E C T. XXVI.

Civil Tumults and Wars are not the greatest Evils that
besal Nations.

But skin for skin, says our Author, and all that a man has will be give
for his life. And since it was necessary to grace his Book with some
Scripture-phrases, none could be fitter for that purpose than those that
were spoken by the Devil; but they will be of little use to him: For tho
I should so far recede from truth, as to avow those words to be true, I
might safely deny the Conclusions he draws from them, That those are
the worst Governments under which most men are slain; or, that more are slain
in Popular Governments than in Absolute Monarchys. For having prov'd
that all the Wars and Tumults that have happen'd in Commonwealsth,
have never produc'd such slaughters as were brought upon the Empires of
Macedon and Rome, or the Kingdoms of Israel, Judah, France, Spain,
Scotland or England, by Contests between several Competitors for those
Crows; if Tumult, War, and Slaughter, be the point in question,
those are the worst of all Governments where they have bin most frequent
and cruel. But tho these are terrible Scourges, I deny that Govern-
ment to be simply the worst that has most of them. 'Tis ill that men
should kill one another in Seditions, Tumults and Wars; but 'tis worse
to bring Nations to such misery, weakneds and bafleness, as to have nei-
ther strength nor courage to contend for any thing; to have nothing left
worth defending, and to give the name of Peace to desolation. I take
Greece to have bin happy and glorious, when it was full of populous Ci-
tys, flourishing in all the Arts that deserve praise among men: When
they were courted and fear'd by the greatest Kings, and never assaulted
by any but to his own los and confusion: When Babylon and Susa trem-
bled at the motion of their Armes; and their valor exercis'd in those Wars
and Tumults, which our Author looks upon as the greatest Evils, was
rais'd to such a power that nothing upon Earth was found able to resis-
t them: and I think it now miserable, when Peace reigns within their
empty
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Chap. II. empty walls, and the poor remains of those exhausted Nations sheltering themselves under the ruins of the desolated Citys, have neither any thing that deserves to be disputed amongst them, nor spirit or force to repel the Injuries they daily suffer from a proud and insupportable Master.

The like may be said of Italy: Whilst it was inhabited by Nations governing themselves by their own Will, they fell sometimes into domestic Seditions, and had frequent Wars with their Neighbors. When they were free, they lov'd their Country, and were always ready to fight in its defence. Such as succeded well, increas'd in vigor and power; and even those that were the most unfortunate in one Age, found means to repair their greatest losses if their Government continued. Whilst they had a propriety in their goods, they would not suffer the Country to be invaded, since they knew they could have none if it were lost. This gave occasion to Wars and Tumults; but it sharpen'd their Courage, kept up a good Disciplin, and the Nations that were most exercis'd by them, always increas'd in power and number; so that no Country seems ever to have bin of greater strength than Italy was when Hannibal invaded it: and after his defeat, the rest of the World was not able to refit their Valor and Power. They sometimes kill'd one another; but their Enemies never got any thing but burying-places within their Territory. All things are now brought into a very different method by the blest Governments they are under. The fatherly care of the King of Spain, the Pope, and other Princes, has establish'd Peace amongst them. We have not in many Ages heard of any Sedition among the Latins, Sabins, Volsci, Equi, Samnites, or others. The thin, half-starv'd Inhabitants of Walls supported by Ivy, fear neither popular Tumults, or foreign Alarms; and their sleep is only interrupted by Hunger, the cries of their Children, or the howling of Wolves. Instead of many turbulent, contentious Citys, they have a few scatter'd silent Cottages; and the fierceness of those Nations is temper'd, that every rascally Collector of Taxes extorts without fear from every man, that which should be the nourishment of his Family. And if any of those Countries are free from that pernicious Vermin, 'tis thro' the extremity of their Poverty. Even in Rome a man may be circumventied by the fraud of a Priest, or poison'd by one who would have his Estate, Wife, Whore, or Child; but nothing is done that looks like Tumult or Violence. The Governors do as little fear Gracchus as Hannibal; and instead of wearying their Subjects in Wars, they only seek, by perverted Laws, corrupt Judges, falfe Witneffes, and vexatious Suits, to cheat them of their Mony and Inheritance. This is the best part of their condition. Where these Arts are us'd, there are men, and they have something to lose; but for the most part the Lands ly waft, and they who were formerly troubled with the disorders incident to populous Citys, now enjoy the quiet and peaceable estate of a Wilderness.

Again; there is a way of killing worse than that of the Sword: for as Tertullian lays upon a different occasion, prohibere nasce est occidere; those Governments are in the highest degree guilty of Blood, which by taking from men the means of living, bring some to perifh thro' want, drive others out of the Country, and generally diffuade men from marriage, by taking from them all ways of subsifting their Families. Notwithstanding all the Seditions of Florence, and other Citys of Tuscany, the horrid Factions of Guelphs and Gibelins, Neri and Bianchi, Nobles and Commons, they
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they continu'd populous, strong, and exceeding rich; but in the space of less than a hundred and fifty years, the peaceable Reign of the Medeis is thought to have destroy'd nine parts in ten of the people of that Province. Amongst other things 'tis remarkable, that when Philip the second of Spain gave Siena to the Duke of Florence, his Embassador then at Rome sent him word, that he had given away more than six hundred and fifty thousand Subjects; and 'tis not believ'd there are now twenty thousand Souls inhabiting that City and Territory. Pisa, Pistoia, Arezzo, Cortona, and other Towns that were then good and populous, are in the like proportion diminu'd, and Florence more than any. When that City had bin long troubled with Seditions, Tumults, and Wars, for the most part unprosperous, they still retain'd such strength, that when Charles the eighth of France being admitted as a Friend with his whole Army, which soon after conquer'd the Kingdom of Naples, thought to matter them, the people taking up Arms struck such a terror into him, that he was glad to depart upon such conditions as they thought fit to impose. Machiavel reports, that in that time Florence alone, with the Vald'Arno, a small Territory belonging to that City, could, in a few hours, by the found of a Bell, bring together a hundred and thirty five thousand well arm'd men; whereas now that City, with all the others in that Province, are brought to such despicable weakness, emptiness, poverty and baseness, that they can neither reft the oppressions of their own Prince, nor defend him or themselves if they were assaulted by a foreign Enemy. The People are divers'd or destroy'd, and the best Families sent to seek Habitations in Venice, Genoa, Rome, and Lucca. This is not the effect of War or Pefilence; they enjoy a perfect peace, and suffer no other plague than the Government they are under. But he who has thus cur'd 'em of Disorders and Tumults, dos, in my opinion, deserve no greater praise than a Phyfician, who should boast there was not a sick person in a house committed to his care, when he had poison'd all that were in it. The Spaniards have establish'd the like peace in the Kingdoms of Naples and Sicily, the West Indies, and other places. The Turks by the fame means prevent Tumults in their Dominion. And they are of such efficacy in all places, that Mario Chigi, Brother to Pope Alexander the seventh, by one fordid cheat upon the sale of Corn, is faid within eight years to have destroy'd above a third part of the people in the Ecclefaftical State; and that Country, which was the strength of the Romans in the time of the Carthaginian Wars, suffer'd more by the covetousnefs and fraud of that Villain, than by all the defeats receive'd from Hannibal.

'Twere an endless work to mention all the places where this peaceable solitude has bin introduc'd by absolute Monarchy; but Popular and regular Governments have always apply'd themselves to increase the Number, Strength, Power, Riches, and Courage of their People, by providing comfortable ways of subsistence for their own Citizens, inviting Strangers, and filling them all with such a love to their Country, that every man might look upon the publick Cause as his own, and be always ready to defend it. This may sometimes give occasion to Tumults and Wars, as the most vigorous Bodys may fall into Distemper: When every one is folicitous for the Publick, there may be difference of opinion, and some by miftaking the way may bring prejudice when they intend profit: But unless a Tyrant dos arise, and destroy the Government which is the root of their felicity; or they be overwhelm'd by the irrefi-
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Chap. II. cover, and for the most part rise up in greater Glory and Prosperity than before. This was seen in the Commonwealths of Greece and Italy, which for this reason were justly called Nurseries of Virtue, and their Magistrates Prefervers of men; whereas our Author’s peace-making Monarchs can deserve no better title than that of Enemies and Destroyers of Mankind.

I cannot think him in earnest when he exaggerates Sylla’s Crueltys, as a proof that the mischiefs suffer’d under free States are more universal than under Kings and Tyrants: For there never was a Tyrant in the World if he was not one; tho’ thro’ weariness, infirmity of body, fear, or perhaps the horror of his own wickedness, he at length resign’d his Power; but the evil had taken root so deep, that it could not be remove’d: There was nothing of Liberty remaining in Rome: The Laws were overthrown by the violence of the Sword; the remaining Contest was who should be Lord: and there is no reason to believe that if Pompey had gain’d the Battle of Pharsalia, he would have made a more modest use of his Victory than Cesar did; or that Rome would have bin more happy under him than under the other. His Caufe was more plausible because the Senate follow’d him, and Cesar was the Invader; but he was no better in his person, and his designs seem to have bin the fame. He had bin long before fuerum legum author & everfor. He gave the beginning to the first Triumphat; and ’twere folly to think that he who had bin infolent when he was not come to the highest pitch of Fortune, would have prov’d moderate if success had put all into his hands. The proceedings of Marius, Cinna, Catiline, Otho, and Antonius were all of the fame nature. No Laws were observ’d: no publick Good intended; the ambition of private persons reign’d; and whatsoever was done by them, or for their interests, can no more be apply’d to Popular, Aristocratical or mix’d Governments, than the furys of Caligula and Nero.

Sect. XXVII.

The Mischiefs and Crueltys proceeding from Tyranny, are greater than any that can come from Popular or mix’d Governments.

Now time to examine the reasons of our Author’s general Maxims. The Crueltys, says he, of a Tyrant extend ordinarily no farther than some particular men that offend him, and not to the whole Kingdom. It is truly said of his late Majesty King James, A King can never be so notoriously vicious, but he will generally favour Justice, and maintain some order. Even cruel Domitian, Dionysius the Tyrant, and many others are commended in Histories as great observers of Justice, except in particular cases, wherein his inordinate lufts may carry him away. It may be said of Popular Governments, that tho’ a People thro’ error do sometimes hurt a private person, and that injury may possibly result to the publick damage, because the man that is offended or destroy’d, might have bin useful to the Society, yet they never do it otherwise than by error: For having the Government in themselves, whatever is prejudicial to it, is fo to them; and if they ruin it, they ruin themselves, which no man ever did willingly and knowingly. But in absolute Monarchy the matter is quite otherwise. A Prince that sets up an interest in himself, becomes an Enemy to the Publick: in following his own lufts he offends all, except a few of his corrupt Creatures,
by whose help he oppresses others with a Yoke they are unwilling to bear, and thereby incurs the universal hatred. This hatred is always proportionable to the injuries receiv'd, which being extreme, must be so too; and every People being powerful in comparison to the Prince that governs, he will always fear those that hate him, and always hate those he fears. When Luigi Farnese first Duke of Parma had by his Tyranny incens'd the People of that small City, their hatred was not less mortal to him than that of the whole Empire had bin to Nero; and as the one burnt Rome, the other would have destroy'd Parma, if he had not bin prevented. The like has bin, and will be every where, in as much as every man endeavours to destroy those whom he hates and fears; and the greatest of the danger often drives this * fear to rage and madness. For this reason Caligula with'd but one Neck to all the People; and Nero triumph'd over the burning City, thinking by that ruine he had prevented his own danger. I know not who the good Authors are that commend Domitian for his Justice: but Tacitus calls him Principem virtutibus infestos; and 'tis hard to find out how such a man can be an observer of justice; unless it be just, that whoever dares to be vertuous under a vicious and base Prince should be destroy'd. Another † Author of the fame time speaking of him, dos not say he was unjust, but gives us reason to think he was so (unless it were just for him, who had a power over the best part of the World, to destroy it) and that he who by his cruelty had brought it to the last gap, would have finish'd the work, if his rage had not bin extinguish'd.

Many Princes not having in themselves power to destroy their People, have stirr'd up foreign Nations against them, and plac'd the only hopes of their safety in the publick Calamity; and lawful Kings when they have fallen into the first degree of madness, so as to assume a power above that which was allow'd by the Law, have in fury prov'd equal to the worst Usurers. Clemens of Sparta was of this fort: He became, says Plutarch, an Enemy to the City, because they would not allow him the absolute Power he affected; and brought Pyrrhus, the fiercest of their Enemies, with a mighty and excellently well disciplin'd Army, to destroy them. Portigera the Briton call'd in the Saxons with the ruin of his own People, who were incens'd against him for his Leudness, Cruelty, and Bafeness. King John for the like reasons offer'd the Kingdom of England to the Moors, and to the Pope. Peter the Cruel, and other Kings of Castile brought vast Armies of Moors into Spain to the ruin of their own People, who deftroy'd their Vices, and would not part with their Privileges. Many other examples of the like nature might be add'd; and I with our own experience did not too well prove that such defigns are common. Let him that doubts this examin the Caufes of the Wars with Scotland in the Years 1639, 1640; the slaughters of the Protestants in Ireland 1641; the whole course of Alliances and Treatys for the Space of fourscore Years; the friendship contracted with the French; frequent Quarrels with the Dutch, together with other circumstances that are already made too publick. If he be not convinc'd by this, he may soon fee a man in the Throne, who had rather be a Tributary to France than a lawful King of England, whilst either Parliament or People shall dare to dispute his

* Cunfa ferit dum cunfa timet. Lucan.
† Cum juxta seneniam lucrare Flavius orchem.

Tertius, & calvo serviret Roma Tyranno. Tacit. in Vit. Agric.

B 2

Plac. Vit.

Pyrrh.
**Discourses concerning Government.**

**Chap. II.** Commands, insist upon their own Rights, or defend a Religion inconsistent with that which he has espous'd; and then the truth will be so evident as to require no proof.

**Grotius** was never accus'd of dealing hardly with Kings, or laying too much weight upon imaginary cases; nevertheless amongst other reasons that in his opinion justify Subjects in taking arms against their Princes, he adduces this, *propert immannem sevitation, and quando Rex in Populi exitium fertur*; in as much as it is contrary to, and inconsistent with the ends for which Governments are instituted: which were most impertinent, if no such thing could be; for that which is not, can have no effect. There are therefore Princes who seek the destruction of their People, or none could be justly oppos'd on that account.

If King James was of another opinion, I could with the course of his Government had bin suited to it. When he said that whilst he had the power of making Judges and Bishops, he would make that to be Law and Gospel which bel't pleas'd him, and accordingly fill'd those places with such as turn'd both according to his Will and Interests; I must think that by overthrowing Justice, which is the rule of civil and moral Actions, and perverting the Gospel which is the light of the spiritual man, he left nothing unattempted that he durst attempt, by which he might bring the most extensive and universal evils upon our Nation that any can suffer. 'Tis would stand good, tho' Princes never err'd, unless they were transported with some inordinate Lusts; for 'tis hard to find one that does not live in the perpetual power of them. They are naturally subject to the impulse of such appetites as well as others; and whatever evil reigns in their Nature is fomented by Education. 'Tis the handle by which their Flatterers lead them; and he that discovers to what Vice a Prince is most inclin'd, is sure to govern him by rending himself subservient. In this consists the chief art of a Courtier, and by this means it comes to pass that such Lusts as in private men are curb'd by fear, do not only rage as in a wild Beast, but are perpetually inflamm'd by the malice of their own Servants: their hatred to the Laws of God or Men that might restrain them, increases in proportion with their Vices, or their fears of being punish'd for them. When they are come to this, they can set no limits to their fury, and there is no extravagance into which they do not frequently fall. But many of 'em do not expect these violent motives: the perversity of their own nature carries them to the extremity of evil. They hate Vertue for its own sake, and vertuous men for being most unlike to themselves. Vertue is the dictate of Reason, or the remains of Divine Light, by which men are made beneficent and beneficial to each other. Religion proceeds from the same spring, and tends to the same end; and the good of Mankind so entirely depends upon these two, that no People ever enjoy'd any thing worth desiring that was not the product of them; and whatsoever any have suffer'd that deserves to be abhor'd and fear'd, has proceeded either from the defect of these, or the wrath of God against them. If any Prince therefore has bin an enemy to Vertue and Religion, he must also have bin an enemy to Mankind, and most especially to the People under him. Whatsoever he does against those that excel in Vertue and Religion, tends to the destruction of the People who subsist by them. I will not take upon me to define who they are, or to tell the number of those that do this; but 'tis certain there have bin such; and I wish I could say they were few in number, or that they had liv'd only in past ages. **Tacitus** doth not fix this upon one Prince, but upon
upon all that he writes of; and to give his Readers a taft of what he was to write, he says, that Nobility and Honours were dangerous, but that Virtue brought most certain destruction; and in another place, that after the slaughter of many excellent men, Nero resolved to cut down Virtue itself; and therefore killed Thraexas Petrus and BareaeSoranus. And whofeover examines the Christian or Ecclefiaftical Historians, will find thofe Princes to have bin no lefs enemies to Virtue and Religion than their Predecessors, and consequently enemies to the Nations under them, unlefs Religion and Virtue be things prejudicial or indifferent to Mankind.

But our Author may fay, these were particular cafes; and fo was the slaughter of the Prophets and Apoftles, the crucifixion of Chrift, and all the Villanies that have ever bin committed; yet they proceeded from a universal principle of hatred to all that is good, exerting it felf as far as it could, to the ruin of mankind: And nothing but the overruling Power of God, who revolving to preferve to himfelf a People, could fet bounds to their Rage, which in other refpefts had as full succefs as our Author or the Devil could have with'd.

Dionyfus (his other example of Justice) deserves observation: More fallhood, leudnefs, treachery, ingratitude, cruelty, bafenefs, avarice, impudence and hatred to all manner of Good, was hardly ever known in a mortal Creature. For this reafon Diogenes feeing him at Corinth, tho in a poor and contemptible condition, faid, he rather deferv'd to have continued in the misery, fears and villanies of his Tyranny, than to be fuffer'd peaceably to converfe with honeft men. And if fuch as thofe are to be call'd obervers of Justice, it muft be concluded that the Laws of God and of Men, are either of no value, or contrary to it; and that the destruction of Nations is a better work than their prefervation. No Faith is to be oberv'd; Temples may be jufly fack'd; the beft men flain for daring to be better than their Masters; and the whole World, if it were in the power of one Man, rightly torn in pieces and deftroy'd. His Reasons for this are as good as his Doctrin: It is, fays he, the multitude of people and abundance of riches, that are the glory and strength of every Prince: the bodies of his Subjefts do him service in War, and their goods suply his wants. Therefore if not out of affection to his people, yet out of natural love unto himfelf, every Tyrant desires to prefserve the lives and goods of his Subjefts. I should have thought that Princes, tho Tyrants, being God's Vicegerents, and Fathers of their People, would have fought their good, tho no advantage had thereby redounded to themselves, but it seems no fuch thing is to be expected from them. They confider Nations, as Graffers do their Herds and Flocks, according to the profit that can be made of them: and if this be fo, a People has no more fecurity under a Prince, than a Herd or Flock under their Mafter. Tho he defire to be a good Husband, yet they muft be deliver'd up to the slaughter when he finds a good Market, or a better way of improving his Land; but they are often foolifh, riotous, prodigal, and wantonly destroy their Stock, tho to their own prejudice. We thought that all Princes and Magiftrates had bin fet up, that under them we might live quietly and peaceably, in all godlinefs and honeftly: but our Author teaches us, that they only seek what they can make of our Bodies and Goods, and that they do not live and reign for us, but for themfelves. If this be true, they look upon us not as Children, but as Beasts; nor do us any good for our own fakes, or because it is their duty, but only that we may be usefull to them, as Oxen are put into plentiful Pastures that they may be strong for labour,
or fit for slaughter. This is the divine Model of Government that he offers to the World. The just Magistrate is the Minister of God for our good; but this Absolute Monarch has no other care of us, than as our Riches and Multitude may increase his own Glory and Strength. We might easily judge what would be the issue of such a Principle, when the Being of Nations depending upon his will, must also depend upon his opinion whether the Strength, Multitude and Riches of a People do conduct to the increase of Glory and Power or not, the Histories were silent in the case; for these things speak of themselves. The judgment of a single man is not to be rely'd upon; the best and wisest do often err, the foolish and perverse always; and our discourse is not of what Moses or Samuel would do, but what may come into the fancy of a furious or wicked man who may usurp the supreme Power, or a child, a woman, or a fool, that may inherit it. Besides, the Proposition upon which he builds his Conclusion, proves often false: for as the Riches, Power, Number and Courage of our Friends is for our advantage, and that of our Enemy's threatens us with ruin; those Princes only can reasonably believe the Strength of their Subjects beneficial to them, who govern as to be affur'd of their Affection, and that their Strength will be employ'd for them: But those who know they are, or justly defer to be hated, cannot but think it will be employ'd against them, and always seek to diminish that which creates their danger. This must certainly befall as many as are lend, foolish, negligent, imprudent, cowardly, wicked, vicious, or in any way unworthy the places they obtain; for their Reign is a perpetual exercise of the most extreme and ruinous Injustice: Every man that follows an honest Interest, is prejudic'd: Every one who finds the Power that was ordain'd for his good, to be turn'd to his hurt, will be angry and hate him that does it: If the People be of uncorrupted manners, this hatred will be universal, because every one of them desires that which is just; if compas'd of good and evil, the first will always be averse to the evil Government, and the others endeavouring to uphold it, the safety of the Prince must depend upon the prevalence of either Party. If the best prove to be the strongest, he must perish: and knowing himself to be supported only by the worst, he will always destroy as many of his Enemies as he can; weaken those that remain; enrich his Creatures with their Spoils and Confinations: by fraud and rapine accumulate Treasures to increase the number of his Party, and advance them into all places of power and trust, that by their assistance he may crush his Adversaries; and every man is accounted his Adversary, who has either Eflate, Honor, Virtue or Reputation. This naturally casts all the Power into the hands of those who have no such dangerous qualities, nor any thing to recommend them, but an absolute renunciation of themselves to do whatever they are commanded. These men having neither will nor knowledge to do good, as soon as they come to be in power, Justice is perverted, military Discipline neglected, the publick Treasures exhausted, new Projects invented to raise more; and the Prince's wants daily increasing, thro' their ignorance, negligence, or deceit, there is no end of their devices and tricks to gain supplies. To this end swarms of Spies, Informers, and false Witnesses are sent out to circumvent the richest and most eminent men: The Tribunals are fill'd with Court-Parasites of profligate Confinances, Fortunes and Reputation, that no man may escape who is brought before them. If Crimes are wanting, the diligence of well-chosen Officers and Prosecutors, with the favor of the Judges, supply all defects; the Law is made a Snare;
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Sect. 28.

Sare; Vertue sumpfres'd, Vice fomented, and in a short time Honesty and Knavery, Sobriety and Leudnese, Vertue and Vice, become Badges of the several Factions; and every man's conversation and manners shewing to what Party he is addicted, the Prince who makes himself head of the worst, must favour them to the overthrow of the best, which is so fright a way to an universal ruin, that no State can prevent it, unleas that course be interrupted.

These things consider'd, no general Judgment can be made of a Magistrate's Counsels, from his Name or Duty. He that is just, and become grateful to the People by doing good, will find his own Honor and Security in increasing their Number, Riches, Vertue, and Power: If on the other side, by doing evil, he has drawn upon himself the publick hatred, he will always endeavour to take from them the power of doing him any hurt, by bringing them into the utmost weaknesses, poverty, and baseness. And whoever would know whether any particular Prince desires to increase or destroy the bodies and goods of his Subjects, must examine whether his Government be such as renders him grateful or odious to them; and whether he does pursue the publick Interest, or for the advancement of his own Authority set up one in himself contrary to that of his People; which can never betal a Popular Government, and consequently no mischief equal to it can be produc'd by any such, unleas something can be imagin'd worse than corruption and destruction.

Sect. XXVIII.

Men living under Popular or Mix'd Governments, are more careful of the publick Good, than in Absolute Monarchys.

Our Author delighting in strange things, does in the next place, with an admirable sagacity, discover two faults in Popular Governments, that were never found by any man before him; and there are no less than Ignorance and Negligence. Speaking of the Care of Princes to preserve their Subjects, he adds; On the contrary in a Popular State, every man knows the publick Good doth not wholly depend upon his Care, but the Common-wealth may be well enough govern'd by others, tho' he only tend his private busi-ness. And a little below, Nor are they much to be blam'd for their Negligence, since it is an even wager their Ignorance may be as great. The Magis-trats amongst the people being for the most part annual, do always lay down their Office before they understand it; so as a Prince of a duller understanding must needs excel them. This is bravely determin'd, and the world is beholden to Fitton for the discovery of the Errors that have hitherto bin Epidemical. Most men had believ'd, that such as live in Free States, are usuall pleas'd with their condition, desire to maintain it; and every man finding his own good comprehended in the Publick, as those that fail in the same Ship, employs the Talent he has in endeavouring to preserve it, knowing that he must perish if that miscarry. This was an encour-gagement to Industry; and the continual Labors and Dangers to which the Romans and other free Nations expos'd themselves, have bin taken for Testimonys that they thought themselves concern'd in the busineses that past among them, and that every one did not neglect them thro' an opinion that they would be done well enough by others. It was also thought that
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Chap. II. that free Cities, by frequent Elections of Magistrats, became Nurseries of great and able Men, every man endeavouring to excel others, that he might be advanced to the Honor he had no other title to than what might arise from his Merit or Reputation; in which they succeeded so well, that one of them may be justly said to have produced more eminent Men, than all the Absolute Monarchies that have bin in the World. But these were mistakes. Perhaps Brutus, Valerius, and other Roman Senators or Magistrats, for the space of three hundred years, might have taken some care of the Commonwealh, if they had thought it wholly depended upon one of them: But believing it would be well enough govern'd by others, they neglected it. Camillus, Cincinnatus, Papirius, Fabius, Rullus and Maximus, Scipio Africanus, Amilcar, Hannibal, Pericles, Themistocles, Alcibiades, Epaminondas, Philopomen, and others, might have prov'd able Men in affairs of War or Government; but they were remov'd from their Offices before they understood them, and must needs be exceld in both by Princes, tho' of droller understanding. This may be enough to excuse them for performing their Duty so slackly and meanly: But 'tis strange that Tacitus, and others, should so far overlook the Reaones, and so grossly mistake the matter of Fact, as not only to say, that great and excellent Spirits fail'd when Liberty was lost, and all Preferments given to those who were most propende to Slavery; but that there wanted men even to write the History, Infestis Reripublicae at alien. They never apply'd themselves to understand Affairs depending upon the will of one man, in whom they were no otherwise concern'd, than to avoid the effects of his Rage; and that was chiefly to be done, by not falling under the suspicion of being venvous. This was the study then in request; and the most cunning in this Art were call'd Scientes temporum: No other wisdorn was esteem'd in that and the ensuing Ages, and no more was requird, since the Paternal Care, deep Wisdom, and profound Judgment of the Princes provided for all; and tho' they were of droller understandings, they must needs excel other Magistrats, who having bin created only for a year, left their Offices before they could understand the Dutys of them. This was evidenc'd by that tenderness and sincerity of heart, as well as the great purity of manners observ'd in Tiberius; the Clemency, Justice, solid Judgment and Frugality of Caligula; the Industry, Courage and Sobriety of Claudius; the good Nature and prudent Government of Nero; the Temperance, Vivacity and Diligence of Vitellius; the Liberality of Galba and Vespasian; together with the Encouragement given by Domitian, Commodus, Heliogabalus, and many others, to all manner of Vertues, and Favors confer'd upon those that excel'd in them. Our Author giving such infallible proof of his Integrity and Understanding, by teaching us these things that would never have come into our heads, ought surely to be credite, tho' that which he proposeth seems to be most absurd. But if we believe such as liv'd in those times, or those who in later ages have perus'd their Writings, we cannot but think the Princes beforemention'd, and the greatest part of those who poiffed the fame places, not only to have bin void of all Virtue, and to have suffer'd none to grow up under them, but in basenes, fattiness and malice, to have bin equal to the worst of all Beasts. Whilst one Prince polluted with Luff and Blood, fat in his Grotto at Capres, surrounded with an infamous Troop of Astrologers, and others were govern'd by Whores, Bardache's, manumis't Slaves, and other Villains, the Empire was ruin'd through their negligence, incapacity and wickedness; and the City that
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had flourish'd in all manner of Vertue, as much or more than any that Sect. 28. has bin yet known in the world, produce' d no more; the Disciplin was
dissolv'd that nourish'd it; no man could hope to advance a publick Good,
or obviate an Evil by his diligence and valor; and he who acquire' d reputa-
tion by either, could expect no other reward than a cruel death. If
Germanicus and Corbulon, who were born when Liberty was expiring, be
brought for Examples against the first part of my Attention, their ends
will justify the latter; and no eminent Roman Family is known to have
brought forth a man that deferv'd to be nam'd in History since their time.
This is as probable in reason, as true in fact. Men are valiant and indu-
fruitious, when they fight for themselves and their Country; they prove
excellent in all the Arts of War and Peace, when they are bred up in ver-
tuous Exercises, and taught by their Fathers and Malters to rejoice in the
Honors gain'd by them: they love their Country, when the good of
every particular man is comprehended in the publick Prosperity, and the
success of their Achievements is improv'd to the general advantage:
They undertake hazards and labors for the Government, when 'tis juilt-
ly administer'd; when Innocence is safe, and Vertue honour'd; when
no man is distinguish'd from the vulgar, but such as have distinguish'd
themselves by the bravery of their actions; when no honor is thought
too great for those who do it eminently, unless it be such as cannot be
communicated to others of equal merit: They do not spare their Perfons,
Persons, or Friends, when the publick Powers are employ'd for the pub-
lick Benefit, and imprint the like affections in their Children from their
Infancy. The disciplin of Obedience in which the Romans were bred,
taught them to command: and few were admitted to the Magistracies of
inferior rank, till they had given such proof of their Vertue as might de-
serve the Supreme. Cincinnatus, Camillus, Papirius, Mamercus, Fabius
Maximus, were not made Dictators, that they might learn the Duties of
the Office; but because they were judg'd to be of such Wisdom, Valor,
Integrity and Experience, that they might be safely trusted with the
highest Powers; and whilst the Law reign'd, not one was advance'd to that
honor, who did not fully answer what was expected from him. By this
means the City was so replenish'd with men fit for the greatest employ-
ments, that even in its infancy, when three hundred and six of the Fabii,
Quorum neminem, says Livy, dacem fperneret quibuslibet temporibus Senatus,
were kill'd in one day, the City did lament the losr, but was not so weak-
en'd to give any advantage to their Enemies: and when every one of those
who had bin eminent before the second Punic War, Fabius Maximus on-
ly excepted, had perish'd in it, others arose in their places, who sur-
passed them in number, and were equal to them in Vertue. The City was
a perpetual spring of such men as long as Liberty lafted; but that was no
sooner overthrown, than Vertue was torn up by the roots; the People
became base and fordid, the small remains of the Nobility slothful and
effeminate; and their Itahan Associates becoming like to them, the Empire
whilst it ftood, was only sustain'd by the strength of Foreigners.
The Grecian Vertue had the same fate, and expir'd with Liberty: in-
stead of such Soldiers as in their time had no equals, and such Generals of
Armies and Fleets, Legislators and Governors, as all succeeding Ages
have juftly admire' d, they sent out swarms of Fidlers, Jefters, Chariot-
drivers, Players, Bawds, Flatterers, Minifters of the moft impure Lusrs;
or idle, babbling, hypocritical Philosophers, not much better than they.
The Emperors Courts were always crouded with this Vermin; and not-
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Chap. II. Withstanding the necessity our Author imagines that Princes must needs understand matters of Government better than Magistrates annually chosen, they did for the most part prove so brutish as to give themselves and the World to be govern'd by such as these, and that without any great prejudice, since none could be found more ignorant, lead, and base than themselves.

'Tis absurd to impute this to the change of times; for time changes nothing; and nothing was chang'd in those times but the Government, and that chang'd all things. This is not accidental, but according to the rules given to Nature by God, imposing upon all things a necessity of perpetually following their Causes. Fruits are always of the same nature with the Seeds and Roots from which they come, and Trees are known by the fruits they bear: As a Man begets a Man, and a Beast a Beast; that Society of Men which constitutes a Government upon the foundation of Justice, Virtue, and the common Good, will always have men to promote those ends; and that which intends the advancement of one man's desires and vanity, will abound in those that will foment them. Men follow that which seems advantageous to themselves. Such as are bred under a good discipline, and see that all benefits procured to their Country by virtuous Actions, redound to the honor and advantage of themselves, their Children, Friends, and Relations, contrast from their infancy a love to the Publick, and look upon the common Concernments as their own. When they have learnt to be virtuous, and see that Virtue is in esteem, they seek no other preferments than such as may be obtained that way; and no Country ever wanted great numbers of excellent men, where this method was established. On the other side, when 'tis evident that the beast are despis'd, hated, or mark'd out for destruction; all things calculated to the humor or advantage of one man, who is often the worst, or govern'd by the worst; Honors, Riches, Commands, and Dignities disposed by his Will, and his favor gain'd only by a most obsequious respect, or a pretended affection to his person, together with a servile obedience to his commands, all Applications to virtuous Actions will cease; and no man caring to render himself or his Children worthy of great Employments, such as desire to have them will, by little intrigues, corruption, scurrility and flattery, endeavour to make way to them; by which means true Merit in a short time comes to be abolish'd, as fell out in Rome as soon as the Cæsars began to reign.

He who does not believe this, may see whether the like did not happen in all the other Commonweals of Italy and Greece; or if modern examples are thought to be of more value, let him examin whether the Noblemen of Venice, who are born and bred in Families that never knew a Master; who act for themselves, and have a part in all the good or evil that befalls the Commonwealth, and know that if it be destroy'd, they must perish, or at least that all changes are to their prejudice, do neglect the publick Interests, as thinking that the whole not depending upon any one of them, things will be well enough govern'd, tho they attend only their private benefit. Let it be observ'd whether they do better understand the common concerns, than the great men of France or Spain, who never come to the knowledge of any thing, unless they happen to be favor'd by the King or his Ministers, and know themselves never to be more miserable than when their Master is most prosperous. For my own part, I cannot think it necessary to alledge any other proof of this point, than that when Maximilian the Emperor, Louis the twelfth of France,
France, the fierce Pope Julius the second, and Ferdinand the subtle and powerful King of Spain, had by the League of Cambray combin’d against the Venetians, gain’d the Battel of La Ghirardadda, taken Alviano their General prifoner, depriv’d them of all their Dominion on the Terra firma, and prepar’d to assault the City, it was, under God, solely preferv’d by the vigor and wisdom of their Nobility, who tho no way educated to War, unless by Sea, sparing neither persons nor purses, did with admirable industry and courage first recover Padoia, and then many other Citys, to as at the end of that terrible War they came off without any diminution of their Territories. Whereas Portugal having in our age revolted from the Houfe of Anfuria, no one doubts that it had bin immediately reduc’d, if the great men of Spain had not bin pleas’d with such a leaffening of their Master’s power, and refolv’d not to repair it by the recovery of that Kingdom, or to deprive themselves of an easy retreat when they should be oppreff by him or his Favorites. The like thought was more plainly expreïst by the Marefchal de Baffompierre, whofee how hardly Rochel was preïst by Lewis the 17th, faid, * he thought they should be such fools to take it: but ’tis believ’d they would never have bin such fools; and the treachery only of our Countriemen did enable the Cardinal Richlieu to do it (as for his own Glory, and the advancement of the Popish Caufe he really intended) and nothing is to this day more common in the mouths of their wiflett and beltt men, the Papists, than the acknowledgment of their own folly inuffering that place to fall, the King having by that means gotten power to proceed against them at their pleafure. The brave Monfieur de Turenne is faid to have carry’d this to a greater height in his laft Discours to the preffent King of France: "You think, faid he, you have "Armys, but you have none; the one half of the Officers are the Bawdy-houfe Companions of Monfieur de xxx, or the Creatures of his "Whore Madam de xxx: the other half may be men of experience, "and fit for their Employments; but they are such as would be pleas’d "with nothing more than to fee you lose two or three Battels, that coming to stand in need of them, you might caufe them to be better us’d "by your Minifters than of late they have bin. It may easily be imagind how men in such fentiments do serve their Mafter; and nothing is more evident than that the French in this age have had fo great advantages, that they might have brought Europe, and perhaps Africa, under their power, if the interest of the Nation had bin unit’d to that of the Government, and the Strength, Vigor, and Bravery of the Nobility employ’d that way. But since it has pleas’d God touffer us to fall into a condition of being little able to help ourfelves, and that they are in fo good terms with the Turk as not to attack him, ’tis our hapinenss that they do not know their own strength, or cannot without ruin to themselves turn it to our prejudice.

I could give yet more pregnant testimonys of the difference between men fighting for their own interefls in the Offices to which they had bin advanced by the votes of numerous Assemblies, and such as serve for pay, and get preferments by corruption or favor, if I were not unwilling to fit the pleen of some men, by obliging them to reflect upon what has paït in our own Age and Country; to compare the Juffice of our Tribunals within the time of our memory, and the integrity of thofe who for a while manag’d the publick Treasure; the Disciplin, Valor and Strength

* Je croi qu'enfin Nous feros aiez fous pour prendre la Rochelle. Mem. de Baffompierre.
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Chap. II. of our Armies and Fleets; the increase of our Riches and Trade; the success of our Wars in Scotland, Ireland, and at Sea; the glory and reputation not long since gain'd, with that condition into which we are of late fallen. But I think, I shall offend no wise or good man, if I say, that as neither the Romans nor Greeks in the time of their Liberty ever perform'd any actions more glorious than freeing the Country from a Civil War that had rag'd in every part, the conquest of two such Kingdoms as Scotland and Ireland, and crushing the formidable power of the Hollanders by Sea; nor ever produc'd more examples of Valor, Industry, Integrity, and in all respects compleat, disinterested, unmoveable and incorruptible Virtue than were at that time seen in our Nation: So neither of them upon the change of their Affairs did exceed us in weakness, cowardice, base-ness, venality, leudnefs, and all manner of corruption. We have reason therefore not only to believe that all Princes do not necessarily understand the affairs of their People, or provide better for them than tho' who are otherwife chozen; but that as there is nothing of Greatnefs, Power, Riches, Strength, and Happinefs, which we might not reasonably have hop'd for if we had rightly improv'd the advantages we had; so there is nothing of shame and mifery which we may not justly fear, since we have neglected them.

If any man think that this evil of advancing Officers for perfonal re-pects, favor or corruption, is not of great extent, I define him to confider, that the Officers of State, Courts of Juftice, Church, Armies, Fleets and Corporations, are of fuch number and power as wholly to corrupt a Nation when they themselves are corrupted; and will ever be corrupt, when they attain to their Offices by corruption. The good management of all Affairs, Civil, Military, and Ecclefaftical, necelfar-ly depends upon good order and disciplin; and 'tis not in the power of common men to reform abufes patroniz'd by tho' in Authority, nor to prevent the mischiefs thereupon enfuing; and not having power to direct publick actions to the publick good, they must consequently want the induftry and affeotion that is requir'd to bring them to a good issue. The Romans were easily beaten under the Decemviri, tho' immediately before the creation, and after the extiflion of that Power, none of their Neighbours were able to refift them. The Goths, who with much Glory had reign'd in Spain for about three hundred years, had neither strength nor courage under their lead and odious King Rodrigo, and were in one day subdu'd with little loss of blood by the Saracens, and could not in les than eight hundred years free their Country from them. That brave Nation having of late fallen under as bafe a conduct, has now as little heart or power to defend it fell: Court-Parafites have render'd Valor ridiculous; and they who have ever fhew'd themselves as much inclin'd to Arms as any people of the world, do now abhor them, and are fen to the Wars by force, laid in Carts, bound like Calves brought to the Shambles, and left to starve in Flanders as soon as they arrive. It may easily be judge'd what service can be expected from such men, tho' they fhould happen to be well commanded: but the great Officers, by the corruption of the Court, think only of enriching themselves; and encreas'ing the mifery of the Soldiers by their frauds, both become equally ufeles to the State.

Notwithstanding the feeming prosperity of France, matters there are not much better manag'd. The warlike temper of that people is so worn out by the frauds and cruelties of corrupt Officers, that few men lift themselves willingly to be Soldiers; and when they are engag'd or forc'd, they
are so little able to endure the miseries to which they are expos'd, that Sect. 28. they daily run away from their Colors, tho' they know not whither to go, and expect no mercy if they are taken. The King has in vain attempted to correct this humor by the severity of martial Law; but mens minds will not be forc'd; and tho' his Troops are perfectly well arm'd, cloth'd, and exercis'd, they have given many testimonies of little worth. When the Prince of Condé had by his own Valor, and the Strength of the King's Guards, broken the first line of the Prince of Orange's Army at the battle of Seneff, he could not make the second and third line of his own Army to advance and reinforce the first, by which means he lost all the fair hopes he had conceiv'd of an entire Victory. Not long after, the Marechal de Crequi was abandon'd by his whole Army near Trier, who ran away, hardly striking a stroke, and left him with sixteen horse to shift for himself. When Monfieur de Turenne, by the excellency of his Conduct and Valor, had gain'd such a Reputation amongst the Soldiers, that they thought themselves secure under him, he did not suffer such disgraces; but being kill'd, they return'd to the usual temper of forc'd and ill-us'd Soldiers: half the Army was lost in a retreat, little differing from a flight; and the rest, as they themselves confess, fav'd by the bravery of two English Regiments. The Prince of Condé was soon after sent to command; but he could not with all his courage, skill and reputation, raise their fallen Spirits, nor preferve his Army any other way, than by lodging them in a Camp near Schlefladt, to fortify'd by Art and Nature that it could not be forc'd.

To these we may add some Examples of our own. In our late War the Scots Foot, whether Friends or Enemies, were much inferior to those of the Parliament, and their Horse esteem'd as nothing. Yet in the year 1639 and 1640, the King's Army, tho' very numerous, excellently arm'd and mounted, and in appearance able to conquer many such Kingdoms as Scotland, being under the conduct of Courtiers, and afflicted as men usually are towards those that use them ill, and seek to destroy them, they could never resist a wretched Army commanded by Lever; but were shamefully beaten at Newborne, and left the Northern Countys to be ravag'd by them.

When Van Tromp set upon Blake in Folefion-Bay, the Parliament had not above thirteen Ships against three score, and not a man that had ever seen any other fight at Sea, than between a Merchant-hip and a Pirat, to oppose the best Captain in the world, attended with many others in valor and experience not much inferior to him. Many other difficulties were observ'd in the unsettled State: Few Ships, want of Mony, several Factions, and some who to advance particular Interests betray'd the Publick. But such was the power of Wisdom and Integrity in those that sat at the Helm, and their diligence in chusing men only for their Merit, was blest with such success, that in two years our Fleets grew to be as famous as our Land Armies; the Reputation and Power of our Nation rose to a greater height, than when we possessed the better half of France, and the Kings of France and Scotland were our Prifoners. All the States, Kings and Potentates of Europe, most respectfully, not to say submissively, fought our Friendship; and Rome was more afraid of Blake and his Fleet, than they had bin of the great King of Sweden, when he was ready to invade Italy with a hundred thousand men. This was the work of those, who, if our Author says true, thought basely of the publick Concernments; and believing things might be well enough manag'd by others, minded only
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Chap. II. Their private Affairs. These were the effects of the negligence and ignorance of those, who being suddenly advanced to Offices, were removed before they understood the Duties of them. These Diseases, which proceed from popular corruption and irregularity, were certainly cur'd by the restitution of that Integrity, good Order and Stability that accompany divine Monarchy. The Justice of the War made against Holland in the year 1665; the probity of the Gentleman, who without partiality or bribery, chose the most part of the Officers that carry'd it on; the Wisdom, Diligence and Valor manifested in the conduct, and the Glory with which it was ended, justify all that our Author can say in its commendation. If any doubt remains, the vulgarity of making the King of France desire that the Netherlands might be an accession to his Crown; the ingenious ways taken by us to facilitate the conquest of them; the Industry of our Embassadors in diverting the Spaniards from entering into the War till it was too late to recover the Losses sustained; the honourable Design upon the Smyrna Fleet, and our frankness in taking the quarrel upon ourselves, together with the important Figure we now make in Europe, may wholly remove it; and in confirmation of our Author's Doctrine, shew, that Princes do better perform the Offices that require Wisdom, Industry and Valor, than annual Magistrats; and do more seldom err in the choice of Officers, than Senats and popular Assemblies.

Sect. XXIX.

There is no assurance that the Distempers of a State shall be cur'd by the Wisdom of a Prince.

But, says our Author, the Virtue and Wisdom of a Prince supplies all. Tho he were of a duller understanding, by use and experience he must needs excel all: Nature, Age, or Sex, are, as it seems, nothing to the cafe. A Child as soon as he comes to be a King, has experience; the head of a Fool is fill'd with Wisdom, as soon as a Crown is set upon it, and the most vicious do in a moment become virtuous. This is more strange than that an Ass being train'd to a Course, should outrun the best Arabian Horse; or a Hare bred up in an Army, become more strong and fierce than a Lion: for Fortune does not only supply all natural defects in Princes, and correct their vices, but gives them the benefit of use and experience when they have none. Some Reasons and Examples might have bin expected to prove this extraordinary Proposition: But according to his laudable custom, he is pleas'd to himself with neither; and thinks that the impudence of an Affertion is sufficient to make that to pass, which is repugnant to experience and common sense, as may appear by the following discourse.

I will not infult upon terms; for the duller understanding signifies nothing, in as much as no understanding is dull, and a man is laid to be dull only because he wants it; but presuming he means little understanding, I shall so take it. This defect may possibly be repair'd in time; but to conclude it must be so, is absurd, for no one has this use and experience when he begins to reign. At that time many Errors may be committed to the ruin of himself or people, and many have perished even in their beginning. Edward the fifth and sixth of England, Francis the second of
France, and divers other Kings have dy'd in the beginning of their youth: Sect. 29.

Charles the ninth liv'd only to add the fury's of youth to the folly's of his childhood; and our Henry the second, Edward the second, Richard the second, and Henry the sixth, seem to have bin little wiser in the laft, than in the first year of their Reign or Life. The present Kings of Spain, France, and Sweden, came to the Crowns they wear before the fifth year of their Age; and if they did then purfue all annual Magiftrats in Wifdom and Valor, it was by a peculiar Gift of God, which, for any thing we know, is not given to every King, and it was not Ufe and Experience that made them to excel. If it be pretended that this Experience, with the Wifdom that it gives, comes in time and by degrees; I may modestly ask, what time is requir'd to render a Prince excellent in Wifdom who is a Child or a Fool? and who will give security that he shall live to that time, or that the Kingdom shall not be ruin'd in the time of his folly? I may also doubt how our Author, who concludes that every King in time muf't needs become excellent in Wifdom, can be reconcil'd to Solomon, who in preferring a wife Child before an old and foolish King that will not be advis'd, shews that an old King may be a Fool, and he that will not be advis'd is one. Some are fo naturally brutifh and ftupid, that neither education nor time will mend them. 'Tis probable that Solomon took what care he could to intrufct his only Son Rehoboam; but he was certainly a Fool at forty years of age, and we have no reafon to believe that he deferv'd a better name. He seems to have bin the very Fool his Father intended, who tho brav'd in a mortar would never leave his folly: He would not be advis'd, tho the hand of God was againft him; ten Tribes revolted from him, and the City and Temple was pi'llag'd by the Egyptians. Neither experience nor affailations could mend him, and he is call'd to this day by his own Countreymen Stultitia Gen- trium. I might offend tender ears, if I should alledge all the Examples of Princes mention'd in History, or known in our own Age, who have liv'd and dy'd as foolifh and incorrigible as he: but no man, I preffume, will be fcandaliz'd if I lay, that the ten laft Kings of Merovens his Race, whom the French Historians call Les Roys faigneans, were fo far from exce-llying other men in understanding, that they liv'd and dy'd more like beasts than men. Nay, the Wifdom and Valor of Charles Martel ex-pir'd in his Grandchild Charles the Great; and his Pofterity grew to be fo fottifh, that the French Nation muft have perifh'd under their conduct, if the Nobility and People had not rejected them, and plac'd the Crown upon a more deferving Head.

This is as much as is neceffary to be faid to the general Proposition; for it is falue, if it be not always true; and no conclusion can be made upon it. But I need not be fo ftrict with our Author, there being no one found part in his Affertion. Many Children come to be Kings when they have no experience; and die, or are depos'd, before they can gain any. Many are by nature fo fottifh that they can learn nothing: Others falling under the power of Women, or corrupt Favorites and Minifters, are perfuaded and feduc'd from the good ways to which their own natural understanding or experience might lead them; the Evils drawn upon themselves or their Subjects, by the Errors committed in the time of their ignorance, are often grievous, and sometimes irreparable, tho they should be made wife by time and experience. A perfon of royal Birth and excellent Wit, was fo fenfible of this as to tell me, "That the condition of "Kings was moft miferable, in as much as they never heard Truth till "they
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Chapter II.

"they were ruin'd by Lies; and then every one was ready to tell it to them, not by way of advice, but reproach, and rather to vent their own spite, than to seek a remedy to the evils brought upon them and the people. Others attain to Crowns when they are of full Age, and have experience as Men, tho' none as Kings; and therefore are apt to commit as great mistakes as Children: And upon the whole matter all the Histories of the world shew, that instead of this profound Judgment and incomparable Wisdom which our Author generally attributes to all Kings, there is no sort of men that do more frequently and entirely want it.

But tho' Kings were always wise by nature, or made to be so by experience, it would be of little advantage to Nations under them, unless their Wisdom were pure, perfect, and accompany'd with Clemency, Magnanimity, Justice, Valor and Piety. Our Author himself durst hardly have said, that these Vertues or Graces are gain'd by Experience, or annex'd by God to any rank of Men or Familiys. He gives them where he pleases without distinction. We sometimes see those upon Thrones, who by God and Nature seem to have bin design'd for the most fordid Offices; and those have bin known to pass their lives in meannes and poverty, who had all the Qualities that could be desir'd in Princes. There is likewise a kind of ability to dispatch some sort of Affairs, that Princes who continue long in a Throne may to a degree acquire or increafe: Some men take this for Wisdom, but K. James more rightly call'd it by the name of Kingcraft; and as it principally consists in Diffimulation, and the arts of working upon mens Passions, Vanities, private Interests or Vices, to make them for the most part instrumens of Mischief, it has the advancement or securitie of their own Persons for its object, is frequently exercis'd with all the excesses of Pride, Avarice, Treachery and Cruelty; and no men have bin ever found more notoriously to defect from all that deserves praise in a Prince, or a Gentleman, than those that have most excell'd in it. Pharamenes King of Iberia, is recorded by Tacitus to have bin well vers'd in this Science. His Brother Mithradates King of Armenia had marry'd his Daughter, and given his own Daughter to Rhadamistus Son of Pharamenes. He had some Contests with Mithradates, but by the help of these mutual Alliances, nearnes of Blood, the diligence of Rhadamislius, and an Oath, strengthen'd with all the Ceremonys that amongst those Nations were esteem'd most sacred, not to use Arms or Poison against him, all was compos'd; and by this means getting him into his power, he title'd him with a great weight of clothes thrown upon him, kill'd his Children, and not long after his own Son Rhadamislius also. Louis the eleventh of France, James the third of Scotland, Henry the seventh of England, were great Masters of these Arts; and those who are acquainted with History, will easily judge how happy Nations would be if all Kings did in time certainly learn them.

Our Author, as a farther testimony of his Judgement, having said that Kings must needs excel others in Understanding, and grounded his Doctrine upon their profound Wisdom, imputes to them those base and panicke fears which are inconfient with it, or any royal Vertue: and to carry the point higher, tells us, There is no Tyrant so barbarously wicked, but his own reason and hence will tell him, that the he be a God, yet he must die like a Man; and that there is not the meanest of his Subjects, but may find a means to revenge himself of the Injuries offer'd him: and from thence concludes, that there is no such Tyranny as that of a Multitude which is subject to no
such fears. But if there be such a thing in the World, as a barbarous and wicked Tyrant, he is something different from a King, or the same; and his Wifdom is confluent or inconfluent with Barbarity, Wickedness, and Tyranny. If there be no difference, the praifes he gives, and the rights he describes to the one belong alfo to the other: and the excellency of Wifdom may conflit with Barbarity, Wickedness, Tyranny, and the panic fears that accompany them; which hitherto have bin thought to comprehend the utmost excelle of Folly and Madnefs; and I know no better testimony of the truth of that Opinion, than that Wifdom always diftinguifhing good from evil, and being feen only in the rectitude of that diftinction, in following and adhering to the good, rejecting that which is evil, preferring safety before danger, happinefs before misery, and in knowing rightly how to use the means of attaining or preferring the one, and preventing or avoiding the other, there cannot be a more extravagant deviation from Reafon, than for a man, who in a private condition might live safely and happily, to invade a Principality: or if he be a Prince, who by governing with Juflice and Clemency might obtain the inward fatisfaction of his own Mind, hope for the bleaffing of God upon his juft and vertuous Actions, acquire the love and praifes of men, and live in safety and happinefs amongft his fafe and happy Subjects, to fall into that Barbarity, Wickedness, and Tyranny, which brings upon him the difpleafure of God, and deteftation of men, and which is always attended with those-safe and panic fears, that comprehend all that is shameful and miserable. This being perceiv'd by Machiavel, he could not think that any man in his fentences would not rather be a Scipio than a Cesar; or if he came to be a Prince, would not rather chufe to imitate Agesilaus, Timoleon, or Dion, than Nabis, Phalaris, or Dionysius; and imputes the contrary choice to madness. Nevertheless 'tis too well known that many of our Author's profound wise men in the depth of their Judgment, made perfed by use and experience, have fallen into it.

If there be a difference between this barbarous wicked Tyrant, and a King, we are to examin who is the Tyrant, and who the King; for the name confer'd or aflum'd cannot make a King, unlefs he be one. He who is not a King, can have no Title to the rights belonging to him who is truly a King: fo that a People who find themfelves wickedly and barbaroufly oppref by a Tyrant, may deftroy him and his Tyranny without giving offence to any King.

But 'tis strange that Fitem fhou'd fpeak of the Barbarity and Wickednefs of a Tyrant, who looks upon the World to be the Patrimony of one man; and for the foundation of his Doétrin, afferts fuch a power in every one that makes himfelf master of any part, as cannot be limited by any Law. His Title is not to be questioned; Ufurpation and Violence confer an inconfeltable Right: the exercife of his Power is no more to be disputed than the Acquisition: his will is a Law to his Subjects; and no Law can be impos'd by them upon his Conduft. For if thefe things be true, I know not how any man could ever be call'd a Tyrant, that name having never bin given to any unlefs for ufurping a Power that did not belong to him, or an unjust exercife of that which had bin confer'd upon him, and violating the Laws which ought to be a rule to him. 'Tis alfo hard to imagin how any man can be call'd barbarous and wicked, if he be oblig'd by no Law but that of his own Pleafure; for we have no other notion of wrong, than that it is a breach of the Law which determines what is right. If the lives and goods of Subjects depend upon the Will
of the Prince, and he in his profound Wisdom prelerve them only to be beneficial to himself, they can have no other right than what he gives, and without injustice may retain when he thinks fit: If there be no wrong, there can be no just revenge; and he that pretends to seek it, is not a free man vindicating his Right, but a perverse slave rising up against his Master. But if there be such a thing as a barbarous and wicked Tyrant, there must be a rule relating to the acquisition and exercise of the Power, by which he may be distinguisht'd from a just King; and a Law superior to his Will, by the violation of which he becomes barbarous and wicked.

Tho our Author so far forgets himself, to confess this to be true, he seeks to destroy the fruits of it by such flattery as comprehends all that is most detestable in Profaneness and Blasphemy, and gives the name of Gods to the most execrable of men. He may by such language deserve the name of Heresi's Disciple; but will find few among the Heathens to base-ly servile, or so boldly impious. Tho Claudius Cesar was a drunken for, and transported with the extravagance of his Fortune, he detested the impudence of his Predecessor Caligula, (who affected that Title) and in his Refeript to the Procurator of Judea, gives it no better name than turpem Caii inaniem. For this reason it was rejected by all his Pagan Successors, who were not as furiously wicked as he: yet Filmer has thought fit to renew it, for the benefit of Mankind, and the Glory of the Christian Religion.

I know not whether these extreme and barbarous Errors of our Author are to be imputed to wickedness or madness; or whether, to save the pains of a distinction, they may not rightly be said to be the same thing; but nothing less than the excess of both could induce him to attribute any thing of good to the fears of a Tyrant, since they are the chief causes of all the mischiefs he does. Tertullian says they are Meta quam ju-rare seviores; and Tacitus, speaking of a most wicked King, says, that he did Sevium ignavie obtendere: and we do not more certainly find that Cowards are the cruellest of men, than that wickedness makes them Cowards; that every man's fears bear a proportion with his guilt, and with the number, vertue, and strength of those he has offended. He who usurps a power over all, or abuses a Trust repos'd in him by all, in the highest measure offends all; he fears and hates those he has offended, and to secure himself, aggravates the former Injuries: When these are publick, they beget a universal Hatred, and every man desires to extin-guish a Mischief that threatens ruin to all. This will always be terrible to one that knows he has deserv'd it; and when those he dreads are the body of the People, nothing but a publick destruction can satisfy his rage, and appease his fears.

I wish I could agree with Filmer, in exempting multitudes from fears; for they having seldom committed any injustice, unless thro fear, would, as far as human fragility permits, be free from it. Tho the Attick Ofbracism was not an extreme Punishment, I know nothing usually practis'd in any Commonwealth, that did so much favor of injustice: but it proceeded solely from a fear that one man, tho in appearance vertuous, when he came to be rais'd too much above his fellow-Citizens, might be rempt to invade the publick Liberty. We do not find that the Athenians, or any other free Cities, ever injur'd any man, unless thro such a jealousy, or the perjury of Witnesses, by which the best Tribunals that ever were, or can be establih'd in the world, may be milled; and no injustice could be
be apprehended from any, if they did not fall into such fears.

But the Multitudes may have fears as well as Tyrants, the Causes and Effects of them are very different. A People, in relation to domestick Affairs, can desire nothing but Liberty, and neither hate or fear any but such as do, or would, as they suspect, deprive them of that Happiness: Their endeavors to secure that seldom hurt any except such as invade their Rights; and if they err, the mistake is for the most part discover'd before it produce any mischief; and the greatest that ever came that way, was the death of one, or a few men. Their Hatred and desire of Revenge can go no farther than the sense of the Injury receiv'd or fear'd, and is extinguish'd by the death or banishment of the Persons; as may be gather'd from the examples of the Tarquins, Decemviri, Caflius, Melius, and Manlius Capitolinus. He therefore that would know whether the hatred and fear of a Tyrant, or of a People, produces the greater mischief, needs only to consider, whether it be better that the Tyrant destroy the People, or that the People destroy the Tyrant; or at the worst, whether one that is suspected of affecting the Tyranny should perish, or a whole People, amongst whom very many are certainly innocent; and experience shows that such are always first fought out to be destroy'd for being so: Popular furys or fears, how irregular or unjust ever they may be, can extend no farther; general Calamities can only be brought upon a People by those who are enemies to the whole Body, which can never be the Multitude, for they are that Body. In all other respects, the fears that render a Tyrant cruel, render a People gentle and cautious; for every single man knowing himself to be of little power, not only fears to do injustice because it may be reveng'd upon his Person, by him, or his Friends, Kindred and Relations, that suffers it; but because it tends to the overthrow of the Government, which comprehends all publick and private Concernments, and which every man knows cannot subsist unless it be so easy and gentle, as to be pleasing to those who are the best, and have the greatest power: and as the publick Considerations divert them from doing those Injuries that may bring immediate prejudice to the Publick, so there are strict Laws to restrain all such as would do private Injuries. If neither the People nor the Magistrates of Venice, Switzerland, and Holland, commit such extravagances as are usual in other places, it does not perhaps proceed from the temper of those Nations different from others, but from a knowledge, that whoever offers an injury to a private person, or attempts a publick mischief, is expos'd to the impartial and inexorable Power of the Law; whereas the chief work of an absolute Monarch is to place himself above the Law, and thereby rendring himself the Author of all the evils that the People suffer, it is absurd to expect that he should remove them.

S E C T. XXX.

A Monarchy cannot be well regulated, unless the Powers of the Monarch are limited by Law.

Our Author's next step is not only to reject Popular Governments, but all such Monarchys as are not absolute: for if the King, says he, admits the People to be his Companions, he leaves to be a King. This is
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Chap. II. is the language of French Lackeys, Valet de Chambre's, Taylors, and others like them in Wisdom, Learning and Policy, who when they fly to England for fear of a well deferv'd Gally, Gibbet, or Wheel, are ready to lay, 

"Il faut que le Roy soit absolu, autrement il n'est point Roy."

And finding no better men to agree with Filmer in this sublime Philosophy, I may be pardon'd if I do not follow them, till I am convinc'd in these ensuing points.

1. It seems absurd to speak of Kings admitting the Nobility or People to part of the Government: for tho' there may be, and are Nations without Kings, yet no man can conceive a King without a People. These must necessarily have all the power originally in themselves; and tho' Kings may and often have a power of granting Honors, Immunities, and Privileges to private Men or Corporations, he dos it only out of the publick Stock, which he is entrust'd to distribute; but can give nothing to the People, who give to him all that he can rightly have.

2. 'Tis strange that he who frequently cites Aristotle and Plato, should unluckily acknowledge such only to be Kings as they call Tyrants, and deny the name of King to thofe, who in their opinion are the only Kings.

3. I cannot understand why the Scripture should call thofe Kings whose Powers were limited, if they only are Kings who are absolute; or why Moses did appoint that the power of Kings in Israel should be limited (if they resolv'd to have them) if that limitation destroy'd the being of a King.

4. And lastly, how he knows that in the Kingdoms which have a fhw of Popularity, the Power is wholly in the King.

The firft point was prov'd when we examin'd the beginning of Monarchys, and found it impossible that there could be any thing of justice in them, unless they were establish'd by the common consent of thofe who were to live under them; or that they could make any such establishment, unless the right and power were in them.

Secondly, Neither Plato nor Aristotle acknowledg either reason or justice in the power of a Monarch, unless he has more of the Virtues conducing to the good of the Civil Society than all thofe who compose it; and employ them for the publick advantage, and not to his own pleasure and profit, as being fett up by thofe who fek their own good, for no other reafon than that he should procure it. To this end a Law is fet as a rule to him, and the beft men, that is fuch as are moft like to himself, made to be his Assistants, because, they, "Lex eft mens fine affectu, & quas Deus;" whereas the beft of men have their affections and passions, and are subject to be mifled by them: Which fhews, that as the Monarch is not for himfelf nor by himfelf, he dos not give, but receive power, nor admit others to the participation of it, but is by them admitted to what he has. Whereupon they conclude, that to prefer the abfolute power of a man, as in thofe Governments which they call Barbarorum regna, before the regular Government of Kings juftly exercising a power instituted by Law, and direc'ted to the publick good, is to chuse rather to be subject to the hult of a Beaff, than to be govern'd by a God. And becaufe such a choice can only be made by a Beaff, I leave our Author to find a defcription of himfelf in their Books, which he fo often cites.

But if Aristotle deserves credit, the Princes who reign for themselves and not for the People, preferring their own pleasure or profit before the publick, become Tyrants; which in his language is Enemy's to God and Man.
Man. On this account Boscálini introduces the Princes of Europe raising a mutiny against him in Parnassus, for giving such definitions of Tyrants as they said comprehended them all; and forcing the poor Philosopher to declare by a new definition, that *Tyrants were certain men of antient times whose race is now extinguis'd. But with all his Wit and Learning he could not give a reason why those who do the same things that render'd the antient Tyrants detestable, should not be so also in our days.

In the third place, The Scriptures declare the necessity of setting bounds to those who are plac'd in the highest dignities. *Moses seems to have had as great abilities as any man that ever liv'd in the world; but he alone was not able to bear the weight of the Government, and therefore God appointed Seventy chosen men to be his affitants. This was a perpetual Law to *Israel; and as no King was to have more power than *Moses, or more abilities to perform the Dutys of his Office, none could be exempted from the necessity of wanting the like helps. Our Author therefore must confefs that they are Kings who have them, or that Kingly Government is contrary to the Scriptures. When God by *Moses gave liberty to his People to make a King, he did it under these conditions. *He must be one Deut. 17.

of their Brethren: They must choose him: he must not multiply Gold, Silver, Wives, or Horfes: he must not lift up his Heart above his Brethren. And *Josephus paraphrafit upon the place, says, *He shall do nothing without the Antiq. Jud. advice of the Sanhedrin; or if he do, they shall oppose him. This agrees with the confession of Zeckiah to the Princes (which was the Sanhedrin) *The King can do nothing without you; and seems to have bin in pursuance of the Law of the Kingdom, which was written in a Book, and laid up Jer. 38.

before the Lord; and could not but agree with that of *Moses, unlefs they spake by different Spirits, or that the Spirit by which they did speak was subject to error or change: and the whole feries of God's Law shews, that the Pride, Magnificence, Pomp and Glory usurp'd by their Kings was utterly contrary to the will of God. They did lift up their hearts above their Brethren, which was forbidden by the Law. All the Kings of *Israel, and moft of the Kings of *Judah, utterly rejected it; and every one of them did very much depart from the obfervation of it. I will not deny that the People in their institution of a King intended they should do so: they had done it themselves, and would have a King that might uphold them in their disobedience; they were addicted to the Idolatry of their accursed Neighbours, and defir'd that Government by which it was maintain'd amongst them. In doing this they did not reject *Samuel; but they rejected God that he should not reign over them. They might perhaps believe that unlefs their King were such as the Law did not permit, he would not perform what they intended; or that the name of King did not belong to him, unlefs he had a power that the Law deny'd. But since God and his Prophets give the name of King to the chief Magiftrate, endow'd with a power that was restrain'd within very narrow limits, whom they might without offence set up, we also may safely give the fame to thofe of the fame nature, whether it pleafe *Filmer or not.

4. The practice of moft Nations, and (I may truly fay) of all that deserve imitation, has bin as directly contrary to the absolute power of one man as their Conftitutions: or if the original of many Governments lie hid in

* Che I Tiranni furono certi homini del tempo antico de i quali veggiamoci la parola. Bocc. Rvg. de Parn. the
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Chapter II.

The impenetrable darkness of Antiquity, their progress may serve to shew the intention of the Founders. Aristotle seems to think that the first Monarchs having been chosen for their Virtue, were little restrain'd in the exercise of their Power; but that they or their Children falling into Corruption and Pride, grew odious; and that Nations did on that account either abolish their Authority, or create Senats and other Magistrates, who having part of the Power, might keep them in order. The Spartan Kings were certainly of this nature; and the Persians, till they conquer'd Babylon. Nay, I may safely say, that neither the Kings which the fran-tick people set up in opposition to the Law of God, nor those of the bordering Nations, whose example they chose to follow, had that absolute power which our Author attributes to all Kings as inseparable from the name. Achish, the Philisian lورد and admir'd David; he look'd upon him as an Angel of God, and promis'd that he should be the keeper of his Head for ever: but when the Princes suspected him, and said he should not go down with us to Battel, he was oblig'd to dismiss him. This was not the language of Slaves, but of those who had a great part in the Government; and the King's submission to their will, shows that he was more like to the Kings of Sparta, than to an absolute Monarch, who dos whatever pleases him. I know not whether the Spartans were descended from the Hebrews, as some think; but their Kings were under a regulation much like that of the 17th of Deuter. tho' they had two: Their Senate of twenty eight, and the Ephori, had a power like to that of the Sanhedrin; and by them Kings were condemn'd to fines, imprisonment, banishment, and death, as appears by the examples of Pantantas, Cleonymus, Leonidas, Agis, and others. The Hebrew Disciplin was the same; Reges Davidice stirpis, says Maimonides, judicabant et judicabantur. They gave testimony in judgment when they were call'd, and testimony was given against them. Whereas the Kings of Israel, as the fame Author says, were superbi, corde elati, & soleres legis, nec judicabant, nec judicabantur; proud, insolent, and contempters of the Law, who would neither judg, nor submit to judgment as the Law commanded. But the Fruits they gather'd were fertile to the Seed they had sown, and their Crimes were not left unpunish'd: they who defpis'd the Law were destroy'd without Law; and when no ordinary course could be taken against them for their excesses, they were overthrown by force, and the Crown within the space of few years was transported into nine several Families, with the utter extirpation of those that had poss'd it. On the other hand, there never was any Sedition against the Spartan Kings; and after the moderate Disciplin, according to which they liv'd, was establish'd, none of them dy'd by the hands of their Subjects, except only two, who were put to death in a way of Justice: the Kingdom continu'd in the same races, till Cleomenes was defeated by Antigonus, and the Government overthrown by the Macedonians. This gave occasion to those baslic Tyrants Nobis and Machanidas to set up such a Government as our Author recommends to the World, which immediately brought destruction upon themselves, and the whole City. The Germans, who pretend to be descended from the Spartans, had the like Government. Their Princes according to their merit had the credit of persuading, not the power of commanding; and the question was not what part of the Government they would allow to the Nobility and People, but what the Nobility and People would give to their Princes: and 'tis not much material to our present dispute, whether they learnt this from some obscure knowledge of the
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the Law which God gave to his People, or whether led by the light of Reason, which is also from God, they discover'd what was altogether conformable to that Law. Whoever understands the affairs of Germany, knows that the present Emperors, notwithstanding their haughty Title, have a power limited as in the days of Tacitus. If they are good and wise, they may persuade; but they can command no farther than the Law allows. They do not admit the Princes, Noblemen, and Cities to the power which they all exercise in their general Diets, and each of them within their own Precincts; but they exercise that which has bin by publick consent bestow'd upon them. All the Kingdoms peopled from the North observ'd the same rules. In all of them the powers were divided between the Kings, the Nobility, Clergy, and Commons; and by the Decrees of Councils, Diets, Parliaments, Cortez, and Assemblies of Estates, Authority and Liberty were fo balanced, that such Princes as assuming to themselves more than the Law did permit, were severely punisht; and those who did by force or fraud invade Thrones, were by force thrown down from them.

This was equally beneficial to Kings and People. The Powers, as Theopompos King of Sparta said, were most safe when they were least envied and hated. Lewis the 11th of France was one of the first that broke this Golden Chain; and by more subtil Arts than had been formerly known, subverted the Laws, by which the fury of Kings had bin restrained, and taught others to do the like; tho' all of them have not so well sav'd themselves from punishment. James the third of Scotland was one of his most apt Scholars; and Buchanan in his Life says, 'That he was precipitated into all manner of Infamy by men of the most abject condition; that the corruption of those times, and the ill Example of neighbouring Princes, were considerable motives to pervert him: for Edward the fourth of England, Charles of Burgundy, Lewis the 11th of France, and John the second of Portugal, had already laid the Foundations of Tyranny in those Countries; and Richard the third was then most cruelly exercising the same in the Kingdom of England.'

This could not have bin, if all the Power had always bin in Kings, and neither the People nor the Nobility had ever had any: For no man can be said to gain that which he and his Predecessors always possest, or to take from others that which they never had; nor to set up any sort of Government, if it had bin always the same. But the aforefaid Lewis the 11th did assume to himself a Power above that of his Predecessors; and Philip de Commines shews the ways by which he acquir'd it, with the miserable effects of his Acquisition both to himself and to his people: Modern Authors observe that the change was made by him, and for that reason he is faid by Mezeray, and others, to have brought those Kings out of Guardianchip: they were not therefore to till he emancipat'd them. Nevertheless this Emancipation had no resemblance to the unlimited Power of which our Author dreams. The General Assemblies of Estates were often held long after his death, and continu'd in the exercice of the Sovereign Power of the Nation. Davila, speaking of the General Assemblies of Estates.

His de Civi 


† Davir mis les Roys hors de page.
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fembly held at Orleans in the time of Francis the second, afferts the whole Power of the Nation to have bin in them. Monsieur de Thou says the same thing, and adds, that the King dying suddenly, the Assembly contiued even at the desire of the Council, in the exercise of that Power, till they had settled the Regency, and other Affairs of the highest importance, according to their own judgment. Hottoman, a Lawyer of that Time and Nation, famous for his Learning, Judgment, and Integrity, having diligently examin'd the ancient Laws and Histories of that Kingdom, distinctly proves that the French Nation never had any Kings but of their own choosing; that their Kings had no Power except what was confer'd upon them; and that they had bin remov'd, when they excessively abus'd or render'd themselves unworthy of that Trust. This is sufficiently clear by the forcited examples of Pharamond's Grandchildren, and the degenerated Races of Meroveus and Pepin; of which many were depos'd, some of the nearest in Blood excluded; and when their Vices seem'd to be incurribile, they were wholly rejected. All this was done by virtue of that rule which they call the Salique Law: And the some of our Princes pretending to the Inheritance of that Crown by marrying the Heirs General, deny'd that there was any such thing, no man can say that for the space of above twelve hundred years, Females, or their Descendants, who are by that Law excluded, have ever bin thought to have any right to the Crown: And no Law, unless it be explicitly given by God, can be of greater Authority than one which has bin in force for so many Ages. What the beginning of it was is not known: But Charles the sixth receling from this Law, and thinking to dispose of the Succession otherwise than was ordin'd by it, was esteem'd mad, and all his Acts rescinded. And tho the Reputation, Strength and Valor of the English, commanded by Henry the fifth, one of the bravest Princes that have ever bin in the world, was terrible to the French Nation; yet they oppos'd him to the utmost of their power, rather than suffer that Law to be broken. And tho our Successes under his Conduct was great and admirable; yet soon after his death, with the expence of much Blood and Treasure, we lost all that we had on that side, and suffer'd the Penalty of having unadvisedly enter'd into that Quarrel. By virtue of the fame Law, the Agreement made by King John when he was Prisoner at London, by which he had alienated part of that Dominion, as well as that of Francis the first, conclud'd when he was under the fame Circumstances at Madrid, were reputed null; and upon all occasions that Nation has given sufficient testimony, that the Laws by which they live are their own, made by themselves, and not imposed upon them. And 'tis as impossible for them who made and depos'd Kings, exalted or deprest reigning Familys, and preferib'd Rules to the Succession, to have receiv'd from their own Creatures the Power, or part of the Government they had, as for a man to be begotten by his own Son. Nay, tho their Constitution was much chang'd by Lewis the 11th, yet they retain'd so much of their ancient Liberty, that in the last Age, when the House of Valois was as much deprav'd as those of Meroveus and Pepin had bin, and Henry the third by his own Leudnefs, Hypocrify, Cruelty and Impurity, together with the bafenes of his Minions and Favorites, had render'd himself odious and contemptible to the Nobility and People; the great Cities, Parliaments, the greater and (in political matters) the founder part of the Nation declar'd him to be fallen from the Crown, and purfu'd him to the death, tho the blow was given by the hand of a base and half-distracted Monk.

Henry
Henry of Bourbon was without controversy the next Heir; but neither sect. 30.
the Nobility nor the People, who thought themselves in the Government,
would admit him to the Crown, till he had given them satisfaction that he
would govern according to their Laws, by abjuring his Religion which
they judged inconsistent with them.

The later Comotions in Paris, Bourdeaux, and other places, togeth-
er with the Wars for Religion, shew, that tho' the French do not com-
plain of every Grievance, and cannot always agree in the defence and
vindication of their violated Libertys, yet they very well understand
their Rights: and that, as they do not live by, or for the King, but he
reigns by, and for them; so their Privileges are not from him, but that
his Crown is from them; and that, according to the true Rule of their
Government, he can do nothing against their Laws, or if he do, they may
oppose him.

The Institution of a Kingdom is the act of a free Nation; and whoever
denies them to be free, denies that there can be any thing of right in
what they set up. That which was true in the beginning is so, and must
be so for ever. This is so far acknowledg'd by the highest Monarchs,
that in a Treatise publish'd in the year 1667, by Authority of the present
King of France, to justify his pretensions to some part of the Low Coun-
tries, notwithstanding all the Acts of himself, and the King of Spain to
extinguish them, it is said, * That Kings are under the happy inability to do
any thing against the Laws of their Country. And tho' perhaps he may do
things contrary to Law, yet he grounds his Power upon the Law; and
the most able and most trusted of his Ministers declare the same. About
the year 1660, the Count D'Aubijoux, a man of eminent quality in Lan-
guedoc, but avers to the Court, and hated by Cardinal Mazarin, had
bin try'd by the Parliament of Tholouse for a Duel, in which a Gentle-
man was kill'd; and it appearing to the Court (then in that City) that he
had bin acquitted upon forg'd Letters of Grace, falsé Witnesses, power-
ful Friends, and other undue means, Mazarin desir'd to bring him to a
new Trial: but the Chancellor Seguier told the Queen-Mother it could
not be; for the Law did not permit a man once acquitted to be again ques-
tion'd for the same Fact; and that if the course of the Law were inter-
rupted, neither the Salique Law, nor the succession of her Children, or
any thing else could be secure in France.

This is farther prov'd by the Histories of that Nation. The Kings of
Merovingus and Pepin's Races, were suffer'd to divide the Kingdom a-
mongst their Sons; or, as Hottoman says, the Estates made the Division,
and allotted to each such a part as they thought fit. But when this way
was found to be prejudicial to the Publick, an Act of State was made in
the time of Hugh Capet, by which it was ordain'd, that for the future the
Kingdom should not be dismemberd; which Constitution continuing in
force to this day, the Sons or Brothers of their Kings receive such an A-
pannage (they call it) as is befit tow'd on them, remaining subject to
the Crown as well as other men. And there has bin no King of France
since that time (except only Charles the sixth) who has not acknowledg-
ed that he cannot alienate any part of their Dominion.

Whoever imputes the acknowledgment of this to Kingcraft, and says,
that they who avow this when 'tis for their advantage, will deny it on a

* Que les Roys ont cette bienheureuse imputance de ne pouvoir rien faire contre les loix de leur pays. Traité des droits de la Royne.

Ee different
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Chap. II.

different occasion, is of all men their most dangerous Enemy. In laying such fraud to their charge, he destroys the veneration by which they sub- sist, and teaches Subjects not to keep Faith with those, who by the most malicious deceits show, that they are ty'd by none. Human Societies are maintain'd by mutual Contrasts, which are of no value if they are not observ'd. Laws are made, and Magistrats created to cause them to be perform'd in publick and private matters, and to punish those who violate them. But none will ever be observ'd, if he who receives the greatest benefit by them, and is set up to oversee others, give the example to those who of themselves are too much inclin'd to break them. The first step that Pompey made to his own ruin was, by violating the Laws he himself had propos'd. But it would be much worse for Kings to break those that are establish'd by the Authority of a whole People, and confirm'd by the succession of many Ages.

I am far from laying any such blemishes on them, or thinking that they deserve them. I must believe the French King speaks sincerely, when he says he can do nothing against the Laws of his Country: And that our King James did the like, when he acknowledg'd himself to be the Servant of the Commonwealth; and the rather, because 'tis true, and that he is plac'd in the Throne to that end. Nothing is more essential and fundamental in the Constitutions of Kingdoms, than that Diets, Parliaments, and Assemblies of Estates should see this perform'd. 'Tis not the King that gives them a right to judge of matters of War or Peace, to grant Supplys of men and mony, or to deny them; and to make or abrogate Laws at their pleasure: All the Powers rightly belonging to Kings, or to them, proceed from the fame root. The Northern Nations seeing what mischief were generally brought upon the Eastern, by referring too much to the irregular will of a man; and what those who were more generous had suffer'd, when one man by the force of a corrupt mercenary Soldiery had overthrown the Laws by which they liv'd, fear'd they might fall into the same misery; and therefore retain'd the greater part of the Power to be exercis'd by their General Assemblies, or by Delegates, when they grew so numerous that they could not meet. These are the Kingdoms of which Grotius speaks, where the King has his part, and the Senat or People their part of the supreme Authority; and where the Law prescribes such limits, that if the King attempts to seize that part which is not his, he may justly be oppos'd: Which is as much as to say, that the Law upholds the Power it gives, and turns against those who abuse it.

This Doctorin may be displeasing to Court-Parasites; but is no less profitable to such Kings as follow better Councils, than to the Nations that live under them: the Wisdom and Virtue of the best is always fortify'd by the concurrence of those who are plac'd in part of the Power; they always do what they will, when they will nothing but that which is good; and 'tis a happy impotence in those, who thro ignorance or malevolent desire to do evil, not to be able to effect it. The weakness of such as by defects of Nature, Sex, Age, or Education, are not able of themselves to bear the weight of a Kingdom, is thereby supported, and they together with the People under them preferv'd from ruin; the furious rashness of the Infolent is restrain'd; the extravagance of those who are naturally lead, is aw'd; and the bstitial madness of the most violent, wicked and outrageous, supprest. When the Law provides for these matters, and prescribes ways by which they may be accomplisht, every man
man who receives or fears any Injury, seeks a remedy in a legal way, and vents his Passions in such a manner as brings no prejudice to the Commonwealth: If his Complaints against a King may be heard, and redrefied by Courts of Justice, Parliaments, and Diets, as well as against private men, he is satisfi'd, and looks no farther for a Remedy. But if Kings, like those of Israel, will neither judg nor be judg'd, and there be no Power orderly to redrefs private or publick Injuries, every man has recourse to force, as if he liv'd in a Wood where there is no Law; and that force is generally mortal to those who provoke it: No Guards can prevaile a hated Prince from the vengeance of one resolute hand; and they as often fall by the Swords of their own Guards as of others: Wrongs will be done, and when they do them cannot or will not be judg'd publickly, the injur'd Perfons become Judges in their own cafe, and Executioners of their own Sentence. If this be dangerous in matters of private concernment, 'tis much more so in those relating to the publick. The lead extravagances of Edward and Richard the Seconds, whilst they acknowledg'd the power of the Law, were gently provok'd and retir'd with the removal of some profligate Favorites; but when they would admit of no other Law than their own Will, no relief could be had but by their Deposition. The lawful Spartan Kings, who were obedient to the Laws of their Country, liv'd in safety, and dy'd with glory; whereas 'tis a strange thing to see a lawles Tyrant die without such infamy and misery, as held a just proportion with the wickedness of his Life. They did, as Plutarch says of Dionysus, many mischiefs, and suffer'd more. This is confir'd by the examples of the Kingdom of Israel, and of the Empires of Rome and Greece; they who would submit to no Law, were destroy'd without any. I know not whether they thought themselves to be Gods, as our Author says they were; but I am sure the most part of them dy'd like Dogs, and had the burial of Asses rather than of Men.

This is the happiness to which our Author would promote them all. If a King admits a People to be his companions, he ceases to be a King, and the State becomes a Democracy. And a little farther: If in such Assemblies, the King, Nobility, and People, have equal shares in the Sovereignty, then the King has but one voice, the Nobility likewise one, and the People one; and then any two of these voices should have power to overrule the third: Thus the Nobility and Commons should have a power to make a Law to bridle the King, which was never seen in any Kingdom. We have heard of Nations that admitted a man to reign over them (that is, made him King) but of no man that made a People. The Hebrews made Saul, David, Jeroboam, and other Kings: when they return'd from Captivity, they confer'd the same Title upon the Asmonean race, as a reward of their Valor and Virtue. The Romans chose Romulus, Numa, Hostilius, and others to be their Kings; the Spartans instituted two, one of the Heraclidae, the other of the Aedidae. Other Nations set up one, a few, or more Magistrates to govern them: and all the World agrees, that Qui dat efs, dat modum esse; He that makes him to be, makes him to be what is: and nothing can be more absurd than to say, that he who has nothing but what is given, can have more than is given to him. If Saul and Romulus had no other title to be Kings, than what the People confer'd upon them, they could be no otherwise Kings than as pleas'd the People: They therefore did not admit the People to be partakers of the Government; but the People who had all in themselves, and could not have made a King if...
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Chap. II. they had not had it, bestow'd upon him what they thought fit, and remain'd the rest in themselves. If this were not so, then instead of saying to the multitude, Will ye have this man to reign? they ought to say to the man, Wilt thou have this multitude to be a People? And whereas the Nobles of Arragon us'd to say to their new made King, We who are as good as you, make you our King, on condition you keep and maintain our Rights and Liberties, and if not, not; he should have said to them, I who am better than you, make you to be a People, and will govern you as I please. But I doubt whether he would have succeeded, till that Kingdom was join'd to others of far greater strength, from whence a power might be drawn to force them out of their usual method.

That which has bin saied of the Governments of England, France, and other Countries, shows them to be of the same nature; and if they deferre not the name of Kingdoms, and that their Princes will by our Author's Arguments be persuaued to leave them, those Nations perhaps will be fo humble to content themselves without that magnificent Title, rather than reign their own Libertys to purchase it; and if this will not please him, he may seek his glorious sovereign Monarchy among the wild Arabs, or in the Island of Ceylon; for it will not be found among civiliz'd Nations.

However more ignorance cannot be express, than by giving the name of Democracy to those Governments that are compos'd of the three simple species, as we have prov'd that all the good ones have ever bin: for in a strict sense it can only fute with those, where the People retain to themselves the administration of the supreme Power; and more largely, when the popular part, as in Athens, greatly overbalances the other two, and that the denomination is taken from the prevailing part. But our Author, if I mistake not, is the first that ever took the antient Governments of Israel, Sparta and Rome, or those of England, France, Germany and Spain, to be Democracies, only because every one of them had Senats and Assemblies of the People, who in their Perfons, or by their Deputies, did join with their chief Magistrates in the exercice of the supreme Power. That of Israel, to the time of Saul, is call'd by Josephus an Aristocracy. The same name is given to that of Sparta by all the Greek Authors; and the great content in the Peloponnesian War was between the two kinds of Government; the Cities that were govern'd Aristocratically, or desir'd to be so, following the Lacedemonians, and such as delighted in Democracy, taking part with the Athenians. In like manner Rome, England, and France, were saied to be under Monarchys; not that their Kings might do what they pleas'd, but because one man had a preheminence above any other. Yet if the Romans could take Romulus, the Son of a man that was never known, Num a Sabus, Hostilius and Ancus Martius private men, and Tarquinus Priscus the Son of a banish'd Cornelian, who had no Title to a preference before others till it was bestowed upon them, 'tis ridiculous to think, that they who gave them what they had, could not set what limits they pleas'd to their own gift.

But, says our Author, The Nobility will then have our Vote, and the People another, and they joining may overrule the third, which was never seen in any Kingdom. This may perhaps be one way of regulating the Monarchical Power, but it is not necessary, nor the only one: There may be a Senate, tho' the People be excluded; that Senate may be compos'd of men chosen for their Vertue, as well as for the Nobility of their Birth: The Government may consist of King and People without a Senate; or the Senate
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Senate may be compos'd only of the Peoples Delegates. But if I should grant his assertion to be true, the reasonableness of such a Constitution cannot be destroy'd by the consequences he endeavors to draw from it; for he who would instruct the world in matters of State, must show what is, or ought to be, not what he fancies may thereupon ensue. Besides, it does not follow, that where there are three equal Votes, Laws should be always made by the plurality; for the content of all the three is in many places required: and 'tis certain that in England, and other parts, the King and one of the Estates cannot make a Law without the concurrence of the other. But to please Filmer, I will avow, that where the Nobles and Commons have an equal Vote, they may join and over-rule or limit the power of the King; and I leave any reasonable man to judge, whether it be more safe and fit, that those two Estates comprehending the whole body of the Nation in their Persons, or by representation, should have a right to over-rule or limit the power of that man, woman, or child, who sits in the Throne; or that he or she, young or old, wife or foolish, good or bad, should over-rule them, and by their vices, weakness, folly, impertinence, incapacity, or malice, put a stop to their proceedings; and whether the chief concerns of a Nation may more safely and prudently be made to depend upon the votes of so many eminent Persons, amongst whom many wise, and good men will always be found if there be any in the Nation, and who in all respects have the same interest with them, or upon the will of one, who may be, and often is as vile, ignorant, and wretched as the meanest Slave; and either has, or is for the most part made to believe he has, an interest so contrary to them, that their suppression is his Advancement. Common sense so naturally leads us to the decision of this Question, that I should not think it possible for Mankind to have mistaken, tho we had no examples of it in History: and 'tis in vain to say, that all Princes are not such as I represent; for if a right were annex'd to the being of a Prince, and that his single judgment should over-balance that of a whole Nation, it must belong to him as a Prince, and be enjoy'd by the worst and basest, as well as by the wisest and best, which would inevitably draw on the absurdities above mention'd. But that many are, and have bin such, no man can deny, or reasonably hope that they will not often prove to be such, as long as any preference is granted to those who have nothing to recommend them, but the Familys from whence they derive; a continual succession of those who excel in Vertue, Wisdom, and Experience, being promised to none, nor reasonably to be expected from any. Such a Right therefore cannot be claim'd by all; and if not by all, then not by any, unless it proceed from a particular grant in consideration of personal Vertue, Ability, and Integrity, which must be prov'd: and when any one goes about to do it, I will either acknowledg him to be in the right, or give the reasons of my denial.

However this is nothing to the general Proposition: nay, if a man were to be found, who had more of the qualities requir'd for making a right judgment in matters of the greatest importance, than a whole Nation, or an Assembly of the best men chosen out of it (which I never heard to have bin, unless in the Personls of Moses, Joshua, or Samuel, who had the Spirit of God for their guide) it would be nothing to our purpose; for even he might be bias'd by his personal Interests, which Governments are not establish'd to promote.
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I may go a step farther, and truly say, that as such vast Powers cannot be generally granted to all who happen to succeed in any Family, without evident danger of utter Destruction, when they come to be executed by children, women, fools, vicious, incapable or wicked persons, they can be reasonably granted to none, because no man knows what any one will prove till he be tried; and the importance of the affair requires such a trial as can be made of no man till he be dead. He that resists one Temptation may fall under the power of another; and nothing is more common in the world, than to see those men fail greatly in the last actions of their lives, who had passed their former days without reproach: Wife and good men will with Moses say of themselves, I cannot bear the burden; and every man who is concern'd for the publick good, ought to let fools know they are not fit to undergo it, and by Law to restrain the fury of such as will not be guided by reason. This could not be deny'd, the Governments were constituted for the good of the Governor. 'Tis good for him that the Law appoints helps for his infirmities, and restrains his Vices: but all Nations ought to do it tho it were not so, in as much as Kingdoms are not established for the good of one man, but of the People; and that King who seeks his own good before that of the People, departs from the end of his Institution.

This is so plain, that all Nations who have acted freely, have some way or other endeavoured to supply the defects, or restrain the vices of their supreme Magistrates; and those among them deserve most praise, who by appointing means adequate to so great a work, have taken care that it might be easily and safely accomplish'd: Such Nations have always flourished in Vertue, Power, Glory, and Happiness, whilst those who wanted their Wisdom, have suffer'd all manner of Calamities by the weaknesses or injustice of their Princes, or have had their hands perpetually in Blood to preserve themselves from their fury. We need no better example of the first, than that of the Spartans, who by appointing such Limits to the power of their Kings as could hardly be transgressed, continued many Ages in great union with them, and were never troubled with civil Tumults. The like may be said of the Romans from the expulsion of the Tarquins, till they overthrew their own Orders, by continuing Marius for five years in the Consulat, whereas the Laws did not permit a man to hold the same Office two years together; and when that rule was broken, their own Magistrates grew too strong for them, and subverted the Commonwealth. When this was done, and the power came into the hands of one man, all manner of evils and calamities broke in like a flood: 'Tis hard to judge, whether the mischief he did, or those he suffer'd were the greater. He who set up himself to be Lord of the World, was like to a Beast crown'd for the slaughter, and his greatness was the forerunner of his ruin. By this means some of those who seem not to have bin naturally prone to evil, were by their fears put upon such devices to preserve themselves, as being rightly estimated, were worse than the death they apprehended: and the so much celebrated Constantine the Great dy'd no less polluted with the Blood of his nearest Relations and Friends, than Nero himself. But no place can show a more lively picture of this, than the Kingdoms of Granada, and others possess'd by the Moors in Spain, where there being neither Senate nor Assembly of the Nobility and People, to restrain the violence and fury of their Kings, they had no other way than to kill them when their vices became intolerable; which happening for the most part, they were almost all murd'rd:

Hist. de France, de Mari-
der'd; and things were brought to such extremity, that no man would accept a Crown, except he who had neither Birth nor Vertue to deserve it.

If it be said that Kings have now found out more easy ways of doing what they please, and securing themselves; I answer, that they have not prov'd so to all, and it is not yet time for such as tread in the same steps to boast of their success: many have fallen when they thought their designs accomplish'd; and no man, as long as he lives, can reasonably assure himself the like shall not befall him. But if in this corrupted Age, the treachery and perjury of Princes be more common than formerly; and the number of those who are brought to delight in the rewards of injustice, be so increas'd, that their parties are stronger than formerly: this rather shows that the balance of Power is broken, or hard to be kept up, than that there ought to be none; and 'tis difficult for any man, without the Spirit of Prophecy, to tell what this will produce. Whilst the aforesaid Constitutions of our Northern Kingdoms remain'd intire, such as contended with their Princes, fought only to reform the Governments, and by redressing what was amiss, to reduce them to their first Principles; but they may not perhaps be so modest, when they see the very nature of their Government chang'd, and the foundations overthrown. I am not sure that they who were well pleas'd with a moderate Monarchy, will submit to one that is abolisht; and 'tis not improbable, that when men see there is no medium between Tyranny and Popularity, they who would have bin contented with the reformation of their Government, may proceed farther, and have recourse to Force, when there is no help in the Law. This will be a hard work in those places where Vertue is wholly abolisht; but the difficulty will lie on the other side, if any sparks of that remain: if Vice and Corruption prevail, Liberty cannot subsist; but if Vertue has the advantage, arbitrary Power cannot be establish'd. Those who boast of their Loyalty, and think they give testimonys of it, when they addict themselves to the will of one Man, tho' contrary to the Law from whence that Quality is deriv'd, may consider, that by putting their Masters upon illegal courtesies, they certainly make them the worst of men, and bring them into danger of being also the most miserable. Few or no good Princes have fallen into difficulties, unless thro' an extremity of corruption introduc'd by the most wicked; and cannot properly be call'd unhappy, if they perish'd in their Innocence; since the bitterness of Death is assuag'd by the tears of a loving People, the assurance of a glorious memory, and the quiet of a well-fatis'd mind. But of those who have abandon'd themselves to all manner of Vice, follow'd the impulse of their own fury, and set themselves to destroy the best men for opposing their pernicious designs, very few have dy'd in peace. Their Lives have bin miserable, Death infamous, and Memory deretatable.

They therefore who place Kings within the power of the Law, and the Law to be a guide to Kings, equally provide for the good of King and People: Whereas they who admit of no participants in power, and acknowledge no rule but their own Will, set up an interest in themselves against that of their People, lose their affections, which is their most important Treasure, and incur their hatred, from whence results their greatest danger.
S E C T. XXXI.

The Libertys of Nations are from God and Nature, not from Kings.

Whatsoever is usually said in opposition to this, seems to proceed from a groundless conceit, that the Libertys enjoy'd by Nations arise from the Concessions of Princes. This point has bin already treated: but being the foundation of the Doctrin I oppose, it may not be amis farther to examin how it can be possible for one man, born under the same condition with the rest of Mankind, to have a Right in himself that is not common to all others, till it be by them or a certain number of them confer'd upon him; or how he can without the utmost absurdity be faid to grant Libertys and Privileges to them who made him to be what he is.

If I had to do with a man that fought after Truth, I should think he had bin led into this extravagant opinion by the terms ordinarily us'd in Patents and Charters granted to particular men; and not distinguishing between the Proprieter and the Dispenser, might think Kings had given, as their own, that which they only distribute out of the publick Treasury, and could have had nothing to distribute by parcels, if it had not bin given to them in gross by the Publick. But I need not use our Author so gently. The perversity of his judgment, and obstinate hatred to Truth, is sufficient to draw him into the most absurd errors, without any other inducement; and it were not charity, but folly to think otherwise of one who attributes in general to all Princes, without any regard to the ways by which they attain to their Power, such an Authority as never justly belong'd to any.

This will be evident to all those who consider, that no man can confer upon others that which he has not in himself: If he be originally no more than they, he cannot grant to them or any of them more than they to him. In the 7th, 8th, 9th, and subseuent Sections of the first Chapter, it has bin prov'd that there is no resemblance between the paternal Right, and the absolute Power which he affects in Kings: that the right of a Father, whatever it be, is only over his Children; that this right is equally inherited by them all when he dies: that every one cannot inherit Dominion; for the right of one would be inconsistent with that of all others: that the right which is common to all is that which we call Liberty, or exemption from Dominion: that the first Fathers of Mankind after the Flood had not the exercife of Regal Power; and whatsoever they had was equally devolv'd to every one of their Sons, as appears by the examples of Noah, Shem, Abraham, Isaac, Jacob, and their Children: that the erception of Nimrod's Kingdom was diretly contrary to, and inconsistent with the paternal right, if there was any regality in it: that the other Kingdoms of that time were of the same nature: that Nimrod not exceeding the age of threescore years when he built Babylon, could not be the Father of those that afflifed him in that attempt: that if the seventy two Kings, who, as our Author says, went from Babylon upon the confusion of Languages, were not the Sons of Nimrod, he could not govern them by the right of a Father; if they were, they must have bin very young, and could not have Children of their own to people the Kingdoms they set up: that whose Children foever they were, who out of a part of Mankind
Mankind did within a hundred and thirty two years after the Flood, divide into so many Kingdoms, they shew'd that others in process of time might subdivide into as many as they pleas'd; and Kingdoms multiplying in the space of four thousand years since the 72, in the same proportion they did in one hundred and thirty two years into seventy two, there would now be as many Kings in the World as there are men; that is, no man could be subject to another: that this equality of Right and exemption from the dominion of any other, is call'd Liberty: that he who enjoys it cannot be depriv'd of it, unless by his own consent, or by force: that no one man can force a Multitude, or if he did, it could confer no right upon him: that a Multitude confenting to be govern'd by one man, does confer upon him the power of governing them: the powers therefore that he has, are from them, and they who have all in themselves can receive nothing from him, who has no more than every one of them, till they do invest him with it. This is prov'd by sacred and profane History. The Hebrews in the creation of Judges, Kings, or other Magistrats, had no regard to Paternity, or to any who by extraction could in the least pretend to the right of Fathers: God did never direct them to do it, nor prove them for neglecting it: If they would chuse a King, he commanded them to take one of their Brethren, not one who call'd himself their Father: When they did resolve to have one, he commanded them to chuse him by lot, and caus'd the Lot to fall upon a young man of the youngest Tribe: David and the other Kings of Israel or Judah had no more to say for themselves in that point than Saul: All the Kings of that Nation before and after the Captivity, ordinarily or extraordinary set up, justly or unjustly, were rais'd without regard to any Prerogative they could claim or arrogate to themselves on that account. All that they had therefore was from their elevation, and their elevation from those that elevated them: 'Twas impossible for them to confer any thing upon those from whom they receiv'd all they had; or for the People to give power to Kings, if they had not had it in themselves; which Power universally residing in every one, is that which we call Liberty. The method of other Nations was much like to this. They plac'd those in the Throne who seem'd best to deserve so great an Honour, and most able to bear so great a Burden: The Kingdoms of the Heroes were nothing else but the Government of those who were most beneficent to the Nations amongst whom they liv'd, and whose Virtues were thought fit to be rais'd above the ordinary level of the World. The perhaps there was not any one Athenian or Roman equal to Theseus or Romulus in courage and strength, yet they were not able to subdue many: or if any man should be so vain to think that each of them did at first subdue one man, then two, and so proceeding by degrees conquer'd a whole People, he cannot without madness ascribe the fame to Numa, who being sent for from a foreign Country, was immediately made King of a fierce People, that had already conquer'd many of their Neighbours, and was grown too belligerous even for Romulus himself. The like may be said of the first Tarquin, and of Servius; they were Strangers: and tho'tullus Hostilius and Ancus Martius were Romans, they had as little title to a Dominion over their Fellow-Citizens, or means of attaining to it, as if they had come from the farthest parts of the Earth. This must be in all places, unless one man could prove by a perfect and uninterrupted Genealogy, that he is the eldest Son of the eldest Line of Noah, and that Line to have
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contin'd perpetually in the Government of the World: for if the Power has bin divided, it may be subdivided to infinity; if interrupted, the chain is broken, and can never be made whole. But if our Author can perform this for the service of any man, I willingly surrender my Arms, and yield up the Cause I defend. If he fail, 'tis ridiculous to pretend a Right that belongs to no man, or to go about to retrieve a Right which for the space of four thousand years has lain dormant; and much more to create that which never had a subsistence. This leads us necessarily to a conclusion, That all Kingdoms are at the first erected by the consent of Nations, and given to whom they please; or else all are set up by force, or some by force, and some by consent: If any are set up by the consent of Nations, their Kings do not confer Liberty's upon those Nations, but receive all from them, and the general Proposition is false. If our Author therefore, or his Followers, would confute me, they must prove that all the Kingdoms of the World have their beginning from force, and that Force does always create a Right; or if they recede from the general Proposition, and attribute a peculiar right to one or more Princes, who are to absolute Lords of their People, that those under them have neither Liberty, Privilege, Property or Part in the Government, but by their Concessions, they must prove that those Princes did by force gain the Power they have, and that their Right is deriv'd from it. This Force also must have bin perpetually continu'd; for if that force be the root of the Right that is pretended, another force by the same rule may overturn, extinguish or transfer it to another hand. If Contracts have interven'd, the force ceases; and the Right that afterwards dos accrue to the persons, must proceed from, and be regulated according to those Contracts.

This may be sufficient to my purpose: For having already prov'd, that the Kingdoms of Israel, Judah, Rome, Sparta, France, Spain, England, and all that we are concern'd in, or that deserve to be examples to us, did arise from the consent of the respective Nations, and were frequently reduc'd to their first Principles, when the Princes have endeavour'd to transgress the Laws of their Institution; it could be nothing to us, tho' Attila or Tamerlan had by force gain'd the Dominions they poifessed. But I dare go a step further, and boldly assert, that there never was or can be a man in the world that did, or can subdue a Nation; and that the right of one grounded upon force, is a mere whimsey. It was not Agathodæus, Diomæus, Nābas, Marus, Šylas or Cēfars, but the mercenary Soldiers, and other Villains that join'd with them, who subdu'd the Syracusians, Spartans, or Romans: And as the work was not perform'd by those Tyrants alone, if a right had bin gain'd by the violence they us'd, it must have bin common to all those that gain'd it; and he that commanded them could have had no more than they thought fit to confer upon him. When Miltiades desir'd leave to wear an Olive Garland, in commemoration of the Victory obtain'd at Marathon, an Athenian did in my opinion rightly say, "If you alone did fight against the Periains, it is just that you only should be crown'd; but if others did participate in the Victory, they ought alfo to have a part in the Honor. And the principal difference that I have observ'd between the most regular proceedings of the wifest Senats or Assemblies of the people in their Person's or Delegates, and the fury of the most diabolical Villains, has bin, that the first seeking the publick good, do usually set up such a Man, and invest him with such Powers as seem most conducing to that Good: whereas the others follow-
ing the impulse of a bestial rage, and aiming at nothing but the satisfaction of their own lusts, always advance one from whom they expect the greatest advantages to themselves, and give him such Powers as most conduce to the accomplishment of their own ends: but as to the Person 'tis the same thing. Cæsar and Nero did no more make themselves what they were, than Numa; and could no more confer any Right, Liberty or Privilege upon the Army that gave them all they had, than the most regular Magistrate could upon the Senat or People that chose him.

This also is common to the worst as well as the best, that they who set up either, do, as into a publick Treasury, confer upon the Person they choose, a Power of distributing to particular men, or numbers of men, such Honors, Privileges and Advantages, as they may seem, according to the Principles of the Government, to deserve. But there is this difference, that the ends of the one being good, and those of the other evil, the first do for the most part limit the Powers, that something may remain to reward Services done to the Publick, in a manner proportion'd to the merit of every one; placing other Magistrates to see it really perform'd, so as they may not, by the weakness or vices of the Governor, be turn'd to the publick detriment: the others think they never give enough, that the Prince having all in his Power, may be able to gratify their most exorbitant desires, if 'by any ways they can get his favour; and his infirmities and vices being most beneficial to them, they seldom allow to any other Magistrate a power of opposing his Will, or suffer those who for the publick good would assume it. The World affords many examples of both sorts, and every one of them have had their progres futable to their Constitution. The regular Kingdoms of England, France, Spain, Poland, Bohemia, Denmark, Sweden, and others, whether elective or hereditary, have had High Stewards, Conftables, Mayors of the Palace, Rishofmeiters, Parliaments, Diets, Assemblies of Estates, Cortez, and the like, by which those have bin admitted to succeed who seem'd most fit for the publick Service; the unworthy have bin rejected; the infirmities of the weak suppli'd; the malice of the unjust restrain'd; and when necessity requir'd, the Crown transfer'd from one Line or Family to another. But in the furious Tyrannys that have bin set up by the violence of a corrupted Soldiery, as in the antient Roman Empire, the Kingdoms of the Moors and Arabians, the Tyrannys of Ezzelino of Padua, those of the Pisones and Sforzefhi of Milan, Castruccio Castracani of Lucca, Cesar Borgia, and others, there was nothing of all this. The Will of the Prince was a Law; all Power was in him, and he kept it, till another fept up and took it from him, by the same means that he had gain'd it. This fell out so frequently, that tho all the Roman Emperors endeavour'd to make their Power hereditary, it hardly continu'd three Generations in one Line from Augustus to Augustinus, unless in that of Constantine, and that with extreme confusion and disorder. They who had madly set up a Man to be their Head, and expos'd so much of the World as was under their power, to be destroy'd by him, did by the like fury throw him down, and never ceas'd till they had brought the Empire to utter ruin.

But if this paternal Sovereignty be a mere fiction that never had any effect; and no Nation was ever commanded by God to make it their rule, nor any reprov'd for the neglect of it; none ever learnt it from the light of nature, nor were by wise men taught to regard it: If the first Fathers claim'd no Privilege from it when every man's Genealogy was known;
known; and tho' there were such a thing in nature, it could be of no use at this day, when the several Races of men are so confus'd, that not one in the world can prove his own Original: If the first Kingdoms, whether well or ill constituted, according to the Command of God, or the Inventions of Men, were contrary to, and incompatible with it; and there can have bin no justice in any, if such a Rule was to have bin observ'd; the continuance of an unjust usurpation can never have created a Right, but aggravated the injustice of overthrowing it; if no man could ever by his own strength and courage subdue a multitude, nor gain any other right over them, if he did, than they might have to tear it from him; Whoever denies Kingdoms or other Magistracies to have bin set up by men, according to their own will, and from an opinion of receiving benefit by them, accuses all the Governments that are, or ever have bin in the world, of that outrageous injustice in their Foundation which can never be repair'd. If there be therefore, or ever was any just Government amongst men, it was constituted by them; and whether their Proceedings were regular or violent, just or unjust, the Powers annex'd to it were their Donation: The Magistracies erected by them, whether in one or more men, temporary or perpetual, elective or hereditary, were their Creatures; and receiving all from them, could confer nothing upon them.

S E C T. XXXII.

The Contrasts made between Magistrates, and the Nations that created them, were real, solemn, and obligatory.

Our Author having with big words and little sense inveigh'd against Popular and Mix'd Governments, proceeds as if he had prov'd that they could not, or ought not to be. If it be, says he, unnatural for the Multitude to chuse their Governors, or to govern, or to partake in the Government; what can be thought of that damnable Conclusion which is made by too many, that the Multitude may correct or depose their Princes, if need be? Surely the unnaturalness and injustice of this Position cannot sufficiently be express'd. For admit that a King make a Contrast or Partition with his People originally in his Ancestors, or personally at his Coronation (for both these Partitions some dream of, but cannot offer any proof of either) yet by no Law of any Nation can a Contrast be thought broken, except first a lawful trial be had by the ordinary Judge of the breakers thereof; or else every man may be both Party and Judge in his own case, which is absurd once to be thought: for then it will lie in the hands of the headless multitude, when they please, to cast off the Yoke of Government that God has laid upon them, and to judge and punish him, by whom they should be judges and punished themselves. To this I answer first briefly, That if it be natural for the Multitude to chuse their Governors, or to govern, or to participate of the Government as best pleases themselves; or that there never was a Government in the World that was not set up by them, in pursuance of the Power naturally inherent in themselves; what can be thought of that damnable Conclusion, which has bin made by Fools or Knaves, That the Multitude may not, if need be, correct or depose their own Magistrates? Surely the unnaturalness and injustice of such a Position cannot be sufficiently express'd. If that were admitted, all the most solemn Partis and Contrasts...
Contracts made between Nations and their Magistrats, originally or personally, and confirm'd by Laws and mutual Oaths, would be of no value. He that would break the most sacred Bonds that can be amongst men, should by perjury and wickedness become Judge of his own case, and by the worst of crimes procure impunity for all. It would be in his power, by folly, wickedness and madness, to destroy the Multitude which he was created and sworn to preserve, tho the wife, virtuous and just, and headed by the wisest and justest of men; or to lay a Yoke upon those who by the Laws of God and Nature ought to be free: He might in his own case judge that Body by which he ought to be judged; and whoever in consideration of themselves and their own good, made him to be whatsoever he is more than every one of them: The Governments instituted for the preservation of Nations, would turn to their destruction: It would be impossible to check the fury of a corrupt and pernicious Magistrate: The worst of men would be rais'd to a height that was never deserv'd by the best; and the assurance of indemnity would, by increasing their influence, turn their other vices into madness, as has bin too often seen in those who have had more power than they deserv'd, and were more hardly brought to account for their actions than ought to have bin; tho I never heard of any who had so much as our Author afferts to be in all, nor that any was absolutely affur'd he should not be question'd for the abuse of what he had.

Besides, if every People may govern, or constitute and chuse one or more Governors, they may divide the Powers between several Men, or ranks of men, allotting to every one so much as they please, or retaining so much as they think fit. This has bin practis'd in all the Governments, which under several forms have flouris'd in Palestine, Greece, Italy, Germany, France, England, and the rest of the World. The Laws of every place shew what the Power of the respective Magistrate is, and by declaring how much is allow'd to him, declare what is deny'd; for he has not that which he has not, and is to be account'd a Magistrate while he exercises that which he has.

If any doubts do hereupon arise, I hope to remove them, proving in the first place, that several Nations have plainly and explicitly made Contracts with their Magistrats.

2. That they are implicit, and to be understood, where they are not plainly express.

3. That they are not dreams, but real things, and perpetually obliging.

4. That Judges are in many places appointed to decide the Contests arising from the breach of these Contracts; and where they are not, or the party offending is of such force or pride that he will not submit, Nations have bin oblig'd to take the extremest courses.

To the first: I suppose it will not be deny'd, that the annual Magistrats of divers Commonwealths are under some Compact, and that there is a power of constraining them to perform the contents, or to punish them for the violation. The modest behaviour of the Roman Consuls and Dictators (as long as their Laws were in force) might not probably proceed from their good nature. Tho the people had not bin, as our Author says, mad, foolish, and always desirous to chuse the worst men for being most like to themselves, but admirably wise and vertuous, 'tis not to be imagin'd that in the space of three or four hundred years they should never have fallen upon one who would have transgrest, 's he could have done it fairly, tho they had us'd the utmost caution in their choice.
But the power of the Consuls being only for a year, that of the Dictator for six months at most, and the Commission that he should take care the Commonwealth might suffer no damage, show the end and condition upon which they were chosen; and tho their Power is by some thought to have bin absolute, yet the Consuls were frequently oppos'd and brought into order by the Senat, Tribuns, or People, and sometimes the Dictator himself. Camillus in his fourth Dictatorship was threaten'd by the Tribuns with a great Fine, and by that means oblig'd to abdicate his Magistracy. I have already mention'd Marcus Fabius Maximus, who in the behalf of his Son Quintus condemn'd to die by Papirius the Dictator, appeal'd to the † People: And when the Conduct of Fabius in the War against Hannibal was not approv'd, the Tribun thought he made a very modest Proposition, in that he did not desire his Magistracy should be abrogated; but that the Matter of the Horse should be made equal to him in power, which was done accordingly. 'Tis agreed by all, that the Consuls were in the place of Kings, and that the Power of the Dictator was at least equal to what theirs had bin. If they therefore were under such a rule, which they could not transgress, or might be reduc'd to order if they did, and force'd to submit to the People, as the Kings had done, the Kings were also made upon the same conditions, and equally oblig'd to perform them.

The Scripture is more clear in the case. The Judges are said to have bin in power equal to Kings; and I may perhaps acknowledg it, with relation to the Deuteronomical King, or such as the People might have chosen without offending God. The Gileadites made a Covenant with Jephtha, that he should be their Head and Captain: He would not return to his Country till they had done it. This was perform'd solemnly before the Lord in Mispeh, and all Israel follow'd them. They might therefore make a Covenant with their Kings, for the difference of name does not increas or diminish the Right. Nay, they were in duty oblig'd to do it: The words of the 17th of Deuter. He shall not multiply Wives, &c. that his Heart be not lifted up above his Brethren, can have no other signification, than that they should take care he did it nor, or as Jephebus says, hinder him if he attempt it; for the Law was not given to the King who was not, but those who might make him if they thought fit. In pursuance of this Law—

* Ne quid etrumerti Respubl. accurata.
† Qui falem hic quam cum Dictatura potest pollere, cui & reges cesserent, &c. T. Liv. I. 8.

[The rest of this Chapter is wanting in the Original Manuscript]
CHAP. III.

SECT. I.

Kings not being Fathers of their People, nor excelling all others in Vertue, can have no other just Power than what the Laws give; nor any title to the privileges of the Lord's Anointed.

HAVING prov'd that the right of Fathers is from Nature, and incommunicable, it must follow, that every man does perpetually owe all love, respect, service, and obedience to him that did beget, nourish, and educate him, and to no other under that name. No man therefore can claim the right of a Father over any, except one that is so; no man can serve two Masters; the extent and perpetuity of the Duty which every man owes to his Father, renders it impossible for him to owe the same to any other: This right of Father cannot be devolv'd to the Heir of the Father, otherwise than as every Son by the Law of Nature is Heir to his Father, and has the same right of commanding his Children, as his Father had of commanding him when he was a Child: no man can owe to his Brother that which he ow'd to his Father, because he cannot receive that from him which he had from his Father: but the utmost of all absurdities that can enter into the Heart of man is, for one to exact the rights due to a Father, who has no other title than force and usurpation, it being no les than to say, that I owe as much to one who has done me the greatest of all Injuries, as to him who has confer'd upon me the greatest Benefits: or, which is yet worse, if possible, that as these usurpations cannot be made but by robbing, spoiling, imprisoning, or killing the Person in possession; that Duty, which by the eternal Law of Nature I owe to my Father, should oblige me to pay the same veneration, obedience, and service, to the man that has spoil'd, imprison'd, or kill'd my Father, as I ow'd to him; or that the same Law which oblig'd me to obey and defend my Father, because he was so, should oblige me to obey and defend his enemy, because he has imprison'd or kill'd him; and not only to pass over the Law of God, which makes me the avenger of my Father's Blood, but to reward his Murderer with the rights that comprehend all that is most tender and sacred in Nature, and to look upon one that has done me the greatest of all injuries and injures, as upon him to whom I owe my Birth and Education. This being evident to all those who have any measure of common sense, I suppose it may be safely concluded, that what right soever a Father may have over his Family, it cannot relate to that which a King has over his People; unless he, like the man in the Island of Pinet, mention'd before, be also the Father of them all. That which is abso-
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Chap. III. absolutely unlike in manner and substance, institution and exercise, must be unlike in all respects; and the Conclusions, which have their strength from Similitude and Parity, can have none when there is not the least similitude of either. And tho it were true, that Fathers are held by no contracts, (which generally 'tis not; for when the Son is of age, and does something for the Father to which he is not oblig'd, or gives him that which he is not bound to give, suppose an Inheritance receiv'd from a Friend, goods of his own acquisition, or that he be emancipated, all good Laws look upon those things as a valuable consideration, and give the same force to contracts thereupon made, as to those that pass between strangers) it could have no relation to our question concerning Kings. One principal reason that renders it very little necessary by the Laws of Nations, to restrain the power of Parents over their Children is, because 'tis presum'd they cannot abuse it: they are thought to have a Law in their Bowels, obliging them more strictly to seek their good, than all those that can be laid upon them by another Power; and yet if they depart from it, so as inhumanly to abuse or kill their Children, they are punisht with as much rigor, and accounted more unpardonable than other men. Ignorance or wilful malice perverting our Author to pass over all this, he boldly affirms, That the Father of a Family governs it by no other Law than his own Will; and from thence infers, that the condition of Kings is the same. He would seem to soften the harshness of this Proposition by saying, That a King is always try'd by the same Law of Nature to keep this general ground, that the safety of the Kingdom is his chief Law. But he spoils it in the next page, by altering, That it is not right for Kings to do injury, but it is right that they go unpunish'd by the People, if they do; so that in this point it is all one, whether Samuel describ'd a King or a Tyrant, for patient obedience is due unto both; no remedy in the Text against Tyrants, but crying and praying unto God in that day. In this our Author, according to the custom of Theaters, runs round in a Circle, pretends to grant that which is true, and then by a lie endeavours to destroy all again. Kings by the Law of Nature are oblig'd to seek chiefly the good of the Kingdom; but there is no remedy if they do it not: which is no less than to put all upon the Conscience of those who manifeftly have none. But if God has appointed that all other transgressions of the Laws of Nature, by which a private man receives damage, should be punisht in this world, notwithstanding the right referv'd to himself of a future punishment; I desire to know, why this alone, by which whole Nations may be, and often are destroy'd, should escape the hands of Justice? If he presume no Law to be necessary in this case, because it cannot be thought that Kings will transgress, as there was no Law in Sparta against Adultery, because it was not thought possible for men educated under that disciplin, to be guilty of such a Crime; and as divers Nations left a liberty to Fathers to dispose of their Children as they thought fit, because it could not be imagin'd that any one would abuse that power; he ought to remember that the Spartans were mistaken, and for want of that Law which they esteem'd useless, Adulteries became as common there as in any part of the world: and the other error being almost everywhere discover'd, the Laws of all civiliz'd Nations make it capital for a man to kill his Children; and give redress to Children, if they suffer any other extreme injuries from their Parents, as well as to other persons. But tho this were not so, it would be nothing to our question, unless it could be suppos'd, that whoever gets the power of a Nation into his hands, must be immediately fill'd with the same tender-
ness of affection to the People under him, as a Father naturally has towards the Children he has begotten. He that is of this opinion, may examin the lives of Herod, Tiberius, Caligula, and some later Princes of like inclinations, and conclude it to be true, if he find that the whole course of their actions, in relation to the People under them, do well fute with the tender and facred name of Father; and altogether falf, if he find the contrary. But fince every man that confiders what has bin, or fce what is every day done in the world, muft confefs, that Princes, or thole who govern them, do moft frequently fo utterly reject all thoughts of tendernefs and piety towards the Nations under them, as rather to feek what can be drawn from them, than what fhould be done for them, and sometimes become their moft bitter and publick enemys; 'tis ridiculous to make the safety of Nations to depend upon a fupposition, which by daily experience we find to be falf; and impious, to prefer the lufts of a man who violates the moft Sacred Laws of Nature, by destroying thofe he is oblig'd to preferve, before the welfare of that People for whole good he is made to be what he is, if there be any thing of justice in the Power he exercifes.

Our Author foolifhly thinks to cover the enormity of this nonfence, by turning Salutem Populi into Salutem Regni: for the Regnum may be taken for the power of commanding, in which fene the prefervation of it is the ufual object of the care of Princes, yet it does more rightly signify the Body of that Nation which is govern'd by a King. And therefore if the Maxim be true, as he acknowledges it to be, then Salus Populi eft Lex suprema; and the first fhing we are to inquire is, whether the Government of this or that man does conduce to the accomplifhment of that supreme Law, or not; for otherwife it ought to have bin faid, Salus Regis eft Lex suprema, which certainly never enter'd into the head of a wiser or better man than Filmer.

His Reafons are as good as his Doctrin: No Law, says he, can be impof'd on Kings, because there were Kings before any Laws were made. This would not follow, tho' the Propofition were true; for they, who impof'd no Laws upon the Kings they at first made, from an opinion of their Vertue, as in thofe call'd by the Antients Heroum regns, might lay re-ftrictions upon them, when they were found not to anfwer the expectation conceive'd of them, or that their Succiffors degenerated from their Vertue. Other Nations also being intrufted by the ill effects of an unlimited Power given to fome Kings (if there was any fuch) might wife-ly avoid the Rock upon which their Neighbours had split, and juftly moderate that Power which had bin pernicious to others. However a Propofition of fo great importance ought to be prov'd; but that being hard, and perhaps impoffible, because the original of Nations is almoft wholly unknown to us, and their practice feems to have bin fo various, that what is true in one is not fo in another; he is pleas'd only to affirm it, without giving the leaft shadow of a reafon to persuafe us to believe him. This might justify me, if I fhould reject his afcription as a thing faid gratis: but I may fafely go a ftep farther, and affirm, That men liv'd under Laws before there were any Kings; which cannot be deny'd, if such a Power necessarily belongs to Kings as he afcribes to them. For Nimrod, who eftablisht his Kingdom in Babel, is the first who by the Scripture is faid to have bin a mighty one in the Earth. He was therefore the first King, or Kings were not mighty; and he being the first King, Mankind muft have liv'd till his time without Laws, or else Laws were made before Gg Kings.
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III. Kings. To say that there was then no Law, is in many respects most absurd; for the Nature of man cannot be without it, and the violences committed by ill men before the Flood, could not have bin blam'd if there had bin no Law; for that which is not, cannot be transgressed. Cain could not have fear'd that every man who met him would flay him, if there had not bin a Law to flay him that had flain another. But in this case the Scripture is clear, at leaft from the time that Noah went out of the Ark; for God then gave him a Law fufficient for the state of things at that time, if all violence was prohibited under the name of shedding Blood, tho not under the fame penalty as Murder. But Penal Laws being in vain, if there be none to execute them, such as know God doing nothing in vain, may conclude that he who gave this Law, did appoint some way for its execution, tho unknown to us. There is therefore a Law not given by Kings, but laid upon fuch as should be Kings, as well as any other Perfons, by one who is above them; and perhaps I may fay, that this Law presfes moft upon them, because they who have moft power, do moft frequently break out into acts of Violence, and moft of all disdain to have their Will refrain'd: and he that will exempt Kings from this Law, must either find that they are excepted in the Text, or that God who gave it has not a Power over them.

Moreover, it has bin prov'd at the beginning of this Treatife, that the firft Kings were of the accursed race, and reign'd over the accursed Nations, whilst the holy Seed had none. If therefore there was no Law where there was no King, the accursed Posterity of Cham had Laws, when the bleffed Defcendants of Shem had none, which is moft absurd; the word Outlaw or Lawles, being often given to the wicked, but never to the juft and righteous.

The impious folly of fuch Affertions goes farther than our Author perhaps suspected: for if there be no Law where there is no King, the Israelites had no Law till Saul was made King, and then the Law they had was from him. They had no King before, for they ask'd one. They could not have ask'd one of Samuel, if he had bin a King. He had not bin offend'd, and God had not imputed to them the fin of rejecting him, if they had ask'd that only which he had fet over them. If Samuel were not King, Moses,Joshua, and the other Judges were not Kings; for they were no more than he. They had therefore no King, and consequently, if our Author lays true, no Law. If they had no Law till Saul was King, they never had any; for he gave them none; and the Prophets were to blame for denouncing judgments againft them for receding from, or breaking their Law, if they had none. He cannot fay that Samuel gave them a Law; for that which he wrote in a Book, and laid up before the Lord, was not a Law to the People, but to the King. If it had bin a Law to the People, it must have bin made publifh'd; but as it was only to the King, he laid it up before God, to testify againft him if he should adventure to break it. Or if it was a Law to the People, the matter is not mended; for it was given in the time of a King by one who was not King. But in truth it was the Law of the Kingdom by which he was King, and had bin wholly impertinent, if it was not to bind him; for it was given to no other perfon, and to no other end.

Our Author's Affertion on which all his Doâtrin is grounded, That there is no Nation that allows Children any action or remedy for being unjustly govern'd, is as impudently falfe as any other propos'd by him: for tho a Child will
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will not be heard that complains of the Rod; yet our own Law gives sect. 1. relief to Children against their Fathers, as well as against other persons that do them injuries, upon which we see many ill effects, and I do rather relate than commend the practice. In other places the Law gives relief against the extravagances of which Fathers may be guilty in relation to their Children, tho' not to that excess as to bring them so near to inequality as in England: They cannot imprison, sell, or kill their Children, without exposing themselves to the same punishments with other men; and if they take their Estates from them, the Law is open, and gives relief against them: but on the other side, Children are punish'd with Death, if they strike or outrageously abuse their Parents; which is not so with us.

Now, if the Laws of Nations take such care to preserve private men from being too hardly us'd by their true and natural Fathers, who have such a love and tendernefs for them in their own Blood, that the most wicked and barbarous do much more frequently commit crimes for them than against them; how much more necessary is it to restrain the fury that Kings, who at the best are but phantastical Fathers, may exercise to the destruction of the whole People? 'Tis a folly to say that David and some other Kings have had, or that all should have as tender an affection towards their People as towards their Children; for besides that even the first Proposition is not acknowledg'd, and will be hardly verify'd in any one instance, there is a vast distance between what men ought to be, and what they are. Every man ought to be just, true and charitable; and if they were so, Laws would be of no use: but it were a madness to abolish them upon a supposition that they are so; or to leave them to a future punishment, which many do not believe, or not regard. I am not oblig'd to believe that David lov'd every Israelite as well as his Son Absalom; but tho' he had, I could not from thence infer that all Kings do so, unless I were sure that all of them were as wise and virtuous as he.

But to come more clofe to the matter: Do we not know of many Kings who have come to their Power by the most wicked means that can enter into the heart of man, even by the most outrageous injuries done to the People, sometimes by a foreign aid? as Kings were by the power of the Romans impos'd upon the Britains, that they might waft the Forces, and break the Spirits of that fierce people. This Tacitus acknowledges, and says, *that among other instruments of inflaving Nations, they impos'd Kings upon them. The Medices were made Masters of Florence by the force of Charles the Fifth's Army. Sometimes by a corrupt party in their own Country they have destroy'd the best men, and subdued the rest; as Agathocles, Dionysius, and Cesar did at Rome and Syracuse. Others taking upon them to defend a People, have turn'd the Arms with which they were entrusted against their own Masters; as Francesco Sforza, who being chosen by those of Milan to be their General against the Venetians, made peace with them, and by their assistance made himself Prince, or, in our Author's phrase, Father of that great City. If these be acts of tendernefs, love, justice, and charity, thole who commit them may well think they have gain'd the affections of their People, and grow to love thole from whom they fear nothing, and by whom they think they are

* Inser. instrumenta servitiatis reges habuere. Tacit.

G g 2 lov'd.
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Other Princes who come to their Thrones by better ways, and are not contented with the power that the Law allows, draw the fame hatred upon themselves when they endeavour by force or fraud to enlarge it; and must necessarily fear and hate their own People as much as he who by the ways beforemention'd has betray'd or subdue'd them. Our Author makes nothing of this; but taking it for granted that it was all one whether Samuel spoke of a King or a Tyrant, declares that the fame patient obedience is due to both; but not being pleas'd to give any reafon why we should believe him, I intend to offer fome why we should not.

First, there is nothing in the nature or inftitution of Monarchy that obliges Nations to bear the exorbitances of it when it degenerates into Tyranny.

In the second place, we have no precept for it.

Thirdly, we have many approv'd examples, and occasional particular commands to the contrary.

1. To the first: The point of Paternity being explain'd; the duty of Children to Parents prov'd to proceed from the benefits receiv'd from them, and that the power over them, which at the first seems to have bin left at large, because it was thought they would never abuse it, has long been bin much restrain'd in all civiliz'd Nations, and particularly in our own; We may conclude that men are all made of the fame paffe, and that none owes no more to another than another to him, unlefs for fome benefit receiv'd, or by virtue of fome promife made. The duty arifing from a benefit receiv'd must be proportionable to it: that which grows from a promife is determin'd by the promife or contract made, according to the true fenece and meaning of it. He therefore that would know what the Babylonians, Hebrews, Athenians, or Romans did owe to Nimrod, Saul, Thefeus or Romulus, must inquire what benefits were receiv'd from them, or what was promis'd to them. It cannot be faid that any thing was due to them for the fake of their Parents; they could have no prerogative by birth: Nimrod was the fith Son of Chufb the Son of Cham, who was the youngeft Son of Noah; his Kingdom was erect'd whilst Noah and his elder Sons Shem and Japhet, as well as Cham, Chufb and his elder Sons were still living. Saul was the Son of Chufb, a man of Benjamin, who was the youngeft Son of Jacob; and he was chosen in the moft Democratical way by Lot amongst the whole People. Thefeus according to the custom of the times pretended to be the Son of Neptune; and Rhes was so well pleas'd with the Soldier that had gotten her with child, that she resolve'd to think or fay that Mars was the Father of the Children, that is to fay they were Baffards; and therefore whatever was due to them was
Upon their own personal account, without any regard to their Progenitors. This must be measured according to what they did for those Nations before they were Kings, or by the manner of their advancement. Nothing can be pretended before they were Kings: Nimrod rose up after the confusion of Languages, and the People that understood the tongue he spoke, follow'd him; Saul was a young man unknown in Israel; Theseus and Romulus had nothing to recommend them before other Athenians and Romans, except the reputation of their Valor; and the Honors confer'd upon them for that reason, must proceed from expectation or hope, and not from gratitude or obligation. It must therefore proceed from the manner by which they came to be Kings. He that neither is nor has any title to be a King, can come to be so only by force or by consent. If by force, he does not confer a Benefit upon the People, but injures them in the most outrageous manner. If it be possible therefore or reasonable to imagine that one man did ever subdue a multitude, he can no otherwise resemble a Father, than the worst of all Enemies who dos the greatest mischief, resembles the best of all Friends who confers the most inestimable benefits; and consequently dos as justly deserve the utmost effects of hatred, as the other dos of love, respect, and service. If by consent, he who is rais'd from amongst the people, and plac'd above his Brethren, receives great honors and advantages, but confers none. The obligations of gratitude are on his side, and whatsoever he dos in acknowledgment to his Benefactors for their love to him, is no more than his duty; and he can demand no more from them than what they think fit to add to the favors already receiv'd. If more be pretended, it must be by virtue of that contract, and can no otherwise be prov'd than by producing it to be examine'd, that the true sense, meaning, and intention of it may be known.

This Contract must be in form and substance according to a general Rule given to all mankind, or such as is left to the will of every Nation. If a general one be pretended, it ought to be shewn, that by inquiring into the contents, we may understand the force and extent of it. If this cannot be done, it may justly pass for a fiction, no conclusion can be drawn from it; and we may be sure, that what Contracts ever have bin made between Nations and their Kings, have bin fram'd according to the will of those Nations; and consequently how many foever they are, and whatsoever the sense of any or all of them may be, they can oblige no man, except those, or at the most the Descendants of those that made them. Whoever therefore would persuade us, that one or more Nations are, by virtue of those Contracts, bound to bear all the inoffences of Tyrants, is oblig'd to shew, that by those Contracts they did for ever indefinitely bind themselves so to do, how great soever they might be.

I may justly go a step farther, and affirm, That if any such should appear in the world, the folly and turpitude of the thing would be a sufficient evidence of the madness of those that made it, and utterly destroy the contents of it; but no such having bin as yet produc'd, nor any reason given to persuade a wise man, that there has ever bin any such, at least among civiliz'd Nations, (for whom only we are concern'd) it may be concluded there never was any; or if there were, they do not at all relate to our subject; and consequently that Nations still continue in their native Liberty, and are no otherwise oblig'd to endure the inoffence of Tyrants, than they, or each of them may esteem them tolerable.
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2. To the second: Tho' the words of Samuel had imply'd a necessity, incumbent upon the Hebrews to bear all the injuries that their kings should do to them, it could no way relate to us; for he does not speak of all kings, but of such as they had ask'd; even such as reign'd over the filthy Ajas-thicks their neighbors, who are no les's infamous in the world for their baseness and cowardice, than detestable for their idolatry and vices. It was not a plot or trick of Samuel to keep the government in himself and family; such scurrilous expressions or thoughts are fit only for Filmer, Heylin, and their disciples: But the prophet being troubled at the folly and wickedness of the people, who chose rather to subject themselves to the irregular will of a man, than to be govern'd by God and his law, did, by the immediate command of God, declare to them what would be the event of their fury; that since they would be like to their neighbors in sin and folly, he told 'em they should be like to them in shame and misery; since they desired to cast off the thing that was good, they should suffer evil as the product of their own counsels; and that when they should cry to the Lord from a sense of their miseries, he does not tell them, as our author falsely says, they should have no other remedy against tyrants but crying and praying, but that their cries and prayers should not be heard. It was just that when they had rejected God, he should reject them, and leave them under the weight of the calamities they had brought upon themselves. In all other cases God had ever said, that when his people return'd to him, he would hear and save them. When they cry'd by reason of the oppressions they suffer'd under the Egyptians, Canaanites, Midianites, Philistines, and others, tho' their crimes had deferv'd them all, yet God heard and reliev'd them. But when they meditated this final defection from his law, and rejection of his government, God seem'd to change his nature, and forget to be gracious; When ye shall cry to me by reason of your king, I will not hear you. This was the strongest dehoration from their wicked intention that can be imagin'd; but being not enough to reclaim them, they answer'd, Nay, but we will have a king. They were like to their neighbors in folly and vice, and would be like to them in government; which brought all the calamities upon them that the others suffer'd. But I know not what conclusion can be drawn from hence in favor of our author's Doctrin, unless all nations are oblig'd furiously to run into the same crimes with the Israelites, or to take upon themselves the same punishment, tho' they do not commit the same crimes.

If this was not a precept to the Israelites, instructing them what they should do, but a denunciation of what they should suffer for the evil which they had committed, the Old testament will afford none; and I hope in due time to answer such as he alleges from the new. Nay, we may conclude there can be none there, because being dictated by the same spirit, which is always uniform and constant to it self, it could not agree with the 17th of Deuteron, which so extremely restrains such a king as God allow'd, as not to suffer him in any manner to raise his heart above his brethren; and was said in vain, if at the same time it gave him a power which might not be restored, or forbid others to resist him if he would not obey the law.

3. To the third: Whatsoever was done by the command of God against Pharaoh King of Egypt, and against the kings of the Canaanites, Midianites, Moabites, Edomites, Amorites or Philistines, by Moses, Joshua, Ebud,
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Ehud, Barak, Gideon, Sampson, Jephtha, Samuel, and the rest of the judges, Sect. 1. comes expressly under the particular Precepts and Examples promised by me, to shew, that God had occasionally commanded, and his Servants executed his Commands in resisting and destroying the Persons of Kings, who were their own Kings also, if Possession was only to be regarded. And the this be sufficient to overthrow our Author's Doctrine; That we are not to examine the Titles of Kings, whether they be from usurpation, or any other means; but only to look upon the Power: Yet they who seek Truth, ought not to content themselves merely with Victory; or to esteem that a Victory, which is obtain'd by what the Schools call Argumentum ad hominem, grounded upon a false Proposition, and is of no force except against those who are to ill advis'd to advance it. Therefore laying aside the advantages that may be justly taken against Filmer, for the folly of asverting the fame Right to be in a Usurper as in a lawful Prince; and confessing that tho' such as have no Title, may and ought to be suppress'd as Enemies and Robbers, when respect and obedience is due to those who are rightly instituted; I lay, that none can be claim'd by a Prince lawfully instituted, if he assumes to himself a Power which is not granted to him by the Law of his Institution, \* becaufe, as Grotius says, his legal Power does not extend so far; or turn the Power that is given him, to ends contrary to those for which it was given, because he thereby destroys it, and puts himself into the same condition as if it had never bin. This is prov'd by the Example of Saul; Tho' the people insist'd grievously in asking a King, yet God assenting to their demand, no Prince was ever more solemnly instituted than he. The People chose him by Lot from amongst all the Tribes, and he was plac'd in the Throne by the general consent of the whole Nation: But he turning his lawful Power into Tyranny, disobeying the word of the Prophet, slaying the Priests, sparing the Amalekites, and oppressing the Innocent, overthrew his own Right; and God declar'd the Kingdom, which had bin given him under a conditional promise of perpetuity, to be entirely abrogated. This did not only give a right to the whole People of opposing him, but to every particular man; and upon this account David did not only fly from his fury, but refisted it. He made himself head of all the discontented Persons that would follow him: he had at first four, and afterwards six hundred men; he kept thefe in Arms against Saul, liv'd upon the Country, and resolv'd to destroy Nabal with all his Houfe, only for refusing to fend Provifions for his men. Finding himfelf weak and unsafe, he went to Achish the Philiffin, and offer'd his service even againft Israel. This was never reputed a fin in David, or in thofe that follow'd him, by any except the wicked Court-flatterer Doeg the Edomite, and the drunken fool Nabal, who is faid to have bin a man of Belial.

If it be objected, That this was rather a Flight than a War, in as much as he neither kill'd Saul nor his men, or that he made war as a King appointed by Samuel; I answer, that he who had fix hundred men, and entertain'd as many as came to him, sufficiently fhew'd his intention rather to refift than to fly: And no other reafon can be given why he did not farther pursue that intention, than that he had no greater power: and he who arms fix hundred men againft his Prince, when he can have no more, can no more be faid to obey patiently, than if he had fo many

\* Quia ctsmus non habet imperium. De Jar. Bel.
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Chap. III. hundreds of thousands. This holds, tho' he kills no man, for that is not the War, but the manner of making it: and 'twere as absurd to say David made no War, because he kill'd no men, as that Charles the eighth made no War in Italy, because Guicciardins says, he conquer'd Naples without breaking a Lance. But as David's strength increas'd, he grew to be less sparing of Blood. Those who say Kings never die, but that the right is immediately transfer'd to the next Heirs, cannot deny that Ishbosheth inherited the right of Saul, and that David had no other right of making war against him, than against Saul, unless it were confer'd upon him by the Tribe of Judah that made him King. If this be true, it must be confess'd that not only a whole People, but a part of them, may at their own pleasure abrogate a Kingdom, tho' never so well establishe'd by common consent; for none was ever more solemnly instituted than that of Saul; and few Subjects have more strongly oblig'd themselves to be obedient. If it be not true, the example of Nabal is to be follow'd; and David, tho' guided by the Spirit of God, deserves to be condemn'd as a fellow that rose up against his Master.

If to elude this it be said, That God instituted and abrogated Saul's Kingdom, and that David to whom the right was tranmit'ted, might therefore proceed against him and his Heirs as privates: I answer, that if the obedience due to Saul proceed'd from God's Institution, it can extend to none but those who are so peculiarly instituted and anointed by his Command, and the hand of his Prophet, which will be of little advantage to the Kings that can give no testimony of such Institution or Unction; and an indispensible right will remain to every Nation of abrogating the Kingdoms which are instituted by and for themselves. But as David resisst'd the Authority of Saul and Ishbosheth, without assuming the Power of a King, tho' design'd by God, and anointed by the Prophet, till he was made King of Judah by that Tribe; or arrogating to himself a Power over the other Tribes till he was made King by them, and had enter'd into a Covenant with them; 'tis much more certain that the Persons and Authority of ill Kings, who have no title to the Privileges due to Saul by virtue of his institution, may be justly resisst'd; which is as much as is necessary to my purpose.

Objec't. But David's Heart smote him when he had cut off the skirt of Saul's Garment, and he would not suffer Abibai to kill him. This might be of some force, if it were pretended that every man was oblig'd to kill an ill King, whenever he could do it, which I think no man ever did say; and no man having ever affirm'd it, no more can be concluded than is confess'd by all. But how is it possible that a man of a generous Spirit, like David, could see a great and valiant King, chosen from amongst all the Tribes of Israel, anointed by the command of God and the hand of the Prophet, famous for victories obtain'd against the enemies of Israel, and a wonderful deliverance thereby purchase'd to that People, cast at his feet to receive Life or Death from the hand of one whom he had so furiously persecuted, and from whom he least deserv'd, and could least expect mercy, without extraordinary commotion of mind, most especially when Abibai, who saw all that he did, and thereby ought best to have known his thoughts, express'd so great a readiness to kill him? This could not but make him reflect upon the infallibility of all that seem'd to be most glorious in men, and shew him that if Saul, who had bin nam'd even among the Prophets, and asist'd in an extraordinary manner to accomplish such great things, was so abandon'd and given over to fury, misery and shame; he
he that seem'd to be most firmly establish'd ought to take care left he should fall.

Surely these things are neither to be thought strange in relation to Saul, who was God's Anointed, nor communicable to such as are not: Some may suppose he was King by virtue of God's unction (tho' if that were true, he had never bin cho'en and made King by the People) but it were madness to think he became God's Anointed by being King: for it that were so, the fame Right and Title would belong to every King, even to those who by his command were accurs'd and destroy'd by his Servants Moses, Joshua and Samuel. The fame men, at the same time, and in the fame fenc, would be both his anointed and accurs'd, lov'd and defteft by him, and the moft sacred Privileges made to extend to the worft of his enemies.

Again; the War made by David was not upon the account of being King, as anointed by Samuel, but upon the common natural right of defending himself against the violence and fury of a wicked man; he trusted to the promise, that he should be King, but knew that as yet he was not to: and when Saul found he had spav'd his Life, he faid, I now know well that thou shalt surely be King, and that the Kingdom of Israel shall surely be establish'd in thy band; not that it was already. Nay David himself was so far from taking upon him to be King, till the Tribe of Judah had chosen him, that he often acknowledg'd Saul to be his Lord. When Baana'h and Rechab brought the head of Ishboibeth to him, he commanded them to be lain; Because they had kill'd a righteous man upon his Bed, in his own Houfe; which he could not have faid, if Ishboibeth had unjustly defteft'd from him the ten Tribes, and that he had a right to reign over them before they had chosen him. The Word of God did not make him King, but only foretold that he should be King; and by such ways as he pleas'd prepar'd the hearts of the People to fett him up; and till the time design'd by God for that work was accomplifh'd, he pretended to no other Authority, than what the fix hundred men who first follow'd him, afterwards the Tribe of Judah, and at laft all the rest of the People, confider'd upon him.

I no way defend Abfalom's revolt; he was wicked, and act'd wickedly; but after his death no man was ever blamed or question'd for fiding with him; and Amasa who commanded his Army, is repreffed in Scripture as a good man, even Davia faying, that Joab, by slaying Abner and Amasa, had kill'd two men who were better than himself: which could not have bin, unlefs the People had a right of looking into matters of Government, and of redreffing abufes; tho' being deceiv'd by Abfalom, they fo far err'd, as to prefer him, who was in all respects wicked, before the man, who, except in the matter of Uriah, is faid to be after God's own heart. This right was acknowledg'd by David himfelf, when he commanded Hushai to fay to Abfalom, I will be thy Servant, O King; and by Hushai in the following Chapter, Nay, but whom the Lord and his People, and all the men of Israel chufe, his will I be, and with him will I abide: which could have no fencé in it, unlefs the People had a right of chufing, and that the choice in which they generally concur'd, was eftem'd to be from God.

But if Saul, who was made King by the whole People, and anointed by the command of God, might be lawfully refifted when he departed from the Law of his Institution; it cannot be doubted that any other for the like reafon may be refifted. If David, tho' design'd by God to be
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Chap. III. King, and anointed by the hand of the Prophet, was not King till the People had chosen him, and he had made a Covenant with them; it will, if I mistake not, be hard to find a man who can claim a right which is not originally from them. And if the People of Israel could erect and pull down, institute, abrogate, or transfer to other Persons or Families, Kingdoms more firmly established than any we know, the same right cannot be deny'd to other Nations.

SECT. II.

The Kings of Israel and Judah were under a Law not safely to be transgress.

Our Author might be pardon'd if he only vented his own folly; but he aggravates his crime, by imputing them to men of more Credit; and tho' I cannot look upon Sir Walter Raleigh as a very good Interpreter of Scripture, he had too much understanding to say, That if practice declares the greatness of Authority, even the best Kings of Israel and Judah were not ty'd to any Law, but they did whatsoever they pleas'd in the greatest matters; for there is no fene in those words. If Practice declares the greatness of Authority, even the best of Kings were ty'd to no Law, signifies nothing, for Practice cannot declare the greatness of Authority. Peter the Cruel of Castile, and Christian the 2d of Denmark, kill'd whom they pleas'd; but no man ever thought they had therefore a right to do so: and if there was a Law, all were ty'd by it, and the best were least likely to break it than the worst. But if Sir Walter Raleigh's opinion, which he calls a conjecture, be taken, there was so great a difference between the Kings of Israel and Judah, that as to their general proceedings in point of Power, hardly any thing can be said which may rightly be apply'd to both; and he there endeavour'd to show, that the reason why the ten Tribes did not return to the house of David, after the destruction of the houses of Jeroboam and Baasha, was, because they would not endure a Power so absolute as that which was exercis'd by the house of David. If he has therefore any where said that the Kings did what they pleas'd, it must be in the fene that Mofes Maimonides says, The Kings of Israel committed many extravagances, because they were * insolent, impious, and despisers of the Law. But whatsoever Sir Walter Raleigh may say (for I do not remember his words, and have not leisure to seek whether any such are found in his Books) 'tis most evident they did not what they pleas'd. The Tribes that did not submit to David, nor crown him till they thought fit, and then made a Covenant with him, took care it might be observ'd whether he would or not. Absalom's Rebellion follow'd by almost all Israel, was a terrible check to his Will. That of Sheba, the Son of Bichri, was like to have bin worse, if it had not bin suppress'd by Jsaab's diligence; and David often confess the Sons of Zeruiah were too hard for him. Solomon indeed, overthrowing the Law given by Mofes, multiplying Gold and Silver, Wives and Horfes, introducing Idolatry,
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and lifting up his heart above his Brethren, did what he pleas'd; but Re-SECT. 2.
hoobam paid for all: the ten Tribes revolted from him, by reason of the heavy burdens laid upon them; Ion'd Adoram who was sent to levy the Tributes, and set up Jeroboam, who, as Sir Walter Raleigh says in the place before cited, had no other Title than the courtesy of the People, and utterly rejected the house of David. If practice therefore declares a right, the practice of the People to avenge the injuries they suffer'd from their Kings, as soon as they found a man fit to be their Leader, shews they had a right of doing it.

'Tis true, the belt of the Kings, with Moses, Jofhua, and Samuel, may in one sense be said to have done what they pleas'd, because they desir'd to do that only which was good. But this will hardly be brought to confer a right upon all Kings: And I deny that even the Kings of Judah did what they pleas'd, or that it were anything to our question if they did. Zedekiah profest to the great men (that is, to the Sanhedrin) that without them he could do nothing. When Amaziah, by his folly, had brought a great slaughter upon the Tribe of Judah, they conspir'd against him in publick Council; whereupon he fled to Lachis, and they pursuing him thither, kill'd him, avow'd the Fact, and it was neither question'd, nor blam'd: which examples agree with the paraphrase of Jofephus on Deut. 17. He shall do nothing without the consent of the Sanhedrin; and if he attempt it, they shall hinder him. This was the Law of God, not to be abrogated by Man; a Law of Liberty diretly opposite to the necessity of submitting to the will of a man. This was a Gift bestowed by God upon his Children and People; whereas slavery was a great part of the Curse denounced against Cham for his wickedness, and perpetually incumbent upon his Posterity. The great Sanhedrin were constituted Judges, as Grotius says, most particularly of such matters as concern'd their Kings; and Maimonides affirms, that the Kings were judg'd by them: The distribution of the power to the inferior Sanhedrins, in every Tribe and City, with the right of calling the People together in general Assemblies as often as occasion requir'd, were the foundations of their Liberty; and being added to the Law of the Kingdom prescrib'd in the 17th of Deuteronomy, if they should think fit to have a King, establisht the Freedom of that People upon a solid foundation. And tho' in their fury they did in a great measure wave the benefits God had bestowed upon 'em; yet there was enough left to restrain the Lufts of their Kings. Ahab did not treat with Naboth as with a Servant, whose Person and Estate depended upon his Will; and do not seem to have bin so tender-hearted to grieve much for his refusal, if by virtue of his Royal Authority he could have taken away his Vineyard and his Life: But that failing, he had no other way of accomplishing his design, than by the fraud of his accursed Wife, and the pernicious Wretches he employ'd. And no better proof that it did fail, can reasonably be requir'd, than that he was oblig'd to have recourse to such fordid, odious, and dangerous Remedies: But we are furnish'd with one that is more unquestionable; Hast thou kill'd, and also taken possession? In the place where Dogs lick'd the blood of Naboth, shall they lick thy Blood, even thine. This shews that the Kings were not only under a Law, but under a Law of equality with the rest of the People, even that of Retali-ation. He had rais'd his heart above his Brethren; but God brought him down, and made him to suffer what he had done; he was in all respects wicked, but the justice of this sentence consist'd in the Law he had broken, which could not have bin, if he had bin subject to none. But

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CHAP. III. as this Retaliation was the sum of all the Judicial Law given by God to his People, the Sentence pronounce'd against Ahab in conformity to it, and the execution committed to Jehu, thews, that the Kings were no less oblig'd to perform the Law than other men, tho' they were not so easily punish'd for transgressing it as others were; and if many of them did escape, it perfectly agrees with what had bin foretold by Samuel.

S E C T. III.

Samuel did not describe to the Israelites the glory of a free Monarchy; but the Evils the People should suffer, that he might divert them from desiring a King.

THO no restraint had bin put upon the Hebrew Kings, it could be no prejudice to any other Nation. They deflected from the Law of God; and rejecting him that he should reign over them no longer, they fell into that misery which could affect none but those who enjoy the fame Blessings, and with the same fury despise them. If their Kings had more Power than conferred with their welfare, they gave it, and God renounces the institution of * such. He gave them a Law of Liberty; and if they fell into the shame and misery that accompanies slavery, it was their own work. They were not oblig'd to have any King; and could not without a crime have any but one, who must not raise his heart above the rest of them. This was taught by Mosés: And Samuel, who spake by the same Spirit, could not contradict him; and in telling the People what such a King as they desir'd would do when he should be establish'd, he did announce to them the misery they would bring upon themselves, by chusing such a one as he had forbidden. This free Monarchy, which our Author thinks to be so majestically describ'd, was not only displeasing to the Prophet, but declar'd by God to be a rejection of him, and inconsistent with his reign over them. This might have bin sufficient to divert any other people from their furious resolution; but the Prophet farther enforcing his diffusion, told them, that God (who had in all other cases bin their helper) would not hear them when they should cry to him by reason of their King. This is the majestick description of that free Monarchy with which our Author is so much pleas'd: It was displeasing to the Prophet, hateful to God, an aggravation of all the crimes they had committed since they came out of Egypt, and that which would bring (as it did) most certain and irreparable destruction upon them.

But it seems the Regal Majesty in that Age was in its infancy, and little in comparison of that which we find describ'd by Tacitus, Suetonius, and others in later times. He shall take your Sons, says Samuel, and let them over his Chariots, and your Daughters to make them Confectioners and Cooks; but the Majesty of the Roman Emperors was carry'd to a higher pitch of Glory. Ahab could not, without employing treachery and fraud, get a small spot of ground for his mony to make a Garden of Herbs: But

* To have chosen Kings, but not by me; and Princes, but I know them not. Hof.
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Tiberius, Caligula and Nero kill’d whom they pleas’d, and took what they pleas’d of their Estates. When they had satisfied their cruelty and aversion by the murders and confiscations of the most eminent and belted men, they commonly expos’d their Children to the Luft of their Slaves. If the power of doing evil be glorious, the utmost excess is its perfection; and inspite that Samuel knew no more of the effects produc’d by unrestrain’d Luft, that he might have made the description yet more majestick: and as nothing can be suffer’d by man beyond contupration, torments and death, instead of such trifles as he mention’d, he might have shew’d them the effects of Fury in its greatest exaltation.

If it be good for a Nation to live under such a Power, why did not God of his own goodness institute it? Did his Wisdom and Love to his People fail? or if he himself had not set up the belted Government over them, could he be displeas’d with them for asking it? Did he separate that Nation from the rest of Mankind, to make their condition worse than that of others? Or can they be said to have fin’d and rejected God, when they describ’d nothing but the Government, which by a perpetual Ordinance he had establish’d over all the Nations of the World? Is not the Law of Nature a Rule which he has given to things? and the Law of man’s Nature, which is Reason, an emanation of the divine Wisdom, or some footsteps of divine Light remaining in us? Is it possible that this which is from God, can be contrary to his Will; and can he be offended with those who desire to live in a conformity to that Law? Or could it justly be said, The People had chosen that which is not good, if nothing in Government be good but what they chose?

But as the worst men delight in the worst things, and Fools are pleas’d with the most extreme absurdities, our Author not only gives the highest praise to that which bears so many marks of God’s hatred; but after having said that Abraham, Isaac, Jacob, and Moses were Kings, he tells us, The Magistrates beg’d a King of Samuel; which had bin impertinent, if the Magistrates instituted by the Law were Kings: and tho’ it might be a folly in them to ask what they had already, it could be no sin to desire that which they enjoy’d by the Ordinance of God. If they were not Kings, it follows that the only Government set up by God amongst men wanted the principal part, even the Head and Foundation, from whence all the other parts have their action and being; that is, God’s Law is against God’s Law, and destroys it self.

But if God did neither by a general and perpetual Ordinance establish over all Nations the Monarchy which Samuel describes, nor prescribe it to his own People by a particular Command, it was purely the Peoples Creature, the production of their own fancy, conceiv’d in wickedness, and brought forth in iniquity, an Idol set up by themselves to their own destruction, in imitation of their accursed Neighbours; and their Reward was no better than the concession of an impious Petition, which is one of God’s heaviest Judgments. Samuel’s words are acknowledg’d by all Interpreters, who were not malicious or mad, to be a diffusation from their wicked purpose; nor a description of what a King might justly do by virtue of his Office, but what those who should be set up against God and his Law would do when they came to have the power in their hands: And I leave such as have the understandings of men, and are not abandon’d by God, to judge what influence this ought to have upon other Nations, either as to obligation or imitation.

SECT.
S E C T. IV.

No People can be oblig'd to suffer from their Kings, what they have not a right to do.

O U R Author's next work is to tell us, That the Scope of Samuel was to teach the People a dutiful obedience to their King, even in the things that they think mischievous or inconvenient: For by telling them what the King would do, he indeed instructs them what a Subject must suffer: Yet not so that it is right for Kings to do injury, but it is right for them to go unpunish'd by the People if they do it; so that in this point it is all one whether Samuel describe a King or a Tyrant. This is hard, but the Conclusion is grounded upon nothing. There is no relation between a Prediction that a thing shall be attempted or done to me, and a Precept that I shall not defend my self, or punish the person that attempts or does it. If a Prophet should say that a Thief lay in the way to kill me, it might reasonably persuade me not to go, or to go in such a manner as to be able to defend my self; but can no way oblige me to submit to the violence that shall be offer'd, or my Friends and Children not to avenge my death if I fall: much less can other men be depriv'd of the natural right of defending themselves, by my imprudence or obstinacy in not taking the warning given, whereby I might have prefer'd my life. For every man has a right of resifting some way or other that which ought not to be done to him; and the human Laws do not in all cases make men Judges and Avengers of the Injuries offer'd to them, I think there is none that does not justify the man who kills another that offers violence to him, if it appears that the way prefer'd by the Law for the preservation of the Innocent cannot be taken. This is not only true in the case of outrageous attempts to affront or rob on the high way, but in divers others of less moment. I knew a man who being appointed to keep his Muster's Park, kill'd three men in one night that came to destroy his Deer; and putting himself into the hands of the Magistrate, and confessing the Fact both in matter and manner, he was at the publick Aflizes not only acquitted, but commended for having done his duty; and this in a time when 'tis well known Justice was severely administered, and little favor expected by him or his Master. Nay, all Laws must fall, human Societies that sublitt by them be dissolv'd, and all innocent persons be expos'd to the violence of the most wicked, if men might not justly defend themselves against injustice by their own natural right, when the ways prefer'd by publick Authority cannot be taken.

Our Author may perhaps say, this is true in all except the King: And I desire to know why, if it be true in all except the King, it should not be true in relation to him? Is it possible that he who is instituted for the obtaining of Justice, should claim the liberty of doing Injustice as a Privilege? Were it not better for a people to be without Law, than that a Power should be establish'd by Law to commit all manner of violences with impunity? Did not David reflect that of Saul? Did he not make himself head of the Tribe of Judah, when they revolted against his Son, and afterwards of the ten Tribes that rejected his Policrity?
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ritv? Did not the Israelites stone Adoram who collected the Taxes, revolt Sect. 4. from the House of David, set up Jeroboam; and did not the Prophet say it was from the Lord? If it was from the Lord, was it not good? If it was good then, is it not so for ever? Did good proceed from one root then, and from another now? If God had aveng'd the Blood of Naboth by fire from Heaven, and destroy'd the House of Ahab, as he did the two Captains and their men who were sent to apprehend Elifah, it might be said, he refer'd that vengeance to himself; but he did it by the Sword of Jehu and the Army (which was the People who had set him up) for an Example to others.

But 'tis good to examin what this dutiful Obedience is that our Authors mentions. Men usually owe no more than they receive. 'Tis hard to know what the Israelites ow'd to Saul, David, Jeroboam, Ahab, or any other King, whether good or bad, till they were made Kings: And the Act of the People by which so great a dignity was confer'd, seems to have laid a duty upon them, who did receive more than they had to give: so that something must be due from them, unless it were releas'd by virtue of a Covenant or Promise made; and none could accrue to them from the people afterwards, unless from the merit of the person in rightly executing his Office. If a Covenant or Promise be pretended, the nature and extent of the Obligation can only be known by the contents express, or the true intention of it. If there be a general form of Covenant set and agreed upon, to which all Nations must submit, it were good to know where it may be found, and by whose Authority it is establish'd, and then we may examin the fence of it. If no such do appear, we may rationally look upon those to be Impostors, who should go about from thence to derive a right: And as that which does not appear, is as if it were not, we may justly conclude there is no other, or none that can have any effect, but such as have bin made by particular Nations with their Princes; which can be of no force or obligation to others, nor to themselves, any further than according to the true intention of those that made them. There is no such thing therefore as a dutiful obedience, or duty of being obedient, incumbent upon all Nations by virtue of any Covenant; nor upon any particular Nation, unless it be express by a Covenant; and whoever pretends to a right of taking our Sons and Daughters, Lands or Goods, or to go unpunish'd if he do, must show that these things are express or intended by the Covenant.

But tho Nations for the most part owe nothing to Kings till they are Kings, and that it can hardly be conceiv'd, that any people did ever owe so much to a man, as might not be fully repaid by the honor and advantages of such an advancement; yet 'tis possible that when they are made Kings, they may by their good Government lay such Obligations upon their Subjects, as ought to be recompens'd by obedience and service. There is no mortal Creature that deserves so well from mankind, as a wife, valiant, diligent and just King, who as a Father cherishes his People; as a Shepherd feeds, defends, and is ready to lay down his life for his flock; who is a terror to evil doers, and a praise to those that do well. This is a glorious Prerogative, and he who has it is happy. But before this can be adjudg'd to belong to all, it must be prov'd that all have the Vertues that deserve it; and he that exerts the dutiful Obedience that arises from them, must prove that they are in him. He that does this, need not plead for impunity when he does injuries; for if he do them, he is not the man we speak of: Not being so, he can have no title to
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Chap. III. to the duty by human institution or Covenant; nor by divine Law, since, as is already prov'd, God has neither establish'd Kings over all Nations by Precept, nor recommended them by Example, in setting them over his own People. He has not therefore done it at all; there is no such thing in nature; and Nations can owe nothing to Kings merely as Kings, but what they owe by the Contract made with them.

As these Contracts are made voluntarily, without any previous obligation, 'tis evident that men make them in consideration of their own good, and they can be of force no longer, than he with whom they are made perform his part in procuring it; and that if he turn the power which was given to him for the publick good, to the publick inconvenience and damage, he must necessarily lose the benefit he was to receive by it. The word think is foolishly and affectedly put in by our Author; for those matters are very often so evident, that even the weakest know them. No great sagacity is requir'd to understand that lead, slothful, ignorant, false, unjust, covetous and cruel Princes bring inconveniences and mischiefs upon Nations; and many of them are so evidently guilty of some or all these Vices, that no man can be mistaken in imputing them; and the utmost Calamities may rationally be expected from them, unless a Remedy be apply'd.

But, says he, Samuel by telling them what the King would do, instruct them what the Subject's must suffer, and that 'tis right he should go unpunish'd. But, by his favor, Samuel says no such thing; neither is it to be concluded, that because a King will do wickedly, he must be suffer'd, any more than a private man, who should take the same Resolution. But he told them, that when they should cry to the Lord by reason of their King, he would not hear them. This was as much as to say, their ruin was unavoidable; and that, having put the power into the hands of those, who instead of protecting would oppress them; and thereby having provok'd God against them, so as he would not hearken to their cries, they could have no relief. But this was no security to the Authors of their Calamity. The Houses of Jeroboam, Baasha and Omri, escap'd not unpunish'd, tho' the People did not thereby recover their Liberty. The Kings had introduc'd a Corruption that was inconsistent with it. But they who could not settle upon a right Foundation to prevent future mischiefs, could avenge such as they had suffer'd, upon the heads of those who had caus'd 'em, and frequently did it most severely. The like befel the Romans, when by the violence of Tyranny all good Order was overthrown, good Disciplin extinguish'd, and the People corrupted. Ill Princes could be cut in pieces, and mischiefs might be reveng'd, tho' not prevented. But 'tis not so every where, nor at all times; and nothing is more irrational, than from one or a few Examples to conclude a general necessity of future Events. They alter according to Circumstances: and as some Nations by destroying Tyrants could not destroy Tyranny; others in removing the Tyrant, have cut up Tyranny by the roots. This variety has bin seen in the same Nation at different times: The Romans recover'd their Liberty by expelling Tarquin; but remain'd Slaves notwithstanding the slaughter of Cesar. Whilst the Body of the People was uncorrupted, they cur'd the Evil wrought by the Perfon, in taking him away. It was no hard matter to take the Regal Power that by one man had bin enjoy'd for life, and to place it in the hands of two annual Magistrats, whilst the Nobility and People were, according to the condition of that Age, strong and ready to maintain it. But when the mischief had taken deeper root; when
when the best part of the people had perifh'd in the Civil Wars; when all their eminent men had fallen in battle, or by the Proscriptions; when their Discipline was loft, and Virtue abolished, the poor remains of the diftrift people were brought under the power of a mercenary Soldiery, and found no relief. When they kill'd one Tyrant, they often made room for a worse: It avail'd them nothing to cut off a rotten Branch, whilst the accursed Root remain'd, and sent forth new Sprouts of the same nature to their destrucfion, Other generous Nations have bin subdu'd beyond a poftibility of recovery; and tho' those that are naturally base, glide into the like misery without the impulse of an exterior Power. They are Slaves by nature, and have neither the understanding nor courage that is requir'd for the constitution and management of a Government within themselves. They can no more withdraw without a Master, than a flock without a Shepherd. They have no comprehension of Liberty, and can neither defire the good they do not know, nor enjoy it if it were beforeward upon them. They bear all burdens; and whatever they suffer, they have no other remedy or refuge, than in the mercy of their Lord. But such Nations as are naturally strong, stout, and of good understanding, whose vigor remains unbroken, manners uncorrupted, reputation unblemish'd, and increasing in numbers; who neither want men to make up such Armies as may defend them against foreign or domestick Enemies, nor Leaders to head them, do ordinarily set limits to their patience. They know how to preserve their Liberty, or to vindicate the violation of it: and the more patient they have bin, the more inflexible they are when they resolve to be fo no longer. Those who are so foolish to put them upon such courses, do to their cost find there is a difference between Lions and Asles; and he is a fool who knows not that * Swords were given to men, that none might be Slaves, but such as know not how to ufe them.

* Ignorati, datos ne quisquum serviat enes. Lucan.

**S E C T. V.**

The Mifchiefs suffer'd from wicked Kings are such as render it both reasonable and just for all Nations that have Virtue and Power, to exert both in repelling them.

If our Author deferve credit, we need not examin whether Nations have a right of refifting, or a reasonable hope of succeeding in their endeavours to prevent or avenge the Mifchiefs that are fear'd or suffer'd, for 'tis not worth their pains. The Inconveniences, says he, and Miferies which are reckon'd up by Samuel, as belonging to Kingly Government, were not intollerable, but such as have bin and still are born by the Subjects free content from their Princes. Nay at this day, and in this Land, many Tenants by their Tenures are ty'd unto the same subjection, even unto subordinate and inferior Lords. He is an excellent Advocate for Kingly Government, that accounts Inconveniences and Miferies to be some of the essentials of it; which others eftcem to be only incidents. Tho' many Princes are violent and wicked, yet some have bin gentle and just: tho' many have brought misery upon Nations, some have bin beneficial to them: and they who are eftcem'd most severe against Monarchy, think the evils often suffer'd
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Chap. III. suffer'd under that form of Government proceed from the Corruption of it, or deviation from the principle of its institution; and that they are rather to be imputed to the vices of the Person, than to the thing itself: but if our Author speak truth, it is universally and eternally naught, inconvenience and misery belong to it.

He thinks to mend this by saying, they are not intolerable: but what is intolerable, if Inconveniences and Miserys be not? For what end can he think Governments to have bin establish'd, unlefs to prevent or remove Inconveniences and Miserys? or how can that be call'd a Government which does not only permit, but cause them? What can incline Nation to set up Governments? Is it that they may suffer Inconveniences, and be brought to misery? or if it be to enjoy happiness, how can that subsist under a Government, which not by accident, defection or corruption, but by a necessary inherent in it self, causes Inconveniences and Miserys? If it be pretended that no human Constitution can be altogether free from Inconveniences; I answer, that the best may to some degree fall into them, because they may be corrupted: but evil and misery can properly belong to none that is not evil in its own nature. If Samuel deserve credit, or may be thought to have spoken sense, he could not have enumerated the evils which he forewarn the People should suffer from their Kings, nor say that they should cry to the Lord by reason of them, unlefs they were in themselves grievous, and in comparison greater than what they had suffer'd or known; since that would not have diverted them from their intention, but rather have confirm'd 'em in it. And I leave it to our Author to shew, why any People should for the pleasure of one or a few men, erect or suffer that Government which brings more of evil with it than any other.

Moreover, there is a great difference between that which Nations sometimes suffer under Kings, and that which they willingly suffer; most especially if our Author's Maxim be receiv'd, That all Laws are the Mandates of Kings, and the Subjects Libertys and Privileges no more than their gracious Concessions; for how patient forever they are under the Evils they suffer, it might reasonably be believ'd they are so because they know not how to help it: And this is certainly the case of too many places that are known to us. Whoever doubts of this, if he will not put himself to the trouble of going to Turkey or Morocco, let him pass only into Normandy, and ask the naked, bare-footed and half-starved people whether they are willing to suffer the Miseries under which they groan; and whether the magnificence of Versailles, and the pomp of their haughty Masters, do any way alleviate their Calamities. If this also be a matter of too much pains, the Wretches that come hither every day will inform him, that it is not by their own consent they are depriv'd of all Honors and Offices in the Commonwealth, even of those, which by a corrupt Custom that had gain'd the force of a Law, they had dearly bought; prohibited to exercise any trade; expos'd to the utmost effects of fraud and violence, if they refuse to adore their Masters' Idols. They will tell him, that 'tis not willingly they leave their Lands and Estates to seek a shelter in the most remote parts of the World; but because they are under a force which they are not able to resist; and because one part of the Nation, which is enrich'd with the Spoils of the other, have foolishly contributed to lay a Yoke upon them which they cannot break.

To what he says concerning Tenures, I answer; No man in England owes any service to his Lord, unlefs by virtue of a Contract made by himself.
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self or his Predecessors, under which he holds the Land granted to him on Sect. 5.

that condition by the Proprietor. There may be something of hardship, but nothing of injustice. 'Tis a voluntary act in the beginning and continuance; and all men know that what is done to one who is willing *is no injury. He who did not like the Conditions, was not oblig'd to take the Land; and he might leave it, if afterwards he came to dislike it. If any man lay, the like may be done by any one in the Kingdom, I answer, That it is not always true; the Protestants now in France cannot without extreme hazard go out of that Country, tho' they are contented to lose their Estates. 'Tis accounted a Crime, for which they are condemn'd perpetually to the Gallys, and such as are aiding to them to grievous Fines. But before this be acknowledg'd to have any similitude or relation to our discourse concerning Kings, it must be prov'd, that the present King, or those under whom he claims, is or were Proprietors of all the Lands in England, and granted the several parcels under the condition of suffering patiently such Inconveniences and Miseries as are above-mention'd: or that they who did confer the Crown upon any of them, did also give a Propriety in the Land; which I do not find in any of the fifteen or sixteen Titles that have bin since the coming in of the Normans: and if it was not done to the first of every one, it cannot accrue to the others, unlefs by some new act to the same purpose, which will not easily be produc'd.

It will be no less difficult to prove that any thing unworthy of Freemen is by any Tenures impos'd in England, unlefs it be the offering up of the Wives and Daughters of Tenants to the Lust of Abbots and Monks; and they are so far from being willingly suffer'd, that since the Dens and Nurseries of those Beasts were abolish'd, no man that succeeds them has had impudence sufficient to exact the performance: and tho' the letter of the Law may favor them, the turpitude of the thing has extinguish'd the usage.

But even the Kings of Israel and Judah, who brought upon the People those evils that had bin foretold by Samuel, did not think they had a right to the Powers they exercis'd. If the Law had given a right to Abish to take the belt of their Vineyards, he might without ceremony have taken that of Naboth, and by the majestick power of an absolute Monarch, have chastis'd the churlish Clown, who refus'd to sell or change it for another: but for want of it, he was oblig'd to take a very different course. If the lives of Subjects had in the like manner depended on the will of Kings, David might without scruple have kill'd Uriah, rather than to place him in the front of the Army that he might fall by his own courage. The malice and treachery of such Proceedings argues a defect of power; and he that acts in such an oblique manner, shews that his actions are not warranted by the Law which is boldly executed in the face of the Sun. This shews the interpretation put upon the words, Against they only have I fin'd, by Court flatterers, to be false. For if he had not fin'd against Bathsheba whom he corrupted, Uriah whom he caus'd to be kill'd, the People that he scandaliz'd, and the Law which he violated, he had never endeavour'd to cover his guilt by so vile a fraud. And as he did not thereby fly the light of God, but of men, 'tis evident they in that action he fear'd men more than God.

* Volenti non fit injuria.
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If by the Examples of Israel and Judah, we may judge whether the Inconveniences and Miseries brought upon Nations by their Kings be tolerable or intolerable, it will be enough to consider the madness of Saul's cruelty towards his Subjects, and the slaughter brought upon them by the hand of the Philistines on Mount Gilboa, where he fell with the flower of all Israel; the Civil Wars that happen'd in the time of David, and the Plague brought upon the People by his wickedness; the heavy burdens laid upon them by Solomon, and the Idolatry favor'd by him; the wretched folly of Rehoboam, and the defection of the ten Tribes caus'd by it; the Idolatry establish'd by Jeroboam and the Kings of Israel, with that of many of those of Judah also; the frequent Wars and unheard of Slaughters ensuing thereupon between the Tribes; the daily devastations of the Country by all sorts of Strangers; the murders of the Prophets; the abolition of God's Worship; the defolation of Towns and Provinces; the dispersion of the ten Tribes carry'd away into unknown Countries; and in the end the abolition of both Kingdoms, with the captivity of the Tribe of Judah, and the utter destruction of the City. It cannot be said that these things were suffer'd under Kings, and not from or by them; for the defolation of the City, People and Country, is in many places of Scripture imputed to the Kings that taught Israel to sin, as appears by what was denounce'd against Jeroboam, Jehu, Ahaz, Manasseh, Zedekiah, and others. Nay, the Captivity of Babylon with the evils ensuing, were first announce'd to Hezekiah for his vanity; and Jotham by the like, brought a great slaughter upon himself and people. But if mischiefs fell upon the People by the frailty of those, who after David were the best, nothing surely less than the utmost of all Miseries could be expected from such as were set to do evil, and to make the Nation like to themselves, in which they met with too great success.

If it be pretended that God's People living under an extraordinary Dispensation can be no example to us, I desire other Histories may be examin'd; for I confess I know no Nation so great, happy and prosperous, nor any Power so well establish'd, that two or three ill Kings immediately succeeding each other, have not bin able to destroy and bring to such a condition, that it appear'd the Nations must perish, unless the Senats, Diets, and other Assemblies of State had put a stop to the mischief, by retraining or depopulating them. And tho' this may be prov'd by innumerable Testimonies, I shall only say, that the Roman Empire perish'd by the vices, corruption, and baseness of their Princes: the noble Kingdom of the Goths in Spain was overthrown by the Tyranny of Witiza and Rodrigo: the present State of Spain now languishes and threatens ruin from the fame caules: France was brought to the last degree of misery and weakness by the degenerate races of Pharamond and Charles; to which may be added those of our own Country, which are so well known that I need not mention them.
S E C T. VI.

'Tis not good for such Nations as will have Kings, to suffer them to be glorious, powerful, or abounding in Riches.

Our Author having hitherto spoken of all Nations, as born under a necessity of being subject to Absolute Monarchy, which he pretends to have bin set up by the universal and indispensible Law of God and Nature, now seems to leave to their discretion, whether they will have a King or not; but says, that those who will have a King, are bound to allow him Royal Maintenance, by providing Revenues for the Crown; since it is for the Honor, Profit and Safety of the People, to have their King glorious, powerful, and abounding in Riches. If there be any thing of sense in this Clause, there is nothing of truth in the foundation or principle of his whole Book. For as the right and being of a Father is natural or inherent, and no ways depending upon the will of the Child; that of a King is so also, if he be, and ought to enjoy the Rights belonging to the Father of the People: And 'tis not less ridiculous to say, those who will have a King, than it would be to say, he that will have a Father; for every one must have one whether he will or not. But if the King be a Father, as our Author from thence infers, that all Laws are from him, none can be imposed upon him; and whatsoever the Subject enjoys is by his concessions; 'tis absurd to speak of an Obligation lying upon the people to allow him Royal maintenance, by providing Revenues, since he has all in himself, and they have nothing that is not from him, and depending upon his Will. For this reason a worthy Gentleman of the Honorable Commons in the year 1640, desir'd that the business of the Judges, who in the Star-Chamber had given for their Opinion concerning Shipmony, That in cases of Necessity the King might provide it by his own Authority, and that he was Judge of that Necessity, might be first examin'd, that they might know whether they had any thing to give, before they should speak of giving. And as 'tis certain, that if the Sentence of those perjur'd Wretches had stood, the Subjects of England by consequence would have been found to have nothing to give; 'tis no less sure, that if our Author's principle concerning the Paternal and Absolute Power of Kings be true, it will by a more compendious way appear, that it is not left to the choice of any Nation, whether they will have a King or not; for they must have him, and can have nothing to allow him, but must receive all from him.

But if those only who will have a King, are bound to have one, and to allow this Royal maintenance, such as will not have a King, are by one and the same act deliver'd from the necessity of having one, and from providing Maintenance for him: which utterly overthrows the magnificent Fabric of Paternal Monarchy; and the Kings who were lately represented by our Author, plac'd on the Throne by God and Nature, and endow'd with an absolute Power over all, appear to be purely the Creatures of the People, and to have nothing but what is receiv'd from them.

From
From hence it may be rationally infer'd, that he who makes a thing to be, makes it to be only what he pleases. This must hold in relation to Kings as well as other Magistrates; and as they who made Confuls, Dictators, and Military Tribuns, gave them only such Power, and for such a time as best pleas'd themselves, 'tis impossible they should not have the fame right in relation to Kings, in making them what they please, as well as not to make them unless they please; except there be a Charm belonging to the Name, or the Letters that compose it; which cannot belong to all Nations, for they are different in every one according to the several Languages.

But, says our Author, 'tis for the Honor, Profit, and Safety of the People that the King should be glorious, powerful, and abounding in Riches. There is therefore no obligation upon them, and they are to judge whether it be to or not. The Scripture says plainly the contrary: He shall not multiply Silver and Gold, Wives and Horses; he shall not lift up his Heart above his Brethren. He shall not therefore be glorious, powerful, or abounding in Riches. Reason and Experience teach us the same thing: If those Nations that have bin proud, luxurious and vicious, have defir'd by Pomp and Riches to foment the Vices of their Princes, thereby to cherish their own; such as have excel'd in Vertue and good Disciplin have abhor'd it, and except the immediate exercise of their Office, have kept their supreme Magistrates to a manner of living little different from that of private men: and it had bin impossible to maintain that frugality, in which the integrity of their manners did chiefly confift, if they had set up an Example directly contrary to it, in him who was to be an Example to others; or to provide for their own safety, if they had overthrown that integrity of manners by which it could only be obtain'd andpreserve'd. There is a necessity incumbent upon every Nation that lives in the like Principle, to put a stop to the entrance of those Vices that arise from the superfluity of Riches, by keeping their Kings in that honest Poverty, which is the Mother and Nurse of Modesty, Sobriety, and all manner of Vertue: And no man can deny this to be well done, unless he will affirm that Pride, Luxury and Vice is more profitable to a Nation than the Vertues that are upheld by frugality.

There is another reason of no less importance to those Nations, who tho they think fit to have Kings, yet desire to preserve their Liberty, which obliges them to set limits to the Glory, Power and Riches of their Kings; and that is, That they can no otherwise be kept within the Rules of the Law. Men are naturally prone to corruption; and if he whose Will and Interest it is to corrupt them, be furnish'd with the means, he will never fail to do it. Power, Honors, Riches, and the Pleasures that attend them, are the baits by which men are drawn to prefer a personal Interest before the publick Good; and the number of those who covet them is so great, that he who abounds in them will be able to gain so many to his service as shall be sufficient to subdue the rest. 'Tis hard to find a Tyranny in the world that has not bin introduc'd this way: for no man by his own strength could ever subdue a multitude; none could ever bring many to be subervient to his ill designs, but by the rewards they receiv'd or hop'd. By this means Cæsar accomplish'd his work, and overthrew the Liberty of his Country, and with it all that was then good.
in the world. They who were corrupted in their minds, defir'd to put all the Power and Riches into his hands, that he might distribute them such as serv'd him. And he who was nothing less than covetous in his own nature, defir'd Riches, that he might gain Followers; and by the plunder of Gaul he corrupted thofe that betray'd Rome to him. And tho' I do not delight to speak of the Affairs of our own time, I desire thofe who know the prefent State of France to tell me, whether it were possible for the King to keep that Nation under fervitude, if a vaft Revenue did not enable him to gain fo many to his particular service as are sufficient to keep the reft in fubjection: and if this be not enough, let them confider whether all the dangers that now threaten us at home, do not proceed from the maldfes of thofe who gave fuch a Revenue, as is utterly un- proportionable to the Riches of the Nation, unfuitable to the modést behaviour expected from our Kings, and which in time will render Parlia- ments unnecessary to them.

On the other hand, the poverty and simplicitv of the Spartan Kings was no lefs fane and profitable to the People than truly glorious to them. Agesilaus deny'd that Artaxerxes was greater than he, unlefs he were more temperate or more valiant; and he made good his words fo well, that without any other affiilance than what his Wisdom and Valor af- forded, he ftruck fuch a terror into that great, rich, powerful and abso- lute Monarch, that he did not think himfelf fane in Babylon or Ecbatane, till the poor Spartan was, by a Captain of as great valor, and greater poverty, oblig'd to return from Afa to the defence of his own Country. This was not peculiar to the severe Laconic Disciplin. When the Roman Kings were expell'd, a few Carts were prepar'd to transport their goods: and their Lands, which were confecrated to Mars, and now go under the name of Campus Martius, hardly contain ten Acres of ground. Nay the Kings of Israel, who led fuch vaft Armys into the field (that is, were follow'd by all the people who were able to bear Arms) feem to have poft- felt little. Abah, one of the moft powerful, was fo fond of Naboth's Vineyard (which being the Inheritance of his Fathers, according to their equal division of Lands, could not be above two Acres) that he grew sick when it was refus'd.

But if an allowance is to be made to every King, it muft be either ac- cording to a universal Rule or Standard, or muft depend upon the Judgment of Nations. If the firft, they who have it, may do well to produce it; if the other, every Nation proceeding according to the measure of their own difcretion, is free from blame.

It may alfo be worth obfervation, whether the Revenue given to a King be in fuch manner committed to his care, that he is oblig'd to em- ploy it for the publick Service without the power of Alienation; or whether it be granted as a Propriety, to be spent as he thinks fit. When some of the antient Jews and Chriftians scrupled the paiment of Tribute to the Emperors, the reafons allwed to perfuade them to a compliance, feem to be grounded upon a fuppofition of the firft: for, faid they, the defence of the State lies upon them, which cannot be perform'd without Armys and Garifons; these cannot be maintain'd without pay, nor mony rais'd to pay them without Tributes and Cuftoms. This carries a face of reafon with it, especially in thofe Countries which are perpetually or fre- quently fubjeft to Invasions; but this will not content our Author. He speaks of employing the revenue in keeping the Kings Houfe, and looks upon it as a propriety to be spent as he thinks convenient: which is no lefs than
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Chap. III. than to cast it into a Pit, of which no man ever knew the bottom. That which is given one day, is squander'd away the next: The people are always opprest with Impositions, to foment the Vices of the Court: Those daily increasing, they grow infatiable, and the miserable Nations are compel'd, to hard Labor, in order to satiate those Lusts that tend to their own ruin.

It may be consider'd that the vertuous Pagans, by the light of Nature, discover'd the truth of this. Poverty grew odious in Rome, when great men by defiring Riches put a value upon them, and introduc'd that pomp and luxury which could not be born by men of small Fortunes. + From thence all furies and mischiefs seem'd to break loose: The bafe, flavish, and fo often subdu'd Asia, by the bafeft of men reveng'd the defeats they had receiv'd from the bravest; and by infusing into them a delight in pomp and luxury, in a short time render'd the strongest and bravest of Nations the weakest and bafeft. I wish our own experience did not too plainly manifest, that these Evils were never more prevalent than in our days, when the luxury, majestick pomp, and absolute power of a neighbouring King must be support' by an abundance of Riches torn out of the bowels of his Subjects, which renders them in the best Coun-try of the World, and at a time when the Crown most flourishes, the poorest and moft miserable of all the Nations under the Sun. We too well know who are most apt to learn from them, and by what means and steps they endeavour to lead us into the like misery. But the Bird is safe when the Snare is discover'd; and if we are not abandon'd by God to de-struction, we shall never be brought to content to the settling of that Pomp, which is against the practice of all vertuous people, and has brought all the Nations that have bin taken with it into the ruin that is intended for us.

S E C T. VII.

When the Israelites ask'd for such a King as the Nations about them had, they ask'd for a Tyrant, tho' they did not call him so.

NOW that Saul was no Tyrant, says our Author, note, that the people ask'd a King as all Nations had: God answers, and bids Samuel to hear the voice of the People in all things which they speake, and appoint them a King. They did not ask a Tyrant; and to give them a Tyrant when they ask'd a King, had not bin to hear their voice in all things, but rather when they ask'd an Egg to have given them a Scorpion; unless we will say that all Nations had Tyrants. But before he drew such a Conclusion, he should have observ'd, that God did not give them a Scorpion when they ask'd an Egg, but told them that was a Scorpion which they call'd an Egg: They would have a King to judge them, to go out before them, and to fight their Barrels; but God in effect told them, he would overthrow all Justice,
and turn the Power that was given him, to the ruin of them and their Po-

Aristotle makes no other distinction between a King and a Tyrant, than that the King governs for the good of the People, the Tyrant for his own pleasure or profit: and they who ask'd such a one, ask'd a Tyrant, tho' they call'd him a King. This is all that could be done in their Language: for as they who are skill'd in the Oriental Tongues assure me, there is no name for a Tyrant in any of them, or any other way of expressing the thing than by circumlocution, and adding proud, involuntary, cruel, violent, or the like Epithets, to the word Lord, or King. They did in effect ask a Tyrant: They would not have such a King as God had ordain'd, but such a one as the Nations had. Not that all Nations had Tyrants; but those who were round about them, of whom they had knowledge, and which in their manner of speaking went under the name of all, were blest with such Masters. This way of expression was us'd by Lot's Daughters, who said, There was not a man in all the earth to come in to them; because there was none in the neighborhood with whom it was thought fit they should accompany. Now that the Eastern Nations were then, and are still under the Government of those which all free People call Tyrants, is evident to all men. God therefore in giving them a Tyrant, or rather a Government that would turn into Tyranny, gave them what they ask'd under another name; and without any blemish to the Mercy promis'd to their Fathers, suffer'd them to bear the penalty of their wickedness and folly in rejecting him that he should not reign over them.

But tho' the name of Tyrant was unknown to them, yet in Greece, from whence the word comes, it signify'd no more than one who govern'd according to his own will, distinguishing'd from Kings that govern'd by Law; and was not taken in an ill sense, till those who had bin advanced for their Justice, Wisdom and Valor, or their Descendants, were found to depart from the ends of their Institution, and to turn that Power to the oppression of the people, which had bin given for their protection. But by these means it grew odious, and that kind of Government came to be thought only tolerable by the basest of men; and those who destroy'd it, were in all places esteem'd to be the best.

If Monarchy had bin universally evil, God had not in the 17th of Deuteronomy given leave to the Israelites to set up a King; and if that kind of King had bin ask'd, he had not bin displeas'd: and they could not have bin faid to reject God, if they had not ask'd that which was evil; for nothing that is good is contrary, or inconsistent with a people's obedience to him. The Monarchy they ask'd was displeasing to God, it was therefore evil. But a Tyrant is no more than an evil or corrupted Monarch: The King therefore that they demand'd was a Tyrant: God in granting one who would prove a Tyrant, gave them what they ask'd; and that they might know what they did, and what he would be, he told 'em they rejected him, and should cry by reason of the King they desir'd.

This denotes him to be a Tyrant: for as the Government of a King ought to be gentle and easy, tending to the good of the people, resembling the tender care of a Father to his Family; if he who is set up to be a King, was a
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CHAP. III. King, and to be like to that Father, do lay a heavy Yoke upon the people, and use them as Slaves and not as Children, he must renounce all resemblance of a Father, and be accounted an Enemy.

But, says our Author, whereas the peoples crying argues some tyrannical oppression, we may remember that the peoples Cry is not always an Argument of their living under a Tyrant. No man will say Solomon was a Tyrant, yet all the Congregation complain'd that Solomon made their Yoke grievous.

'Tis strange, that when Children, nay when Whelps cry, it should be accounted a mark that they are troubled, and that the Cry of the whole People should be none: Or that the Government which is erected for their ease, should not be esteemed tyrannical if it prove grievous to those it should relieve. But as I know no example of a People that did generally complain without cause, our Adversary must alledge some other than that of Solomon, before I believe it of any. We are to speak reverently of him: He was excellent in Wisdom; he built the Temple, and God appear'd twice to him: But it must be confessed, that during a great part of his life he acted directly contrary to the Law given by God to Kings, and that his ways were evil and oppressive to the people, if those of God were good.

Kings were forbidden to multiply Horfes, Wives, Silver and Gold: But he brought together more Silver and Gold, and provided more Horfes, Wives and Concubines than any man is known to have had: And tho' he did not actually return to Egypt, yet he introduce'd their abominable Idolatry, and so far raise'd his heart above his Brethren, that he made them subservient to his Pomp and Glory. The People might probably be pleas'd with a great part of this; but when the Yoke became grievous, and his foolish Son would not render it more easy, they threw it off; and the thing being from the Lord, it was good, unless he be evil.

But as just Governments are establish'd for the good of the governed, and the Israelites dinst a King, that it might be well with them, not with him who was not yet known to them; that which exalts one to the prejudice of those that made him, must always be evil, and the People that suffers the prejudice must needs know it better than any other. He that denies this, may think the state of France might have bin better known from Bulfin the late Treasurer, who finding Lewis the Thirteenth to be troubled at the peoples miseries, told him they were too happy, since they were not reduc'd to eat grafs. But if words are to be understood as they are ordinarily us'd, and we have no other than that of Tyranny to express a Monarchy that is either evil in the institution, or fallen into corruption, we may justly call that Tyranny which the Scripture calls a grievous Yoke, and which neither the old nor the new Counsellors of Reboboan could deny to be so; for tho' the first advis'd him to promulgate amendment, and the others to do worse, yet all agreed that what the people said was true.

This Yoke is always odious to such as are not by natural stupidity and baseness fitted for it; but those who are so, never complain. An Ass will bear a multitude of blows patiently, but the leaf of them drives a Lion into rage. He that said, the rod is made for the back of fools, confess'd that oppression will make a woman mad. And the most unnatural of all oppressions is to use Lions like Asses, and to lay that Yoke upon a generous Nation, which only the basest can deserve; and for want of a better word we call this Tyranny.

Our Author is not contented to vindicate Solomon only, but extends his Indulgence to Saul. His custom is to patronize all that is detestable, and no better testimony could be given of it. If is true, says he, Saul lost his Kingdom,
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Kingdom, but not for being too cruel or tyrannical to his Subjects, but for Sect. 7.
being too mercifull to his Enemies. But he allidges no other reason, than that
the slaughter of the Priests is not blam’d; nor oberving that the Writers
of the Scripture in relating those things that are known to be abominable
by the Light of Nature, frequently say no more of them: And if this
be not fo, Lot’s drunkenness and incest, Reuben’s pollution of his Fa-
ther’s bed, Abimelech’s slaughter of his seventy Brothers, and many of the
most wicked Acts that ever were committed, may pass for laudable and
innocent. But if Saul were not to be blam’d for killing the Priests, why
was David blam’d for the death of * Uriah? Why were the Dogs to lick
the blood of Ahab and Jezebel, if they did nothing more than Kings
might do without blame? Now if the slaughter of one man was to severely
aveng’d upon the Authors and their Familys, none but such as Filmer
can think that of so many innocent men, with their Wives and Children,
could escape unreprov’d or unpunish’d. But the whole series of the History
of Saul shewing evidently that his Life and Reign were full of the
most violent cruelty and madness, we are to seek no other reason for the
ruin threaten’d and brought upon him and his Family. And as those
Princes who are most barbarously savage against their own people,
are usually most gentle to the Enemies of their Country, he could not
give a more certain testimony of his hatred to those he ought to have pro-
tected, than by preserving those Nations who were their most irrecon-
cilable Enemies. This is prov’d by reason as well as by experience; for
every man knows he cannot bear the hatred of all mankind: Such as know
they have Enemies abroad, endeavour to get Friends at home: Those
who command powerful Nations, and are belov’d by them, fear not to
offend Strangers. But if they have render’d their own people Enemies to
them, they cannot hope for help in a time of distress, nor so much as a
place of retreat or refuge, unless from strangers, nor from them unless
they deserve it, by favoring them to the prejudice of their own Country.
As no man can servfe two Masters, no man can pursue two contrary In-
terests. Moses, Joshua, Gideon and Samuel, were severe to the Amorites,
Midianites and Cananites, but mild and gentle to the Hebrews. Saul, who
was cruel to the Hebrews, &par’d the Amalekites, whose preservation was
their destruction: and whilft he destroy’d those he should have sav’d,
and sav’d those that by a general and particular command of God he
should have destroy’d, he left his ill govern’d Kingdom, and left an
example to posterity of the end that may be expected from pride, folly
and tyranny.

The matter would not be much alter’d, if I should confess, that in
the time of Saul all Nations were govern’d by Tyrants (tho it is not
true, for Greece did then flourish in Liberty, and we have reason to be-
lieve that other Nations did so also) for tho they might not think of a
good Government at the first, nothing can oblige men to continue under
one that is bad, when they discover the evils of it, and know how to mend
it. They who trusted men that appear’d to have great Vertues, with such
a power as might easily be turn’d into Tyranny, might juftly retract, limit
or abolish it, when they found it to be abus’d. And the no condition had
been reviv’d, the publick Good, which is the end of all † Government,

* Thon haft killed Uriah with the Sword of the Children of Ammon: Now therefore the Sword shall never depart from thee Hosea, 2 Sam. 12.
† Siles populi suprema Lex.
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Chap. III. had bin sufficient to abrogate all that should tend to the contrary. As the malice of Men and their Inventions to do mischief increase daily, all would soon be brought under the power of the worst, if care were not taken, and opportunities embraced to find new ways of preventing it. He that should make War at this day as the best Commanders did two hundred years past, would be beaten by the meanest Soldier. The Places then accounted impregnable are now flighted as indefensible; and if the Arts of defending were not improv'd as well as those of assaulting, none would be able to hold out a day. Men were sent into the World rude and ignorant; and if they might not have us'd their natural Facultys to find out that which is good for themselves, all must have bin condemn'd to continue in the ignorance of our first Fathers, and to make no use of their understanding to the ends for which it was given.

The beastial Barbarity in which many Nations, especially of Africa, America and Asia, do now live, shews what human Nature is, if 't be not improv'd by Art and Disciplin: and if the first errors, committed thro ignorance, might not be corrected, all would be oblig'd to continue in them; and for any thing I know, we must return to the Religion, Manners and Policy that were found in our Country at Cefar's landing. To affirm this is no less than to destroy all that is commendable in the world, and to render the understanding given to men utterly useless. But if it be lawful for us by the use of that understanding to build Houses, Ships and Forts better than our Ancestors, to make such Arms as are most fit for our defence, and to invent Printing, with an infinite number of other Arts beneficial to mankind, why have we not the same right in matters of Government, upon which all others do almost absolutely depend? If men are not oblig'd to live in Caves and hollow Trees, to eat Acorns, and to go naked, why should they be for ever oblig'd to continue under the same form of Government that their Ancestors happen'd to set up in the time of their ignorance? Or if they were so ignorant to set up one that was not good enough for the age in which they liv'd, why should it not be alter'd, when tricks are found out to turn that to the prejudice of Nations, which was erect'd for their good? From whence should maleic and wickedness gain a privilege of putting new Inventions to do mischief every day into practice? and who is it that so far protects them, as to forbid good and innocent men to find new ways of defending themselves? If there be any that do this, they must be such as live in the same principle; who whilst they pretend to exercise Justice, provide only for the indemnity of their own Crimes, and the advancement of unjust designs. They would have a right of attacking us with all the advantages of the Arms now in use, and the Arts which by the practice of so many ages have bin wonderfully refin'd, whilst we should be oblig'd to employ no others in our just defence, than such as were known to our naked Ancestors when Cefar invaded them, or to the Indians when they fell under the dominion of the Spaniards. This would be a compendious way of placing uncontroll'd Iniquity in all the Kingdoms of the World, and of overthrowing all that deserves the name of Good by the introduction of such accursed Maxims. But if no man dares to acknowledg any such, except those whose acknowledgment is a diffredit, we ought not to suffer them to be obliquely obtruded upon us, nor to think that God has so far abandon'd us into the hands of our Enemies, as not to leave us the liberty of using the same Arms in our defence as they do to offend and injure us.
We shall be told, that Prayers and Tears were the only Arms of the first Christians, and that Christ commanded his Disciples to pray for those that persecuted them. But besides that those Precepts of the most extreme lenity do ill fute, with the violent practices of those who attempt to enslave Nations, and who by alleging them do plainly shew either that they do not extend to all Christians, or that they themselves are none whilst they act contrary to them; they are to know, that those Precepts were merely temporary, and directed to the Persons of the Apostles, who were arm'd only with the Sword of the Spirit; that the Primitive Christians us'd Prayers and Tears only no longer than whilst they had no other arms. But knowing that by lifting themselves under the ensigns of Christianity they had not left the rights belonging to all Mankind, when Nations came to be converted, they no way thought themselves oblig'd to give their Enemies a certain opportunity of destroying them, when God had put means into their hands of defending themselves; and proceeded so far in this way, that the Christian Valor soon became no lefs famous and remarkable than that of the Pagans. They did with the utmost vigor defend both their civil and religious Rights against all the Powers of Earth and Hell, who by force and fraud endeavour'd to destroy them.

SECT. VIII.

Under the name of Tribute no more is understood than what the Law of each Nation gives to the supreme Magistrate for the defraying of publick Charges; to which the Customs of the Romans, or sufferings of the Jews have no relation.

If any desire the directions of the New Testament, says our Author, he may find our Saviour limiting and distinguishing Royal Power, by giving to Cesar those things that are Cesar's, and to God the things that are God's. But that will be of no advantage to him in this contest. We do not deny to any man that which is his due; but do not so well know who is Cesar, nor what it is that can truly be said to be due to him. I grant that when those words were spoken, the power of the Romans exercis'd by Tiberius was then express'd by the name of Cesar, which he without any Title had aum'd. The Jews amongst many other Nations having bin subdu'd, submitted to it; and being no way competent Judges of the rights belonging to the Senat or People of Rome, were oblig'd to acknowledge that Power which their matters were under. They had no Commonwealth of their own, nor any other Government among themselves, that was not precarious. They thought Christ was to have reftor'd their Kingdom, and by them to have reign'd over the Nations; but he shew'd them they were to be subject to the Gentiles, and that within few years their City and Temple should be destroy'd. Their Commonwealth must needs expire when all that was prefigur'd by it was accomplish'd. It was not for them at such a time to presume upon their abrogated Privileges, nor the Promises made to them, which were then full'd. Nay, they had by their Sins profan'd themselves, and given to the Gentiles a right over them, which none could have had, if they had continu'd in their obedience to the Law of God. This was the foundation of the Cesar's dominion
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Chap. III. Minion over them, but can have no influence upon us. The first of the Cæsars had not bin set up by them: The feries of them had not bin conti-
nu'd by their consent: They had not interrupted the succession by placing
or displacing such as they pleas'd: They had not brought in Strangers or
Baffards, nor prefer'd the remotest in blood before the nearest: They had
no part in making the Laws by which they were govern'd, nor had the
Cæsars sworn to them: They had no Great Charter, acknowledging their
Liberties to be innate or inherent in them, confirm'd by immemorial Cul-
tom, and strengthen'd by thirty acts of their own general Assemblies,
with the assent of the Romans: The Cæsar who then govern'd came not
to the power by their consent: The question, Will ye have this man to
reign? had never bin ask'd; but he being impos'd upon them, they
were to submit to the Laws by which he govern'd their Masters. This
can be nothing to us, whose case is in every respect moft unlike to theirs.
We have no Dictatorian Power over us; and neither we nor our Fathers
have render'd or ow'd obedience to any human Laws but our own, nor to
any other Magnificracy than what we have eftablish'd. We have a King
who reigns by Law. His power is from the Law that makes him King:
and we can know only from thence what he is to command, and what we are oblige'd to obey. We know the power of the Cæsars was usurp'd,
maintain'd and exercis'd with the most detestable violence, injustice and
cruelty. But tho' it had bin eftablish'd by the consent of the Romans, from
an opinion that it was good for them in that state of affairs, it were no-
thing to us: and we could be no more oblige'd to follow their example in
that, than to be govern'd by Consuls, Tribuns, and Decemviri, or to con-
stitute such a Government as they set up when they expel'd their Kings.
Their Authority was as good at one time as at the other; or if a difference
ought to be made, the preference is to be given to what they did when
their Manners were moft pure, the People moft free, and when Virtue was
moft flourishing among them. But if we are not oblige'd to set up such a
Magnificracy as they had, 'tis ridiculous to think that such an obedience is
due to one who is not in being as they paid to him that was. And if I
should confefs that Cæsar holding the Senat and People of Rome under the
power of the Sword, impos'd what tribute he pleas'd upon the Provinces;
and that the Jews, who had no part in the Government, were oblige'd
to submit to his will, our liberty of paying nothing, except what the
Parliament appoints, and yielding obedience to no Laws but such are made
to be so by their Authority, or by our own immemorial Customs,
could not be thereby infringe'd. But we may juftly affirm, that the Tri-
bute impos'd was not, as our Author infers, all their Coin, nor a conside-
urable part of it, nor more than what was understood to go for the defray-
ing of the publick Charges. Christ by asking whose Image and Super-
scription was Stampt upon their Money, and thereupon commanding them
to give to Cæsar that which was Cæsar's, did not imply that all was his;
but that Cæsar's Mony being current amongst them, it was a continual
and evident testimony, that they acknowledg'd themselves to be under
his jurisdiction, and therefore could not refuse to pay the Tribute laid
upon them by the same Authority, as other Nations did.

It may also be observ'd, that Christ did not so much lay this to deter-
mine the questions that might arise concerning Cæsar's Power; for he plain-

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ly says, that was not his work; but to put the Pharisees to silence who tempted him. According to the opinion of the Jews, that the Messiah would restore the Kingdom of Israel, they thought his first work would be to throw off the Roman Yoke; and not believing him to be the man, they would have brought him to avow the thing, that they might destroy him. But as that was not his busines, and that his time was not yet come, it was not necessary to give them any other answer, than such as might disappoint their purpose. This shews that, without detracting from the honor due to Athin, Ambrose, or Tertullian, I may justly say, that the decision of such questions as arise concerning our Government must be decided by our Laws, and not by their Writings. They were excellent Men; but living in another time, under a very different Government, and applying themselves to other matters, they had no knowledge at all of those that concern us. They knew what Government they were under, and thereupon judg'd what a broken and divided People ow'd to that which had given Law to the best part of the World before they were in being, under which they had bin educated, and which after a most cruel persecution was become propitious to them. They knew that the Word of the Emperor was a Law to the Senat and People, who were under the power of that man that could get the best Army; but perhaps had never heard of such mix'd Governments as ours, tho' about that time they began to appear in the world. And it might be as reasonably concluded, that there ought to be no rule in the Succeffion or Election of Princes, because the Roman Emperors were set up by the violence of the Soldiers, and for the most part by the slaughter of him who was in possession of the Power, as that all other Princes must be absolute when they have it, and do what they please, till another more strong and more happy may by the like means wrest the fame Power from them.

I am much mistaken if this be not true; but without prejudice to our Caufe, we may take that which they say, according to their true meaning, in the utmost extent. And to begin with Tertullian: 'Tis good to consider the subject of his Discourse, and to whom he wrote. The Treatise cited by our Author is the Apologetick, and tends to persuade the Pagans, that Civil Magistrates might not meddle with Religion; and that the Laws made by them concerning those matters, were of no value, as relating to things of which they had no cognizance. *'Tis not, says he, length of time, nor the dignity of the Legislators, but equity only that can commend Laws; and when any are found to be unjust, they are deservedly condemned. By which words he deny'd that the Magistratical Power which the Romans acknowledg'd in Caesar, had any thing to do in spiritual things. And little advantage can be taken by Christian Princes from what he says concerning the Roman Emperors; for he expressly declares, † That the Caesars would have believed in Christ, if they had either not bin necessary to the secular Government, or that Christians might have bin Caesars. This seems to have proceeded from an opinion receiv'd by Christians in the first Ages, that the use of the Civil as well as the Military Sword was

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† Sed & Caesaris super Christo credidissent, si aut Caesaris non essent, seculo necessarii, aut Christiani potissimum esse Caesaris. Ibid.

equally
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Chap. III. equally accurs'd: That Christians were to be \(\|\) Sons of peace, Enemies to no man; and that Christ by commanding Peter to put up his Sword, did for ever disarm all Christians. He proceeds to say, \(\dagger\) We cannot fight to defend our Goods, having in our Baptism renounced the World, and all that is in it; nor to gain Honors, accounting nothing more foreign to us than publick Affairs, and acknowledging no other Commonwealth than that of the whole World; nor to save our lives, because we account it a happiness to be kill'd. He diffuses the Pagans from executing Christians, rather from charity to them in keeping them from the crime of slaughtering the Innocent, than that they were unwilling to suffer: and gives no other reasons of their Prayers for the Emperors, than that they were commanded to love their Enemies, and to pray for those who persecuted them, except such as he drew from a mistake, that the World was shortly to finish with the dissolution of the Empire. All his Works, as well those that were written before he fell into Montanism, as those publish'd afterwards, are full of the like Opinions: and if \(\text{Filmer}\) acknowledges them to be true, he must confess, That Princes are not Fathers, but * Enemies; and that not only they, but all those who render themselves Ministers of the Powers they execute, in taking upon them the Sword that Christ had curs'd, do renounce him; and we may consider how to proceed with such as do so. If our Author will not acknowledge this, then no man was ever guilty of a more vile prevarication than he, who alledges those words in favor of his Caufe, which have their only strength in Opinions that he thinks false, and in the Authority of a man whom in that very thing he condemns; and must do so, or overthrow all that he endeavors to support. But \(\text{Tertullian}\)'s Opinions concerning these matters have no relation to our present Question. The design of his Apology, and the Treatise to \(\text{Scapula}\) almost upon the same subject, was to shew, that the Civil Magistracy which he comprehends under the name of Cæsar, had nothing to do with matters of Religion; and that, as no man could be a Christian who would undertake the work of a Magistrate, they who were jealous the publick Offices might be taken out of their hands, had nothing to fear from Christians who resolved not to meddle with them. Whereas our question is only, Whether that Magistratical Power, which by Law or Ufurpation was then in Cæsar, must necessarily in all times, and in all places, be in one man, or may be divided and balanced according to the Laws of every Country, concerning which he says nothing: Or whether we, who do not renounce the use of the Civil or Military Sword, who have a part in the Government, and think it our duty to apply our selves to publick Cares, should lay them aside because the ancient Christians every hour expecting death, did not trouble themselves with them.

If \(\text{Ambrose}\) after he was a Bishop, employ'd the ferocity of a Soldier, which he still retain'd, rather in advancing the power of the Clergy, than the good of Mankind by restraining the rage of Tyrants, it can be no prejudice to our Cause, of which he had no cognizance. He spoke of the violent and despotic Government, to which he had bin a Minister

\(\dagger\) \(\text{Filii pacis, nullius hostes; & Christus examan} \text{do Petrum, omne Christianum sibiitem in}
\text{aeternum dicitem. Ter} \text{tul. Iib.}

\(\dagger\) \(\text{Nobis omnis plote & dignitas ardore frigmentibus, &c. Nec aliis res est nobis magis alius}
\text{quam publica. Unam nebb Rempublicam Mundum agnoncem. Ilib.}

\(\dagger\) \(\text{Qui enim magis inimici Christianorum, quam de quorum Maiestate constituuntur in crimen.}
\text{Iib.}

before
before his Baptism, and seems to have had no knowledg of the Gothick Sect. &.

Polity, that within a few years grew famous by the overthrow of the

Roman Tyranny, and delivering the world from the Yoke which it could

no longer bear. And if Auffin might say, That the Emperor is subject to no

Laws, because he has a Power of making Laws; I may justly say, that our

Kings are subject to Laws, because they can make no Law, and have no

Power but what is given by the Laws. If this be not the case, I desire to

know who made the Laws, to which they and their Predecessors have

sworn; and whether they can according to their own will abrogate those

Laws, by which they are made to be what they are, and by which we

enjoy what we have; or whether they can make new Laws by their

own Power? If no man but our Author have impudence enough to assert

any such thing; and if all the Kings we ever had, except Richard the

second, did renounce it, we may conclude that Auffin's words have no

relation to our dispute; and that 'twere to no purpose to examine, whether

the Fathers mention any revocation of Power to the Laws of the Land, or

to the People; it being as lawful for all Nations, if they think fit, to frame

Governments different from those that were then in being, as to build

Baflions, Halfmoons, Hornworks, Ravelins or Countercarps, or to

make use of Muskets, Cannon, Mortars, Carabines or Piftols, which

were unknown to them.

What Solomon says of the Hebrew Kings, does as little concern us. We

have already proved their Power not to have been absolute, the greater

than that which the Law allows to ours. It might upon occasion be a

prudent advice to private Persons living under such Governments as were

usual in the Eastern Countries, to keep the King's Commandments, and not
to say, What doft thou? because where the word of a King is, there is Power,

and all that he pleaseth he will do. But all these words are not his; and

those that are, must not be taken in a general sense; for tho his Son was

a King, yet in his words there was no power: He could not do what he

pleas'd, nor hinder others from doing what they pleas'd: He would have

added weight to the Yoke that lay upon the necks of the Israelites, but

he could not; and we do not find him to have bin matter of much more

than his own Tongue, to speak as many foolish things as he pleas'd. In

other things, whether he had to deal with his own people, or with Strangers,

he was weak and impotent; and the Wretches who flatter'd him in

his folly, could be of no help to him. The like has befal'n many others:

Those who are wise, vertuous, valiant, just, and lovers of their

People, have and ought to have Power; but such as are leud, vicious,

foolish, and haters of their People, ought to have none, and are often

depriv'd of all. This was well known to Solomon, who says, That a

wife Child is better than an old and foolish King that will not be advis'd.

When Nabuchodonosor set himself in the place of God, his Kingdom was

taken from him, and he was driven from the society of men to herd with

beasts. There was Power for a time in the word of Nero: he murder'd

many excellent men; but he was call'd to account, and the World aban-
don'd the Monfter it had too long endur'd. He found none to defend

him, nor any better help, when he desir'd to die, than the hand of a

Slave. Besides, some Kings by their Institution have little Power; some

have bin depriv'd of what they had, for abusing, or rendering themselves

unworthy of it; and Historys afford us innumerable examples of both

forts.
But tho I should confess that there is always Power in the word of a King, it would be nothing to us who dispute concerning Right, and have no regard to that Power which is void of it. A Thief or a Pyrat may have Power: but that avails him not, when, as often befel the Cefars, he meets with one who has more; and is always unsafe, since having no effect upon the Consciencs of men, every one may destroy him that can. And I leave it to Kings to consider how much they stand oblig’d to those who placing their Rights upon the same foot, expose their Persons to the fame dangers.

But if Kings desire that in their Word there should be power, let them take care that it be always accompany’d with Truth and Justice. Let them seek the good of their People, and the hands of all good men will be with them. Let them not exalt themselves inolently, and every one will desire to exalt them. Let them acknowledg themselves to be the Servants of the Publick, and all men will be theirs. Let such as are most addicted to them, talk no more of Cefar, nor the Tributes due to them. We have nothing to do with the name of Cefar. They who at this day live under it, reject the Prerogatives antiently usurp’d by those who had it, and are govern’d by no other Laws than their own. We know no Law to which we owe obedience, but that of God, and our selves. Asiatick Slaves usually pay such Tributes as are impos’d upon them; and whilst braver Nations lay under the Roman Tyranny, they were forc’d to submit to the fame burdens. But even those Tributes were paid for maintaining Armys, Fleets and Garisons, without which the poor and abject life they led could not have bin preferv’d. We owe none but what we freely give. None is or can be impos’d upon us, unless by our selves. We measure our Grants according to our own Will, or the present occasions, for our own safety. Our Ancestors were born free, and, as the beft provision they could make for us, they left us that Liberty entire, with the beft Laws they could devise to defend it. ’Tis no way impair’d by the Opinions of the Fathers. The words of Solomon do rather confirm it. The happines of those who enjoy the like, and the shameful misery under which they lie, who have suffer’d themselves to be forc’d or cheated of it, may perfuade, and the justice of the Caufe encourage us to think nothing too dear to be hazarded in the defence of it.

SECT. IX.

Our own Laws confirm us in the enjoyment of our native Rights.

If that which our Author calls Divinity did reach the things in dispute between us, or that the Opinions of the Fathers which he alleges, related to them, he might have sparl’d the pains of examining our Laws: for a municipal Sanction were of little force to confirm a perpetual and universal Law given by God to mankind, and of no value against it, since man cannot abrogate what God has instituted, nor one Nation free it fell from a Law that is given to all. But having abus’d the Scriptures, and the Writings of the Fathers, (whose Opinions are to be valued only so far as they rightly interpret them) he seems desirous to try whether he can as well put a faile fenti upon our Law. According to his custom he takes
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takes pieces of passages from good Books, and turns them directly against the plain meaning of the Authors, express'd in the whole scope and design of their Writings. To show that he intends to spare none, he is not ashamed to cite Bracton, who of all our antient Law-writers is most opposite to his Maxims. He liv'd, says he, in Henry the third's time, since Parliaments were instituted: as if there had bin a time when England had wanted them; or that the establishment of our Liberty had bin made by the Normans, who, if we will believe our Author, came in by force of Arms, and oppressed us. But we have already prov'd the Efficence of Parliaments to be antient as our Nation, and that there was no time in which there were not such Councils or Assemblies of the People as had the power of the whole, and made or unmade such Laws as best pleas'd themselves. We have indeed a French word from a People that came from France, but the Power was always in our selves: and the Norman Kings were oblig'd to swear they would govern according to the Laws that had bin made by those Assemblies. It imports little whether Bracton liv'd before or after they came amongst us. His words are, Omnes sub eo, et ipsa sub nullo, sed tantum sub Deo; All are under him, and he under none but God only. If he offend, since no Writ can go out against him, their Remedy is by petitioning him to amend his Faults; which if he will not do, it is punishment enough for him to expect God as an avenger. Let none presume to look into his Deeds, much less to oppose him. Here is a mixture of Senec and NonSenec, Truth and Fallhood, the words of Bracton, with our Author's foolish Inferences from them. Bracton spoke of the politic capacity of the King, when no Law had forbidden him to divide it from his natural. He gave the name of King to the sovereign Power of the Nation, as Jacob call'd that of his Defendents The Scepter; which he said should not depart from Judah till Shiloh came, tho' all men know that his Race did not reign the third part of that time over his own Tribe, nor full fourscore years over the whole Nation. The same manner of speech is use'd in all parts of the world. Tertullian under the name of Cesar comprehended all magistratical Power, and imputed to him the Acts of which in his person he never had any knowledge. The French say, their King is always present, sur son lit de justice, in all the Sovereign Courts of the Kingdom, which are not easily number'd; and that Maxim could have in it neither sense nor truth, if by it they meant a Man, who can be but in one place at one time, and is always comprehended within the Dimensions of his own Skin. These things could not be unknown to Bracton, the like being in use amongst us; and he thought it no offence so far to follow the dictates of Reason prohibited by no Law, as to make a difference between the invisible and omnipresent King, who never dies, and the Person that wears the Crown, whom no man without the guilt of Treason may endeavour to kill since there is an Act of Parliament in the case. I will not determine whether he spoke properly or not as to England; but if he did not, all that he said being upon a fallacious supposition, is nothing to our purpose. The same Bracton says, the King does no wrong, in as much as he does nothing but by Law. * The Power of the King is the Power of the Law, a power of right not of wrong. Again, If the King does injustice, he is not King. In another place he has these words:

* Postfas Regis est postfas Legis, postfas juris non injurix. Bract. de Leg. Angl.
† Qui fit faci injuriam, non est Rex. Ibid.
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CHAP. III. * The King therefore ought to exercise the Power of the Law, as becomes the Viceroy and Minister of God upon Earth, because that Power is the Power of God alone; but the Power of doing wrong is the Power of the Devil, and not of God. And the King is his Minister whose Work he does: Whene'er he does Justice, he is the Viceroy of the Eternal King, but if he deftects from it to act unjustly, he is the Minister of the Devil." He also says that the King is singulis major, universis minor; and that he who is in justitia egressus omnibus major, in justitia recipienda equalis. I shall not say Bracton is in the right when he speaks in this manner; but 'tis a strange impudence in Filmer to cite him as a Patron of the absolute Power of Kings, who dos so extremely deprefs them. But the grossest of his follies is yet more pardonable than his detestable fraud in falsifying Bracton's words, and leaving out such as are not for his purpose, which shew his meaning to be directly contrary to the sense put upon them. That this may appear, I shall set down the words as they are found in Bracton: * Ipsa autem Rex non debet esse sub homine, sed sub Deo, & sub Lege, quia Lex facit Regem. Attribuat ergo Rex Legi quod Legi attribuit ei, id est dominationem & potestatem: Non est enim Rex ubi dominatur voluntas & non Lex; & quod sub Lege esse debet, cum sit Dei vicarius, evidenter appetit. If Bracton therefore be a competent Judge, the King is under the Law; and he is not a King, nor God's Vicegerent unless he be so; and we all know how to proceed with those who being under the Law, offend against it. For the Law is not made in vain. In this case something more is to be done than petioning; and 'tis ridiculous to say, that if he will not amend, 'tis punishment enough for him to expect God as an Avenger: for the same may be said of all Malefactors. God can sufficiently punish Thieves and Murderers: but the future judgment, of which perhaps they have no belief, is not sufficient to restrain them from committing more Crimes, nor to deter others from following their example. God was always able to punish Murderers, but yet by his Law he commands man to shed the blood of him who should shed man's blood; and declares that the Land cannot be pur'd of the Guilt by any other means. He had Judgments in store for Jeroboam, Abab, and those that were like them; but yet he commanded, that, according to that Law, their House should be destroy'd from the earth. The dogs lick'd up the blood of Abab, where they had lick'd that of Naboth, and eat Jezebel who had contriv'd his murder. But, says our Author, we must not look into his deeds, much less oppose them. Must not David look into Saul's deeds, nor oppose them? Why did he then bring together as many men as he could to oppose, and make foreign Alliances against him, even with the Moabites and the accursed Philistines? Why did Jehu not only destroy Abab's house, but kill the King of Judah and his forty Brothers, only for going to visit his Children? Our Author may perhaps say, because God commanded them. But if God commanded them to do so, he did not command them and all mankind not to do so; and if he did not forbid, they have nothing to restrain them from doing the like, unless they have made municipal Laws of their own to the contrary, which our Author and his Followers may produce when they can find them.

* Exercere ignur debet Rex potestatem juris fictur Dei vicarius & minister in terra, cuius illa potestas illius Dei est, potestas auctem injustice Diaboli est non Dei; & cujus horum opera secundum eum minister erit: ignur duum factur justitiam, vicarius est regis auctori: Minister auctem Diaboli dem declinet ad injustiam. Ibid. 1. 2.
His next work is to go back again to the Tribute paid by Christ Sect. 9.
to Cesar, and judiciously to infer, that all Nations must pay the same Duty to their Magistrates, as the Jews did to the Romans who had sub-
du'd them. Christ did not, says he, ask what the Law of the Land was, nor inquire whether there was a Statute against it, nor whether the Tribute were given by the consent of the People, but upon sight of the superscription concluded, &c. It had bin strange if Christ had inquir'd after their Laws, Statutes or Content, when he knew that their Commonwealth, with all the Laws by which it had subsisted, was aboli
ished; and that Israel was become a Servant to those who exercis'd a most violent domination over them: which being a peculiar punishment for their peculiar sins, can have no influence upon Nations that are not under the same circumstances.

But of all that he says, nothing is more incomprehensible, than what he can mean by lawful Kings to whom all is due that was due to the Roman Usurpers. For lawful Kings are Kings by the Law: In being Kings by the Law they are such Kings as the Law makes them, and that Law only must tell us what is due to them; or by a universal Patriarchical Right, to which no man can have a title, as is laid before, till he prove himself to be the right Heir of Noah. If neither of these are to be regarded, but that Right follows Possession, there is no such thing as a Usurper; he who has the Power has the Right, as indeed Filmer says, and his Wisdom as well as his Integrity is sufficiently declar'd by the Affertion.

This wicked extravagancy is follow'd by an attempt of as singular ignorance and stupidity, to shuffle together Usurpers and Conquerors, as if they were the same; whereas there have bin many Usurpers who were not Conquerors, and Conquerors that deferv'd not the name of Usurpers. No wife man ever said that Agathocles or Dionysus con-
quer'd Syracuse; Tarquin, Galba or Otho, Rome; Cromwell, England; or that the Magi, who feiz'd the Government of Persia after the death of Cambyses, conquer'd that Country. When Moses and Joshua had overthrown the Kingdoms of the Amorites, Moabites and Cananites; or when David subdu'd the Amnonites, Edomites, and others, none, as I suppose, but such Divines as Filmer, will say they usurp'd a Dominion over them. There is such a thing amongst men as just War, or elle true Valor could not be a Vertue but a Crime; and instead of glory, the utmost infamy would always be the companion of Victory. There are, says Grotius, Laws of War as well as of Peace. He who for a just Caufe, and by just Means, carrys on a just War, has as clear a right to what is acquir'd as can be enjoy'd by Man; but all Usurpation is de-
testable and abominable.
The words of St. Paul enjoining obedience to higher Powers, favor all sorts of Governments no less than Monarchy.

Our Author's next quarrel is with St. Paul, who did not, as he says, in enjoining subjection to the higher Powers, signify the Laws of the Land, or mean the highest Powers, as well Aristocratical and Democratical as Regal, but a Monarch that carries the Sword, &c. But what if there be no Monarch in the place? or what if he do not carry the Sword? Had the Apostle spoken in vain, if the liberty of the Romans had not bin overthrown by the fraud and violence of Cesar? Was no obedience to be exacted whilst that people enjoy'd the benefit of their own Laws, and Virtue flourish'd under the moderate Government of a legal and just Magistracy, eftablish'd for the common good, by the common content of all? Had God no Minister amongst them till Law and Justice was overthrown, the best part of the people destroy'd by the fury of a corrupt mercenary Soldiery, and the world subdu'd under the Tyranny of the worst Monsters that it had ever produc'd? Are these the ways of eftablishing God's Vicegerents, and will he patronize no Governors or Governments but such as these? Does God uphold evil, and that only? If the world has bin hitherto mistaken, in giving the name of evil to that which is good, and calling that good which is evil; I desire to know what can be call'd good amongst men, if the Government of the Romans, till they enter'd Greece and Asia, and were corrupted by the Luxury of both, do not deserve that name? or what is to be esteem'd evil, if the establishment and exercise of the Cesar's Power were not so? But says he, Wilt thou not be afraid of the Power? And was there no Power in the Governments that had no Monarchs? Were the Carthaginians, Romans, Greeks, Gauls, Germans and Spantards without Power? Was there no Sword in that Nation and their Magistrats, who overthrew the Kingdoms of Armenia, Egypt, Numidia, Macedon, with many others, and whom none of the Monarchs were able to resist? Are the Venetians, Switzers, Grissons and Hollanders now left in the same weakness, and no obedience at all due to their Magistrats? If this be so, how comes it to pass that Justice is so well administer'd amongst them? Who is it that defends the Hollanders in such a manner, that the greatest Monarchs with all their Swords have had no great reason to boast of any Advantages gain'd against them? at least till we (whom they could not resist when we had no Monarch, tho we have bin disgracefully beaten by them since we had one) by making Leagues against them, and fowing divisions amongst them, ingatified and affiluted the greatest Power now in the world to their destruction and our own. But our Author is fo affected to fraud, that he never cites a passage of Scripture which he does not abuse or vitiate; and that he may do the same in this place, he leaves out the following words, For there is no power but of God, that he might intitle one fort only to his protection. If therefore the People and popular Magistrats of Athens; the two Kings, Ephori and Senat of Sparta; the Sanhedrins amongst the Hebrews; the Consuls, Tribuns, Precors and Senat
Senat of Rome; the Magistrats of Holland, Switzerland and Venice, have
or had power, we may conclude that they also were ordain'd by God;
and that according to the precept of the Apostle, the same obedience for
the same reason is due to them as to any Monarch.

The Apostle farther explaining himself, and shewing who may be
accounted a Magistrate, and what the duty of such a one is, informs us
when we should fear, and on what account. Rulers, says he, are not a
terror to good works, but to the evil: Wilt thou then not be afraid of the
Power? do that which is good, and thou shalt have praise of the same; for
he is the Minister of God, a revenger to execute wrath upon him that doth
evil. He therefore is only the Minister of God, who is not a terror to
good works, but to evil; who executes wrath upon those that do evil,
and is a praise to those that do well. And he who does well, ought not
to be afraid of the power, for he shall receive praise. Now if our Au-
thor were alive, tho he was a man of a hard forehead, I would ask him,
whether in his Conscience he believ'd, that Tiberius, Caligula, Claudia,
Nero, and the rabble of succeeding Monitors, were a praise to those
who did well, and a terror to those who did ill; and not the contrary,
a praise to the world, and a terror to the best men of the world? or for
what reason * Tacitus could say, that Virtue brought men who liv'd
under 'em to certain destruction, and recite so many Examples of the
brave and good, who were murder'd by them for being so, unless they
had endeavour'd to extinguish all that was good, and to tear up Virtue
by the roots? Why did he call Domitian an || Enemy to Virtue, if he
was a terror only to those that did evil? If the world has hitherto bin
milled in these things, and given the name of Virtue to Vice, and of
Vice to Virtue, then Germanicus, Valerius Agattius, Corbulo, Hevidius
Priscus, Tibraeus, Soranus and others that resembled them, who fell
under the rage of those Beasts, say Paul himself and his Disciples were
evil doers; and Macro, Narcissus, Pallas, Viminus, Laco and Tigelinus were
virtuous and good men. If this be so, we are beholden to Filmer for
admonishing mankind of the error in which they had so long continu'd.
If not, those who peracuted and murder'd them for their Virtues, were
not a terror to such as did evil, and a praise to those who did well. The
worst men had no need to fear them; but the best had, because they
were the best. All Princes therefore that have power are not to be
eerected equally the Ministers of God. They that are so, must receive
their dignity from a title that is not common to all, even from a just
employment of their power to the encouragement of Virtue, and to
the discourage'ment of Vice. He that pretends to the veneration and
obedience due to the Ministers of God, must by his actions manifest that
he is so. And tho I am unwilling to advance a proposition that may
found harshly to tender ears, I am inclin'd to believe, that the same
rule, which obliges us to yield obedience to the good Magistrate who
is the Minister of God, and affurcs us that in obeying him we obey
God, does equally oblige us not to obey those who make themselves the
Ministers of the Devil, left in obeying them, we obey the Devil, whose
works they do.

That none but such as are wilfully ignorant may mistake Paul's mean-
ing, Peter, who was directed by the same Spirit, says distinctly, Submit

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* Oh virtutes certificum extitium.
† Ipsam exsindere virtutem.
|| Virtutibus intellexin.
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Chap. III. your selves to every Ordinance of man for the Lord's sake. If therefore there be several Ordinances of men tending to the same end, that is, the obtaining of Justice, by being a terror to the evil and a praise to the good, the like obedience is for conscience sake enjoined to all, and upon the same condition. But as no man dares to say, that Athens and Persia, Carthage and Egypt, Switzerland and France, Venice and Turkey were and are under the same Government; the same obedience is due to the Magistrates in every one of those places, and all others on the same account, whilst they continue to be the Ministers of God.

If our Author say, that Peter cannot comprehend Kings under the name of human Ordinances, since Paul says they are the Ordinance of God, I may as well say that Paul cannot call that the Ordinance of God, which Peter calls the ordinance of man. But as it was said of Moses and Samuel, that they who spake by the same Spirit could not contradict each other, Peter and Paul being full of Wisdom and Sanctity, and inspired by the same Spirit, must needs say the same thing; and Grotius shews that they perfectly agree, tho' the one calls Kings, Rulers and Governor, the Ordinance of Man, and the other the Ordinance of God; inasmuch as God having from the beginning ordained that men should not live like Wolves in woods, every man by himself, but together in Civil Societies, left to every one a liberty of joining with that Society which best pleas'd him, and to every Society to create such Magistrates, and frame such Laws as should seem most conducing to their own good, according to the measure of light and reason they might have. And every Magistracy so instituted might rightly be call'd the Ordinance of Man who was the Instituter, and the Ordinance of God according to which it was instituted; * because, says he, God approv'd and ratify'd the salutary Constitutions of Government made by men.

But, says our Author, Peter expounds his own words of the human Ordinance to be the King, who is the Lex loquens: but he says no such thing, and I do not find that any such thought ever enter'd into the Apostle's mind. The words are often found in the works of Plato and Aristotle, but apply'd only to such a man as is a King by nature, who is endow'd with all the vertues that tend to the good of human Societies in a greater measure than any or all those that compose them; which Character, I think, will be ill apply'd to all Kings. And that this may appear to be true, I desire to know whether it would well have agreed with Nero, Caligula, Domitian, or others like to them; and if not with them, then not with all, but only with those who are endow'd with such Vertues. But if the King be made by man, he must be such as man makes him to be; and if the power of a Law had bin given by any human Sanctity to the word of a foolifh, mad or wicked man (which I hardly believe) it would be destroy'd by its own iniquity and turpitude, and the People left under the obligation of rendring obedience to those, who fo use the Sword that the Nations under them may live soberly, peaceably and honestly.

This obliges me a little to examin what is meant by the Sword. The Pope says there are two Swords, the one temporal, the other spiritual; and that both of them were given to Peter and to his Successors. Others more rightly understand the two Swords to be that of War and that of

* Quia salubrem hominum Constitutionem Deus probavit & sanctificavit. De Jur. Bell. & Pac. Justice,
Justice, which according to several Constitutions of Government have bin committed to several hands, under several conditions and limitations. The Sword of Justice comprehends the Legislative and the Executive Power; the one is exercis'd in making Laws, the other in judging Controversies according to such as are made. The military Sword is us'd by those Magistrates who have it, in making War or Peace with whom they think fit; and sometimes by others who have it not, in pursuing such Wars as are resolv'd upon by another Power. The Jewish Doctors generally agree that the Kings of Judah could make no Law, because there was a curse denounced against those who should add to, or detract from that which God had given by the hand of Moses; that they might fit in Judgment with the High Priest and Sanhedrin, but could not judge by themselves, unless the Sanhedrin did plainly fail of performing their duty. Upon this account Maimonides excuses David for commanding Solomon not to suffer the grey hairs of Joab to go down to the grave in peace, and Solomon for appointing him to be kill'd at the foot of the Altar: for he having kill'd Abner and Amasa, and by those actions shed the blood of war in time of peace, the Sanhedrin should have punish'd him; but being protected by favor or power, and even David himself fearing him, Solomon was put in mind of his duty, which he perform'd, tho' Joab laid hold upon the horns of the Altar, which by the express words of the Law gave no protection to wilful Murderers.

The use of the military Sword amongst them was also moderated. Their Kings might make War upon the seven accursed Nations that they were commanded to destroy, and so might any other man; for no peace was to be made with them: but not against any other Nation, without the assent of the Sanhedrin. And when Amaziah contrary to that Law had foolishly made war upon Joab King of Israel, and thereby brought a great slaughter upon Judah, the Princes, that is the Sanhedrin, combin'd against him, purlu'd him to Lachish, and kill'd him there.

The Legislative Power of Sparta was evidently in the People. The Laws that go under the name of Lycurgus, were propos'd by him to the general Assembly of the People, and from them receiv'd their Authority: But the disciplin they contain'd was of such efficacy for framing the minds of men to vertue, and by banishing Silver and Gold they so far banish'd all manner of Crimes, that from the institution of those Laws to the times of their Corruption, which was more than eight hundred years, we hardly find that three men were put to death, of whom two were Kings; so that it seems difficult to determin where the power of judging did reside, tho' 'tis most probable, considering the nature of their Government, that it was in the Senat, and in Cafes extraordinary in the Ephori, with a right of appealing to the People. Their Kings therefore could have little to do with the Sword of Justice, neither the Legislative nor the Judicial Power being any ways in them.

The military Sword was not much more in their power, unless the excellency of their Vertues gave them the credit of persuading, when the Law deny'd the right of commanding. They were oblig'd to make war against those, and those only, who were declar'd Enemies by the Senat and Ephori, and in the manner, place and time they directed: so that Agesilaus, tho' carrying on a glorious War in Persia, no sooner receiv'd the Parchment Roll, wherein he was commanded by the Ephori to come home for the defence of his own Country, than he immediately return'd,
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Chap. III. return'd, and is on that account call'd by no less a man than Xenophon, a good and faithful King rendering obedience to the Laws of his Country.

By this it appears that there are Kings, who may be fear'd by those that do ill, and not by such as do well; for having no more power than what the Law gives, and being oblig'd to execute it as the Law directs, they cannot depart from the Precept of the Apostle. My own actions therefore, or the sense of my own guilt arising from them, is to be the measure of my fear of that Magistrate who is the Minister of God, and not his Power.

The like may be said of almost all the Nations of the world, that have had any thing of Civil Order amongst them. The supreme Magistrate, under what name soever he was known, whether King, Emperor, Aymnetes, Suffetes, Confid, Dictator, or Archon, has usually a part assign'd to him in the administration of Justice and making War; but that he may know it to be assign'd and not inherent, and to assign'd as to be employ'd for the publick good, not to his own profit or pleasure, it is circumstrib'd by such rules as he cannot safely transgress. This is above all seen in the German Nations, from whom we draw our Original and Government; and so well describ'd by Tacitus in his treatise of their Customs and Manners, that I shall content my self to refer to it, and to what I have cited from him in the former part of this Work. The Saxons coming into our Country, retain'd to themselves the same rights. They had no Kings but such as were set up by themselves, and they abrogated their Power when they pleas'd. *Offa acknowledg'd that he was chosen for the defence of their Liberty, not from his own merit, but by their favor; and in the Conventus Pananglicus, at which all the chief men as well Secular as Ecclesiastical were present, it was decreed by the King, Arch-bishops, Bishops, Abbots, Dukes and Senators, that the Kings should be chosen by the Priests, and by the Elders of the People. In pursuance of which, Egbert, who had no right to the succession, was made King. Ethelmerd was chosen in the same manner by the consent of all. Ethelwulf a Monk, for want of a better, was advance'd to the same Honor. His Son Alfred, the crown'd by the Pope, and marrying without the consent of the Nobility and Kingdom against their Customs and Statutes, acknowledg'd that he had receive'd the Crown from the bounty of the Princes, Elders, and People; and in his Will declar'd, that he left the People as he had found them, free as the inward thoughts of Man. His Son Edward (a) was elected to be his Successor. Ethelstan, tho a Baffard, and without all Title, was elected by the consent of the Nobility and People. Eadred by the same Authority was elected and prefer'd before the Sons of Edmond his Predecessor. Edwin, tho rightly chosen, was depos'd for his ill life, and Edgar (b) elected King, by the will of God, and consent of the People. But he also was depriv'd of the Crown for the Rape of a Nun, and after seven years reftor'd by the whole People, coram omni multitudine

* Ad libertatis vestra tititionem non rei meriti, sed soli liberalitate vestra.
† Omnium consentit.
∫ Contra morum & statutarum.
(a) Successor Monarchiz electus.
(b) Et electum Deo dilectum Edgarum in Regem annuente populo.
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populi Anglorum. Ethelred, who is said to have bin * cruel in the beginning, wretched in the course, and infamous in the end of his Reign, was depos'd by the fame Power that had advance'd him. Canutus made a † Contract with the Princes and the whole People, and thereupon was by general consent crown'd King over all England. After him Harold was chosen in the usual manner. He being dead, a Message was sent to Hardi Canute with an offer of the Crown, which he accepted, and accordingly was receiv'd. Edward the Confessor was || elect'd King with the content of the Clergy and People at London; and Harold excus'd himself for not performing his Oath to William the Norman, because he said he had made it unduly and presumptuously, (a) without consulting the Nobility and People, and without their Authority. William was receiv'd with great joy by the Clergy and People, and saluted King by all, swearing to observe the antient, good, and approv'd Laws of England: and tho' he did but ill perform his Oath, yet before his death he seem'd to repent of the ways he had taken; and only wishing his Son might be King of England, he confess in his lat Will made at Caen in Normandy, (b) that he neither found nor left the Kingdom as an Inheritance. If he possesst no right except what was confer'd upon him, no more was confer'd than had bin enjoy'd by the antient Kings, according to the approv'd Laws which he swore to observe. Those Laws gave no power to any, till he was elect'd; and that which they did then give was so limited, that the Nobility and People reserv'd to themselves the dispositio of the greatest Affairs, even to the deposition and expulsion of such as should not well perform the duty of their Oath and Office. And I leave it to our Author to prove, how they can be said to have had the Sword and the Power so as to be fear'd, otherwise than, as the Apostle says, by those that do evil; which we acknowledg to be not only in the King, but in the lowest Officer of Justice in the world.

If it be pretended that our later Kings are more to be fear'd than William the Norman, or his Predecessors, it must not be, as has bin prov'd, either from the general right of Kings, or from the Doctrin of the Apostle, but from something else that is peculiar and subsequeint, which I leave our Author's Disciples to prove, and an answer may be found in due time. But to show that our Ancestors did not mistake the words of the Apostle, 'tis good to consider when, to whom, and upon what occasion he spoke. The Christian Religion was then in its infancy: his discourses were addrest to the Professors of it, who tho' they soon grew to be considerable in number, were for the most part of the meanest fort of People, Servants or Inhabitants of the City, rather than Citizens and Freemen; join'd in no civil Body or Society, nor such as had or could have any part in the Government. The occasion was to suppress the dangerous mistake of many converted Jews and others, who knowing themselves to be freed from the power of Sin and the Devil, presum'd they were also freed from the obligation of human Laws. And if this Error had not bin crop'd in the bud, it would have given occasion to their Enemies, (who desir'd nothing more) to destroy them all;

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* Sexus in principio, miser in medio, supellex in exitu.
† Canutus teetus cum principibus & omni populo, & illi cum ipso percefferunt.
| Annuntiante Clero & populo Londini, in regem eligitur.
(b) Neminem Angli regni constituat heredem, non enim tantum decus hereditario jure pulchri. Ibid.
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Chap. III. and who knowing that such Notions were flirring among them, would have bin glad, that they who were not easily to be discover'd, had by that means discover'd themselves.

This induce'd a necessity of diverting a poor, mean, scatter'd People from such thoughts concerning the State; to convince them of the Error into which they were fallen, that Christians did not owe the same obedience to Civil Laws and Magistrates as other men; and to keep them from drawing destruction upon themselves by such ways, as not being warranted by God, had no promise of his Protection. St. Paul's work was to preferre the Professors of Christianity, as appears by his own words: I exhorted, that first of all, Supplications, Prayers, Intercessions, and giving of thanks be made for all men; for Kings, and for all that are in Authority, that we may live a quiet and peaceable life in all godliness and honesty. Put them in mind to be subject to Principalities and Powers, to obey Magistrates, to be ready for every good work. St. Peter agrees with him fully in describing the Magistrate and his Duty; shewing the reasons why obedience should be paid to him, and teaching Christians to be humble and contented with their condition, as free, yet not using their Liberty for a cover to malice; and not only to fear God and honor the King (of which conjunction of words such as Filmer are very proud) but to honor all men, as is said in the same verfe. This was in a peculiar manner the work of that time, in which those who were to preach and propagate the Gospel, were not to be diverted from that Duty, by entangling themselves in the care of State-affairs; but it does in some fene agree with all times: for it can never be the duty of a good man to oppose such a Magistrate as is the Minister of God, in the exercife of his Office, nor to deny to any man that which is his due.

But as the Christian Law exempts no man from the Duty he owes to his Father, Master, or the Magistrate, it does not make him more a Slave than he was before, nor deprive him of any natural or civil Right; and if we are oblig'd to pay Tribute, Honor, or any other thing where it is not due, it must be by some Precept very different from that which commands us to give to Cæsar that which is Cæsar's. If he define the Magistrate to be the Minifler of God doing Justice, and from thence draws the Reason he gives for rendering Obedience to him, we are to inquire whose Minifter he is who overthrows it, and look for some other reason for rendering obedience to him than the words of the Apostles. If David, who was willing to lay down his life for the people, who hated Iniquity, and would not suffer a liar to come into his presence, was the Minifter of God, I defire to know whose Minifter Caligula was, who set up himself to be worship'd for a God, and would at once have destroy'd all the people that he ought to have protected? Whose Minifter was Nero, who, besides the abominable impurity of his life, and hatred to all Virtue as contrary to his Person and Government, set fire to the great City? If it be true, that contrariorium contraria et ratio, these questions are easily decided; and if the reasons of things are eternal, the same diffusion grounded upon truth will be good for ever. Every Magistrate and every man by his works will for ever declare whose Minifter he is, in what spirit he lives, and consequently what obedience is due to him according to the Precept of the Apostle. If any man ask what I mean by Justice, I answer, That the Law of the Land, as far as it is Sancta ree, habens honesta, prohibens contraria, declares what it is. But there have bin and are Laws that are neither just nor commendable. There was a Law in Rome, that
that no God should be worship'd without the consent of the Senat: up
on which Tertullian says scoffingly, * That God shall not be God, unless he
please Man: and by virtue of this Law the first Christians were expos'd
to all manner of crueltys; and some of the Emperors (in other respects
excellent Men) most fouly polluted themselves and their Government
with innocent Blood. Antoninus Pius was taken in this snare; and Ter-
tullian bitterly derides Trajan for glorying in his Clemency, when he had
commanded Pliny, who was Proconful in Asia, not to make any search for
Christians, but only to punish them according to Law when they should
be brought before him. No Municipal Law can be more firmly esta-
blisht'd by human Authority, than that of the Inquisition in Spain, and
other places: And those accused Tribunals, which have shed more Chris-
tian blood than all the Pagans that ever were in the world, are commonly
call'd The Holy Office. If a Gentleman in Poland kill a Peasant, he is by
a Law now in use free from punishment, if he lay a Ducat upon the dead
Body. Evenus the Third, King of Scotland, caus'd a Law to pass, by
which the Wives and Daughters of Noblemen were expos'd to his Luft,
and those of the Commons to the Lust of the Nobility. These, and an
infinite number of others like to them, were not right Sanctions, but such
as have produc'd unspeakable mischiefs and calamities. They were not
therefore Laws: the name of Justice is abusively attributed to them: Those
that govern by them cannot be the Ministers of God: and the Apostle com-
manding our obedience to the Minister of God for our good, commands
us not to be obedient to the Minister of the Devil to our hurt; for we
cannot serve two Masters.

* Nifi hominis Deus plauterit, Deus non erit.
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CHAP. III. furd. By this rule David was not to be obey'd, when by the wickedness of his Son he was driven from Jerusalem, and depriv'd of all coercive Power; and the conscientious obedience that had bin due to him was transfer'd to Absalom, who fought his life. And in St. Paul's time, it was not from him who was guided only by the Spirit of God, and had no manner of coercive Power, that Christians were to learn their duty, but from Caligula, Claudius, and Nero, who had that Power well establish'd by the mercenary Legions. If this were so, the Governments of the World might be justly call'd Magna Latrocinia; and men laying aside all considerations of Reason or Justice, ought only to follow those who can inflict the greatest Punishments, or give the greatest Rewards. But since the reception of such opinions would be the extirpation of all that can be call'd good, we must look for another rule of our obedience, and shall find that to be the Law, which being, as I said before, Sanctio recta, must be founded upon that eternal Principle of Reason and Truth, from whence the rule of Justice which is sacred and pure ought to be deduc'd, and not from the deprav'd will of man, which fluctuating according to the different Interests, Humors and Passions that at several times reign in several Nations, one day abrogates what had bin enact'd the other. The Sanction therefore that deserves the name of a Law, which derives not its excellence from Antiquity, or from the dignity of the Legislators, but from an intrinsic equity and justice, ought to be made in pursuance of that universal Reason to which all Nations at all times owe an equal veneration and obedience. By this we may know whether he who has the Power dos justice or not: Whether he be the Minister of God to our good, a protector of good, and a terror to ill men; or the Minister of the Devil to our hurt, by encouraging all manner of evil, and endeavouring by vice and corruption to make the people worse that they may be miserable, and miserable that they may be worse. I dare not say I shall never fear such a man if he be arm'd with power: But I am sure I shall never esteem him to be the Minister of God, and shall think I do ill if I fear him. If he has therefore a coercive Power over me, 'tis thro' my weakness; for he that will suffer himself to be compel'd, knows not how to die. If therefore he who does not follow the directive Power of the Law, be not the Minister of God, he is not a King, at least not such a King as the Apostle commands us to obey: And if that Sanction which is not just be not a Law, and can have no obligation upon us, by what Power soever it be establish'd, it may well fall out, that the Magistrate who will not follow the directive Power of the Law, may fall under the coercive; and then the fear is turn'd upon him, with this aggravation, that it is not only actual, but just. This was the case of Nero; the coercive Power was no longer in him, but against him. He that was forc'd to fly and to hide himself, that was abandon'd by allmen, and condemn'd to die according to ancient Custom, did, as I suppos'd, fear, and was no way to be fear'd. The like may be said of Amaziah King of Judah, when he fled to Laebus; of Nabuchodonosor, when he was driven from the society of men; and of many Emperors and Kings of the greatest Nations in the world, who have bin so utterly depriv'd of all Power, that they have bin imprison'd, depos'd, confin'd to Monasterys, kill'd, drawn thro' the Streets, cut in pieces, thrown into Rivers, and indeed suffer'd all that could be suffer'd by the vilest Slaves.

Qui cogit petebit nec sit mori. † More Majorum. Secta.
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If any man say these things ought not to have bin done, an answer Sect. 12. may be given in a proper place; tho' t'were enough to say, that the Justice of the world is not to be overthrown by a mere Assertion without proof: but that is nothing to the present Question. For if it was ill done to drive Nero to defpair, or to throw Vitellius into the common Shore, it was not because they were the Ministers of God; for their Lives were no way conformable to the character which the Apostle gives of those who deserve that Sacred Name. If those only are to be fear'd who have the Power, there was a time when they were not to be fear'd, for they had none; and if such Princes are not oblige'd by the Law as are not under the coercive Power, it gave no exemption to those, for they fell under it: and as we know not what will befal others who walk in their steps till they are dead, we cannot till then know whether they are free from it or not.

S E C T. XII.

The Right and Power of a Magistrate depends upon his Institution, not upon his Name.

Is usual with Impostors to obstruct their deceits upon men, by putting false names upon things, by which they may perplex mens minds, and from thence deduce false Conclusions. But the points above-mentioned being settled, it imports little whether the Governors to whom Peter enjoins obedience, were only Kings, and such as are employ'd by them, or all such Magistrates as are the Ministers of God; for he informs us of their Works that we may know them, and accordingly yield obedience to them. This is that therefore which distinguishes the Magistrate to whom obedience is due, from him to whom none is due, and not the name that he either affumes, or others put upon him. But if there be any virtue in the word King, and that the admirable Prerogatives, of which our Author dreams, were annex'd to that Name, they could not be apply'd to the Roman Emperors, nor their substituted Officers, for they had it not. 'Tis true, Mark Anthony, in a drunken fit, at the celebration of the impure Lupercalia, did offer a Diadem to Julius Cæsar, which some flatterers prett him to accept, (as our great Lawyers did Cromwell) but he durst not think of putting it upon his Head. Caligula's affectation of that title, and the ensigns of Royalty he wore, were taken for the most evident marks of his madness: and tho' the greatest and bravest of their men had fallen by the Wars or Proscriptions; tho' the best part of the Senate had perish'd in Thessaly; tho' the great City was exhausted, and Italy brought to defolation, yet they were not reduce'd so low as to endure a King. Piso was sufficiently addicted to Tiberius, yet he could not suffer that Germanicus should be treated as the Son of a King; Prin- cipis Romani non Parthorum regis filio has epulas dari. And whoever understands the Latin Tongue, and the History of those times, will easily perceive that the word Princeps signifi'd no more than a principal or eminent man, as has been already prov'd: and the words of Piso could have no other meaning, than that the Son of a Roman ought not to be distinguished from others, as the Sons of the Parthian Kings were. This is verify'd by his Letter to Tiberius under the name of Friend, and the answer
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Chap. III. answer of Tiberius promising to him * whatsoever one friend could do for another. Here was no mention of Majesty or Sovereign Lord, nor the base subscriptions of Servant, Subject, or Creature. And I fear, that as the last of those words was introduce'd amongst us by our Bishops, the rest of them had bin also invented by such Christians as were too much addicted to the Asiatick Slavery. However, the name of King was never solemnly assum'd by, nor confer'd upon those Emperors, and could have confer'd no right, if it had. They exercis'd as they pleas'd, or as they durst, the power that had bin gain'd by violence or fraud. The exorbitances they committed, could not have bin justifi'd by a Title, any more than those of a Pyrat who should take the same. It was no otherwife give'n to 'em than by way of assimilation, when they were guilty of the greatest Crimes: and Tacitus describing the detestable Lust of Tiberius, says, Quibus adeo indomitis exasperat, ut more Regio pudem ingenuam fiprius polueres; nec formam tantum & decoras corporis, sed in his modestam pureriam, in alitis majorum imaginibus, incitamentum cupiditatis habebat. He also informs us that Nero took his time to put Bares Soranus to death, who was one of the most vertuous men of that age, when Tiridates King of Armenia was at Rome; [That he might show the Imperial Grandeur by the slaughter of the most illustrious men, which he accounted a Royal Affion. I leave it to the judgment of all wise men, whether it be probable that the Apostles should distinguish such as these from other Magistrats; and dignify those only with the Title of God's Ministers, who distinguish'd themselves by such ways; or that the succeeding Emperors should be ennobl'd with the same Prerogative, who had no other Title to the name than by resembling those that had it in such things as these. If this be too absurd and abominable to enter into the heart of a man, it must be conclud'd, that their intention was only to divert the poor People to whom they preach'd, from involving themselves in the care of Civil matters, to which they had no call. And the Counsel would have bin good (as things stood with them) if they had bin under the power of a Pyrat, or any other villain substitu'ted by him.

But tho the Apostles had look'd upon the Officers set over the Provinces belonging to the Roman Empire, as sent by Kings, I desire to know whether it can be imagin'd, that they could think the subordinate Governors to be sent by Kings, in the Countries that had no Kings; or that obedience became due to the Magistrats in Greece, Italy, or other Provinces under the jurisdiction of Rome, only after they had Emperors, and that none was due to them before? The Germans had then no Kings: The brave Arminius had bin lately kill'd for aiming at a Crown. When he had blemish'd all his Victories by that attempt, they forgott his former Services. They never consider'd how many Roman Legions he had cut in pieces, nor how many thousands of their Allies he had destroy'd. His Valor was a crime deserving death, when he sought to make a Prey of his Country, which he had so bravely defended, and to enslave those who with him had fought for the publick Liberty. But if the Apostles were to be understand to give the name of God's Ministers only to Kings, and those who are employ'd by them, and that obedience is due

* Quod amicum amico præfice potest. Tacit.
† Ut magnitudinem Imperatorum cade insignium virorum quid Regio faciore ostendat.
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Sect. 12.

to no other, a domestick Tyrant had bin their greatest Benefactor. He had set up the only Government that is authoriz'd by God, and to which a conscientious obedience is due. Agathocles, Dionysius, Phalaris, Phereus, Pifferatus, Nabis, Machanidas, and an infinite number of the most detestable Villains that the world has ever produc'd, did confer the fame benefits upon the Country's they enslav'd. But if this be equally false, sottish, absurd, and execrable, all tho'te Epithets belong to our Author and his Doctrin, for attempting to deprel all modell and regular Magistracies, and endeavouring to corrupt the Scripture to patronize the greatest of Crimes. No man therefore who dos not delight in error, can think that the Apostle design'd precisely to determin such questions as might arile concerning any one man's right, or in the least degree to pre-
fer any one form of Government before another. In acknowledging the Magistrate to be Man's Ordinance, he declares that Man who makes him to be, may make him to be what he pleases; and tho' there is found more prudence and vertue in one Nation than in another, that Magistracy which is eftablifh'd in any one ought to be obey'd, till they who made the eftablifhment think fit to alter it. All therefore whilst they continue, are to be look'd upon with the fame respect. Every Nation acting freely, has an equal right to frame their own Government, and to employ fuch Officers as they please. The Authority, Right and Power of these must be regulated by the judgment, right and power of tho' who appoint them, without any relation at all to the name that is given; for that is no way effential to the thing. The fame name is frequently given to tho'se, who differ exceedingly in right and power; and the fame right and power is as often annex'd to Magistracies that differ in name. The fame Power which had bin in the Roman Kings, was given to the Con-
suls; and that which had bin legally in the Dictators for a time not ex-
ceeding fix months, was afterwards ufurp'd by the Cefars, and made perpetual. The supreme Power (which fome pretend belongs to all Kings) has bin and is enjoy'd in the fulllest extent by fuch as never had the name; and no Magistracy was ever more restrain'd than tho' that had the name of Kings in Sparta, Arragon, England, Poland, and other places. They therefore that did thus institute, regulate and refrain, create Magistracies, and give them names and powers as feem'd best to them, could not but have in themselves the coercive as well as the di-
rective over them: for the regulation and reftriction is coercion; but most of all the institution, by which they could make them to be or not to be. As to the exterior force, 'tis sometimes on the side of the Ma-
gistrate, and sometimes on that of the People; and as Magistrars under feme names have the fame work incumbant upon 'em, and the fame Power to perform it, the fame Duty is to be exacted from them, and render'd to them: which being distinctly proportion'd by the Laws of every Country, I may conclude, that all Magistratical Power being the Ordinance of Man in purfuance of the Ordinance of God, receives its being and meature from the Legislativ Power of every Nation. And whether the power be plac'd simply in one, a few, or many men; or in one body compos'd of the three simple Species; whether the single Per-
ton be call'd King, Duke, Marques, Emperor, Sultan, Mogol, or Grand Signor; or the number go under the name of Senar, Council, Pragadi, Dict, Assembly of Ephares and the like, 'tis the fame thing. The fame obedience is equally due to all, whilst according to the Precept of the Apostle, they do the work of God for our good: and if they N n depart
S E C T. XIII.

Laws were made to direct and instruct Magistrates, and, if they will not be directed, to restrain them.

Know not who they are that our Author introduces to say, that the first invention of Laws was to bridge or moderate the overgreat Power of Kings; and unless they give some better proof of their judgment in other things, shall little esteem them. They should have consider'd, that there are Laws in many places where there are no Kings; that there were Laws in many before there were Kings, as in Israel the Law was given three hundred years before they had any; but most especially, that as no man can be a rightful King except by Law, nor have any just Power but from the Law, if that Power be found to be overgreat, the Law that gave it must have bin before that which was to moderate or restrain it; for that could not be moderated which was not in being. Leaving therefore our Author to fight with these Adversaries if he pleases when he finds them, I shall proceed to examine his own Positions. The truth is, says he, the Original of Laws was for the keeping of the Multitude in order. Popular Estates could not subsist at all without Laws, whereas Kingdoms were govern'd many ages without them. The People of Athens, as soon as they gave over Kings, were forc'd to give power to Draco first, then to Solon, to make them Laws. If we will believe him therefore, wherefover there is a King, or a man who by having power in his hands is in the place of a King, there is no need of Law. He takes them all to be so wise, just, and good, that they are Laws to themselves, Leges viventes. This was certainly verify'd by the whole succession of the Cæsars, the ten last Kings of Pharamond's Race, all the Successors of Charles the Great, and others that I am not willing to name; but referring my self to History, I define all reasonable men to consider, whether the piety and tender care that was natural to Caligula, Nero or Domitian, was such a security to the Nations that liv'd under them, as without Law to be sufficient for their preservation: for if the contrary appear to be true, and that their Government was a perpetual exercise of rage, malice and madness, by which the worst of men were arm'd with power to destroy the best, so that the Empire could only be serv'd by their destruction, then must certain, that mankind can never fall into a condition which stands more in need of Laws to protect the innocent, than when such Monstrs reign who endeavour their extirpation, and are too well furnish'd with means to accomplish their detestable designs. Without any prejudice therefore to the Cæsars that I defend, I might confess that all Nations were at the first govern'd by Kings, and that no Laws were impose'd upon those Kings, till they or the Successors of those who had bin advance'd for their virtues, by falling into vice and corruption, did manifestly discover the inconveniences of depending upon their will. Besides these, there are also children, women and fools, that often come to the succession of Kingdoms, whose weakness and ignorance flounds in as great need of support and direction, as the desperate fury
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fury of the others can do of restriction. And if some Nations had bin so fortith, not to foresee the mischief of leaving them to their will, others, or the fame in succeeding Ages discovering them, could no more be oblig'd to continue in fo pernicious a folly, than we are to live in that wretched Barbarity in which the Romans found our Ancestors, when they first enter'd this Island.

If any man say, that Filmer does not speak of Monsters, nor of Children, Women or Fools, but of wife, just and good Princes: I answer, that if there be a right inherent in Kings, as Kings, of doing what they please; and in those who are next in blood, to succeed them and inherit the fame, it must belong to all Kings, and such as upon title of blood would be Kings. And as there is no family that may not, and does not often produce such as I mention'd, it must also be acknowledg'd in them: and that power which is left to the wife, just and good, upon a supposition that they will not make an ill use of it, must be devolv'd to those who will not or cannot make a good one: but will either maliciously turn it to the destruction of those they ought to protect, or thro' weakness suffer it to fall into the hands of those that govern them, who are found by experience to be for the most part the worst of all, most apt to use the basest arts, and to flatter the humors, and foment the vices that are most prevalent in weak and vicious Princes. Germanicus, Corbulo, Valerius Asiaticus, Thrasyclus, Saranus, Helvidius Priscus, Julius Agricola, and other excellent men liv'd in the times of Tiberius, Caligula, Claudius and Nero; but the power was put into the hands of Sejanus, Macre, Tigellinus, and other Villains like to them: and I wish there were not too many modern examples to show that weak and vicious Princes will never chuse such as shall preserve Nations from the mischiefs that would ensue upon their own incapacity or malice; but that they must be impos'd upon them by some other power, or Nations be ruin'd for want of them. This imposition must be by Law or by Force. But as Laws are made to keep things in good order without the necessity of having recourse to force, it would be a dangerous extravagance to arm that Prince with force, which probably in a short time must be oppos'd by force; and those who have bin guilty of this error, as the Kingdoms of the East, and the ancient Roman Empire, where no provision was made by Law against ill-governing Princes, have found no other remedy than to kill them, when by extreme sufferings they were driven beyond patience: and this fell out so often, that few of their Princes were observ'd to die by a common death. But since the Empire was tranfmitted to Germany, and the Emperors refrain'd by Laws, that Nation has never bin brought to the odious extremities of suffering all manner of Indignitys, or revenging them upon the heads of Princes. And if the Pope had not disturb'd him upon the account of Religion, nor driven their Princes to disturb others, they might have pass'd many ages without any civil Diffention, and all their Emperors might have liv'd happily, and dy'd peaceably, as most of them have done.

This might be sufficient to my purpose: for if all Princes without distinction, whether good or bad, wise or foolish, young or old, sober or mad, cannot be intrusted with an unlimited power; and if the power they have, ought to be limited by Law, that Nations may not, with danger to themselves, as well as to the Prince, have recourse to the last remedy, this Law must be given to all, and the good can be no otherwise distinguished'd from the bad, and the wife from the foolish, than by the observation or violation of it. But I may juftly go a step farther, and affirm, that this Law which
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Chap. III. which by restraining the Lusts of the vicious and foolish, frequently preserves them from the destruction they would bring upon themselves or people, and sometimes upon both, is an assistance and direction to the wisest and best; so that they also as well as the Nations under them are gainers by it. This will appear strange only to those who know not how difficult and insupportable the Government of great Nations is, and how unable the best man is to bear it. And if it surpass the strength of the best, it may easily be determin'd how ordinary men will behave themselves under it, or what use the worst will make of it. I know there have bin wife and good Kings; but they had not an absolute Power, nor would have accepted it, tho' it had bin offer'd: much less can I believe that any of them would have transmitted such a power to their posterity, when none of them could know any more than Solomon, whether his Son would be a wise man or a fool. But if the best might have desire'd, and had bin able to bear it (the Moses by his own confession was not) that could be no reason why it should be given to the worst and weakest, or those who probably will be so: Since the assurance that it will not be bus'd during the life of one man, is nothing to the constitution of a State which aims at perpetuity: And no man knowing what men will be, especially if they come to the power by succession, which may properly enough be call'd by chance, 'tis reasonably to be fear'd they will be bad, and consequently necessary for to limit their power, that if they prove to be so, the Commonwealth may not be destroy'd, which they were instituted to preserve. The Law provides for this in leaving to the King a full and ample power of doing as much good as his heart can wish, and in restraining his power so, that if he should depart from the duty of his Office, the Nation may not perish. This is a help to those who are wise and good, by directing them what they are to do, more certainly than any one man's personal judgment can do; and no prejudice at all, since no such man did ever complain he was not suffer'd to do the evil which he would abhor if it were in his power; and is a most necessary curb to the fury of bad Princes, preventing them from bringing destruction upon the people. Men are subject to vices and passions, that they stand in need of some restraint in every condition; but most especially when they are in power. The rage of a private man may be pernicious to one or a few of his Neighbours; but the fury of an unlimited Prince would drive whole Nations into ruin: And those very men who have liv'd modestly when they had little power, have often prov'd the most savage of all Monarchs, when they thought nothing able to restrain their rage. 'Tis said of Caligula, that no man ever knew a better Servant, nor a worse Master. The want of restraint made him a Beast, who might have continu'd to be a Man. And tho' I cannot say, that our Law necessarily admits the next in Blood to the Succession (for the contrary is prov'd) yet the facility of our Ancestors, in receiving children, women, or such men as were not more able than themselves to bear the weight of a Crown, convinces me fully, that they had so fram'd our Laws, that even children, women, or ill men, might either perform as much as was necessarily require'd of 'em, or be brought to reason if they transgressed, and arrogated to themselves more than was allow'd. For 'tis not to be imagin'd,
that a company of men should so far degenerate from their own Nature, Sect. 13, which is Reason, to give up themselves and their Posterity, with all their concernsments in the world, to depend upon the will of a child, a woman, an ill man, or a fool.

If therefore Laws are necessary to popular States, they are no less to Monarchys; or rather, that is not a State or Government which has them not: and this no less impossible for any to subsist without 'em, than for the body of a man to be, and perform its functions without Nerves or Bones. And if any People had ever bin so foolish to establish that which they call'd a Government, without Laws to support and regulate it, the impossibility of subsisting would evidence the madness of the Constitution, and ought to deter all others from following their example.

'Tis no less incredible, that those Nations which rejected Kings, did put themselves into the Power of one man, to prescribe to 'em such Laws as he pleas'd. But the instances alledg'd by our Author are evidently false. The Athenians were not without Laws when they had Kings: Aegus was subject to the Laws, and did nothing of importance without the consent of the People; and Thebus not being able to please them, dy'd a banish'd man: Draco and Solon did not make, but propose Laws, and they were of no force till establisht by the Authority of the People. The Spartans dealt in the same manner with Lycurgus; he invented their Laws, but the People made them: and when the Assembly of all the Citizens had approv'd and sworn to observe them till his return from Crete, he refolv'd rather to die in a voluntary banishment, than by his return to absolve them from the Oath they had taken. The Romans also had Laws during the Government of their Kings; but not finding in 'em that Perfection they desir'd, the Decemviri were chosen to frame others, which yet were of no value till they were pass'd by the People in the *Comitia Centuriata; and being so approv'd, they were establish'd. But this Sanction, to which every man, whether Magistrate or private Citizen, was subject, did no way bind the whole body of the People, who still retain'd in themselves the Power of changing both the matter and the form of their Government, as appears by their instigating and arrogating Kings, Consuls, Dictators, Tribuns with consular Power, and Decemviri, when they thought good for the Commonwealth. And if they had this Power, I leave our Author to shew, why the like is not in other Nations.

* Ingenti hominum confentit propofitis dececm Tabulis Populum ad concionem convocarunt, & qued bonum, falfum falviq; sic Republica, ipif, liberis, eorum effet, ire, & legere propofitas fuffere. T. Liv. 1. 3.
S E C T. XIV.

Laws are not made by Kings, not because they are busy'd in greater matters than doing Justice, but because Nations will be govern'd by Rule, and not Arbitrarily.

Our Author, pursuing the mistakes to which he seems perpetually condemn'd, says, that when Kings were either busy'd in War, or distracted with publick Cares, so that every private man could not have access unto their Persons, to learn their Wills and Pleasures, then of necessity were Laws invented, so every particular Subject might find his Prince's Pleasure. I have often heard that Governments were establisht for the obtaining of Justice; and if that be true, 'tis hard to imagine what bufinesse a supreme Magistrate can have to divert him from accomplishing the principal end of his Institution. And 'tis as commonly said, that this distribution of Justice to a People, is a work furpassing the strength of any one man. Jethro seems to have bin a wife man, and 'tis probable he thought Moses to be fo also; but he found the work of judging the People to be too heavy for him, and therefore advis'd him to leave the judgment of Caufes to others who should be chosen for that purpose; which advice Moses accepted, and God approv'd. The governing power was as impor- tant to him as the Judicial. He desir'd rather to dy than to bear fo great a burden; and God neither accusing him of sloth or impatience, gave him seventy Assistants. But if we may believe our Author, the Powers Judicial and Legislative, that of judging as well as that of governing, is not too much for any man, woman, or child whatsoever: and that he stands in no need, either of God's Statutes to direct him, or Man's Counsel to affit him, unless it be when he is otherwise employ'd; and his Will alone is sufficient for all. But what if he be not busy'd in greater matters, or distracted with publick cares; is every Prince capable of this work? Tho' Moses had not found it too great for him; or it should be granted that a man of excellent natural Endowments, great Witdom, Learning, Experience, Industry, and Integrity might perform it, is it certain that all those who happen to be born in reigning Familys are so? If Moses had the Law of God before his eyes, and could repair to God himself for the application or explanation of it; have all Princes the same Assistance? Do they all speake with God face to face, or can they do what he did, without the Assistance he had? If all Kings of mature years are of that perfection, are we assur'd that none shall dy before his Heir arrive to the fame? Or shall he have the fame ripeness of Judgment in his Infancy? If a Child come to a Crown, dos that immediately infuse the most admirable Endowments and Graces? Have we any promise from Heaven, that Women shall enjoy the fame Prerogatives in those Countries where they are made capable of the Succession? Or dos that Law which renders them capable, not only defend them against the frailty of their own Nature, but confer the most sublime vertues upon them? But who knows not, that no Familys do more frequently produce weak or ill men, than the greatest? and that which is worfe, their greatnes is a snare to them.
them; so that they, who in a low condition might have past'd unregard'd, being advanced to the highest, have often appear'd to be, or became the wonder of all Beasts; and they who advance them are like to them: For if the Power be in the Multitude, as our Author is forc'd to confefs (otherwise the Athenians and Romans could not have given all as he says, nor a part as I say, to Draco, Solon, or the Decemviri) they must be Beasts also, who should have given away their Right and Liberty, in hopes of receiving Justice from such as probably will neither understand nor regard it, or protection from those who will not be able to help themselves, and expect such Vertue, Wisdom, and Integrity should be, and for ever remain in the Family they set up, as was never known to continue in any. If the Power be not confer'd upon them, they have it not; and if they have it not, their want of leisure to do Justice, cannot have bin the caufe for which Laws are made; and they cannot be the signification of their Will, but are that to which the Prince owes obedience, as well as the meanest Subject. This is that which Bracton calls effe fub lege, and says, that Ress in regno superiores habet Deum & Legem. I Torteficue says, The Kings of England cannot change the Laws: and indeed, they are so far from having any Power, that the Judges swear to have no regard to the King's Letters or Commands, but if they receive any, to proceed according to Law, as if they had not bin. And the breach of this Oath does not only bring a blemish upon their Reputation, but expoes them to capital Punishments, as many of them have found. Tis not therefore the King that makes the Law, but the Law that makes the King. It gives the rule for Succession, making Kingdoms sometimes Hereditary, and sometimes Elective, and (more often than either simply) Hereditary under condition. In some places Males only are capable of inheriting, in others Females are admitted. Where the Monarchy is regular, as in Germany, England, &c. the Kings can neither make nor change Laws: They are under the Law, and the Law is not under them; their Letters or Commands are not to be regarded: In the administration of Justice, the question is not what pleases them, but what the Law declares to be right, which must have its course, whether the King be busy or at leisure, whether he will or not. The King who never Dys, is always present in the supreme Courts, and neither knows nor regards the pleasure of the man that wears the Crown. But left by his Riches and Power he might have some influence upon judicial Proceedings, the great Charter that recapitulates and acknowledges our ancient inherent Liberty's, obliges him to swear, that he will neither fall, delay, nor deny Justice to any man, according to the Laws of the Land: which were ridiculous and absurd, if those Laws were only the signification of his Pleasure, or any way depended upon his Will. This Charter having bin confirm'd by more than thirty Parliaments, all succeeding Kings are under the obligation of the same Oath, or must renounce the benefit they receive from our Laws, which if they do, they will be found to be equal to every one of us.

Our Author, according to his custom, having laid down a false proposition, goes about to justify it by misapplying the examples of Draco, Solon, the Decemviri, and Moses, of whom no one had the Power he attributes to them, and it were nothing to us if they had. The Athenians and Romans, as was laid before, were so far from resigning the absolute Power without appeal to themselves, that nothing done by their Magistrates was of any force, till it was enacted by the People. And the power
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power given to the Decemviri, sine provocatione, was only in private
cases, there being no superior Magistrate then in being, to whom Ap-
ceals could be made. They were vested with the same Power the
Kings and Dictators enjoy'd, from whom there lay no Appeal, but to
the People, and always to them; as appears by the case of Horatius in
the time of Tullus Hostilius, that of Marcus Fabius when Papirius Cursor
was Dictator, and of Menius the Tribun when Q. Fabius Maximus was
in the same Office; all which I have cited already, and refer to them.
There was therefore a reservation of the supreme Power in the People,
notwithstanding the creation of Magistrates without Appeal; and as it
was quietly exercis'd in making Strangers, or whom they pleas'd, Kings,
reinforcing the power of Dictators to fix months, and that of the Decem-
viri to two years; when the last did, contrary to Law, endeavour by
force to continue their Power, the People did by force destroy it and
them.

The case of Moses is yet more clear: he was the most humble and
gentle of all men: he never rais'd his heart above his brethren, and com-
manded Kings to live in the same modesty: he never devis'd the People
should depend upon his will; in giving Laws to them he fulfill'd the will
of God, not his own; and those Laws were not the signification of his
will, but of the will of God. They were the production of God's
Wifdom and Goodness, not the invention of Man; given to purify the
People, not to advance the glory of their Leader. He was not proud
and insolent, nor pleas'd with that ostentation of Pomp, to which Pools
give the name of Majesty: and whoever so far exalts the power of a
man, to make Nations depend upon his pleasure, does not only lay a bur-
den upon him, which neither Moses nor any other could ever bear, and
every wise man will always abhor; but with an impious fury, endea-
vours to set up a Government contrary to the Laws of God, presumes
to accuse him of want of wisdom, or goodness to his own People,
and to correct his Errors, which is a work fit to be undertaken by such as
our Author.

From hence, as upon a solid foundation, he proceeds, and making use
of King James's words, infers, that Kings are above the Laws, because
he so teaches us. But he might have remember'd, that having affirm'd
the People could not judge of the disputes that might happen between
them and Kings, because they must not be judges in their own case, 'tis
absurd to make a King judge of a case so nearly concerning himself; in
the decision of which his own Passions and Interests may probably lead
him into errors. And if it be pretended that I do the same, in giving
the judgment of those matters to the People, the case is utterly different,
both in the nature and consequences. The King's judgment is merely
for himself; and if that were to take place, all the Passions and Vices
that have most power upon men, would concur to corrupt it. He that
is set up for the publick good, can have no concern with the whole People
whose good he is to procure, unless he defect from the end of his Insti-
tution, and set up an Interest of his own in opposition to it. This is in
its nature the highest of all delinquencies; and if such a one may be judg-
of his own crimes, he is not only sure to avoid punishment, but to obtain
all that he fought by them; and the worse he is, the more violent will
his desires be, to get all the power into his hands, that he may gratify
his lusts, and execute his pernicious designs. On the other side, in a
popular Assembly, no man judges for himself, otherwise than as his good
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is comprehended in that of the publick: Nothing hurts him, but what
is prejudicial to the Commonwealth: Such amongst them as may have
receiving private injuries, are so far only consider'd by others, as their
sufferings may have influence upon the publick; if they be few, and the
matters not great, others will not suffer their quiet to be disturb'd by
them; if they are many and grievous, the Tyranny thereby appears
to be so cruel, that the Nation cannot subsist, unless it be corrected or
suppressed. Corruption of Judgment proceeds from private Passions,
which in these cases never govern: and the zeal for the publick good
may possibly be misguid'd, yet till it be so, it can never be capable of
excess. The last Tarquin, and his lead Son, exercis'd their Fury and
Lust in the murders of the best men in Rome, and the rape of Lucretia.
Appius Claudius was fill'd with the like madness. Caligula and Nero
were so well establish'd in the power of committing the worst of Villanys,
that we do not hear of any man that offer'd to defend himself, or
woman that presum'd to refuse them. If they had bin judges in
these cases, the utmost of all Villanys and Mischiefs had bin establish'd
by Law: but as long as the judgment of these matters was in the People,
no private or corrupt Passion could take place. Lucius Brutus, Valerius,
Horatius and Virginius, with the People that follow'd them, did not by
the expulsion of the Kings, or the suppression of the Decemviri, affume
to themselves a power of committing Rapes and Murders, nor any
advantages beyond what their equals might think they deserv'd by their
 virtues, and services to the Commonwealth; nor had they more credit
than others for any other reason, than that they shew'd themselves most
forward in procuring the publick Good, and by their Valor and Conduct
best able to promote it.

Whatsoever happen'd after the overthrow of their Liberty, belongs
not to my Subject, for there was nothing of popularity in the judgments
that were made. One Tyrant destroy'd another; the same Passions and
Vices for the most part reign'd in both: The last was often as bad as his
Predecessor whom he had overthrown; and one was sometimes approv'd
by the People for no other reason, than that it was thought impossible for
him to be worse than he who was in possession of the Power. But if one
insurrection can be of force amongst an infinite number of various Accidents,
the words of Valerius Flaccus, who, by wishing he had bin the man
that had kill'd Caligula, did in a moment pacify the fury of the Soldiers
who were looking for those that had done it, shew, that as long as men
retain any thing of that Reason which is truly their Nature, they never
fail of judging rightly of Virtue and Vice; whereas violent and ill
Princes have always done the contrary, and even the best do often deftect
from the rules of Justice, as appears not only by the examples of Edward
the first and third, who were brought to confess it, but even those of
David and Solomon.

Moreover, to shew that the decision of these Controversies cannot
belong to any King, but to the People, we are only to consider, that as
Kings and all other Magistrates, whether supreme or subordinate, are
constituted only for the good of the People, the People only can be fit to
judge whether the end be accomplish'd. A Physician does not exercise his
Art for himself, but for his Patients; and when I am, or think I shall be
sick, I send for him of whom I have the best opinion, that he may help
me to recover or preserve my health; but I lay him aside if I find him
to be negligent, ignorant or unfaithful: and it would be ridiculous for
Oo
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Chap. III. him to say, I make myself judge in my own case, for I only, or such, as I shall consult, am fit to be the judge of it. He may be treacherous, and thro corruption or malice endeavour to poison me, or have other defects that render him unfit to be trusted: but I cannot by any corrupt passion be led wilfully to do him injustice, and if I mistake, 'tis only to my own hurt. The like may be said of Lawyers, Stewards, Pilots, and generally of all that do not act for themselves, but for those who employ them. And if a Company going to the Indies, should find that their Pilot was mad, drunk, or treacherous, they whose lives and goods are concern’d, can only be fit to judge, whether he ought to be trusted or not, since he cannot have a right to destroy those he was chosen to preserve; and they cannot be thought to judge pervertly, because they have nothing to lead them but an opinion of truth, and cannot err but to their own prejudice. In the like manner, not only Solon and Draco, but Romulus, Numa, Hostilius, the Consuls, Dictators and Decemviri, were not distinguish’d from others, that it might be well with them, Sed ut bonum, felix, saeasum; sit Populo Romano; but that the prosperity and happiness of the People might be procur’d: which being the thing always intended, it were absurd to refer the judgment of the performance to him who is suspected of a design to overthrow it, and whose passions, interests, and vices, if he has any, lead him that way. If King James said any thing contrary to this, he might be answer’d with some of his own words; I was, says he, sworn to maintain the Laws of the Land, and therefore had bin perjur’d if I had broken them. It may also be premi’d, he had not forgotten what his Master Buchanan had taught in the Books he wrote chiefly for his Instruction, that the violation of the Laws of Scotland could not have bin so fatal to most of his Predecessors, Kings of that Country (nor as he himself had made them to his Mother) if Kings as Kings were above them.

Sect. XV.

A general presumption that Kings will govern well, is not a sufficient security to the People.

But, says our Author, yet will they rule their Subjects by the Law; and a King governing in a settled Kingdom, leaves to be a King, and degenerates into a Tyrant, so soon as he ceases to rule according unto his Laws: Yet where he sees them vigorous or doubtful, he may mitigate or interpret. This is therefore an effect of their goodness; they are above Laws, but will rule by Law, we have Filmer’s word for it. But I know not how Nations can be asur’d their Princes will always be so good: Goodness is always accompany’d with Wisdom, and I do not find those admirable qualities to be generally inherent or entail’d upon supreme Magistrates. They do not seem to be all alike, and we have not hitherto found them all to live in the same Spirit and Principle. I can see no resemblance between Moses and Caligula, Jofhua and Claudius, Gideon and Nero, Samson and Vitellius, Samuel and Otho, David and Domitian; nor indeed between the best of these and their own Children. If the Sons of Moses and Jofhua had bin like to them in wisdom, valor and integrity, 'tis probable
the mighty they had bin choyen to succeed them; if they were not, the like is left to be presum'd of others. No man has yet observ'd the moderation of Gideon to have bin in Abimelech; the Piety of Eli in Hopni and Phineas; the Purity and Integrity of Samuel in Joel and Abiah, nor the Wisdom of Solomon in Rehoboam. And if there was so vast a difference between them and their Children, who doubtless were instruxted by those excellent men in the ways of Wisdom and Justice, as well by Precept as Example, were it not madness to be confident, that they who have neither precept nor good example to guide them, but on the contrary are educated in an utter ignorance or abhorrence of all vertue, will always be just and good; or to put the whole power into the hands of every man, woman, or child that shall be born in governing Families, upon a supposition, that a thing will happen which never did; or that the weakest and worst will perform all that can be hop'd, and was seldom accomplish'd by the wisest and best, exposing whole Nations to be destroy'd without remedy, if they do it not? And if this be madness in all extremity, 'tis to be presum'd that Nations never intended any such thing, unless our Author prove that all Nations have bin mad from the beginning, and must always continue to be so. To cure this, he says, They degenerate into Tyrants; and if he meant as he speaks, it would be enough. For a King cannot degenerate into a Tyrant by departing from that Law which is only the product of his own will. But if he do degenerate, it must be by departing from that which does not depend upon his will, and is a rule preferrib'd by a power that is above him. This indeed is the Doctrine of Bracton, who having said that the Power of the King is the Power of the Law, because the Law makes him King, adds, That if he do injustice, he ceases to be King, degenerates into a Tyrant, and becomes the Vicegerent of the Devil. But I hope this must be understood with temperance, and a due consideration of human frailty, so as to mean only those injuries that are extreme; for otherwise he would terribly shake all the Crowns of the World.

But lest our Author should be thought once in his life to have dealt sincerely, and spoken truth, the next lines shew the fraud of his last Assertion, by giving to the Prince a power of mitigating or interpreting the Laws that he sees to be rigorous or doubtful. But as he cannot degenerate into a Tyrant by departing from the Law which proceeds from his own will, so he cannot mitigate or interpret that which proceeds from a superior Power, unless the right of mitigating or interpreting be conferred upon him by the fame. For as all wise men confess that none can abrogate but those who may institute, and that all mitigation and interpretation varying from the true sense is an alteration, that alteration is an abrogation; for whatsoever is changed is dissolved, and therefore the power of mitigating is inseparable from that of instituting. This is sufficiently evidenced by Henry the Eighth's Answer to the Speech made to him by the Speaker of the House of Commons 1545, in which he, tho' one of the most violent Princes we ever had, confesses the Parliament to be the Law-makers, and that an obligation lay upon him rightly to use the power with which he was entrusted. The right therefore of altering

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* Qua sic faciat injuriam, definit esse Rex, & degenerat in tyrannum, & sit vicarius Diaboli.

† Cujus est instituere, ejus est abrogare.

|| Quodquid mutatur dissolvitur, interea ergo.
being insepaurable from that of making Laws, the one being in the Parliament, the other must be so also. *Fortefcue* says plainly, the King cannot change any Law; *Magna Charta* calls all upon *Leges terra & Consequendi Anglia.*

Chap. III.

But slaves, Angliz, 1 alfo. well People the Leges mitigating of the Land and Customs of England: But to say that the King can by his will make that to be a Custom, or an ancient Law, which is not, or that not to be fo, which is, is most absurd. He must therefore take the Laws and Customs as he finds them, and can neither detract from, nor add any thing to them. The ways are prefcrib'd as well as the end. Judgments are given by equals, per Pares. The Judges who may be affilling to thefe, are fo sworn to proceed according to Law, and not to regard the King's Letters or Commands. The doubtful Cafes are refer'd, and to be refer'd to the Parliament, as in the Statute of 35 Edw. 3d concerning Treafons, but never to the King. The Law intending that thefe Parliaments fhould be annual, and leaving to the King a power of calling them more often if occasion require, takes away all pretence of a neceffity that there should be any other power to interpret or mitigate Laws. 'Tis not therefore upon the uncertain will or understanding of a Prince, that the safety of a Nation ought to depend. He is at times a child, and at times overburden'd with years. Some are weak, negligent, flornful, foolifh or vicious: others, who may have something of rectitude in their intentions, and naturally are not uncapable of doing well, are drawn out of the right way by the subtilty of ill men who gain credit with them. That rule must always be uncertain, and subject to be diftorted, which depends upon the fancy of a man. He always fluctuates, and every passion that arises in his mind, or is infused by others, disorders him. The good of a People ought to be establish'd upon a more solid foundation. For this reafon the Law is establish'd, which no passion can disturb. *Tis void of desire and fear, lust and anger. *Tis Mens fina affectu, written Reafon, retaining some measure of the Divine Perfection. It does not enjoin that which pleases a weak, frail man, but without any regard to perfon's commands that which is good, and punifhes evil in all, whether rich or poor, high or low. *Tis deaf, inexorable, inflexible.

By this means every man knows when he is safe or in danger, because he knows whether he has done good or evil. But if all depended upon the will of a man, the worst would be often the moft safe, and the best in the greatest hazard: Slaves would be often advance'd, the good and the brave scorn'd and neglected. The moft generous Nations have above all things sought to avoid this evil: and the vertue, wisdom and generofity of each may be discern'd by the right fixing of the rule that must be the guide of every man's life, and fo conftituting their Magiftracy that it may be duly observ'd. Such as have attain'd to this perfection, have always flourifh'd in vertue and happiness: They are, as

* Leges terra & Consequendi Anglia.*

Aristotle
Aristotle says, govern'd by God, rather than by men, whilst those who subjected themselves to the will of a man were govern'd by a beast.

This being so, our Author's next clause, That the a King do frame all his Actions to be according unto Law, yet he is not bound thereunto, but as his good will, and for good example, or so far forth as the general Law for the safety of the Commonwealth doth naturally bind him, is wholly impertinent. For if the King who governs not according to Law, degenerates into a Tyrant, he is oblig'd to frame his actions according to Law, or not to be a King; for a Tyrant is none, but as contrary to him, as the worst of men is to the best. But if these obligations were unty'd, we may easily guess what security our Author's words can be to us, that the King of his own good will, and for a good example, will frame his actions according to the Laws; when experience instructs us, that notwithstanding the strictest Laws, and most exquisite Constitutions, that men of the best abilities in the world could ever invent to restrain the irregular appetites of those in power, with the dreadful examples of vengeance taken against such as would not be restrain'd, they have frequently broken out; and the most powerful have for the most part no otherwise distinguished themselves from the rest of men, than by the enormity of their vices, and being the most forward in leading others to all manner of crimes by their example.

S E C T. XVI.

The observation of the Laws of Nature is absurdly expected from Tyrants, who set themselves up against all Laws: and he that subjects Kings to no other Law than what is common to Tyrants, destroys their being.

Our Author's last clause, acknowledging Kings to be bound by a general Law to provide for the safety of the People, would be sufficient for my purpose if it were sincere; for municipal Laws do only shew how that should be perform'd: and if the King by departing from that rule degenerates, as he says, into a Tyrant, 'tis easily determin'd what ought then to be done by the People. But his whole Book being a heap of contradictions and frauds, we can rely upon nothing that he says: And his following words, which under the same Law comprehend both Kings and Tyrants, shew that he intends Kings should be no otherwise oblig'd than Tyrants, which is, not at all. By this means, says he, are all Kings, even Tyrants and Conquerors, bound to preserve the Lands, Goods, Liberties and Lives of all their Subjects, not by any municipal Law of the Land, so much as by the natural Law of a Father, which obligeth them to ratify the Acts of their Forefathers and Predecessors in things necessary for the publick good of their Subjects. If he be therefore in the right, Tyrants and Conquerors are Kings and Fathers. The words that have bin always thought to comprehend the most irreconcilable contrariety, the one expressing the most tender love and care, evidently testify'd by the greatest obligations confer'd upon those who are under it; the other the utmost of all injuries that can be offer'd to men, signify the same thing: There is no difference between a Magistrate who is
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(Chap. III.) is what he is by Law, and a publick Enemy, who by force or fraud sets himself up against all Law: And what he said before, that Kings degenerate into Tyrants, signifies nothing, for Tyrants also are Kings.

His next words are no less incomprehensible; for neither King nor Tyrant can be oblig'd to preserve the Lands, Goods and Liberties of their Subjects if they have none. But as Liberty consists only in being subject to no man's will, and nothing denotes a Slave but a dependence upon the will of another; if there be no other Law in a Kingdom than the will of a Prince, there is no such thing as Liberty. Property also is an appendage to Liberty; and 'tis as impossible for a man to have a right to Lands or Goods, if he has no Liberty, and enjoys his Life only at the pleasure of another, as it is to enjoy either when he is depriv'd of 'em. He therefore who says Kings and Tyrants are bound to preserve their Subjects Lands, Liberties, Goods and Lives, and yet lays for a foundation, that Laws are no more than the significations of their Pleasure, seeks to delude the world with words which signify nothing.

The vanity of these Whimsys will farther appear, if it be consider'd, that as Kings are Kings by Law, and Tyrants are Tyrants by overthrowing the Law, they are most absurdly join'd together; and 'tis not more ridiculous to set him above the Law, who is what he is by the Law, than to expect the observation of the Laws that enjoin the preservation of the Lands, Liberties, Goods and Lives of the People, from one who by fraud or violence makes himself master of all, that he may be restrained by no Law, and is what he is by subverting all Law.

Besides, if the safety of the People be the supreme Law, and this safety extend to, and conflict in the preservation of their Liberties, Goods, Lands and Lives, that Law must necessarily be the root and beginning, as well as the end and limit of all magistratical Power, and all Laws must be subservient and subordinate to it. The question will not then be what pleases the King, but what is good for the People; not what conduces to his profit or glory, but what best secures the Liberties he is bound to preserve: he does not therefore reign for himself, but for the People; he is not the Master, but the Servant of the Commonwealth; and the utmost extent of his Prerogative is to be able to do more good than any private Man. If this be his work and duty, 'tis easily seen whether he is to judge of his own performance, or they by whom and for whom he reigns; and whether in order to this he be to give Laws, or to receive them. 'Tis ordinarily said in France, Il faut que chacun soit servi à sa mode; Every man's business must be done according to his own mind: and if this be true in particular Persons, 'tis more plainly so in whole Nations. Many eyes see more than one; the collected wisdom of a People much surpasses that of a single Person; and tho' he should truly seek that which is best, 'tis not probable he would so easily find it, as the body of a Nation, or the principal men chosen to represent the whole. This may be said with justice of the best and wisest Princes that ever were; but another Language is to be us'd when we speak of those who may succeed, and who very often, thro' the defects of Age, Perfon, or Sex, are neither fit to judge of other men's affairs, nor of their own; and are so far from being capable of the highest Concernments relating to the safety of whole Nations, that the most trivial cannot reasonably be refer'd to them.

There are few men (except such as Filmer, who by bidding defiance to the Laws of God and Man, seems to declare war against both) whom I would not trust to determine whether a People, that can never fall into Nonage
Nonage or Dotage, and can never fail of having men of Wisdom and Virtue amongst them, be not more fit to judge in their own Persons, or by Representatives, what conduces to their own good, than one who at a venture may be born in a certain Family, and who, besides his own Infirmities, Passions, Vices, or Interests, is continually surrounded by such as endeavour to divert him from the ways of Truth and Justice. And if no reasonable man dare prefer the latter before the former, we must rely upon the Laws made by our Forefathers, and interpreted by the Nation, and not upon the will of a man.

'Tis in vain to say that a wife and good Council may supply the defects, or correct the Vices of a young, foolish, or ill disposed King. For Filmer denies that a King, whatever he be without exception, (for he attributes profound wisdom to all) is oblig’d to follow the advice of his Council; and even he himself would hardly have had the impudence to say, That good Counsel given to a foolish or wicked Prince were of any value, unless he were oblig’d to follow it. This Council must be chosen by him, or impos’d upon him: if it be impos’d upon him, it must be by a Power that is above him, which he say’s cannot be. If chosen by one who is weak, foolish, or wicked, it can never be good; because such virtue and wisdom is requir’d to discern and chuse a few good and wise men, from a multitude of foolish and bad, as he has not. And it will generally fall out, that he will take for his Counsellors rather those he believes to be addicted to his Person or Interests, than such as are fitly qualify’d to perform the duty of their places. But if he should by chance, or contrary to his intentions, make choice of some good and wise men, the matter would not be much mended, for they will certainly differ in opinion from the worst. And tho the Prince should intend well, of which there is no assurance, nor any reason to put so great a power into his hands if there be none; 'tis almost impossible for him to avoid the snare that will be laid to seduce him. I know not how to put a better face upon this matter: for if I examin rather what is probable than possible, foolish or ill Princes will never chuse such as are wise and good; but favouring those who are most like to themselves, will prefer such as second their vices, humors, and personal Interests, and by so doing will rather fortify and rivet the evils that are brought upon the Nation thro’ their defects, than cure them. This was evident in Reboaca: he had good Council, but he would not hearken to it. We know too many of the same sort; and tho it were not impossible (as Machiavelli says it is) for a weak Prince to receive any benefit from a good Council, we may certainly conclude, that a People can never expect any good from a Council chosen by one who is weak or vicious.

If a Council be impos’d upon him, and he be oblig’d to follow their advice, it must be impos’d by a Power that is above him; his Will therefore is not a Law, but must be regulated by the Law: the Monarchy is not above the Law; and if we will believe our Author, 'tis no Monarchy, because the Monarch has not his will, and perhaps he says true. For if that be an Aristocracy, where those that are, or are reputed to be the best do govern, then that is certainly a mix’d State, in which the will of one man does not prevail. But if Princes are not oblig’d by the Law, all that is founded upon that Supposition falls to the ground: They will always follow their own humors, or the suggestions of those who second them. Tiberius hearken’d to none but Chaldeans, or the ministers of his impurities and cruelty: Claudius was govern’d by Slaves, and the profligate Strumpets
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Chap. III. Strumpets his Wives. There were many wife and good men in the Senat during the reigns of Caligula, Nero, and Domitian; but instead of following their Counfel, they endeavour'd to destroy them all, left they should head the People against them; and such Princes as re semble them will always follow the like courses.

If I often repeat these hateful names, 'tis not for want of fresher examples of the fame nature; but I chuse such as Mankind has universally condemn'd, against whom I can have no other cause of hatred than what is common to all thofe who have any love to vertue, and which can have no other relation to the Controversys of later Ages, than what may flow from the fimilitude of their caufes, rather than such as are too well known to us, and which every man, according to the measure of his experience, may call to mind in reading thefe. I may also add, that as nothing is to be receiv'd as a general Maxim, which is not generally true, I need no more to overthrow fuch as Filmer propofes, than to prove how frequently they have bin found falfé, and what deperate mifchiefs have bin brought upon the World as often as they have bin praetic'd, and excepfive Powers put into the hands of fuch as had neither inclination nor ability to make a good ufe of them: And therefore,

1. If the safety of Nations be the end for which Governments are in ftituated, fuch as take upon them to govern, by what Title foever, are by the Law of Nature bound to procure it; and in order to this, to preverve the Lives, Lands, Libertys and Goods of every one of their Subjects: and he that upon any title whatsoever pretends, assumes, or exercises a power of disposing of them according to his own will, violates the Laws of Nature in the highest degree.

2. If all Princes are oblig'd by the Law of Nature to preverve the Lands, Goods, Lives and Libertys of their Subjects, thofe Subjects have by the Law of Nature a right to their Libertys, Lands, Goods, &c. and cannot depend upon the will of any man, for that dependance destroys Liberty, &c.

3. Ill men will not, and weak men cannot provide for the safety of the People; nor the work is of fuch extreme difficulty, that the greatest and wiseftest men that have bin in the world are not able by themselves to per form it; and the affiftance of Counfel is of no ufe, unlefs Princes are oblig'd to follow it. There must be therefore a power in every State to refrain the ill, and to inftrect weak Princes by obliging them to follow the Counfels given, elfe the ends of Government cannot be accomplifh'd, nor the rights of Nations preferv'd.

All this being no more than what is faid by our Author, or necefive to be deduc'd from his Propofitions, one would think he were become as good a Commonwealths-man as Cato; but the unwh'd Swine will return to the Mire. He overthrows all by a preposterous conjunction of the rights of Kings which are juft and by Law, with thofe of Tyrants which are utterly againft Law; and gives the facred and gentle name of Father to thofe Beals, who by their actions declare themfelves enemys not only to all Law and Juflice, but to Mankind that cannot subsist without them. This requires no other proof, than to examin whether Attila or Tamerlan did well deferve to be call'd Fathers of the Countrys they defroy'd. The firft of thefe was ufnually call'd the fcorne of God, and he glory'd in the Name. The other being reprovd for the defetable cruelty he exercis'd, made answer, You speak to me as to a man; I am not a man, but the fcorne of God and plague of Mankind. This is certainly sweet and gentle
gentle Language, favouring much of a fatherly tenderness: There is no doubt that those who use it will provide for the safety of the Nations under them, and the preservation of the Laws of Nature is rightly refer’d to them; and 'tis also very probable, that they who come to burn the Countrys, and destroy the Nations that fall under their power, should make it their business to preserve them, and look upon the former Governors as their Fathers, whose Acts they are oblig’d to confirm, tho’ they seldom attain to the Dominion by any other means than the slaughter of them and their Families.

But if the enmity be not against the Nation, and the cause of the war be only for Dominion against the ruling Person or Family, as that of Bashba against the house of Jeroboam, of Zimri against that of Bashba, of Omri against Zimri, and of Jehe against Joram, the prosecution of it is a strange way of becoming the Son of the Peron destroy’d. And Filmer alone is subtill enough to discover, that Jehe by extinguishing the house of Ahab, drew an obligation upon himself, of looking on him as his Father, and confirming his acts. If this be true, Moses was oblig’d to confirm the acts of the Kings of the Amalekites, Moabites and Amorites that he destroy’d; the same duty lay upon Joshua, in relation to the Canaanites: but 'tis not so easily decided, to which of them he did owe that deference, for the same could not be due to all, and 'tis hard to believe, that by killing above thirty Kings, he should purchase to himself so many Fathers; and the like may be said of divers others.

Moreover, there is a fort of Tyrant who has no Father, as Agathocles, Dionysius, Cesar, and generally all those who subvert the Liberty of their own Country. And if they stood oblig’d to look upon the former Magistrats as their Predecessors, and to confirm their Acts, the first should have bin to give impunity and reward to any that would kill them, it having bin a fundamental Maxim in those States, *That any man might kill a Tyrant.

This being in all respects ridiculous and absurd, 'tis evident that our Author, who by proposing such a falfe security to Nations for their Liberty, endeavours to betray them, is not less treacherous to Kings, when under a pretence of defending their Rights, he makes them to be the fame with those of Tyrants, who are known to have none (and are Tyrants because they have none) and gives no other hopes to Nations of being preferv’d by the Kings they set up for that end, than what upon the fame account may be expected from Tyrants, whom all wise men have ever abhor’d, and affirm’d to have bin product of to bring destruction upon the World, and whose Lives have verify’d the Sentence.

This is truly to depose and abolish Kings, by abolishing that by which and for which they are to. The greatnes of their Power, Riches, State, and the pleasures that accompany them cannot but create enemies. Some will envy that which is accounted Happines; others may dislike the use they make of their Power: some may be unjustly exasperated by the beft of their Actions when they find themselves incommoded by them; others may be too severe judges of flight miscarriages. These things may reasonably temper the joys of tho’ who delight most in the advantages of Crowns. But the worst and most dangerous of all their enemies are these accursed Sycophants, who, by making those that ought to be the beft of men, like to the worst, destroy their Being; and by persuading the world they aim at the fame things, and are bound to no other rule than is common to all Tyrants, give a fair pretence to ill men to say, They are all of

* Uniciuq, non Tyrannum occidere. † In generis humani exitium nostr. P p
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 Sect. XVII.

Kings cannot be the Interpreters of the Oaths they take.

Our Author's Book is so full of absurdities and contradictions, that it would be a rope of sand, if a continu'd series of frauds did not, like a string of Potions running thro' the whole, give it some confidence with it self, and shew it to be the work of one and the same hand. After having endeavour'd to subvert the Laws of God, Nature and Nations, most especially our own, by abusing the Scriptures, fallly alleging the Authority of many good Writers, and seeking to obtrude upon mankind a universal Law, that would take from every Nation the right of constituting such Governments within themselves as seem most convenient for them, and giving rules for the administration of such as they had establish'd, he gives us a full view of his Religion and Morals, by destroying the force of the Oath taken by our Kings at their Coronation. Others, says he, affirm, that all the Laws of themselves do not bind Kings, yet the Oaths of Kings at their Coronation tend to keep all the Laws of their Kingdoms. How far this is true, let us but examine the Oath of the Kings of England at their Coronation, the words whereof are these. Art thou pleased to cause to be administered in all thy judgments, indifferent and upright Justice, and to use discretion with Mercy and Verity? Art thou pleased that our upright Laws and Customs be observed, and dost thou promise that those shall be protected and maintain'd by thee? &c. To which the King answers in the Affirmative, being first demanded by the Archbishop of Canterbury, Pleasest thou to confirm and observe the Laws and Customs of the ancient times, granted from God by just and devout Kings unto the English Nation, by Oath unto the said People, especially the Laws, Liberties and Customs granted unto the Clergy and Laity by the famous King Edward? From this he infers, That the King is not to observe all Laws, but such as are upright, because he finds evil Laws mentioned in the Oath of Richard the 2d, which he swears to abolish: Now what Laws are upright and what evil, who shall judge but the King? &c. So that in effect the King doth swear to keep no Laws but such as in his judgment are upright, &c. And if he did strictly swear to observe all Laws, he could not without Perjury give his consent to the repealing or abrogating of any Statute by Act of Parliament, &c. And again, But let it be pointed for Truth, that Kings do swear to observe all Laws of their Kingdoms; yet no man can think it reason, that the Kings should be more bound by their voluntary Oaths than common Persons: Now if a private Person make a Contract, either with Oath or without Oath, he is no farther bound than the equity and justice of the Contract; for a man may have relief against an unreasonable and unjust Promise, if either deceit or error, force or fear induc'd him thereunto; or if it be hurtful or grievous in the performance, since the Law in many cases gives the King a Prerogative above common persons. Yet I should be thought to insist upon small advantages, I will not oblige any man to swear where Filmer found this Oath, nor observe the faults committed in the translation; but notwithstanding his false representation, I find enough for my purpose, and intend to take it in his own words.
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But first I shall take leave to remark, that those who for private interests addict themselves to the personal service of Princes, tho' to the ruin of their Country, find it impossible to persuade Mankind that Kings may govern as they please, when all men know there are Laws to direct and restrain them, unless they can make men believe they have their power from a universal and superior Law; or that Princes can attempt to diffuse the obligations laid upon them by the Laws, which they so solemnly swear to observe, without rendring themselves detestable to God and Man, and subject to the revenging hands of both, unless they can invalidate those Oaths. Mr. Hobbes I think was the first, who very ingeniously contrived a compendious way of justifying the most abominable Perjuries, and all the michiefs ensuing thereupon, by pretending, that as the King's Oath is made to the People, the People may absolve him from the obligation; and that the People having confer'd upon him all the Power they had, he can do all that they could: he can therefore absolve himself, and is actually free, since he is so when he pleases. This is only false in the minor: for the People not having confer'd upon him all, but only a part of their Power, that of absolving him remains in themselves, otherwise they would never have oblig'd him to take the Oath. He cannot therefore absolve himself. The Pope indeed finds a help for this, and as Chrift's Vicar pretends the power of Absolution to be in him, and exercis'd it in abol-ving K. John. But our Author despairing to impose either of these upon our Age and Nation, with more impudence and lefs wit, would enervate all Coronation-Oaths by subjecting them to the discretion of the taker; whereas all men have hitherto thought their force to consist in the declar'd fenfe of those who give them. This doctrine is so new, that it surpasses the futility of the Schoolmen, who, as an ingenious Person faid of 'em, had mine'd Oaths so fine, that a million of 'em, as well as Angels, may stand upon the point of a needle; and were never yet equal'd but by the Jesuits, who have overthrown them by mental reservations; which is so clearly demonstrated from their books, that it cannot be deny'd, but so horrible, that even those of their own Order who have the least spark of common honesty condemn the practice. And one of them, being a Gentleman of a good family, told me, he would go the next day and take all the Oaths that should be offer'd, if he could satisfy his conscience in using any manner of equivocation or mental reservation, that he might put any other fenfe upon them, than he knew to be intended by those who offer'd them. And if our Author's conscience were not more corrupted than that of the Jesuit, who had liv'd fifty years under the worst Disciplin that I think ever was in the world, I would ask him seriously, if he truly believe, that the Nobility, Clergy and Commonalty of England, who have bin always so zealous for their antient Laws, and so resolute in defending 'em, did mean no more by the Oaths they so solemnly impos'd, and upon which they laid so much weight, than that the King should swear to keep 'em, so far only as he should think fit.

But he swears only to observe those that are upright, &c. How can that be understood otherwise than that those who give the Oath, do declare their Laws and Customs to be upright and good, and he by taking the Oath affirms them to be so? Or how can they be more precisely specify'd than by the ensuing Clause, Granted from God by just and devout Kings by Oath, especially those of the famous King Edward? But, says he, by the fame Oath Richard the 2d was bound to abolish those that were evil. If any such had crept in thro' error, or bin obtruded by malice, the evil being dif-

P p 2 cover'd
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CHAP. III. cover'd and declar'd by the Nobility and Commons who were concern'd, he was not to take advantage of them, or by his refusal to evade the abolition, but to join with his people in annulling them, according to the general Clause of annexing to those Quas vulgus elegit.

Magna Charta being only an abridgment of our ancient Laws and Customs, the King that swears to it, swears to them all; and not being admitted to be the interpreter of it, or to determine what is good or evil, fit to be observ'd or annul'd in it, can have no more power over the rest. This having bin confirm'd by more Parliaments than we have had Kings since that time, the same obligation must still lie upon them all, as upon John and Henry, in whose time that claim of right was compiled. The Act was no less solemn than important; and the most dreadful curses that could be conceiv'd in words, which were denounced against such as should any way infringe it, by the Clergy in Westminster-Hall, in the presence and with the assent of K. Henry III. many of the principal Nobility, and all the Estates of the Kingdom, shew whether it was refer'd to the King's Judgment or not; which 'tis evident they fear'd the violation from no other than himself, and such as he should employ. I confess the Church (as they then call'd the Clergy) was fallen into such corruption, that their Arms were not much to be fear'd by one who had his conscience clear; but that could not be in the case of perjury: and our Ancestors could do no better, than to employ the spiritual sword, referring to themselves the use of the other in cases that should be defpis'd. Tho' the Pope's Excommunications prov'd sometimes to be but bruta fulmina, when a just cause was wanting, it may be easily judg'd what obedience a Prince could expect from his Subjects, when every man knew he had by perjury drawn the most heavy curses upon himself. K. John was certainly wicked, but he durst not break these bonds till he had procur'd the Pope's abolution for a cover; and when he had done so, he found himself unsafe under it, and could not make good what he had promis'd to the Pope to obtain it, the Parliament declaring that his grants to the Pope were unjust, illegal, contrary to his Coronation-Oath, and that they would not be hold by them. This went so far in that King's time, that Writs were iffued out to men of all conditions to oblige themselves by oath to keep the great Charter; and if other means fail'd, * to compel the King to perform the conditions. 'Tis expressly said in his Charter, † "That the Barons and Commonalty of the land shall strive, and compel us by all means possible, as by seizing our Towns, Lands, and Possessions, or any other way, till faithful faction be made according to their pleasure. And in the Charter of his Son Henry, 'tis, upon the same supposition of not performing the agreement, said, ‡ "It shall be lawful for all men in our Kingdom to rise up against us, and to do all things that may be grievous to us, as if they were absolutely free from any engagements to our person. These words seem to have bin contriv'd to be so full and strong propter duplicatam Regis, which was with too much reafon suspected. And 'tis not, as I suppose, the language of Slaves and Villains begging something from their Lord, but of noble and free men, who knew their Lord was

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* Er quod ipsum Regem per capiendum disstringerent & gravarent ad præfà exequenda.
† Et ipsi Barones cum Communis totius terræ disstringerent & gravarent nos modis omnibus quibus poterint, fictiæ per capiendum eftoratum, terrarum, possidendum, & alii modi quibus possuerint, donec emendatum fuerit feudum arbitrium corum.
‡ Liceat omnibus de regno nostro contra nos interficere, & omnibus quæ gravament nostrum reliquiant, ac si nobis innulla venirent.
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But, says our Author, Kings cannot be more oblig'd by voluntary Oaths than other men, and may be reliev'd from unjust and unreasonable promises, if they be induc'd by deceit, error, force or fear, or the performance be grievous. Which is to say, that no Oath is of any obligation: for there is none that is not voluntary or involuntary, and there never was any upon which some such thing may not be pretended, which would be the same if such as Filmer had the direction of their confciences who take the Oaths, and of those who are to exact the performance. This would soon destroy all confidence between King and People, and not only unhinge the best established Governments, but by a detestable practice of annihilating the force of Oaths and most solemn Contracts that can be made by men, overthrow all Societies that subsist by them. I leave it to all reasonable men to judge how fit a work this would be for the supreme Magistrate, who is advance'd to the highest degree of human glory and happiness, that he may preserve them; and how that Justice, for the obtaining of which Governments are constituted, can be administered, if he who is to exact it from others, does in his own person utterly subvert it; and what they deserve, who by such base prevarications would teach 'em to pervert and abolish the most sacred of all Contracts. A worthy person of our Age was accustomed to say that Contracts in writing were invented only to bind Villains, who having no Law, Justice or Truth within themselves, would not keep their words, unless such testimonies were given as might compel them. But if our Author's Doctrin were receiv'd, no contract would be of more value than a Cobweb. Such as are not absolutely of a probative consequence, so far reverence the religion of an Oath, to think that even thase which are most unjustly and violently imposed, ought to be observed; and Julius Cesar, who I think was not over-ferupulous, when he was taken by Pyrates, and fet at liberty upon his word, caus'd the Ransom he had promis'd to be paid to them. We see the like is practis'd every day by Prisoners taken in unjust as well as just Wars: And there is no honest man that would not abhor a Person, who being taken by the Pyrates of Algier should not pay what he had promis'd for his Liberty. 'Twere in vain to say they had no right of exacting, or that the performance was grievous; he must return to the chains, or pay. And tho the People of Aros, Alsatia, or Flanders, do perhaps with reason think the King of France has no right to impose Oaths of Allegiance upon them, no man doubts, that if they chuse rather to take those Oaths, than to suffer what might ensue upon their refusal, they are as much bound to be faithful to him as his ancient Subjects.

The like may be said of promises extorted by fraud; and no other example is necessary to prove they are to be perform'd than that of Jo-
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Chap. III. *fbus* made to the Gibeonites. They were an accursed Nation, which he was commanded to destroy: They came to him with lies, and by deceit induc'd him to make a League with them, which he ought not to have done; but being made, it was to be perform'd, and on that account he did not only spare but defend them, and the action was approv'd by God. When Saul by a preposterous zeal violated that League, the Anger of God for that breach of faith could no otherwise be appeas'd than by the death of seven of his Children. This case is so full, so precise, and of such undoubted authority, that I shall not trouble my self with any other. But if we believe our man of good morals, voluntary Oaths and Promises are of no more value than those gain'd by force or deceit, that is to say, none are of any. For voluntary signifying nothing but free, all human Acts are either free or not free, that is, from the will of the person, or some impulsion from without. If therefore there be no force in those that are free, nor in those that are not free, there is none in any.

No better use can be made of any pretension of error, or that the performance was grievous; for no man ought to be griev'd at the performance of his Contract. *David* affures us, that a good man performs his agreement tho he lose by it; and the Lord Chancellor *Egerton* told a Gentleman, who defir'd relief against his own Deed, upon an Allegation that he knew not what he did when he sign'd it, that he did not fit to relieve fools.

But the voluntary Promises or Oaths, when, to use the Lawyers language, there is not a valuable consideration, were of no obligation; or that men brought by force, fear or error, into such Contracts as are grievous in the performance, might be reliev'd; this would not at all reach the cases of Princes, in the Contracts made between them and their Subjects, and confirm'd by their Oaths, there being no color of force or fraud, fear or error for them to alledge; nor any thing to be pretended that can be grievous to perform, otherwise than as it may be grievous to an ill man not to do the mischief he had conceiv'd.

Nations according to their own will frame the Laws by which they resolve to be govern'd; and if they do it not wisely, the damage is only to themselves. But 'tis hard to find an example of any People that did by force oblige a man to take upon him the Government of them. *Gideon* was indeed much pres't by the *Israelites* to be their King; and the Army of *Germanicus* in a Mutiny more fiercely urg'd him to be Emperor; but both desisted when their Others were refuse'd. If our Kings have bin more modell'd, and our Aneffors more pertinacious in compelling them to accept the Crowns they offer'd, I shall upon proof of the matter change my opinion. But till that do appear, I may be pardon'd if I think there was no such thing. William the *Norman* was not by force brought into England, but came voluntarily, and defir'd to be King: The Nobility, Clergy, and Commons propos'd the Conditions upon which they would receive him. These conditions were to govern according to their antient Laws, especially those that had bin granted, or rather collected in the time of the famous King Edward. Here was neither force nor fraud; if he had dislike'd the terms, he might have retir'd as freely as he came. But he did like them; and tho he was not perhaps so modell'd, to say with the brave Saxon King *Offa*, *Ad Libertatis etfra tuitionem, non meis meritis, sed solaliberatiae etfra unaminister me convocoatis*, he accepted the Crown upon the Conditions offer'd, and swore upon the Evangelists to observe them. Not much valuing this, he pretended to govern according to his own will; but finding the People would not endure it, he renew'd his Oath.
Oath upon the same Evangelists, and the Reliques of S. Alban, which he had not to have done, but might have departed to his Dutchy of Normandy if he had not liked the conditions, or thought fit to observe them. 'Tis probable he examin'd the contents of Edward's Laws before he swore to them, and could not imagin, that a free Nation which never had any other Kings than such as had bin chosen by themselves for the preservation of their Liberty, and from whose liberalitie the best of their Kings acknowledg'd the Crowns they wore, did intend to give up their Persons, Liberties and Estates to him, who was a stranger, moft especially when they would not receive him till he had sworn to the same Laws by which the others had reign'd, of which one was (as appears by the act of the Conventus Pananglicus) that Reges a Sacerdotibus & senioribus Populi eligantur, The Kings should be elected by the Clergy and Elders of the People. By these means he was advance'd to the Crown, to which he could have no title, unless they had the right of conferring it upon him. Here was therefore no force, deceit or error; and whatsoever equity there might be to relieve one that had bin forc'd, frighted or circumvented, it was nothing to this case. We do not find that William the 2d, or Henry, were forc'd to be Kings; no Sword was put to their Throats; and for any thing we know, the English Nation was not then so contemptible but men might have bin found in the world, who would willingly have accepted the Crown, and even their elder Brother Robert would not have refus'd: but the Nobility and Commons trufting to their Oaths and Promises, thought fit to prefer them before him; and when he endeavour'd to impose himself upon the Nation by force, they so severely punifh'd him, that no better proof can be requir'd to shew they were accustomed to have no other Kings than such as they approv'd. And this was one of the Customs that all their Kings swore to maintain, it being as antient, just, and well approv'd as any other.

Having already prov'd, that all the Kings we have had since that time, have come in upon the same title; that the Saxon Laws to which all have sworn, continue to be of force amongst us, and that the words pronounc'd four times on the four sides of the Scaffold by the Archbishop, Will ye have this Man to reign? do teftify it; I may fpare the pains of a repetition, and juftly conclude, That if there was neither force nor fraud, bear nor error, to be pretended by the first, there could be none in those that follow'd.

But the observation of this Oath may be grievous. If I receiv'd mony the laft year upon Bond, Promife, or sale of a Mannor or Farm, can it be thought grievous to me to be compel'd to repay, or make over the Land according to my agreement? Or if I did not fale the Bond till I had the mony, must not I perform the condition, or at the leaff restore what I had receiv'd? If it be grievous to any King to preface the Liberties, Lives, and Estates of his Subjects, and to govern according to their Laws, let him reign the Crown, and the People to whom the Oath was made, will probably release him. Others may possibly be found who will not think it grievous: or if none will accept a Crown unless they may do what they please, the People must bear the misfortune of being oblig'd to govern themselves, or to inftitute some other fort of Magistracy that will be fatisfy'd with a lefs exorbitant Power. Perhaps they may
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Chap. III. succeed as well as some others have done, who without being brought to that necessity, have voluntarily cast themselves into the misery of living without the majestic splendor of a Monarch: or if that fail, they may as their last refuge, surrender up themselves to Slavery. When that is done, we will acknowledg that whatsoever we have is deriv'd from the favor of our Master. But no such thing yet appearing amongst us, we may be pardon'd if we think we are Free-men govern'd by our own Laws, and that no man has a Power over us, which is not given and regulated by them; nor that any thing but a new Law made by our selves, can exempt our Kings from the obligation of performing their Oaths taken, to govern according to the old, in the true sense of the words, as they are understood in our Language by those who give them, and conducting to the ends for which they are given, which can be no other than to defend us from all manner of arbitrary Power, and to fix a rule to which we are to conform our Actions, and from which, according to our defects, we may expect reward or punishment. And those who by prevarications, cavils or equivocations, endeavour to dissolve these Obligations, do either maliciously betray the cause of Kings, by representing them to the world as men who prefer the satisfaction of their irregular Appetites before the performance of their duty, and trample under foot the most sacred bonds of human Society; or from the grossest ignorance do not see, that by teaching Nations how little they can rely upon the Oaths of their Princes, they instruct them as little to observe their own; and that not only because men are generally inclin'd to follow the examples of those in power, but from a most certain conclusion, that he who breaks his part of a Contract cannot without the utmost impudence and folly expect the performance of the other; nothing being more known amongst men, than that all Contracts are of such mutual obligation, that he who fails of his part discharges the other. If this be so between man and man, it must needs be so between one and many millions of men: If he were free, because he says he is, every man must be free also when he pleases; if a private man who receives no benefit, or perhaps prejudice from a Contract, be oblig'd to perform the conditions, much more are Kings who receive the greatest advantages the world can give. As they are not by themselves nor for themselves, so they are not different in specie from other men: they are born, live and die as we all do. The same Law of Truth and Justice is given to all by God and Nature; and perhaps I may say the performance of it is most rigorously exacted from the greatest of men. The liberty of Perjury cannot be a privilege annex'd to Crowns; and 'tis absurd to think that the most venerable Authority that can be confer'd upon a man, is increas'd by a liberty to commit, or impunity in committing such crimes as are the greatest aggravations of infamy to the basest villains in the world.
DISCOURSES CONCERNING GOVERNMENT.

SECT. XVIII.

The next in blood to deca'sd Kings, cannot generally be said, to be Kings till they are crown'd.

This hereupon usually objected, that Kings do not come in by Contract nor by Oath, but are Kings by, or according to proximity of Blood, before they are crown'd. Tho this be a bold Proposition, I will not say 'tis universally false. 'Tis possible that in some places the rule of Succession may be set down to precisely, that in some cases every man may be able to see and know the fence, as well as the Person design'd to be the Successor: but before I acknowledge it to be universally true, I must desire to know what this rule of Succession is, and from whence it draws its original.

I think I may be excus'd if I make these scruples, because I find the thing in dispute to be variously adjudg'd in several places, and have observ'd five different manners of disposing Crowns esteem'd Hereditary, besides an infinite number of collateral Controversies arising from them, of which we have divers examples; and if there be one universal rule appointed, one of these only can be right, and all the others must be vicious. The first gives the inheritance to the eldest Male of the eldest legitimate Line, as in France, according to that which they call the Salique Law. The second, to the eldest legitimate Male of the reigning Family, as antiently in Spain, according to which the Brother of the deceas'd King has bin often, if not always prefer'd before the Son, if he were elder, as may appear by the dispute between Corbis and Orsua, cited before from Titus Livius; and in the same Country during the reign of the Goths, the eldest Male succeeded, whether Legitimate or Illegitimate. The fourth receives Females or their Descendants, without any other condition distinguishing them from Males, except that the younger Brother is prefer'd before the elder Sister, but the daughter of the elder Brother is prefer'd before the Son of the younger. The fifth gives the Inheritance to Females under a condition, as in Sweden, where they inherit, unless they marry out of the Country without the consent of the Estates; according to which rule Charles Gustavus was chosen, as any Stranger might have bin, tho the Son to a Sitter of Gustavus Adolphus, who by marrying a German Prince had forfeited her right. And by the same act of Estates, by which her eldest Son was chosen, and the Crown entailed upon the Heirs of his Body, her second Son the Prince Adolphus was wholly excluded.

Till these questions are decided by a Judge of such undoubted Authority, that all men may safely submit, 'tis hard for any man who really seeks the satisfaction of his Conscience, to know whether the Law of God and Nature (tho he should believe there is one general Law) do justify the Customs of the antient * Medes and Sabeans, mention'd by the Poet, who admitted Females, or those of France which totally exclude them.

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* Medis levibus; Sabeas
Imperat his sexus, Regnandum; sub armis
Barbaries pars magnis jacet. Lucan.
Chap. III.

as unfit to reign over men, and utterly unable to perform the duty of a supreme Magistrate, as we see they are every where excluded from the exercise of all other Offices in the Commonwealth. If it be said that we ought to follow the Customs of our own Country, I answer, that those of our own Country deserve to be observed, because they are of our own Country: But they are not more to be called the Laws of God and Nature than those of France or Germany; and tho I do not believe that any general Law is appointed, I wish I were sure that our Customs in this point were not more repugnant to the light of Nature, and prejudicial to our selves, than those of some other Nations. But if I should be so much an Englishman, to think the will of God to have bin more particularly reveal'd to our Ancestors, than to any other Nation, and that all of them ought to learn from us; yet it would be difficult to decide many questions that may arise. For tho the Parliament in the 36th of Henry the sixth, made an Act in favour of Richard Duke of York, descended from a Daughter of Mortimer, who marry'd the Daughter of the Duke of Clarence, elder Brother to John of Gaunt, they rather afforded their own power of giving the Crown to whom they pleas'd, than determin'd the question. For if they had believe'd that the Crown had belong'd to him by a general and eternal Law, they must immediately have rejected Henry as a Usurper, and put Richard into the possession of his Right, which they did not. And tho they did something like to this in the cases of Maud the Empress in relation to King Stephen, and her Son Henry the 2d; and of Henry the 7th in relation to the house of York, both before he had marry'd a Daughter of it, and after her death; they did the contrary in the cases of William the first and second, Henry the 1st, Stephen, John, Richard the 3d, Henry the 7th, Mary, Elizabeth, and others. So that, for any thing I can yet find, 'tis equally difficult to discover the true sense of the Law of Nature that should be a guide to my Conscience, whether I so far submit to the Laws of my Country, to think that England alone has produc'd men that rightly understand it, or examine the Laws and Practices of other Nations.

Whilst this remains undecided, 'tis impossible for me to know to whom I owe the obedience that is exacted from me. If I were a Frenchman, I could not tell whether I ow'd allegiance to the King of Spain, Duke of Lorraine, Duke of Savoy, or many others descendent from Daughters of the House of Valois, one of whom ought to inherit, if the Inheritance belongs to females; or to the house of Bourbon, whose only title is founded upon the exclusion of them. The like Controversies will be in all places; and he that would put Mankind upon such inquiries, goes about to subvert all the Governments of the World, and arms every man to the destruction of his neighbor.

We ought to be inform'd when this right began: If we had the Genealogy of every man from Noah, and the Crowns of every Nation had since his time continu'd in one Line, we were only to inquire into how many Kingdoms he appointed the World to be divided, and how well the division we see at this day agrees with the allotment made by him. But Mankind having for many ages lain under such a vast confusion, that no man pretends to know his own original, except some Jews, and the Princes of the house of Austria, we cannot so easily arrive at the end of our work; and the Scriptures making no other mention of this part of the world, than what may induce us to think it was given to the Sons of Japhet, we have nothing that can lead us to guess how it was to be subdivided,
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vided, nor to whom the several parcels were given: So that the difficulty's are absolutely inextricable; and tho' it were true, that some one man had a right to every parcel that is known to us, it could be of no use; for that Right must necessarily perish which no man can prove, nor indeed claim. But as all natural Rights by Inheritance must be by Defect, this Defect not being prov'd, there can be no natural Right; and all Rights being either natural, created or acquire'd, this Right to Crowns not being natural, must be created or acquire'd, or none at all.

There being no general Law common to all Nations, creating a Right to Crowns (as has bin prov'd by the several methods us'd by several Nations in the disposal of them, according to which all those that we know are enjoy'd) we must seek the Right concerning which we dispute, from the particular Constitutions of every Nation, or we shall be able to find none.

Acquire'd Rights are obtain'd, as men say, either by fair means or by foul, that is, by force or by consent: such as are gain'd by force, may be recover'd by force; and the extent of those that are enjoy'd by consent, can only be known by the reasons for which, or the conditions upon which that consent was obtain'd, that is to say, by the Law's of every People. According to these Laws it cannot be said that there is a King in every Nation before he is crown'd. John Sobieski now reigning in Poland, had no relation in blood to the former Kings, nor any title till he was chosen. The last King of Sweden acknowledg'd he had none, but was freely elected; and the Crown being confer'd upon him and the Heirs of his Body, if the present King dies without Issue, the right of electing a Successor returns undoubtedly to the Estates of the Country. The Crown of Denmark was Elective till it was made Hereditary by an Act of the General Diet held at Copenhagen in the year 1660; and 'tis impossible that a Right should otherwise accrue to a younger Brother of the house of Holstein, which is deriv'd from a younger Brother of the Counts of Oldenburgh. The Roman Empire having pass'd thro' the hands of many Persons of different Nations, no way relating to each other in blood, was by Constantine transfer'd to Constantinople; and after many Revolutions coming to Theodosius, by birth a Spaniard, was divided between his two Sons Arcadius and Honorius. From thence passing to such as could gain most credit with the Soldiers, the Western Empire being brought almost to nothing, was restor'd by Charles the Great of France; and continuing for some time in his descendents, came to the Germans; who having created several Emperors of the Houses of Suevia, Saxony, Bavaria and others, as they pleas'd, about three hundred years past chose Rodolphus of Austria: and tho' since that time they have not had any Emperor who was not of that Family; yet such as were chosen had nothing to recommend them, but the merits of their Ancestors, their own personal Vertues, or such political considerations as might arise from the power of their hereditary Countries, which being join'd with those of the Empire, might enable 'em to make the better defence against the Turks. But in this Line also they have had little regard to inheritance according to blood; for the elder branch of the Family is that which reigns in Spain; and the Empire continues in the descendents of Ferdinand younger Brother to Charles the fifth, tho' crown'd even to this time, that the present Emperor Leopold was in great danger of being rejected.

If it be said that these are elective Kingdoms, and our Author speaks of such as are hereditary; I answer, that if what he says be true, there can
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Chapter III

There can be no Elective Kingdom, and every Nation has a natural Lord to whom obedience is due. But if some are Elective, all might have been so if they had pleased, unless it can be proved, that God created some under a necessity of subjection, and left to others the enjoyment of their liberty. If this be so, the Nations born under that necessity may be said to have a natural Lord, who has all the power in himself, before he is crown'd, or any part confer'd on him by the consent of the people; but it cannot extend to others. And he who pretends a right over any Nation upon that account, finds oblig'd to shew, when and how that Nation came to be discriminated by God from others, and depriv'd of that liberty which he in goodness had granted to the rest of mankind. I confess I think there is no such Right, and need no better proof than the various ways of disposing Inheritances in several Countries, which not being naturally or universally better or worse one than another, cannot spring from any other root, than the consent of the several Nations where they are in force, and their opinions that such methods were best for them. But if God has made a discrimination of people, he that thereupon ground a Title to the dominion of any one, must prove that Nation to be under the curse of Slavery, which for anything I know, was only denounced against Cham: and 'tis as hard to determine whether the sense of it be temporal, spiritual, or both, as to tell precisely what Nations by being descend'd from him, fall under the Penalties threaten'd.

If these therefore be either entirely false, or impossible to be prov'd true, there is no discrimination, or not known to us; and every People has a right of disposing of their Government, as well as the Poles, Danes, Swedes, Germans, and such as are or were under the Roman Empire. And if any Nation has a natural Lord before he be admitted by their consent, it must be by a peculiar act of their own; as the Crown of France by an act of that Nation, which they call the Salique Law, is made hereditary to Males in a direct Line, or the nearest to the direct; and others in other places are otherwise dispose'd.

I might rest here with full assurance that no Disciple of Filmer can prove this of any people in the world, nor give so much as the shadow of a reason to persuade us there is any such thing in any Nation, or at least in those where we are concern'd; and presume little regard will be had to what he has said, since he cannot prove of any that which he so boldly affirms of all. But because good men ought to have no other object than Truth, which in matters of this importance can never be made too evident, I will venture to go farther, and assert, That as the various ways by which several Nations dispose of the succession to their respective Crowns, shew they were subject to no other Law than their own, which they might have made different, by the same right they made it to be what it is, even those who have the greatest veneration for the reigning Families, and the highest regard for proximity of blood, have always prefer'd the safety of the Commonwealth before the concerns of any Person or Family, and have laid aside the nearest in blood, not only when they were found to be notoriously vicious and wicked, but when they have thought it more convenient to take others: And to prove this I intend to make use of no other Examples than those I find in the Histories of Spain, France and England.

Whilest the Goths govern'd Spain, not above four persons in the space of three hundred years were the immediate successors of their Fathers, but the Brother, Cousin German, or some other man of the Family of the
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Balthal or Amaelthei was prefer'd before the Children of the deceas'd King: and if it be said, this was according to the Law of that Kingdom, I answer, that it was therefore in the power of that Nation to make Laws for themselves, and consequently others have the same right. One of their Kings call'd Wamba was depos'd and made a Monk after he had reign'd well many years; but falling into a swound, and his friends thinking him past recovery, cut off his hair, and put a Monk's Frock upon him, that, according to the supersition of those times, he might die in it; and the cutting off the hair being a most disgraceful thing amongst the Goths, they would not restore him to his Authority. Suintila another of their Kings being depriv'd of the Crown for his ill Government, his Children and Brothers were excluded, and Sifinandas crown'd in his room.

This Kingdom being not long after overthrown by the Moors, a new one arose from its ashes in the person of Don Pelayo first King of the Asturias, which increasing by degrees at last came to comprehend all Spain, and so continues to this day: But not troubling my self with all the deviations from the common rule in the collateral Lines of Navarre, Aragon and Portugal, I find that by fifteen several Instances in that one series of Kings in the Asturias and Leon (who afterwards came to be Kings of Castile) it is fully prov'd, that what respect ever they shew'd to the next in blood, who by the Law were to succeed, they prefer'd some other person, as often as the supreme Law of taking care that the Nation might receive no detriment, prevailed to it.

Don Pelayo enjoy'd for his life the Kingdom confer'd upon him by the Spaniards, who with him retir'd into the Mountains to defend themselves against the Moors, and was succeed'd by his Son Favila. But the Favila left many Sons when he dy'd, Alphonso firmam'd the Chaff was advance'd to the Crown, and they all laid aside. Fruela Son to Alphonso the Catholic, was for his cruelty depos'd, put to death, and his Sons excluded. Aurelio his Couin German succeed'd him; and at his death Silo, who marry'd his Wife's Sifter, was prefer'd before the Males of the Blood Royal. Alphonso, firmam'd El Casfo, was first violently dispos'd of the Crown by a Baffard of the Royal Family; but he being dead, the Nobility and People thinking Alphonso more fit to be a Monk than a King, gave the Crown to Bermudo call'd El Diano; but Bermudo after several years resigning the Kingdom, they conceiv'd a better opinion of Alphonso, and made him King. Alphonso dying without issue, Don Ramiro Son to Bermudo was prefer'd before the Nephews of Alphonso. Don Ordonno, fourth from Ramiro, left four legitimate Sons; but they being young, the Estates laid them aside, and made his Brother Fruela King. Fruela had many Children; but the fame Estates gave the Crown to Alphonso the Fourth, who was his Nephew. Alphonso turning Monk, recommended his Son Ordonno to the Estates of the Kingdom; but they refus'd him, and made his Brother Ramiro King. Ordonno third Son to Ramiro dying, left a Son call'd Bermudo; but the Estates took his Brother Sancho, and advance'd him to the throne. Henry the First being accidentally kill'd in his youth, left only two Sistors, Blanche marry'd to Lewis Son to Philip August King of France, and Berenguela marry'd to Alphonso King of Leon. The Estates made Ferdinand, Son of Berenguela the youngest Sister, King, excluding Blanche, with her Husband and Children for being Strangers, and Berenguela her self, because they thought not fit that her Husband should have any part in the Government. Alphonso El Savio seems
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CHAP. III. seems to have bin a very good Prince; but applying himself more to the study of Astrology than to affairs of Government (his eldest Son Ferdinand de la Cerda dying, and leaving his Sons Alphonso and Ferdinand very young) the Nobility, Clergy and People deposit him, excluded his Grandchildren, and gave the Crown to Don Sancho his younger Son, firnam'd El Bravo, thinking him more fit to command than against the Moors, than an old Astrologer, or a Child. Alphonso and Sancho being dead, Alphonso el Desheredado laid claim to the Crown, but it was given to Ferdinand the Fourth, and Alphonso with his descendents the Dukes de Medina Celi remain excluded to this day. Peter firnam'd the Cruel was twice driven out of the Kingdom, and at last kill'd by Bertrand de Gueskin Constable of France, or Henry Count of Trafamard his Bastard Brother, who was made King without any regard to the Daughters of Peter, or to the House of la Cerda. Henry the Fourth left a Daughter call'd Joan, whom he declar'd his Heir; but the Estates gave the Kingdom to Isabela his Sister, and crown'd her with Ferdinand of Arragon her Husband. Joan Daughter to this Ferdinand and Isabela falling mad, the Estates committed the care of the Government to her Father Ferdinand, and after his death to her Son.

But the French have taught us, that when a King dies, his next Heir is really King before he take his Oath, or be crown'd. From them we learn that Le mort fait le roi. And yet I know no History that proves more plainly than theirs, that there neither is nor can be in any man, a right to the Government of a People, which does not receive its being, manner and measure from the Law of the Country; which I hope to justify by four Reasons.

1. When a King of Pharamond's Race dy'd, the Kingdom was divid ed into as many parcels as he had Sons; which could not have bin, if one certain Heir had bin assign'd by nature, for he ought to have had the whole: and if the Kingdom might be divided, they who inhabited the several parcels, could not know to whom they ow'd obedience, till the division was made, unless he who was to be King of Paris, Meiz, Soffons or Orleans, had worn the Name of his Kingdom upon his forehead. But in truth, if there might be a division, the Doctorin is false, and there was no Lord of the whole. This wound will not be heal'd, by saying, The Father appointed the division, and that by the Law of nature every man may dispose of his own as he thinks fit; for we shall soon prove that the Kingdom of France neither was, nor is disposable as a Patrimony or Chattel. Besides, if that Act of Kings had bin then ground upon the Law of nature, they might do the like at this day. But the Law, by which such Divisions were made, having bin abrogated by the Assembly of Estates in the time of Hugh Capet, and never practis'd since, it follows that they were ground upon a temporary Law, and not upon the Law of Nature which is eternal. If this were not so, the pretended certainty could not be; for no man could know to whom the last King had bequeath'd the whole Kingdom, or parcels of it, till the Will were open'd; and that must be done before such Witnesses as may deserve credit in a matter of this importance, and are able to judge whether the Bequest be rightly made; for otherwise no man could know, whether the Kingdom was to have one Lord or many, nor who he or they were to be; which intermission must necessarily subvert their Polity, and this Doctorin. But the truth is, the most Monarchical men among them are so far from acknowledging any such right to be in the King, of alienating, bequeath-
ing or dividing the Kingdom, that they do not allow him the right of making a Will; and that of the last King Lewis the 13th touching the Regency during the minority of his Son was of no effect.

2. This matter was made more clear under the second race. If a Lord had bin assign'd to them by nature, he must have bin of the Royal Family: But Pepin had no other Title to the Crown, except the merits of his Father, and his own, approv'd by the Nobility and People who made him King. He had three Sons, the eldest was made King of Italy, and dying before him left a Son call'd Bernard Heir of that Kingdom: The Estates of France divided what remain'd between Charles the Great and Carloman. The last of these dying in a few years, left many Sons, but the Nobility made Charles King of all France, and he dispoisleft Bernard of the Kingdom of Italy inherited from his Father: so that he also was not King of the whole, before the expulsion of Bernard the Son of his elder Brother; nor of Aquitain, which by inheritance should have belong'd to the Children of his younger Brother, any otherwise than by the will of the Estates. Lewis the Debonair succeed'd upon the same title, was depos'd and put into a Monastery by his three Sons Lothair, Pepin and Lewis, whom he had by his first Wife. But the these left many Sons, the Kingdom came to Charles the Bald. The Nobility and People disliking the eldest Son of Charles, gave the Kingdom to Lewis le Bogue, who had a legitimate Son called Charles le Simple; but his two Baffards, Lewis and Carloman, were made Kings. Carloman had a Son call'd Lewis le faisoaet; he was made King, but afterwards depos'd for his vicious Life. Charles le Gros succeed'd him, but for his ill Government was also depos'd; and Odo, who was a stranger to the Royal Blood, was made King. The same Nobility that had made five Kings since Lewis le Bogue, now made Charles le Simple King, who according to his name was entrap'd at Peronne by Ralph Duke of Burgundy, and forc'd to resign his Crown, leaving only a Son call'd Lewis, who fled into England. Ralph being dead, they took Lewis firnam'd Outremer, and plac'd him in the Throne: he had two Sons, Lothair and Charles. Lothair succeed'd him, and dy'd without Issue. Charles had as fair a title as could be by Birth, and the Estates confetti it; but their Embassadors told him, that he having by an unworthy Life render'd himself unworthy of the Crown, they, whole principal care was to have a good Prince at the head of them, had chosen Hugh Capet; and the Crown continues in his race to this day, tho' not altogether without interruption. Robert Son to Hugh Capet succeed'd him. He left two Sons Robert and Henry; but Henry the younger Son appearing to the Estates of the Kingdom to be more fit to reign than his elder Brother, they made him King, Robert and his descendants continuing Dukes of Burgundy only for about ten Generations; at which time his Issue Male failing, that Dutchy return'd to the Crown during the Life of King John, who gave it to his second Son Philip for an Apannage still depending upon the Crown. The fame Province of Burgundy was by the Treaty of Madrid granted to the Emperor Charles the fifth by Francis the first; but the People refus'd to be alienated, and the Estates of the Kingdom approv'd their refual. By the fame Authority Charles the 6th was remov'd from the Government, when he appear'd to be mad; and other examples of a like nature may be alledg'd. From which we may freely conclude, that if the death of one King does really invest the next Heir with the Right and Power, or that he who is so invest'd, be subject to no Law but his own Will, all matters relating to
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Chap. III. to that Kingdom must have bin horribly confus'd during the reigns of twenty two Kings of Pharamond's race; they can have had no righteous King from the death of Childebr to King John: and the Succession since that time is very liable to be question'd, if not utterly overthrown by the house of Austria, who by the Counts of Hapsburg derive their Descent from Pharamond, and by the house of Lorraine claiming from Charles, who was excluded by Capet: All which is most absurd, and they who pretend it, bring as much confusion into their own Laws, and upon the Polity of their own Nation, as shame and guilt upon the memory of their Ancestors, who by the most extreme injustice have rejected their natural Lord, or dispossess those who had bin in the most solemn manner plac'd in the Government, and to whom they had generally sworn Allegiance.

3. If the next Heir be actually King, seiz'd of the power by the death of his Predecessor, so that there is no intermissior; then all the Solemnities and religious Ceremonies us'd at the Coronations of their Kings, with the Oaths given and taken, are the most profane abusés of sacred things in contempt of God and Man that can be imagin'd, most especially if the \( \Delta \) be (as our Author calls it) voluntary, and the King receiving nothing by it, be bound to keep it no longer than he pleases. The Prince who is to be sworn, might spare the pains of watching all night in the Church, fasting, praying, confessing, communicating, and swearing, that he will to the utmost of his power defend the Clergy, maintain the union of the Church, observe all excesses, rapine, extortion and iniquity; take care that in all judgments Justice may be obser'd, with Equity and Mercy, &c. or of invoking the assistance of the Holy Ghost for the better performance of his Oath; and without ceremony tell the Nobility and People, that he would do what he thought fit. \( ^{3} \)Twere to as little purpose for the Archbishop of Rheims to take the trouble of saying Mafs, delivering to him the Crown, Scepter, and other ensigns of Royalty, explaining what is signifie'd by them, anointing him with the Oil which they say was deliver'd by an Angel to St. Remigius, blessing him, and praying to God to bless him if he rightly perform'd his Oath to God and the People, and denouncing the contrary in case of failure on his part, if these things confer'd nothing upon him but what he had before, and were of no obligation to him. Such judications of the most sacred things are too odious and impious to be imputed to Nations that have any vertue, or profefs Christianness. This cannot fall upon the French and Spaniards, who had certainly a great zeal to Religion, whatever it was; and were so eminent for moral Vertues as to be a reproach to us, who live in an Age of more Knowledge. But their meaning is so well declar'd by their most solemn A\( \Delta \), that none but those who are wilfully ignorant can mistake. One of the Councils held at Toledo, declare'd by the Clergy, Nobility, and others afflissit. That no man should be plac'd in the Royal Seat till he had sworn to preserve the Church, &c. Another held in the same place, signifie'd by Sifinandus, who was then newly crown'd, That if he, or any of his Successors should, contrary to their Oaths, and the Laws of their Country, proudly and cruelly presume to exercise Domination over them, he should be excommunicate, and separated from Christ and them to eternal judgment. The French Laws, and their best Writers asserting the same things, are confirm'd by perpetual practice. Henry of Navarre, tho' certainly according to their Rules, and in their esteem a most accomplish'd Prince, wasby two General Assemblies of the Estates held at Blois, depriv'd of the Succession for being a Protestant; and notwithstanding the greatness
of his Reputation, Valor, Victory, and Affability, could never be admit-
red, till he had made himself capable of the ceremonys of his Coronation,
by conforming to the Religion which by the Oath he was to defend.
Nay this present King, tho' haughty enough by nature, and elevated by
many succeffes, has acknowledg'd, as he fays, with joy, that he can do
nothing contrary to Law, and calls it a happy impotence; in purfuance
of which he has annul'd many Actts of his Father and Grandfather, alar
nating the demeanours of the Crown, as things contrary to Law, and not
within their power.

These things being confirm'd by all the good Authors of that Nation,
Filmer finds only the worst to be fit for his turn; and neither minding
Law nor History, takes his Maxims from a vile flattering discourse of
Bellay, calculated for the personal Intered of Henry the fourth then King
of Navarr, in which he fays, That the Heir apparent, tho' furious, mad,
a fool, vicious, and in all respects abominably wicked, must be admitte" to
the Crown. But Bellay was so far from attaining the ends design'd by his
Book, that by such Doctrons, which fill'd all men with horror, he
brought great prejudice to his Master, and procur'd little favor from
Henry, who defir'd rather to recommend himself to his People as the
best man they could fet up, than to impose a neceffity upon 'em of taking
him if he had bin the worft. But our Author, not contented with what
this Sycophant fays, in relation to fuch Princes as are plac'd in the Govern-
ment by a Law eftablihing the Succeffion by inheritance, with an impu-
dence peculiar to himself, afferts the fame right to be in any man, who
by any means gets into Power; and imposes the fame neceffity of obedi-
ence upon the Subjeéct where there is no Law, as Bellay dos by virtue of
one that is eftablih'd.

4. In the laft place: As Bellay acknowledges that the right belongs to
Princes only where'tis eftablih'd by Law, I deny that there is, was, or ever
can be any fuch. No People is known to have bin fo mad or wicked, as
by their own confent, for their own good, and for the obtaining of Ju-
tice, to give the power to Beasts, under whom it could never be ob-
tain'd: or if we could believe that any had bin guilty of an act fo full of
folly, turpitude and wickednes, it could not have the force of a Law;
and could never be put in execution; for tho' the rules, by which the
proximity should be judg'd, be never fo precife, it will still be doubted
whole cafe ftures with them. Tho' the Law in some places gives pri-
ivate Inheritance to the next Heir, and in others makes allotments ac-
Cording to several proportions, no one knows to whom, or how far the benefi-
ciall accrue to any man, till it be adjudg'd by a Power to which the par-
tys must submit. Contelts will in the like manner arife concerning suc-
celions to Crowns, how exactly ever they be dispos'd by Law: For
the every one will fay that the next ought to succeed, yet no man knows
who is the next; which is too much verily'd by the bloody decisions of
fuch difputes in many parts of the world: and he that fays the next in
blood is actually King, makes all questions thereupon arifing impossible
to be otherwife determin'd than by the Sword; the pretendor to the
right being plac'd above the judgment of man, and the Subjeécts (for
any thing I know) oblig'd to believe, serve and obey him, if he
fays he has it. For otherwife, if either every man in particular, or
all together have a right of judging his title, it can be of no value till
it be adjudg'd.
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Chap. III. I confess that the Law of France, by the utter exclusion of females and their descendents, dos obviate many dangerous and inextricable difficulties; but others remain which are sufficient to subvert all the Policy of that Kingdom, if there be not a power of judging them; and there can be none if it be true that Le mort saisit le vuif. Not to trouble my self with feign'd cases, that of Legitimation alone will suffice. 'Tis not enough to say that the Children born under marriage are to be reputed legitimate; for not only several Children born of Joan Daughter to the King of Portugal, Wife to Henry the Fourth of Castile, during the time of their Marriage, were utterly rejected as begotten in Adultery, but also her Daughter Joan, whom the King during his life, and at the hour of his death acknowledg'd to have bin begotten by him; and the only Title that Isabel, who was marry'd to Ferdinand of Arragon, had to the Crown of Spain, was deriv'd from their rejection. It would be tedious, and might give offence to many great Persons, if I should relate all the dubious cases, that have bin, or still remain in the World, touching matters of this nature: but the Lawyers of all Nations will testify, that hardly any one point comes before them, which affords a greater number of difficult Cases, than that of Marriages, and the Legitimation of Children upon them; and Nations must be involv'd in the most inextricable difficulties, if there be not a power somewhere to decide them; which cannot be, if there be no intermiflion, and that the next in blood (that is, he who says he is the next) be immediately invest'd with the right and power. But surely no people has bin so careles of their most important Concernments, to leave them in such uncertainty, and simply to depend upon the humor of a man, or the faith of women, who besides their other Frailties, have bin often accus'd of supposititious Births: and mens passions are known to be so violent in relation to Women they love or hate, that none can safely be trufted with those Judgments. The vertue of the best would be expos'd to a temptation, that flesh and blood can hardly resist; and such as are less perfeft would follow no other rule than the blind impulse of the passion that for the present reigns in them. There must therefore be a judg of such disputes as may in these cases arise in every Kingdom; and th'o' tis not my busines to determin who is that judg in all places, yet I may justly say, that in England it is the Parliament. If no inferior Authority could debar Ignatius Son to the Lady Rose, born under the Protection, from the inheritance of a private Family, none can certainly assume a power of disposing of the Crown upon any occasion. No Authority but that of the Parliament could legitimate the Children of Catherine Swinford, with a proviso, not to extend to the inheritance of the Crown. Others might lay, if they were lawfully begotten, they ought to inherit every thing, and nothing if they were not: But the Parliament knew how to limit a particular favor, and prevent it from extending to a publick mischief. Henry the Eighth took an expeditious way of obviating part of the Controversy's that might arise from the multitude of his Wives, by cutting off the heads of some, as soon as he was weary of them, or had a mind to take another; but having bin hinder'd from dealing in the same manner with Catherine by the greatness of her birth and kindred, he left such as the Parliament only could resolve. And no less power would ever have thought of making Mary and Elizabeth capable of the succession, when, according to ordinary rules, one of 'em must have bin a Bastard; and it had bin absurd to say, that both of 'em were immediately upon the death of their Predecessors.
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S E C T. XIX.

The greatest Enemy of a just Magistrate is he who endeavours to invalidate the Contract between him and the People, or to corrupt their Manners.

This is not only from Religion, but from the Law of Nature, that we learn the necessity of standing to the agreements we make; and he who departs from the principle written in the hearts of men Patris fiandum, seems to degenerate into a beast. Such as had virtue, tho' without true religion, could tell us (as a brave and excellent Grecian did) that it was not necessary for him to live, but it was necessary to preserve his Heart from deceit, and his Tongue from falsehood. The Roman Satyrift carries the fame Notion to a great height, and affirms, that * the worst of Tyrants should command a man to be false and perjur'd, and back his injunction with the utmost of Torments, he ought to prefer his integrity before his life. And tho' Filmer may be excus'd if he often mistake in matters of Theology; yet his Inclinations to Rome, which he prefers before Genua, might have led him to the Principles in which the honest Romans liv'd, if he had not observ'd that such Principles as make men honest and generous do also make them lovers of Liberty, and constant in the defence of their Country: which favouring too much of a Republican Spirit, he prefers the morals of that City, since they are become more refined by the pious and charitable Jesuits, before those that were remarkable in them, as long as they retain'd any shade of their ancient Integrity, which admitted of no equivocations and deterred prevarications; by that means preserving innocence in the hearts of private men for their inward contentment, and in civil Societies for the publick good; which if once extinguish'd, Mankind must necessarily fall into the condition Hobbes rightly calls Bellum omnium contra omnes, wherein no man can promise to

--- Phalaris licet imperet ut fuis
Falfac, & admodum dittere perjuria Tauri,

R r 2 himself
Some may perhaps think that the endeavours of our Author to introduce such accursed Principles as tend to the ruin of Mankind, proceed from his ignorance. But tho he appears to have had a great measure of that quality, I fear the evil proceeds from a deeper root; and that he attempts to promote the interests of ill Magistrats, who make it their business to destroy all good principles in the People, with as much industry as the good endeavour to preserve them where they are, and teach them where they are wanting. Reason and Experience instruct us, that every man acts according to the end he proposeth to himself. The good Magistrate seeks the good of the People committed to his care, that he may perform the end of his Institution: and knowing that chiefly to confit in Justice and Vertue, he endeavours to plant and propagate them; and by doing this he procures his own good, as well as that of the Publick.

He knows there is no Safety where there is no Strength, no Strength without Union, no Union without Justice; no Justice where Faith and Truth, in accomplishing publick and private Contracts, is wanting. This he perpetually inculcates, and thinks it a great part of his duty, by precept and example, to educate the Youth in a love of Vertue and Truth, that they may be feason’d with them, and fill’d with an abhorrence of Vice and Falshood, before they attain that Age which is expos’d to the most violent temptations, and in which they may by their crimes bring the greatest mischief upon the publick. He would do all this, tho it were to his own prejudice. But as good Actions always carry a reward with them, these contribute in a high measure to his advantage. By preferring the interest of the People before his own, he gains their affection, and all that is in their power comes with it; whilst he unites them to one another, he unites all to himself: In leading them to vertue, he increases their strength, and by that means provides for his own safety, glory and power.

On the other side, such as seek different ends must take different ways. When a Magistrate fancys he is not made for the People, but the People for him; that he doth not govern for them, but for himself; and that the People live only to increase his glory, or to furnish matter for his pleasures, he doth not inquire what he may do for them, but what he may draw from them. By this means he sets up an interest of profit, pleasure or pomp in himself, repugnant to the good of the publick for which he is made to be what he is. These contrary ends certainly divide the Nation into party’s; and whilst every one endeavours to advance that to which he is addicted, occasions of hatred for injuries every day done, or thought to be done and receiv’d, must necessarily arise. This creates a most fierce and irreconcilable enmity, because the occasions are frequent, important and universal, and the causes thought to be most just. The People think it the greatest of all crimes, to convert that power to their hurt, which was instituted for their good; and that the injustice is aggravated by perjury and ingratitude, which comprehend all manner of ill; and the Magistrate gives the name of Sedition or Rebellion to whatsoever they do for the preservation of themselves and their own Rights. When mens Spirits are thus prepar’d, a small matter sets them on fire; but if no accident happen to blow them into a flame, the course of Justice is certainly interrupted, the publick affairs are neglected; and when any occasion whether foreign or domestick arises, in which the Magistrate flands...
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stands in need of the Peoples assistance, they, whose affections are alienated, not only shew an unwillingness to serve him with their persons and estates, but fear that by delivering him from his difficulties they strengthen their enemy, and enable him to oppress them: and he fancying his will to be unjustly oppress'd, or his due more unjustly deny'd, is fill'd with a dislike of what he sees, and a fear of worse for the future. Whilst he endeavour to save himself of the one, and to provide against the other, he usually increases the evils of both, and jealousies are on both sides multiply'd. Every man knows that the Governed are in a great measure under the power of the Governor; but as no man, or number of men, is willingly subject to those who seek their ruin, such as fall into so great a misfortune, continue no longer under it than force, fear, or necessity may be able to oblige them. But as such a necessity can hardly lie longer upon a great People, than till the evil be fully discover'd and comprehended, and their Vertue, Strength and Power be united to expel it; the ill Magistrate looks upon all things that may conduce to that end, as so many preparatives to his ruin; and by the help of those who are of his party, will endeavour to prevent that Union, and diminish that Strength, Vertue, Power and Courage, which he knows to be bent against him. And as truth, faithful dealing, due performance of Contrac'ts, and integrity of Manners, are bonds of Union, and helps to good, he will always by tricks, artifices, cavils, and all means possible endeavour to establish falsehood and dishonesty; whilst other Emptiness and instruments of Inquiry, by corrupting the Youth, and seducing such as can be brought to leudness and debauchery, bring the People to such a pass, that they may neither care nor dare to vindicate their Rights, and that those who would do it, may so far suspect each other, as not to confer upon, much less to join in any action tending to the publick Deliverance.

This distinguishes the good from the bad Magistrate, the faithful from the unfaithful; and those who adhere to either, living in the same principle, must walk in the same ways. They who upheld the rightful power of a just Magistracy, encourage Vertue and Justice, and teach men what they ought to do, suffer, or expect from others; they fix them upon principles of Honesty, and generally advance every thing that tends to the increase of the valor, strength, greatnes and happiness of the Nation, creating a good Union among them, and bringing every man to an exact understanding of his own and the publick Rights. On the other side, he that would introduce an ill Magistrate, make one evil who was good, or preserve him in the exercise of injustice when he is corrupted, must always open the way for him by vitiating the People, corrupting their Manners, destroying the validity of Oaths and Contrac'ts, teaching such evasions, equivocations and frauds, as are inconsistent with the thoughts that become men of vertue and courage; and overthrowing the confidence they ought to have in each other, make it impossible for them to unite among themselves. The like Arts must be us'd with the Magistrate: He cannot be for their turn, till he is persuaded to believe he has no dependence upon, and owes no duty to the People; that he is of himself, and not by their Inquisition; that no man ought to inquire into, nor be judge of his actions, that all obedience is due to him, whether he be good or bad, wife or foolish, a father or an enemy to his Country. This being calculated for his personal interest, he must pursue the same designs, or his kingdom is divided within it self, and cannot subsist. By this means those who flatter his humor, come to be accounted his Friends,
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CHAP. III. Friends, and the only men that are thought worthy of great Trusts, whilst such as are of another mind are expos'd to all perfecution. These are always such as excel in Vertue, Wisdom, and greatnes of Spirit: they have Eyes, and they will always see the way they go; and leaving fools to be guided by implicit Faith, will distinguish between good and evil, and shufe that which is best; they will judge of men by their actions, and by them discovering whole Servants every man is, know whether he is to be obey'd or not. Thofe who are ignorant of all good, careless, or enemies to it, take a more compendious way: their flavish, vicious and base natures inclining them to feeck only private and prefent advantages, they eafily glide into a blind dependence upon one who has Wealth and Power; and defiring only to know his will, care not what injustice they do, if they may be rewarded. They worship what they find in the Temple, tho' it be the vileft of Idols, and always like that belt which is worft, because it agrees with their inclinations and principles. When a party comes to be erected upon fuch a foundation, debauchery, leudnefs and difhонesty are the true badges of it. Such as wear them are cherifh'd; but the principal marks of favor are referr'd for thofe who are the moft induftrious in mischief, either by feducing the People with the allurements of felicious Pleafures, or corrupting their Underftandings by falfe and flavish Doctrins. By this means a man who calls himfelf a Philofopher or a Divine, is of ten more useful than a great number of Tafflers, Cooks, Buffoons, Players, Fidlers, Whores or Bauds. Thofe are the Devil's Minifters of a lower Order; they fedeuce finge Perfons, and fuch as fall into their fnares are for the moft part men of the simper fort: but the principal supporters of his Kingdom, are thofe who by falfe Doctrins poison the springs of Religion and Vertue, and by preaching or writing (if their fallhood and wickednefs were not detected) would extinguifh all principles of common honefty, and bring whole Nations to be heft fatisfy'd with themselves, when their actions are moft abominable. And as the means muft always be futable to the end propos'd, the Governments that are to be eflablish'd or supported by fuch ways muft needs be the worft of all, and comprehend all manner of evil.

S E C T. XX.

Unjust Commands are not to be obey'd; and no man is oblig'd to suffer for not obeying fuch as are againft Law.

In the next place our Author gravely proposes a question, Whether it be a sin to disobey the King, if he command any thing contrary to Law? and as gravely determines, that not only in human Laws, but even in Divine, a thing may be commanded contrary to Law, and yet obedience to fuch a Command is neceflary. The faniifying of the Sabbath is a divine Law, yet if a Master command his Servant not to go to Church upon a Sabbath-day, the best Divines teach us, the Servant muft obey, &c. It is not fit to try the Master to acquaint the Servant with his secret Counfel. Tho' he frequently contradicts in one line what he fays in another, this whole Ciaufe is uniform and futable to the main deffign of his Book. He fets up the authority
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The authority of Man in opposition to the command of God, gives it the pre-terence, and says, the best Divines instruct us so to do. St. Paul then
must have bin one of the worst, for he knew that the Powers under
which he liv’d, had under the severest penaltys forbidden the publication
of the Gospel; and yet he says, "Go to me if I preach it not. St. Peter was
no better than he, for he tells us, That it is better to obey God than Man;
and they could not speak otherwise, unlefs they had forgotten the words
of their Master, who told them, They should not fear them that could only
kill the Body, but him who could kill and cast into Hell. And if I must
not fear him that can only kill the Body, not only the reason, but all ex-
cuse for obeying him is taken away.

To prove what he says, he cites a pertinent Example from St. Luke,
and very logically concludes, that because Christ approv’d the hypocry of
the Pharisees, (who generally adher’d to the external and circumstantial
part of the Law, neglecting the essentiel, and taking upon themselves to
be the interpreters of that which they did not understand) the Law of
God is not to be obey’d: and as strongly proves, that because Christ
shew’d them that the same Law, which by their own confession permitted
them to pull an As out of a pit on the Sabbath-day, could not but
give a liberty of healing the sick, therefore the commands of Kings are
to be obey’d tho they should be contrary to human and divine Laws.
But if perverfenes had not blinded him, he might have seen, that this
very Text is wholly against his purpose; for the Magistratical Power
was on the side of the Pharisees, otherwise they would not have fought an
casion to enflare him; and that power having perverted the Law of
God by false glosses, and a superinduction of human Traditions, pro-
hibited the most necessary acts of Charity to be done on the Sabbath-
day, which Christ reprov’d, and refor’d the sick man to his health in
their sight.

But I could wish our Author had told us the names of those Divines,
who, he says, are the best, and who pretend to teach us these fine things.
I know some who are thought good, that are of a contrary opinion, and
say, that God having require’d that Day to be set apart for his Service and
Worship, man cannot dispence with the Obligation, unlefs he can abro-
gate the Law of God. Perhaps, for want of other Arguments to prove
the contrary, I may be told, that this favours too much of Puritanism
and Calvinism. But I shall take the reproach, till some better Patrons
than Land and his creatures may be found for the other opinion. By the
advice and instigation of these men, from about the year 1630, to 1640,
sports and revelings, which ended for the most part in drunkenness and
lewdness, were not only permitted on that day, but enjoind. And tho
this did advance human Authority in derogation to the Divine, to a de-
gree that may pleafe such as are of our Author’s mind, yet others resolv-
ing rather to obey the Laws of God than the Commands of Men, could
not be brought to pass the Lord’s day in that manner. Since that time
no man except Filmer and Heylin have bin so wicked to conceive, or so
impudent to assert such brutal absurdities. But leaving the farther con-
sideration of the original of this abuse, I desire to know, whether the
Authority given to Masters to command things contrary to the Law of
God, be peculiar in relation to the Sabbath, or to a few other points, or
ought generally to extend to all God’s Laws; and whether he who may
command his Servant to act contrary to the Law of God, have not a
right in himself of doing the same. If peculiar, some Authority or Pre-
cept
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Chap. III. except must be produc'd, by which it may appear that God has slighted his Ordinance concerning that Day, and suffer'd it to be contemn'd, whilst he exacts obedience to all others. If we have a liberty left to us of slighting others also, more or less in number, we ought to know how many, what they are, and how it comes to pass, that some are of obligation and others not. If the Empire of the world is not only divided between God and Cæsar, but every man also who can give five pounds a year to a Servant, has so great a part in it, that in some cases his commands are to be obey'd preferably to those of God, it were fit to know the limits of each Kingdom, lest we happen preposterously to obey man when we ought to obey God, or God when we are to follow the commands of men. If it be general, the Law of God is of no effect, and we may safely put an end to all thoughts and discourses of Religion: the word of God is nothing to us; we are not to inquire what he has commanded, but what pleases our Mafter, how insolent, foolish, vile or wicked forever he may be. The Apoſtles and Prophets who dy'd for preferring the commands of God before those of men, fell like fools, and perished in their sins. But if every particular man that has a servant, can exempt him from the commands of God, he may also exempt himself, and the Laws of God are at once abrogated throughout the world.

'Tis a folly to say there is a passive, as well as an active Obedience, and that he who will not do what his Mafter commands ought to suffer the punishment he inflicts: for if the Mafter has a right of commanding, there is a duty incumbent on the servant of obeying. He that suffer'd for not doing that which he ought to do, draws upon himself both the guilt and the punishment. But no one can be oblig'd to suffer for that which he ought not to do, because he who pretends to command, has not so far an Authority. However, our question is, whether the Servant should forbear to do that which God commands, rather than whether the Mafter should put away or beat him if he do not: for if the Servant ought to obey his Mafter rather than God, as our Author says the best Divines assert, he sins in disobeying, and that guilt cannot be expiated by his suffering. If it be thought I carry this point to an undue extremity, the limits ought to be demonstrated, by which it may appear that I exceed them, tho' the nature of the case cannot be alter'd: for if the Law of God may not be abrogated by the commands of men, a Servant cannot be exempted from keeping the Sabbath according to the Ordinance of God, at the will of his Mafter. But if a power be given to man at his pleasure to annul the Laws of God, the Apoſtles ought not to have preach'd, when they were forbidden by the Powers to which they were subject: The tortures and deaths they suffer'd for not obeying that command were in their own wrong, and their blood was upon their own heads.

His second instance concerning Wars, in which he says the Subject is not to examine whether they are just or unjust, but must obey, is weak and frivolous, and very often false; whereas conclusions can rightly be drawn from such things only as are certainly and universally true. The God may be merciful to a Soldier, who by the wickedness of a Magistrate whom he honestly trusts, is made a Minister of injustice, 'tis nothing to this case. For if our Author say true, that the word of a King can justify him in going against the command of God, he must do what is commanded tho' he think it evil: The Christian Soldiers under the Pagan Emperors were oblig'd to destroy their Brethren, and the best men
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men in the world for being so: Such as now live under the Turk have the same obligation upon them of defending their Master, and slaugthering those he purports his Enemies for adhering to Christianity: And the King of France may when he pleases, arm one part of his Protestant Subjects to the destruction of the other; which is a godly doctrin, and worthy our Author's invention.

But if this be so, I know not how the Israelites can be said to have finned in following the examples of Jeroboam, Omri, Ahab, or other wicked Kings: they could not have sinned in obeying, if it had bin a sin to disobey their commands; and God would not have punished them so severely, if they had not sinned. 'Tis impertinent to say they were oblig'd to serve their Kings in unjust Wars, but not to serve Idols; for the God be jealous of his glory, yet he forbids Rapine and Murder as well as Idolatry. If there be a Law that forbids the Subject to examine the commands tending to the one, it cannot but enjoin obedience to the other. The same Authority which justifies Murder, takes away the guilt of Idolatry; and the Wretches, both Judges and Witneses, who put Naboth to death, could as little alledge ignorance, as those that worship'd Jeroboam's Calves; the same light of Nature by which they should have known, that a ridiculous Image was not to be ador'd as God, instructing them also, that an innocent man ought not under pretence of Law to be murder'd by perjury.

S E C T. XXI.

It cannot be for the good of the People that the Magistrate have a power above the Law: and he is not a Magistrate who has not his power by Law.

That we may not be displease'd, or think it dangerous and lavish to depend upon the will of a man, which perhaps may be irregular or extravagant in one who is subject to no Law, our Author very dextrously removes the scruples by telling us,

1. That the Prerogative of the King to be above the Law, is only for the good of them that are under the Law, and to preserve their Liberty.

2. That there can be no Laws without a supreme Power to command or make them: In Aristocracies the Noblemen are above the Law; in Democracies the People: By the like reason in a Monarchy, the King must of necessity be above the Law. There can be no Sovereign Majesty in him that is under the Law: that which gives the very being to a King, is the power to give Laws. Without this Power he is but an equivocal King. It skills not how he comes by this Power, whether by Election, Donation, Succession, or any other means. I am contented in some degree to follow our Author, and to acknowledge that the King neither has nor can have any Prerogative which is not for the good of the People, and the preservation of their Liberty. This therefore is the foundation of Magistratical Power, and the only way of discerning whether the Prerogative of making Laws, of being above Laws, or any other he may pretend, be justly due to him or not: and if it be doubted who is the fittest judge to determine that question, common sense will inform us, that if the Magistrate receive his Power by election or donation, they who elect, or give him that Power, best
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But nothing can be more absurd than to say, that one man has an absolute power above Law to govern according to his will, for the Peoples good, and the preservation of their liberty: For no Liberty can subsist where there is such a Power; and we have no other way of distinguishing between free Nations and such as are not so, than that the free are govern'd by their own Laws and Magistrates according to their own mind, and that the others either have willingly subjected themselves, or are by force brought under the power of one or more men, to be ruled according to his or their pleasure. The same distinction holds in relation to particular persons. He is a free man who lives as best pleases himself, under Laws made by his own consent; and the name of slave can belong to no man, unless to him who is either born in the house of a Master, bought, taken, subdued, or willingly gives his ear to be nailed to the post, and subjects himself to the will of another. Thus were the Greeks said to be free in opposition to the Medes and Persians, as Artabanus acknowledged in his Discourse to Themistocles. In the same manner the Italians, Germans and Spaniards were distinguished from the Eastern Nations, who for the most part were under the power of Tyrants. Rome was said to have recover'd liberty by the expulsion of the Tarquins; or, as Tacitus expresses it, * Lucius Brutus established Liberty and the Constitutions together, as if before that time they had never enjoy'd any; and Julius Cæsar is said to have overthrown the liberty of that People. But if Filmer deserve credit, the Romans were free under Tarquin, enslav'd when he was driven away, and his Prerogative extinguish'd, that was so necessarily requisite for the defence of their Liberty; and were never restor'd to it, till Cæsar affirm'd all the Power to himself. By the same rule the Switzers, Græs, Venetians, Hollanders, and some other Nations are now Slaves; and Tuscany, the Kingdom of Naples, the Ecclesiastical State, with such as live under a more gentle Master on the other side of the Water, I mean the Turk, are free Nations. Nay the Florentines, who complain of Slavery under the House of Medici, were made free by the power of a Spanish Army who set up a Prerogative in that gentle Family, which for their good has destroy'd all that could justly be call'd so in that Country, and almost wholly dispossess'd it. I, who esteem my self free, because I depend upon the will of no man, and hope to die in the liberty I inherit from my Ancestors, am a slave; and the Moors or Turks, who

may be beaten and kill’d whenever it pleases their insolent Masters, are Free-men. But surely the world is not so much mistaken in the signification of words and things. The weight of Chains, number of Stripes, hardness of labor, and other effects of a Master’s cruelty, may make one servitude more miserable than another: but he is a slave who serves the best and gentlest man in the world, as well as he who serves the worst; and he does serve him if he must obey his commands, and depends upon his will. For this reason the Poet ingeniously flattering a good Emperor, said, that Liberty was not more desirable, than to serve a gentle Master; but still acknowledged that it was a service, distinct from, and contrary to Liberty: and it had not bin a handson complement, unless the evil of servitude were so extreme, that nothing but the vertue and goodnes of the Master could any way compensate or alleviate it. Now tho’ it should be granted that he had spoken more like to a Philosopher than a Poet; that we might take his words in the strictest sense, and think it possible to find such Conveniences in a subjection to the will of a good and wise Master, as may balance the losses of Liberty, it would be nothing to the question; because that Liberty is thereby acknowledg’d to be destroy’d by the Prerogative, which is only instituted to preserve it. If it were true, that no liberty were to be prefer’d before the service of a good Master, it could be of no use to the perishing world, which Filmer and his Disciples would by such arguments bring into a subjection to children, fools, mad or vicious men. These are not cases feign’d upon a distant imaginary possibility, but so frequently found amongst men, that there are few examples of the contrary. And as ’tis folly to suppose that Princes will always be wise, just and good, when we know that few have bin able alone to bear the weight of a Government, or to resist the temptations to ill, that accompany an unlimited power, it would be madness to presume they will for the future be free from impurities and vices. And if they be not, the Nations under them will not in such a condition of servitude to a good Master as the Poet compares to Liberty, but in a miserable and shameful subjection to the will of those who know not how to govern themselves, or to do good to others. Tho’ Moses, Joshua and Samuel had bin able to bear the weight of an unrestrict’d Power; tho’ David and Solomon had never abus’d that which they had; what effect could this have upon a general Proposition? Where are the Families that always produce such as they were? When did God promise to afflict all those who should attain to the Sovereign Power, as he did them whom he chose for the works he design’d? Or what testimony can Filmer give us, that he has bin prefect with all those who have hitherto reign’d in the world? But if we know that no such thing either is, or has bin; and can find no promise to assure us, nor reason to hope that it ever will be, ’tis as foolish to found the hopes of preferring a People upon that which never was, or is so likely to fail, nay rather which in a short time most certainly will fail, as to root up Vines and Figtrees in expectation of gathering grapes and figs from thistles and briars. This would be no less than to extinguish the light of common sense, to neglect the means that God has given us to provide for our security, and to impute to him a disposition of things utterly inconsistent with his Wisdom and Goodnes. If he has not therefore order’d that thorns and thistles should produce figs and grapes, nor that the most important works in the world, which are not without the utmost difficulty, if at all, to be perform’d by the best and wisest of men, should be put into
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the hands of the weakest, most foolish and wort, he cannot have ordain'd that such men, women or children as happen to be born in reigning Families, or get the power into their hands by fraud, treachery or murder (as very many have done) should have a right of disposing all things according to their will. And if men cannot be guilty of so great an abjuridity to trust the weakest and worst with a Power which usually subverts the Wisdom and Virtue of the best; or to expect such effects of Virtue and Wisdom from those who come by chance, as can hardly, if at all, be hop'd from the most excellent; our Author's Proposition can neither be grounded upon the Ordinance of God, nor the Institution of men. Nay, if any such thing had bin establisht by our first Parents in their simplicity, the utter impossibility of attaining what they expected from it, must wholly have abrogated the Establishment: Or rather, it had bin void from the beginning, because it was not * a just Sanction, commanding things good, and forbidding the contrary, but a foolish and perverse Sanction, letting up the unruly appetites of one person to the subversion of all that is good in the world, by making the Wisdom of the aged and experience'd to depend upon the will of Women, Children and Fools; by lending the strong and the brave to seek protection from the most weak and cowardly, and subjecting the most vertuous and best of men to be deftoy'd by the most wicked and vicious. These being the effects of that unlimited prerogative, which our Author fays was only instituted for the good and defence of the people, it must necessarily fall to the ground, unless slavery, misery, infancy, destruction and desolation tend to the preservation of Liberty, and are to be prefer'd before strength, glory, plenty, security and happiness. The state of the Roman Empire after the usurpation of Cesar will set this matter in the clearest light; but having done it already in the former parts of this work, I content my self to refer to those places. And tho' the Calamities they suffer'd were a little alloy'd and moderated by the Virtues of Antoninus and M. Aurelius, with one or two more, yet we have no example of the continuance of them in a family; nor of any Nation great or small that has bin under an absolute Power, which does not too plainly manifest that no man or succession of men is to be trusted with it.

But says our Author, there can be no Law where there is not a supreme Power; and from thence very strongly concludes it must be in the King; for otherwise there can be no Sovereign Majesty in him, and he is but an equivoctal King. This might have bin of some force, if Governments were establisht, and Laws made only to advance that Sovereign Majesty; but nothing at all to the purpose, if (as he conceives) the power which he has been given for the good of the People, and for the defence of every private man's Life, Liberty, Lands and Goods; for that which is instituted, cannot be abrogated for want of that which was never intended in the institution. If the publick Safety be provided, Liberty and Property secured, Justice adminisiter'd, Virtue encourag'd, Vice suppress'd, and the true interest of the Nation advance'd, the ends of Government are accomplisht; and the highest must be contented with such a proportion of Glory and Majesty as is consistent with the publick; since the Magistracy is not instituted, nor any person plac'd in it for the increase of his Majesty, but for the preservation of the whole People, and the defence of the Liberty, Life and Estate of every private man, as our Author himself is forc'd to acknowledg.
But what is this Sovereign Majesty, so inseparable from Royalty, that one cannot subsist without the other? *Caligula* plac'd it in a power of doing what he pleas'd to all men: *Nimrod, Nabuchodonosor* and others, with an impious and barbarous insolence, boasted of the greatness of their power. They thought it a glorious Privilege to kill or spare whom they pleas'd. But such Kings as by God's permission might have bin set up over his people, were to have nothing of this. They were not to multiply Gold, Silver, Wives or Horses; they were not to govern by own will, but according to the Law; from which they might not recede, nor raise their Hearts above their brethren. Here were Kings without that unlimited Power, which makes up the Sovereign Majesty, that *Filmer* affirms to be so essential to Kings, that without it they are only equivocal; which proving nothing but the incurable pervertinefs of his judgment, the malice of his heart or malignity of his fate, always to oppose reason and truth, we are to esteem those to be Kings who are describ'd to be so by the Scriptures, and to give another name to those who endeavour to advance their own glory, contrary to the precept of God and the interest of mankind.

But unlefs the light of reafon had bin extinguih'd in him, he might have seen, that the no Law could be made without a supreme Power, that Supremacy may be in a Body consisting of many men, and several orders of men. If it be true, which perhaps may be doubted, that there have bin in the world *simple Monarchys, Ariftocracys or Democracyss* legally eftablisht, 'tis certain that the moft part of the Governments of the world (and I think all that are or have bin good) were mix'd. Part of the Power has bin confer'd upon the King, or the Magiftrate that represented him, and part upon the Senat and People, as has bin prov'd in relation to the Governments of the *Hebrews, Sartans, Romans, Venetians, Germans,* and all those who live under that which is usually call'd the Gothic Polity. If the single Perfon participating of this divided Power dislike either the Name he bears, or the Authority he has, he may renounce it; but no reafon can be from thence drawn to the prejudice of Nations, who give fo much as they think convenient with their own good, and referve the reft to themselves, or to fuch other Officers as they please to eftablissh.

No man will deny that several Nations have had a right of giving power to Confuls, Dictators, Archons, Suffetes, Dukes and other Magiftrats, in fuch proportions as feem'd moft conducing to their own good; and there must be a right in every Nation of allotting to Kings so much as they pleafe, as well as to the others, unlefs there be a charm in the word King, or in the Letters that compofe it. But this cannot be; for there is no fimiiltude between King, Rex, and Basileus: they muft therefore have a right of regulating the Power of Kings, as well as that of Confuls or Dictators; and it had not bin more ridiculous in *Fabius, Scipio, Camillus or Cincinnatus,* to affert an absolute power in himfelf, under pretence of advancing his Sovereign Majesty against the Law, than for any King to do the like. But as all Nations give what form they please to their Government, they are alfo judges of the name to be impos'd upon each man who is to have a part in the power: and 'tis as lawful for us to call him King, who has a limited Authority amongft us, as for the Medes or Arabs to give the fame name to one who is more absolute.

* Omnia mihi in omnes licere. Sueton.*
If this be not admitted, we are content to speak improperly, but utterly deny that when we give the name, we give any thing more than we please; and had rather his Majesty should change his name than to renounce our own Rights and Liberty which he is to preserve, and which we have received from God and Nature.

But that the folly and wickedness of our Author may not be capable of any farther aggravation, he says, That it skills not how he come by the power. Violence therefore or fraud, treachery or murder, are as good as Election, Donation, or legal Succession. 'Tis in vain to examine the Laws of God or Man, or the rights of nature; whether Children do inherit the Dignities and Magistracies of their Fathers, as patrimonial Lands and Goods; whether regard ought to be had to the finenes of the Person; whether all should go to one, or be divided amongst them; or by what rule we may know who is the right Heir to the Succession, and consequently what we are in conscience oblig'd to do. Our Author tells us in short, it matters not how he that has the power comes by it.

It has bin hitherto thought, that to kill a King (especially a good King) was a most abominable action. They who did it, were thought to be incited by the worst of passions that can enter into the hearts of men; and the severest punishments have bin invented to deter them from such attempts, or to avenge their death upon those who should accomplish it. But if our Author may be credited, it must be the most commendable and glorious act that can be perform'd by man: for besides the outward advantages that men so earnestly desire, he that does it, is presently invested with the Sovereign Majesty, and at the same time becomes God's Vicegerent, and the father of his Country, possessor of that Government, which in exclusion to all other forms is only favour'd by the Laws of God and Nature. The only inconvenience is, that all depends upon success; and he that is to be the Minister of God, and father of his Country if he succeed, is the worst of all villains if he fail; and at the best may be depriv'd of all by the same means he employ'd to gain it. Tho a Prince should have the wisdom and virtues of Moses, the valor of Josue, David and the Maccabees, with the gentleness and integrity of Samuel, the most foolifh, vitious, base and detestable man in the world that kills him, and feizes the power, becomes his Heir, and father of the People that he govern'd: it skills not how he did it, whether in open barrell or secret treachery, in the field or in the bed, by poison or by the sword: The vilest slave in Israel had become the Lord's anointed, if he could have kill'd David or Solomon, and found villains to place him in the Throne. If this be right, the world has to this day liv'd in darkness, and the actions which have bin thought to be the most detestable, are the most commendable and glorious. But not troubling my self at present to decide this question, I leave it to Kings to consider how much they are beholden to Pilmer and his disciples, who fet such a price upon their heads, as would render it hard to preserve their Lives one day, if the Doctrines were receiv'd, which they endeavour to inuite into the Minds of the People; and concluding this point, only say, that we in England know no other King than he who is by Law, nor any power in that King except that which he has by Law: And tho the Roman Empire was held by the power of the Sword; and Opian a corrupt Lawyer undertakes to say, that the Prince is not oblig'd by the Laws; yet Theofilius confirr, that it was the glory of a good Emperor to acknowledge himself bound by them.
S E C T.  XXII.

The rigor of the Law is to be temper'd by men of known integrity and judgment, and not by the Prince who may be ignorant or vicious.

Our Author's next shift is to place the King above the Law, that he may mitigate the rigor of it, without which, he says, the case of the Subject would be desperately miserable. But this cure would prove worse than the disease. Such pious fathers of the People as Caligula, Nero or Domitian, were not like to mitigate the rigor; nor such as inherit Crowns in their infancy (as the present Kings of Spain, France and Sweden) so well to understand the meaning of it as to decide extraordinary cases. The wisdom of Nations has provided more assured helps; and none could have bin so brutish and negligent of the publick Concernments, to suffer the Succession to fall to women, children, &c. if they had not referv'd a power in themselves to prefer others before the nearest in blood, if reason require; and prefcrib'd such rules as might preferve the publick from ruin, notwithstanding their infirmities and vices. These helps provided by our Laws, are principally by grand and petit Jurys, who are not only Judges of matters of fact, as whether a man be kill'd, but whether he be kill'd criminally. These Men are upon their Oaths, and may be indicted of Perjury if they prevaricate: The Judges are preferv'd not only to be a check upon them, but to explain such points of the Law as may seem difficult. And tho' these Judges may be said in some fene to be chosen by the King, he is not understood to do it otherwise than by the advice of his Council, who cannot perform their duty, unless they propos'd such as in their confciences they think most worthy of the Office, and most capable of performing the duty rightly; nor he accomplish the Oath of his Coronation, unleas he admit those, who upon deliberation seem to be the best. The Judges being thus chosen, are so far from depending upon the will of the King, that they swear faithfully to serve the People as well as the King, and to do justice to every man according to the Law of the Land, notwithstanding any Writs, Letters or Commands receiv'd from him; and in default thereof they are to forfeit their bodys, lands and goods, as in cases of Treason. These Laws have bin so often, and so severly executed, that it concerns all Judges well to consider them; and the Cases of Treilian, Empfon, Dudley, and others shew, that neither the King's preceding command nor subsequent pardon could preferve them from the punishment they deserve. All men knew that what they did was agreeable to the King's pleasure, for Treilian advance'd the Prerogative of Edward the 2d, and Empfon brought great Treasures into the Coffers of Henry the 7th. Nevertheless they were charg'd with Treason, for subverting the Laws of the Land, and executed as Traitors. Tho' England ought never to forget the happy Reign of Q. Elizabeth, yet it must be acknowledg'd that she as well as others had her failings. She was full of love to the People, just in her nature, sincere in her intentions; but could not so perfectly discover the snares that were laid for her, or reft the importance of the Persons she most trusted, as not sometimes to be brought to attempt things...
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things against Law. She and her Counsellors press the Judges very hard to obey the Patent under her Great Seal, in the case of Cavendish; but they answer'd, That both she and they had taken an Oath to keep the Law, and if they should obey her commands, the Law would not warrant them, &c. And besides the offence against God, their Country, and the Commonwealth, they alleged the example of Empfon and Dudley, whereby, they said, they were deter'd from obeying her illegal Commands. They who had sworn to keep the Law notwithstanding the King's Writs, knew that the Law depended not upon his will: and the same Oath that oblig'd them not to regard any command they should receive from him, shew'd that they were not to expect indemnity by it; and not only that the King had neither the power of making, altering, mitigating or interpreting the Law, but that he was not at all to be heard, in general or particular matters, otherwise than as he speaks in the common course of Justice, by the Courts legally establish'd, which say the same thing, whether he be young or old, ignorant or wise, wicked or good. And nothing dos better evidence the widom and care of our Ancestors, in framing the Laws and Government we live under, than that the People did not suffer extremitys by the vices or infirmitys of Kings, till an Age more full of malice than those in which they liv'd, had found tricks to pervert the rule, and frustrate their honest intentions. It was not safe for the Kings to violate their Oaths by an undue interposition of their Authority; but the Ministers who serv'd them in those violations, have seldom escap'd punishment. This is to be understood when the deviations from Justice are extreme and mifchievous, for something must always be allow'd to human frailty: The best have their defects, and none could stand if a too exact scrutiny were made of all their actions. Edward the third, about the twentieth year of his Reign, acknowledg'd his own in Parliament, and as well for the sake of his Conscience, as the satisfaction of his People, promov'd an Act, Commanding all Judges to do Justice, notwithstanding any Writs, Letters or Commands from himself; and forbidding those that belong'd to the King, Queen and Prince, to intermeddle in those matters. But if the best and wisest of our Princes, in the strength and maturity of their years, had their failings, and every act proceeding from them that tended to the interruption of Justice was a failing, how can it be said that the King in his personal capacity, directly or indirectly, may enter into the discussion of these matters, much less to determine them according to his will?

But, says our Author, the Law is no better than a Tyrant; general Pardons at the Coronation and in Parliament, are but the bounty of the Prerogative, &c. There may be hard cases: and citing some perverted pieces from Aristotle's Ethicks and Politicks, adds, That when something falls out besides the general rule, then it is fit that what the Law-saker has omitted, or where he has err'd by speaking generally, it should be corrected and supply'd, as if the Law-maker were present that ordain'd it. The Governor, whether he be one man or more, ought to be Lord of these things, whereas it was impossible that the Law should speak exactly. These things are in part true; but our Author makes use of them as the Devil dos Scripture, to subvert the truth. There may be something of rigor in the Law, that in some cases may be mitigated; and the Law it self (in relation to England) dos so far acknowledge it, as to refer much to the consciences of Jurys, and those who are appointed to assist them; and the most difficult Cases are refer'd to the Parliament as the only judges that are able to determin them. Thus
Thus the Statute of 35 Edw. III. enumerating the crimes then declar'd to be Treason, leaves to future Parliaments to judge what other facts equivalent to them may deserve the same punishment: and 'tis a general rule in the Law, which the Judges are sworn to observe, that difficult cases should be referred till the Parliament meet, who are only able to decide them: and if there be any inconvenience in this, 'tis because they do not meet so frequently as the Law requires, or by finer means are interrupted in their sitting. But nothing can be more absurd than to say, that because the King does not call Parliaments as the Law and his Oath requires, that power should accrue to him, which the Law and the consent of the Nation has plac'd in them.

There is also such a thing in the Law as a general or particular Pardon, and the King may, in some degree be entrusted with the power of giving it, especially for such crimes as merely relate to himself, as every man may remit the injuries done to himself; but the confession of Edward the third, That the Oath of the Crown had not bin kept by reason of the grant of Pardons contrary to Statutes, and a new Act made, that all such Charters of Pardon from henceforth granted against the Oath of the Crown and the said Statutes, should be held for none, demonstrates that this power was not in himself, but granted by the Nation, and to be executed according to such rules as the Law prescrib'd, and the Parliament approv'd.

Moreover, there have bin many, and sometimes bloody contests for the Crown, upon which the Nation was almost equally divided; and it being difficult for them to know, or even for us who have all the parts by before us, to judge which was the better side, it was understood that he who came to be crown'd by the consent of the People, was acceptable to all: and the question being determin'd, it was no way fit that he should have a liberty to make use of the publick Authority then in his hands, to revenge such personal injuries as he had, or might suppose to have receiv'd, which might raise new, and perhaps more dangerous troubles, if the Authors of them were still kept in fear of being prosecuted; and nothing could be more unreasonable than that he should employ his power to the destruction of those who had consented to make him King. This made it a matter of course for a King, as soon as he was crown'd, to issue out a general Pardon, which was no more than to declare, that being now what he was not before, he had no enemy upon any former account. For this reason Lewis the twelfth of France, when he was incited to revenge himself against those, who in the reign of his Predecessor Charles the eighth had caus'd him to be imprison'd with great danger of his life, made this answer, That the King of France did not care to revenge the injuries done to the Duke of Orleans: and the last King of Sweden seem'd no other wise to remember who had oppos'd the Queen's Abdication and his Election, than by conferring honors upon them; because he knew they were the best men of the Nation, and such as would be his friends when they should see how he would govern, in which he was not deceiver'd. But left all those who might come to the Crown of England, should not have the same prudence and generosity, the Kings were oblig'd by a Custom of no less force than a Law, immediately to put an end to all disputes, and the inconveniences that might arise from them. This did not proceed from the bounty of the Prerogative (which I think is non furni, for tho' he that enjoys the Prerogative may have bounty,
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Chap. III. The prerogative can have none) but from common sense, from the King's obligation, and the care of his own safety; and could have no other effect in Law, than what related to his person, as appears by the fore-mention'd Statute.

Pardons granted by Act of Parliament are of another nature: For as the King who has no other power than by Law, can no otherwise dispence with the crimes committed against the Laws, than the Law does enable him; the Parliament that has the power of making Laws, may entirely abolish the crimes, and unquestionably remit the punishment as they please.

The some words of Aristotle's Ethicks are without any coherence shuffled together by our Author, with others taken out of his Politicks, I do not much except against them. No Law made by man can be perfect, and there must be in every Nation a power of correcting such defects as in time may arise or be discover'd. This power can never be so rightly plac'd as in the same Hand that has the right of making Laws, whether in one person or in many. If Filmer therefore can tell us of a place, where one man, woman or child, however he or she be qualify'd, has the power of making Laws, I will acknowledg that not only the hard Cases, but as many others as he pleases, are refer'd to his or her judgment, and that they may give it, whether they have any understanding of what they do or not, whether they be drunk or sober, in their fentes or stark mad. But as I know no such place, and should not be much concern'd for the sufferings of a People that might bring such misery upon themselves, as must accompany an absolute dependence upon the unruly will of such a creature, I may leave him to seek it, and rest in a perfect assurance that he does not speak of England, which acknowledges no other Law than its own; and instead of receiving any from Kings, does to this day obey none, but such as have bin made by our Ancestors, or our selves, and never admitted any King that did not swear to observe them. And if Aristotle deserve credit, the power of altering, mitigating, explaining or correcting the Laws of England, is only in the Parliament, because none but the Parliament can make them.

Sect. XXIII.

Aristotle proves, that no man is to be intrusted with an absolute Power, by shewing that no one knows how to execute it, but such a man as is not to be found.

Our Author having falsely cited and perverted the sense of Aristotle, now brings him in saying, That a perfect Kingdom is that wherein the King rules all according to his own Will. But tho I have read his books of Government with some attention, I can find no such thing in them, unless the word which signifies mere or absolute may be justly translated into perfect: which is so far from Aristotle's meaning, that he distinguishes the absolute or despotical Kingdoms from the Legitimate; and commending the latter, gives no better name than that of barbarous to the first, which he says can agree only with the nature of such Nations as are base and stupid, little differing from Beasts; and having no skill to govern,
govern, or courage to defend themselves, must resign all to the will of one that will take care of them. Yet even this cannot be done, unless he that should take that care be wholly exempted from the vices which oblige the others to stand in need of it: for otherwise 'tis no better than if a Sheep should undertake to govern Sheep, or a Hog to command Swine; Aristotle plainly saying, That as men are by nature equal, it is were possible all should be Magistrates. But that being repugnant to the nature of Government, he finds no other way of solving the difficulty, than by obeying and commanding alternately; that they may do by turns that which they cannot do all together, and to which no one man has more right than another, because they are all by nature equal. This might be compos'd by a more compendious way, if, according to our Author's doctrine, Possession could give a Right. But Aristotle speaking like a Philosopher, and not like a publick Enemy to Mankind, examins what is just, reasonable and beneficial to men; that is, what ought to be done, and which being done, is to be accounted just, and therefore to be supported by good men. But as that which is unjust in the beginning, can never have the effect of Justice; and it being manifestly unjust for one or a few men to assume a power over those who by nature are equal to them, no such power can be just or beneficial to mankind; nor fit to be upheld by good men, if it be unjust and prejudicial. In the opinion of Aristotle, this natural equality continues till virtue makes the distinction; which must be either simply compleat and perfect in itself, so that he who is endued with it, is a God among men, or relatively, as far as concerns civil Society, and the ends for which it is constituted, that is, defence, and the obtaining of Justice. This requires a mind unbiased by passion, full of goodness and wisdom, firm against all the temptations to ill, that may arise from desire or fear; tending to all manner of good, thro' a perfect knowledge and affection to it; and this to such a degree, that he or they have more of those virtues and excellencies than all the rest of the Society, tho' computed together. Where such a man is found, he is by nature a King, and 'tis fit for the Nation where he is that he govern. If a few men, tho' equal and alike among themselves, have the same advantages above the rest of the People, Nature for the same reason seems to establish an Aristocracy in that place; and the power is more safely committed to them, than left in the hands of the multitude. But if this excellency of virtue does not appear in one, nor in a few men, the right and power is by nature equally lodged in all; and to assume or appropriate that power to one, or a few men, is unnatural and tyrannical, which in Aristotle's language comprehends all that is detestable and abominable.

If any man should think Aristotle a trifler, for speaking of such a man as can never be found, I answer, that he went as far as his way could be warranted by reason or nature, and was oblig'd to stop there by the defect of his Subject. He could not say that the Government of one was simply good, when he knew so many qualifications were requir'd in the perfon to make it so; nor that it is good for a Nation to be under the power of a fool, a coward, or a villain, because 'tis good to be under a man of admirable wisdom, valor, industry and goodness; or that the Government of one should be continu'd in such as by chance succeed in a Family, because it was given to the first who had all the virtues requir'd.

*Quod ab initio injustum est, nullum potest habere juris effectum.* Grot. de jur. bel. & pac. 1. 3.

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CHAP.III. the all the reasons for which the power was given fail in the Successor; much less could he say that any Government was good, which was not
good for those whose good only it was constituted to promote.

Moreover, by shewing who only is fit to be a Monarch, or may be
made such, without violating the Laws of Nature and Justice, he shews
who cannot be one: and he who says that no such man is to be found, as
according to the opinion of Aristotle can be a Monarch, does most ridiculously
alleged his Authority in favor of Monarchs, or the power which some a-
mongst us would attribute to them. If any thing therefore may be con-
cluded from his words, 'tis this, That since no power ought to be ad-
mitted which is not just; that none can be just which is not good, profitable
to the People, and conducing to the ends for which it is constituted; that
no man can know how to direct the power to those ends, can deferve,
or administer it, unless he do so far excel all those that are under him in
wisdom, justice, valor and goodness, as to pollutes more of those vertues
than all of them: I say, if no such man or succession of men be found,
no such power is to be granted to any man, or succession of men. But if
such power be granted, the Laws of nature and reason are overthrown,
and the ends for which Societys are constituted, utterly perverted, which
necessarily implies an annihilation of the Grant. And if a Grant so made
by those who have a right of setting up a Government amongst them-
theselves, do perish thro its own natural iniquity and pervercity, I leave it
to any man, whose understanding and manners are not so entirely cor-
rupted as those of our Author, to determin what name ought to be given
to that person, who not excelling all others in Civil and Moral Vertues,
in the proportion requir'd by Aristotle, dos usurp a power over a Nation,
and what obedience the People owe to such a one. But if his opinion de-
serve our regard, the King by having those vertues is Omnium Optimus,
and the best guide to the People, * to lead them to happiness by the ways of
vertue. And he who assumes the same power, without the qualifica-
tions requir'd, is Tyrannus omnium peffimus, leading the People to all man-
ner of ill, and in consequence to destruction.

* Ad summum bonum secundum virtutem. Aristotle.

SEX. XXIV.

The Power of Augustus Caesar was not given, but usurp'd.

Our Author's next instance is ingeniously taken from the Romans,
Who, he says, tho they were a People greedy of Liberty, freed Augustus
from the necessity of Laws. If it be true, as he affirns, that such a Pre-
rogative is instituted only for the preservation of Liberty, they who are
most greedy of it, ought to be most forward in estabishing that which
defends it best. But if the weight laid upon the words greedy of Liber-
ty, &c. render his memory and judgment liable to confude, the unpard-
onable prevarication of citing any act done by the Romans in the time
of Augustus, as done freely, shews him to be a man of no faith. Omnium
jura in se traxerat, says Tacitus of Augustus; nothing was confer'd upon
him, he took all to himself; there could be nothing of right in that which
was wholly usurp'd, and neither the People or the Senat could do any
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thing freely, whilst they were under the power of a mad corrupted Sol-
diery, who first betray'd, and then subdu'd them. The greatest part of
the Senat had fall'n at the battle of Pharsalæ, others had bin glean'd up
in several places, the rest destroy'd by the Proscriptions; and that which
then retain'd the name of a Senat, was made up chiefly of those who had
bin his Minifters, in bringing the moft miserable flavery upon their own
Country. The Roman Liberty, and that bravery of Spirit by which it
had bin maintain'd, was not only abolisht, but almoft forgotten. All
consideration of Law and Right was trampled under foot; and none
could dispute with him, who by the power of the sword had seiz'd the
Authority both of the Senat and People. Nothing was fo extravagant,
that might not be extorted by the infulent violence of a Conqueror, who
had thirty mercenary Legions to execute his Commands. The uncor-
rupted part of the People that had escap'd the sword of Julius, had ei-
ther perish'd with Hiriius and Pansa, Brutus and Cassius, or bin destroy'd
by the detestable Triumvirate. Thofe that remain'd could lose nothing
by a verbal resignation of their Liberty, which they had neither strength
nor courage to defend. The Magiftracies were poiffeft by the Creatures
of the Tyrant; and the People were compos'd of fuch as were either
born under flavery, and accufom'd to obey, or remain'd under the ter-
or of thofe Arms that had confum'd the Affertors of their Liberty.
Our Author standing in need of fome Roman Example, was oblige'd to
feek it in an age, when the Laws were subverted, Vertue extinguifh'd,
Injuftice plac'd in the Throne, and fuch as would not be of the fame
Spirit, expos'd to the utmoft cruelty. This was the time when the So-
vereign Majefty shin'd in glory; and they who had rais'd it above the
Law, made it alfo the object of their Religion, by adoring the Statues
of their Oppreffor. The corruption of this Court spread it felf over
the beft part of the World; and reduc'd the Empire to that irrecover-
able weaknefs in which it languifh'd and perifh'd. This is the flate of
things that pleafes Pufner, and thofe that are like him, who for the intro-
duction of the fame among us, recommend fuch an elevation of the So-
vereign Majefty, as is moft contrary to the Laws of God and Men, ab-
hor'd by all generous Nations, and moft especially by our Anceftors,
who thought nothing too dear to be hazarded in the defence of them-
elves and us from it.

S E C T. XXV.

The Regal Power was not the firft in this Nation; nor neceffarily to
be continu'd, tho' it had bin the firft.

TRUTH being uniform in itself, those who defire to propagate
it for the good of Mankind, lay the foundations of their reafon-
ings in fuch Principles, as are either evident to common fenfe, or eafily
prov'd: but Cheats and Impoftors delighting in obfcurity, fuppoze
things that are dubious and falle, and think to build one falfehood upon
another; and our Author can find no better way to perfuade us, that all
our Privileges and Laws are from the King, than by faying, That the
firft Power was the Kingly Power, which was both in this and all other Nations
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CHAP. III. in the world, long before any Laws or any other kind of Government was thought of; from whence we must necessarily infer, that the common Law, or common Customs of this Land were originally the Laws and Commands of the King. But denying both these points, I affirm,

1. That there was a power to make Kings before there was any King.

2. The Kings had bin the first created Magistrates in all places (as perhaps they were in some it does not follow) that they must continue for ever, or that Laws are from them.

To the first; I think no man will deny, that there was a People at Babylon, before Nimrod was King of that place. This People had a Power; for no number of men can be without it: Nay this People had a power of making Nimrod King, or he could never have bin King. He could not be King by succession, for the Scripture shews him to have bin the first. He was not King by the right of Father, for he was not their Father, Chus, Cham, with his elder Brothers and Father Noah being still living; and, which is worst of all, were not Kings: for if they who liv’d in Nimrod’s time, or before him, neither were Kings, nor had Kings, he that ought to have bin King over all by the right of nature (if there had bin any such thing in nature) was not King. Those who immediately succeeded him, and must have inherited his right, if he had any, did not inherit or pretend to it: and therefore he that shall now claim a right from nature as Father of a People, must ground it upon something more certain than Noah’s right of reigning over his Children, or it can have no strength in it.

Moreover, the Nations who in and before the time of Nimrod had no Kings, had Power, or else they could have perform’d no Act, nor constituted any other Magistrate to this day, which is absurd. There was therefore a power in Nations before there were Kings, or there could never have bin any; and Nimrod could never have bin King, if the People of Babylon had not made him King, which they could not have done if they had not had a power of making him so. ‘Tis ridiculous to say he made himself King, for tho’ he might be strong and valiant, he could not be stronger than a multitude of men. That which forces must be stronger than that which is forc’d; and if it be true, according to the antient saying, that Hercules himself is not sufficient to encounter two, ‘tis sure more impossible for one man to force a multitude, for that must be stronger than he. If he came in by persuasion, they who were persuaded, were persuaded to confess that he should be King. That Content therefore made him King. But, Quia dat esse, dat modum esse: They who made him King, made him such a King as beft pleas’d themselves. He had therefore nothing but what was given: his greatness and power must be from the multitude who gave it: and their Laws and Libertys could not be from him; but their Libertys were naturally inherent in themselves, and their Laws were the product of them.

There was a People that made Romulus King. He did not make or beget that People, nor, for any thing we know, one man of them. He could not come in by inheritance, for he was a Baftard, the Son of an unknown man; and when he dy’d, the right that had bin confer’d upon him reverted to the People, who, according to that right, chose Numa, Hostilius, Martius, Tarquinius Prifens, and Servius, all Strangers to his blood, and without any other right than what was beftow’d upon them: and Tarquinius Superbus, who invaded the Throne * without the command

* Sic Jufli populi. T. I. Pro. I. r.
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of the People, was ejected, and the Government of Kings abolish'd by the same power that had created it.

We know not certainly by what Law Moses, and the Judges created by the advice of Jethro, govern'd the Israelites; but may probably conjecture it to have bin by that Law which God had written in the hearts of mankind; and the People submitted to the judgment of good and wise men, tho they were under no coercive Power. But 'tis certain they had a Law and a regular Magistracy under which they liv'd, four hundred years before they had a King, for Saul was the first. This Law was not therefore from the King, nor by the King; but the King was chosen and made by the People, according to the liberty they had by the Law, tho they did not rightly follow the rules therein prescrib'd, and by that means brought destruction upon themselves.

The Country in which we live lay long conceald under obscure barbarity, and we know nothing of the first Inhabitants, but what is involv'd in fables that leave us still in the dark. Julius Cesar is the first who speaks distinctly of our affairs, and gives us no reason to believe there was any Monarchy then establish'd amongst us. Caiffellannus was occasionally chosen by the Nations that were most expos'd to the violence of the Romans, for the management of those wars against them. By others we hear of Boadicia, Arviragus, Galgacus, and many more set up afterwards when need requir'd; but we find no footsteps of a regular Succession either by inheritance or election. And as they had then no Kings, or any other general Magistrate, that can be said to be equivalent to a King, they might have had none at all unless they had thought fit. Tacitus mentions a sort of Kings, us'd by the Romans to keep Nations in servitude to them: and tho it were true that there had bin such a man as Lucius, and he one of this sort, he is to be accounted only as a Roman Magistrate, and signifies no more to our dispute, than if he had bin call'd Proconsul, Prector, or by any other name. However there was no series of them: that which was temporary and occasional, depended upon the will of those, who thinking there was occasion, created such a Magistrate, and omitted to do so, when the occasion ceas'd, or was thought to cease; and might have had none at all, if they had so pleas'd. The Magistracy therefore was from them, and depended upon their will.

We have already mention'd the Historys of the Saxons, Danes and Normans, from which Nations, together with the Britans, we are descended: and finding that they were severe Affurors of their Libertys, acknowledg'd no human Laws but their own, receiv'd no Kings but such as swore to observe them, and depos'd those who did not well perform their Oaths and Duty, 'tis evident that their Kings were made by the People according to the Law; and that the Law, by which they became what they were, could not be from themselves. Our Ancestors were so fully convinc'd that in the creation of Kings they exercis'd their own right, and were only to consider what was good for themselves, that without regard to the memory of those who had gone before, they were accustomed to take such as seem'd most like, wisely, justly and gently to perform their office; refuse'd those that were suspece'd of pride, cruelty, or any other vice that might bring prejudice upon the Publick, what title ever they pretended; and remov'd such as had bin plac'd in the Throne, if they did not answer the opinion conceiv'd of

† Inter instrumenta servitutis reges habuerer. C. Tacit.
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Chap. III. their vertue; which I take to be a manner of proceeding that agrees better with the quality of Masters, making Laws and Magistrates for themselves, than of Slaves receiving such as were impos'd upon them.

2. To the second. Tho' it should be granted, that all Nations had at the first bin govern'd by Kings, it were nothing to the question; for no man or number of Men was ever oblig'd to continue in the errors of his Predecessors. The Authority of Custom as well as of Law (I mean in relation to the Power that made it to be) consists only in its rectitude: And the same reason which may have induc'd one or more Nations to create Kings, when they knew no other form of Government, may not only induce them to set up another, if that be found inconvenient to them, but proves that they may as justly so do, as remove a man who performs not what was expected from him. If there had bin a Rule given by God, and written in the minds of men by nature, it must have bin from the beginning, universal and perpetual; or at least must have bin observ'd by the wisest and best instructed Nations: which not being in any measure (as I have prov'd already) there can be no reason, why a polite People should not relinquish the errors committed by their Ancestors in the time of their barbarism and ignorance, and why they should not do it in matters of Government, as well as in any other thing relating to life. Men are subject to errors, and 'tis the work of the best and wisest to discover and amend such as their Ancestors may have committed, or to add perfection to those things which by them have bin well invented. This is so certain, that whatsoever we enjoy beyond the misery in which our barbarous Ancestors liv'd, is due only to the liberty of correcting what was amiss in their practice, or inventing that which they did not know: and I doubt whether it be more brutish to say we are oblig'd to continue in the Idolatry of the Druids, with all the miseries and follies that accompany the most savage barbarity; or to confess, that tho' we have a right to depart from these, yet we are for ever bound to continue the Government they had establisht, whatever inconveniences might attend it. Tertullian disputing with the Pagans, who objected the novelty of the Christian Religion, troubled not himself with refuting that error; * but proving Christianity to be good and true, he thought he had sufficiently prov'd it to be antient. A wife Architect may shew his skill, and deserve commendation for building a poor house of vile materials, when he can procure no better; but he no way ought to hinder others from erecting more glorious Fabricks if they are furnish'd with the means requir'd. Besides, such is the imperfection of all human Constitutions, that they are subject to perpetual fluctuation, which never permits them to continue long in the same condition: Corruptions slide in insensibly; and the best Orders are sometimes subverted by malice and violence: so that he who only regards what was done in such an age, often takes the corruption of the State for the institution, follows the worst example, thinks that to be the first that is the most antient he knows; and if a brave People seeing the original defects of their Government, or the corruption into which it may be fallen, do either correct and reform what may be amended, or abolish that which was evil in the institution, or so perverted, that it cannot be restor'd to integrity, these men impugn it to sedition, and blame those actions, which of all that can be perform'd by men are the most glorious. We are not therefore so much to inquire after

* Nullum campus, nulla præscriptioni occurrit veritati. Tertul. Id antiquius quod verius. Ibid. that
that which is most ancient, as that which is best, and most conducing to the good ends to which it was directed. As Governments were instituted for the obtaining of Justice, and (as our Author says) the preservation of Liberty, we are not to seek what Government was the first, but what best provides for the obtaining of Justice, and the preservation of Liberty. For whatsoever the Institution be, and how long forever it may have lasted, 'tis void, if it thwarts, or does not provide for the end of its establishment. If such a Law or Custom therefore as is not good in itself, had in the beginning prevail'd in all parts of the world (which in relation to abolish or any kind of Monarchy is not true) it ought to be abolish'd; and if any man should shew himself wiser than others by proposing a Law or Government, more beneficial to mankind than any that had bin formerly known, providing better for Justice and Liberty than all others had done, he would merit the highest veneration. If any man ask, who shall be Judge of that rectitude or pravity which either authorizes or destroys a Law? I answer, that as this confilts not in formality and nicety, but in evident and substantial truths, there is no need of any other Tribunal than that of common sense, and the light of nature, to determine the matter: and he that travels thro' France, Italy, Turkey, Germany and Switzerland, without consulting Bartolus or Baldus, will easily understand whether the Countries that are under the Kings of France and Spain, the Pope and the Great Turk, or such as are under the care of a well-regulated Magistracy, do best enjoy the benefits of Justice and Liberty. 'Tis as easily determin'd whether the Grecians when Athenes and Thebes flourish'd were more free than the Medes; whether Justice was better administer'd by Agathocles, Dionysius and Phalaris, than by the legal Kings and regular Magistrats of Sparta; or whether more care was taken that Justice and Liberty might be preferv'd by Tiberius, Caligula, Claudius, Nero and Vitellius, than by the Senat and People of Rome whilst the Laws were more powerful than the commands of men. The like may be said of particular Laws, as those of Nahuahodonofor and Caligula, for worshipping their Statues; our Acts of Parliament against Hereticks and Lollards, with the Statutes and Orders of the Inquisition which is call'd the Holy Office. And if that only be a Law which is sanctio recta, jubens honesta, prohibens contraria, the meanest understanding, if free from passion, may certainly know that such as these cannot be Laws, by what Authority forever they were enacted; and that the use of them, and others like to them, ought to be abolish'd for their turpitude and iniquity. Infinite examples of the like nature might be alluded to, as well concerning divine as human things. And if there be any Laws which are evil, there cannot be an incontestable rectitude in all; and if not in all, it concerns us to examine where it is to be found. Laws and Constitutions ought to be weigh'd; and whilst all due reverence is paid to such as are good, every Nation may not only retain in it self a power of changing or abolishing all such as are not so, but ought to exercise that Power according to the best of their understanding; and in the place of what was either at first mistaken, or afterwards corrupted, to constitute that which is most conducing to the establishment of Justice and Liberty. But such is the condition of mankind, that nothing can be so perfectly fram'd as not to give some testimony of human imbecillity, and frequently to stand in need of reparations and amendments. Many things are unknown to the wiseft, and the best men can never wholly devote themselves of passions and affections. By this means the best and wisest are
sometimes led into Error, and stand in need of Successors like to themselves, who may find remedies for the faults they have committed; and nothing can or ought to be permanent but that which is perfect. No natural body was ever so well temper'd and organiz'd, as not to be subject to diseases, wounds or other accidents, and to need medicines and other occasional helps as well as nourishment and exercise: and he who under the name of Innovation would deprive Nations of the like, dos, as much as lies in him, condemn them all to perish by the defects of their own foundations. Some men observing this, have propos'd a necessity of reducing every State once in an age or two, to the integrity of its first principle: but they ought to have examin'd, whether that principle be good or evil, or so good that nothing can be added to it, which none ever was; and this being so, those who would admit of no change would render Errors perpetual, and depriving Mankind of the benefits of Wisdom, Industry, Experience, and the right use of Reason, oblige all to continue in the miserable barbarity of their Ancestors, which fuits better with the nature of a Wolf than that of a Man.

Those who are of better understanding, weigh all things, and often find reason to abrogate that which their fathers, according to the measure of the knowledge they had, or the state of things among them, had rightly instituted, or to restore that which they had abrogated; and there can be no greater mark of a most brutifh stupidity, than for men to continue in an evil way, because their fathers had brought them into it. But if we ought not too strictly to adhere to our own Constitutions, those of other Nations are left to be regarded by us; for the Laws that may be good for one People are not for all, and that which agrees with the manners of one Age, is utterly abhorrent from those of another. It were absurd to think of restoring the Laws of Lycurgus to the present inhabitants of Pelopennesus, who are accustom'd to the most abject slavery. It may easily be imagin'd, how the Romans, Sabins and Latins, now under the tyranny of the Pope, would relish such a disciplin as flourisht among them after the expulsion of the Tarquins; and it had bin no les preposterous to give a liberty to the Parthians of governing themselves, or for them to assume it, than to impose an abolute Monarch upon the German Nation. Titus Livius having observ'd this, says, that if a popular Government had bin set up in Rome immediately upon the building of the City; and if that fierce people, which was compos'd of unruly Shepherds, herdsmen, fugitive slaves, and out law'd persons, who could not suffer the Government under which they were born, had come to be incited by turbulent Orators, they would have brought all into confusion: whereas that boisterous humor being gradually temper'd by disciplin under Romulus, or taught to vent its fury against foreign enemies, and soften'd by the peaceable reign of Numa, a new Race grew up, which being all of one blood, contracted a love to their Country, and became capable of Liberty, which the madness of their last King, and the leudnes of his Son, gave them occasion to resume. If this was commendable in them, it must be so in other Nations. If the Germans might preserve their Liberty, as well as the Parthians submit themselves to abolute Monarchy; it is as lawful for the descendents of those Germans to continue in it, as for the Eastern Nations to be slaves. If one Nation may justly chuse the Government that seems best to them, and continue or alter it according to the changes of times and things, the same right must belong to others. The great variety of Laws that are or have bin in the world, proceeds from
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from this; and nothing can better show the wisdom and virtue, or the vices and folly of Nations, than the use they make of this right: they have bin glorious or infamous, powerful or despicable, happy or miserable, as they have well or ill executed it.

If it be said that the Law given by God to the Hebrews, proceeding from his wisdom and goodness, must needs be perfect and obligatory to all Nations: I answer, that there is a simple and a relative perfection; the first is only in God, the other in the things he has created. He saw that they were good; which can signify no more than that they were good in their kind, and fitted to the end for which he designed them. For if the perfection were absolute, there could be no difference between an Angel and a Worm; and nothing could be subject to change or death, for that is imperfection. This relative perfection is seen also by his Law given to mankind in the persons of Adam and Noah. It was good in the kind, fit for those times, but could never have bin enlarg’d or alter’d, if the perfection had bin simple; and no better evidence can be given to shew that it was not so, than that God did afterwards give one much more full and explicit to his People. This Law also was peculiarly applicable to that People and Seafon; for if it had bin otherwife, the Apostles would have oblig’d Christians to the intire observation of it, as well as to abtain from idolatry, fornication and blood. But if all this be not so, then their judicial Law, and the form of their Commonwealth must be receiv’d by all; no human Law can be of any value; we are all Brethren, no man has a prerogative above another; Lands must be equally divided amongst all; Inheritances cannot be alienated for above fifty years; no man can be rais’d above the rest unleas he be call’d by God, and enabled by his Spirit to conduct the People: When this man dies, he that has the same Spirit must succeed, as Joshua did to Moses, and his Children can have no title to his Office: when such a man appears, a Sanhedrim of seventy men chosen out of the whole People, are to judg such causes as relate to themselves, whilst those of greater extent and importance are refer’d to the General Assemblies. Here is no mention of a King, and consequently, if we must take this Law for our pattern, we cannot have one: If the point be driven to the utmoff, and the precept of Deuteronomy, where God permitted them to have a King, if they thought fit, when they came into the promis’d Land, be understood to extend to all Nations, every one of them must have the fame liberty of taking their own time, chusing him in their own way, dividing the Kingdom, having no King, and setting up other Governors when they please, as before the Election of Saul, and after the return from the Captivity: and even when they have a King, he must be such a one as is describ’d in the same Chapter, who no more resembles the Sovereign Majesty that our Author adores, and agrees as little with his Maxims, as a Tribun of the Roman People.

We may therefore conclude, that if we are to follow the Law of Moses, we must take it with all the appendages; a King can be no more, and no other wise than he makes him: for whatever we read of the Kings they had, were extreme deviations from it. No Nation can make any Law, and our Lawyers burning their Books may betake themselves to the study of the Pentateuch, in which tho some of them may be well vers’d, yet probably the profit arising from thence will not be very great.

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But if we are not oblig’d to live in a conformity to the Law of Moses, every People may frame Laws for themselves, and we cannot be deny’d the right that is common to all. Our Laws were not sent from Heaven, but made by our Ancestors according to the light they had, and their present occasions. We inherit the same right from them; and, as we may without vanity say that we know a little more than they did, if we find our selves prejudi’d by any Law that they made, we may repeal it. The safety of the People was their supreme Law, and is fo to us: neither can we be thought lefs fit to judg what conduces to that end, than they were. If they in any Age had bin perfully to put themselves under the power, or, in our Author’s phrase, under the sovereign Majesty of a child, a fool, a mad or desperately wicked person, and had annex’d the right confer’d upon him to fuch as ought succeed, it had not bin a just and right Sanction; and having none of the qualitys essentially belonging to a Law, could not have the effect of a Law. It cannot be for the good of a People to be govern’d by one, who by nature ought to be govern’d, or by age or accident is render’d unable to govern himself. The publick interests, and the concernments of private men in their lands, goods, liberties and lives (for the preservation of which, our Author says, the regal Prerogative is only constituted) cannot be prefer’d by one who is transport’d by his own passions or follys, a slave to his lufts and vices; or, which is sometimes worse, govern’d by the vileft of men and women who flatter him in them, and push him on to do such things as even they would abhor, if they were in his place. The turpitude and impious madness of such an act must necessarily make it void, by overthrowing the ends for which it was made, since that justice which was sought cannot be obtai’d, nor the evils that were fear’d prevented; and they for whose good it was intended, must necessarily have a right of abolishing it. This might be sufficient for us, tho’ our Ancestors had enflav’d themselves. But, God be thank’d, we are not put to that trouble: We have no reason to believe we are descended from such fools and beasts, as would willingly caft themselves and us into such excess of misery and flame, or that they were fo tame and cowardly to be subjedted by force or fear. We know the value they set upon their Liberties, and the courage with which they defended them: and we can have no better example to encourage us, never to suffer them to be violated or diminifh’d.

S E C T. XXVI.

The King may be entrusted with the power of chusing Judges, yet that by which they act is from the Law.

I Confess that no Law can be so perfect, to provide exactly for every case that may fall out, so as to leave nothing to the discretion of the Judges, who in some measure are to interpret them: But that Laws or Customs are ever few, or that the paucity is the reason that they cannot give special rules, or that Judges do refer to those Principles or Common Law Axioms, whereupon former Judgments in cases something alike have bin given
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given by former Judges, who all receive their Authority from the King in his right to give Sentence, I utterly deny; and affirm,

1. That in many places, and particularly in England, the Laws are so many, that the number of them has introduc'd an uncertainty and confusion, which is both dangerous and troublesome; and the infinite variety of adjudg'd Cases thwarting and contradicting each other, has render'd these difficulties inextricable. Tacitus imputes a great part of the miseries suffer'd by the Romans in his time to this abuse, and tells us, that * the Laws grew to be innumerable in the worst and most corrupt state of things, and that Justice was overthrown by them. By the same means in France, Italy, and other places, where the Civil Law is render'd municipal, Judgments are in a manner arbitrary; and tho' the intention of our Laws be just and good, they are so numerous, and the volumes of our Statutes with the Interpretations and adjudg'd Cases so vast, that hardly any thing is so clear and fix'd, but men of wit and learning may find what will serve for a pretence to justify almost any judgment they have a mind to give. Whereas the Laws of Moses, as to the Judicial part, being short and few, Judgments were easy and certain; and in Switzerland, Sweden, and some parts of Denmark, the whole Volume that contains them may be read in few hours, and by that means no injustice can be done which is not immediately made evident.

2. Axioms are not rightly grounded upon judg'd Cases, but Cases are to be judg'd according to Axioms: the certain is not prov'd by the uncertain, but the uncertain by the certain; and every thing is to be esteem'd uncertain till it be prov'd to be certain. Axioms in Law are, as in Mathematicks, evident to common sense; and nothing is to be taken for an Axiom, that is not so. Euclid does not prove his Axioms by his Propositions, but his Propositions, which are abstruse, by such Axioms as are evident to all. The Axioms of our Law do not receive their Authority from Coke and Hales, but Coke and Hales deserve praise for giving judgment according to such as are undeniably true.

3. The Judges receive their Commissions from the King; and perhaps it may be laid, that the Custom of naming them is grounded upon a right with which he is entrusted; but their power is from the Law, as that of the King also is. For he who has none originally in himself, can give none unless it be first confer'd upon him. I know not how he can well perform his Oath to govern according to Law, unless he execute the power with which he is entrusted, in naming those men to be Judges, whom in his confidence, and by the advice of his Council, he thinks the best and ablest to perform that Office: But both he and they are to learn their duty from that Law, by which they are, and which allot's to every one his proper work. As the Law intends that men should be made Judges for their integrity and knowledge in the Law, and that it ought not to be imagin'd that the King will break his truth by chusing such as are not so, till the violation be evident, nothing is more reasonable than to intend that the Judges so qualify'd should instruct the King in matters of Law. But that he who may be a child, over-arg'd, or otherwise ignorant and incapable, should instruct the Judges, is equally absurd: as for a blind man to be a guide to those who have the best eyes; and is abhorrent from the meaning of the Law, that the Judges (as I said be-
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Chap. III. fore) are sworn to do justice according to the Laws, without any regard to the King's words, letters or commands. If they are therefore to act according to a set rule, from which they may not depart what command soever they receive, they do not act by a power from him, but by one that is above both. This is commonly confessed; and tho some Judges have been found in several ages, who in hopes of reward and preferment have made little account of their Oath, yet the successes that many of them have had, may reasonably deter others from following their example: and if there are not more instances in this kind, no better reason can be given, than that (a) Nations do frequently fail, by being too remiss in afforting their own rights or punishing offenders, and hardly ever err on the severer side.

4. Judgments are variously given in several States and Kingdoms, but he who would find one where they lie in the breast of the King, must go at least as far as Morocco. Nay, the Embassador who was lately here from that place, deny'd that they were absolutely in him. However 'tis certain that in England, according to the Great Charter, * judgments are pass'd by equals: no man can be imprison'd, disfize'd of his Freehold, depriz'd of Life or Limb, unless by the sentence of his Peers. The Kings of Judah did pass judgment, and the Judgments they gave were in and with the Sanhedrin. In England the Kings do not judge, but are judg'd: and Bracton says, || That in receiving justice the King is equal to another man; which could not be, if judgments were given by him, and he were exempted from the judgment of all by that Law, which has put all judgments into the hands of the People. This power is executed by them in grand or petty Jurys, and the Judges are assistants to them in explaining the difficult points of the Law, in which 'tis presum'd they should be learned. The strength of every judgment consists in the verdict of these Jurys, which the Judges do not give, but pronounce or declare: and the same Law that makes good a verdict given contrary to the advice or direction of the Judges, exposes them to the utmost penalties, if upon their own heads, or a command from the King, they should presume to give a Sentence, without or contrary to a Verdict; and no pretensions to a power of interpreting the Law can exempt them if they break it. The power also with which the Judges are entrusted, is but of a moderate extent, and to be executed bona fide. Prevarications are capital, as they prov'd to Treftian, Empfon, Dudley, and many others. Nay even in special Verdicts, the Judges are only assistants to the Jurys who find it specially, and the Verdict is from them; tho the Judges having heard the point argued, declare the sense of the Law thereupon. Wherefore if I should grant that the King might personally assist in judgments, his work could only be to prevent frauds, and by the advice of the Judges to see that the Laws be duly executed, or perhaps to inspect their behaviour. If he has more than this, it must be by virtue of his politic capacity, in which he is understood to be always present in the principal Courts, where Justice is always done whether he who wears the Crown be young or old, wise or ignorant, good or bad, or whether he like or dislike what is done.

(a) Jure igitur plètimum; nisi eam maliorem impunita feeleri, rutiliorem, nimmeram ad unum eucta perueniuit licentia. Cicero.
* Judicia sunt per partes. Mag. Chart.
† Nisi per judicium parium fuorum. Ibi.
§ Judicabatur & judicabantur. Almivind.
|| In justitia recipienda rex eunliber ex plebe aequalis est.

More
Moreover, as Governments are instituted for the obtaining of Justice, Sect. 26.

and the King is in a great measure entrusted with the power of executing it, 'tis probable that the Law would have requir'd his presence in the distribution, if there had bin but one Court; that at the same time he could be present in more than one; that it were certain he would be guilty of no miscarriages; that all miscarriages were to be punish'd in him as well as in the Judges; or that it were certain he should always be a man of such wisdom, industry, experience and integrity, as to be an affilience to, and a watch over those who are appointed for the administration of Justice. But there being many Courts sitting at the same time of equal Authority, in several places far distant from each other; it being impossible for the King to be present in all; there being no manner of assurance that the same or greater miscarriages may not be committed in his absence than in his absence, by himself than others; no opportunity of punishing every delict in him, without bringing the Nation into such disorder, as may be of more prejudice to the publick than an injury done to a private man; the Law which intends to obviate offences, or to punish such as cannot be obviated, has directed, that those men should be chosen who are most knowing in it, impose an Oath upon them, not to be diverted from the due course of justice by fear or favor, hopes or reward, particularly by any command from the King; and appoints the severest punishments for them if they prove false to God and their Country.

If any man think that the words cited from Bracton by our Author upon the question, Quis primum & principaliter posset & debet judicare, &c. Sciemus ut quod Rex & non alius, si jusad hoc sufficiere posset; cum ad hoc per virtutem Sacramenti tenesatur, are contrary to what I have said, I desire the context may be consider'd, that his opinion may be truly understood, tho the words taken simply and nakedly may be enough for my purpose. For 'tis ridiculous to infer that the King has a right of doing any thing, upon a supposition that 'tis impossible for him to do it. He therefore who says the King cannot do it, says it must be done by others, or not at all. But having already prov'd that the King, merely as King, has none of the qualities requir'd for judging all or any causes, and that many Kings have all the defects of age and person that render men most unable and unfit to give any Sentence; we may conclude, without contradicting Bracton, that no King as King has a power of judging, because some of them are utterly unable and unfit to do it; and if any one has such a power, it must be confer'd upon him by those who think him able and fit to perform that work. When Filmer finds such a man, we must inquire into the extent of that power which is given to him; but this would be nothing to his general proposition, for he himself would hardly have infer'd, that because a power of judging in some cases was confer'd upon one Prince on account of his fitness and ability, therefore all of 'em, however unfit and unable, have a power of deciding all cases. Besides, if he believe Bracton, this power of judging is not inherent in the King, but incumbent upon him by virtue of his Oath, which our Author endeavours to encrate and annul. But as that Oath is grounded upon the Law, and the Law cannot presume impossibilitys and abfurdietys, it cannot intend, and the Oath cannot require, that a man should do that which he is unable and unfit todo. Many Kings are unfit to judge causes, the Law cannot therefore intend they should do it. The Context also shews, that this imagination of the King's judging all causes, if he could,
Chap. III. could, is merely chimerical: for Bradton says in the same Chapter, that
the power of the King is the Power of the Law; that is, that he has no
power but by the Law. And the Law that aims at justice, cannot
make it to depend upon the uncertain humor of a Child, a Woman, or a
foolish Man; for by that means it would destroy it self. The Law can-
not therefore give any such power, and the King cannot have it.

If it be said that all Kings are not so; that some are of mature age,
wife, just and good; or that the question is not what is good for the
Subject, but what is glorious to the King, and that he must not lose his
right the People perish; I answer, first, that whatsoever belongs to
Kings as Kings, belongs to all Kings: this Power of judging cannot be-
long to all for the Reasons above-mention'd: it cannot therefore belong
to any as King, nor without madness be granted to any, till he has given
testimony of such Wisdom, Experience, Diligence and Goodness, as is
required for so great a work. It imports not what his Ancestors were;
Vertues are not entail'd; and it were les improper for the Heirs of Hales
and Harvey, to pretend that the Clients and Patients of their Ancestors
should depend upon their advice in matters of Law and Physick, than
for the Heirs of a great and wise Prince to pretend to Powers given on
account of vertue, if they have not the same talents for the performance
of the works required.

Common fente declares, that Governments are instituted, and Indica-
tures ercited for the obtaining of justice. The Kings Bench was not
established that the Chief Justice should have a great Office, but that the
oppressed should be reliev'd, and right done. The Honor and Profit he
receives, comes in as it were by accident, as the rewards of his service,
if he rightly perform his duty: but he may as well pretend he is there
for his own sake, as the King. God did not set up Moses or Joshua,
that they might glory in having six hundred thousand men under their
command, but that they might lead the People into the Land they were
to possess: that is, they were not for themselves, but for the People;
and the glory they acquire'd was by rightly performing the end of their
institution. Even our Author is oblig'd to confess this, when he says,
that the King's Prerogative is instituted for the good of those that are un-
der it. 'Tis therefore for them that he enjoys it, and it can no other wise
subsist than in concurrence with that end. He also yields that the safety
of the People is the supreme Law. The right therefore that the King has
must be conformable and subordinate to it. If any one therefore set up
an interest in himself that is not so, he breaks this supreme Law; he does
not live and reign for his People but for himself, and by departing from
the end of his institution destroys it: and if Aristotle (to whom our Au-
thor seems to have a great deference,) deserves credit, such a one ceases
to be a King, and becomes a Tyrant: he who ought to have bin the
best of men is turn'd into the worst; and he who is recommended to us
under the name of a Father, becomes a publick Enemy to the People.
The question therefore is not, what is good for the King, but what is
good for the People, and he can have no right repugnant to them.

Bradton is not more gentle. The King, says he, is oblig'd by his Oath,
to the utmost of his power, to preserve the Church, and the Christian World
in peace; to hinder rapine, and all manner of iniquity; to cause justice and
mercy to be observed: He has no power but from the Law: that only is to be
taken for Law, qui recte futurum definisset: he is therefore to cause justice
to be done according to that rule, and not to pervert it for his own plea-

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Sect. 26. If any man who is unskilful assume the seat of justice, he falls as from a Precipice, &c. and this the same thing as if a sword be put into the hand of a madman; which cannot but affect the King as well as those who are chosen by him. If he neglect the functions of his Office, he does unjustly, and becomes the Vicerect of the Devil; for he is the Minister of him whose works he does. This is Bracton’s opinion: but desiring to be a more gentle Interpreter of the Law, I only wish that Princes would consider the end of their institution; endeavour to perform it; measure their own abilities; content themselves with that power which the Laws allow, and abhor those Wretches who by fretty and lies endeavour to work upon their fraileft Passions, by which means they draw up ‘em that hatred of the People, which frequently brings them to destruction.

The Olpian’s words, Princeps legis non senetur, be granted to have bin true in fact, with relation to the Roman Empire, in the time when he liv’d; yet they can conclude nothing against us. The Liberty of Rome had bin overthrown long before by the power of the Sword, and the Law render’d subervient to the will of the Ulurpers. They were not English-men, but Romans, who lost the Battels of Pharsalia and Philippi: The Carcades of their Senators, not ours, were expos’d to the Wolves and Vulturs: Pompeius, Scipio, Lentulus, Afranius, Petreius, Cat, Cassius and Brutus were defenders of the Roman, not the English Liberty; and that of their Country, not ours, could only be lost by their defeat. Those who were destroy’d by the Proscriptions, left Rome, not England to be enflav’d. If the best had gain’d the victory, it could have bin no advantage to us, and their overthrow can be no prejudice. Every Nation is to take care of their own Laws; and whether any one has had the Witdom, Vertue, Fortune and Power to defend them or not, concerns only themselves. The Examples of great and good men acting freely deferve consideration, but they only perrih by the ill successe of their designs; and whatsoever is afterwards done by their subdu’d Posterity ought to have no other effect upon the rest of the world, than to admonish them fo to join in the defence of their Libertys, as never to be brought under the neccessity of acting by the command of one, to the prejudice of themselves and their Country. If the Roman greatness persuade us to put an extraordinary value upon what pas’d among them, we ought rather to examine what they did, said, or thought when they enjoy’d that Liberty which was the Mother and Nurtre of their Vertue, than what they suffer’d, or were forc’d to say, when fallen under that Slavery which produc’d all manner of corruption, and made them the most base and miserable People of the world.

*Si quis minus sapient & indolent, sedem judicandi & homœftratem judicandi sibi præfumferit, exale corrunt, &c. & perindeicit ac sigladium ponerat in manu parentis. Ibid.
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For what concerns us, the Actions of our Ancestors resemble those of the antient rather than the later Romans: tho our Government be not the same with theirs in form, yet it is in principle; and if we are not degenerated, we shall rather desire to imitate the Romans in the time of their vertue, glory, power and felicity, than what they were in that of their flavery, vice, shame and misery. In the best times, when the Laws were more powerful than the commands of men, fraud was accounted a crime so detestable as not to be imputed to any but Slaves; and he who had sought a power above the Law under color of interpreting it, would have bin excluded from, or greater punishments, if any can be greater than the juft scorn of the beft men. And as neither the Romans, nor any people of the world, have better defended their liberties than the English Nation when any attempt has bin made to oppress them by force, they ought to be no lefs careful to preserve them from the more dangerous efforts of fraud and fallhood.

Our Ancestors were certainly in a low condition in the time of William the First: Many of their best men had perish'd in the Civil Wars or with Harold: their valor was great, but rough, and void of skill: The Normans by frequent Expeditions into France, Italy and Spain, had added subtilty to the boisterous violence of their native climate: William had engag'd his Faith, but broke it, and turn'd the power with which he was entrust'd to the ruin of those that had trusted him. He destroy'd many worthy men, carry'd others into Normandy, and thought himself Matter of all. He was crafty, bold, and elated with Victory; but the resolution of a brave People was invincible. When their Laws and Liberties were in danger, they resolved to die or to defend them, and made him see he could no otherwise preserve his Crown and Life than by the performance of his Oath, and accomplishing the ends of his Election. They neither took him to be the giver or interpreter of their Laws, and would not suffer him to violate those of their Ancestors. In this way they always continu'd; and tho' perhaps they might want skill to fall upon the surest and easiest means of restraining the lufts of Princes, yet they maintain'd their rights so well, that the wisest Princes seldom invaded them; and the successes of those who were so foolish to attempt it was such, as may justly deter others from following their unprosperous Examples. We have had no King since William the First more hardly than Henry the 8th. and yet he so entirely acknowledg'd the power of making, changing and repealing Laws to be in the Parliament, as never to attempt any extraordinary thing otherwise than by their Authority. It was not he, but the Parliament, that dissolv'd the Abbys: He did not take their Lands to himself, but receiv'd what the Parliament thought fit to give him: He did not reject the Supremacy of the Pope, nor assume any other power in spiritual matters, than the Parliament confer'd upon him. The intricacies of his Marriages, and the legitimations of his Children were settled by the same Power: At least one of his Daughters could not inherit the Crown upon any other Title; they who gave him a power to dispose of the Crown by will, might have given it to his Groom; and he was too haughty to ask it from them, if he had it in himself, which he must have had, if the Laws and Judicatures had bin in his hand.

This is farther evidenc'd by what pass'd in the Tower between Sir Thomas Moor and Rich the King's Solicitor, who asking, If it would not be treason to oppole Richard Rich, if the Parliament should make him King, Moor said that was Casus levii; for the Parliament could make and depose Kings.
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Kings as they thought fit; and then (as more conducing to his own cafe) ask'd Rich if the Parliament should enact that God should not be God, whether such as did not submit should be esteem'd Traytors? 'Tis evident that a man of the acutenefs and learning of Sir Tho. Moor would not have made use of such an Argument to avoid the necessity of obeying what the Parliament had ordain'd, by shewing his Cafe to be of a nature far above the power of man, unlefs it had bin confefs'd by all men that the Parliament could do whatsoever lay within the reach of human power. This may be enough to prove that the King cannot have a power over the Law; and if he has it not, the power of interpreting Law is absurdly attributed to him, since it is founded upon a supposition that he can make them, which is falfe.

S E C T. XXVII.

Magna Charta was not the Original, but a Declaration of the Eng-lish Liberties. The King's Power is not restrain'd, but created by that and other Laws; and the Nation that made them can only cor-rect the defects of them.

I Agree with our Author that Magna Charta was not made to restrain the absolute Authority; for no such thing was in being or pretended (the folly of such visions seeming to have bin referv'd to compleat the misfortune and ignominy of our age) but it was to affer the native and original Liberties of our Nation by the confefsion of the King then being, that neither he nor his Successors should any way encroach upon them: and it cannot be said that the power of Kings is diminifh'd by that or any other Law; for as they are Kings only by Law, the Law may confer power upon one in particular, or upon him and his Successors, but can take nothing from them, because they have nothing except what is given to them. But as that the Law gives, is given by thofe who make the Law, they only are capable of judging, whether he to whom they gave it, do well or ill implof that power, and confequently are only fit to correct the defects that may be found in it. Therefore tho I should confefs that faults may be found in many Statutes, and that the whole body of them is greatly defective, it will not follow that the compendious way of referring all to the will of the King should be taken. But what defects forever may be in our Law, the difeafe is not so great to require extreme remedies, and we may hope for a cheaper cure. Our Law may possibly have given away too much from the People, and provided only insufficient defences of our Liberties against the incroachments of bad Princes; but none who are not in judgment and honeftly like to our Au-thor, can propofe for a remedy to the evils that proceed from the error of giving too much, the refignation of all the reft to them. And whatever he says, 'tis evident that he knows this to be true, tho when he denies that the power of King can be restrain'd by Acts of Parliament, he endeavours to take advantage of such clauses as were either fraudulently inferred by the King's Officers, who till the days of Henry the Fifth for the moft part had the penning of the publick Acts, or tho negligence did not fully explain the intentions of the Legiflators; which would be to no purpose if all were put into the hands of the King by a general Law from God, that

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No human power could diminish or enlarge; and as his last shift would obliquely put all into the power of the King, by giving him a right of interpreting the Law, and judging such cases as are not clearly decided; which would be equally impertinent, if he had openly and plainly a right of determining all things according to his will.

But what defect forever may be in any Statutes, no great inconveniencies could probably ensue, if that for annual Parliament was observ'd, as of right it ought to be. Nothing is more unlikely, than that a great Assembly of eminent and chosen men should make a Law evidently destructive to their own designs; and no mischief that might emerge upon the discovery of a mistake, could be so extreme that the cure might not be deferred till the meeting of the Parliament, or at least forty days (in which time the King may call one) if that which the Law has fix'd seem to be too long. If he fails of this, he performs not his trust; and he that would reward such a breach of it with a vast and uncontrollable power, may be justly thought equal in madness to our Author, who by forbidding us to examine the titles of Kings, and enjoining an entire veneration of the power, by what means soever obtain'd, encourages the worst of men to murder the best of Princes, with an assurance that if they prosper they shall enjoy all the honors and advantages that this World can afford.

Princes are not much more beholden to him for the haughty language he puts into their mouths, it having bin observ'd that the worst are always most ready to use it; and their extravagances having bin often deriv'd by Law, sufficiently proves, that their power is not deriv'd from a higher original than the Law of their own Countries.

If it were true, that the answer sometimes given by Kings to Bills presented for their Assent, did, as our Author says, amount to a denial, it could only shew that they have a negative voice upon that which is agreed by the Parliament, and is far from a power of acting by themselves, being only a check upon the other parts of the Government. But indeed it is no more than an elusion; and he that dos by art obliquely elude, confesses he has not a right absolutely to refuse. 'Tis natural to Kings, especially to the worst, to struggle up their Authority to the height; and nothing can more evidently prove the defect of it, than the necessities of having recourse to such pitiful evasions, when they are unwilling to do that which is required. But if I should grant that the words import a denial, and that (notwithstanding those of the Coronation Oath, Quas usque elegerit) they might deny; no more could be inferred from thence, than that they are entrusted with a power equal in that point, to that of either House, and cannot be supreme in our Author's sense, unless there were in the same State at the same time three distinct supreme and absolute Powers, which is absurd.

His cases relating to the proceedings of the Star Chamber and Council-Table, do only prove that some Kings have increas'd upon the rights of the Nation, and bin suffer'd till their excesses growing to be extreme, they turn'd to the ruin of the Ministers that advis'd them, and sometimes of the Kings themselves. But the Jurisdiction of the Council having bin regulated by the Statute of 17 Car. 1. and the Star-Chamber more lately abolish'd, they are nothing to our dispute.

Such as our Author usually impute to Treason and Rebellion the changes that upon these occasions have ensu'd; but all impartial men do not only justify them, but acknowledge that all the Crowns of Europe are at this day enjoy'd by no other title than such Acts solemnly perform'd by the respective
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ofive Nations, who either dilliking the Person that pretended to the Crown (tho next in blood) or the Government of the present Possessor, have thought fit to prefer another Person or Family. They also say, as that no Government can be so perfect but some defect may be originally in it, or afterwards introduced, none can subsist unless they be from time to time reduced to their first integrity, by such an exertion of the power of those for whose sake they were instituted, as may plainly shew them to be subject to no power under Heaven, but may do whatever appears to be for their own good. And as the safety of all Nations consists in rightly placing and measuring this Power, such have bin found always to prosper who have given it to those from whom Usurpations were least to be fear'd, who have bin least subject to be aw'd, cheated or corrupted; and who having the greatest interest in the Nation, were most concern'd to preserve its power, liberty and welfare. This is the greatest trust that can be reposed in men. This power was by the Spartans given to the Ephori and the Senat of twenty eight; in Venice to that which they call Consilium de Pragadi; in Germany, Spain, France, Sweden, Denmark, Poland, Hungary, Bohemia, Scotland, England, and generally all the Nations that have liv'd under the Gothick Polity, it has bin in their General Assemblies, under the names of Diets, Cortez, Parliament, Senats, and the like. But in what hands soever it is, the power of making, abrogating, changing, correcting and interpreting Laws, has bin in the same; Kings have bin rejected or depos'd; the Succession of the Crown settled, regulated or chang'd: and I defy any man to shew me one King amongst all the Nations abovemention'd, that has any right to the Crown he wears, unless such acts are good.

If this power be not well plac'd, or rightly proportion'd to that which is given to other Magistrats, the State must necessarily fall into great disorders, or the most violent and dangerous means must be frequently us'd to preserve their Liberty. Spartas and Venice have rarely bin put to that trouble, because the Senats were so much above the Kings and Dukes in power, that they could without difficulty bring them to reason. The Gothick Kings in Spain never ventur'd to dispute with the Nobility; and Witts and Rodrigo expos'd the Kingdom a prey to the Moors, rather by weakening it thro' the neglect of Military discipline, joint to their own ignorance and cowardice, and by evil example bringing the youth to resemble them in levendness and baseness, than by establishing in themselves a power above the Law. But in England our Ancestors, who seem to have had some such thing in their eye, as balancing the powers, by a fatal mistake plac'd usually too much in the hands of the King, that whenever he happen'd to be bad, his extravagances could not be repuls'd without great danger. And as this has in several ages cost the Nation a vast proportion of generous blood, so 'tis the cause of our present difficulties, and threatens us with more, but can never deprive us of the rights we inherit from our fathers.

S E C T. XXVIII.

The English Nation has always bin govern'd by it self, or its Representatives.

HAVING prov'd that the People of England have never acknowledg'd any other human Law than their own, and that our Parliaments having the power of making and abrogating Laws, they only can inter-
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CHAP. III. interpret them and decide hard cases, it plainly appears there can be no truth in our Author's assertion, That the King is the Author, Corrector and Moderator of both Statute and Common Law: and nothing can be more frivolous than what he adds, that neither of them can be a diminution of that natural power which Kings have over their People as fathers; in as much as the differences between paternal and monarchical Power (as he afferts it) are vast and irreconcilable in principle and practice, as I have prov'd at large in the former parts of this Work.

But left we should be too proud of the honor he is pleas'd to do to our Parliaments by making use of their Authority, he says, We are first to remember that till the Conquest (which name for the glory of our Nation he gives to the coming in of the Normans) there could be no Parliament assembled of the General States, because we cannot learn that until those days it was entirely united in one. Secondly he doubts, Whether the Parliament in the time of the Saxons were composed of the Nobility and Clergy, or whether the Commons were also call'd; but concludes, there could be no Knights of any Shires, because there were no Shires. Thirdly, That Henry the first caus'd the Commons first to assemble Knights and Burgeoys of their own choosing; and would make this to be an Act of grace and favor from that King: but adds, that it had bin more for the honor of Parliaments, if a King whose title to the Crown had bin better, had bin the Author of the form of it.

In answer to the first, I do not think my self oblig'd to insist upon the name or form of the Parliament; for the Authority of a Magistracy proceeds not from the number of years that it has continu'd, but the rectitude of the Institution, and the Authority of those that instituted it. The power of Saul, David and Jerobeam was the same with that which belon'd to the left Kings of Israel and Judah. The Authority of the Roman Consuls, Dictators, Pretors and Tribuns, was the same as soon as it was establish'd; was as legal and just as that of the Kings of Denmark, which is said to have continu'd above three thousand years. For as time can make nothing lawful or just, that is not so of it self (tho men are unwilling to change that which has pleas'd their Ancestors, unless they discover great inconveniences in it) that which a People dos rightly establish for their own good, is of as much force the first day, as continuance can ever give to it: and therefore in matters of the greatest importance, wise and good men do not so much inquire what has bin, as what is good and ought to be; for that which of it self is evil, by continuance is made worse, and upon the first opportunity is justly to be abolish'd. But if that Liberty in which God created man, can receive any strength from continuance, and the rights of Englishmen can be render'd more unquestionable by prescription, I say that the Nations whole rights we inherit, have ever enjoy'd the Liberty's we claim, and always exercis'd them in governing themselves popularly, or by such Representatives as have bin instituted by themselves, from the time they were first known in the World.

The Britains and Saxons lay so long hid in the obscurity that accompany'd barbarism, that 'tis in vain to seek what was done by either in any Writers more antient than Caesar and Tacitus. The first describes the Britains to have bin a fierce People zealous for Liberty, and so obstinately valiant in the defence of it, that tho they wanted skill, and were overpower'd by the Romans, their Country could no otherwise be subdu'd, than by the slaughter of all the Inhabitants able to bear arms. He calls them a free People, in as much as they were not like the Gauls, govern'd by Laws, made
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made by the great Men, but by the People. In his time they chose Calpurnius, and afterwards Caratacus, Arviraucus, Galgacus, and others to command them in their wars, but they retain'd the Government in themselves. That no force might be put upon them, they met arm'd in their general Assemblies; and tho' the smaller matters were left to the determination of the Chief men chosen by themselves for that purpose, they reserved the most important (amongst which the choosing of those men was one) to themselves. When the Romans had brought them low, * they set up certain Kings to govern such as were within their Territories: but those who defended themselves by the natural strength of their situation, or retir'd into the North, or the Islands, were still govern'd by their own Custom, and were never acquainted with domestick or foreign slavery. The Saxons, from whom we chiefly derive our Original and Manners, were no less lovers of Liberty, and better understood the ways of defending it. They were certainly the most powerful and valiant People of Germany; and what the Germans perform'd under Ariovistus, Arminius and Marobodorus, shews both their force and their temper. If ever fear enter'd into the heart of Cesar, it seems to have bin when he was to deal with Ariovistus. The advantages that the brave Germanicus obtain'd against Arminius, were at least thought equal to the greatest Victory that had bin gain'd by any Roman Captain; because these Nations fought not for riches, or any instruments of Luxury or Pleasure, which they despis'd, but for Liberty. This was the Principle in which they liv'd, as appears by their words and actions; so that Arminius, when his brother Plautus, who serv'd the Romans, boafted of the increase of his pay, and the marks of honor he had receiv'd, in scorn call'd them the ** rewards of the vilest servitude: but when he himself endeavour'd to usurp a power over the Liberty of his Country which he had so bravely defended, he was kill'd by those he would have opprest. Tacitus farther describing the nature of the Germans, shews that the Romans had run greater hazards from them than from the Samnites, Carthaginians and Parthians, and attributes their Bravery to the † Liberty they enjoy'd; for they are, says he, neither || exhausted by Tributes, nor vex'd by Publicans: and left this Liberty should be violated, [|| the chief men consult about things of lesser moment; but the most important matters are determin'd by all. Whoever would know the opinion of that wise Author concerning the German Liberty, may read his excellent Treatise of their Manners and Customs; but I presume this may be enough to prove that they liv'd free under such Magistrats as they chose, regulated by such Laws as they made, and retain'd the principal powers of the Government in their general or particular Councils. Their Kings and Princes had no other power than what was confer'd upon them by these Affemblys, who having all in themselves could receive nothing from them who had nothing to give.

* Inter instrumenta servitutis reges habuerer. C. Tacit.
** Vils servitii prsimis. Tacit.
† Quippe gravior est Arfacis regno Germanorum Libertas.
** Exempti oneribus & collationibus, & tamen in ufan prahorium iecerti, velut tela & arma: bellis referrevelarur.
†† De minoribus principes consulunt, de majoribus omnes. C. Tac. de mor. Germ.
†† Ut curae placuit conditum armatis, siliceniim per facerodes, quibus sum coerendi in us, impetrar. Mox Rex vel Principes proua aras cultuque, proue nobilitas, proue decus bellorum, proue iacendi est, audirentur, autoritati suadendi, magis quam iubendi potestatae. Si dictisque sententias, fremitus afflictur; si placuit, frances concutient, &c. Ibid.
'Tis as easily prov'd that the Saxons or Angli, from whom we descend, were eminent among those, whose power, virtue, and love to Liberty the abovemention'd Historian so highly extols, in as much as besides what he says in general of the Saxons, he names the Angli; describes their habitation near the Elb, and their religious worship of the Goddes Ertham, or the Earth, celebrated in an Island lying in the mouth of that River, thought to be Holigland; in resemblance of which a small one lying over against Berwick, is call'd Holy Island. If they were free in their own Country, they must have bin so when they came hither. The manner of their coming shews they were more likely to impose, than submit to slavery; and if they had not the name of Parliament, it was because they did not speak French; or, not being yet join'd with the Normans, they had not thought fit to put their Affairs into that method; but having the root of Power and Liberty in themselves, they could not but have a right of establiishing the x one a form such as best pleas'd them, for the preservation of the other.

This being, as I suppose, undeniable, it imports not whether the Assemblys in which the Supreme Power of each Nation did reside, were frequent or rare; compos'd of many or few Persons, sitting altogether in one place, or in more; what name they had; or whether every Free man did meet and vote in his own person, or a few were delegated by many. For they who have a Right inherent in themselves, may resign it to others; and they who can give a Power to others, may exercise it themselves, unless they recede from it by their own act; for it is only matter of convenience, of which they alone can be the Judges, because 'tis for themselves only that they judge. If this were not so, it would be very prejudicial to Kings: for 'tis certain that Caesarlaunus, Carallatus, Arvires, Galgacus, Hengist, Horfa, and others amongst the Britains and Saxons, what name soever may have bin abusively given to them, were only temporary Magistrats chos'd upon occasion of present Wars; but we know of no time in which the Britains had not their Great Council to determine their most important Affairs: and the Saxons in their own Country had their Councils, where all were present, and in which Tacitus assures us they dispatch'd their greatest Busines. These were the same with the Micklegemont which they afterwards held here, and might have bin call'd by the same name, if Tacitus had spoken Dutch.

If a People therefore have not a power to create at any time a Magistracy which they had not before, none could be created at all, for no Magistracy is eternal: And if for the validity of the Constitution it be necessary, that the beginning must be unknown, or that no other could have bin before it, the Monarchy amongst us cannot be establis'd upon any right; for tho our Ancestors had their Councils and Magistrats, as well here as in Germany, they had no Monarchs. This appears plainly by the testimony of Cesar and Tacitus; and our later Histories show, that as soon as the Saxons came into this Country, they had their Micklegemonts, which were general Assemblys of the Noble and Free men, who had in themselves the Power of the Nation: and tho when they increas'd in numbers, they erect'd seven Kingdoms, yet every one retain'd the same usage within it fell. These Assemblys were evidently the same in power with our Parliaments; and tho they differ'd in name or form, it matters not, for they who could act in the one, could not but have a power of instituting the other; that is, the same People that could meet together in their own Person, and according to their
own pleasure order all matters relating to themselves, whilst three or four County's only were under one Government, and their numbers were not so great, or their habitation so far distant, that they might not meet altogether without inconvenience, with the fame Right might depcute others to represent them, when being jointed in one, no place was capable of receiving so great a multitude, and that the Frontiers would have bin expos'd to the danger of foreign Invasions, if any such thing had bin practis'd.

But if the Authority of Parliaments, for many Ages representing the whole Nation, were lefs to be valu'd (as our Author signifies) because they could not represent the whole, when it was not joint in one Body, that of Kings must come to nothing; for there could be no one King over all, when the Nation was divided into seven distinct Governments: And 'tis most absurd to think that the Nation, which had seven Great Councils, or Wittenagemots, at the same time they had seven Kingdoms, could not as well unite the seven Councils as the seven Kingdoms into one. 'Tis to as little purpose to say, that the Nation did not unite it self, but the several parcels came to be inherited by one; for that one could inherit no more from the others than what they had; and the seven being only Magiftrats set up by the Wittenagemots, &c. the one must be also. And 'tis neither reasonable to imagin, nor possible to prove, that a fierce Nation, jealous of Liberty, and who had obstinately defended it in Germany against all Invaders, should conquer this Country to enslave themselves, and purchase nothing by their Valor but that Servitude which they abhor'd; or be lefs free when they were united into one State, than they had bin when they were divided into seven; and leas of all, that one man could first subdue his own People, and then all the reft, when by endeavouring to subdue his own, he had broken the Truth repos'd in him, and loft the Right confer'd upon him, and without them had not power to subdue any. But as it is my fate almost ever to diffent from our Author, I affirm, That the variety of Government, which is observ'd to have bin amongst the Saxons, who in some Ages were divided, in others united; sometimes under Captains, at other times under Kings; sometimes meeting personally in the Wittenagemots, sometimes by their Delegates in the Wittenagemots, does evidently teftify, that they order'd all things according to their own pleasure; which being the utmost A& of Liberty, it remain'd inviolable under all thofe changes, as we have already prov'd by the Examples of Offa, Ina, Alfred, Canutus, Edward, and other particular, as well as univerfal Kings: And we may be fure thofe of the Norman Race can have no more power, since they came in by the fame way, and swore to govern by the fame Laws.

2. I am no way concern'd in our Author's doubt, Whether Parliaments did in thofe days confit of Nobility and Clergy; or, Whether the Commons were also call'd. For if it were true, as he afferts, that according to the eternal Law of God and Nature, there can be no Government in the World but that of an absolute Monarch, whose Sovereign Majesty can be diminifh'd by no Law or Custom, there could be Parliaments, or other Magiftracys, that did not derive their Power and Being from his Will. But having prov'd that the Saxons had their General Councils and Assemblys when they had no Kings; that by them Kings were made, and the greateff Affairs determin'd, whether they had Kings or not; it can be of no importance, whether in one or more Ages the Commons had a part in the Government, or not. For the fame
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Chap. III. Power that instituted a Parliament without them, might, when they thought fit, receive them into it: or rather, if they who had the Government in their hands, did, for reasons known to themselves, recede from the exercise of it, they might refuse it when they pleas'd.

Nevertheless it may be worth our pains to inquire what our Author means by Nobility. If such, as at this day by means of Patents obtain'd for mony, or by favor, without any regard to Merit in the Persons or their Ancestors, are call'd Dukes, Marquisses, &c. I give him leave to impute as late and base an Original to them as he pleases, without fearing that the Rights of our Nation can thereby be impair'd; and am content, that if the King do not think fit to support the Dignity of his own Creatures, they may fall. But if by Noblemen we are to understand such as have bin ennobld by the vertues of their Ancestors, manifested in Services done to their Country, I say, that all Nations, amongst whom Vertue has bin esteem'd, have had a great regard to them and their Power: and the Kings, when they were made, have bin enthrall'd by the Saxons, and other Nations, with a Power of ennobling those who by Services render'd to their Country might deserve that Honor, yet the Body of the Nobility was more antient than such; for it had bin equally impossible to take * Kings (according to Tacitus) out of the Nobility, if there had bin no Nobility, as to take Captains for their Vertue, if there had bin no Vertue. Princes could not without breach of Trust confer Honors upon those that did not deserve them; which is so true, that this practice was object'd as the greatest crime against * Vortigern, the last and the worst of the Britifh Kings: and tho he might pretend (according to such cavils as are usually in our time) that the judgment of those matters was refer'd to him; yet the World judg'd of his Crimes, and when he had render'd himself odious to God and Men by them, he perish'd in them, and brought destruction upon his Country that had suffer'd them too long.

As among the Turks, and most of the Eastern Tyrannies, there is no Nobility, and no man has any considerable advantage above the common People, unless by the immediate favor of the Prince; so in all the legal Kingdoms of the North, the strength of the Government has always bin plac'd in the Nobility; and no better defence has bin found against the encroachments of ill Kings, than by setting up an Order of Men, who by holding large Territories, and having great numbers of Tenants and Dependents, might be able to restrain the exorbitances, that either the Kings or the Commons might run into. For this end Spain, Germany, France, Poland, Denmark, Sweden, Scotland and England, were almost wholly divided into Lordships under several names, by which every particular Peer or baron ow'd Allegiance (that is, such an Obedience as the Law requires) to the King, and he reciprocally swore to perform that which the same Law exacted from him.

When these Nations were converted to the Christian Religion, they had a great veneration for the Clergy; and not doubting that the Men

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* Reges ex nobilitate, duces ex virtute sumere.

whom they esteem'd holy, would be just, thought their Liberties could not be better secure'd, than by joining those who had the direction of their Conferences, to the Noblemen who had the command of their Forces. This succeeded so well (in relation to the defence of the publick Rights) that in all the formentioned States, the Bishops, Abbots, &c. were no less zealous or bold in defending the publick Liberty, than the best and greatest of the Lords: And if it were true, that things being thus establish'd, the Commons did neither personally, nor by their Representatives, enter into the General Assemblies, it could be of no advantage to Kings: for such a Power as above-mention'd, is equally inconsistent with the absolute Sovereignty of Kings, if plac'd in the Nobility and Clergy, as if the Commons had a part. If the King has all, no other Man, nor number of Men can have any. If the Nobility and Clergy have the power, the Commons may have their share also. But I affirm, that those whom we now call Commons, have always had a part in the Government, and their place in the Councils that manag'd it; for if there was a distinction, it must have bin by Patent, Birth, or Tenure.

As for Patents, we know they began long after the coming of the Normans; and those that now have them cannot pretend to any advantage on account of Birth or Tenure, beyond many of those who have them not. Nay, besides the several Branches of the Families that now enjoy the most antient Honors, which consequently are as noble as they, and some of them of the elder Housés, we know many that are now call'd Commoners, who in antiquity and eminency are no way inferior to the chief of the titular Nobility: and nothing can be more absurd, than to give a Prerogative of Birth to Cr-v-n, T-f-n, H-de, B-n-n-t, O-s-r-n, and others, before the Cliftons, Hampdens, Courtnys, Pelhams, St. Johns, Baintons, Wilbrams, Hungerford's, and many others. And if the Tenures of their Estates be consider'd, they have the fame, and as antient as any of those who go under the names of Duke, or Marques. I forbear to mention the forbid ways of attaining to Titles in our days; but whoever will take the pains to examin them, shall find that they rather defile than ennoble the possessors. And whereas Men are truly ennobl'd only by Virtue, and respect is due to such as are descend'd from those who have bravely serv'd their Country, because it is presum'd (till they shew the contrary) that they will resemble their Ancestors, these modern Courtiers, by their Names and Titles, frequently oblige us to call to mind such things as are not to be mention'd without blushing. Whatever the antient Noblemen of England were, we are sure they were not such as these. And tho' it should be confess'd that no others than Dukes, Marqueses, Earls, Vicounts, and Barons, had their places in the Councils mention'd by Cesar and Tacitus, or in the great Assemblies of the Saxons, it could be of no advantage to such as are now call'd by those names. They were the titles of Offices confer'd upon those, who did and could best conduct the People in time of War; give Council to the King; administer Justice, and perform other publick duties; but were never made hereditary except by abuse; much less were they hold for mony, or given as recompences of the vilest services. If the antient Order be totally inverted, and the ends of its Institution perverted, they who from thence pretend to be distinguish'd from other men, must build their Claim upon something very different from Antiquity.

This being sufficient (if I mistake not) to make it appear, That the antient Councils of our Nation did not consist of such as we now call Noblemen, it may be worth our pains to examin of what sort of men they
did confift: And tho' I cannot much rely upon the credit of Camden, which he has forfeited by a great number of untruths, I will begin with him, because he is cited by our Author. If we will believe him, (a) That which the Saxons called Wittenagemot, we may justly name Parliament, which has the supreme and most sacred Authority of making, abrogating and interpreting Laws, and generally of all things relating to the safety of the Commonwealth. This Wittenagemot was, according to William of Malmsbury, (b) The general meeting of the Senat and People; and Sir Harry Spen-
man calls it, (c) The General Council of the Clergy and People. In the As-
sembly at Calcuth it was decreed by the Archbishops, Bishops, Abbots, Dukes, Senators, and the People of the Land (Populo terre) that the (d) Kings should be elected by the Priests and Elders of the People. By these Offa, Ina, and others, were made Kings; and Alfred in his Will acknow-
ledg'd his (e) Crown from them. Edgar was elected by all the People, and not long after depos'd by them, and again restor'd in a (f) General Assembly. These things being sometimes faid to be done by the assent of the Barons of the Kingdom, Camden says, That under the name of the (g) Baronage, all the Orders of the Kingdom are in a manner comprehended; and it cannot be otherwise understood, if we consider that those call'd Noblemen, or the Nobility of England, are often by the Historians faid to be (infinite multitudo) an infinite multitude.

If any man ask how the Nobility came to be so numerous; I answer, That the Northern Nations, who were perpetually in Arms, put a high esteem upon Military Valor; fought by conquest to acquire better Coun-
trysthan their own; valu'd themselves according to the numbers of men they could bring into the field; and to distinguish them from Villains, call'd those Noblemen, who nobly defended and enlarg'd their Domin-
ions by War; and for a reward of their Services, in the division of Lands gained by conquest, they distributed to them Freeholds, under the obliga-
tion of continuing the fame Service to their Country. This appears by the name of Knights Service, a Knight being no more than a Soldier, and a Knight's Fee no more than was sufficient to maintain one. 'Tis plain, that Knighthood was always esteem'd Nobility; so that no man, of what quality soever, thought a Knight inferior to him, and those of the highest birth could not act as Noblemen till they were knighted. Among the Goths in Spain, the cutting off the Hair (which being long was the mark of Knighthood) was accounted a degrading, and look'd upon to be so great a mark of Infamy, that he who had suffer'd it, could never bear any honor or office in the Commonwealth; and there was no dignity so high, but e-
very Knight was capable of it. There was no distinction of men above it, and even to this day Baron, or Varon, in their Language, signifies no more than Vir in Latin, which is not properly given to any man unless he be free. The like was in France till the coming in of the third race of Kings, in which time the 12 Peers (of whom 6 only were Laymen) were rais'd to a higher dignity, and the Commands annex'd made hereditary; but

(a) Qud Saxones silium Wittenagemos, Parliamentum & Pananglicum rede dici putis, summamq; & testamentum habet auctoritate in legibus ferendis, annuandis, conormandis, interpretandis, & in omnibus quae ad Reipublicam labores spectant. Brit. fol. 5;
(b) Generalis Senatus & populi Conventum. Malmf.
(c) Commune Concilium tam Cleri quam Populi. Sylom.
(d) Ut Reges a Sacris tributis & jurando popoli eligantur.
(e) Quiem Deus & Principes eum inerdiros populii militercondit & beneigne dederunt.
(f) Cemam omni multitudine populi anglorum.
(g) Nomine Baronagee omnes quosiam medo regni ordinem continget. Camden.
the honor of Knighthood was thereby no way diminisht. Tho there Sect. 28. were Dukes, Earls, Marquesses and Barons in the time of Froisart, yet he usually calls them Knights: And Philip de Commynes, speaking of the most eminent men of his time, calls them good, wife or valiant Knights. Even to this day the name of Gentleman comprehends all that is rais’d above the common people: Henry the Fourth usually call’d himself the first Gentleman in France; and tis an ordinary phrase among them, when they speak of a Gentleman of good Birth, to say, Il est noble comme le Roy, He is as noble as the King. In their General Assembly of Estates, The Chamber of the Noblesse, which is one of Three, is compos’d of the Deputies sent by the Gentry of every Province; and in the inquiry made about the Year 1668 concerning Nobility, no notice was taken of such as had assum’d the Titles of Earl, Marquess, Viscount, or Baron, but only of those who call’d themselves Gentlemen; and if they could prove that name to belong to them, they were left to use the other Titles as they pleas’d. When Duels were in fashion (as all know they were lately) no man except the Princes of the Blood, and Marechals of France, could with honor refuse a Challenge from any Gentleman: The first, because it was thought unfit, that he who might be King, should fight with a Subject to the danger of the Commonwealth, which might by that means be depriv’d of its Head: The others being by their Office Commanders of the Nobility, and Judges of all the Controversys relating to Honor that happen amongst them, cannot reasonably be brought into private Contests with any. In Denmark Nobleman and Gentleman is the same thing, and till the year 1660, they had the principal part of the Government in their hands. When Charles Gustavus, King of Sweden, invaded Poland in the year 1655, ’tis said, that there were above three hundred thousand Gentlemen in Arms to refilt him. This is the Nobility of that Country, Kings are cho’en by them: Every one of them will say, as in France, He is noble as the King. The last King was a private man among them, not thought to have had more than four hundred pounds a year. He who now reigns was not at all above him in birth or estate, till he had rais’d himself by great Services done for his Country in many wars; and there was not one Gentleman in the Nation who might not have bin chosen as well as he, if it had pleas’d the Assembly that did it.

This being the Nobility of the Northern Nations, and the true Bar- nage of England, ’tis no wonder that they were call’d Nobles, the most eminent among them Magnates, Princes, Proceres; and so numerous that they were effectually to be Multitudo infinita. One place was hardly able to contain them; and the inconveniences of calling them all together appear’d to be so great, that in time they chose rather to meet by Representatives, than every one in his own person. The power therefore remaining in them, it matters not what method they obser’d in the execution. They who had the substance in their hands, might give it what form they pleas’d. Our Author sufficiently manifects his ignorance, in saying there could be no Knights of the Shires in the time of the Saxons, because there were no Shires; for the very word is Saxon, and we find the names of Barkshire, Wilsbury, Devonshire, Dorsetshire, and others most frequently in the writings of those times; and Dukes, Earls, Thanes or Aldermen, appointed to command the Forces, and look to the distribution of Justice in them. Selden cites Ingulphus for saying, that Alfred was the first that chang’d the Provinces, &c. into Counties: but refuses him, and proves that the distinction of the Land into Shires or Counties.
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Chap. III. Counties (for Shire signify'd no more than the share or part committed to the care of the Earl or Comite) was far more antient. Whether the first divisions by the Saxons were greater or fewer than the Shires or Counties now are, is nothing to the question: they who made them to be as they were, could have made them greater or fewer as they pleas'd. And whether they did immediately, or some ages after that distinction, cease to come to their great Assemblies, and rather chuse to send their Deputies; or whether such Deputies were chosen by Counties, Cities and Boroughs, as in our days, or in any other manner, can be of no advantage or prejudice to the Caufe that I maintain. If the power of the Nation, when it was divided into seven Kingdoms, or united under one, did reside in the Micklegeemots or Wittenagemots; if these consisted of the Nobility and People, who were sometimes so numerous that no one place could well contain them; and if the preference given to the chief among them, was on account of the Offices they executed, either in relation to war or justice, which no man can deny, I have as much as services for my purpose. 'Tis indifferent to me, whether they were call'd Earls, Dukes, Aldermen, Herotoghs or Thanes; for 'tis certain that the titular Nobility now in mode amongst us has no resemblance to this antient Nobility of England. The novelty therefore is on the other side, and that of the worst sort; because by giving the name of Noblemen (which antiently belong'd to such as had the greatest interests in Nations, and were the supporters of their Liberty) to Court-creatures, who often have none, and either acquire their Honors by mony, or are prefer'd for servile and sometimes impure services render'd to the Person that reigns, or else for mischiefs done to their Country, the Constitution has bin wholly inverted, and the truth repos'd in the Kings (who in some measure had the dispensation of Offices and Honors) misemploy'd. This is farther aggravated by appropriating the name of Noblemen solely to them; whereas the Nation having bin antiently divided only into Freemen or Noblemen (who were the same) and Villains; the first were, as Tacitus lays of their Ancestors the Germans, * exempted from burdens and contributions, and refer'd like arms for the uses of war; whilst the others were little better than slaves, appointed to cultivate the Lands, or to other servile Offices. And I leave any reasonable man to judge, whether the latter condition be that of those we now call Commoners. Nevertheless, he that will believe the title of Noblemen still to belong to those only who are so by Patent, may guess how well our wars would be managed if they were left solely to such as are so by that title. If this be approv'd, his Majesty may do well with his hundred and fifty Noblemen, eminent in valor and military experience as they are known to be, to make such wars as may fall upon him, and leave the despis'd Commons under the name of Villains, to provide for themselves if the Succes do not answer his expectations. But if the Commons are as free as the Nobles, many of them in birth equal to the Patentees, in Estate superior to most of them; and that it is not only expected they should assist him in wars with their Persons and Purfes, but acknowledg'd by all, that the strength and virtue of the Nation is in them, it must be confess'd that they are true Noblemen of England, and that all the privileges antiently enjoy'd by such, must necessarily belong to them, since they perform the Offices to which they were

*E. cepi unamibus & collationibus, & tantum in ulum praebemus repouo, veluti tela & arma apud fenem.  
2.  annex'd.
annex'd. This shews how the Nobility were justly said to be almost infinite in number, so that no one place was able to contain them. The Saxons Armys that came over into this Country to a wholesome and generative climat, might well increase in four or five ages to those vast numbers, as the Franks, Goths and others had done in Spain, France, Italy, and other parts: and when they were grown so numerous, they found themselves necessarily oblig'd to put the power into the hands of Representatives chosen by themselves, which they had before exercis'd in their own persons. But these two ways differing rather in form than essentially, the one tending to Democracy, the other to Aristocracy, they are equally opposite to the absolute dominion of one man reigning for himself, and governing the Nation as his Patrimony; and equally affect the rights of the People to put the Government into such a form as best pleases themselves. This was futable to what they had practis'd in their own Country; De minoribus consultant Principes, de majoribus omnes. Nay, even these smaller matters cannot be said properly to relate to the King; for he is but one, and the word Principes is in the plural number, and can only signify such principal men, as the same Author says were chosen by the General Assemblies to do justice, &c. and to each of them one hundred Comites join'd, not only to give advice, but authority to their actions.

The word Omnes spoken by a Roman, must likewise be understood as it was us'd by them, and imports all the Citizens, or such as made up the body of the Commonwealth. If he had spoken of Rome or Athens whilst they remain'd free, he must have us'd the same word (because all those of whom the City confis'd had votes) how great soever the number of slaves or strangers might have bin. The Spartans are rightly said to have gain'd, lost and recover'd the Lordship or Principality of Greece. They were all Lords in relation to their Helots; and so were the Dorians in relation to that sort of men, which under several names they kept, as the Saxons did their Villains, for the performance of the Offices which they thought too mean for those who were ennobl'd by Liberty, and the use of Arms, by which the Commonwealth was defended and enlarg'd. The the Romans form'd to give the title of Lord to those who had uturp'd a power over their Lives and Fortunes; yet every one of them was a Lord in relation to his own Servants, and altogether are often call'd *Lords of the world: the like is seen almost every where. The Government of Venice having continu'd for many ages in the same Families, has ennobl'd them all. No phrase is more common in Switzerland, than the Lords of Bern, or the Lords of Zurich and other places, tho' perhaps there is not a man amongst them who pretends to be a Gentleman, according to the modern fene put upon that word. The States of the United Provinces are call'd High and Mighty Lords, and the same title is given to each of them in particular. Nay, the word Heer, which signifieth Lord both in high and low Dutch, is as common as Monfieur in France, Signor in Italy, or Sennor in Spain; and is given to every one who is not of a fordid condition, but especially to Soldiers: and tho' a common Soldier be now a much meaner thing than it was antiently, no man speaking to a company of Soldiers in Italian, uses any other title than Signori Soldati; and the like is done in other Languages. 'Tis not therefore to be thought strange, if the Saxons, who in their own Country had form'd any other employment than that of the Sword, should think themselves farther ennobl'd,

* Romanos rerum Dominos. Virg.
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Chap. III. when by their Arms they had acquir'd a great and rich Country, and driven out or subdu'd the former inhabitants. They might well distinguish themselves from the Villains they brought with them, or the Britans they had enflav'd. They might well be call'd Magnates, Proceres regni, Nobiles, Anglie Nobilitas, Barones; and the Assemblys of them justly call'd Concilium Regni Generale, Universitas totius Anglie Nobilium, Universitas Baronagis, according to the variety of times and other occurrences. We have such footsteps remaining of the name of Baron, as plainly shew the signification of it. The Barons of London and the Cinq Ports are known to be only the Freemen of those places. In the petty Court-Barons, every man who may be of a Jury is a Baron. These are Noblemen; for there are noble Nations as well as noble men in Nations. The Mammalukes accounted themselves to be all noble, tho' born slaves; and when they had ennobl'd themselves by the use of Arms, they look'd upon the noblest of the Egyptians as their slaves. Tertullian writing, not to some eminent men, but to the whole People of Carthage, calls them Antiquitate Nobiles, Nobilitate felices. Such were the Saxons, ennobl'd by a perpetual application to those exercises that belong to Noblemen, and an abhorrence to any thing that is vile and fordid.

Left this should seem far fetch'd, to those who please themselves with cavilling, they are to know, that the same General Councils are express'd by other Authors in other words. They are call'd * The General Council of the Bishops, Noblemen, Counts, all the wise men, Elders, and People of the whole Kingdom, in the time of Ins. In that Edward the elder, † The Great Council of the Bishops, Abbots, Noblemen and People. William of Malmesbury calls them, ‡ The General Senat and Assembly of the People. Sometimes they are in short call'd Clergy and People; but all express the same power, neither receiv'd from, nor limitable by Kings, who are always fay'd to be chosen or made, and sometimes depos'd by them. William the Norman found, and left the Nation in this condition: Henry the second, John and Henry the third, who had nothing but what was confer'd upon them by the same Clergy and People, did fo too. Magna Charta could give nothing to the People, who in themselves had all; and only reduced into a small Volume the Rights which the Nation was resolv'd to maintain; brought the King to confess, they were perpetually inherent, and time out of mind enjoy'd, and to swear that he would no way violate them; if he did, he was ipso facto excommunicat: and being thereby declar'd to be an execrable perjur'd Per son, they knew how to deal with him. This Act has bin confirm'd by thirty Parliaments; and the proceedings with Kings, who have violated their Oaths, as well before as after the time of Henry the third, which have bin already mention'd, are sufficient to shew, that England has always bin govern'd by it, and never acknowledg'd any other Lord than such as they thought fit to set up.

† Magnum Concilium Episcoporum, Abbatum, Fidelium, Procerum & Populorum.
‡ Senatorum generalis & populi convenitum.

SECT.
S E C T. XXIX.

The King was never Master of the Soil.

Those who without regard to truth, resolve to inform upon such points as they think may serve their designs, when they find it cannot be deny'd that the powers before mention'd have bin exercis'd by the English and other Nations, say, that they were the concessions of Kings, who being masters of the Soil, might beow parcels upon some Persons with such conditions as they pleas'd, retaining to themselves the supreme dominion of the whole: and having already, as they think, made them the Fountains of Honor, they proceed to make them also the Fountains of Property; and for proof of this alledge, that all Lands, tho' held of mean Lords, do by their Tenures at last return upon the King, as the Head from whom they are enjoy'd. This might be of force if it were true: but matters of the highest importance requiring a most evident proof, we are to examin, First, if it be possible; and in the next place, if it be true.

1. For the first; No man can give what he has not. Whoever therefore will pretend that the King has beow'd this propriety, must prove that he had it in himself. I confess, that the Kings of Spain and Portugal obtrain'd from the Pope grants of the Territorys they possess in the West-Indies; and this might be of some strength, if the Pope as Vicar of Christ had an absolute dominion over the whole earth; but if that fail, the whole falls to the ground, and he is ridiculously liberal of that which no way belongs to him. My business is not to dispute that point; but before it can have any influence upon our Affairs, our Kings are to prove, that they are Lords of England upon the same Title, or some other equivalent to it. When that is done, we shall know upon whom they have a dependence, and may at leisure consider, whether we ought to acknowledg and submit to such a Power, or give reasons for our refusal. But there being no such thing in our present case, their property must be grounded upon something else, or we may justly conclude they have none.

In order to this 'tis hardly worth the pains to search into the obscure remains of the Britifh History: For when the Romans deferted our Island, they did not confer the right they had (whether more or less) upon any man, but left the enjoyment of it to the poor remainders of the Nation, and their own establifh'd Colonys, who were grown to be one People with the Natives. The Saxons came under the conduct of Hengift and Horsa, who seem to have bin sturdy Pirats; but did not (that I can learn) bear any Characters in their persons of the so much admired Sovereign Majesty, that should give them an absolute dominion or propriety, either in their own Country, or any other they should set their feet upon. They came with about a hundred men; and chusing rather to serve Vortigern, than to depend upon what they could get by rapine at Sea, liv'd upon a small proportion of Land by him allotted to them. Tho' this seems to be but a slender encouragement, yet it was enough to invite many others to follow their Example and Fortune; so that their number
number increasing, the County of Kent was given to them, under the
obligation of serving the Britains in their Wars. Not long after, Lands
in Northumberland were beftow’d upon another company of them with
the fame condition. This was all the Title they had to what they enjoy’d,
till they treacherously kill’d four hundred and fixty, or, as William of
Malmesbury fays, three hundred principal men of the Nobility, and made
Vortigern Prifoner, who had bin fo much their Benefactor, that he
feems never to have deferv’d well but from them, and to have incen’d
the Britains by the favor he fhow’d them, as much as by the wortf of his
Vices. And certainly actions of this kind, compos’d of falkhood and
cruelty, can never create a right, in the opinion of any better men than
Filmer and his Disciples, who think that the power only is to be regarded,
and not the means by which it is obtain’d. But tho’ it should be
granted that a right had bin thus acquire’d, it must accrue to the Nation,
not to Hengifh and Horfa. If fuch an acquisition be call’d a Conquell,
the benefit muft belong to thofe that conquer’d. This was not the work
of two men; and tho’ who had bin free at home, can never be thought
to have left their own Country, to fight as flavés for the glory and profit
of two men in another. It cannot be faid that their wants compell’d
them, for their Leaders fuffer’d the fame, and could not be reliev’d but
by their affiftance; and whether their enterprize was good or bad, juft or
unjuft, it was the fame to all: No one man could have any right peculiar
to himfelf, unlefs they who gain’d it, did confer it upon him: and ’tis
no way probable, that they who in their own Country had kept their
Princes within very narrow limits, as has bin prov’d, fhould reign them-
selves, and all they had, as soon as they came hither. But we have al-
ready fhewn that they always continu’d moft obfinate defenders of their
Liberty, and the Government to which they had bin accufum’d; that
they manag’d it by themselves, and acknowledg’d no other Laws than
their own. Nay, if they had made fuch a refignation of their Right, as
was neceffary to create one in their Leaders, it would be enough to over-
throw the propofition; for ’tis not then the Leader that gives to the Peo-
ple, but the People to the Leader. If the people had not a right to give
what they did give, none was confer’d upon the receiver: if they had
a right, he that fhould pretend to derive a benefit from thence, muft prove
the grant, that the nature and intention of it may appear.

2. To the fecond: If it be faid that Records teftify all Grants to
have bin originally from the King, I anfwer, That tho’ it were con-
feff, (which I abfolutely deny, and affirm that our Rights and Li-
bertys are innate, inherent, and enjoy’d time out of mind before we
had Kings) it could be nothing to the quefion, which is concerning
Reafon and Juftice; and if they are wanting, the defect can never
be supply’d by any matter of fact, tho’ never fo clearly prov’d. Or
if a Right be pretended to be grounded upon a matter of fact, the
thing to be prov’d is, that the people did really confer fuch a right
upon the firft, or fome other Kings: And if no fuch thing do appear,
the proceedings of one or more Kings as if they had it, can be of no
value. But in the prefent cafe, no fuch grant is pretended to have
bin made, either to the firft, or to any of the following Kings; the
Right they had not, their Succeffors could not inherit, and confe-
quently cannot have it, or at moft no better title to it than that of
Usurpation.
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But as they who inquire for truth ought not to deny or conceal any thing, I may grant that Mannors, &c. were enjoy’d by tenure from Kings; but that will no way prejudice the cause I defend, nor signify more than that the Countrys which the Saxons had acquire’d, were to be divided among them; and to avoid the quarrels that might arise, if every man took upon him to seize what he could, a certain method of making the distribution was necessarily to be fix’d; and it was fix’d, that every man should have something in his own hands to justify his Title to what he possess’d, according to which controversies should be determin’d. This must be testify’d by some body, and no man could be so fix, or of so much credit as he who was chief among them; and this is no more than is usual in all the Societys of the World. The Mayor of every Corporation, the Speaker or Clerk of the House of Peers or House of Commons, the first President of every Parliament, or Presidial in France; the Conful, Burgher-master, Advoyer or Bailiff in every free Town of Holland, Germany or Switzerland, sign the publick Acts that pass in those places. The Dukes of Venice and Genoa do the like, tho they have no other power than what is confer’d upon them, and of themselves can do little or nothing. The Grants of our Kings are of the same nature, tho the words mero motu nostro seem to imply the contrary; for Kings speak always in the plural number, to shew that they do not act for themselves, but for the Societys over which they are plac’d; and all the veneration that is, or can be given to their Acts, does not exalt them, but shew from whom their Authority is deriv’d, and for whom they are to execute. The Tyrants of the East, and other Barbarians, whose power is most absolute, speak in the single number, as appears by the decrees of Nebuchadnezzar, Cyrus, Darius and Ahasuerus recited in Scripture, with others that we hear of daily from those parts: but whereever there is any thing of civility or regularity in Government, the Prince uses the plural, to shew that he acts in a publick capacity. From hence, says Grotius, the rights of Kings to send Embaffadors, make Leagues, &c. do arise: the confederacies made by them do not terminate with their lives, because they are not for themselves; they speak not in their own Person, but as representing their People; and *a King who is depriv’d of his Kingdom loses the right of sending Embaffadors, because he can no longer speak for those, who by their own consent, or by a foreign force, are cut off from him. The question is not whether such a one be juftly or unjustly depriv’d (for that concerns only those who do it or suffer it) but whether he can oblige the People; and ’tis ridiculous for any Nation to treat with a man that cannot perform what shall be agreed, or for him to stipulate that which can oblige, and will be made good only by himself.

But tho much may be left to the discretion of Kings in the distribution of Lands and the like, yet it no way diminishes the right of the People, nor confers any upon them otherwise to dispose of what belongs to the publick, than may tend to the common good, and the accomplishment of those ends for which they are intrusted. Nay, if it were true, that a conquer’d Country did belong to the Crown, the King could not dispose of it, because ’tis annex’d to the Office, add not alienable by the Person. This is not only found in regular mix’d Monarchys (as in Sweden, where the Grants made by the last Kings have bin lately refcinded by the General Assembly of Estates, as contrary to Law) but even in the most absolute,

* Rex regno exeret, jux legandi amsitit. Grat. de Jure Bell. Z z 2
as in France, where the present King, who has stretch’d his power to the utmost, has lately acknowledg’d that he cannot do it; and according to the known maxim of the State, that the demeafnes of the Crown, which are design’d for the defraying of publick Charges, cannot be alienated, all the Grants made within the last fifteen years have bin annul’d; even those who had bought Lands of the Crown have bin call’d to account, and the Sums given being compar’d with the profits receiv’d, and a moderate interest allow’d to the purchasers, so much of the principal as remain’d due to them has bin repay’d, and the Lands refum’d.

**S E C T. XXX.**

Henry the First was King of England by as good a Title as any of his Predecessors or Successors.

HAVING made it appear, as I suppose, that the antient Nobility of England was compos’d of such men as had bin ennobl’d by bearing Arms in the defence or enlargement of the Commonwealth; that the Dukes, Earls, &c. were those who commanded them; that they and their dependents receiv’d Lands for such services, under an obligation of continuing to render the like, and according to their several degrees and proportions, to provide and maintain Horfes, Arms and Men for the same uces; it cannot be deny’d that they were such Gentlemen and Lords of Mannors, as we now call Commoners, together with the Freeholders, and such as in war were found most able to be their Leaders. Of these the Micklegemots, Wittenagemots, and other publick Assemblys did confift; and nothing can be more absurd than to affign the names and rights of Duke, Earl and Vicount, which were names of Offices, to those who have not the Offices, and are no way fit for them. If our Author therefore had faid, that such as these, who had always compos’d the great Councils of our Nation, had in favour of Henry the First, bel ow’d the Crown upon him, as they had done upon his Father and Brother, I should agree with him: but ’tis the utmost extravagance to fay, that he who had neither title nor poiffession, fhou’d give the power to tho’se who had always bin in the poiffession of it, and exercis’d it in giving to him whatsoever he had. But I most wonder he should so far forget himfelf, to call this Henry a Ufurer, and deduct from the validity of his Acts, because he had no title; whereas there neither is, was, or can be a Ufurer if there be any truth in his Doctrin: for he plainly tells us, we are only to look to the power, and not at all to the means and ways by which it is obtain’d; and making no difference between a King and a Tyrant, enj oins an equal fubmission to the commands of both. If this were only a flip of his Pen, and he did really take this Henry to be a Ufurer, because he had not a good title, I should desire to know the marks by which a lawful King is diftinguished from an Ufurer, and in what a just Title does confift. If he place it in an hereditary Succeffion, we ought to be inform’d, whether this right must be deduc’d from one universal Lord of Mankind, or from a particular Lord of every People: if from the universal Lord, the fame defect that gives him a right to the dominion of any one Country, enslaves the whole world to him; if
if from the particular Lord of one place, proof must be given how he
came to be so: for if there was a defect in the first, it can never be re-
pair'd, and the possession is no more than a continu'd Usurpation. But
having already prov'd the absurdity of any pretence to either, I shall for-
bear the repetition, and only say, that if the course of Succession may
never be jully interrupted, the Family of Meroven could not have had
any right to the Crown of France; Pepin was a Usurper, if it must for
ever have continu'd in the defcendents of Meroven, and Hugh Capet could
have no title, if the Race of Pepin might not be dispoifed. I leave
our Author to dispute this point with the King of France; and when he
has so far convinc'd him that he is a Usurper, as to periuade him to resign
his Crown to the Houfe of Austria claiming from Pharamond, or to that
of Lorraine as descendent from Pepin, I can give him half a dozen more
knobs which will not be with lefs difficulty untied, and which instead of
establishing the Titles of fuch Kings as are known to us, will overthrow
them all, unless a Right be given to Usurpation, or the consent of a People
do confer it.

But if there be such a thing as a Usurper, and a Rule by which men
may judge of Usurpation, 'tis not only lawful but neceffary to examin
the Titles of fuch as go under the name of Kings, that we may know
whether they are truly fo or not, left thro ignorance we chance to give
the Veneration and Obedience that is due to a King, to one who is not a
King, and deny it to him, who by an uninterruptible Line of Defcent is
our natural Lord; and thereby prefer the worst of men and our moft bitter
enemy before the Perfon we ought to look upon as our Father: and if this
prove dangerous to one or more Kings, 'tis our Author's fault, not mine.

If there be no Usurper, nor Rule of distinguishing him from a lawful
Prince, Filer is the worst of all trifters and impostors, who grounds his
Arguments in the moft serious matters upon what he eftems to be falfe;
but the truth is, he seems to have fet himself againft humanity and com-
mon fenfe, as much as against Law and Virtue: and if he who so fre-
quently contradicts himself, can be faid to mean any thing, he would au-
thorize rapine and murder, and periuade us to account those to be right-
ful Kings, who by treachery and other unjuft means overthrow the
right of Defcent which he pretends to eftem sacred, as well as the Li-
bertys of Nations, which by better Judges are thought to be fo; and gives the odious name of Usurpation to the Advancement of one who is
made King, by the consent of a willing People.

But if Henry the Firft were a Usurper, I desire to know whether the
fame name belongs to all our Kings, or of which of them deferves a better;
that we may understand whose acts ought to be reputed legal, and to
whole Defcent we owe veneration, or whether we are wholly exemped
from all: for I cannot fee a poibility of fixing the guilt of Usurpation
upon Henry the Firft, without involving many, if not all our Kings in
the fame.

If his Title was not good because his Brother Robert was still living,
that of Rufis is by the fame reafon overthrown; and William their Fa-
ther being a baftard could have none. This fundamental defect could
never be repair'd: for the Successors could inherit no more than the right
of the firft, which was nothing. Stephen could deduce no Title either
from Norman or Saxon; whatsoever Henry the Second pretended, muft
be from his Mother Maud, and any other might have bin prefer'd before
her as well as he. If her Title was from the Normans, it must be void,
Discourses concerning Government.

CHAP. III, since they had none, and the story of Edgar Atheling is too impertinent to deserve mention. But however, it could be of no advantage to her; for David King of Scotland, Brother to her Mother from whom only her Title could be deriv'd, was then alive with his Son Henry, who dying not long after, left three Sons and three Daughters, whose posterity being distributed into many Families of Scotland, remains to this day; and if proximity of blood is to be consider'd, ought always to have bin prefer'd before her and her Descendants, unless there be a Law that gives the preference to Daughters before Sons. What right ever Henry the Second had, it must necesarily have peril'd with him, all his Children having bin begotten in manifest Adultery on Eleanor of Gascony, during the life of Lewis King of France her first Husband: and nothing could be alleged'd to color the busines, but a Dispensation from the Pope directly against the Law of God, and the words of our Saviour, who says, That a Wife cannot be put away unless for Adultery, and he that marries her that is put away commits Adultery. The pollution of this spring is not to be cur'd; but tho it should pas unregard'd, no one part of the Succession since that time has remain'd intire. John was prefer'd before Arthur his elder Brother's Son: Edward the Third was made King by the deposition of his Father: Henry the Fourth by that of Richard the Second. If the Houfe of Mortimer or York had the right, Henry the 4th, 5th, and 6th were not Kings, and all who claim under them have no Title. However, Richard the Third could have none; for the Children of his elder Brother the Duke of Clarence were then living. The Children of Edward the Fourth may be suspect'd of Baffardy; and tho it may have bin otherwise, yet that matter is not so clear as things of such importance ought to be, and the conquence may reach very far. But tho that scruple were remov'd, 'tis certain that Henry the Seventh was not King in the right of his Wife Elizabeth, for he reign'd before and after her; and for his other Titles, we may believe Philip de Commines, who says, He had neither cro's nor pile. If Henry the Eighth had a right in himself, or from his Mother, he should have reign'd immediately after her death, which he never pretend'd, nor to succeed till his Father was dead, thereby acknowledging he had no right but from him, unless the Parliament and People can give it. The like may be said of his Children. Mary could have no Title if she was a Baffard, begotten in Incest; but if her Mother's Marriage was good and the legitimate, Elizabeth could have none.

Yet all these were lawful Kings and Queens; their Acts continue in force to this day to all intents and purposes: the Parliament and People made them to be so, when they had no other Title. The Parliament and People therefore have the power of making Kings: Those who are so made are not Usurpers: We have had none but fuch for more than seven hundred years. They were therefore lawful Kings, or this Nation has had none in all that time; and if our Author like this conclusion, the account from whence it is drawn may without difficulty be carry'd as high as our English Histories do reach.

This being built upon the fliddy Foundation of Law, History and Reason, is not to be remov'd by any Man's opinion; especially by one accompany'd with fuch circumstances as Sir Walter Raleigh was in during the last years of his life: And there is something of bafilees, as well as prevarication, in turning the words of an eminent Person, reduc'd to great difficulties, to a fene no way agreeing with his former Actions or Writings, and no less tending to impair his Reputation than to deceive others.
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Our Author is highly guilty of both, in citing Sir Walter Raleigh to invalidate the Great Charter of our Libertys, as begun by usurpation, and slew'd to the world by Rebellion; whereas no such thing, nor any thing like it in word or principle, can be found in the Works that deserve to go under his Name. The Dialogue in question, with some other small Pieces published after his death, deserve to beesteem'd spurious: Or if, from a desire of Life, when he knew his Head lay under the Ax, he was brought to say things no way agreeing with what he had formerly profed, they ought rather to be bury'd in oblivion, than product to blemish his Memory. But that the publick Cause may not suffer by his fault, 'tis convenient the World should be inform'd, that tho' he was a well-qualify'd Gentleman, yet his Morals were no way exact, as appears by his dealings with the brave Earl of Essex. And he was so well assist'd in his History of the World, that an ordinary man with the same helps might have perfor'd the same things. Neither ought it to be accounted strange, if that which he writ by himself had the tincture of another Spirit, when he was depriv'd of that affittance, tho' his Life had not depended upon the will of the Prince; and he had never said, That * the bond of Subjects to their Kings should always be wrought out of Iron, and those of Kings to their Subjects out of Cobwebs.

SECT. XXXI.

Free Nations have a right of meeting, when and where they please, unless they deprive themselves of it.

A Perverted Judgment always leads men into a wrong way, and persuades them to believe that those things favor their cause, that utterly overthrow it. For a proof of this, I desire our Author's words may be consider'd. In the former Parliaments, says he, instituted and continu'd since Henry the First his time, is not to be found the usag of any natural Liberty of the People: For all those Libertys that are claim'd in Parliament, are Libertys of Grace from the King, and not the Libertys of Nature to the People: For if the Liberty were natural, it would give power to the multitude to assemble themselves, when and where they pleas'd, to beswore the Sovereignty, and by petitions to limit and direct the exercise of it. And I say that Nations being naturally free, may meet, when and where they please; may dispose of the Sovereignty, and may direct or limit the exercise of it, unless by their own Act they have depriv'd themselves of that Right: and there could never have bin a lawful Assembly of any People in the World, if they had not had that Power in themselves. It was prov'd in the preceding Section, that all our Kings having no Title, were no more than what the Nobility and People made them to be; that they could have no Power but what was given to them, and could confer none except what they had receiv'd. If they can therefore call Parliaments, the power of calling them must have bin given to them, and could not be given by any who had it not in themselves. The Israelites met together, and chose Ehud, Gideon, Sampson, Jephtha, and others, to be their Leaders, whom they judg'd fit

* See Sir W. Raleigh's Epistle to King James.
to deliver them from their Enemys. By the same right they assembld'd at Mizpeh to make War against the Tribe of Benjamin, when Justice was deny'd to be done against those who had villanously abus'd the Levite's Concubine. In the like manner they would have made Gideon King, but he refus'd. In the same place they met, and chose Saul to be their King. He being dead, the men of Judah assembld'd themselves, and anointed David: not long after, all the Tribes met at Hebron, made a Contract with him, and receiv'd him as their King. In the same manner, tho' by worfe Counsel, they made Abijalom King. And the like was attempted in favor of Sheba the Son of Bichri, tho' they then had a King chosen by themselves. When they found themselves opprest by the Tributes that had bin laid upon them by Solomon, they met at Shechem; and being displeas'd with Rehoboam's answer to their complaints, ten of the Tribes made Jeroboam King. John, and all the other Kings of Israel, whether good or bad, had no other Title than was confer'd upon them by the prevailing part of the People; which could not have given them any, unless they had met together; nor meet together without the consent, and against the will of those that reign'd, unless the Power had bin in themselves.

Where Governments are more exactly regulated, the Power of judging when 'tis fit to call the Senat or People together, is refer'd to one or more Magistrats; as in Rome to the Consuls or Tribuns, in Athens to the Archons, and in Thebes to the Beotarches: but none of them could have these Powers, unless they had bin given by those who advance'd them to the Magistracies to which they were annex'd; nor could they have bin so annex'd, if those who created them had not had the right in themselves. If they Officers neglected their duty of calling such Assemblies when the publick Affairs requir'd, the People met by their own Authority, and punish'd the Person, or abrogated the Magistracy, as appears in the case of the Decemviri, and many others that might be allud'd, if the thing were not so plain as to need no further proof. The reason of this is, that they who institute a Magistracy, beft know whether the end of the Institution be rightly purp'd or not: And all just Magistracies being the same in essence, tho' differing in form, the same right must perpetually belong to those who put the Sovereign Power into the hands of one, a few, or many men, which is what our Author calls the Difpoſal of the Sovereignty. Thus the Romans did when they created Kings, Consuls, Military Tribuns, Dictators, or Decemviri: and it had bin most ridiculous to fay, that those Officers gave authority to the People to meet and chuse them; for they who are chosen are the Creatures of those who chuse, and are nothing more than others till they are chosen. The last King of Sweden, Charles Guflavus, told a Gentleman who was Embaſsador there, That the Swedes having made him King, when he was poor and had nothing in the World, he had but one work to do, which was to reign, that they might never repent the good opinion they had conceiv'd of him. They might therefore meet, and did meet to confer the Sovereignty upon him, or he could never have had it: For tho' the Kingdom be hereditary to Males or Females, and his Mother was Sifter to the Great Guflavus; yet having marry'd a Stranger without the consent of the Estates, the perform'd not the Condition upon which Women are admitted to the Succession; and thereby falling from her Right, he pretended not to any. The Act of his Election declares he had none, and gives the Crown to him and the Heirs of his Body, with this farther Declaration, that the benefit of his Election should no way extend to his Brother Prince Adolphus; and 'tis

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'tis confess by all the Swedifb Nation, that if the King now reigning should die without Children, the Estates would proceed to a new Election.

'tis rightly observ'd by our Author, that if the People might meet and give the Sovereign Power, they might also direct and limit it; for they did meet in this and other Countries, they did confer the Sovereign Power, they did limit and direct the exercise; and the Laws of each People shew in what manner and measure it is every where done. This is as certain in relation to Kings, as any other Magistrats. The Commission of the Roman Dictators was, to take care that the Commonwealth might receive no detriment. The same was sometimes given to the Consuls: King Offa's Confession, that he was made King to preserve the publick Liberty, expresses the same thing: And Charles Gustavus, who said he had no other work, than to govern in such a manner, that they who had made him King might not repent, shew'd there was a Rule which he flood oblig'd to follow, and an end which he was to procure, that he might merit and preserve their good opinion. This power of conferring the Sovereignty was exercis'd in France by those who made Meroveus King, in the prejudice of the two Grandchildren of Pharamond, Sons to Clodion; by those who excluded his Race, and gave the Crown to Pepin; by those who depos'd Lewis le Debonair, and Charles le Gros; by those who brought in five Kings, that were either Bastards or Strangers, between him and Charles le Simple; by those who rejected his Race, and advance'd Hugh Capet; by those who made Henry the First King, to the prejudice of Robert his elder Brother, and continu'd the Crown in the Race of Henry for ten Generations, whil'st the Descendents of Robert were only Dukes of Burgundy. The like was done in Castile and Arragon, by frequently preferring the younger before the elder Brother; the Descendents of Females before thofe of the Male-line in the fame degree; the more remote in Blood before the nearest; and sometimes Bastards before the legitimate Issue. The fame was done in England in relation to every King, since the coming in of the Normans, as I shew'd in the last Section, and other places of this Work.

That they who gave the Sovereignty, might also circumscribe and direct it, is manifest by the several ways of providing for the Succession instituted by several Nations. Some are merely elective, as the Empire of Germany and the Kingdom of Poland to this day; the Kingdom of Denmark till the year 1660; that of Sweden till the time of Gustavus Erijon, who deliver'd that Nation from the oppression of Chriftfern II. the cruel King of the Danes. In others the Election was confin'd to one or more Families, as the Kingdom of the Goths in Spain to the Balthei and Amalthei. In some, the eldelt Man of the reigning Family was prefer'd before the nearest, as in Scotland before the time of Kenneth. In other places the nearest in Blood is prefer'd before the elder if more remote. In some, no regard is had to Females, or their Descendents, as in France and Turky: in others, they or their Descendents are admitted, either simply as well as Males; or under a condition of marrying in the Country, or with the consent of the Estates, as in Sweden. And no other reason can be given for this almost infinite variety of Constitutions, than that they who made

* Ne quid detrimenti Respublica accipiat. T. Liv.
† In veltræ Libertatis tuitionem. Mat. Par.
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Chapter III. They would have it so; which could not be, if God and Nature had appointed one General Rule for all Nations. For in that case, the Kingdom of France must be elective, as well as that of Poland and the Empire; or the Empire and Poland hereditary, as that of France: Daughters must succeed in France, as well as in England, or be excluded in England as in France; and he that would establish one as the Ordinance of God and Nature, must of necessity overthrow all the rest.

A farther exercise of the natural Liberty of Nations is discover'd in the several Limitations put upon the Sovereign Power. Some Kings, says Grotius, have the Summum Imperium jument modo; others, modo non summo: and amongst those that are under Limitations, the degrees as to more or less, are almost infinite, as I have prov'd already by the example of Aragon, ancient Germany, the Saxon Kings, the Normans, the Kings of Castille, the present Empire, with divers others. And I may safely say, that the ancient Government of France was much of the same nature to the time of Charles the 7th, and Lewis the 11th: but the work of emancipating themselves, as they call it, begun by them, is now brought to perfection in a boundless elevation of the King's Greatness and Riches, to the unspakeable misery of the People.

'Twere a folly to think this Variety proceeds from the Concessions of Kings, who naturally delight in Power, and hate that which croffes their Will. It might with more reason be imagin'd, that the Roman Consuls, who were brought up in liberty, who had contracted a love to their Country, and were contented to live upon an equal foot with their fellow Citizens, should confine the Power of their Magistracy to a year; or that the Dukes of Venice should be graciously pleas'd to give power to the Council of Ten to punish them capitably if they transgress the Laws, than that Kings should put such Fetter's upon their Power, which they so much abhor; or that they woulduffer them, if they could be easily broken. If any one of them should prove too moderate, like Trajan, to command the Prefect of the Pretorian Guard to use the Sword for him if he govern'd well, and against him if he did not, it would soon be reconded by his Successor; the Law which has no other strength than the act of one man, may be annul'd by another. So that nothing does more certainly prove, that the Laws made in several Countries to restrain the Power of Kings, and variously to dipole of the Succession, are not from them, than the frequent examples of their fury, who have expos'd themselves to the greatest dangers, and brought infinite miseries upon the People, thro' the desire of breaking them. It must therefore be concluded, that Nations have power of meeting together, and of conferring, limiting, and directing the Sovereignty; or all must be grounded upon most manifest Injustice and Usurpation.

No man can have a power over a Nation otherwise than de jure, or de facto. He who pretends to have a power de jure, must prove that it is originally inherent in him or his predecessor from whom he inherits; or that it was justly acquired by him. The vanity of any pretence to an original Right appears sufficiently, I hope, from the proofs already given, that the first Fathers of Mankind had it not; or if they had, no man could now inherit the fame, there being no man able to make good the Genealogy that should give him a right to the Succession. Besides, the facility we have of proving the beginnings of all the Families that reign among us, makes it as absurd for any of them to pretend a perpetual right to Dominion, as for any Citizen of London, whose Parents and Birth we know, to say he is the very man Noah, who liv'd in the time of the Flood, and is now four or five thousand years old. If
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If the power were confer'd on him or his Predecessors, 'tis what we ask; for the Collation can be of no value, unless made by those who had a right to do it; and the original Right by Descent failing, no one can have any over a Free People but themselves, or those to whom they have given it.

If Acquisition be pretended, 'tis the same thing; for there can be no right to that which is acquir'd, unless the right of invading be prov'd; and that being done, nothing can be acquir'd except what belong'd to the Person that was invaded, and that only by him who had the right of invading. No man ever did or could conquer a Nation by his own strength; no man therefore could ever acquire a personal right over any; and if it was confer'd upon him by those who made the Conquest with him, they were the People that did it. He can no more be said to have the Right originally in and from himself, than a Magistrate of Rome or Athens immediately after his Creation; and having no other at the beginning, he can have none to eternity; for the Nature of it must refer to the Original, and cannot be chang'd by time.

Whatever therefore proceeds not from the consent of the People, must be de facto only, that is void of all right; and 'tis impossible there should not be a right of destroying that which is grounded upon none; and by the same rule that one man enjoys what he gain'd by violence, another may take it from him. Cyrus overthrew the Assyrians and Babylonians, Alexander the Medes and Persians; and if they had no right of making war upon those Nations, the Nations could not but have a right of recovering all that had bin unjustly taken from them, and avenging the evils they had suffer'd. If the cause of the war was originally just, and not corrupted by an intemperate use of the victory, the conquer'd People was perhaps oblig'd to be quiet; but the conquering Armies that confer'd upon their Generals what they had taken from their Enemies, might as justly expect an account of what they had given, and that it should be implo'y'd according to the intention of the givers, as the People of any City might do from their regularly created Magistrates; because it was as impossible for Cyrus, Alexander or Cesar, to gain a power over the Armies they led, without their consent, as for Pericles, Valerius, or any other diārm'd Citizen to gain more power in their respective Cities, than was voluntarily confer'd upon them. And I know no other difference between Kingdoms so constituted by conquering Armies, and such as are establis'd in the most orderly manner, than that the first usually incline more to War, the latter to Justice and Peace. But there have not bin wanting many of the first sort (especially the Nations coming from the North) who were no less exact in ordaining that which tended to the preservation of Liberty, nor less severe in seeing it punctually perform'd, than the most regular Commonwealths that ever were in the World. And it can with no more reason be pretended, that the Goths receiv'd their Privileges from Alar or Theodoric, the Franks from Pharamond or Meroveus, and the English from Ina or Ethelred, than that the Liberty of Athens was the gift of Themistocles or Pericles, that the Empire of Rome proceeded from the liberality of Brutus or Valerius, and that the Commonwealth of Venice at this day subsists by the favor of the Contarini or Moressi: which must reduce us to matter of Right, since that of Fact void of Right can signify nothing.
The Powers of Kings are so various according to the Constitutions of several States, that no Consequence can be drawn to the prejudice or advantage of any one, merely from the Name.

In opposition to what is above said, some allude the name of King, as if there were a charm in the word; and our Author seems to put more weight upon it, than in the Reasons he brings to support his Cause. But that we may see there is no efficacy in it, and that it conveys no other right than what particular Nations may annex to it, we are to consider,

1. That the most absolute Princes that are or have bin in the World, never had the name of King: whereas it has bin frequently given to those whose powers have bin very much restrain'd. The Cesar were never call'd Kings, till the sixth Age of Christianity: the Califs and Soldan of Egypt and Babylon, the Great Turk, the Char of Tartary, or the Great Mogul never took that name, nor any other of the same signification. The Cesar of Moscovy has it not, tho' he is as absolute a Monarch, and his People as miserable slaves as any in the World. On the other side, the chief Magistrats of Rome and Athens for some time, tho' of Sparta, Arragon, Sweden, Denmark and England, who could do nothing but by Law, have bin call'd Kings. This may be enough to shew, that a Name being no way essential, what Title soever is given to the Chief Magistrate, he can have no other power than the Laws and Customs of his Country do give, or the People confer upon him.

2. The names of Magistrats are often chang'd, tho' the power continue to be the same; and the powers are sometimes alter'd tho' the name remain. When Ottavius Cesar by the force of a mad corrupted Soldiery had overthrown all Law and Right, he took no other Title in relation to Military Affairs than that of Imperator, which in the time of Liberty was by the Armys often given to Pretors and Confuls: In Civil matters he was, as he pretended, with the power of Tribun; and the like was observ'd in his Succecor, who to new invented Ufurpations, gave old and approv'd names. On the other side, those Titles which have bin render'd odious and execrable by the violent exercise of an absolute Power, are sometimes made popular by moderate limitations; as in Germany, where, tho' the Monarchy seem to be as well temper'd as any, the Princes retain the same names of Imperator, Cesar and Augustus, as those had done, who by the excess of their rage and fury had dilated and corrupted the best part of the World.

Sometimes the name is chang'd, tho' the power in all respects continue the same. The Lords of Capilde had for many Ages no other Title than that of Count; and when the Nobility and People thought good, they chang'd it to that of King, without any addition to the power.

The Sovereign Magistrate in Poland was call'd Duke till within the last two hundred years, when they gave the title of King to one of the Jagersiin Family; which title has continu'd to this day, tho' without any change in the nature of the Magistracy. And I presume, no wise man will think, that if the Venetians should give the name of King to their Duke, it could

* Tritonium petetit. contentus. C. Tacit.
confer any other power upon him than he has already, unless more should be confer'd by the Authority of the Great Council.

3. The fame names which in some places denote the Supreme Magistracy, in others are subordinate or merely titular. In England, France and Spain, Dukes and Earls are Subjects: in Germany the Electors and some Princes who are call'd by those names, are little less than Sovereigns; and the Dukes of Swagy, Tuscany, Fojoven and others, acknowledg no Superior, as well as those of Poland and Castile had none, when they went under those titles. The fame may be said of Kings. Some are subject to a foreign power, as divers of them were subject to the Persian and Babylonian Monarchs, who for that reason were call'd the Kings of Kings. Some also are tributarys; and when the Spaniards first landed in America, the great Kings of Mexico and Peru had many others under them. Thricefore and ten Kings gather'd up meat under the Table of Adonibezeck. The Romans had many Kings depending upon them. Herod and those of his Race were of this number; and the dispute between him and his Sons Ariofobulus and Alexander, was to be determin'd by them; neither durst he decide the matter till it was refer'd to him. But a right of Appeal did still remain, as appears by the case of St. Paul when Agrippa was King. The Kings of Mauritania from the time of Maffinifla, were under the like dependence: Jugurths went to Rome to justify himself for the death of Miciafa: Juba was command'd by the Roman Magistrats, Scipio, Petreius and Afranies; another Juba was made King of the same Country by Augustus, and Tiridates of Armenia by Nero; and infinite examples of this nature may be alluded to. Moreover, their powers are variously regulated, according to the variety of tempers in Nations and Ages. Some have restrain'd the powers that by experience were found to be exorbitant; others have diffolv'd the bonds that were laid upon them: and Laws relating to the Institution, Abrogation, Enlarge-ment or Restriction of the Regal Power, would be utterly insignificant if this could not be done. But such Laws are of no effect in any other Country than where they are made. The lives of the Spartans did not depend upon the will of Agesflaus or Leonidas, because Nabuchodonosor could kill or pave whom he pleas'd: and tho the King of Morocco may stav his Subjects, throw them to the Lions, or hang them upon tenterhooks; yet a King of Poland would probably be call'd to a severe account, if he should unjustly kill a single man.

S E C T. XXXIII.

The Liberty of a People is the Gift of God and Nature.

If any man ask how Nations come to have the power of doing these things, I answer, That Liberty being only an exemption from the dominion of another, the question ought not to be, how a Nation can come to be free, but how a man comes to have a dominion over it; for till the right of Dominion be prov'd and justify'd, Liberty subsists as arising from the Nature and Being of a man. Tertullian speaking of the Emperors says, Ab eo Imperium à quo spiritus; and we taking man in his first condition may justify say, ab eo Libertas à quo spiritus; for no man can owe more than he has received. The Creature having nothing, and being nothing but what the Creator makes him, must owe all to him, and nothing to any one from whom he has receiv'd nothing. Man therefore
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'Twill be no less difficult to bring resignation to be subservient to our Author's purpose: for men could not resign their Liberty, unless they naturally had it in themselves. Resignation is a public declaration of their assent to be govern'd by the Person to whom they resign; that is, they do by that Act constitute him to be their Governor. This necessarily puts us upon the inquiry, Why they do resign, how they will be govern'd, and proves the Governor to be their creature; and the right of disposing the Government must be in them, or they who receive it can have none. This is so evident to common sense, that it were impertinent to ask who made Carthage, Athens, Rome or Venice to be free Cities. Their Charters were not from men, but from God and Nature. When a number of Phenicians had found a Port on the Coast of Africa, they might perhaps agree with the Inhabitants for a parcel of Ground, but they brought their Liberty with them. When a company of Latins, Sabin's and Tuscan's met together upon the Banks of the Tiber, and chose rather to build a City for themselves, than to live in such as were adjacent, they carry'd their Liberty in their own Breasts, and had Hands and Swords to defend it. This was their Charter; and Romulus could confer no more upon them, than Didò upon the Carthaginians. When a multitude of barbarous Nations infelted Italy, and no protection could be expected from the corrupt and perishing Empire, such as agreed to seek a place of refuge in the scatter'd Islands of the Adriatick Gulf, had no need of any man's Authority to ratify the Institution of their Government. They who were the formal part of the City, and had built the material, could not but have a right of governing as they pleas'd, since if they did amiss, the hurt was only to themselves. 'Tis probable enough that some of the Roman Emperors, as Lords of the Soil, might have pretended to a Dominion over them, if there had bin any color for it: but nothing of that kind appearing in thirteen hundred years, we are not like to hear of any

* Par in parent non habeat imperium.
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fuch cavils. 'Tis agreed by Mankind, that subjectjon and protection are sect. 33.
relative; and that he who cannot protect those that are under him, in
vain pretends to a Dominion over them. The only ends for which Go-
vernments are constituted, and obedience render'd to them, are the ob-
taining of Justice and Protection; and they who cannot provide for both,
give the People a right of taking such ways as best please themselves, in or-
der to their own safety.

The matter is yet more clear in relation to those who never were in
any Society, as at the beginning, or renovation of the World after the
Flood; or who upon the dissolution of the Societys to which they did once
belong, or by some other accident, have bin oblig'd to seek new habita-
tions. Such were those who went from Babylon upon the confusion
of Tongues, those who escap'd from Troy when it was burnt by the Greci-
ans; almost all the Nations of Europe, with many of Asia and Africa, up-
on the dissolution of the Roman Empire. To which may be added a mul-
titude of Northern Nations, who, when they had increas'd to fuch num-
bers that their Countrys could no longer nourish them, or because they
wanted skill to improve their Lands, were sent out to provide for them-
selves, and having done fo, did erect many Kingdoms and States, either by
themselves, or in union and coalition with the antient Inhabitants.

'Tis in vain to say, that wherefoever they came, the Land did belong to
fome body, and that they who came to dwell there must be subject to the
Laws of those who were Lords of the Soil, for that is not always true in
fact. Some come into defect Countrys that have no Lord, others into
fuch as are thinly peopled, by men who knowing not how to improve their
Land, do either grant part of it upon eafe terms to the new comers, or
grow into a union with them in the enjoyment of the whole; and History's
furnish us with infinite examples of this nature.

If we will look into our own original, without troubling our selves with
the fenefs flories of Samothes the Son of Japhet, and his Magicians, or the
Giants begotten by Spirits upon the thirty Daughters of Danaus, fent from
Phenicia in a Boat without Sails, Oars or Rudder, we shall find that when
the Romans abandon'd this Iland, the Inhabitants were left to a full li-
berity of providing for themselves: and whether we deduce our Original
from them or the Saxons, or from both, our Anceftors were perfectly
free; and the Normans having inherited the fame Right when they came
to be one Nation with the former, we cannot but continue fo still, unlefs
we have enflav'd our selves.

Nothing is more contrary to reason than to imagin this. When the
fierce barbarity of the Saxons came to be foftned by a more gentle Climat,
the Arts and Religion they learnt, taught them to reform their Manners,
and better enabled them to frame Laws for the preservation of their Li-
berity, but no way dimiff'd their love to it: and the the Normans might
defire to get the Laads of thofe who had join'd with Harold, and of others
into their hands; yet when they were fettled in the Country, and by mar-
riages united to the antient Inhabitants, they became true Englishmen, and
no lefs lovers of Liberty, and refolute defenders of it, than the Saxons
had bin. There was then neither conquering Norman nor conquer'd Saxon,
but a great and brave People compos'd of both, united in blood and in-
tereft in the defence of their common Rights, which they fo well main-
tain'd, that no Prince fince that time has too violently encroach'd upon
them, who, as the reward of his folly, has not liv'd miferably, and dy'd
shamefully.

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Such actions of our Ancestors do not, as I suppose, favor much of the submission which patrimonial slaves do usually render to the will of their Lord. On the contrary, whatsoever they did was by a power inherent in themselves to defend that Liberty in which they were born. All their Kings were created upon the same condition, and for the same ends. Alfred acknowledged he found and left them perfectly free; and the confeffion of Offa, that they had not made him King for his own merits, but for the defence of their Liberty, comprehends all that were before and after him. They well knew how great the honor was, to be made Head of a great People, and rigorously exacted the performance of the ends for which such a one was elevated, severely punishing those who basely and wickedly betray'd the Trust repos'd in them, and violated all that is most sacred among men; which could not have bin unless they were naturally free, for the Liberty that has no being cannot be defended.

S E C T. XXXIV.

No Veneration paid, or Honor confer'd upon a just and lawful Magistrate, can diminish the Liberty of a Nation.

S O M E have suppos'd, that tho the People be naturally free, and Magistrates created by them, they do by such Creations deprive themselves of that natural Liberty; and that the names of King, Sovereign Lord, and Dread Sovereign, being no way confinent with Liberty, they who give such Titles do renounce it. Our Author carries this very far, and lays great weight upon the submissive Language us'd by the People, when they humbly crave that his Majesty would be pleased to grant their accustomed freedom of speech, and access to his Person; and give the name of Supplications and Petitions to the Addresses made to him: Whereas he answers in the haughty Language of Le Roy le veut, Le Roy s'avisera, and the like. But they who talk at this rate, shew, that they neither understand the nature of Magiftracy, nor the practice of Nations. Those who have liv'd in the highest exerçice of their Liberty, and have bin most tenacious of it, have thought no Honor too great for such Magistrates as were eminent in the defence of their Rights, and set up for that end. The name of Dread Sovereign might justly have bin given to a Roman Dictator, or Conful, for they had the Sovereign Authority in their hands, and power sufficient for its execution. Whilft their Magiftracy continu'd, they were a terror to the fame men, whose Axes and Rods had bin a terror to them the year or month before, and might be so again the next. The Romans thought they could not be guilty of excess in carrying the power and veneration due to their Dictator to the highest: And Livy tells us, that his * Edicts were efeem'd sacred. I have already shewn that this haughty People, who might have commanded, condescended to join with their Tribuns in a Petition to the Dictator Papirius, for the Life of Quintus Fabius, who had fought a Battel in his abience, and without his order, tho he had gain'd a great and memorable Victory. The fame Fabius, when Conful, was commend'd by his Father Q. Fabius Maximus,

* Edictum Dictatoris pro numine observation. Hist. l. 8.
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for obliging him by his Letters to dismiss from his Horse, and to pay him the same respect that was due from others. The Tribuns of the People, who were instituted for the preservation of Liberty, were also esteemed sacred and inviolable, as appears by that phrase, Sacrosancti Tribunorum potestas, so common in their ancient Writers. No man, I presume, thinks any Monarchy more limited, or more clearly derived from a delegated Power, than that of the German Emperors; and yet Sacra Caesaræ Majestatis is the publick title. Nay, the Hollander at this day call their Burgermasters, tho' they see them felling Herring or Tar, High and Mighty Lords, as soon as they are advanced to be of the 36, 42 or 48 Magistrats of a small Town. 'Tis no wonder therefore, if a great Nation should think it conducing to their own glory, to give magnificent Titles, and use submissive language to that one man, whom they set up to be their Head; most especially, if we consider that they came from a Country where such Titles and Languages were principally invented.

Among the Romans and Grecians we hear nothing of Majesty, Highness, Serenity and Excellence appropriated to a single Person, but receive them from Germany and other Northern Countries. We find Majestas Populi Romani, and Majestas Imperii, in their best Authors; but no man speaking to Julius or Augustus, or even to the vainest of their Successors, ever used those empty Titles, nor took upon themselves the name of Servants, as we do to every fellow we meet in the Streets. When such ways of speaking are once introduced, they must needs swell to a more than ordinary height in all transactions with Princes. Most of them naturally delight in vanity, and Courtiers never speak more truth than when they most extol their Masters, and assume to themselves the names that best express the most abject slavery. These being brought into mode, like all ill Customs, increase by use; and then no man can omit them without bringing that danger and hatred upon himself, which few will undergo, except for something that is evidently of great importance. Matters of ceremony and title at the first seem not to be so; and being for some time neglected, they acquire such strength as not to be easily removed. From private Usage they pass into public Acts; and those Flatterers who gave a beginning to them, proposing them in public Councils, where too many of that sort have always insinuated themselves, gain credit enough to make them pass. This work was farther advanced by the Church of Rome, according to their custom of favouring that moft, which is most vain and corrupt; and it has bin usual with the Popes and their adherents, liberally to gratify Princes for Services render'd to the Church, with Titles that tended only to the prejudice of the people. These poisonous Plants having taken root, grew up so fast, that the Titles, which, within the space of a hundred years, were thought sufficient for the Kings and Queens of England, have of late bin given to Monks and his honourable Dutchess. New phrases have bin invented to please Princes, or the senfe of the old perverted, as has happen'd to that of le Roy's assise: And that which was no more than a liberty to consult with the Lords upon a Bill presented by the Commons, is by some men now taken for a Right inherent in the King of denying such Bills as may be offer'd to him by the Lords and Commons; tho' the Coronation Oath obliges him to hold, keep and defend the just Laws and Customs, quas vulgus elegit. And if a stop be not put to this exorbitant abuse, the words still remaining in Acts of Parliament, which shew that their Acts are our Laws, may perhaps be also abolish'd.
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But tho' this should come to pass, by the slackness of the Lords and Commons, it could neither create a new Right in the King, nor diminish that of the People: But it might give a better color to those who are Enemies to their Country, to render the Power of the Crown arbitrary, than any thing that is yet among us.

S E C T. XXXV.

The Authority given by our Law to the Acts perform'd by a King de facto, detract nothing from the Peoples right of creating whom they please.

They who have more regard to the prevailing Power than to Right, and lay great weight upon the Statute of Henry the seventh, which authorizes the Acts of a King de facto, seem not to consider, that thereby they destroy all the pretended right of Inheritance; that he only is King de facto, who is receiv'd by the People; and that this reception could neither be of any value in itself, nor be made valid by a Statute, unless the People, and their Representatives who make the Statute, had in themselves the power of receiving, authorizing and creating whom they please. For he is not King as facto who calls himself so, as Perkin or Simnel, but he who by the consent of the Nation is possess'd of the Regal Power. If there were such a thing in nature, as a natural Lord over every Country, and that the right must go by descent, it would be impossible for any other man to acquire it, or for the people to confer it upon him, and to give the Authority to the Acts of one, who neither is nor can be a King, which belongs only to him who has the right inherent in himself, and inseparable from him. Neither can it be deny'd, that the same power which gives the validity to such Acts as are perform'd by one who is not a King, that belongs to those of a true King, may also make him King; for the essence of a King consists in the validity of his Acts. And 'tis equally absurd for one to pretend to be a King, whose Acts as King are not valid, as that his own can be valid, if those of another are; for then the same indivisible Right which our Author, and those of his principles affect to be inseparable from the Person, would be at the same time exercis'd and enjoy'd by two distinct and contrary Powers.

Moreover, it may be observ'd, that this Statute was made after frequent and bloody Wars concerning Titles to the Crown; and whether the cause were good or bad, those who were overcome, were not only subject to be kill'd in the field, but afterwards to be prosecuted as Traitors under the color of Law. He who gain'd the Victory, was always set up to be King by those of his party; and he never fail'd to proceed against his Enemies as Rebels. This introduc'd a horrid series of the most destructive mischiefs. The Fortune of War vary'd often; and I think it may be said, that there were few, if any, great Families in England, that were not either destroy'd, or at least so far shaken, as to lose their Chiefs, and many considerable branches of them: And experience taught, that instead of gaining any advantage to the Publick in point of Government,
ment, he for whom they fought seldom prov'd better than his Enemy. Sect. 35. They law that the like might again happen, tho the title of the reigning King should be as clear as descent of blood could make it. This brought things into an uneasy posture; and 'tis not strange, that both the Nobility and Commonalty should be weary of it. No Law could prevent the dangers of battle; for he that had followers, and would venture himself, might bring them to such a decision, as was only in the hand of God. But thinking no more could justly be requir'd to the full performance of their Duty to the King, than to expose themselves to the hazard of battle for him; and not being answerable for the success, they would not have that Law which they endeavour'd to support, turn'd to their destruction by their Enemies, who might come to be the interpreters of it. But as they could be exempted from this danger only by their own Laws, which could authorize the Acts of a King without a Title, and justify them for acting under him; 'tis evident that the power of the Law was in their hands, and that the Acts of the person who enjoy'd the Crown, were of no value in themselves. The Law had bin impertinent, if it could have bin done without Law; and the Intervention of the Parliament useless, if the Kings de facto could have given authority to their own Acts. But if the Parliament could make that to have the effect of Law, which was not Law, and exempt those that acted according to it from the penalties of the Law, and give the same force to the Acts of one who is not King as of one who is; they cannot but have a power of making him to be King, who is not so; that is to say, all depends entirely upon their Authority.

Besides, he is not King who assumes the title to himself, or is set up by a corrupt party; but he who according to the usages requir'd in the case is made King. If those are wanting, he is neither de facto nor de jure, but Tyrannus sine Titulo. Nevertheless, this very man, if he comes to be receiv'd by the People, and plac'd in the Throne, he is thereby made King de facto. His Acts are valid in Law; the same service is due to him as to any other: they who render it are in the same manner protected by the Law; that is to say, he is truly King. If our Author therefore do allow such to be Kings, he must confess that power to be good which makes them so, when they have no right in themselves. If he deny it, he must not only deny that there is any such thing as a King de facto, which the Statute acknowledges, but that we ever had any King in England; for we never had any other than such, as I have prov'd before.

By the same means he will so unravel all the Law, that no man shall know what he has, or what he ought to do or avoid; and will find no remedy for this, unless he allow, that Laws made without Kings are as good as those made with them, which returns to my purpose: for they who have the power of making Laws, may by Law make a King as well as any Magistrate. And indeed the intention of this Statute could be no other than to secure mens Persons and Possessions, and so far to declare the power of giving and taking away the Crown to be in the Parliament, as to remove all disputes concerning Titles, and to make him to be a Legal King, whom they acknowledge to be King.
S E C T. XXXVI.

The general revolt of a Nation cannot be call'd a Rebellion.

As Impostors seldom make lies to pass in the world, without putting false names upon things, such as our Author endeavour to persuade the People they ought not to defend their Liberties, by giving the name of Rebellion to the most just and honourable actions that have bin perform'd for the preservation of them; and to aggravate the matter, tell us that Rebellion is like the sin of Witchcraft. But those who seek after truth, will easily find, that there can be no such thing in the world as the rebellion of a Nation against its own Magistrates, and that Rebellion is not always evil. That this may appear, it will not be amiss to consider the word, as well as the thing commonly understood by it, as it is us'd in an evil sense.

The word is taken from the Latin rebellare, which signifieth no more than to renew a war. When a Town or Province had bin subdu'd by the Romans, and brought under their dominion, if they violated their Faith after the settlement of Peace, and invaded their Maffers who had spare'd them, they were said to rebel. But it had bin more absurd to apply that word to the People that rofe against the Decemviri, Kings or other Magistrates, than to the Parthians or any of those Nations who had no dependence upon them; for all the circumstances that should make a Rebellion were wanting, the word implying a superiority in them against whom it is, as well as the breach of an establisht Peace. But the every private man fingly taken to be subject to the commands of the Magistrate, the whole body of the People is not so; for he is by and for the People, and the People is neither by nor for him. The obedience due to him from private men is grounded upon, and measure'd by the General Law; and that Law regarding the welfare of the People, cannot set up the interest of one or a few men against the publick. The whole body therefore of a Nation cannot be ty'd to any other obedience than is conformit with the common good, according to their own judgment: and having never bin subdu'd or brought to terms of peace with their Magistrates, they cannot be said to revolt or rebel against them, to whom they owe no more than seems good to themselves, and who are nothing of or by themselves, more than other men.

Again, the thing signifi'd by rebellion is not always evil; for the every subdu'd Nation must acknowledg a superiority in those who have subdu'd them, and rebellion does imply a breach of the peace, yet that superiority is not infinite; the peace may be broken upon just grounds, and it may be neither a crime nor infamy to do it. The Princpates had bin more than once subdu'd by the Romans, and had as often rebel'd. Their City was at last taken by Plautius the Conful, after their Leader Vitruvius and great Numbers of their Senat and People had bin kill'd: Being reduc'd to a low condition, they sent Embassadors to Rome to defire peace; where when a Senator ask'd them what punishment they deferv'd, one of them answer'd, The fame which they deserve who think themselves worthy of Liberty. The Conful then demanded, what kind of Peace might be
be expected from them, if the punishment should be remitted. The Embassador's answer'd, * If the terms you give be good, the Peace will be obtai'd by us faithfully and perpetually; if bad, it will soon be broken. And tho' some were offended with the ferocity of the answer, yet the best part of the Senate approv'd it as † worthy of a man and a freeman; and confessing that no Man or Nation would continue under an uneasy condition longer than they were compell'd by force, said, || They only were fit to be made Romans, who thought nothing valuable but Liberty. Upon which they were all made Citizens of Rome, and obtai'd whatsoever they had defir'd.

I know not how this matter can be carry'd to a greater height; for if it were possible, that a People resistimg oppression, and vindicating their own Liberty, could commit a crime, and incur either guilt or infamy, the Privernates did, who had bin often subdu'd, and often pardon'd; but even in the judgment of their Conquerors whom they had offended, the resolution they profess'd of standing to no agreement impos'd upon them by necessity, was accounted the highest testimony of such a Vertue as render'd them worthy to be admitted into a Society and equality with themselves, who were the most brave and vertuous people of the world.

But if the patience of a conquer'd People may have limits, and they who will not bear oppression from those who had spair'd their Lives, may deliver praiseth and reward from their conquerors, it would be madness to think, that any Nation can be oblig'd to bear whatsoever their own Magistrats think fit to do against them. This may seem strange to those who talk so much of conquests made by Kings; Immunities, Liberty's and Privileges granted to Nations; Oaths of Allegiance taken, and wonderful benefits confer'd upon them. But having already said as much as is needful concerning Conquests, and that the Magistrate who has nothing except what is given to him, can only dispense out of the publik Stock such Franchises and Privileges as he has receiv'd for the reward of Services done to the Country, and encouragem'ent of Vertue, I shall at present keep my self to the two last points.

Allegiance signifi's no more (as the words ad legem declare) than such an obedience as the Law requires. But as the Law can require nothing from the whole People, who are matters of it, Allegiance can only relate to particulars, and not to the whole Nation. No Oath can bind any other than those who take it, and that only in the true sence and meaning of it: but single men only take this Oath, and therefore single men are only oblig'd to keep it: the body of a People neither dose, nor can perform any such act: Agreements and Contracts have bin made; as the Tribe of Judah, and the rest of Israel afterward, made a Covenant with David, upon which they made him King; but no wise man can think, that the Nation did thereby make themselves the Creature of their own Creature.

The sence also of an Oath ought to be consider'd. No man can by an Oath be oblig'd to any thing beyond, or contrary to the true meaning of it; private men who swear obedience ad Legem, swear no obedience extra or contra Legem: whatsoever they promise or swear, can detract nothing from the publik Liberty, which the Law principally intends to preserve. The many of them may be oblig'd in their severall Stations and Capacities to render peculiar services to a Prince, the People continue as free as the

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* Si bonum dederitis, idem & perpetuum; si malam, hanc diminuam. Liv.
† Viri & liberi vocem audiant. Ibid.
|| Eos demum, qui nihil praeferquam de libertate cogitant, dignos esse, qui Romani fiant. Ibid. internal
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internal thoughts of a man, and cannot but have a right to preserve their Liberty, or avenge the violation.

If matters are well examin'd, perhaps not many Magistrats can pretend to much upon the title of merit, most especially if they or their progenitors have continu'd long in Office. The conveniences annex'd to the exercise of the Sovereign power, may be thought sufficient to pay such scores as they grow due, even to the best: and as things of that nature are handled, I think it will hardly be found, that all Princes can pretend to an irrefistible power upon the account of beneficence to their People. When the family of Medici came to be masters of Tuscany, that Country was without dispute, in men, mony and arms, one of the most flourishing Provinces in the World, as appears by Machiavel's account, and the relation of what happen'd between Charles the eighth and the Magistrats of Florence, which I have mention'd already from Guicciardin. Now whoever shall consider the strength of that Country in those days, together with what it might have bin in the space of a hundred and forty years, in which they have had no war, nor any other plague, than the extortion, fraud, rapin and cruelty of their Princes, and compare it with their present defolate, wretched and contemptible condition, may, if he please, think that much veneration is due to the Princes that govern them, but will never make any man believe that their Title can be grounded upon beneficence. The like may be said of the Duke of Savoy, who pretending (upon I know not what account) that every Peasant in the Dutchy ought to pay him two Crowns every half year, did in 1662 subtly find out, that in every year there were thirteen halves; so that a poor man who had nothing but what he gain'd by hard labor, was thro' his fatherly Care and Beneficence, forc'd to pay fix and twenty Crowns to his Royal Highness, to be employ'd in his discreet and vertuous pleasures at Turin.

The condition of the seventeen Provinces of the Netherlands (and even of Spain it fell) when they fell to the house of Austria, was of the same nature: and I will confess as much as can be requir'd, if any other marks of their Government do remain, than such as are manifest evidences of their Pride, Avarice, Luxury and Cruelty.

France in outward appearance makes a better show; but nothing in this world is more miserable, than that people under the fatherly care of their triumphant Monarch. The best of their condition is, like Asses and Maffi-dogs, to work and fight, to be oppress and kill'd for him; and those among them who have any understanding well know, that their industry, courage, and good success, is not only unprofitable, but destructive to them; and that by increasing the power of their Master, they add weight to their own Chains. And if any Prince, or succession of Princes, have made a more modest use of their Power, or more faithfully discharg'd the trust repos'd in them, it must be imputed peculiarly to them, as a testimony of their personal Vertue, and can have no effect upon others.

The Rights therefore of Kings are not grounded upon Conquest; the Liberties of Nations do not arise from the Grants of their Princes; the Oath of Allegiance binds no private man to more than the Law directly, and has no influence upon the whole Body of every Nation: Many Princes are known to their Subjects only by the injurys, losses and mischiefs brought upon them; such as are good and just, ought to be rewarded for their personal Vertue, but can confer no right upon those who no way resemble
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Refemble them; and whoever pretends to that merit, must prove it by his Actions: Rebellion being nothing but a renew'd War, can never be against a Government that was not establisht'd by War, and of it self is neither good nor evil, more than any other War; but is juft or unjust according to the caufe or manner of it. Besides, that Rebellion which by Samuel is compared to Witchcraft, is not of private men, or a People against the Prince, but of the Prince against God: The Israelites are often said to have rebel'd against the Law, Word, or Command of God; but tho' they frequently oppos'd their Kings, I do not find Rebellion imputed to them on that account, nor any ill character put upon such actions. We are told also of some Kings who had bin subdu'd, and afterwards rebel'd against Chedorlaomer and other Kings; but their caufe is not blam'd, and we have some reason to believe it good, because Abraham took part with those who had rebel'd. However it can be of no prejudice to the caufe I defend; for tho' it were true, that those subdu'd Kings could not justly rise against the person who had subdu'd them; or that generally no King being once vanquish'd, could have a right of Rebellion against his Conqueror, it could have no relation to the actions of a People vindicating their own Laws and Liberties against a Prince who violates them; for that War which never was, can never be renew'd. And if it be true in any cafe, that hands and swords are given to men, that they only may be slaves who have no courage, it must be when Liberty is overthrown by thofe, who of all men ought with the utmost industry and vigor to have defended it.

That this shou'd be known, is not only neceffary for the safety of Nations, but advantageous to fuch Kings as are wife and good. They who know the frailty of human Nature, will always diftrust their own; and defiring only to do what they ought, will be glad to be reftrain'd from that which they ought not to do. Being taught by reafon and experience, that Nations delight in the Peace and Justice of a good Government, they will never fear a general Infurrection, whilst they take care it be rightly administer'd; and finding themselves by this means to be fafe, will never be unwilling, that their Children or Successors should be oblig'd to tread in the fame steps.

If it be faid that this may sometimes cause disorders, I acknowledge it; but no human condition being perfecft, fuch a one is to be choen, which carries with it the moft tolerable inconveniences: And it being much better than the irregularity and excefses of a Prince should be reftain'd or suppreft, than that whole Nations should perifh by them, thofe Constitutions that make the beft provision against the greatest evils, are moft to be commend'd. If Governments were inftituted to gratify the lufts of one man, thofe could not be good that fet limits to them; but all reafonable men confenting that they are inftituted for the good of Nations, they only can deferve praise, who above all things endeavour to procure it, and appoint mean proportion'd to that end. The great variety of Governments which we fee in the World, is nothing but the effect of this care; and all Nations have bin, and are more or lefs happy, as they or their Ancestors have had vigor of Spirit, integrity of Manners, and wifdorn to invent and establisht fuch Orders, as have better or worse provided for this common Good, which was fought by all. But as no Rule can be fo exact, to make provision against all contreflations; and all difputes about Right do naturally end in force when Justice is deny'd (ill men never willingly submitting to any decision that is contrary to their passions and in terests) the beft Constitutions are of no value, if there be not a Power to
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Chap. III. support them. This Power first exerts it self in the execution of Justice by the ordinary Officers; but no Nation having bin so happy, as not sometimes to produce such Princes as Edward and Richard the Seconds, and such Ministers as Gaveston, Spencer, and Treffmain, the ordinary Officers of Justice often want the will, and always the power to restrain them. So that the Rights and Liberties of a Nation must be utterly subverted and abolished, if the power of the whole may not be employ'd to affart them, or punifh the violation of them. But as it is the fundamental Right of every Nation to be govern'd by such Laws, in such Manner, and by such Persons as they think most conducing to their own good, they cannot be accountable to any but themselves for what they do in that most important affair.

S E C T. XXXVII.

The English Government was not ill constituted, the defects more lately observ'd proceeding from the change of manners, and corruption of the times.

I am not ignorant that many honest and good men acknowledging those Rights, and the care of our Ancestors to preserve them, think they wanted wisdom rightly to proportionate the means to the end. 'Tis not enough, say they, for the General of an Army to desire Victory; he only can deserve praise, who has skill, industry, and courage to take the best measures of obtaining it. Neither is it enough for wise Legislators to preserve Liberty, and to erect such a Government as may stand for a time; but to fix such clear Rules to those who are to put it in execution, that every man may know when they transgress; and appoint such means for restraining or punishing them, as may be us'd speedily, surely, and effectually, without danger to the Publick. Sparta being thus constituted, we hardly find that, for more than eight hundred years, any King presum'd to pass the limits prescrib'd by the Law. If any Roman Consul grew insolent, he might be reduc'd to order without blood, or danger to the Publick; and no Dictator ever usurp'd a power over Liberty till the time of Sylla, when all things in the City were so chang'd, that the ancient foundations were become too narrow. In Venice the power of the Duke is so circumscrib'd, that in 1300 years, no one except Falerio and Trepols, has dar'd to attempt any thing against the Laws: and they were immediately suppreff'd with little commotion in the City. On the other side, our Law is so ambiguous, perplexed, and intricate, that 'tis hard to know when 'tis broken. In all the publick contests we have had, men of good judgment and integrity have follow'd both parties. The means of transgressing and procuring Partizans to make good by force the most notorious violations of Liberty, have bin so easy, that no Prince who has endeavour'd it, ever fail'd to get great numbers of followers, and to do infinite mischief's before he could be remov'd. The Nation has bin brought to fight against tho' they had made to be what they were, upon the unequal terms of hazarding all against nothing. If they had success, they gain'd no more than what was their own before, and which the Law ought to have secuir'd: whereas 'tis evident, that if at any one time the contrary had
had happen'd, the Nation had bin utterly enslav'd; and no victory was ever gain'd without the los of much noble and innocent blood.

To this I anfwer, that no right judgment can be given of human things, without a particular regard to the time in which they pass'd. We esteem Seipio, Hannibal, Pyrrhus, Alexander, Epaminondas, and Cesar, to have bin admirable Commanders in War, because they had in a most eminent degree all the qualities that could make them fo, and knew best how to employ the Arms then in ufe according to the disciplin of their times; and yet no man doubts, that if the moft skilful of them could be rais'd from the Grave, reftor'd to the utmost vigor of mind and body, set at the head of the best Armys he ever commanded, and plac'd upon the Frontiers of France or Flanders, he would not know how to advance or retreat, nor by what means to take any of the places in those parts, as they are now fortey'd and defended; but would moft certainly be beaten by any insignificant fellow with a small number of men, furniſh'd with fuch Arms as are now in ufe, and following the methods now practic'd. Nay, the manner of marching, encamping, besieging, attacking, defending and fighting, is fo much alter'd within the laft three-score years, that no man oberving the disciplin that was then thought to be the beft, could poſſibly defend himself against that which has bin fince found out, tho' the terms are still the fame. And if it be consider'd that political matters are subject to the fame mutations (as certainly they are) it will be fufficient to excuse our Anceftors, who fuing their Government to the Ages in which they liv'd, could neither foresee the changes that might happen in future Generations, nor appoint remedies for the mischiefs they did not foresee.

They knew that the Kings of several Nations had bin kept within the limits of the Law, by the vertue and power of a great and brave Nobility; and that no other way of supporting a mix'd Monarchy had ever bin known in the World, than by putting the balance into the hands of thoſe who had the greatest intereſts in Nations, and who by Birth and Eftate enjoy'd greater advantages than Kings could confer upon them for rewards of betraying their Country. They knew that when the Nobility was fo great as not easily to be number'd, the little that was left to the King's difpoſal, was not ſufficient to corrupt many; and if some might fall under the temptation, thoſe who continu'd in their integrity, would easily be able to chaſte them for deferting the publick Caufe, and by that means deter Kings from endeavouring to deduce them from their duty. Whilſt things continu'd in this poſture, Kings might ſafely be truſted (with the advice of their Council) to confer the commands of the Militia in Towns and Provinces upon the moſt eminent men in them: And whilſt thoſe Kings were exercis'd in almost perpetual Wars, and plac'd their glory in the greatneſs of the Actions they achiev'd by the power and valor of their People, it was their intereſt always to chufe ſuch as seem'd beſt to deferve that honor. It was not to be imagin'd that thro' the weakneſs of ſome, and the malice of others, thoſe Dignities ſhould by degrees be turn'd into empty Titles, and become the rewards of the great-eft crimes, and the vileſt services; or that the nobleſt of their Deſcendents for want of them, Ŝould be brought under the name of Commoners, and depriv'd of all privileges except ſuch as were common to them with their Grooms. Such a ſuppeſſion change being in procefs of time inſenſibly introduc'd, the foundations of that Government which they had eſtablifh'd, were remov'd, and the superstructure overthrown. The balance by which
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CHAP. III. it subsists was broken; and 'tis as impossible to restore it, as for most of those who at this day go under the name of Noblemen, to perform the duties required from the antient Nobility of England. And tho' there were a charm in the name, and those who have it should be immediately fill'd with a spirit like to that which animated our Ancestors, and endeavor to deserve the Honors they possess, by such Services to the Country as they ought to have perform'd before they had them; they would not be able to accomplish it. They have neither the Interest nor the Estates required for so great a work. Those who have Estates at a rack Rent, have no dependents. Their Tenants, when they have paid what is agreed, owe them nothing; and knowing they shall be turn'd out of their Tenements, as soon as any other will give a little more, they look upon their Lords as men who receive more from them than they confer upon them. This dependence being lost, the Lords have only more mony to spend or lay up than others, but no command of men; and can therefore neither protect the weak, nor curb the insolent. By this means all things have bin brought into the hands of the King and the Commons, and there is nothing left to cement them, and to maintain the union. The perpetual jarings we hear every day; the division of the Nation into such factions as threaten us with ruin, and all the disorders that we fee or fear, are the effects of this rupture. These things are not to be imputed to our original Constitutions, but to those who have subverted them: And if they who by corrupting, changing, enervating and annihilating the Nobility, which was the principal support of the antient regular Monarchy, have driven those who are truly Noblemen into the same interest and name with the Commons, and by that means increased a party which never was, and I think never can be united to the Court, they are to answer for the Consequences; and if they perish, their destruction is from themselves.

The inconveniences therefore proceed not from the Institution, but from the Innovation. The Law was plain, but it has bin industriously render'd perplex: They who were to have upheld it are overthrown. That which might have bin easily perform'd when the People was arm'd, and had a great, strong, vertuous and powerful Nobility to lead them, is made difficult, now they are disarm'd, and that Nobility abolish'd. Our Ancestors may evidently appear, not only to have intended well, but to have taken a right course to accomplish what they intended. This had effect as long as the cause continu'd; and the only fault that can be ascrib'd to that which they establish'd is, that it has not prov'd to be perpetual; which is no more than may be justly said of the best human Constitutions that ever have bin in the world. If we will be just to our Ancestors, it will become us in our time rather to pursue what we know they intended, and by new Constitutions to repair the breaches made upon the old, than to accuse them of the defects that will for ever attend the Actions of men. Taking our Affairs at the worst, we shall soon find, that if we have the same spirit they had, we may easily restore our Nation to its antient Liberty, Dignity and Happiness; and if we do not, the fault is owing to our selves, and not to any want of vertue and widom in them.

SECT.
S E C T. XXXVIII.

The power of calling and dissolving Parliaments is not simply in the King. The variety of Customs in choice of Parliament men, and the Errors a People may commit, neither prove that Kings are or ought to be Absolute.

The original of Magistratical Power, the intention of our Ancestors in its creation, and the ways prescribed for the direction and limitation of it may, I presume, sufficiently appear by what has been said. But because our Author, taking hold of every twig, pretends, That Kings may call and dissolve Parliaments at their pleasure, and from thence infers the Power to be wholly in them; all the various Customs in several parts of this Nation up'd in the Elections of Parliament men, to proceed from the King's will; and because a People may commit Errors, thinks all Power ought to be put into the hands of the King:

I answer, i. That the power of calling and dissolving Parliaments is not simply in Kings. They may call Parliaments, if there be occasion, at times when the Law does not exact it; they are plac'd as Sentinels, and ought diligently to observe the motions of the Enemy, and give notice of his approach: But if the Sentinel falls asleep, neglects his duty, or maliciously endeavors to betray the City, those who are concern'd may make use of all other means to know their danger, and to preserve themselves. The ignorance, incapacity, negligence or luxury of a King, is a great calamity to a Nation, and his malice is worse, but not an irreparable ruin. Remedys may be, and often have been found against the worst of their Vices. The last French Kings of the Races of Meroveus and Pepin brought many mischief upon the Kingdom, but the destruction was prevented. Edward and Richard the Seconds of England were not unlike them, and we know by what means the Nation was preserved. The question was not who had the Right, or who ought to call Parliaments, but how the Commonwealth might be saved from ruin. The Consuls, or other chief Magistrates in Rome, had certainly a right of assembling and dissolving the Senat: But when Hannibal was at the Gates, or any other imminent danger threatened them with destruction; if that Magistrate had bin drunk, mad, or gain'd by the Enemy, no wise man can think that formalities were to have bin observ'd. In such cases every Man is a Magistrate; and he who best knows the danger, and the means of preventing it, has a right of calling the Senat or People to an Assembly. The People would, and certainly ought to follow him, as they did Brutus and Valerius against Tarquin, or Horatius and Valerius against the Decemviri; and whoever should do otherwise, might for stottiness be compar'd to the Courtiers of the two last Kings of Spain. The first of these, by name Philip the Third, being indisposed in cold weather, a Braccio of Coals was brought into his Chamber, and plac'd so near to him, that he was cruelly scorched. A Nobleman then present said to one who stood by him, The King burns; the other answer'd, it was true, but the Page whole Office it was to bring and re-
move the Braziero, was not there; and before he could be found, his Majesty's Legs and Face were so burnt, that it caus'd an Enysipelas, of which he dy'd. Philip the Fourth escap'd not much better, who being surpriz'd as he was hunting by a violent storm of Rain and Hail, and no man presuming to lend the King a Cloke, he was so wet before the Officer could be found who carry'd his own, that he took a cold, which call'd him into a dangerous Fever. If Kings like the consequences of such a Regularity, they may cause it to be observ'd in their own Families; but Nations looking in the first place to their own safety, would be guilty of the most extreme stupidity, if they should suffer themselves to be ruin'd for adhering to such Ceremonys.

This is laid upon a supposition, that the whole power of calling and dissolution of Parliaments is by the Law plac'd in the King; but I utterly deny that it is so; and to prove it, shall give the following Reasons.

(1.) That the King can have no such Power, unless it be given to him, for every man is originally free; and the same power that makes him King, gives him all that belongs to his being King. 'Tis not therefore an inherent, but a delegated Power; and whoever receives it, is accountable to those that gave it; for, as our Author is forc'd to confess, they who give Authority by Commission, do always retain more than they grant.

(2.) The Law for annual Parliaments expressly declares it not to be in the King's power, as to the point of their meeting, nor consequently their continuance. For they meet to no purpose if they may not continue to do the work for which they meet: and it were absurd to give them a power of meeting, if they might not continue till it be done: For, as Gratian says, Qui dat凤凰，dat media ad Phoenix necessaria. The only reason why Parliaments do meet, is to provide for the publick good; and they by Law ought to meet for that end. They ought not therefore to be dissov'd, till it be accomplished. For this reason the opinion given by Tretilian, that Kings might dissolve Parliaments at their pleasure, was adjudg'd to be a principal part of his Treason.

(3.) We have already prov'd, that Saxons, Danes, Normans, &c. who had no Title to the Crown, were made Kings by Micklegamots, Witternagemots, and Parliaments; that is, either by the whole People, or their Representatives: Others have bin by the same Authority refrain'd, brought to order, or depos'd. But as it is impossible that such as were not Kings, and had no title to be Kings, could by virtue of a kingly Power call Parliaments, when they had none; and absurd to think that such as were in the Throne, who had not govern'd according to Law, would suffer themselves to be restrain'd, imprison'd, or depos'd by Parliaments, call'd and sitting by themselves, and still depending upon their will to be or not to be: 'Tis certain that Parliaments have in themselves a Power of sitting and acting for the publick Good.

2. To the second. The various customs us'd in Elections are nothing to this question. In the Counties, which make up the Body of the Nation, all Freeholders have their Votes: these are properly Cives, Members of the Commonwealth, in distinct from those who are only Incite, or Inhabitants, Villains, and such as being under their Parents, are not yet sui juris. These in the beginning of the Saxons reign in England, compos'd the Micklegamots; and when they grew to be so numerous that one place could not contain them, or so far dispers'd, that without trouble and danger they could not leave their habitations, they deputed such as should represent them. When the Nation came to be
be more polit'd, to inhabit Citys and Towns, and to set up several Arts Sect. 38.
and Trades; those who exercis'd them were thought to be as useful to
the Commonwealth, as the Freeholders in the Country, and to deserve
the fame Privileges. But it not being reasonable that every one should
in this case do what he pleas'd, it was thought fit that the King with his
Council (which always consilid of the Proceres and Magnates Regni)
should judge what numbers of men, and what places deperv'd to be made
Corporations or Body's Politick, and to enjoy those Privileges; by which
he did not confer upon them any thing that was his, but according to
the truft repos'd in him, did dispence out of the publick Stock parcels of
what he had receiv'd from the whole Nation; And whether this was to
be enjoy'd by all the Inhabitants, as in Westminster; by the Common
Hall, as in London; or by the Mayor, Aldermen, Jurats and Corporation,
as in other places, 'tis the same thing: for in all these cases the King
dos only distribute, not give, and under the same condition that he might
call Parliaments, that is, for the publick good. This indeed increas'd
the Honor of the person intrusted, and adds weight to the obligation
incumbent upon him; but can never change the nature of the thing,
so as to make that an inherent, which is only a delegated Power. And
as Parliaments, when occasion requir'd, have bin assembled, have refused
to be diffolv'd till their work was finish'd, have severely punish'd those
who went about to persuade Kings, that such matters depend'd abso-
lutely upon their will, and made Laws to the contrary: 'tis not to be
imagin'd, that they would not also have interpos'd their Authority in
matters of Charters, if it had bin observ'd that any King had notoriously
abus'd the truft repos'd in him, and turn'd the Power to his private ad-
antage, with which he was intrusted for the publick good.

That which renders this most plain and safe, is, that men chosen in
manner to serve in Parliament, do not act by themselves, but in
conjunction with others who are sent thither by prescription; nor by a
Power deriv'd from Kings, but from those that chuse them. If it be true
therefore that those who delegate Powers, do always retain to themselves
more than they give, they who send these men, do not give them an
absolute power of doing whatsoever they please, but retain to themselves
more than they confer upon their Deputies: They must therefore be ac-
countable to their Principals, contrary to what our Author afferts. This
continues in force, tho he knows not, that any Knights and Burges's have ever
bin question'd by those that sent them; for it cannot be concluded they ought
not, or may not be question'd, because none have bin question'd. But in
truth they are frequently question'd: The People do perpetually judg of the
behaviour of their Deputies. Wheneuer any of them has the mis-
fortune not to satisfy the major part of those that chose him, he is sure to
be rejected with disgrace the next time he shall desire to be chosen. This
is not only a sufficient punishment for such faults, as he who is but one
of five hundred may probably commit, but as much as the greatest and
freest People of the World did ever inflict upon their Commanders that
brought the greatest losses upon them. Appius Claudius, Pomponias,
and Terentius Varro, surviv'd the greatest defeats that ever the Romans
suffer'd; and tho they had caus'd them by their folly and perverfnets,
were never punish'd. Yet I think no man doubts that the Romans had
as much right over their own Officers, as the Athenians and Carthaginians,
who frequently put them to death. They thought the mind of a Com-
mander would be too much distracted, if at the same time he should
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Chapter III. stand in fear both of the Enemy and his own Countrymen: And as they always endeavour’d to chuse the best men, they would lay no other necessity upon them of performing their duty, than what was suggested by their own virtue and love to their Country. ’Tis not therefore to be thought strange, if the people of England have follow’d the most generous and most prosperous Examples. Besides, if any thing has bin defective in their usual proceedings with their Delegates, the inconvenience has bin repair’d by the modesty of the best and wiftest of them that were chosen. Many in all Ages, and sometimes the whole body of the Commons have refus’d to give their opinion in some cases, till they had consulti’d with thofe that fent them: The Houses have bin often adjourn’d to give them time to do it; and if this were done more frequently, or that the Towns, Cities and Countys, had on some occasions given instructions to their Deputies, matters would probably have gone better in Parliament than they have often done.

3. The question is not, whether the Parliament be impeccable or infallible, but whether an Assembly of Nobility, with a House of Commons compos’d of thofe who are beft esteem’d by their Neighbors in all the Towns and Countys of England, are more or less subject to error or corruption, than fuch a man, woman or child as happens to be next in blood to the laft King. Many men do usually fee more than one; and if we may believe the wiftest King, In the multitude of Counfellers there is fafety. Such as are of mature Age, good Experience, and approv’d reputation for Vertue and Wifdom, will probably judg better than children or fools. Men are thought to be more fit for War than women; and thofe who are bred up in Disciplin, to understand it better than thofe who never knew any thing of it. If some Countys or Cities fail to chufe fuch men as are eminentiy capable, all will hardly be fo mistaken as to chufe thofe who have no more of Wifdom or Vertue, than is usually intaill’d upon Families. But Filmer at a venture admires the profound Wifdom of the King; tho’ besides fuch as we have known, Histories give us too many proofs, that all thofe who have bin poiffent of Crowns, have not excell’d that way. He speaks of Kings in general, and makes no difference between Solomon and his foolish Son. He diftinguih’es not our Edward the firft from Edward the second; Edward the third from Richard the second; or Henry the fifth from Henry the sixth. And becaufe all of them were Kings, all of them, if he delivres credit, muft needs have bin endow’d with profound Wifdom. David was wife as an Angel of God; therefore the prefent Kings of France, Spain and Sweden, muft have bin fo alfo, when they were but five years old: John of Castile could not be mad, nor the two Johns of Naples infamous Strumpets, or all his Arguments fall to the ground. For the Solomon’s Wifdom furprift that of all the people, yet men could not rely equally upon that of Rehoboam, unlefs it had bin equal. And if they are all equal in Wifdom when they come to be equally Kings, Perseus of Macedon was as great a Captain as Philip or Alexander: Commodus and Helogabalus were as wife and vertuous as Marcus Aurelius and Antoninus Pius: Nay, Christiana of Sweden in her infancy was as fit to command an Army as her valiant Father. If this be moft absurd and falfé, there can be neither reafon nor fenti in proposing, as our Author does, that the Power should be in the King, becaufe the Parliament is not infallible. It is, fays he, for the Head to correct, and not to expell the content of the Members or Partys, perrce to be Judges in their own cafes; nor is it needful to confine the King, &c.

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Besides that this is directly contrary to his own fundamental Maxim, that no man must be the Judge of his own Case, in as much as this would put the Power into the King's hands, to decide the Controversies between himself and the people, in which his own Passions, private Interest, and the corrupt Counsels of ill Ministers, will always lead him out of the way of Justice, the inconveniences that may arise from a possibility that the Parliament or People is not infallible, will be turn'd to the most certain and destructive Mischief; as must have fallen out in Spain, if, upon a supposition that the Effates of Castile might err, the correction of such Errors had bin left to the profound Wisdom and exquisite Judgment of Joan their Queen and Head, who was stark mad. And the like may be laid of many other Princes, who thro natural or accidental infirmitys, want of age, or dotage, have bin utterly unable to judg of any thing.

The matter will not be much mended, tho I pass from Idots and Lunatics, to such as know well enough how to clothe and feed themselves, and to perform the ordinary functions of life; and yet have bin as uncapable of giving a right judgment concerning the weighty matters of Government, as the weak'ft of Children, or the most furious of Madmen. Good manners forbid me to enumerate the examples of this kind, which Europe has produc'd even in this Age: But I should commit a greater fault, if I did in silence pass over the extravagances of those, who being most weak in judgment, and irregular in their appetites, have bin most impatient of any restraint upon their will. The brave Gustavus Adolphus, and his Nephew Carolus Gustavus, who was not inferior to him in Valor, Wisdom, and love to his people, were content with the Power that the Laws of their Country gave to them: But Frederick the fourth of Denmark never refr'd till he had overthrown the Liberty of that Nation. Casimir by attempting the like in Poland, loft almost half that Kingdom; and flying from the other, left all to be ravag'd by Swedes, Tartars, and Cofacks. The present Emperor, who pafs'd his time in setting Songs in Musick with a wretched Italian Eunuch, when he ought to have bin at the Head of a brave Army, rais'd to oppose the Turks in the year 1664, and which under good conduct might have overthrown the Ottoman Empire, as soon as he was deliver'd from the fear of that Enemy, fell upon his own Subiects with such cruelty, that they are now forc'd to fly to the Turks for protection; the Protestants especially, who find their condition more tolerable under those prof'est Enemies to Christianity, than to be expos'd to the pride, avarice, perfidiousnes and violence of the Jesuits by whom he is govern'd. And the qualities of the King of Portugal are so well known, together with the condition to which he would have brought his Kingdom if he had not bin sent to the Tercera's, that I need not speake particularly of him.

If Kings therefore, by virtue of their Office, are constitut'd Judges over the Body of their People, because the People, or Parliaments representing them, are not infallible; those Kings who are children, fools, disabiled by age, or madmen, are so also; women have the same right where they are admitt'd to the succession; those men who, tho of ripe age and not superannu'd, nor directly fools or madmen, yet absolutely incapable of judging important Affairs, or by their passions, interests, vices, or the malice and wickednes of their Ministers, Servants and Favorites, are let to oppress and ruin the people, enjoy the same privilege: than which nothing can be imagin'd more absurd and abominable, nor more directly tending to the corruption and destruction of the Nations under
Those Kings only are heads of the People, who are good, wise, and seek to advance no Interest but that of the Publick.

The worst of men seldom arrive to such a degree of impudence, as plainly to propose the most mischievous follies and enormities. They who are enemies to Vertue, and fear not God, are afraid of men, and dare not offer such things as the world will not bear, left by that means they should overthrow their own designs. All poison must be disguis’d, and no man can be persuaded to eat Arsenic, unless it be covered with something that appears to be harmless. Creusa would have abhor’d Medea’s present, if the pejulient venom had not bin hidden by the exterior lustre of Gold and Gems. The Garment that destroy’d Hercules appear’d beautiful; and Eve had neither eaten of the forbidden Tree, nor given the Fruit to her Husband, if it had not seem’d to be good and pleasant, and she had not bin induc’d to believe that by eating it they should both be as Gods. The Servants of the Devil have always follow’d the same method: their malice is carry’d on by fraud, and they have seldom destroy’d any, but such as they had first deceiv’d. Truth can never conduce to mifchief, and is best discover’d by plain words; but nothing is more usual with ill men than to cover their mischievous designs with figurative phrases. It would be too ridiculous to say in plain terms, that all Kings without distinction are better able to judge of all matters than any or all their people; they must therefore be call’d the Head, that thereby they may be invested with all the preeminoences which in a natural body belong to that part; and men must be made to believe the analogy between the natural and political body to be perfect. But the matter must be better examin’d before this mortal poison seems fit to be swallowed.

The word Head is figuratively us’d both in Scripture and profane Authors in several senses, in relation to places or persons, and always implies something of real or seeming preeminence in point of honor or jurisdiction. Thus Damascus is said to be the head of Syria; Samaria of Ephraim, and Ephraim of the ten Tribes: that is, Ephraim was the chief Tribe; Samaria was the chief City of Ephraim, and Damascus of Syria: tho’ it be certain that Ephraim had no jurisdiction over the other Tribes, nor Samaria over the other Cities of Ephraim, but every one according to the Law had an equal power within it self, or the Territories belonging to it; and no privileges were granted to one above another, except to Jerusalem, in the matter of Religion, because the Temple was plac’d there. The words Head, Prince, principal Man, or Captain, seem also to be equivalent; and in this sense the same men are call’d Heads of the Tribes, Princes in the houses of their Fathers: and ’tis said, that two hundred Heads of the Tribe of Reuben were carry’d away captive by Tiglath Pilezer, and proportionably in the other Tribes; which were a strange thing, if the word did imply that supreme, absolute, and infinite Power that our Author attributes to it: and no man of less understanding than
than he, can comprehend how there should be two hundred or more sovereign unlimited Powers in one Tribe, most especially when 'twas certain that one feries of Kings had for many Ages reign'd over that Tribe and nine more; and that every one of those Tribes, as well as the particular Cities, even from their first entrance into the promis'd Land, had a full jurisdiction within it self. When the Gileadites came to Jephtha, he suspected them, and ask'd whether indeed they intended to make him their Head? they answer'd, if he would lead them against the Ammonites, he should be their Head. In the like fene when Jul. Cefar in despair would have kill'd himself, one of his Soldiers diffuaded him from that design, by telling him, *That the safety of so many Nations that had made him their Head, depending upon his life, it would be cruelty in him to take such a resolution. But for all that, when this Head was taken off, the Body did still subsift: upon which I observe many fundamental differences between the relation of this figurative Head (even when the word is rightly apply'd) and that of the natural Head to their respective Bodys.

The figurative Heads may be many, the natural but one. The People make or create the figurative Head; the natural is from it self, or connate with the Body.

The natural Body cannot change or subsift without the natural Head; but a People may change and subsift very well without the artificial. Nay, if it had bin true, that the World had chosen Cefar, as it was not, (for he was chosen only by a facious mercenary Army, and the foundefl part fo far oppos'd that Elefion, that they brought him to think of killing himfelf) there could have bin no truth in this flattering affertion, That the safety of the whole depended upon his Life: for the World could not only subsift without him, but without any such Head, as it had done before he by the help of his corrupted Soldiery had usurp'd the Power; which also shews that a civil Head may be a matter of convenience, but not of necessity. Many Nations have had none; and if the expression be fo far ftrech'd, as to make it extend to the annual or temporary Magiftrats set up by the Athenians, Carthaginians, Romans, and other antient Commonwealthis, or to thofe at this day in Venice, Holland, Switzerland, and other places, it must be confef that the People who made, depos'd, abrogated, or abolifl'd both the Magiftrats and Magiftracyis, had the power of framing, directing and removing their Heads, which our Author will fay is moft absurd. Yet they did it without any prejudice to themselves, and very often much to their advantage.

In mentioning these vast and effential differences between the natural and political Head, I no way intend to exclude others that may be of equal weight; but as all figurative expreffions have their strength only from similitude, there can be little or none in this, which differs in so many important points, and can therefore be of no effect.

However, Right proceeds from identity, and not from similitude. The right of a man over me is by being my Father, and not by being like my Father. If I had a Brother so perfectly reftembling me as to deceive our Parents, which has sometimes happen'd to Twins, it could give him no right to any thing that is mine. If the power therefore of correcting the party's peccant, which our Author attributes to Kings, be grounded...
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Chap. III. upon the name of Head, and a resemblance between the Heads of the Body politic and Body natural; if this resemblance be found to be exceedingly imperfect, uncertain, or perhaps no way relating to the matter in question; or tho it did, and were absolutely perfect, could confer no right; the allegation of it is impertinent and absurd.

This being clear'd, 'tis time to examin what the Office of the Head is in a natural Body, that we may learn from thence why that name is sometimes given to those who are eminent in political Bodys, and to whom itdoes belong.

Some men account the Head to be absolutely the seat of all the Senses, as to derive even that of feeling, which is exercis'd in every part, from the Brain: but I think 'tis not doubted that all the rest have both their seat and function in the Head; and whatsoever is useful or hurtful to a man, is by them reprepenited to the understanding; as Arifiole says, Nihil est in intellectu, quod non fit prius in senfa. This is properly the part of every Magiftrate: He is the Sentinel of the Publick, and is to represent what he discovers beneficial or hurtful to the Society; which Office belongs not only to the supreme, but proportionally to the subordi-

cinate. In this fene were the chief men among the Israelites call'd Heads of their Fathers house, choice and mighty men of valor, chief of the Princes, and in the following Chapter mention is made of nine hundred and fifty Benjaminites, chief men in the House of their Fathers. These men exercis'd a charitable care over such as were inferior to them in power and valor, without any shadow of sovereignty, or possibility that there could be to many Sovereigns: and such as were under their care are faid to be their Brethren; which is not a word of majesty and domination, but of dearnefls and equality. The name therefore of Head may be given to a Sovereign, but it implies nothing of sovereignty; and must be exercis'd with charity, which always terminates in the good of others. The Head cannot correct or chaffie; the proper work of that part is only to indicate, and he who takes upon him to do more, is not the Head. A natural body is homogeneous, and cannot subsift if it be not fo. We cannot take one part of a Horfe, another of a Bear, and put upon the head of a Lion; for it would be a Monster, that would have neither action nor life. The Head must be of the fame nature with the other Members, or it cannot subsift. But the Lord or Mafter differs in fpecie from his Servants and Slaves, he is not therefore properly their Head.

Befides, the Head cannot have a subfidence without the Body, nor any intereil contrary to that of the Body; and 'tis impossible for any thing to be good for the Head, that is hurtful to the Body. A Prince therefore, or Magiftrate, who fets up an intereil in himself fìnift from, or repugnant to that of the people, renounces the title or quality of their Head. Indeed Mofes was the Head of the Israelites; for when God threaten'd to destroy that People, and promis'd to make him a great Nation, he wav'd the particular advantages offer'd to himfelf, interceded for them, and pro-
cured their pardon. Yet he was not able to bear the weight of the Govern-
ment alone, but defir'd that fome might be appointed to affift him. Gideon was the Head of the fame people, but he would not reign himfelf, nor allow his Sons to reign over them. Samuel was alfo their Head; he took nothing from any man, defrauded none, took bribes from no man, oppreft none: God and the People were his witneffes: He blam'd them for their Rebellion againft God in asking a King, but was no way concern'd for himself or his Family. David likewise had a right to that Title; for he
he desired that God would spare the People, and turn the effect of his anger against himself, and the house of his Father. But Rehoboam was not their Head; for tho' he acknowledged that his Father had laid a heavy yoke upon them, yet he told them he would add to the weight; and that if his Father had chastised them with Whips, he would chastise them with Scorpions. The Head is no burden to the Body, and can lay none upon it; the Head cannot chastise any member; and he who does so, be it more or les, cannot be the Head. Jeroboam was not the Head of the revolting Tribes; for the Head takes care of the Members, and provides for the safety of the whole: But lie thro' fear that the people, going to Jerufalem to worship, should return to the house of David, by setting up Idols to secure his own interests, drew guilt and destruction upon them. Tho' it should be granted that Augustus by a gentle use of his power, had in a manner expiated the deceptible Villanys committed in the acquisition, and had truly deferv'd to be call'd the Head of the Romans; yet that title could no way belong to Caligula, Claudius, Nero or Vitellius, who neither had the qualities requir'd in the Head, nor the understanding or will to perform the office. Nay, if I should carry the matter farther, and acknowledge that Brutus, Cincinnatus, Fabius, Camillus, and others, who, in the time of their annual or shorter Magistracies, had by their vigilance, virtue, and care to preserve the City in safety, and to provide for the publick good, perform'd the office of the Head, and might deserve the name; I might justly deny it to the greatest Princes that have bin in the world, who having their power for life, and leaving it to descend to their children, have wanted the Virtues requir'd for the performance of their duty: And I should lesf fear to be guilty of an absurdity in saying, that a Nation might every year change its Head, than that he can be the Head, who cares not for the Members, nor understands the things that conduce to their good, most especially if he sets up an Interest in himself against them. It cannot be said that these are imaginary tales, and that no Prince does these things; for the proof is too easy, and the examples too numerous. Caligula could not have wish'd the Romans but one Head, that he might cut it off at once, if he had bin that Head, and had advanc'd no Interest contrary to that of the Members. Nero had not burnt the City of Rome, if his concernsments had bin inseparably united to those of the people. He who caus'd above three hundred thousand of his innocent unarmed Subjects to be murder'd, and fill'd his whole Kingdom with fire and blood, did set up a personal Interest repugnant to that of the Nation; and no better testimony can be requir'd to shew that he did so, than a Letter written by his Son, to take off the penalty due to one of the chief Ministers of those crueltys, for this reason, that what he had done, was by the command and for the service of his Royal Father. King John did not purfue the advantage of his people, when he endeavour'd to subject them to the Pope or the Moors. And whatever Prince seek's assistance from foreign Powers, or makes Leagues with any stranger or enemy for his own advantage against his people, however secret the Treaty may be, declares himself not to be the Head, but an enemy to them. The Head cannot stand in need of an exterior help against the Body, nor subsist when divided from it. He therefore that courts such an assistance, divides himself from the Body; and if he does subsist, it must be by a life he has in himself, distinct from that of the Body, which the Head cannot have.


But besides these enormities, that testify the most wicked rage and fury in the highest degree, there is another practice, which no man that knows the world can deny to be common with Princes, and incompatible with the nature of a Head. The Head cannot desire to draw all the nourishment of the Body to itself, nor more than a due proportion. If the rest of the parts are sick, weak or cold, the Head suffers equally with them; and if they perish, must perish also. Let this be compared with the actions of many Princes we know, and we shall soon see which of them are Heads of their people. If the Gold brought from the Indies has been equally distributed by the Kings of Spain to the body of that Nation, I confess they may be called the Heads. If the Kings of France assume no more of the Riches of that great Kingdom than their due proportion, let them also wear that honourable name. But if the naked backs and empty bellies of their miserable Subjects evince the contrary, it can by no means belong to them. If those great Nations wait and languish; if nothing be so common in the best Provinces belonging to them, as misery, famin, and all the effects of the most outrageous oppression, whilst their Princes and Favourites possess such treasures as the most wanton prodigality cannot exhaust; if that which is gained by the sweat of so many millions of men, be torn out of the mouths of their starving Wives and Children, to foment the vices of those luxurious Courts, or reward the Ministers of their lusts, the nourishment is not distributed equally to all the parts of the Body; the economy of the whole is overthrown, and they who do these things, cannot be the Heads, nor parts of the Body, but something distinct from and repugnant to it. 'Tis not therefore he who is found in, or advance'd to the place of the Head, who is truly the Head: 'Tis not he who ought, but he who does perform the office of the Head, that deserves the name and privileges belonging to the Head. If our Author therefore will persuade us that any King is Head of his People, he must do it by Arguments peculiarly relating to him, since those in general are found to be false. If he say that the King as King may direct or correct the people, and that the power of determining all controversies must be refer'd to him, because they may be mistaken, he must shew that the King is infallible; for unless he do so, the wound is not cur'd. This also must be by some other way, than by saying he is their Head; for such Powers belong not to the office of the Head, and we see that all Kings do not deserve that Name: Many of them want both understanding and will to perform the functions of the Head; and many act directly contrary in the whole course of their Government. If any therefore among them have merited the glorious name of Heads of Nations, it must have bin by their personal Vertues, by a vigilant care of the good of their People, by an inseparable conjunction of interests with them, by an ardent love to every member of the Society, by a moderation of spirit affecting no undue Superiority, or assuming any singular advantage which they are not willing to communicate to every part of the political Body. He who finds this merit in himself, will scorn all the advantages that can be drawn from misapply'd names: He that knows such honor to be peculiarly due to him for being the best of Kings, will never glory in that which may be common to him with the worst. Nay, whoever pretends by such general discourses as these of our Author, to advance the particular Interests of any one King, does either know he is of no merit, and that nothing can be said for him which will not as well agree with the worst of men; or cares not what he says so he may do mischief; and
S E C T. XL.

Good Laws prescribe easy and safe Remedys against the Evils proceeding from the vices or infirmities of the Magistrate; and when they fail, they must be supply'd.

Those who desire to advance the power of the Magistrate above the Law, would persuade us, that the difficulties and dangers of inquiring into his actions, or opposing his will when employ'd in violence and injustice, are so great, that the remedy is always worse than the disease; and that 'tis better to suffer all the evils that may proceed from his infirmities and vices, than to hazard the consequences of displeasing him. But on the contrary, I think and hope to prove,

1. That in well-constituted Governments, the remedies against ill Magistrates are easy and safe.
2. That 'tis good, as well for the Magistrate as the People, so to constitute the Government, that the Remedys may be easy and safe.
3. That how dangerous and difficult forever they may be to the defects of the first Constitution, they must be try'd.

To the first: 'Tis most evident that in well-regulated Governments these Remedys have bin found to be easy and safe. The Kings of Sparta were not suffer'd in the least to deviate from the rule of the Law: And Theopompos one of those Kings, in whose time the Ephori were created, and the regal Power much restrain'd, doubted not to affirm, that it was by that means become more lasting and more secure. Paullarion had not the name of King, but commanded in the War against Xerxes with more than regal Power; notwithstanding being grown insolent, he was without any trouble to that State banish'd and afterwards put to death. Leonidas Father of Cleomenes, was in the like manner banish'd. The second Agis was most unjustly put to death by the Ephori, for he was a brave and a good Prince; but there was neither danger nor difficulty in the action. Many of the Roman Magistrates, after the expulsion of the Kings, seem to have bin desirous to extend their Power beyond the bounds of the Law; and perhaps some others as well as the Decemviri, may have design'd an absolute Tyranny; but the first were restrain'd, and the others without much difficulty suppresse. Nay, even the Kings were so well kept in order, that no man ever pretended to the Crown unless he were chosen, nor made any other use of his Power than the Law permitted, except the last Targuin, who by his insolence, avarice and cruelty, brought ruin upon himself and his family. I have already mention'd one or two Dukes of Venet who were not less ambitious, but their crimes return'd upon their own heads, and they perish'd without any other danger to the State than what had pass'd before their Treasons were discover'd. Infinite examples of the like nature may be all'd; and if matters have not at all times, and in all places, succeeded in the same manner, it has bin because the fame coures were
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not every where taken; for all things do so far follow their ca-
uses, that being order'd in the same manner, they will always produce the
same effects.

2. To the second: Such a regulation of the magistratical Power is not
at all grievous to a good Magistrate. He who never desires to do any thing
but what he ought, cannot desire a Power of doing what he ought not,
nor be troubled to find he cannot do that which he would not do if he
could. This inability is also advantageous to those who are evil or un-
wife; that since they cannot govern themselves, a Law may be impos'd
upon them, left by following their own irregular will, they bring de-
struction upon themselves, their families and people, as many have done.
If Apollo in the Fable had not bin too indulgent to Phaeton, in granting
his ill conceiv'd request, the furious Youth had not brought a necessity
upon Jupiter, either of destroying him, or suffering the world to be de-
stroy'd by him.

Besides, good and wise men know the weight of Sovereign Power, and
misdoubt their own strength. Sacred and human Historys furnish us
with many examples of those who have fear'd the luffre of a Crown.
Men that find in themselues no delight in doing mischief, know not
what thoughts may infinuate into their minds, when rais'd too much
above their Sphere. They who were able to bear adversity, have bin
precipitated into ruin by prosperity. When the Prophet told Hazael the
Villanys he would commit, he anfwer'd, Is thy Servant a dog, that I should
do these things? but yet he did them. I know not where to find an exa-
ample of a man more excellently qualify'd than Alexander of Macedon;
but he fell under the weight of his own fortune, and grew too exceed those
in vice, whom he had conquer'd by his vertue. The nature of man can
hardly suffer such violent changes without being disorder'd by them; and
every one ought to enter into a just diffidence of himself; and fear the tempta-
tions that have destroy'd so many. If any man be so happily born, so
carefully educated, so establish'd in vertue, that no storm can shake him,
nor any poison corrupt him, yet he will consider he is mortal; and know-
ing no more than Solomon, whether his Son shall be a wife man or a fool,
he will always fear to take upon him a power, which must prove a most
peffilent evil both to the perfon that has it, and to those that are under it,
as soon as it shall fall into the hands of one, who either knows not how
to use it, or may be easily drawn to abuse it. Supreme Magistrats always
walk in obscure and slippery places: but when they are advance'd so high,
that no one is near enough to support, direct or refrain them, their fall
is inevitable and mortal. And those Nations that have wanted the
prudence rightly to balance the powers of their Magistrats, were
frequently oblig'd to have recourse to the most violent remedies, and
with much difficulty, danger and blood, to punish the crimes which
they might have prevented. On the other side, such as have bin
more wise in the constitution of their Governments, have always had
regard to the frailty of human nature, and the corruption reigning
in the hearts of men; and being less liberal of the power over their
lives and libertys, have referv'd to themselves so much as might
keep their Magistrats within the limits of the Law, and oblige them
to perform the ends of their Inftitution. And as the Law which
denounces severe penalties for crimes, is indeed merciful both to ill
men, who are by that means deter'd from committing them; and
to the good, who otherwise would be destroy'd; so those Nations that
that have kept the reins in their hands, have by the same act provided as Sect. 40, well for the safety of their Princes as for their own. They who know the Law is well defended, seldom attempt to subvert it: they are not easily tempted to run into excesses, when such bounds are set, as may not safely be transgressed: and whilst they are by these means render'd more moderate in the exercise of their Power, the People are exempted from the odious necessity of suffering all manner of indignities and miseries from their Princes, or by their destruction to prevent or avenge them.

3. To the third: If these Rules have not bin well observ'd in the first constitution, or from the changes of times, corruption of manners, infensible encroachments, or violent usurpations of Princes, have bin render'd ineffectual, and the People expos'd to all the calamities that may be brought upon them by the weaknefs, vices and malice of the Prince, or those who govern them, I confefs the remedies are more difficult and dangerous: but even in those cases they must be try'd. Nothing can be fear'd that is worse than what is suffer'd, or must in a short time fall upon those who are in this condition. They who are already fallen into all that is odious, shamefull and miserable, cannot justly fear. When things are brought to such a pass, the boldest counsels are the most safe; and if those must * perish who lie still, and they can but perish who are most active, the choice is easily made. Let the danger be never fo great, there is a possibility of safety, whilst men have life, hands, arms, and courage to use them; but that People must certainly perish, who tamely suffer themselves to be oppress'd, either by the injustice, cruelty and malice of an ill Magistrate, or by those who prevail upon the vices and infirmity of weak Princes. 'Tis in vain to say, that this may give occasion to men of raising tumults or civil war; for the these are evils, yet they are not the greatest of evils. Civil War in Macchiavel's account is a Dilease, but Tyranny is the Death of a State. Gentle ways are first to be us'd, and 'tis best if the work can be done by them; but it must not be left undone if they fail. 'Tis good to use supplications, advices and remonstrances; but those who have no regard to Justice, and will not hearken to Counsel, must be constrain'd. 'Tis folly to deal otherwise with a man who will not be guided by Reason, and a Magistrate who despises the Law: or rather to think him a man, who rejects the essential principle of a man; or to account him a Magistrate who overthrows the Law by which he is a Magistrate. This is the last refolt; but those Nations must come to it, which cannot otherwise be prevent'd. Nero's madness was not to be cur'd, nor the mischiefous effects of it any otherwise to be suppress'd than by his death. He who had par'd such a Monster when it was in his power to remove him, had brought destruction upon the whole Empire; and by a foolish clemency made himself the Author of his future villainy. This would have bin yet more clear, if the World had then bin in such a temper as to be capable of an entire liberty. But the antient foundations had bin overthrown, and nothing better could be built upon the new, than something that might in part refist that torrent of iniquity, which had overflow'd the best part of the World, and give Mankind a little time to breath under a lefs barbarous Master. Yet all the best men did join in the work that was then to be done, tho' they knew it would prove

* Morieendum vivitis, moriendum dediris: id folum intereft, an inter cruciatus & ludibria, an per virtutem exprimis. C. Tacit. Quod si nocentes innocentefq; idem exi'us maneat, actionis viti eft merito penit. Ibid.
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When Abab had subverted the Law, set up false Witnesses and corrupt Judges to destroy the innocent, kill'd the Prophets, and established Idolatry, his house must then be cut off, and his blood be lick'd up by dogs. When matters are brought to this pass, the decision is easy. The question is only, Whether the punishment of crimes shall fall upon one or a few Persons who are guilty of them, or upon a whole Nation that is innocent. If the Father may not dy for the Son, nor the Son for the Father, but every one must bear the penalty of his own crimes, it would be most absurd to punish the People for the guilt of Princes. When the Earl of Morton was sent Embassador to Q. Elizabeth by the Estates of Scotland, to justify their proceedings against Mary their Queen, whom they had oblig'd to renounce the Government; he alleg'd amongst other things the murder of her Husband plainly prov'd against her; asserted the antient Right and Custome of that Kingdom, of examining the actions of their Kings; by which means, he said, many had bin & punish'd with death, imprisonment and exile; confirm'd their actions by the examples of other Nations; and upon the whole matter concluded, that if she was still permitted to live, it was not on account of her innocence, or any exemption from the penalties of the Law, but from the mercy and clemency of the People, who contenting themselves with a resignation of her Right and Power to her Son, had sparr'd her. This Discourse, which is let down at large by the Historian cited on the Margin, being of such strength in it self as never to have bin any otherwise anfwerr'd than by railing, and no way disapprov'd by Queen Elizabeth or her Council to whom it was made, either upon a general account of the pretentions of Princes to be exempted from the penalties of the Law, or any pretext that they had particularly mitapply'd them in relation to their Queen; I may justly say, that when Nations fall under such Princes as are either utterly incapable of making a right use of their Power, or do maliciously abuse that Authority with which they are entrusted, those Nations stand oblig'd, by the duty they owe to themselves and their posterity, to use the best of their endeavors to remove the evil, whatever danger or difficulty they may meet with in the performance. Pontius the Sannite said as truly as bravely to his Countrymen, That those Arms were just and pious that were necessary, and necessary when there was no hope of safety by any other way. This is the voice of Mankind, and is dislik'd only by those Princes, who fear the deserv'd punishments that may fall upon them; or by their Servants and Flatterers, who being for the most part the authors of their crimes, think they shall be involv'd in their ruin.

* Animadvertedi in reges.
† Moro, vinculis & exilio puniti. Buchanan,OnChange.Sect. 1. 20. Qui car reges regno exserunt, exilio damnavunt, carceribus coercuntur; supplicio denique affecerunt; nec unquam carmen de acerbitate legis minuenta mentio eft fata, & c. ibid. Facile apparuit regnum nili aliud effe, quam mutuum inter regem & populum ripulationem. Non de illarum fantonum generis, quae mutationibus temporum sunt omnino, sed in primo generis humani exercit, & mutuo prope omnium genus contentu comprobato, & uni cum rerum natura infrages & temporex perennem. Ibid.
‡ Julta piaq; fun arma, quibus necessaria, & necessaria, quibus nulla nisi in armis spes eft salutis. T. Liv. lib. 8.

S E C T.
The People for whom and by whom the Magistrate is created, can only judge whether be rightly perform his Office or not.

This commonly said, that no man ought to be the Judge of his own case; and our Author lays much weight upon it as a fundamental Maxim, tho according to his ordinary inconstancy he overthrows it in the case of Kings, where it ought to take place if in any; for it often falls out that no man are lets capable of forming a right judgment than they. Their passions and interests are most powerful to disturb or pervert them. No men are so liable to be diverted from Justice by the flatteries of corrupt Servants. They never act as Kings, except for those by whom and for whom they are created; and acting for others, the account of their actions cannot depend upon their own will. Nevertheless I am not afraid to lay, that naturally and properly a man is the judge of his own concernsments. No one is or can be depriv'd of this privilege, unless by his own consent, and for the good of that Society into which he enters. This Right therefore must necessarily belong to every man in all cases, except only such as relate to the good of the Community, for whose sake he has devolved himself of it. If I find my self afflicted with hunger, thirst, weariness, cold, heat, or sickness, 'tis a folly to tell me, I ought not to seek meat, drink, rest, shelter, refreshment, or physic, because I must not be the judge of my own case. The like may be said in relation to my house, land, or estate; I may do what I please with them, if I bring no damage upon others. But I must not set fire to my house, by which my Neighbour's house may be burnt. I may not erect Forts upon my own Lands, or deliver them to a foreign Enemy, who may by that means infringe my Country. I may not cut the Banks of the Sea, or the bed of a River, left my Neighbour's Ground be overflown, because the Society into which I am incorporated, would by such means receive prejudice. My Land is not simply my own, but upon condition that I shall not thereby bring damage upon the Publick, by which I am protected in the peaceable enjoyment and innocent use of what I possess. But this Society leaves me a liberty to take Servants, and put them away at my pleasure. No man is to direct me, of what quantity or number they shall be, or can tell me whether I am well or ill serv'd by them. Nay, the State takes no other cognizance of what paffes between me and them, than to oblige me to perform the contracts I make, and not to do that to them which the Law forbids: that is to say, the Power to which I have submitted my self, exercises that jurisdiction over me, which was establisht'd by my consent, and under which I enjoy all the benefits of Life, which are of more advantage to me than my Liberty could have bin, if I had retain'd it wholly in my self. The nature also and measure of this submission must be determin'd by the reasons that induc'd me to it. The Society in which I live cannot subduct unles by rule; the equality in which men are born is so perfect, that no man will suffer his natural Liberty to be abridg'd, except others do the like: I cannot reasonably expect to be defended from wrong, unless I oblige my self to do none; or to suffer the punishment prescrib'd by the Law, if I perform not E e
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CHAP. III. my engagement. But without prejudice to the Society into which I enter, I may and do retain to myself the Liberty of doing what I pleaseth all things relating peculiarly to myself, or in which I am to seek my own convenience.

Now if a private man is not subject to the judgment of any other, than those to whom he submits himself for his own safety and convenience; and notwithstanding that submission, still retains to himself the right of ordering according to his own will all things merely relating to himself, and of doing what he pleases in that which he does for his own sake; the same right must more certainly belong to whole Nations. When a controversy happens between Caesar and Seius in a matter of Right, neither of them may determine the cause, but it must be refer'd to a Judge superior to both; not because 'tis not fit that a man should be judge of his own case, but because they have both an equal Right, and neither of them owes any subjection to the other. But if there be a contest between Me and my Servant concerning my Service, I only am to decide it: He must serve me in my own way, or be gone if I think fit, tho' he serves me never so well; and I do him no wrong in putting him away, if either I intend to keep no Servant, or find that another will please me better. I cannot therefore stand in need of a Judge, unless the contest be with one who lives upon an equal foot with me. No man can be my Judge, unless he be my Superior; and he cannot be my Superior, who is not to by my consent, nor to any other purpose than I consent to. This cannot be the case of a Nation, which can have no equal within itself. Controversies may arise with other Nations, the decision of which may be left to Judges chosen by mutual agreement; but this relates not to our Question. A Nation, and most especially one that is powerful, cannot recede from its own Right; as a private man from the knowledge of his own weakness and inability to defend himself, must come under the protection of a greater Power than his own. The strength of a Nation is not in the Magistrate, but the strength of a Magistrate is in the Nation. The wisdom, industry and valor of a Prince may add to the glory and greatness of a Nation, but the foundation and subsistence will always be in itself. If the Magistrate and People were upon equal terms, as Caesar and Seius, receiving equal and mutual advantages from each other, no man could be judge of their differences, but such as they should set up for that end. This has been done by many Nations. The antient Germans refer'd the decision of the most difficult matters to their Priests: the Gauls and Britains to the Druides: the Mahometans for some Ages to the Califs of Babylon: the Saxons in England, when they had embrac'd the Christian Religion, to their Clergy. Whilst all Europe lay under the Popish Superstition, the decision of such matters was frequently affum'd by the Pope; men often submitted to his judgment, and the Princes that refil'd were for the most part excommunicate, depos'd, and destroy'd. All this was done for the same reasons. These men were accounted holy and insipir'd, and the Sentence pronounce'd by them was usually reverence'd as the Judgment of God, who was thought to direct them; and all those who refus'd to submit, were esteem'd execrable. But no man, or number of men, as I think, at the institution of a Magistrate, did ever say, If any difference happen between you or your Successors and us, it be shall determin'd by your felt or by them, whether they be men, women, children, mad, foolish, or vicious. Nay, if any such thing had bin, the
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the folly, turpitude and madness of such a faction or stipulation must necessarily have destroy'd it. But if no such thing was ever known, or could have no effect if 'tis most absurd to impose it upon all. The People therefore cannot be depriv'd of their natural rights upon a frivolous pretence to that which never was and never can be. They who create Magistracies, and give to them such name, form and power as they think fit, do only know, whether the end for which they were created, be perform'd or not. They who give a being to the power which had none, can only judge whether it be employ'd to their welfare, or turn'd to their ruin. They do not set up one or a few men, that they and their posterity may live in splendor and greatness, but that Justice may be administered, Virtue established, and provision made for the publick safety. No wife man will think this can be done, if those who set themselves to overthrow the Law, are to be their own Judges.

If Caligula, Nero, Vitellius, Domitian, or Heliogabalus, had bin subject to no other judgment, they would have compleated the destruction of the Empire. If the disputes between Darius, Evenus the third, Dar-danus, and other Kings of Scotland, with the Nobility and People, might have bin determin'd by themselves, they had escap'd the punishments they suffer'd, and ruin'd the Nation as they design'd. Other methods were taken; they perish'd by their madness; better Princes were brought into their places, and their Successors were by their example admonish'd to avoid the ways that had prov'd fatal to them. If Edward the second of England with Gaveston and the Spencers, Richard the second with Treffitan and Vere, had bin permitted to be the Judges of their own cafes, they who had murder'd the best of the Nobility would have pursu'd their designs to the destruction of such as remain'd, the enslaving of the Nation, the subversion of the Constitution, and the establishment of a mere Tyranny in the place of a mixt Monarchy.

But our Ancestors took better measures: They who had felt the smart of the vices and follies of their Princes, knew what remedies were most fit to be apply'd, as well as the best time of applying them. They found the effects of extreme corruption in Government to be so desperately pernicious, that Nations must necessarily perish, unless it be corrected, and the State reduc'd to its first principle, or alter'd. Which being the case, it was as easy for them to judge, whether the Governor who had introduc'd that corruption should be brought to order, or remov'd if he would not be reclaim'd; or whether he should be suffer'd to ruin them and their posterity; as it is for me to judge, whether I should put away my Servant, if I knew he intended to poison or murder me, and had a certain facility of accomplishing his design; or whether I should continue him in my service till he had perform'd it. Nay, the matter is so much the more plain on the side of the Nation, as the disproportion of merit between a whole people, and one or a few men entrusted with the power of governing them, is greater than between a private man and his servant. This is so fully confirm'd by the general content of mankind, that we know no Government that has not frequently either bin alter'd in form, or reduc'd to its original purity, by changing the familys or person's who abuse the power with which they had bin entrusted. Those who have wanted Wildom and Virtue rightly and feazonably to perform this, have bin soon destroy'd; like the Gefis in Spain, who by omitting to curb the fury of Witza and Rodrigo in time, became a prey to the Moors. Their Kingdom, by this means destroy'd, was never restor'd; and the remain-
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CHAP. III. der of that Nation, joining with the Spaniards, whom they had kept in subjection for three or four Ages, could not in less than eight hundred years, expel those enemies they might have kept out, only by removing two base and vicious Kings. Such Nations as have bin so corrupted, that when they have apply’d themselves to seek remedies to the evils they suffered’d by wicked Magistrates, could not fall upon such as were proportionable to the disease, have only vented their Passions in destroying the immediate instruments of their oppression, or for a while delay’d their utter ruin. But the root still remaining, it soon produc’d the same poisonous fruit, and either quite destroy’d, or made them languish in perpetual misery. The Roman Empire was the most eminent example of the first; many of the monsters that had tyranniz’d over them were kill’d, but the greatest advantage gain’d by their death, was a reprieve from ruin; and the Government, which ought to have bin establish’d by good Laws, depending only upon the Virtue of one man, his Life prov’d to be no more than a lucid interval, and at his death they relapse’d into the depth of Infamy and Misery: and in this condition they continu’d till that Empire was totally subverted.

All the Kingdoms of the Arabians, Medes, Persians, Moors, and others of the East, are of the other sort. Common sense instructs them, that barbarous pride, cruelty, and madness grown to extremity, cannot be born: but they have no other way than to kill the Tyrant, and to do the like to his Successor if he falls into the same crimes. Wanting that Wisdom and Valor which is requir’d for the institution of a good Government, they languish in perpetual slavery, and propulse to themselves nothing better than to live under a gentle Master, which is but a precarious life, and little to be valued by men of bravery and spirit. But those Nations that are more generous, who fet a higher value upon Liberty, and better understand the ways of preferring it, think it a small matter to destroy a Tyrant, unless they can also destroy the Tyranny. They endeavour to do the work thoroughly, either by changing the Government entirely, or reforming it according to the first institution, and making such good Laws as may preserve its integrity when reform’d. This has bin so frequent in all the Nations (both antient and modern) with whole actions we are best acquainted, as appears by the foregoing examples, and many others that might be alludgcd if the case were not clear, that there is not one of them which will not furnish us with many instances; and no one Magistracy now in being which does not owe its original to some Judgment of this nature. So that they must either derive their right from such actions, or confess they have none at all, and leave the Nations to their original Liberty of setting up those Magistracies which best please themselves, without any restraint or obligation to regard one person or family more than another.
S E C T. XLII.

The Person that wears the Crown cannot determine the Affairs which the Law refers to the King.

O U R Author, with the rest of the vulgar, seems to have bin led into gross errors by the form of Writs hummoring persons to appear before the King. The common title us'd in the trial of Delinquents; the name of the King's Witnesses given to those who accuse them; the Verdicts brought in by Jurys, coram domino Rege, and the prosecution made in the King's name, seem to have caus'd this. And they who understand not these Phrases, render the Law a heap of the most gross absurdities, and the King an Enemy to every one of his Subjects, when he ought to be a Father to them all; since without any particular consideration or examination of what any Witness deposeth in a Court of Justice, tending to the death, confiscation, or other punishment of any man, he is call'd the King's Witnesses whether he speak the truth or a lie, and on that account favor'd. 'Tis not necessary to allege many instances in a case that is so plain; but it may not be amiss to insert two or three of the most important reasons to prove my assertion.

1. If the Law did intend that he or she who wears the Crown, should in his or her person judge all causes, and determin the most difficult questions, it must like our Author presume that they will always be of profound wisdom to comprehend all of them, and of perfect integrity always to act according to their understanding. Which is no less than to lay the foundation of the Government upon a thing merely contingent, that either never was, or very often fails, as is too much verity'd by experience, and the Histories of all Nations; or else to refer the decision of all to those who thro' the infirmitys of age, sex or person, are often incapable of judging the least, or subject to such passions and vices as would divert them from Justice tho' they did understand it; both which seem to be almost equally preposterous.

2. The Law must also presume that the Prince is always present in all the places where his name is us'd. The King of France is (as I have said already) esteem'd to be present * on the seat of Justice in all the Parliaments and sovereign Courts of the Kingdom: and if his corporal Presence were by that phrase to be understood, he must be in all those distinct and far distant places at the same time; which absurdity can hardly be paralleled, unless by the Popish opinion of Transubstantiation. But indeed they are so far from being guilty of such monstrous absurdity, that he cannot in person be present at any trial, and no man can be judg'd if he be. This was plainly afferted to Lewis the 13th (when he would have bin at the Trial of the Duke of Candale) by the President de Bellevire, who told him that as he could judg no man himself, so they could not judg any if he were present: upon which he retir'd.

* Sur son lit de justice.
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CHAP. III. 3. The Laws of most Kingdoms giving to Kings the Confiscation of Delinquents estates, if they in their own persons might give judgment upon them, they would be constituted both Judges and Princes; which, besides the foremention'd incapacitys to which Princes are as much subject as other men, would tempt them by their own personal interest to subvert all manner of Justice.

This therefore not being the meaning of the Law, we are to inquire what it is; and the thing is so plain that we cannot mistake, unless we do it willfully. Some name must be us'd in all manner of Transactions, and in matters of publick concernment none can be so fit as that of the principal Magistrate. Thus are Leagues made, not only with Kings and Emperors, but with the Dukes of Venice and Genoa, the Avoyers and Senators of a Canton in Switzerland, and the Burgermasters of an Imperial Town in Germany, and the States-General of the United Provinces. But no man thinking, I presume, these Leagues would be of any value, if they could only oblige the Persons whose names are us'd, 'tis plain that they do not stipulate only for themselves; and that their stipulations would be of no value if they were merely personal. And nothing can more certainly prove they are not so, than that we certainly know, those Dukes, Avoyers and Burgermasters can do nothing of themselves. The power of the States-General of the United Provinces is limited to the points mention'd in the Act of Union made at Utrecht. The Empire is not oblig'd by any stipulation made by the Emperor without their consent. Nothing is more common than for one King making a League with another, to exact a confirmation of their Agreement, by the Parliaments, Diets or General Estates; because, says Grotius, a Prince do not stipulate for himself, but for the People under his Government; and a King deprived of his Kingdom, loses the right of sending an Embassador. The Powers of Europe shew'd themselves to be of this opinion in the case of Portugal. When Philip the second had gain'd the possession, they treated with him concerning the affairs relating to that Kingdom: Few regarded Don Antonio; and no man consider'd the Dukes of Savoy, Parma or Braganza, who perhaps had the most plausible Titles: But when his Grandson Philip the fourth had loit that Kingdom, and the People had set up the Duke of Braganza, they all treated with him as King. And the English Court, tho' then in amity with Spain, and not a little influence'd by a Spanish faction, gave example to others, by treating with him and not with Spain touching matters relating to that State. Nay, I have bin inform'd by those who well understood the Affairs of that time, that the Lord Cottington advising the late King not to receive any persons sent from the Duke of Braganza, Rebel to his Ally the King of Spain, in the quality of Embassadors; the King answer'd, that he must look upon that person to be King of Portugal, who was acknowledg'd by the Nation. And I am mistaken if his Majesty now reigning did not find all the Princes and States of the world to be of the same mind, when he was out of his Kingdom, and could oblige no man but himself and a few followers by any Treaty he could make.

For the same reason the names of Kings are us'd in Treatys, when they are either Children, or otherwise incapable of knowing what Alliances are fit to be made or rejected; and yet such Treatys do equally oblige them, their Successors and People, as if they were of mature age and fit for government. No man therefore ought to think it strange, if the King's name be us'd in domestick affairs, of which he neither ought
ought nor can take any cognizance. In these cases he is perpetually a Minor: he must suffer the Law to take its due course; and the Judges, when nominated by him, are oblig'd by Oath not to have any regard to his Letters or personal Commands. If a Man be su'd, he must appear; and a Delinquent is to be try'd coram rege, but no otherwise than secundum legem terrae, according to the Law of the Land, not the King's personal will or opinion. And the judgments given must be executed, whether they please him or not, it being always understood that he can speak no otherwise than the Law speaks, and is always present as far as the Law requires. For this reason a noble Lord who was irregularly detain'd in prison in 1681, being by Habeas Corpus brought to the Bar of the King's Bench, where he su'd to be releas'd upon bail; and an ignorant Judge telling him he must apply himself to the King, he reply'd, that he came thither for that end; that the King might eat, drink, or sleep where he pleas'd, but when he render'd Justice he was always in that place. The King that renders Justice is indeed always there; he never sleeps; he is subject to no infirmity; he never dies unless the Nation be extinct'd, or so dissipated as to have no Government. No Nation that has a sovereign Power within it self, do's ever want this King. He was in Athens and Rome, as well as at Babylon and Susa; and as properly said to be now in Venice, Switzerland or Holland, as in France, Morocco or Turkey. This is he to whom we all owe a simple and unconditional obedience. This is he who never dos any wrong: 'Tis before him we appear, when we demand Justice, or render an account of our actions. All Jurys give their verdict in his sight: They are his Commands that the Judges are bound and sworn to obey, when they are not at all to consider such as they receive from the person that wears the Crown. 'Twas for Trefilian against him that Treffilian, and others like to him in several ages were hang'd. They gratify'd the lufts of the visible Powers, but the invisible King would not be mock'd. He caus'd Justice to be executed upon Empson and Dudley. He was injur'd when the perjur'd wretches, who gave that accurs'd judgment in the case of Shipmony, were suffer'd to escape the like punishment by means of the ensuing troubles which they had chiefly rais'd. And I leave it to those who are concern'd, to consider how many in our days may expect vengeance for the like crimes.

I should here conclude this point, if the power of granting a Nol proseg: Cesset Processus, and Pardons which are said to be annex'd to the person of the King, were not taken for a proof that all proceedings at Law depend upon his will. But whoever would from hence draw a general conclusion must first prove his proposition to be univerally true. If it be wholly false, no true deduction can be made; and if it be true only in some cases, 'tis absurd to draw from thence a general conclusion; and to erect a vaft fabrick upon a narrow foundation is impossible. As to the general proposition, I utterly deny it. The King cannot stop any Suit that I begin in my own name, or invalidate any Judgment I obtain upon it: He cannot release a Debt of ten Shillings due to me, nor a Sententia for the like sum given upon an action of Battery, Assault, Trefpafs, publick Nuance, or the like. He cannot pardon a man condemn'd upon an Appeal, nor hinder the person injur'd from appealing. His power therefore is not universal: if it be not universal, it cannot be inherent, but confer'd upon him, or entrusted by a superior Power that limits it.
The narrow limits are fix'd by the Law, the Law therefore is above him. His proceedings must be regulated by the Law, and not the Law by his will. Besides, the extent of those limits can only be known by the intention of the Law that sets them; and are so visible, that none but fools are willfully blind can mistake. It cannot be imagin'd that the Law, which does not give a power to the King of pardoning a man that breaks my hedge, can intend he should have power to pardon one who kills my father, breaks my house, robs me of my goods, abuses my children and servants, wounds me, and brings me in danger of my life. Whatever power he has in such cases, is founded upon a presumption, that he who has sworn not to deny or delay justice to any man, will not break his Oath to interrupt it. And farther, as he does nothing but what he may rightly do, cum magnatum & sapientum consilio; and that 'tis supposed, they will never advise him to do any thing, but what ought to be done, in order to attain the great ends of the Law, Justice, and the publick safety: nevertheless left this should not be sufficient to keep things in their due order, or that the King should forget his Oath, not to delay or deny justice to any man, his Counsellors are expos'd to the severest punishments, if they advise him to do any thing contrary to it, and the Law upon which it is grounded. So that the utmost advantage, the King can pretend to in this case, is no more than that of the Norman, who said he had gain'd his cause, because it depended upon a point that was to be decided by his Oath; that is to say, if he will betray the trust repos'd in him, and perjure himself, he may sometimes exempt a Villain from the punishment he deserves, and take the guilt upon himself. I say sometimes; for Appeals may be brought in some cases, and the Waterman who had bin pardoned by his Majesty in the year 1680, for a murder he had committed, was condemned and hang'd at the Assizes upon an Appeal. Nay, in cases of Treason, which some men think relate most particularly to the person of the King, he cannot always do it. Gavefon, the two Speners, Trelial, Empson, Dudley, and others, have bin executed as Traitors for things done by the King's command; and 'tis not doubted they would have bin fad, if the King's power had extend'd so far. I might add the cases of the Earls of Strafford and Danby; for tho' the King sign'd a Warrant for the execution of the first, no man doubts he would have fad him, if it had bin in his power. The other continues in prison notwithstanding his pardon; and for any thing I know he may continue where he is, or come out in a way that will not be to his satisfaction unless he be found innocent, or something fall out more to his advantage than his Majesty's approbation of what he has done. If therefore the King cannot interpose his authority to hinder the course of the Law in contests between private men, nor remit the debts adjudg'd to be due, or the damages given to the persons aggrieved, he can in his own person have no other power in things of this nature, than in some degree to mitigate the vindictive power of the Law; and this also is to be exercised no other way than as he is entitled. But if he acts even in this capacity by a delegated power, and in few cases, he must act according to the ends for which he is so entitled, as the same Law says, Cum magnatum & sapientum consilio, and is not therein to pursue his own will and interests: if his Oath farther oblige him not to do it; and his Ministers are liable to punishment, if they advise him otherwise. If in matters of Appeal he has no Power: and if his pardons have bin of no value, when contrary to his Oath he has abus'd that with which he
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is entrusted, to the patronizing of crimes, and exempting such delinquents from punishment, as could not be pardoned without prejudice to the Publick: I may justly conclude, that the King, before whom every man is bound to appear, who does perpetually and impartially distribute Justice to the Nation, is not the Man or Woman that wears the Crown; and that He or She cannot determine those matters, which by the Law are referred to the King. Whether therefore such matters are ordinary or extraordinary, the decision is and ought to be placed where there is most wisdom and stability, and where passion and private interest do least prevail to the obstruction of Justice. This is the only way to obviate that confusion and mischief, which our Author thinks it would introduce. In cases of the first sort, this is done in England by Judges and Jurys: In the other by the Parliament, which being the Representative Body of the People, and the collected Wisdom of the Nation, is least subject to error, most exempted from passion, and most free from corruption, their own good both publick and private depending upon the rectitude of their Sanctions. They cannot do anything that is ill without damage to themselves and their posterity; which being all that can be done by human understanding, our Lives, Liberties and Properties are by our Laws directed to depend upon them.

S E C T. XLIII.

Proclamations are not Laws.

Our Author, according to his usual method and integrity, lays great weight upon Proclamations, as the significations of the King's pleasure, which in his opinion is our only Law. But neither Law nor Reason openly directing, nor by consequences intuiting, that such a Power should be put into an uncertain or suspected hand, we may safely deny them to be Laws, or in any sense to have the effect of Laws. Nay, they cannot be so much as Significations of his Will; for as he is King, he can have no Will but as the Law directs. If he depart from the Law, he is no longer King, and his Will is nothing to us. Proclamations, at most, are but temporary, by the advice of Council, in pursuance of the Law. If they be not so, the Subject is no way oblig'd to obey them, and the Counsellors are to be punished for them. These Laws are either immemorial Customs, or Statutes. The first have their beginning and continuance from the universal consent of the Nation. The latter receive their Authority and Force of Laws from Parliaments, as is frequently express in the Preambles. These are under God the best defence of our Lives, Liberties, and Estates: they proceed not from the blind, corrupt, and fluctuating humor of a man, but from the mature deliberation of the choicest Persons of the Nation, and such as have the greatest interest in it. Our Ancestors have always rely'd upon these Laws; and 'tis to be hop'd we shall not be abandon'd by God, so deprived of courage and common sense, to suffer ourselves to be cheated of the Inheritance which they have so frequently, so bravely, and so constantly defended. The Experience has too well taught us, that Parliaments may have their failings, and that the Vices, which are industriously spread among them, may be too prevalent; yet they are the best Helps.
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Chap. III. helps we have, and we may much more reasonably depend upon them, than upon those who propagate that corruption among them for which only they can deferve to be suspected. We hope they will take care of our concerns, since they are as other men so soon as a Session is ended, and can do nothing to our prejudice that will not equally affect them and their posterity; besides the guilt of betraying their Country, which can never be wash'd off. If some should prove false to their trust, 'tis probable that others would continue in their integrity: Or if the base arts, which are usually practis'd by those who endeavor to delude, corrupt, enslave and ruin Nations, should happen to prevail upon the youngest and weakest, it may be reasonably hop'd, that the wisest will see the snares, and instruct their Companions to avoid them. But if all things were so put into the hands of one man, that his Proclamations were to be esteemed Laws, the Nation would be expos'd to ruin, as soon as it should chance to fall into an ill hand. 'Tis in vain to say we have a good King, who will not make an ill use of his Power; for even the best are subject to be deceive'd by Flatterers, and Crown'd Heads are almost ever encompass'd by them. The principal Art of a Courtier is to observe his Master's Passions, and to attack him on that side where he seems to be most weak. It would be a strange thing to find a man impregnable in every part; and if he be not, 'tis impossible he should resist all the attempts that are made upon him. If his Judgment comes to be possessed, he all that depend on him are lost. Contradictions, the never so just, are then unsafe, and no man will venture upon them, but he who dares sacrifice himself for the publick good. The nature of man is frail, and stands in need of assistance. Vertuous actions that are profitable to the Commonwealth, ought to be made, as far as 'tis possible, safe, easy, and advantageous: and 'tis the utmost imprudence to tempt men to be enemies to the Publick, by sufferings the most pernicious actions to be the means of obtaining Honor and Favor, whilst no man can serve his Country, but with the ruin of himself and his family.

However in this case the Question is not concerning a Person: the same Counsels are to be follow'd when Moses or Samuel is in the Throne, as if Caligula had invaded it. Laws ought to aim at perpetuity, but the Virtues of a man dy with him, and very often before him. Those who have deferv'd the highest prais'd for wisdom and integrity, have frequently left the honors they enjoy'd to foolish and vicious Children. If Virtue may in any respect be said to outlive the Person, it can only be when good men frame such Laws and Constitutions as by favoring it preserve themselves. This has never bin done otherwise than by balancing the Powers in such a manner, that the corruption which one or a few men might fall into, should not be suffer'd to spread the contagion to the ruin of the whole. The long continuance of Lycurgus his Laws is to be attributed to this: They refrain'd the lufts of Kings, and reduc'd those to order who aduentur'd to transgress them: Whereas the whole fabrick must have fallen to the ground in a short time, if the first that had a fancy to be abolute, had bin able to effect his design. This has bin the fate of all Governments that were made to depend upon the virtue of a man, which never continues long in any family, and when that fails all is lost. The Nations therefore that are so happy to have good Kings, ought to make a right use of them, by establishing the good that may outlast their Lives. Those of them that are good, will readily join in this work, and take care that their Succelors may be oblig'd in doing the like, to be equally beneficial to
to their own Familys, and the People they govern. If the Rulers of Nations be refrain'd, not only the People are by that means secure'd from the mischiefs of their vices and follies, but they themselves are preferv'd from the greatest temptations to ill, and the terrible effects of the vengeance that frequently enfues upon it. An unlimited Prince might be justly compar'd to a weak ship expos'd to a violent storm, with a vast Sail and no Rudder. We have an eminent example of this in the Book of Esther. A wicked Villain having fill'd the ears of a foolish King with false stories of the Jews, he issues out a Proclamation for their utter extirpation; and not long after being inform'd of the truth, he gave them leave by another Proclamation to kill whom they pleas'd, which they executed upon seventy thousand men. The Books of Ezra, Nehemiah and Daniel, manifestly discover the like fluctuation in all the Counsels of Nabuchodonosor, Cyrus, Darius, and Artaxerxes. When good men had credit with them, they favor'd the Israelites; sent them back to their own Country; reftor'd the sacred Vessels that had bin taken away; gave them all things necessary for the rebuilding of the City, and advanc'd the chief of them to the highest employments. But if they fell into ill hands, three just men must be thrown into the burning Furnace for refusing to worship an Idol; Daniel must be cast to the Lions; the holy City esteem'd rebellious, and those who endeavor'd to rebuild it, enemies to Kings. Such was the state of things, when their Proclamations pass'd for Laws, and numbers of flattering Slaves were ready to execute their Commands, without examining whether they were just or unjust, good or bad. The life and death of the best men, together with the very being of Nations, was expos'd to chance, and they were either preferv'd or destroy'd according to the humor of that man who spoke last to the King, or happen'd to have credit with him. If a frantick fancy come into the head of a drunken whore, Persepolis must be burnt, and the hand of Alexander is ready to execute her will. If a dancing wench pleases Herod, the most venerable of all human Heads must be offer'd in a dish for a sacrifice to the rage of her impure mother. The nature of man is so frail, that wherever the word of a single Person has had the force of a Law, the innumerable extravagances and mischiefs it has produc'd have bin so notorious, that all Nations who are not stupid, lascivious and brutish, have always abominat'd it, and made it their principal care to find out remedies against it, by so dividing and balancing the Powers of their Government, that one or a few men might not be able to oppress and destroy those they ought to preserve and protect. This has always bin as grateful to the best and wisest Princes, as necessary to the weakest and worst, as I have prov'd already by the examples of Theopompus, Moses, and others. These considerations have given beginning, growth and continuance to all the mix'd Governments that have bin in the World; and I may justly say there never was a good one that was not mix'd. If other proofs of their rectitude were wanting, our Author's hatred would be enough to justify them. He is so bitter an enemy to Mankind, as to be displeas'd with nothing but that which tends to their good; and so pervers'd in his judgment, that we have reason to believe that to be good which he most abhors. One would think he had taken the model of the Government he proposes, from the monstrous Tyranny of Ceylon, an Island in the East-Indies, where the King knows no other Law than his own will. He kills, tears in pieces, empales, or throws to his Elephants whomsoever he pleaseth: No man has any thing that he can call his own: He seldom fails to destroy those who have
bin employ'd in his domestick Service, or publick Offices; and few obtain the favor of being put to death and thrown to the Dogs without torments. His Subjects approach him no otherwise, than on their knees, licking the dust, and dare assume to themselves no other name than that of Dogs, or limbs of Dogs. This is a true pattern of Filmer's Patriarchal Monarch. His Majesty, I suppose, is sufficiently exalted; for he does whatever he pleases. The exercise of his power is as gentle as can reasonably be expected from one who has all by the unquestionable right of usurpation; and knows the People will no longer suffer him, and the Villains he hires to be the instruments of his Cruelty, than they can be kept in such ignorance, weaknesses and bafenes, as neither to know how to provide for themselves, or dare to resist him. We ought to esteem our selves happy, if the like could be establish'd among us; and are much oblig'd to our Author for so kindly proposing an expedient that might terminate all our disputes. Let Proclamations obtain the power of Laws, and the bafines is done. They may be so ingeniously contriv'd, that the ancient Laws, which we and our Fathers have highly valu'd, shall be abolish'd, or made a snare to all those that dare remember they are Englishmen, and are guilty of the unpardonable crime of loving their Country, or have the courage, conduct, and reputation require to defend it. This is the sum of Filmer's Philosophy, and this is the Legacy he has left to testify his attachment to the Nation; which having for a long time lain unregard'd, has bin lately brought into the light again, as an introduction of a Popish Successor, who is to be establish'd, as we ought to believe, for the security of the Protestant Religion, and our English Liberties. Both will undoubtedly flourish under a Prince who is made to believe the Kingdom is his Patrimony; that his Will is a Law, and that he has a Power which none may resist. If any man doubt whether he will make a good use of it, he may only examin the History of what others in the same circumstances have done in all places where they have had power. The principles of that Religion are so full of meekness and charity; the Popes have always shew'd themselves so gentle towards those who would not submit to their Authority; the Jesuits, who may be accounted the Soul that give Life to the whole Body of that Faction, are so well nature'd, faithful and exact in their Morals, so full of innocence, justice and truth, that no violence is to be fear'd from such as are govern'd by them. The fatherly care shew'd to the Protestants of France, by the five last Kings of the House of Valois; the mercy of Philip the Second of Spain to his Pagan Subjects in the West-Indies, and the more hated Protestants in the Netherlands; the moderation of the Dukes of Savoy towards the Valois in the Marquisat of Saluzzo and the Vallys of Piedmont; the gentleness and faith of the two Marys Queens of England and Scotland; the kindnes of the Papists to the Protestants of Ireland in 1641; with what we have reason to believe they did and do still intend, if they can accomplish the ends of their Conspiracy: In a word, the sweetness and Apostolical meekness of the Inquisition, may sufficiently convince us that nothing is to be fear'd where that Principle reigns. We may suffer the word of such a Prince to be a Law, and the People to be made to believe it ought to be so, when he is expected. Tho we should wave the Bill of Exclusion, and not only admit him to reign as other Kings have done, but resign the whole Power into his hands, it would neither bring inconvenience or danger on the present King. He can with patience expect that nature should take her course, and would neither anticipate nor secure his entrance
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entrance into the possession of the Power, by taking one day from the Life of his Brother. Tho the Papists know that like a true Son of their Church, he would prefer the advancement of their Religion before all other considerations; and that one stab with a Dagger, or a dose of Poison, would put all under his feet, not one man would be found among them to give it. The Aliaffins were Mahometans, not Pupils of the honest Je- fuits, nor ever employ'd by them. These things being certain, all our concerns would be secure, if instead of the foolish Statutes and antiquated Custom's on which our Ancestors and we have hitherto doted, we may be troubled with no Law but the King's will, and a Proclamation may be taken for a sufficient declaration of it. We shall by this means be deli- ver'd from that Liberty with a mischief, in which our mistaken Nation seems to much to delight. This phrase is so new, and so peculiar to our Author, that it deserves to be written upon his Tomb. We have heard of Tyranny with a mischief, Slavery and Bondage with a mischief; and they have bin denounce'd by God against wicked and perverse Nations, as mischiefs comprehending all that is most to be abhor'd and dreaded in the world. But Filmer informs us that Liberty, which all wise and good men have in all Ages esteem'd to be the most valuable and glorious privilege of Mankind, is a mischief. If he deserves credit, Moses, Jophus, Gideon, Sampson, and Samuel, with others like them, were enemies to their Country, in depriving the People of the advantages they enjoy'd under the paternal care of Pharaoh, Adonibezek, Eglon, Jabin, and other Kings of the neighboring Nations, and restoring them to that Liberty with a mischief which he had promised to them. The Israelites were happy under the power of Ty- rants, whose Proclamations were Laws; and they ought to have been thankful to God for that condition, and not for the deliverances he wrought by the hands of his Servants. Subjection to the will of a man is happiness, Liberty is a mischief. But this is so abominably wicked and detestable, that it can deserve no answer.

S E C T. XLIV.

A People that is not free cannot substitute Delegats.

How full soever the Power of any Person or People may be, he or they are oblig'd to give only so much to their Delegats, as seems convenient to themselves, or conducing to the ends they desire to attain; but the Delegate can have none except what is confer'd upon him by his Principal. If therefore the Knights, Citizens and Burgesse's sent by the People of England to serve in Parliament have a Power, it must be more perfectly and fully in those that send them. But (as was prov'd in the last Section) Proclamations, and other significations of the King's pleasure, are not Laws to us. They are to be regulated by the Law, not the Law by them. They are to be consider'd only so far as they are con- formable to the Law from which they receive all the strength that is in them, and can confer none upon it. We know no Law but our own Statutes, and those immemorial Customs establish'd by the consent of the Nation; which may be, and often are chang'd by us. The Legislative Power therefore that is exercis'd by the Parliament, cannot be confer'd by the Writ of Summons, but must be essentially and radically in the People,
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Chap. III. People, from whom their Delegates and Representatives have all that they have. But, says our Author, They must only chuse, and trust those whom they chuse, to do what they list; and that is as much Liberty as many of us deserve for our irregular Elections of Burgesses. This is ingeniously concluded: I take what Servant I please, and when I have taken him I must suffer him to do what he pleases. But from whence should this necessity arise? Why may not I take one to be my Groom, another to be my Cook, and keep them both to the Offices for which I took them? What Law does herein restrain my Right? And if I am free in my private capacity to regulate my particular affairs according to my own discretion, and to allot to each Servant his proper work, why have not I with my Associates the Freemen of England the like liberty of directing and limiting the Powers of the Servants we employ in our publick Affairs? Our Author gives us reasons proportionable to his judgment: This were liberty with a mischief; and that of chusing only is as much as many of us deserve. I have already prov'd, that as far as our History's reach, we have had no Princes or Magistrates, but such as we have made, and they have had no other Power than what we have conferred upon them: They cannot be the judges of our Merit, who have no Power but what we gave them, thro an opinion they did or might deserve it: They may distribute in parcels to particulars that with which they are entrusted in the grofs. But 'tis impossible the Publick should depend absolutely upon those who are nothing above other men, except what they are made to be, for, and by the Publick. The restrictions therefore of the Peoples Liberty must be from themselves, or there can be none.

Nevertheles, I believe, that the Powers of every County, City and Borough of England, are regulated by the general Law to which they have all consented, and by which they are all made Members of one Political Body. This obliges them to proceed with their Delegates in a manner different from that which is us'd in the United Netherlands, or in Switzerland. Amongst these every Province, City or Canton, making a distinct Body independent from any other, and exercising the Sovereign Power within it self, looks upon the rest only as Allies, to whom they are bound only by such Acts as they themselves have made; and when any new thing not comprehended in them happens to arise, they oblige their Delegates to give them an account of it, and retain the power of determining those matters in themselves. 'Tis not so amongst us: Every County does not make a distinct Body, having in it self a Sovereign Power, but is a Member of that Great Body which comprehends the whole Nation. 'Tis not therefore for Kent or Sussex, Lewis or Maidstone, but for the whole Nation, that the Members chosen in those places are sent to serve in Parliament: and tho it be fit for them as Friends and Neighbors (so far as may be) to hearken to the Opinions of the Electors for the Information of their Judgments, and to the end that what they shall say may be of more weight, when every one is known not to speak his own thoughts only, but those of a great number of men; yet they are not strictly and properly oblig'd to give account of their Actions to any, unless the whole Body of the Nation for which they serve, and who are equally concern'd in their Resolutions, could be assembled. This being impracticable, the only punishment to which they are subject if they betray their Trust, is scorn, infamy, hatred, and an assurance of being rejected, when they shall again seek the same Honor. And tho this may seem a small matter to those who fear to do ill
only from a fene of the pains inflicted; yet it is very terrible to men of
ingenious spirits, as they are suppos'd to be who are accounted fit to be
entrusted with so great Powers. But why it should be call'd Liberty
with a mischiev if it were otherwise; or how the liberty of particular
Societies would be greater, if they might do what they pleas'd, than
whilst they fend others to act for them, such men only as Filmer
can tell us. For as no man, or number of men, can give a Power which
he or they have not, the Achaeans, Etolians, Latins, Samnites and Tusculans,
who tranfacted all things relating to their Associations by Delegates; and
the Athenians, Carthaginians and Romans, who kept the power of the
State in themselves, were all equally free. And in our days the Uni-
ited Provinces of the Netherlands, the Switzers and Grifons, who are
of the first fort, and the Venetians, Genoese, and Lucchese, who are
of the other, are fo also. All men that have any degree of common
fene, plainly fee, that the Liberty of those who act in their own
persons, and of those who fend Delegates, is perfectly the fame, and the
exercie is, and can only be chang'd by their confequences.

But whatever the Law or Custom of England be in this point, it can-
not concern our question. The general proposition concerning a Patria-
rchial Power cannot be prov'd by a single example. If there be a gen-
eral Power every where, forbidding Nations to give instructions to their
Delegates, they can do it no where. If there be no such thing, every
People may do it, unlefs they have depriv'd themselves of their right,
all being born under the fame condition. 'Tis to no purpose to say that
the Nations before mention'd had not Kings, and therefore might act as
they did. For if the general Thesis be true, they must have Kings;
and if it be not, none are oblig'd to have them, unlefs they think fit,
and the Kings they make are their Creatures. But many of these Na-
tions had either Kings, or other Magiftrats in power like to them. The
Provinces of the Netherlands had Dukes, Earls, or Marquefles: Genoa
and Venice have Dukes. If any on account of the narrownefs of their
Territorys have abftrain'd from the Name, it does not alter the cafe; for
our dispute is not concerning the Name, but the Right. If that one
Man, who is in the principal Magiftracy of every Nation, must be re-
peted the Father of that People, and has a Power which may not be li-
ited by any Law, it imports not what he is call'd. But if in small
Territorys he may be limited by Laws, he may be fo also in the greatefl.
The leaf of men is a man as well as a Giant: And those in the Weft-Indys
who have not above twenty or thirty Subjects able to bear Arms, are
Kings as well as Xerxes. Every Nation may divide it self into small
parcels as some have done, by the fame Law they have restrain'd or abo-
lish'd their Kings, join'd to one another, or taken their hazard of sub-
mitting by themselves; acted by delegation, or retaining the Power in
their own persons; given finite or indefinite Powers; refer'd to them-
selves a power of punifhing those who fhould depart from their duty, or
refer'd it to their General Assemblies. And that Liberty, for which we
contend as the Gift of God and Nature, remains equally to all.

If men who delight in cavilling fhould say, that great Kingdoms are
not to be regulated by the Examples of small States, I desire to know
when it was, that God ordain'd great Nations should be Slaves, and de-
priv'd of all right to dispose matters relating to their Government; whilst
he left to fuch as had, or fhould divide themselves into small parcels, a
right of making fhuch Conftitutions as were moft convenient for them.

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When this is resolv'd, we ought to be inform'd, what extent of Territory is requir'd to deserve the name of a great Kingdom. Spain and France are esteemed great, and yet the Deputies or Procuroadores of the several parts of Castile did in the Cortes held at Madrid, in the beginning of Charles the fifth's reign, excuse themselves from giving the supplies he desired, because they had receiv'd no orders in that particular from the Towns that sent them; and afterwards receiving express orders not to do it, they gave his Majesty a flat denial. The like was frequently done during the reigns of that great Prince, and of his Son Philip the second. And generally those Procuroadores never granted any thing of importance to either of them, without particular Orders from their Principals. The same way was taken in France, as long as there were any General Assemblies of Estates; and if it does not still continue, 'tis because there are none. For no man who understood the Affairs of that Kingdom, did ever deny, that the Deputies were oblig'd to follow the Orders of those who sent them. And perhaps, if men would examine by what means they came to be abolish'd, they might find, that the Cardinals de Richelieu and Mazarin, with other Ministers who have accomplish'd that work, were act'd by some other principle than that of Justice, or the estabishment of the Laws of God and Nature. In the General Assembly of Estates held at Blois in the time of Henry the third, Bodin then Deputy for the third Estate of Vernoisdois, by their particular Order, propos'd so many things as took up a great part of their time. Other Deputies alleg'd no other reason for many things said and done by them, highly contrary to the King's will, than that they were commanded so to do by their Superiors. These General Assemblies being laid aside, the same custom is still us'd in the leffer Assemblies of Estates in Languedoc and Brittany. The Deputies cannot without the infamy of betraying their Trust, and fear of punishment, recede from the Orders given by their Principals; and yet we do not find that Liberty with a mischiefe is much more predominant in France than amongst us. The same method is every day practis'd in the Diets of Germany. The Princes and great Lords, who have their places in their own right, may do what they please; but the Deputies of the City's must follow such Orders as they receive. The Histories of Denmark, Sweden, Poland and Bohemia, testify the same thing; and if this Liberty with a mischief dos not still continue intire in all those places, it has bin diminisht by such means as fure better with the manners of Pirats, than the Laws of God and Nature. If England therefore does not still enjoy the same, we must have bin depriv'd of it either by such unjustifyable means, or by our own consent. But thanks be to God, we know no People who have a better right to Liberty, or have better defended it than our own Nation. And if we do not degenerate from the Vertue of our Ancestors, we may hope to transmit it intire to our posterity. We always may, and often do give Instructions to our Delegates; but the lefs we fetter them, the more we manifest our own Rights: for those who have only a limited Power, must limit that which they give; but they that can give an unlimited Power must necessarily have it in themselves. The great Treasurer Burleigh said, the Parliament could do any thing but turn a Man into a Woman. Sir Thomas Moor, when Rich Solicitor to K. Henry the eth ask'd him, if the Parliament might not make R. Rich King, saith, that was casus levis, taking it for granted that they might make or unmake whom they pleas'd. The first part of this, which includes the other, is assered by the Statute of the
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13th of Q. Elizabeth, denouncing the most grievous punishments against Sect. 44.

all such as should dare to contradict it. But if it be in the Parliament, it
must be in those who give to Parliament-men the powers by which they act; for before they are chosen they have none, and can never have any if those that send them had it not in themselves. They cannot receive it from the Magistrate, for that power which he has is deriv'd from the same spring. The power of making and unmaking him cannot be from himself; for he that is not, can do nothing, and when he is made can have no other power than is confer'd upon him by those that make him. Besides, he who departs from his duty desires to avoid the punishment, the power therefore of punishing him is not from himself. It cannot be from the House of Peers as it is constituted, for they act for themselves, and are chosen by Kings: and 'tis absurd to think that Kings, who generally abhor all restriction of their Power, should give that to others by which they might be unmade. If one or more Princes relying upon their own Virtue and Resolutions to do good, had given such a power against themselves, as Trajan did, when he commanded the Prefect to use the Sword for him if he govern'd well, and against him if he govern'd ill, it would soon have bin refin'd by their Successors. If our Edward the first had made such a Law, his leud Son would have abolish'd it, before he would have suffer'd himself to be imprison'd and depos'd by it. He would never have acknowledg'd his unworthiness to reign, if he had bin ty'd to no other Law than his own will, for he could not transgres that; nor have own'd the mercy of the Parliament in sparing his Life, if they had acted only by a power which he had confer'd upon them. This Power must therefore be in those who act by a delegated Power, and none can give it to their Delegates but they who have it in themselves.

The most certain testimony that can be given of their unlimited Power is, that they rely upon the Wisdom and Fidelity of their Deputys, so as to lay no restrictions upon them: they may do what they pleafe, if they take care no quid detrimenti Republica accipiat, that the Commonwealth receives no detriment. This is a Commission fit to be granted by wise and good men, to those they chuse thro' an opinion that they are so alfo, and that they cannot bring any prejudice upon the Nation, that will not fall upon themselves and their posterity. This is alfo fit to be receiv'd by those, who seeking nothing but that which is just in itself, and profitable to their Country, cannot foresee what will be propos'd when they are all met together; much less resolve how to vote till they hear the reasons on both sides. The Electors must necessarily be in the same ignorance; and that Law which should oblige them to give particular Orders to their Knights and Burgeffes in relation to every Vote, would make the decision of the most important Affairs to depend upon the judgment of those who know nothing of the matters in question, and by that means cast the Nation into the utmost danger of the most inextricable confusion. This can never be the intention of that Law which is Sanetio rei, and seeks only the good of those that live under it. The foresight therefore of such a mischief can never impair the Libertys of the Nation, but eftablish them.
The Legislative Power is always Arbitrary, and not to be trusted in the hands of any who are not bound to obey the Laws they make.

If it be objected that I am a defender of Arbitrary Powers, I confess I cannot comprehend how any Society can be establish'd or subsist without them; for the establishment of Government is an arbitrary Act, wholly depending upon the will of man. The particular Forms and Constitutions, the whole Series of the Magistracy, together with the measure of Power given to every one, and the Rules by which they are to exercise their Charge, are so also. Magna Charta, which comprehends our antient Laws, and all the subsequent Statutes, were not sent from Heaven, but made according to the will of men. If no men could have a Power of making Laws, none could ever have bin made; for all that are or have bin in the World, except those given by God to the Israelites, were made by them; that is, they have exercised an Arbitrary Power in making that to be Law which was not, or annulling that which was. The various Laws and Governments, that are or have bin in several Ages and Places, are the product of various opinions in those who had the power of making them. This must necessarily be, unless a general Rule be fet to all; for the Judgments of men will vary if they are left to their liberty, and the variety that is found among them, shews they are subject to no Rule but that of their own Reason, by which they see what is fit to be embraced or avoided, according to the several circumstances under which they live. The Authority that judges of these circumstances is arbitrary, and the Legislators shew themselves to be more or less wise and good, as they do rightly or not rightly exercise this Power. The difference therefore between good and ill Governments is not, that those of one sort have an Arbitrary Power which the others have not, for they all have it; but that those which are well constituted, place this Power so as it may be beneficial to the People, and set such Rules as are hardly to be transgress; whilst those of the other sort fail in one or both these points. Some also thro want of courage, fortune, or strength, may have bin oppress'd by the violence of Strangers, or suffer'd a corrupt Party to rise up within themselves, and by force or fraud to usurp a Power of imposing what they pleas'd. Others being fottisih, cowardly and base, have so far err'd in the Foundations, as to give up themselves to the will of one or few men, who turning all to their own profit or pleasure, have bin just in nothing but in using such a People like beasts. Some have plac'd weak defences against the lusts of those they have advanc'd to the highest places, and given them opportunities of arrogating more power to themselves than the Law allows. Where any of these errors are committed, the Government may be easy for a while, or at least tolerable, whilst it continues uncorrupted, but it cannot be lasting. When the Law may be easily or safely overthrown, it will be attempted. Whatever virtue may be in the first Magistrats, many years will not pass before they come to be corrupted; and their Successors defecting from their integrity, will seize upon the ill-guarded prey. They will then not only govern by will, but by that irregular will, which turns the Law, that was made for the publick good,
good, to the private advantage of one or few men. 'Tis not my intention to enumerate the several ways that have been taken to effect this; or to shew what Governments have deflected from the right, and how far. But I think I may safely say, that an Arbitrary Power was never well placed in any men and their Successors, who were not oblig'd to obey the Laws they should make. This was well understood by our Saxon Ancestors: They made Laws in their Assembly's and Councils of the Nation; but all those who propos'd or assented to those Laws, as soon as the Assembly was dissolv'd, were comprehended under the power of them, as well as other men. They could do nothing to the prejudice of the Nation, that would not be as hurtful to those who were present and their posterity, as to those who by many accidents might be absent. The Norman enter'd into, and continu'd in the same path. Our Parliaments at this day are in the same condition. They may make prejudicial Wars, ignominious Treatys, and unjust Laws: yet when the Session is ended, they must bear the burden as much as others; and when they dy, the teeth of their Children will be set an edge with the four Grapes they have eaten. But 'tis hard to delude or corrupt so many: Men do not in matters of the highest importance yield to flight temptations. No man serves the Devil for nothing; Small wages will not content those who expose themselves to perpetual infamy, and the hatred of a Nation for betraying their Country. Our Kings had not wherewithal to corrupt many till these last twenty years, and the treachery of a few was not enough to pass a Law. The union of many was not easily wrought, and there was nothing to tempt them to endeavour it; for they could make little advantage during the Session, and were to be loft in the mists of the People, and prejudice'd by their own Laws, as soon as it was ended. They could not in a short time reconcile their various interests or passions, to as to combine together against the Publick; and the former Kings never went about it. We are beholden to H.de, Claff:rd and D.nby, for all that has bin done of that kind. They found a Parliament full of lead young men chosen by a furious People in spite to the Puritans, whose severity had disaffect'd them. The weakest of all Ministers had wit enough to understand that such as these might be easily deluded, corrupted, or brib'd. Some were fond of their Seats in Parliament, and delighted to domineer over their Neighbours by continuing in them: Others prefer'd the cajolerys of the Court before the honor of performing their duty to the Country that employ'd them. Some sought to relieve their ruin'd Fortunes, and were most forward to give the King a vait Revenue, that from thence they might receive Penfions: others were glad of a temporary Protection against their Creditors. Many knew not what they did when they annul'd the Triennial Act, voted the Militia to be in the King, gave him the Excise, Customs and Chimney-mony, made the Act for Corporations, by which the greatest part of the Nation was brought under the power of the worst men in it; drunk or sober pass'd the Five-mile Act, and that for Uniformity in the Church. This embolden'd the Court to think of making Parliaments to be the instruments of our Slavery, which had in all Ages past bin the firmeft pillars of our Liberty. There might have bin perhaps a possibility of preventing this pernicious mischief in the Constitution of our Government. But our brave Ancestors could never think their Posterity would degenerate into such baflenefs to fell themselves and their Country: yet how great ever the danger may be, 'tis les than to put all into the hands of
one Man and his Ministers: the hazard of being ruin'd by those who muft perish with us, is not so much to be fear'd, as by one who may enrich and strengthen himself by our destruction. 'Tis better to depend upon those who are under a possibility of being again corrupted, than upon one who applies himself to corrupt them, because he cannot otherwise accomplish his designs. It were to be wifh'd that our security were more certain; but this being, under God, the left Anchor we have, it deferves to be preferv'd with all care, till one of a more unquestionable strength be fram'd by the consent of the Nation.

**S E C T. XLVI.**

*The coercive power of the Law proceeds from the Authority of Parliament.*

HAVING prov'd that Proclamations are not Laws, and that the Legislative Power, which is arbitrary, is trusted only in the hands of those who are bound to obey the Laws that are made, 'tis not hard to discover what it is that gives the power of Law to the Sanctions under which we live. Our Author tells us, That all Statutes or Laws are made properly by the King alone, at the Rogation of the People, as his Majestj King James of happy Memory affirms in his true Law of Free Monarchy; and as Hooker teaches us, That Laws do not take their constraining power from the quality of such as devise them, but from the power that gives them the strength of Law. But if the Rogation of the People be neceffary, that cannot be a Law which proceeds not from their Rogation: the power therefore is not alone in the King; for a most important part is confefled to be in the People. And as none could be in them, if our Author's Propofition, or the Principles upon which it is grounded, were true, the acknowledgment of such a part to be in the People shews them to be fallae. For if the King had all in himself, none could participate with him: if any do participate, he has not all; and 'tis from that Law by which they do participate, that we are to know what part is left to him. The preambles of most Acts of Parliament manifest this by the words, Be it enacted by the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by Authority of the same. But King James, says Filmer, in his Law of Free Monarchy affirms the contrary; and it may be fo, yet that is nothing to us. No man doubts that he defir'd it might be fo in England: but it does not from thence appear that it is fo. The Law of a Free Monarchy is nothing to us; for that Monarchy is not free which is regulated by a Law not to be broken without the guilt of Perjury, as he himself* confef in relation to ours. As to the words cited from Hooker, I can find no hurt in them. To draw up the form of a good Law, is a matter of invention and judgment, but it receives the force of a Law from the Power that enacts it. We have no other reason for the payment of Excife or Customs, than that the Parliament has granted thofe Revenues to the King to defray the public Charges. Whatever therefore King James was pleas'd to fay in his Books, or in thofe written for him, we do not fo much as know that the killing of a King is Treafon, or to be punifh'd with death, otherwife than as it is enacted by Parliament; and it was not always fo: for in the time of

* Speach in Star-Chamber, 1616.
of || Ethelstan, the Estimates of Lives were agreed in Parliament, and that of a King valued at thirty thousand Livres. And if that Law had not bin alter'd by the Parliament, it must have bin force at this day. It had bin in vain for a King to say he would have it otherwise; for he is not created to make Laws, but to govern according to such as are made, and sworn to attend to * such as shall be propos'd. He who thinks the Crown not worth accepting on these conditions, may refuse it. The words Le Roy le veut, are only a pattern of the French fabilities, upon which some Kings have laid grels fires, and would no doubt have bin glad to introduce Car tel est votre plaisir; but that may prove a difficult matter. Nay in France it fell, where that Stile, and all the ranting expressions that please the vainest of men are in mode, no Edict has the power of a Law, till it be register'd in Parliament. This is not a mere ceremony, as some pretend, but all that is essential to a Law. Nothing has bin more common than for those Parliaments to refuse Edicts sent to them by the King. When John Chafel had, at the instigation of the Jesuits, flab'd Henry the Fourth in the Mouth, and that Order had design'd or executed many other execrable crimes, they were benifi'd out of the Kingdom by an Arrest of the Parliament of Paris. Some other Parliaments register'd the same; but those of Tholouye and Bordeaux absolutely refuse'd, and notwithstanding all the King could do, the Jesuits contin'd at Tournon and many other places within their Precincts, till the Arrest was revoke'd. These proceedings are so displeasing to the Court, that the most violent ways have bin often us'd to abolish them. About the year 1650, Seguier then Chancellor of France was sent with a great number of Soldiers to oblige the Parliament of Paris to pass some Edicts upon which they had hesitated; but he was so far from accomplishing his design, that the People rose against him, and he thought himself happy that he escape'd with his Life. If the Parliaments do not in all parts of the Kingdom continue in the Liberty of approving or rejecting all Edicts, the Law is not alter'd, but oppress'd by the violence of the Sword: And the Prince of Condé, who was principally employ'd to do that work, may, I suppose, have had leisure to reflect on those Actions, and cannot but find reason to conclude, that his excellent valor and conduct was us'd in a most noble Exploit, equally beneficial to his Country and himself. However, those who are skill'd in the Laws of that Nation do still affirm, that all publick Acts which are not duly examin'd and register'd, are void in themselves, and can be of no force longer than the miserable People lies under the violence of Oppression; which is all that could reasonably be said, if a Pirat had the same power over them. But whether the French have willingly offer'd their ears to be bor'd, or have bin subdu'd by force, it concerns us not. Our Liberties depend not upon their will, vertue, or fortune: how wretched and shameful ever their Slavery may be, the evil is only to themselves. We are to consider no human Laws but our own; and if we have the spirit of our Ancestors we shall maintain them, and dy as free as they left us. Le Roy le veut, tho' written in great Letters, or pronounce'd in the most tragical manner, can signify no more than that the King in performance of his Oath does attend to such Laws as the Lords and Commons have agreed. Without prejudice to themselves and their Liberties, a People may suffer the King to advise with his Council upon what they propose.

† Quas vulgo elegit.
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Chap. III. Two eyes see more than one, and human judgment is subject to errors. Tho the Parliament consists of the most eminent men of the Nation, yet when they intend good, they may be mistaken. They may safely put a check upon themselves, that they may farther consider the most important matters, and correct the errors that may have bin committed, if the King's Council do discover them: but he can speak only by the advice of his Council; and every man of them is with his head to answer for the advice he gives. If the Parliament has not bin satisfy'd with the reasons given against any Law that they offer'd, it has frequently pass'd; and if they have bin satisfy'd, 'twas not the King, but they that laid it aside. He that is of another opinion, may try whether Le Roy le veut can give the force of a Law to any thing conceiv'd by the King, his Council, or any other than the Parliament. But if no wise man will affirm that he can do it, or deny that by his Oath he is oblig'd to assent to those that come from them, he can neither have the Legislative power in himself, nor any other part in it than what is formal, and necessarily to be perform'd by him, as the Law prescribe.

I know not what our Author means by saying, Le Roy le veut is the interpretative phrase pronounced at the passing of every Act of Parliament: For if there be difficulty in any of them, those words do no way remove it. But the following part of the paragraph better deserves to be observ'd. It was, says he, the ancient custom for a long time until the days of Henry the Fifth, for the Kings when any Bill was brought to them that had pass'd both Houses, to take and pick out what they lik'd not; and so much as they chose was enact'd as a Law: But the custom of the latter Kings has bin so gracious, as to allow always of the entire Bill as it pass'd both Houses. He judiciously observes when our Kings began to be gracious, and we to be free. That King (excepting the perfecution for Religion in his time, which is rather to be imputed to the ignorance of that Age, than to any evil in his own nature) govern'd well; and as all Princes who have bin virtuous and brave have always defir'd to preserve their Subjects Liberty, which they knew to be the mother and nurfe of their Valor, fitting them for great and generous Enterprises, his care was to please them, and to raise their Spirits. But about the same time, those detectable Arts by which the mix'd Monarchys in this part of the world have bin every where terribly shaken, and in many places totally overthrown, began to be practis'd. Charles the Seventh of France, under pretence of carrying on a War against him and his Son, took upon him to raise Money by his own Authority, and we know how well that method has bin pursu'd. The mischievous fagacity of his Son Lewis the 11th, which is now call'd King-Craft, was wholly exerted in the subversion of the Laws of France, and the Nobility that supported them. His Successors, except only Lewis the 12th, follow'd his example; and in other Nations, Ferdinand of Arragon, James the Third of Scotland, and Henry the Seventh of England, were thought to imitate him the most. Tho we have little reason to commend all the Princes that precede Henry the Fifth; yet I am inclin'd to date the general impairing of our Government from the death of that King, and his valiant Brothers. His weak Son became a prey to a furious French Woman, who brought the Maxims of her own Country into ours, and advance'd the world of Villains to govern according to them. These measures were pursu'd by Edward the 4th, whose wants contract'd by prodigality and debauchery, were to be supply'd by fraud and rapine. The ambition, cruelty and perfidiousness of Richard the 3d; the covetousness and malicious subtlety of Henry the 7th; the violent luft, rage and pride of
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Henry the 8th, and the bigotted fury of Q. Mary, instigated by the Craft and Sect. 46. malice of Spain, persuad me to believe that the English Liberty did not receive birth or growth from the favor and goodness of their gracious Princes. But it seems all this is mistaken; Henry the 6th was wise, valiant, and no way guided by his Wife; Edward the fourth continent, sober, and contented with what the Nation gave him; Richard the third mild, gentle and faithful; Henry the 7th sincere, and satisfy'd with his own; Henry the 8th humble, temperate and just; and Queen Mary a friend to our Country and Religion. No less praifes sure can be due to those who were so gracious to recede from their own right of picking what they pleas'd out of our Laws, and to leave them entirely to us as they pass'd both Houses. We are beholden to our Author for the discovery of these mysteries: but tho' he seems to have taken an Oath like that of the Gypsies when they enter into that virtuous Society, never to speak one word of truth, he is not to subtle in concealing his Lies. All Kings were truited with the publication of the Laws, but all Kings did not falsify them. Such as were not wicked and vicious, or so weak as to be made subservient to the malice of their Ministers and Flatterers, could never be drawn into the guilt of so infamous a cheat, directly contrary to the Oath of their Coronation. They swear to pass such Laws *as the People chuse*; but if we will believe our Author, they might have pick'd out whatever they pleas'd, and falsify'd upon the Nation, as a Law made by the Lords and Commons, that which they had model'd according to their own will, and made to be different from, or contrary to the intention of the Parliament. The King's part in this fraud (of which he boasts) was little more than might have bin done by the Speaker or his Clerks. They might have falsify'd an Act as well as the King, tho' they could not so well preserve themselves from punishment. 'Tis no wonder if for a while no stop was put to such an abominable Custom. 'Twas hard to think a King would be guilty of a fraud, that were infamous in a Slave: But that prov'd to be a small security, when the worst of Slaves came to govern them. Nevertheless 'tis probable they proceeded cautiously: the first alterations were perhaps innocent, or, it may be, for the best. But when they had once found out the way, they stuck at nothing that seem'd for their purpose. This was like the plague of Lepercy, that could not be cur'd; the house infected was to be demolish'd; the poisonous plant must be torn up by the root; the truth that had bin broken was to be aboliish'd; they who had perverted or frustrated the Law, were no longer to be suffer'd to make the least alteration; and that brave Prince readily join'd with his People to extinguish the mischievous abufethat had bin introduce'd by some of his worthies Predecessors. The worst and basest of them had continual disputes with their Parliaments, and thought that whatever they could detract from the Liberty of the Nation, would serve to advance their Prerogative. They delighted in frauds, and would have no other Ministers but such as would be the instruments of them. Since their Word could not be made to pass for a Law, they endeavors to impulse their own or their Servants inventions as Acts of Parliament, upon the deluded people, and to make the best of them subservient to their corrupt Ends and pernicious Counsels. This, if it had continu'd, might have overthrown all our Rights, and depriv'd us of all that men can call good in the world. But the Providence of God furnish'd our Ancestors with an

* Quas vulgos elegerit.
Discourses concerning Government.

Chap. III. opportunity of providing against so great, so universal a mischief. They had a wise and valiant Prince, who scorn’d to encroach upon the Liberties of his Subjects, and abhor’d the detestable Arts by which they had bin impair’d. He esteem’d their courage, strength, and love, to be his greatest Advantage, Riches and Glory. He aim’d at the conquest of France, which was only to be effected by the bravery of a free and well satisfy’d People. Slaves will always be cowards, and enemies to their Matter: By bringing his Subjects into that condition, he must infallibly have ruin’d his own designs, and made them unfit to fight either for him or themselves. He desire’d not only that his People should be free during his time, but that his Successors should not be able by oblique and fraudulent ways to enslave them. If it be a reproach to us that Women have reign’d over us, ’tis much more to the Princes that succeeded our Henry, that none of them did so much imitate him in his Government as Queen Elizabeth. She did not go about to mangle Acts of Parliament, and to pick out what might serve her turn, but frequently pass’d forty or fifty in a Session, without reading one of them. She knew that she did not reign for her self, but for her People; that what was good for them, was either good for her, or that her good ought not to come into competition with that of the whole Nation; and that she was by Oath oblig’d to pass such Laws as were presented to her on their behalf. This not only shews that there is no such thing as a Legislative Power plac’d in Kings by the Laws of God and Nature, but that Nations have it in themselves. It was not by Law nor by Right, but by Usurpation, Fraud and Perjury, that some Kings took upon them to pick what they pleas’d out of the publick Acts. Henry the fifth did not grant us the right of making our own Laws; but with his approbation we abolish’d a detestable abuse that might have prov’d fatal to us. And if we examin our History we shall find, that every good and generous Prince has fought to establish our Liberties, as much as the most bafe and wicked to infringe them.

THE END.
The COPY of a
PAPER
Deliver'd to the
SHERIFFS,
Upon the Scaffold on Tower-hill,
On Friday Decemb. 7. 1683.
BY
Algernon Sidney Esq;
Immediately before his Death.

Men, Brethren, and Fathers; Friends, Countrymen, and Strangers:

It may be expected that I should now say some great matters unto you; but the Rigor of the Season, and the Infirmity of my Age, increased by a close Imprisonment of above five Months, do not permit me.

Moreover, we live in an Age that makes Truth pass for Treason: I dare not say anything contrary unto it, and the Ears of those that are about me will probably be found too tender to hear it. My Trial and Condemnation doth sufficiently evidence this.

Well, Rumsley, and Kerling, who were brought to prove the Plot, said no more of me, than that they knew me not; and some others equally unknown to me, had us’d my Name, and that of some others, to give a little Reputation to their Designs. The Lord Howard is too infamous by his Life, and the many Perjurys’ not to be deny’d, or rather sworn by himself.
The Copy of a Paper deliver'd to the Sheriffs.

self, to deserve mention; and being a single Witness would be of no value, tho' he had been of unblemish'd Credit, or had not seen and confessed that the Crimes committed by him would be pardon'd only for committing more; and even the Pardon promis'd could not be obtained till the drudgery of Swearing was over.

This being laid aside, the whole matter is reduc'd to the Papers said to be found in my Closet by the King's Officers, without any other Proof of their being written by me, than what is taken from suppositions upon the similitude of an Hand that is easily counterfeited, and which hath been lately declar'd in the Lady Carter's Cafe to be no lawful Evidence in Criminal Causes.

But if I had been seen to write them, the matter would not be much alter'd. They plainly appear to relate to a large Treatise written long since in Answer to Filmer's Book, which by all Intelligent Men is thought to be grounded upon wicked Principles, equally pernicious to Magistrates and People.

If he might publish to the World his Opinion, That all Men are born under a necessity deriv'd from the Laws of God and Nature, to submit to an Absolute Kingly Government, which could be restrain'd by no Law, or Oath; and that he that has the Power, whether he came to it by Creation, Election, Inheritance, Usurpation, or any other way, had the Right; and none must oppose his Will, but the Persons and Estates of his Subjects must be indispensably subject unto it; I know not why I might not have publish'd my Opinion to the contrary, without the breach of any Law I have yet known.

I might as freely as he, publickly have declar'd my Thought, and the reasons upon which they were grounded, and I persuad'd to believe, That God had left Nations to the Liberty of setting up such Governments as best pleas'd themselves.

That Magistrates were set up for the good of Nations, not Nations for the honour or glory of Magistrates.

That the Right and Power of Magistrates in every Country, was that which the Laws of that Country made it to be.

That those Laws were to be observ'd, and the Oaths taken by them, having the force of a Contract between Magistrate and People, could not be violated without danger of dissolving the whole Fabrick.

That Usurpation could give no Right, and the most dangerous of all Enemies to Kings were they, who raising their Power to an exorbitant height, allow'd to Usurpers all the Rights belonging unto it.

That such Usurpations being Ickdom compas'd without the Slaughter of the Reigning Person, or Family, the worst of all Villanys was thereby rewarded with the most glorious Privileges.

That if such Doctrines were receiv'd, they would stir up Men to the Destruction of Princes with more Violence than all the Passions that have hitherto rag'd in the Hearts of the most Unruly.

That none could be safe, if such a Reward were propos'd to any that could destroy them.

That few would be so gentle as to spare even the Best, if by their destruction a wild Usurper could become God's Anointed, and by the most execrable Wickedness invest himself with that Divine Character.

This is the scope of the whole Treatise; the Writer gives such Reasons as at present did occur unto him, to prove it. This seems to agree with
The Copy of a Paper deliver'd to the Sheriffs.

with the Doctrines of the most Reverend Authors of all Times, Nations and Religions. The best and wiselest of Kings have ever acknowledged it. The present King of France has declar'd that Kings have that happy want of Power, that they can do nothing contrary to the Laws of their Country, and grounds his Quarrel with the King of Spain, Anno 1667. upon that Principle. King James in his Speech to the Parliament Anno 1603, doth in the highest degree affert it: The Scripture seems to declare it. If nevertheless the Writer was mistaken, he might have been refuted by Law, Reason and Scripture; and no Man for such matters was ever otherwise punisht, than by being made to fee his Error; and it has not (as I think) been ever known that they had been refer'd to the Judgment of a Jury, compos'd of Men utterly unable to comprehend them.

But there was little of this in my Case; the extravagance of my Prosecutors goes higher: the above-mention'd Treatise was never finisht'd, nor could be in many years, and most probably would never have been. So much as is of it was written long since, never review'd nor shewn to any Man; and the fiftieth part of it was not produc'd, and not the tenth of that offer'd to be read. That which was never known to those who are said to have conspir'd with me, was said to be intended to stir up the People in Prosecution of the Designs of those Conspirators.

When nothing of particular Application to Time, Place, or Person, could be found in it, (as has ever been done by those who endeavour'd to raise Innuendo's) all was supply'd by Innuendo's.

Whatsoever is said of the Expulsion of Tarquin; the Infurrection against Nero; the Slaughter of Caligula, or Domitian; the Translation of the Crown of France from Meroveus his Race to Pepin, and from his Descendants to Hugh Capet, and the like, was apply'd by Innuendo to the King.

They have not consider'd, that if such Acts of State be not good, there is not a King in the World that has any Title to the Crown he wears; nor can have any, unless he could deduce his Pedegree from the eldest Son of Noah, and shew that the Succession had still continu'd in the eldest of the eldest Line, and been so deduc'd to him.

Every one may see what advantage this would be to all the Kings of the World; and whether that failing, it were not better for them to acknowledge they had receiv'd their Crowns by the Confect of willing Nations, or to have no better Title to them than Usurpation and Violence, which by the fame ways may be taken from them.

But I was long since told that I must die, or the Plot must die.

Left the means of destroying the best Protestants in England should fail, the Bench must be fill'd with such as had been Blemishes to the Bar.

None but such as these would have advis'd with the King's Council of the means of bringing a Man to death; suffer'd a Jury to be pack'd by the King's Solicitors, and the Under-Sheriff; admit of Jury-men who are not Freeholders; receive such Evidence as is above mention'd; refuse a Copy of an Indictment, or suffer the Statute of 46 Edw. 3. to be read, that doth expressly Enaet. It should in no cafe be deny'd to any Man upon any occasion whatsoever; over-rule the most important Points of Law without hearing. And whereas the Statute, 25 Ed. 3. upon
upon which they said I should be try'd, doth reserve to the Parliament
all Constructions to be made in Points of Treason, they could assume
to themselves not only a Power to make Constructions, but such Con-
structions as neither agree with Law, Reason, or common Sense.

By these means I am brought to this Place. The Lord forgive these
Practices, and avert the Evils that threaten the Nation from them. The
Lord sanctify these my Sufferings unto me; and tho' I fall as a Sacrifice
to Idols, suffer not Idolatry to be established in this Land. Bless thy
People, and spare them. Defend thy own Cause, and defend those that
defend it. Stir up such as are faint; direct those that are willing; con-
firm those that waver; give Wisdom and Integrity unto all. Order
all things so as may most redound to thine own Glory. Grant that I
may die glorifying Thee for all thy Mercies, and that at the last Thou
haist permitted me to be singled out as a Witness of thy Truth, and
even by the Confession of my Opposers, for that OLD CAUSE in
which I was from my Youth engag'd, and for which Thou hast often
and wonderfully declar'd thy Self.

FINIS.
AN

ALPHABETICAL

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