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Josiah Tucker, *A Treatise Concerning Civil Government in Three Parts* [1781]

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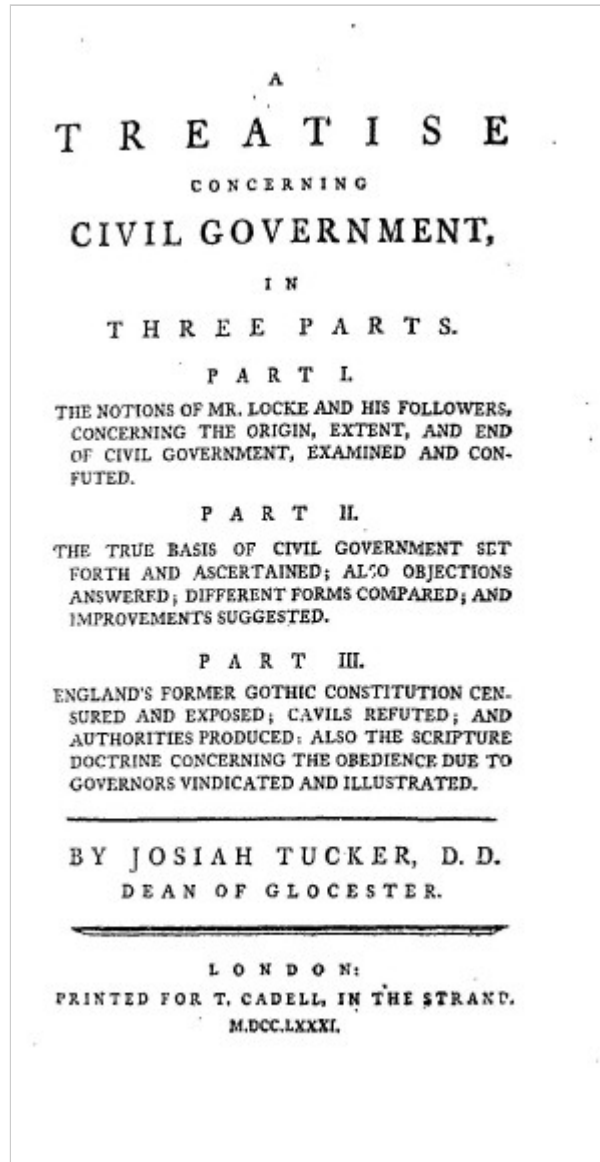
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8335 Allison Pointe Trail, Suite 300  
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*A Treatise Concerning Civil Government in Three Parts* (London: T. Cadell, 1781).

Author: [Josiah Tucker](#)

About This Title:

An extended critique of Locke's consent theory.

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## THE PREFACE.

THE long preliminary Discourse, which I had printed in the Specimen dispersed among my Friends, is now totally suppressed. It was their Opinion, that such an Enumeration of Errors, as were there collected together out of Mr. Locke's Writings, was needless at present; because the Degree of Infallibility, which had been ascribed to his Name and Works, is now greatly lessened. They likewise thought, that such a Catalogue of Mistakes might be made Use of by a subtle Adversary, as an Handle to divert the Attention of the Reader from the main Point, to that which was foreign to the principal Design. I am persuaded of the Justice of these Remarks; and I do hereby request my worthy Friends to accept of my grateful Acknowledgments.

My present Design is to speak to another Subject. Some there are, who think it impossible, that such a Man as Mr. Locke, ever meant to patronize those dangerous Consequences, which his Followers, and particularly Mr. Molineux, and Dr. Price, have deduced from his Principles. They wish, therefore, that all the Censure might fall on the Disciples, and not on the Master. In Reply to this. I submit to them and the Public the following Considerations.

1st.—That Mr. Molineux was Mr. Locke's Acquaintance, Correspondent, and bosom Friend; that he sent him his famous Book, the *Case of Ireland*, as a Present;—that he desired his Opinion thereon; which though Mr. Locke declined, or rather *deferred* to give;—yet he never once hinted, that Mr. Molineux had mistaken his Principles, and had ascribed Consequences to him, which he must disavow. [See the whole Correspondence carried on between them in Mr. Locke's Works.] Moreover, I desire it may be taken Notice, that Mr. Locke survived Mr. Molineux several Years;—during which Time the Protestants of *Ireland* were worked up into intemperate Heats by those very. Notions of unalienable Rights and Independence, which Mr. Locke's and Mr. Molineux's Writings had infused into them, and which they have since adopted in so decisive a Manner; yet during all this Time Mr. Locke was silent, and made no Remonstrance against such Proceedings. He never intimated to any one, as far as I can learn, that they were mistaken in their Inferences; nor did he retort upon them, by saying, that if they thought they had a Right to deduce such Consequences from his Principles,—the Papists of *Ireland* [the original Natives of the Country and the vastly greater Majority of the People] had a much stronger and clearer Right to shake off the Protestant Yoke, and to assert their native Independence, and unalienable Birth-right. This he probably would, or at least this he *ought* to have done, had he really thought, that Mr. Molineux and the *Irish* deduced such Conclusions from his Premises, as it was incumbent on him to disavow.

2dly. Granting for Argument's Sake, that the Dean of *Glocester* is either so illiterate, or so blinded with Prejudice, that he cannot see the obvious Meaning of the plainest Propositions in Mr. Locke's Work,—yet what shall we say of Dr. Price, his warmest Advocate, and professed Admirer? Is he too in the same Situation with the Dean of *Glocester*? All the World must allow, that Dr. Price is a very learned Man, and a clear Writer: And if his Prejudices *for* Mr. Locke, and the Dean of *Glocester's* Prejudices

*against* him, should make them agree in the same Opinions; it must at least be allowed, that such a Clashing of opposite Prejudices hath produced that marvellous Effect, which opposite Prejudices never produced before. The Doctor and I see Mr. Locke's Principles with the same Eyes; we understand them in the same Sense; and all the Difference between us, is, That he admires them, and *glories* in the Consequences of them, which I do not, and think them to be extremely dangerous to the Peace and Happiness of all Societies.

But *3dly*, And to end this Controversy at once: Let some Friend to Truth, blessed with greater Discernment than the Dean of *Glocester*, or even than Dr. Price, take Mr. Locke's Book in hand, and shew from the natural Construction of the Words, and the Scope and Tenor of the Context, that both of us [and indeed, that all in general, Admirers, and Non-Admirers] have hitherto mistaken Mr. Locke's true Sense and Meaning: And in the next Place, let this happy Interpreter or clear-sighted Commentator point out, how such and such Passages fought to have been understood; and what Consequences ought to have been deduced from his Writings, different from all these, which have been deduced before.

This would be coming to the Point; and when *satisfactorily* performed, a most useful Work it will be.—I, for my Part, shall be exceeding glad to have it proved, that I was mistaken. [For I never wish to find Fault without great and urgent Cause] Therefore if this Point can be satisfactorily proved, I do hereby pledge myself to make a public Recantation. This I promise to do, because I think it to be no Manner of Disgrace to the Character of an honest, fallible, well-meaning Man to say, I am now convinced that *I was in an Error; and I ask Pardon*.

Two Things more I shall beg Leave to add and these I borrow from Mr. Locke's own Preface to this very Book on Government.

“First, that cavilling here and there, at some Expression, or little Incident of my Discourse, is not an Answer to my Book.

“Secondly, That I shall not take Railing for Arguments; nor think either of these worth my Notice:—Though I shall always look on myself as bound to give Satisfaction to any one, who shall appear to be conscientiously scrupulous in the Point, and shall shew any just Grounds for his Scruples.”



## The PRINCIPAL ERRATA.

- Page  
224. Line 20, for *Armenian*, read American.  
287. Line 23, for *5thly*, read 6thly.  
288. Line 3, for *Innations*, read Innovations.  
293. Line 6, for *the*, read that.  
Ditto, in the Note for *Monterate*, read Montacute.  
295. Line 7, for *are*, read were.  
301. Line penult. after *Disingenuity*, place a Full-point, and begin the next Word with a capital Letter.  
305. Line penult. for *and*, read in fact.  
306. Line penult. for *Elector*, read Electors.  
309. Line 10, for *Discord*, read discordant.  
312. Last Line, after *Hands*, read and whilst.  
318. Line 6, of the Note, for *more*, read meer.

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## PART I.

### THE NOTIONS OF Mr. LOCKE, &C.

#### CHAP. I.

#### ***The Only True Foundation Of Civil Government, According To Mr. Locke And His Disciples:—All Governments Whatever Being So Many Encroachments On, And Violations Of, The Unalienable Rights Of Mankind, If Not Founded On This Hypothesis.***

IN order to shorten this Controversy as much as possible, and to strike every Thing out of it foreign to the Subject, I shall first shew wherein I agree with Mr. Locke and his Followers, and 2dly wherein I differ from them.

First then I agree with him, and his Disciples, that there is a Sense, in which it may be said, that no Man is born the *political* Subject of another. Insants the Moment they are born, are the natural Subjects of their Parents: They are also entitled by the Law of Nature, as well as by human Laws, to the Protection and Guardianship of that State, within whose Jurisdiction they are born [nay, indeed they are entitled to Protection whilst in Embrio] though they neither did, nor could enter into any Contract with the State for that Purpose. Therefore in this Sense, they-are justly deemed the *natural-born* Subjects of such a Country. This is the Language of all Laws, and of every Government. But in a *metaphysical* Sense, a Man cannot be a Subject before he is a Moral Agent; for it is Moral Agency alone, which renders him amenable, or subject to any Law, or Government. However, as he is born with the Instincts and Dispositions of a social Creature, he necessarily becomes a Member of some Society or other, as soon as he has an Opportunity, by the very Impulse of his Nature, if there are any human Beings within his Reach to associate with. But whether this Association must always be formed by Means of an *express mutual Compact*, Engagement, and Stipulation, or whether it *cannot* be formed [I mean *justly* and *rightly* formed] any other Way, is the important Question now to be determined.

2dly. Let the Mode of entering into this Society be what it may, whether by express Covenant, or otherwise, I perfectly agree with Mr. Locke and his Disciples, that the Government and Direction of such a Society is a Matter of public *Trust*, and not of private *Property*:—a Trust to be executed for the Good of the whole, and not for the private Advantage of the Governors and Directors;—any otherwise, than as they themselves will find their own Account in promoting the Prosperity of the Community.

3dly. I very readily allow, that if these Trustees should so far forget the Nature of their Office, as to act directly contrary thereunto in the general Tenor of their Administration;—and if neither humble Petition, nor decent Remonstrance can reclaim, and bring them to a Sense of their Duty;—then Recourse must be had to the only Expedient still remaining, *Force of Arms*:—And I add further, that the critical Moment for the Application of such a desperate Remedy, seems to be,—when the Evils suffered are grown so great and intolerable, without any reasonable Prospect of Amendment, that, according to the most impartial Calculation, they evidently over-balance those which would be brought on by resisting such evil Governors.

All these Points being previously settled, there can be no Controversy between Mr. Locke's Disciples and me about the patriarchal Scheme in any of its Branches, or indeed about any Sort of an indefeasible hereditary Right whatever:—Much less about unlimited passive Obedience, and Non-resistance. For I think we are all perfectly agreed, that neither Kings, nor Senators, neither Patrician-Republics, nor Plebeian-Republics, neither hereditary, nor elective Governors can, in the Words of the great Poet,

Have any Right *divine* to govern *wrong*.

And if Sovereigns have no Right to do wrong, the Subjects must certainly have a Right to prevent them from doing it. For it is clear, that in such a Case the People cannot offend against the righteous Laws of God, or the just Laws of Man, in defending their own Rights.

The Question, therefore, the *sole* Question now to be decided, is simply this, “Whether that Government is to be justly deemed an Usurpation, which is not founded on the *express* mutual Compact of all the Parties interested therein, or belonging thereunto?” *Usurpation* is a Word of a most odious Sound; and Usurpations and Robberies are Things so detestably bad, that no honest, or good Man can wish them Prosperity, or even Existence. It is therefore to be hoped for the Honour of human Nature, and the Good of Mankind, that some Governments or other, besides those of Mr. Locke's modelling, or approving, may be found in the World, which deserve a better Fate, than that which is *due* to Robberies and Usurpations.

But let us now hear the Opinion of this great Man himself, and of the most eminent of his Followers, concerning the Origin, and only true Foundation, of Civil Government, according to their System.

## QUOTATIONS *From Mr. Locke.*

Mr. Locke, in his 2d. Treatise concerning Government, Chap. viii. *of the Beginning of political Societies*, delivers himself in these Words:

“§ 95. Men being, as hath been said, [in the former Chapters] all free, equal, and independent,—*no one* can be put out of this Estate, and subjected to the political Power of another, *without his own Consent*: The only Way, whereby any one divests himself of his natural Liberty, and puts on the Bonds of Civil Society, is by *agreeing*

with other Men to join and unite in a Community, for their comfortable, safe, and peaceable Living one among another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it. This any Number of Men may do, because it injures not the Freedom of the rest: They are left as they were, in the *Liberty of a State of Nature*. When any Number of Men have so consented to make one Community, or Government, they are thereby presently *incorporated*, and made one Body politic, wherein the *Majority have a Right to act*.

“§ 98. And thus, that which begins, and actually concludes any political Society, is nothing but the Consent of a Number of *free* Men, capable of a Majority to unite, and incorporate into such a Society. And this is that and *that only*, which did, or could give Beginning to *any lawful* Government in the World.

“§ 116. 'Tis true, that whatever Engagements or Promises any one has made for himself, he is under the Obligation of them, but cannot by any Compact whatever *bind* his *Children*, or *Posterity*. For his Son, when a Man, being altogether as free as the Father, any Act of the Father can no more give away the Liberty of the Son, than it can of any Body else. He may indeed annex such Conditions to the *Land* he *enjoyed*, as a Subject of any Common-Wealth, as may oblige his Son to be of that Community, if he will enjoy those Possessions, which were his Father's:—Because that Estate being his Father's Property, he may *dispose*, or *settle* it as he pleases.

“§ 119. Every Man being, as hath been shewn, naturally free, and nothing being able to put him into Subjection to any earthly Power, but his *own Consent*, it is to be considered, what shall be understood to be a sufficient Declaration of a Man's Consent to make him subject to the Laws of any Government. There is a common Distinction of an *express*, and a *tacit* Consent, which will concern our present Case. Nobody doubts, but an express Consent of any Man entering into any Society, makes him a perfect Member of that Society, a Subject of that Government. The Difficulty is, what ought to be looked upon as a *tacit Consent*, and how far it binds; *i. e.* how far any one shall be looked on to have consented, and thereby submitted to any Government, where he has made no Expressions of it at all. And to this I say, that every Man, that hath any Possession or Enjoyment of any Part of the Dominions of any Government, doth thereby give his tacit Consent, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it, whether this his Possession be of Land to him, and his Heirs for ever;—or a Lodging only for a Week, or whether it be barely travelling freely on the High Way: And it in Effect reaches as far as the very being of any one within the Territories of that Government.

“§ 120. To understand this the better;—Whosoever therefore from thenceforth by Inheritance, Purchase, Permission, or other-ways, enjoys any Part of the Land so annexed to, and under the Government of that Common-Wealth, must take it with the Condition it is under; that is, of submitting to the Government of the Common-Wealth, under whose Jurisdiction it is, as far forth as any Subject of it.

“§ 121. But since the Government has a *direct* Jurisdiction *only* over the Land, and reaches the Possessor of it (before he has *actually* incorporated himself in the Society)

*only* as he dwells upon, and enjoys that, the Obligation any one is under by Virtue of such Enjoyment, to submit to the Government, begins and ends with the Enjoyment: So that whenever the Owner, who has given nothing but such *tacit* Consent to the Government, will by Donation, Sale, or otherways quit the said Possession, he is at Liberty to go, and incorporate himself into any other Common-Wealth, or to agree with others, to begin a new one in *vacuis locis*, in any Part of the World they can find free, and unpossessed.

“§ 122. Butsubmitting to the Laws of any Country, living *quietly*, and enjoying *Privileges* and *Protection* under them, ? makes not a Man a Member of that Society:—Nothing can make a Man so, but his ? actually entering into it by *positive* Engagements, and *express* Promise and Compact.

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## Chap. IX.

### Of The Ends Of Political Society And Government.

“§ 123. If Man in a State of Nature be so free, as hath been said: If he be *absolute Lord* of his own *Person* and Possessions, *equal* to the greatest, and subject to no Body, why will he part with his Freedom, why will he give up this Empire, and subject himself to the Dominion and Controul of any other Power? To which it is obvious to answer, that tho’ in the State of Nature he hath such a Right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others. For all being Kings as much as he, every Man his equal, and the greater Part no strict Observers of Equity and Justice, the Enjoyment of the Property he has in this State is very unsase, very insecure. ? This makes him willing to quit his Condition; which however free, is full of Fears, and continual Dangers.

“§ 127. Thus Mankind, notwithstanding all the Privileges of the State of Nature, being but in an ill Condition, while they remain in it, are quickly *driven* into Society.

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## Chap. XI.

### Of The Extent Of The Legislative Power.

“§ 138. The supreme Power [the Legislature] cannot [lawfully, or rightly] take from *any Man* any Part of his Property without his own Consent.

“§ 140. 'Tis true, Governments cannot be supported without great Charge; and 'tis fit every one who enjoys his Share of the Protection, should pay out of his Estate his Proportion for the Maintenance of it. But still it must be with his own Consent, *i. e.* with the Consent of the Majority, giving it either by themselves, or by their Representatives *chosen* by them.

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## Chap. XVII.

### Of Usurpation.

“§ 198. Whoever gets into the Exercise of any Part of the Power [of governing] by other Ways than what the Laws of the Community have prescribed, hath no Right to be obeyed, tho’ the Form of the Common-Wealth be still preserved: Since he is not the Person the Laws have appointed, and consequently not the Person the People have consented to. Nor can such an Usurper, or *any* deriving from him, ever have a Title ’till the People are both at Liberty to consent, and have actually consented to allow, and confirm him in the Power he hath till then *usurped*.”

***Extracts From Mr. Molyneux’s Case Of Ireland Being Bound By Acts Of Parliament In England. Dublin, Printed 1698, And Dedicated To King William: And Lately Reprinted By Mr. Almon, With A Long Preface, Exciting The Irish To Rebel, And Promising Sull Liberty, And Security To The Papists, If They Will Join In This Good Work.***

“Page 18. If a Villain with a Pistol at my Breast, makes me convey my Estate to him, no one will say, that this gives him any Right. And yet just such a Title as this has an unjust Conqueror, who with a Sword at my Throat forces me into Submission; that is, forces me to part with my natural Estate and Birth-right, of being governed *only* by Laws, to which I give my *Consent*, and not by his Will,—or the Will of any other.

“P. 26 and 27. From what has been said, I presume it pretty clearly appears, that an unjust Conquest gives no Title at all;—that a just Conquest gives Power only over the *Lives*, and *Liberties* of the actual Opposers,—but not over their *Posterity* and *Estates*;—and not at all over those that did *not concur* in the Opposition.

“They that desire a more full Disquisition of this Matter, may find it at large in an incomparable Treatise concerning the true Original, Extent, and End of Civil Government, Chap. xvi. This Discourse is said to be written by my excellent Friend John Locke, Esq.

“Page 113. I shall venture to assert, that the Right of being subject only to such Laws, to which Men give their *own* Consent, is so *inherent* in *all* Mankind, and founded on such *immutable* Laws of Nature and Reason, that ’tis not to be aliened, or given up by any Body of Men whatever.

“Page 150. All Men are by Nature in a State of Equality, in respect of Jurisdiction or Dominion.—On this Equality of Nature is founded that Right, which all Men claim of being free from *all* Subjection to positive Laws, ’till by their *own* *Consent*, they give



up their Freedom by entering into Civil Societies for the common Benefit of all the Members thereof. ? And on this Consent depends the Obligation of all human Laws.

“Page 169. I have no other Notion of *Slavery*; but being bound by a Law, to which I do not consent.

“Page 170. If one Law may be imposed without Consent, *any other Law whatever* may be imposed on us without our Consent. This will naturally introduce taxing us without our Consent. And this as necessarily destroys our Property. I have no other Notion of Property, but a Power of disposing of my Goods *as I please*, and not as another shall command. Whatever another may *rightly* take from me, I have certainly no Property in. To *tax* me without Consent is little better, if at all, than down-right *robbing me*.

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***Extracts From Dr. Priestly's Essay On The First Principles Of Government. Second Edition.*** London, *Printed For* J. Johnson, 1771.

## Section I.

### Of The First Principles Of Government, And The Different Kinds Of Liberty.

“Page 6. To begin with first Principles, we must for the Sake of gaining clear Ideas on the Subject, do what almost all political Writers have done before us, that is, We must suppose a Number of People existing, who experience the Inconvenience of living independent and *unconnected*: Who are exposed without Redress, to Insults and Wrongs of every Kind, and are too weak to procure to themselves many of the Advantages, *which they are sensible might easily be compassed by united Strength*. These People, if they would engage the Protection of the whole Body, and join their Forces in Enterprizes and Undertakings calculated for their common Good, must voluntarily resign some Part of their natural Liberty, and submit their Conduct to the Direction of the Community: For without these Concessions, such an Alliance, attended with such Advantages, could not be formed.

“Were these People few in Number and living within a small Distance of one another, it might be easy for them to assemble upon every Occasion, in which the whole Body was concerned; and every thing might be determined by the Votes of the Majority. ? Provided they had *previously* agreed that the Votes of a Majority should be decisive. But were the Society numerous, their Habitations remote, and the Occasions on which the whole Body must interpose frequent, it would be absolutely impossible that all the Members of the State should assemble, or give their Attention to public Business. In this Case, though, with Rousseau, *it being a giving up of their Liberty*, there must be Deputies or Public Officers appointed to act in the Name of the whole Body: And in a State of very great Extent, where all the People could never be assembled, the whole Power of the Community must necessarily, and almost irreversibly, be lodged in the Hands of these Deputies. In *England*, the King, the hereditary Lords, and the Electors of the House of Commons are these *standing* Deputies: And the Members of the House of Commons are again the *temporary* Deputies of this last Order of the State.

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## Section II.

### Of Political Liberty.

“11. In Countries, where every Member of the Society enjoys an equal Power of arriving at the supreme Offices, and consequently of directing the Strength and the Sentiments of the whole Community, there is a State of the most perfect political Liberty. On the other Hand, in Countries where a Man is, by his Birth or Fortune, excluded from these Offices, or from a Power of voting for proper Persons to fill them; that Man, whatever be the Form of the Government, or whatever Civil Liberty, or Power over his own Actions he may have, has no Power over those of another; he has no Share in the Government, and therefore has *no political Liberty at all*. Nay his own Conduct, as far as the Society does intersere, is, in all Cases, directed by others.

“It may be said, that no Society on Earth was ever formed in the Manner represented above. I answer, it is true; because all Governments whatever have been, in some Measure, compulsory, tyrannical, and oppressive in their Origin. But the Method I have described must be allowed to be the only equitable and fair Method of forming a Society. And since every Man retains, and can never be deprived of, his natural Right (founded on a Regard to the general Good) of relieving himself from all Oppression, that is, ? from every Thing that has been imposed upon him without his own Consent, this must be the only true and proper Foundation of all the Governments subsisting in the World, and that to which the People who compose them ? have an unalienable Right to bring them back.

“*Page 40.* The Sum of what hath been advanced upon this Head, is a Maxim, than which nothing is more true, that every Government, in its original Principles, and antecedent to its present Form, is an *equal Republic*; and consequently, that *every* Man, when he comes to be sensible of his natural Rights, and to feel his own Importance, will consider himself as fully equal to any other Person whatever. The Consideration of Riches and Power, however acquired, must be entirely set aside, when we come to these first Principles. The very Idea of Property, or Right of *any Kind*, is founded upon a Regard to the general Good of the Society, under whose Protection it is enjoyed; and nothing is properly a *Man's own*, but what general Rules, which have for their Object the Good of the whole, give to him. To whomsoever the Society delegates its Power, it is delegated to them for the more easy Management of public Affairs, and in order to make the more effectual Provision for the Happiness of the whole. Whosoever enjoys Property, or Riches in the State, enjoys them for the Good of the State, as well as for himself: And whenever those Powers, Riches, or Rights of *any Kind* are abused to the Injury of the whole, that awful and ultimate Tribunal, in which every Citizen hath an equal Voice, may demand the Resignation of them: And in Circumstances, where *regular Commissions* from this abused Public cannot be had. every Man, who has Power, and who is actuated with the Sentiments of the Public, may *assume a public Character*, and bravely redress public Wrongs. In such dismal and critical Circumstances, the stifled Voice of an oppressed Country is a

loud Call upon every Man, possessed with a Spirit of Patriotism, to exert himself. And whenever that Voice shall be at Liberty, it will ratify and applaud the Action, which it could not formally authorise.

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***Extracts From Dr. Price'S Famous Treatise, Observations On  
The Nature Of Civil Liberty, &C. A New Edition, 12Mo.  
Corrected By The Author, Price Three-Pence, Or One Guinea  
Per Hundred.***

**Preface***To The*Fifth Edition.

“The Principles on which I have argued, form the Foundation of every State, as *far as it is free*; and are the same with those taught by Mr. Locke.

“*Page 1.* Our Colonies in *North-America* appear to be now determined to *risque*, and suffer every Thing, under the Persuasion, that *Great-Britain* is attempting to *rob* them of that Liberty, to which *every Member* of Society, and all civil Communities, have a *natural*, and an unalienable Right.

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## Section I.

### Of The Nature Of Liberty In General.

“*Page 1.* In order to obtain a more distinct and accurate View of the Nature of Liberty as such, it will be useful to consider it under the four following general Divisions.

[It is hard to say, what could have been the Doctor’s Motive for dividing Human Liberty into four Parts; for, in reality, there are either not so many Sorts of Liberty, or a great many more. “Physical Liberty, which is the Foundation of the rest, is, as the Doctor well observes, that Principle of *Spontaneity*, or *Self-Determination*, which constitutes us *Agents*; or which gives us a Command over our Actions, rendering them properly *ours*, and not Effects of the Operation of any *foreign Cause*.” Therefore possessing, or enjoying this Power within ourselves, we apply it to various Purposes, according as *Duty*, *Interest*, or *Inclination* call it forth: Consequently if every distinct, or possible Application of it is to be considered as the Exertion of a distinct Species of Liberty, we may be said to have Sorts without Number. But the Doctor himself, as will be seen below, joins Religious and Civil Liberty in the same Class. And he also observes, that there is one general Idea that runs through them all, the Idea of Self-Direction, or Self-Government.]

“First, Physical Liberty,—Secondly, Moral Liberty,—Thirdly, Religious Liberty,—and, Fourthly, Civil Liberty.

“*Page 3.* As far as in any Instance, the Operation of any Power comes in to restrain the Power of Self-Government, so far *Slavery* is introduced: Nor do I think that a preciser Idea than this of *Liberty*, and *Slavery*, can be given.

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## Section II.

### Of Civil Liberty, And The Principles Of Government.

“Page 4. In every free State *every Man* is his *own Legislator*.—All Taxes are *free Gifts* for public Services.—All Laws are particular Provisions or Regulations established by common Consent for gaining Protection and Safety.

“From hence it is obvious, that Civil Liberty, in its *most perfect* Degree, can be enjoyed only in *small States*, where every Member is capable of giving his Suffrage in *Person*; and of being chosen into public Offices. When a State becomes so numerous, or when the different Parts of it are removed to such Distances from one another, as to render this impracticable, a *Diminution* of Liberty necessarily arises.—Though all the Members of a State should not be capable of giving their Suffrages on public Measures *individually* and *personally*, they may do this by the Appointment of *Substitutes* or *Representatives*.

“Page 7. In general, to be *free* is to be guided by one’s own Will; and to be guided by the Will of another is the Characteristic of Servitude. This is particularly applicable to political Liberty.

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## Section III.

### Of The Authority Of One Country Over Another.

“Page 15. As no People [either individually, or collectively] can lawfully surrender their religious Liberty, by giving up their Right of *judging* for themselves in Religion, or by allowing any human Being to *prescribe* to them, what *Faith* they shall *embrace* or what *Mode of Worship* they shall *practice*; so neither can any civil Societies [\* either individually, or collectively] lawfully surrender their civil Liberty, by giving up to any extraneous Jurisdiction their Power of legislating for themselves, and disposing of their Property. Such a Cession, being inconsistent with the unalienable Rights of Human Nature, would either not bind at all, or bind only the Individuals who made it. This is a Blessing, which no Generation of Men can give up for another; and which, when lost, a People have always a *Right to resume*.



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## Observations *On The Foregoing* Extracts.

Thus I have finished my Extracts from Mr. Locke, and some of the most *eminent* of his Disciples;—Men, whose Writings, (we charitably hope, not intentionally, or maliciously;—though *actually*) have laid a Foundation for such Disturbances and Dissentions, such mutual Jealousies and Animosities, as Ages to come will not be able to settle, or compose. Many more Passages might have been added from other celebrated Writers on the same Side.; but surely these are full enough to explain their Meaning. And therefore from the following may be collected.

I. That Mankind do not spontaneously, and, as it were, *imperceptibly* slide into a Distinction of Orders, and a Difference of Ranks, by living and conversing together, as Neighbours and social Beings:—But on the contrary, that they naturally shew an Aversion, and a Repugnance to every Kind of Subordination, 'till dire Necessity compells them to enter into a solemn Compact, and to join their Forces together for the Sake of Self-Preservation. Dr. Priestly, the fairest, the most open, and ingenuous of all Mr. Locke's Disciples, excepting honest, undissembling Rousseau, has expressed himself so clearly and fully on this Head, that I shall beg Leave to quote his Words again, tho' I had mentioned them before.

“To begin with first Principles, we must, for the Sake of gaining clear Ideas on the Subject, do what almost all political Writers have done before us, that is, we must suppose a Number of People existing, who *experience* the Inconvenience of living independent and unconnected; who are exposed without Redress, to Insults and Wrongs of *every Kind*, and are too weak to procure to themselves many of the Advantages, which they are *sensible* might easily be compassed by united Strength. These People, if they would engage the Protection of the whole Body, and join their Forces in Enterprizes and Undertakings calculated for their common Good, must *voluntarily resign* some Part of their natural Liberty, and submit their Conduct to the Direction of the Community: For without these *Concessions*, an Alliance cannot be formed.”

Here it is very observable, that the Author supposes Government to be so entirely the Work of *Art*, that *Nature* had no Share at all in forming it; or rather in *predisposing* and *inclining* Mankind to form it. The Instincts of Nature, it seems, had nothing to do in such a complicated Business of Chicane and Artifice, where every Man was for driving the best Bargain he could; and where all in general, both the future Governors and Governed, were to be on the catch as much as possible. For this Author plainly supposes, that his first Race of Men had not any innate Propensity to have lived otherwise, than as so many *independent, unconnected* Beings, if they could have lived with tolerable Safety in such a State: In short, they did not feel any Instincts within themselves kindly leading them towards associating, or incorporating with each other; though (what is rather strange) Providence had ordained, that this Way of Life was to be so essentially necessary towards their Happiness, that they must be miserable without it:—Nay, they were driven by Necessity, and not drawn by Inclination to seek for *any Sort* of Civil Government whatever. And what is stranger still, it seems they

were sensible, that this Kind of Institution, called Government, to which they had no natural Inclination, but rather an Aversion, and whose good or bad Effects they had *not* experienced, might easily procure Advantages which they then wanted, and protect them from many Dangers, to which they were continually exposed, in their independent, unconnected State. All these Things, I own, are strange Paradoxes to me: I cannot comprehend them. However, fact it is, that almost all the Writers on the republican Side of the Question, with Mr. Locke at the Head of them, seem to represent Civil Government at the best, rather as a *necessary* Evil, than a *positive* Good;—an Evil to which Mankind are obliged to submit, in order to avoid a greater.

But if Mr. Locke and his Followers have not granted much to human Nature in one Respect, they have resolved to make abundant Amends for this Deficiency in another. For tho' they have not allowed human Nature to have any innate Propensities towards the first Formation of civil Society;—yet they do most strenuously insist, that *every Man*, every Individual of the human Species hath an unalienable Right to chuse, or refuse, whether he will be a Member of this, or that particular Government, or of none at all.

This was to be my second Observation: And a material one it is. For Mr. Locke and his Followers have extended the Privilege of voting, or of giving *actual* Consent, in all the Affairs of Government and Legislation, beyond what was ever dreamt of before in this, or in any other civilized Country;—Nay, according to their leading Principles, it ought to be extended still much farther, than even they themselves have done.

Before this new System had made its Appearance among us, the Right of voting was not supposed to be an unalienable Right, which belonged to *all* Mankind *indiscriminately*: But it was considered as a Privilege, which was confined to those few Persons who were in Possession of a certain Quantity of Land, to Persons enjoying certain Franchises, (of which there are various Kinds) and to Persons of a certain Condition, Age, and Sex. Perhaps all these Numbers put together may make about the Fortieth *Part* of the Inhabitants of *Great-Britain*: They certainly cannot make much more, if an actual Survey and Enumeration were to be made. Whereas the great Mass of the People, who do not come within this Description, are,\* and ever have been, excluded by the *English* Constitution from voting at Elections for Members of Parliament, &c. &c. And heavy Penalties are to be levied on them, if they should attempt to vote. Now, according to the Principles of Mr. Locke and his Followers, all this is totally wrong; for the Right of voting is not annexed to Land, or Franchises, to Condition, Age, or Sex; but to human Nature itself, and to moral Agency: Therefore, wherever human Nature, and moral Agency do exist together, be the Subject rich or poor, old or young, male or female, it must follow from these Principles, that the Right of voting must exist with it: For whosoever is a moral Agent is a *Person*; and *Personality* is the only Foundation of the Right of voting. To *suppose* the contrary, we have been lately told by a Right Reverend Editor of Mr. Locke, is *gross Ignorance*, or something worse: And to *act on* such restraining Principles, by depriving the Mass of the People of their Birth-Rights, is downright Robbery and Usurpation.

III. If all Mankind indiscriminately have a Right to vote in any Society, they have, for the very same Reason, a Right to reject the Proceedings of the Government of that Society to which they belong, and to separate from it, whenever they shall think fit. For it has been inculcated into us over and over, that every Man's Consent ought first to be obtained, before any Law whatever can be deemed to be valid, and of full Force.—We have been also assured, that all, and every Kind of Taxes are merely *Free-Gifts*: Which therefore no Individual Giver is obliged to pay, unless he has previously consented to the Payment of it. From these Premises it undoubtedly follows, that every individual Member of the State is at full Liberty either to submit, or to refuse Submission to any, and to every Regulation of it, according as he had predetermined in his own Mind. For being his own Legislator, his own Governor, and Director in every Thing, no Man has a Right to prescribe to him, what he ought to do. Others may advise, but he alone is to dictate, respecting his own Actions. For in short, he is to obey no other Will *but his own*.

These are surely very strange Positions; and yet they are evidently deduceable, and do naturally result from the Extracts given in this Chapter. Nay, there are several others equally paradoxical, and equally repugnant to every Species of Government, which hath ever yet existed in the World. Such Paradoxes therefore deserve a distinct and particular discussion.

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## CHAP II.

### Several Very Gross Errors And Absurdities Chargeable On The Lockian System.

#### The First Species Of Error, With Its Subdivisions.

THAT Species of false Reasoning, which the Logicians term *a dicto secundum quid ad dictum simpliciter*, or that which proceeds from a few Particulars to general Conclusions is so common in Practice, and steals into the Mind so imperceptibly, that Men can hardly be too much on their Guard against it.—Considered in its own Nature, nothing can be more obvious than that a Proposition, which may be true in a particular Instance, may not be so invariably: And that therefore two such Propositions should never be confounded together, as if they were synonymous.—Yet the Identity of Words and Sounds often leads Men to suppose, unless they are very watchful, that there is also an Identity of Sense. Many Cases might be given to corroborate and illustrate this Observation; but perhaps there is no Instance whatever, which confirms it more strongly than that now before us, the Lockian Principle of the indefeasible Right of private Judgment.

Mr. Locke in his early Days was a Witness to grievous Persecutions inflicted on the Score of Religion. He saw the Rights of private Judgment exposed to continual Vexations: and he saw likewise, that the Interests of the State were not at all concerned in maintaining that rigid, universal Consormity in Religion, for which the Bigots of those Times so fiercely contended;—nay, that the Principles of Humanity, Justice, and Truth, as well as the Suggestions of sound Policy, plainly required a more extended Plan of religious Liberty: All this he clearly saw: And hence he inferred, and very justly, that every Man had a Right not only to think, but even to act for himself, in all such religious Matters as did not oppose, or clash with the Interests of civil Society. And had he stopt there, and gone no farther, all would have been right; nay, he would have truly deserved the Thanks of Mankind for pleading their Cause so well.

But, alas! he extended those Ideas, which were true only in what concerns Religion, to Matters of a mere civil Nature, and even to the Origin of civil Government itself;—as if there had been the same Plea for Liberty of Conscience in disobeying the civil Laws of one's County, as for not conforming to a Church Establishment, or an Ecclesiastical Institution;—and that the Rights of private Judgment [I mean the open and public Exercise of those Rights] were equally unalienable and indefeasible in both Respects. Indeed it must be confessed, that, had the Cases been truly parallel, a Non-conformist in the one Case ought to have been tolerated equally with a Non-conformist in the other. And I will add, that the whole Merits of the Question depend on the single Point, whether the Cases are parallel, or not.

Thus, for Example, no Man, not even the supreme Magistrate, has a Right to molest me for worshipping God according to the Dictates of my own Conscience, provided I do nothing in that Respect, which can *fairly* be construed to hurt the Property of another Man, or disturb the Peace of Society. Therefore I may be a Papist, as well as a Protestant in my speculative Opinions, and yet do nothing, which can, when justly interpreted, be accounted to be injurious to others: Nay I will not scruple to declare, that I may be a Jew, or a Mahometan, a Genteo, or a Confucian, and yet be a loyal Subject to my Prince, an honest Man, and an useful Member of the Community. Therefore, if\* Toleration were ever to be extended as far as in Reason, and Justice, and good Policy it ought to go, it ought to be so large as to comprehend every religious Sect whatever, whose Doctrines, or rather whose Practice [for 'tis chiefly by Men's Practice that we ought to determine, whether any Sect deserves to be tolerated, or not;—therefore I say, whose *Practice*] proves them worthy to enjoy the Protection of the State. And there is a very particular, and a most important Reason to be given, why this Liberty of Conscience in religious Matters ought to be extended as far as ever the Safety of the State will permit: It is, because in the Affairs of Conscience no Man can act, or be supposed to act as Proxy for another; no Man can be a Deputy, Substitute, or Representative in such a Case; but every Man must think, and act personally for himself. This is the Fact; and in this Sense it is very true, that the Rights of private Judgment-are absolutely unalienable:—But why unalienable?—It is because they are *untransferable*: And therefore every Man must of Necessity, after having used the best Lights and Helps he can obtain, be his own Legislator, (under God) his own Governor, and his own Director in the Affairs of Religion.

Apply now these Ideas to the Case of Civil Government; and then see, what strange Consequences will arise.

1. In the first Place, if the same Train of Reasoning is to be admitted in both Cases, then it is evident, that none, no, not Women nor Children, ought to be excluded from the Right of voting on every political Question that may occur; unless indeed you can prove beforehand, that those, whom you exclude, have no Conscience at all, and have no Sense whatever of Right and Wrong:—And you must prove likewise that they are incapable of judging in this Respect, not only to the Satisfaction of others (which perhaps would not be difficult) but also of themselves:—which it is humbly apprehended, will be a most arduous Talk: Yet, I say, you must prove it, otherwise you will exclude those from voting, who have just Cause to think, on your State of the Case, that their Right is as unalienable as your own; and you will act diametrically opposite to the grand fundamental Principle of your Founder by excluding them. In short, to use your own Language, you yourself will be an Usurper and a Robber. Therefore draw the Line, if you can, between the promiscuous Admission, or Exclusion of such Voters as these, according to the Lockian System.

2dly. If the Cases are parallel, then the unalienable Rights of private Judgment are not to be set aside by the Determination of any Majority whatever. For as a Plurality of Votes is no Evidence of Infallibility, a Man's inward Conviction may not be altered by his being overpowered by Numbers. What then is he to do in such a Case? The Answer is obvious: He must follow the Dictates of his own Conscience; and he has an *unalienable* Right so to do. Well, but Mr. Locke himself acknowledges, that were this

to be allowed, that is, were the Minority to be permitted to act contrary to the Sense of the Majority, civil Government itself could not subsist. True: He makes such an acknowledgement: And by so doing he reduces himself to the Dilemma, either of giving up his whole System, that no Man is bound to obey those Laws, which have been imposed upon him without his own Consent;—or he must shew that a Man doth consent, and doth not consent, at the same Time, and in the same Respect. Indeed it is evident, that he found himself greatly perplexed, when he came to touch on this Point; and that he seemed to be like a Man got into a dangerous Pass, full of Precipices, which he wished not to see, in passing through, by not looking about him. Dr. Priestly is more open and ingenuous. He did not attempt to shun the Difficulty, which he saw was unavoidable, but prepared to encounter it, as well as he could.—For after having observed [see the Quotation, P. 14] that every thing in a small Society might be determined by the *personal* Votes of the Majority present, he prudently adds, “provided they had *previously* agreed, that the Votes of the Majority should be decisive.” Such a Conduct of the Doctor’s is commendable; though the Argument he made use of is weak and trifling: Weak it is, because, 1st. It is impossible for the Doctor to prove, that previous Meetings were held in every, or perhaps in any State whatever, in which it had been *unanimously* determined, that the Votes of the Majority should be decisive;—and trifling, because 2dly. were it even possible to prove the Fact, it could be of no Service to the Doctor’s Cause; inasmuch as an *unalienable* Right is of such a Nature, that it cannot be surrendered to a Majority: And even if this were attempted, “such a Cession, (to adopt the Words of Dr. Price,) would either bind not at all, or bind only the Individuals, who made it.” And so could be of no Continuance. Therefore in every View, it is strictly demonstrable, that according to the Lockian System, nothing less than *Unanimity* in every Measure can keep such a Society as this from the Danger of breaking to Pieces every Moment; for a single *dissentient Voice*, like the Veto’s of the republican Tyrants of *Poland*, is sufficient to throw the whole Constitution of the State into Chaos and Confusion. In short, strange as it may seem, the unalienable Right of one single refractory Member of the Diet destroys, or annuls the unalienable Rights of the whole: Nor is there any other effectual Remedy to be applied in this desperate Disorder, but that of a Sabre held over the Dissentient’s Head, with a Threat of cleaving him down, if he should persist in the Exercise of his unalienable Right. This indeed has been known to have produced *Unanimity*, when other Motives could not prevail. What insatuated Politics are these! And to what Mazes of Error, and Absurdity, do Men run, when they stray from the Paths of common Sense! But

*Thirdly.* For the very same Reason, that the Members of a Lockian Republic cannot surrender their unalienable Rights to a Majority, be it small or great, they cannot likewise *transfer* their unalienable Right of voting to Deputies or Representatives to act and vote for them. For this in Fact comes to the same Thing with the former. They must therefore all vote in Person or not at all. Now this is a direct Inference, which necessarily follows from the foregoing Premises. And it is an Inference, which Dr. Price is so far from disavowing, when applied to the Case of the *Americans*, that he glories in, and greatly exults upon it. “As no People (says he) [see the Quotation, Page 21] can lawfully surrender their religious Liberty, by giving up their Right of judging for themselves in Religion, or by allowing any human Being to prescribe to them, what Faith they shall embrace, or what Mode of Worship they shall practice; so

neither can any civil Societies lawfully surrender their civil Liberty, by giving up to any extraneous Jurisdiction their Power of legislating for themselves, and disposing of their Property. Such a Cession being inconsistent with the *unalienable Rights* of human Nature would either bind not at all, or bind only the Individuals who made it. This is a Blessing, which no Generation of Men can give up for another; and which, when lost, a People have always a *Right to resume*.”

The Doctor’s Aim in this Paragraph, we plainly see, was to defend his beloved *Americans* against the supposed Usurpation of the *English* over their unalienable Rights. Be it so: But was he aware, that the very same Argument holds equally strong against the Appointment of Assemblies of Representatives in *America*, and of an House of Commons in *England*, as against the *English* Legislature ruling over the *American*? Was he, I say, aware of this? And yet nothing can be more evident than that the same Argument concludes equally strong in both Cases, if it concludes at all. For Example, “No People, says the Doctor, can lawfully surrender their Religious Liberty, by giving up their Right of judging for themselves in Religion, or by allowing any human Being to prescribe to them, what Faith they shall embrace, or what Mode of Worship they shall practice.” I agree with him most heartily on that Head:—But then I add [and I am sure, what I add in this Case, Dr. Price will readily allow] that no one Individual can depute another to judge for him, what Faith he shall embrace, or what Mode of Worship he shall practice.—And then what is the Consequence? Necessarily this, That if the Cases between Religion and Civil Government be similar, as the Doctor supposes them to be, no one Individual can appoint another to judge for him, what Laws shall be propounded, what Taxes shall be raised, or what is to be done at Home or Abroad, in Peace, or in War:—But every Person, who has this indefeasible, this unalienable, incommunicable, and untransferable Right of voting, judging, and *fighting*, must vote, judge, and *fight* for himself.—This I say is a necessary Consequence from the Premises: And I defy the acutest Logician to deduce any other Inference from the above Hypothesis.

Honest, undissembling Rousseau clearly saw, where the Lockian Hypothesis must necessarily end. And as he was a Man who never boggled at Consequences, however extravagant or absurd, he declared with his usual Frankness, that the People could not transfer their indefeasible Right of voting for themselves to any others; and that the very Notion of their choosing Persons to represent them in these Respects, was a Species of Contradiction. According to him, a Transmutation of Persons could not be a greater Impossibility than a Translation of those Rights, which were absolutely incommunicable. And therefore he adds [See his Social Compact, Chap. 15. Of Deputies or Representatives] “The *English* imagine, they are a free People: They are however mistaken: They are only such during the Election of Members of Parliament. When these are chosen, they become *Slaves* again.” The Doctors Priestly and Price do not indeed absolutely join Rousseau in condemning the Use of national Representatives; but it is plain, that they admit them with a very ill Grace, and, with great Reluctance. Nay, they are so far consistent with themselves as to declare very freely, that the Admission of them is an *Infringement* on Liberty, more or less:—even on that Liberty, which they proclaim aloud, every Man has an unalienable Right to *resume, as soon as ever he can*. Moreover, they accord with Rousseau in another general Position; that true, genuine Liberty can only be enjoyed in a State so very



small, [undoubtedly they must mean some paucity Village, consisting of a few thatched Cottages] that the People can personally attend on all Occasions.—Much more might have been added: But surely we have now had enough, and to spare, of this Kind of Reasoning *a dicto secundum quid ad dictum simpliciter*. And the Upshot of the whole is this, That if Men will jumble those Ideas together, which ought to be kept separate, they must fall into palpable Errors, and be guilty of great Absurdities in the Course of their Reasoning.

## The Second Species Of Errors, With Its Subdivisions.

Though I have observed before, yet I must repeat again, that according to the Lockian System, civil Government is not *natural* to Man. It seems, the Seeds of it were not originally implanted in our Constitutions by the Hand of Providence. For had that been the Case, we might reasonably have expected, that they would have sprouted up, and germinated of their own Accord, at least in some Degree; without dating the Origin of Government from the jealous Efforts of political Contrivance, mutual Compacts, and reciprocal Stipulations. We might, I say, have naturally supposed, that Government and Mankind were, in a Manner, coeval; and that they had grown up together from small Beginnings, or a Kind of infant State, 'till they had arrived at a maturer Age; in regard to which we might further have supposed, that they became more, or less polished and improved, according as they had received different Cultures from human Art and Industry. All this, I say, we might have naturally supposed; but all these Suppositions we must entirely lay aside, in order to adopt another Mode of accounting for the Origin of civil Government. For according to the Lockian System, Mankind had no natural Inclination towards any Government whatever: But having found the Evils of Anarchy to be quite intolerable, they resolved at last to submit to the Evil of Government, as the lesser of the two. But in order that they might guard against the Dangers to be feared on this Side, as well as felt on the former, they determined not to part with their precious natural Liberty, 'till Security had been given, that such a Cession should not be turned to their Disadvantage. Therefore they solemnly stipulated, that in case their new Lords and Masters should not please them, they might return again to their dear State of Nature, and begin the Work of Government *de novo*, if they chose so to do, or remain as they were, all equal, all free, and independent. And thus it came to pass, that they, who were under no Sort of Subjection one Moment, became the Subjects of a regular Government the next: And from being no Ways connected with any Body politic whatever, they were transformed, all on a sudden, by the Magic of the *original* social Contract into most profound Politicians. The Lockians have not yet vouchsafed to tell us, where any one single Copy of this famous original Contract is to be found,—in what Language it was written,—in whose Hands deposited,—who were the Witnesses,—nor in what Archives we are to search for it. But nevertheless they have taken Care to supply us very amply with Inferences and Deductions resulting from it;—as if it had been a Thing, which had been already proved and admitted, and concerning whose Existence no further Questions ought to be asked. We must therefore, as we cannot be favoured with a Sight of the Contract itself, attend to those Inferences and Deductions, which they say, are derived from it.



The first Inference is, that no Man ought to be deemed a Member of a State Politic, 'till he has enrolled himself among the Number of its Citizens by some express and positive Engagement. "For, says Mr. Locke, [See the Quotation, Page 9.] submitting to the Laws of any Country, living quietly, and enjoying Privileges and Protections under them, makes not a Man a Member of that Society;—nothing can make a Man so, but his actually entering into it by positive Engagement, and express Promise and Compact." And again: "Whatever Engagements or Promises any one has made for himself, he is under the Obligation of them, but cannot by any Compact whatever bind his Children or Posterity. For his Son, when a Man, being altogether as free as his Father, any Act of the Father can no more give away the Liberty of the Son, than it can of any Body else." [See the Quotation, Page 9.]

All this is certainly agreeable to the Nature of the original Contract here supposed. For if we can believe the one to have existed, and to have been the only Foundation of Civil Government, we must allow, that the other ought to have followed. Here therefore let us suppose a Case.—A Man, tho' born in *England*, and of *English* Parents, yet, it seems, is not by Birth an *Englishman*; that is, he is not a Subject of this Realm, 'till he has made himself so, by some express Covenant and Stipulation. This methinks, appears a little strange: But stranger Things will soon follow. For, after having weighed all Circumstances, and considered the Matter pro. and con. he at last consents to become a *British* Subject, and gets his Name enrolled among the Number of its Citizens. Then he marries, and has a Family; and by living under the Protection of the *English* Constitution, where every Man is safe in the Enjoyment of the Fruits of his Industry, [not to mention those honourable, and *lucrative* Employments he obtained under the Government.] He grows rich and wealthy, leaving seven Sons behind him, all grown up to Man's Estate: To the six younger he gives ample Fortunes in moveable Goods and Chattles, and to the eldest a large Estate in Land. The Question therefore is, Among what Species of political Beings are these seven Children to be classed? And are they the Subjects of *Great-Britain*, or are they not, before they have entered into an express Covenant, or Treaty with the State for that Purpose?

According to Mr. Locke's leading Idea, he ought to say, that they are the Subjects of no Government upon Earth; but that they are all in the original State of Nature, perfectly free from any political Laws or Connection whatever, entire Masters of themselves, and absolutely independent Beings.—Consequently, that they ought to be allowed to do as they pleased relative to *Great-Britain* [*Great-Britain* I say, which *had enriched their Father, had nursed them up, and protected them* from their very Infancy to mature Estate] and that if they chose to forsake her in any particular Period of her Distress, she ought not to stop their Emigration, or to hinder them from carrying all their *moveable* Goods and rich Effects with them [their *Immoveables*, no Thanks to them, they could not carry] much less ought she to demand the Assistance either of their *Persons*, or of their *Purses*, as a Matter of *strict Right*, if they should *not* be disposed to grant it. This I say, is the true Lockian Principle without Exaggeration: And let the impartial World be the Judge, whether it be consistent with common Sense, or common Honesty. Indeed Mr. Locke himself seems to have been aware, that he had carried this Point too far: For he allows, that one of these Sons, suppose the eldest, that is, the Landholder, might be obliged, by the Nature of his

*Tenure*, to defend that State, within which his Lands lay, and to make some Recompence to it for the long Protection and many Blessings he had enjoyed. Yet, that he might never lose Sight of his darling Ideas of Consent, or Contract, he calls the Accepting of the Estate on these Terms, a *tacit Consent*. And then he adds: “He [the Father] may indeed annex such Conditions to the Land he enjoyed, as a Subject of any Common-Wealth, as may *oblige* his Son to be of that Community, if he will enjoy those Possessions, which were his Father’s; because the Estate being the Father’s Property, he may dispose, or settle it *as he pleases*.” And thus Reader, at last we seem to have gotten one of these Sons, the *Landholder*, back again into the Service of his Country, in order to defend it in Times of Danger. But let us not be too sure: For this Lockian Principle is of such a changeable Nature, and is endowed with so much Versatility, that it will often give us the Slip, when we think we have the firmest hold of it.

Here therefore let it be asked,—If a Man hath a Right to annex what Conditions he pleases to the Possession of his Landed Estate after his Decease,—By what Law did he acquire that Right? And who gave him that Authority? Surely in a *mere State of Nature* he could have had no such Right;—because the Land could be no longer *his*, than whilst he himself was using and occupying it;—which ’tis plain, he could not do after he was dead. Granting therefore, that in a State of Nature he had a Right, during his Life-Time, to appropriate to himself a certain Portion of Land for his own Sustentation, [which yet *\*Rousseau* with great Shew of Reason positively denies.] Still that Land must revert to the Public, and become *common* again after his Decease. But if it should be said, that he derived the Right of bequeathing Land, and of annexing various Conditions to the Bequest, from the positive Laws of civil Society (which is the Truth of the Case, and which Mr. Locke himself is obliged to allow, by stiling this Father, a Subject of some Commonwealth) Then I ask, Why could not the Commonwealth, if it is so pleased, exercise the same Right itself, which it had empowered the Father to exercise? Why could not the State oblige the other six Sons, as well as the eldest, to perform the several Offices, and discharge the Duties, civil and military, of loyal Subjects, if the Exigencies of the State should so require? Or if there be any essential Difference between the two Cases of moveable Property, and immoveable, respecting the Duty and Allegiance due to Government;—shew the Difference if you can. In short, what is it, about which we have been so long disputing? For, after all it is plain to a Demonstration, that we must allow at last, what ought to have been allowed at first; *viz.* That Protection and Allegiance, between Prince and People, are reciprocal Ties, and that the one necessarily infers the other, without the Formality of an express personal Covenant, or positive Stipulation; so that if the Duty of Protection be performed on the one Side, that of Allegiance ought to be observed on the other, and *vice versa*. An Author, not inferior to Mr. Locke, or any of his Disciples, in the Defence of *true* Liberty, both Civil and Religious, and who is acknowledged to be an excellent Judge of the *English* Constitution, thus expresses himself on this important Subject. “Natural Allegiance is founded in the Relation every Man standeth in to the Crown, considered as the Head of that Society whereof he is *born a Member*; and on the peculiar Privileges he deriveth from that Relation, which are with great Propriety called his *Birthright*. This Birthright nothing but his own Demerit can deprive him of; it is *indefeasible* and *perpetual*. And consequently the Duty of Allegiance which ariseth out of it, and is *inseparably* connected with it, is

in Consideration of Law likewise *unalienable* and perpetual.” [See Foster’s *Reports. Introduction to the Discourse on High Treason.*]

2dly. The Assertion, that Taxes are a Free Gift, and not a Debt due to the Public, is another strange Inference resulting from Mr. Locke’s Idea of an original Contract. Indeed had Government been that vague, unsettled, and precarious Thing, which the Lockian System represents it to be; without any better Foundation to rest upon, than the Breath and Caprice of each Individual;—then it would have been very true, that those, who supported it by their voluntary Contributions, were the *Givers*, or *Donors* of their respective Sums. But doth the Idea of such a Benefaction at all accord with the Idea of a Tax? Surely no: For a Tax in the very Nature of it, implies something compulsory, and not discretionary; something, which is not in our own free Choice, but is imposed by an Authority superior to our own: Whereas a mere Gift, or free-will Offering implies just the contrary. However, as I said before, it is not the Inference itself, which is here to blame; for had the Premises been true, the Inference would have been just enough; and therefore we must trace the Error higher up. Here then be it observed, that it can never be true, that Providence hath left Mankind in a State of such total Indifference respecting Government, that it should depend on their own Option, whether they will have any Government, or none at all. I say, this can never be true of the Species in general; whatever particular Exceptions there might be of here and there a wayward Individual, who ought to be regarded as a Monster deviating from the common Course of Nature. In fact; the Instincts and Propensities of Mankind towards social\* Life, are in a Manner so irresistible, that I might almost say, Men will as naturally seek to enjoy the Blessings of Society, as they do to obtain their daily Food. In the one Case it is not left to their own Choice, whether they will eat or not eat, drink or not drink (for kind Nature has determined that Point for them); but it is left to themselves to judge and to choose, in many Instances, what Kinds of Food, and of Liquids they will use, how they will have them prepared, and whether they will make a proper, or improper Use of these Destinations of Providence. Just so, or nearly so, in my Opinion, is the State of human Nature respecting Government. For Providence seems to have determined for them, that there shall be *a Government* of some Sort or other; and then to have left it, for the most Part, to themselves to fix on the Form or Mode, and to regulate the several Appendages belonging to it, according to their own good Liking, Judgment, and Discretion. Now, if this be the Case, that is, if there must be a Government of some Sort, or in some Shape or other; it then necessarily follows, that certain *Means* must be found out for the Support of such an *End*. What, therefore, it may be asked, are these Means? And which are the best, the least burthensome, and the most unexceptionable? [For in this Respect likewise, as well as in the former, a great deal is left to the Prudence and Sagacity of Mankind to weigh and consider, and provide for themselves.] The Answer to which Question is the following. That there can be devised but three Ways for the Support of any Government whatever, viz. Personal Service,—Crown Lands,—or public Taxes;—and each of these Methods (such are the Imperfections of human Nature) is attended with Conveniences and Inconveniences not a few.

And (first) as to *personal Service*.—In the Infancy of a very small State, and before the Arts of Civilization had sufficiently taken Place, personal Service seems to have been the first, and indeed the only Idea, which would occur. For when Men had

nothing else to pay, towards that Government which protected them, *they must have paid that*;—paid it, I mean, as a Matter of Duty, Debt, or Obligation, and not as the Lockians suppose, a free-will Offering, or voluntary Service. But it is easy to see, that such a Tribute as this would soon appear to be very burthensome for the Subject to discharge, and not at all convenient for the Prince to receive. In respect to the Subject, were he to be obliged to leave his own private Affairs, in order to attend the Public on all Occasions, civil, military, legislative, and judicial;—there would be hardly any Time left, which he could call his own: His Fields must lie neglected, his Manufacture and his Shop be deserted, and all Business, both in the Way of Agriculture, and of Commerce, by Land and by Sea, be in a Manner at a Stand. In respect to the Prince, the State, or the Public, such a promiscuous Attendance of Persons of all Ranks, Ages, and Professions would be found to be a very great Nuisance, and to be productive of many Evils of various Kinds, without sufficient Benefits to counter-balance them. Add to this, that as the Bounds of the State became extended, the Attendance of Persons living at a great Distance, would become more and more impracticable: So that in every View, this Kind of Tribute, though the Source of all others, must soon be laid aside, and be exchanged for something more useful, and less inconvenient.—Only thus much of this primeval Idea ought always to be retained, that in Times of universal Danger, we must again recur to the original Use of personal Service. For in such a Case, the Principle of Self-Preservation authorizes every State to summon all its Inhabitants capable of bearing Arms, to be ready to appear in its Defence. Nor, I trow, would the Lockian Plea of Exemption in such a Case be regarded in any other Light, than as proceeding either from the Fears of an arrant Coward, or from the Schemes and Conspiracies of a Traitor. In either Light it would certainly meet with its deserved Punishment. Indeed the very Recital of such a Plea carries so strong a Confutation in it, that nothing stronger can be added: “Gentlemen, though I was born and bred in this Country, and have submitted to its Laws, [when that was attended with some Advantage, and no Danger;] and though I have lived quietly, and enjoyed Privileges and Protection under them;—moreover, tho’ the Invader is making great Strides to subdue you, and Hannibal is in a Manner at the Gates;—yet I must at present beg Leave to be excused from opposing him: For as I never did actually enter into any positive Engagement, and express Promise and Compact to defend this Country, I am not legally obliged to defend it. In Fact, I am not a Member of your Society, and therefore you have no Right to press me into its Service.”—Thus much for this Part of the Lockian Scheme, that Taxes, alias personal Services, are *free Gifts*. And let all Mankind from the highest to the lowest, from the greatest to the meanest Capacities, be the Judges, what Epithets such a Scheme deserves.

Once more; the Case of pressing Sailors for the Sea-Service, is a Confirmation of every Thing which hath been advanced concerning the Necessity of retaining the original Idea of serving the State in Person, and not by Substitutes. For Sailors are a Body of Men, whose Service cannot be performed by any but Sailors; and therefore they are, and, from the Nature of Things, ever must be, liable to serve in Person. Now, were you to call *Pressing* a free Gift, or the voluntary Offer of personal Service on the Part of the poor Sailor that is pressed, what would the World think of you, but that you were either *insane* yourself, or that you esteemed all others to be mere Ideots? However, your Plea perhaps may be, that tho’ the personal Service of Sailors at

present is, generally speaking, very far from voluntary;—yet it might have been rendered more desirable, and consequently voluntary [rather *less-involuntary*] were a proper Mode adopted for inviting Sailors to enlist of their own Accord. This I will suppose is your Plea: And the Meaning of it is,—to recommend a *national Register for Seamen*. Great Things have been said of late Years in Praise of such an Institution; but they have been chiefly said by those, who least understood what is meant and implied by it. I myself once thought it a fine Thing; but ever since the Year 1748 (when I had the first Opportunity of examining it on the Spot) I have been thoroughly convinced, that a Register doth not deserve a tenth Part of the Praises, which our modern Patriotic Pamphleteers, and ignorant News-Writers have bestowed upon it. For it is a very operose and intricate Business, not at all calculated for the Dispatch of Trade, and Freedom of Navigation; moreover, it is loaded, in its Consequences, with such an Expence, as renders Freight in *France*\* excessively dear:—These are the Evils attending it even in Times of Peace; and yet it is of little or no Efficacy in Times of War. For when the Sailors, who have been registered, will not appear to their Summons at their respective Ports, or will not voluntarily surrender themselves up at the Ports where they may happen to be;—the last Resource is *Violence* and *Compulsion*. Now I ask, what is there in this boasted Method, which is a Whit preferable to our own? For we always begin with *Bounties* and *Invitations*; and seldom or never have Recourse to *Pressing*, till the gentler Methods are found to sail. So that, after all, we are much on a Par with the *French* in Times of War, and feel none of the Inconveniencies of their Registers in Times of Peace. The late Alexander Hume, Esq; Member of Parliament for *Southwark*, spent many Years in framing a Bill for a national Register of Seamen; and as he was a Man of strong natural Parts, and had had long Experience in nautical Affairs, it was natural for him to conclude, that he had succeeded in correcting the many Evils and Imperfections of the *French* Register. This Bill, I think, was once read in the House of Commons, and ordered to be printed. At Mr. Hume's Request I got it laid before the Society of Merchant Adventurers in *Bristol*, in order to have their Opinion; and I received for Answer, that, bad as the Mode of pressing was, both Merchants and Seamen, and all Parties concerned, would prefer it to the Cloggs and Shackles, and various restrictive Clauses contained in the registering Bill of Mr. Hume. It seems, the Idea of a Register is revived again; and great Expectations are founded on some promising Scheme of that Nature. My sincere Wish is, that what has appeared so plausible to several Gentlemen in Theory, may become as favourable to Liberty, as beneficial to Commerce, and as practicable in Fact as they themselves expect, or desire. But in the mean Time, and 'till that happy Period shall arrive, when a sufficient Number of Sailors shall be induced by some inviting Scheme or other [call it a Register, or call it what you please] to enlist of their own Accord;—the Mode of Pressing (there is no Help for it) must be retained.—And need I add, that the Man, who is pressed, is not a *Volunteer*? Need I go about to prove that he is not his own Legislator? and that he is neither self-governed, nor self-directed?

2dly. A second Mode of supporting Government is by Crown Lands, or large Domains. Now this is another Species of personal Service, together with the Addition of some Part of the Produce of such Lands either to be taken in kind, or to be exchanged for Rent. How such vast Tracts of Country came into the Possession of the respective *Regents* in Society (which we know was antiently the Case, at least all over

Europe) is a Matter not to be easily explained. Probably these immense Estates were principally owing to two very different Causes, viz. The patriarchal Rights,—and the Rights of Conquest. The Patriarchs, or the Progenitors of Nations, it is natural to suppose, took Care to secure vast Tracts of the most commodious Land to their own Use;—and very probably they divided the Remainder, as Mankind increased and multiplied, among the Subaltern Heads of Families;—subject nevertheless to such Restrictions and Conditions, and to such personal Duties and Services, as were judged to be necessary, whether civil, military, or servile, in the infant State of Society. The Histories of the Beginning of all Clans and Tribes, and Hords of People sprung from the same Original, seem to confirm this Hypothesis. But it ought to be observed, that the strict, patriarchal Plan could not have obtained here in *Britain*, ever since the Invasion of the *Saxons*, *Danes*, and *Normans* (and possibly of the *Romans*) whatever it might have done in the more antient Times of the *Britons*, the primeval Natives of the Country.

Another Origin of Domain Lands is,—*That of Conquest*: For when a Country was conquered by any of the barbarous Nations, the Commander in Chief, and his Subalterns, *alias* his Comites, Earls, Thanes, or Generals, divided the Territory into two Shares or Lots:—The one was reserved, and generally speaking it was a very large one, for the Use of the Commander in Chief, in order to support the Dignity of his Station, to entertain his numerous Vassals and Dependants, and likewise to raise, feed, and cloathe a considerable Body of Troops at his own Expencc, and out of the Tenants on his own Domain, without calling for further Assistance. The rest of the Country was divided and subdivided among the several Chieftains, according to their respective Ranks and Stations, their military Merit, the Number of their Followers, the Favour of the Prince, and other Circumstances. In this Allotment each Chieftain had, for the most Part, the same Jurisdiction, both civil and military, over his respective Tenants, as the Prince had over those on his own Domain;—each Chieftain had also the same Right to demand the personal Services of those who held under him, whether military, or servile, as the Prince himself:—But each Chiestain was likewise obliged to do Suit and Service at the Court of the Sovereign, and to attend him in his Wars, in the same Manner, and almost in the same Form, as his military Tenants were obliged to do Suit and Service to him. This, therefore, together with Escheats and Forfeitures, Compositions and Confiscations, and the Perquisites arising from Escuage, Reliefs, Heriots, Alienations, Wards and Liveries, Pre-emptions, Purveyances, Prisages, Butlerages, &c. &c. constituted the main Branches of the Gothic Revenues and Prerogatives. Now I ask, is there any one Thing in all this Catalogue, which in the least resembles the Idea of a Free-Gift, and voluntary Donation? On the contrary, is it not evident, that the very best, and most innocent, of these Prerogatives were *compulsory* in some Degree, and that the most of them were arbitrary and tyrannical in a shocking Degree? In Fact, there hardly ever was a *civil* Constitution more productive of Slavery and Oppression on the one Extreme,—or of Tumults, Insurrections, and Rebellions on the other, than the Gothic. Indeed it ill deserved the Name of a *civil* Constitution: For it partook much more of a *military*, than of a civil Nature; being little better than the Idea of an Encampment, or rather of a Cantonment of Forces extending far and wide, according to the Dimensions of the Country; and subject to such Alterations, as these great Distances and Dispersions made necessary. One Thing is certain, that true civil Liberty was a Stranger to every



Country, where the Gothic Constitution was introduced;—and that what was called Liberty in those Days, and what our modern Patriots so much boast of in ours, as the Glory of *Old England*, was the Liberty which one Baron took of making War on, and plundering the Estates, and murdering the Vassals of another,—and tyrannizing over his own:—And that when Half a Score of these petty Tyrants could band together, and make a common Cause, they were a Match for the King himself, who otherwise would have been a Tyrant over them. Now this was the boasted Liberty of the Gothic Constitution: And because that in *France* and *Spain*, *Sweden* and *Denmark*, and perhaps in some other Countries, this Power of the Barons of doing Mischief, and of being a Plague to each other, to their own Vassals, and to all around them, has been much curtailed, if not totally abolished;—therefore we are told by very great and grave Historians, that these Countries have lost their Liberties.\* Indeed I grant, that the Kings of each of these Countries have risen in Power in Proportion as the Nobles have sunk; but nevertheless I do aver it for a solemn Truth, that the common People have been Gainers likewise. For though they have not *acquired* as much Liberty, as they ought to have, and what is their Right to have,—yet they have obtained a much greater Degree of it every where, *even in Denmark itself*, than ever they enjoyed before.

But to pursue this Subject no further:—Be it observed, that the Crown Lands or Royal Domains in antient Times were so very extensive, as to contain a fifth Part of the Lands of *England*, and that the several Rents, and Profits, and Services arising from them, and from the other Branches of the feudal System, were judged to be fully sufficient, without further Aid, to answer all the common Expences of Government\* . Nay, it has been computed, that had all the Lands of antient Demesne borne a Rack-Rent according to the present Standard, the Sum total would have been not much short of 6,000,000l. Sterling. And what seems to confirm this Calculation is, that it is pretty well known, that the Estates belonging to what is called the Duchy of *Lancaster* [which were little more than the consiscated Estates of four great Barons] would not have been much short of 1,000,000l. Sterling of annual Rent;—supposing, that the several Manors, Hundreds, Parishes, Precincts, Streets, and Houses in *London*, and throughout *England* and *Wales*, which formerly did belong to the Duchy of *Lancaster*; [many of which now claim those Privileges, and Exemptions, which the Dukes and Earls of *Lancaster* once granted to their Tenants;]—I say, supposing that all these Estates were at present in the Hands of one Person, and that he were to receive a Rent for each proportionably to the present Standard,—then, and in that Case, it has been computed, that the Amount of the whole would be little less than 1,000,000l. Sterling.

But be this Calculation erroneous, or not, the Fact is certain, that even as low down as the Reign of Edward the Fourth, the Crown-Lands, together with the feudal hereditary Revenue, were judged to be adequate to the common Expences of Government. Indeed, this is not much to be wondered at, when we consider, that the Charges of the Navy, together with the several Appendages of Docks, Yards, Magazines, Fortifications, Victualing and Admiralty Offices, &c. &c. (so expensive at present) scarcely had an Existence in those Days: and that the military Tenures then supplied the Place of a standing Army. Therefore, as the Crown could support itself, without the Aid of Parliament, it is obvious to any reflecting Mind, that the real and rational

Liberty of the Subject could hardly have been enjoyed during all that long Period:—I say, the real and rational, to distinguish it from the *mad, fanatical* Liberty of a *Polish* Veto, which our modern Republicans seem to wish to introduce among us. In short, when the hereditary Revenue of the Prince, and his hereditary Prerogatives, were so excessively great, as to set him above Controul, by making him independent of the Parliament,—what Remedy was to be applied, in Case he abused his Power?—None that I can think of but that one, which is almost as bad as the Disease, and to the common People it was certainly worse;—the Remedy I mean, was that of the great Barons forming a League against him.—I have not scrupled to say, that such a Remedy was worse to the common People than the Disease itself: For there cannot be a clearer, and a more evident Proposition, than that it is far better to be a Subject under the absolute Monarchies of *France* or *Denmark*, than to be a Vassal to a Grandee of *Poland*, or, what is nearly the same Thing, a Slave to a Planter in *Jamaica*. [But more of this hereafter.]

However as Providence is always bringing Good out of Evil, so it happened, that partly thro' the Prosusion of our former Princes, and partly through the Contempt which Queen Elizabeth had entertained of her Successor. James the First the Crown-Lands were so dissipated and alienated (notwithstanding the common Law Maxim of *Nullum Tempus occurrit Regi*) that it was impossible for Government even with the utmost Oeconomy, to subsist on the small Pittance of these Lands still remaining. This was the Case when the Stuart Family mounted the Throne. And James the First, by his thoughtless, and childish Extravagance soon made bad to become worse. What then was to be done in such a Situation?—Two Things, and only two, seem to have occurred. The first was, to *command* the Parliament to supply the Place of the former Domain by some Kind of Tax; and in Case the Parliament should refuse, then to have Recourse to the Prerogative itself for raising Money without their Consent: The second was, to yield to the Times with a good Grace, and to sue for that as a *Favour* which, in a certain Sense, could not be strictly and legally demanded as a *Right*. Unhappily for them, they chose the former Method, which begat a long civil War, and ended at last in the total Expulsion of the Family.

Now as this brings us to the Revolution, I will here observe, that it may likewise suggest to our Thoughts, a

3d. Mode of supporting civil Government, viz. by Means of *Taxes*. For tho' Taxes were in Being Ages before, yet the proper Uses and Advantages of them never began to be understood till after that Period: Nor indeed are they yet understood so well, and so thoroughly, as the Nature of such a Subject, and its great Importance really deserve.

Two Uses may be made of Taxes, a Primary, and a Secondary; the primary Use is to support Government, and to defray the several Expences military and civil incurred, or to be incurred thereby: The Secondary is to provide for these Expences in such a Manner, as shall render the Subjects in general the more industrious, and consequently the richer, and not the poorer by such a Mode of Taxation, And I do aver, that every judicious Tax tends to promote the latter of these Uses, as well as the former; as shall be distinctly shewn in its proper Place. Now as we have already



exposed the great Inconveniences, and the many Dangers attending the Allotments of Crown Lands, or public Domains for the Support of Government;—and as we have likewise sufficiently proved, that the requiring of personal Services is a still greater Hardship, and a much forer Infringement on personal Liberty; What have we yet left, but *Taxes, Duties, or Impositions* to descant upon? For in Fact we have no other Choice remaining:—And therefore if we will, or must submit to have Government at all, we must submit to have Taxes;—there being no other Resource.

But say the Lockians, Taxes are the Free-Gift of the People:—Nay, they are the Free-Gift of each Individual among the People: “For even the Supreme Power [the Legislature] cannot [lawfully or justly] take from *any Man* any Part of his Property without his own Consent.” This is Mr. Locke’s own Declaration. And Mr. Molineux corroborates it by another still stronger, viz. “To tax me without my own Consent is little better, if at all, than down-right *robbing* me.” In short all the Lockians hold one and the same Language on this Head: And therefore you must take their favourite Maxim for *granted*, or you will incur their high Displeasure: “You are an Advocate for Despotism, if you do not acquiesce in this Maxim: You attempt to defend what is down-right Robbery; you are a ministerial Hireling, a dirty Tool, &c. &c.”

Now, as there is no answering such Arguments as these, I shall very contentedly let them pass: in order to proceed to some others, which really deserve to be properly stated, and clearly explained.

Therefore in the first Place, we must distinguish between *Power* and *Right*: For without this we do nothing. The People in their collective, as well as every Individual in his private Capacity, may have the *Power* of doing many things, which ought not to be done. *Power* therefore doth not in all Cases confer *Right*. This I lay down as a fundamental Maxim: And if I am wrong in this, I shall be wrong in all the rest. In the next Place I observe, that a free Gift implies in the very Idea of it, a Matter of mere *Favour*, and not a Matter of strict *Right*:—Consequently the with-holding of a Favour is not the with-holding of a Right. Being advanced thus far, I have yet to add, that Government itself may be considered in a two-fold View: 1st. As it is in its own Nature, abstracted from the Consideration of this, or that particular Set of Administrators, or of this, or that particular Mode or Form of administering it: And 2dly, as it comprehends the latter as well as the former, being relative to some certain Person or Persons presiding in the State, and to some particular Mode or Form of Government. And then I do assert, that Taxes never ought to be considered as *Free-Gifts*, or Acts of mere Favour, or voluntary Generosity respecting the former;—because Mankind have no *Right* to say, we will have no Government at all; and therefore we will have no Taxes for the Support of it: But respecting the latter, they may have a Right to say, in certain Cases, and on particular Emergencies, we will have this, and not that Man to reign over us;—or we do prefer this Form or Mode of Government, and do reject that. Therefore at the *original Settling* of such a Constiution, they may have a Right to consider such special Designations, a particular Free Gifts, or spontaneous Options.

But left I should be misunderstood by the careless and inattentive, or be misrepresented by the malevolent on this Head, I will endeavour to illustrate the

Subject by a familiar Example, taken from the Case of the *Americans* themselves, and to consulte my Opponents by their own Arguments.

Here then I will wave my Opinion, that the *Americans* are, and indeed that they ever were, as far as they dared to shew themselves, a most ungrateful, ungovernable, and rebellious People;—I say, I will wave this Notion, and for the present adopt theirs; viz. That the Cruelties and Oppressions, the Miseries and Slavery, which the poor, plundered, ruined and famished *Americans* had long suffered under the tyrannical Yoke of the *English*, were at last become so many, so great, and intolerable, that it was high Time to throw off such a galling Yoke, and assert their native Freedom. Well: They have thrown off the *English* Yoke, and have set up what they are pleased to call *American* Independency. [Would to God they had done so fifty Years ago.] But in what Manner did they set up this Independence? And what did they do on this Occasion?—Did they, for Example, attempt to live in an absolutely independent State, without Order, or Controul, or Subordination of any Sort? No: Did they even pretend to say, that they had a *Right* to live after that Manner, if they saw fit? No; They did not. On the contrary, their own Conduct plainly intimated, that they thought themselves *bound* to have some Government, or other:—And therefore, the only Point which they had to determine [for they did not pretend to determine any other] was, Who should govern, *Americans* or *Englishmen*?—And after what Manner?—Now their Conduct in this Affair clears up all the Difficulty at once, by shewing, that in one Respect. Taxes are a Debt due to the Public for the Support of Government,—and that in another, they are the free Gifts of the People towards a particular Set of Men, to whom they have entrusted the Administration of the Common-Wealth. For though Government was to be supported, and Taxes to be raised, as the best and most eligible Means of supporting it;—yet it did not follow from thence, that Messrs. Hancock and Adams, Washington and Laurens, &c. &c. &c. were, by an unalienable hereditary Right, or indeed by any *legal* Right whatever, [’till after they were chosen] to be the Administrators, or Conductors of it. In one Word, from this View of Things, it evidently follows, that Government itself, or in its own Nature, is indefeasible: Though the several Forms of it may undergo various Changes and Alterations, and the old Administrators of it may be set aside, and others chosen in their Room, according as certain pressing Exigencies, or very great Emergencies shall require.

And what has been observed relative to the present Revolution in *America*, is also applicable [supposing the *Americans* to have *Right*, as well as *Power* on their Side] to the Case of the Revolution here in *England*, in 1688. For in that Case, as well as in this, there was evidently a Line drawn, and a Distinction made, between the *Indefectibility* of Government, and the *Defectibility* of the Governors;—Inasmuch as the Convention-Parliament never presumed to start the Question,—Whether there should be any Government, or none at all.—Probably because Mr. Locke’s System, or rather the Consequences of his System, had not then so far prevailed over the Understanding of Mankind, as to extinguish the Feelings of Common Sense.

But nevertheless, tho’ the Lockians are, I should think, fairly beaten out of this Hold, which they used to consider as one of their strongest,—they will not, I am persuaded, give up the Cause for lost, seeing they have one Fortress more to retire to, which is built on the express Words of all Acts of Parliament, where Taxes are to be laid, and

Money to be raised on the People. The Stile of such Acts being the following. We give and grant; or Words of a like Import.

Now in order to go to the Bottom of this Affair, we must return to the Case of Crown Lands, or Royal Domains. For when these, together with the feudal, hereditary Revenues, were sufficient to answer all the ordinary Expences of Government, what Right or Pretence could the Prince have, in a common Way, to ask for more?—And if more was granted him, in what Shape, or under what Denomination, could it be granted but as a *Free-Gift*?—that is, as a Matter of *Favour*, and not of *Right*? Indeed the very Uses, for which these public Benevolences were asked, and to which they were generally applied, is a plain Proof, that they were not understood by either the Givers, or the royal Receiver, as intended to defray the ordinary Charges of Government, but to make Provision for some extraordinary Festivities or Rejoicings:—such as a royal Tilt or Tournament, a Repetition of the Ceremony of Coronation [a favourite Entertainment in those Days;] the making of the King's eldest Son a Knight, the Marriage of a Daughter; &c. &c.;—all of them Matters of public Festivity and Diversion, in which Spectacles the great Families of the Kingdom bore a principal Part,—and therefore made the less Objection against such Kinds of Free-Gifts.

Hence therefore the Propriety of the Expression *give* and *grant*, considered with a View to such Things as these;—or indeed to any others, which are of a similar Nature, where the Parade, and external Grandeur of Government, and not the Vitals or Essentials of it, are concerned.

However the Language *give* and *grant* being once introduced, continued to be the Stile of Parliament ever after.—So that in fact, it hath come to pass in this, as well as in many other Cases, that certain Words and Phrases, Usages or Customs, which owed their Originals to particular Causes, have been retained long after the Causes themselves have ceased, and been forgotten,—to the great Confusion of Ideas, and Increase of Error.

In short, if Stile alone is to govern our Opinions, then we must conclude, that the King of *Great-Britain*, is also King of *France*: An Inference this, which I think no Man in his Senses can make at present; whatever might have been the Case formerly.—And if the Stile *give* and *grant*, can revoke at Pleasure the public Faith solemnly pledged, by turning Matters of *strict Debt* into Matters of *mere Favour*, then our Lockian Politicians have discovered a more expeditious Method of discharging the National Debt, than any of our plodding Projectors had thought of before. For it is only to tell the *public Creditors*, that the Parliament will give and grant *no longer*, and then.—What?—Then these Creditors can have no Right to complain of any Injury or Injustice done them:—Because they ought to have known, that all Taxes are absolutely free Gifts: And therefore it was a Matter of mere Indulgence, (for which they ought to have been very thankful) to have these Gifts and Grants continued to them as long as they were. This happy Discovery will, no Doubt, administer great Consolation to all the national Creditors, both Foreigners and Natives, who have vested their Property, on the Security of Parliament, in our public Funds. And therefore I would humbly recommend it to Dr. Price, and his Friends, the *American*

Congress, to try to borrow Money on these Terms, towards defraying the Expence of their glorious War.

But to pursue such Absurdities no farther, be it observed in general, that the Root, from which these Evils spring, is that strange Notion so stiffly maintained by all the *Lockians*,—That the Father's being a Subject to any Government lays no Sort of Obligation on the Son to be a Subject likewise; notwithstanding that he was born under its Jurisdiction, bred and educated under its Protection, and had enjoyed all its Privileges and Advantages from his helpless Infancy 'till he arrived at Man's Estate: Yet, for all this, it seems the State has no Right to consider such a Person as a *Subject*:—She has no just Pretensions to suppose that he is bound in Duty and Conscience to be obedient to her Laws, to assist her with his Person, or his Purse, or to bear any Part of her Burdens.—On the contrary, she ought to allow, that he has a just, and an *unalienable* Right to refuse to contribute a single Farthing towards any of these Things, unless he had actually given his previous Consent thereunto. And if you should be curious to know, how such an extravagant Notion as this ever came to enter into the Heads of Men of sober Sense, it is, because they esteem civil Government, even in its best Estate, to be a Kind of unnatural Restraint on the native Freedom of Man:—It is an Evil which he must bear, because he cannot help himself;—but yet which he is continually endeavouring to shake off in order to become totally free and independent.

So much as to the *primary* Use of Taxes: And the Reader must now determine for himself, whether he will consider them,—I mean, in all Cases *essential* to Government,—to be real Debts due to the Public, as a Compensation for the Enjoyment of its Benefits and Protection,—or to be mere Free-Gifts and voluntary Donations, which every Man has a Right to chuse, or to refuse to pay, as it seemeth best.

These *secondary* Use of Taxes comes next to be spoken to: But in respect to this I must be very brief, partly on account of having been obliged to be so copious and disfusive in regard to the former Article; and partly because this is itself a Digression from the main Subject, tho' an useful one. Suffice it therefore for the present just to observe, that I set out on the Strength of two Propositions, which necessarily infer each other, viz. That the Hand of the diligent maketh rich,—and that the Hand of the idle maketh poor. Therefore all Taxes whatever are to be denominated either good or bad, in Proportion as they promote Industry, or discourage it. Now were a Survey to be taken of our present System of Taxation, according to this Rule, it would be found, that many of our Taxes are very good ones,—that some are indifferent, partaking of a Kind of neutral State,—and that very few are really bad ones. Whereas formerly the very Reverse was the true State of the Case; which might easily be made to appear to the Satisfaction of any reasonable, impartial Man, by comparing the whole System of Taxes. Article by Article, as it stands in the present Year 1780,—and as it stood at any Period whatever during the Life-Time of Mr. Locke.—or during the golden Days of good Queen Bess, including her Monopolies.—or indeed at any Time, or during any Reign, antecedent to the 8th of Geo. 1. C. 15:—That famous commercial Statute, for which the Authors of it [Sir Robert Walpole and his Brother] received the most

ungrateful Returns from a Set of Mock-Patriots, and from a deluded commercial Nation.

Experience plainly tells us (and therefore we must cease to wonder) that the Generality even of intelligent People, do not reason at all, or at least will not reason to the Purpose concerning the Tendency of Taxes: That is, they will not enquire, whether they tend to promote Idleness or Industry, to transform Drones into Bees, or Bees into Drones. In Fact, that which they mostly attend to, is the Quantity of Money, or the Sum Total produced by any given Tax. If the Sum should be a great one, then they generally pronounce that they are sadly oppressed, and most heavily taxed, and complain most bitterly of their Rulers: In regard to which, they are sure that Mock-Patriots and seditious News-Writers will echo back their Complaints from every Quarter. But if the Sum produced should be a very small one, then they think, that they are not quite so heavily taxed; and therefore they are not altogether so profuse in their Lamentations. Now, nothing can be more sallacious than such Conclusions: Inasmuch as it is strictly demonstrable, that a Tax, which would hardly produce 100,000*l.* a Year to the Revenue, might yet be more oppressive, more impoverishing, and a much greater Stab to Industry of every Kind, than others which produce ten Millions. For the Nature of Taxes is such, that they may be compared to the pruning of Fruit-Trees; an Operation, which all will allow to be not only useful, but in some Sense necessary. Now if this should be judiciously performed, the Trees will be much healthier, and bear abundantly the better; but if ignorantly and unskilfully done, the Trees will bear nothing, or next to nothing, and perhaps will sicken, and die away.

Here therefore let us put a Case:—Suppose, that all the numerous Taxes at this Day subsilling, were to be repealed, and that only one Tax was to be laid on in their Room, viz. A Tax of 20*l.* a Day on every Plow, when at Work, [or on every Machine performing the Office of a Plow] and the like Sum on every Cart, or Waggon, or any other Machine drawing, or carrying Goods, or Merchandize of any Kind:—And then I ask, What would be the Consequence?—Plainly this; That such a Tax would produce but a very Trifle to the Revenue; because it would stop Labour and Industry to such a Degree, that our Farms in the Country would be deserted,—Grass and Weeds would grow in the Streets of our Towns and Cities;—and the whole Kingdom would in a Manner become a Desert.—Yet the few Beggars who were left in such a desolate Country, would have it to say, that they paid but one single Tax; nay, that they could get drunk on Spirituous Liquors [as small Stills would be set up every where, being light of Carriage, and paying no Tax] Therefore they would have it to say, that they could get drunk for a Halspenny, and perhaps dead-drunk for a Penny. Happy Times these! whereas their enslaved, oppressed, exhausted, and impoverished Forefathers in the Year 1780, paid several Hundred different Taxes! And, what was harder still, they could not enjoy the Blessing of getting drunk under the exorbitant Price of 6*d.*—Such were the Miseries and Calamities, which poor *Old England* then suffered under the Pressure of a Multitude of Taxes, and of ministerial Excises!!! And now, Reader, having ended this long Article concerning Taxes, I cannot help exclaiming at the Close of it, in the Words, which I have heard the late Earl of Chesterfield several Times repeat. How much easier is it to *deceive* Mankind, than to *undeceive* them! But to return.

A third capital Error chargeable on the Lockian Sect, (and to be ranked under this Class of Errors) is that dreadful Notion, propagated by them with a Kind of enthusiastic Ardor, that *their System* of Government is the only true one, in the Nature of Things:—And that all others, not built on this Foundation, are, in Deed and Truth, so many detestable Robberies, and barefaced Usurpations of the unalienable Rights of Mankind. Now this is in Fact proclaiming War against all the Governments upon Earth, and exciting their Subjects to rebel. And indeed these new-fangled Republicans do not appear to be shocked at the Imputation of such horrid Consequences, but on the contrary, they admit them with a Kind of Pleasure, and seem to glory in such Deeds. The Extracts from their Writings already given, are so decisive on this head, that there can be no Need of any further Proof, or Illustration.

But that which seems the most unaccountable in this whole Proceeding is, that they have adopted almost every Thing into their own System, which is exceptionable in Sir Robert Filmer's, and against which they have raised such tragical Exclamations.

Thus for Example, Sir Robert, and all the Patrons of an indeseasible, hereditary Right, declare with one Voice, that no Length of Time can bar the Title of the right Heir. For whenever he shall see a fit Opportunity of setting up his Claim, every Subject is bound in Duty and Conscience to renounce their Allegiance to the reigning Prince, and to resort to the Standard of the Lord's Anointed:—Just so, *mutatis mutandis*, is the Stile and Declaration of the Lockians: The People are the only right Heirs; or rather, they are the only Persons who have a *Right* to appoint right Heirs; and no Length of Prescription can bar their Title. For every Settlement of a State, monarchical, or even republican, whose Title is not derived from a popular Election, or doth not exist at present by Virtue of some express, and previous Contract, is a manifest Usurpation of their unalienable Rights; and therefore ought to be subverted and destroyed as soon as possible;—moreover the Authors of so daring an Attempt on the Liberties of a free People deserve to be punished with exemplary Vengeance, and to have their Goods and Estates confiscated for the Benefit of the Public, alias, to reward the Patriots. Now if any one should ask, what that is, which constitutes the People in this Case? or who are those Persons that are invested, *jure divino*, with these extraordinary Powers, these King-creating, and King-deposing Prerogatives?—The Answer I own, in Point of Theory, is attended with very perplexing Difficulties:—But in respect to *Practice*, and as referring to a *Matter of Fact*, it is the easiest Thing imaginable. For the Persons, or the People in this Case, are no other than the first Mob that can be got together, provided they are strong enough to undertake, and execute the work; if not, the next Mob, or the next to that, and so on, *ad insinitum*. For this is a Subject, which, it seems, ought never to be lost Sight of by a true-born Patriot: Though he may allow that the Efforts of the People for regaining their native Rights, may be delayed for a while, or may be *dissembled*, and postponed till he and his Friends shall find a more convenient Season for executing their laudable Designs.

Again: The Notion of Kings de *Facto*, and Kings de *Jure*, that Opprobrium of the Jacobites, is also revived by the Lockians. For whosoever dares to reign without, or in Opposition to the Lockian Title, is only a King de *Facto*:—The rightful King, or the King de *Jure*, being yet in *petto*, and not to be brought forth, 'till the People can assemble together to assert, and exercise their *unalienable* Rights with Safety.

Moreover the persecuting and intolerant Spirit of the System of Sir Robert Filmer, and of the Jacobites, is another very just Reproach to it: And none inveighed more bitterly, or more justly against it on this Account, than Mr. Locke himself, and his Disciples.—Yet such is the Inconsistency of these Men;—that they tell us so plainly, that we cannot mistake their meaning, that they would allow no Government on the Face of the Earth to subsist on any other Title, but their own, had they a *Power* equal to their *Will* in these Cases. For says Dr. Priestly; [and all the Rest join in the same Sentiments] “This [the Lockian, or popular Title] must be the *only* true and proper Foundation of *all* Governments subsisting in the World; and *that to which the People have an unalienable Right to bring them back.*” —“This is a Blessing, says Dr. Price, which no Generation of Men can give up for another; and which, when lost, the *People have always a Right to resume.*” So that nothing less will content these Men than the universal Establishment of their own Principles, and the Renunciation or Abjuration of all others. Yet these are the Champions who stand up for Liberty of Conscience, and are the only Friends to reconciling Measures, to universal Toleration, to Peace on Earth, and Good-Will among Men.

Once more: All Laws made, or to be made by the Authority of *Usurpers*, alias of Kings *de Facto*, are, according to the Doctrine of Sir Robert Filmer and the Jacobites, absolutely null and void; ’till they shall have received the Sanction and Confirmation of the rightful King. And so say the Lockians in respect to *their sale* rightful King,—the People. For here again they have told us so often, that we cannot forget it, that no Law can be valid, unless the people have authorized the making of it:—Nay, they have gone so far as to declare, that the very Essence of Slavery doth consist in being governed by Laws, to which the Governed have not previously consented. This being the Case, you see plainly, that the Consideration, whether the Law be good or bad in itself; whether it is a Law that is wanted or not wanted; and whether it tends to promote the Liberty of the Subject, or to restrain it, is at present entirely beside the Question:—For the sole Point here to be determined, is simply this.—Had the Makers of such a Law any *Right* to make it, according to the Lockian Ideas of *Right* and *Wrong*? If they had no such Right, they must be pronounced to be *Usurpers*, be the Law in itself whatever it may; and therefore as they are Usurpers, their Doom is fixed; inasmuch as they cannot expect Mercy for their daring Attempts to alienate the unalienable Rights of Mankind.

Before this Lockian System had been broached, or at least before it had made many Proselytes among us, it used to be considered as no bad Maxim in Politics,—“Not to be very inquisitive concerning the *original Title* of the reigning Powers.” For if the State was actually at Peace, and if every Man sat, or might sit under his own Vine, and his own Fig-Tree; or in plainer English, if the essential Ends of Government were answered both by the Protection of good Subjects, and by the Punishment of bad ones, and also by the Defence of the Community from external Violence;—then it was thought, that this was a sufficient Reason for considering such Powers as ordained of God.—And if ordained of God, the People ought to obey them, under Peril of Damnation.—But now it seems, the World is grown much wiser: For the first Question to be asked is, What is your Title, to be the Governor, or Chief Magistrate of this Country? And what Proofs do you bring that you have received your Authority

from the People, without Fraud on the one Hand, or Violence on the other? Answer me this, before you can expect, that I should submit to obey you.

Few Governors, I believe, would like to be catechized after this Manner by their Subjects: And fewer still would be able to answer these Questions to the Satisfaction of a Lockian Patriot.—Nay, we have been expressly told by one of the chief among them, Dr. Priestly, that there is not a Government on the Face of the Globe, which can stand the Test of such an Enquiry. “For, says he, all Governments *whatever* have been, in some Measure, compulsory, tyrannical, and oppressive in their Origin.” Now this being the Case, why will not these benevolent, political Philosophers, erect a Government of their own, for the Good of Mankind;—a Government on their own Plan, and perfectly agreeable to the Lockian Principles; which shall therefore be a Pattern for the Rest of the World to copy after? Nay, why are they always sowing Discords and Diffentions among *us*, instead of establishing a free, and equal, and *harmonious* Republic among *themselves*? Most certainly *Great-Britain* is not the proper Spot for exhibiting Specimens of this Sort: Because, to say the Truth, we have had, and we have selt, too many of these political Experiments already, during the last Century, to wish to have them revived again.—But *America!*—Yes, the interior Parts of *America* is the Country of all others, the fittest for putting every fond Imagination of their Hearts in Practice. For if Fame says true, and if Mr. Locke himself is to be credited, there is as yet no Government at all in the inland Parts of those immense Regions: Nor have even the Congress extended their *gentle Sway* beyond the Lakes *Erie* and *Ontario*, if they have gone so far. Thither, therefore, let all our Republican Patriots speedily repair: Time is precious, and the Cause invites: A Passport will undoubtedly be granted them, as soon as applied for: And ample Leave will be obtained to exchange the Slavery of this Country for the Freedom of *America*. Thither, therefore, let them all retire: For there they will live (according to the Prediction of Dr. Price) undisturbed by Bishops, Nobles, or Kings; and there likewise they will enjoy all the Blessings which can attend that happy State, where every Member of Society will be his own Law-giver, his own Governor, Judge, and Director.



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### CHAP. III.

## ***An Enquiry How Far Either The Revolution In England,—Or The Reduction Of Ireland,—Or The Present Proceedings Of The Congress In America, Can Or May Be Justified According To The Leading Principles Of Mr. Locke, And His Followers.***

### I.

#### ***Of The Revolution In England.***

IT is allowed on all Hands, and it has been the continual Boast of the Friends and Admirers of Mr. Locke, that he wrote his Essay on Government with a View to justify the Revolution. We have therefore a Right to expect, that his fundamental, political Maxims tend immediately and directly to vindicate this necessary Measure. How great therefore will be our Disappointment, if the quite contrary should appear!

The grand Objections against King James the Second were, that his Government was tyrannical, and his Proceedings illegal;—that he assumed Powers which the Constitution had expressly denied him;—that he had repeatedly broken his solemn Coronation-Oath, and forfeited his Royal Word;—and that, in short, his Actions proved him to be an Enemy both to Civil Liberty, and to the Protestant Religion.

Now grant these Objections to be well founded (which I think no Man at this Day, even the warmest Friend of the Stuart Family, will pretend to deny;) and the Inference is plain, that such a Prince deserved to be deposed, and that the Nation did very right in deposing him.—So far therefore we are all agreed: For Mr. Locke's Principles serve admirably well for the Purposes of *Demolition* in any Case whatever, as far as mere Demolition is concerned. But alas! after we have pulled down, how are we to build up? For something of this Kind must certainly be done, and that speedily. The Nation was then in a State of Anarchy and Confusion, without Law, or Government: The Legislative Power could not assemble, according to the prescribed antient Forms of the Constitution: Nor could the Executive legally act for want of being authorised so to do. In such a Situation the Principle of Self-Defence would naturally suggest to a Nation in general, and to every reasonable Man in particular,—*to do the best they could without Loss of Time*, and not to stand upon mere *legal Punctilios*, where the *Essentials* of the Constitution, and the Happiness of Millions were at Stake: Moreover common Prudence and sound Policy would likewise suggest, that as few Innovation of the antient Form of Government should be introduced, and as many of its Laws and Ordinances be retained, as the Good of the whole, and the public Safety would permit. This, I say, seems to be a fair, and honest, and upright Mode of Proceedure;—a Mode which all impartial Men would allow to be reasonable, and every Lover of his

Country would approve and justify:—And in short, this was the very Proceedure adopted at the Revolution.

Now, let us see, what Methods ought to have been taken according to the System of Mr. Locke;—and whether his Plan, and the Revolution Plan, co-incide with each other.

By the Desertion, or Abdication, or Forfeiture, or Deposition of King James [take which Term you please] the Government was dissolved, and no new one was yet appointed. So far we are again agreed. But says a Lockian (if he will reason consistently with his own Principles) this Dissolution of Government set the Nation free from all Ties and Obligations: So that they were no longer the *Subjects* of a Government, which itself did not exist: And if they were not the Subjects of an annihilated Government, they could be under no Obligation to any other. They were therefore actually returned back to a State of Nature;—that happy State, wherein there is a perfect Equality of Rights of all Kinds whatever; and where no one Man can pretend to have a better Claim than another either to Lands, or Legislations, to Power or Pre-eminence of any Kind. Admirable! Cataline himself could not have wished for a more ample Scope.—not only for paying all his own Debts, and those of his Followers,—but also for coming in for a considerable Share in the general Scramble, on a new Division of Property. Nay, his Speech in Sallust seems to indicate, as if he had some such Notion in his Head, had his Genius been fertile enough to have drawn it out into Form, and to have methodized it into a System.

But evidently as these Conclusions flow from Mr. Locke's fundamental Maxims, I do by no Means allow myself to suppose, that either he or any of his Followers, with whom I have now Concern, would grant, that these Conclusions are justly and fairly drawn. On the contrary, I do verily believe, that they thought they were serving the Cause of *rational* Liberty, when they were advancing such Positions, as, if carried into Execution, would unavoidably introduce the most shocking Scenes of Despotism on the one Hand, and of Slavery on the other. [Just as a rank Antinomian wildly imagines, that he is consulting the Glory of God and the Good of Mankind whilst he is instilling such Doctrines, as necessarily derogate from the Supreme Being, by making him the Author of Sin; and as necessarily turn human Creatures into ravenous Beasts to bite and devour one another, by destroying all moral Obligation.]

Therefore I observe, that though all these shocking Consequences are justly chargeable on the *Principles* of a Lockian, yet I do not charge the *Man*, the Individual, with the Guilt of them, provided he declare his Abhorrence of such Inferences. Now, taking it for granted that he would disavow them, were the Question asked, I will charitably suppose, that if Mr. Locke and his Followers, had the Management of an Event similar to that of the Revolution in 1688, they would not dissolve the Bands of Society any farther, than was just necessary for compassing their Ends of a free and general Election, according to their peculiar Ideas of Freedom, and of the *unalienable* Right of human Nature. I will therefore suppose also, that they would permit Men to enjoy unmolested their hereditary Honours and hereditary Estates, and Property of all Kinds, notwithstanding that their Principles necessarily tend to level every thing without Distinction, and to bring us back to a State of Nature: Nay, I will suppose,

that they would admit a Majority of the Voters present to include not only the Minority present, but also the great Majority, who might happen to be absent:—Though the Lockian Principles have in themselves a very different Tendency; as I have fully made to appear in the preceding Chapter. However, granting all this with a liberal Hand; and granting also for Argument's Sake, that it is consistent with this modern System of *unalienable* Rights, to exclude every Male under twenty-one Years of Age, and Females of every Age, from the unalienable Right of voting:—And then we have still remaining all the Males in *England* of twenty-one Years of Age and upwards, to compose an Assembly of Legislators, Electors, and Directors, according to the Lockian System. A goodly Number truly! All Voters by the unalienable Rights of Nature! All equal, free, and independent! This being the Case, the first Step to be taken is, to summon all these adult male Voters throughout the Kingdom to meet at some certain Place, in order to consult about erecting a new Government, after pulling down the old one: Here therefore I make a Pause;—and ask a Question, Was this done at the Revolution? No. Was it attempted to be done? No. Were there any Meetings appointed in different Parts of the Kingdom, from whence Deputies could be sent up to represent these Meetings, and to act in their Name? No. Was there then, [tho' that at best is a very preposterous Mode of Representation, according to Mr. Locke, yet] was there a previous general Election of Members of Parliament, in order that there might be at least a new Parliament to elect a new King? No, not even that, according to any legal, or constitutional Forms.—What then was that great national Vote which established the Revolution?—A few Scores of Noblemen, and a few Hundreds of Gentlemen, together with some of the Aldermen and Common Council of *London*, met at *Westminster*, [but without any Commission from the Body of the People authorising them to meet] and requested (thereby empowering) the Prince and Princess of *Orange* to assume the Royal Prerogative, and to summon a new Parliament. They summoned one accordingly, which was called the Convention Parliament: This Assembly put the Crown on their Heads [the Power of which they had exercised before] The Crown, I say, not only of *England*, but also of *Ireland*, and of all the *English* Dominions throughout every Part of the Globe, and this too, not only without asking the Consent, but even without acquainting the People of those other Countries with their Intentions. Now if this Transaction can be said to be carried on agreeably to Mr. Locke's Plan, or if it can be justified by his Principles, I own myself the worst Judge of Reason and Argument, and of a plain Matter of Fact, that ever scribbled on Paper. Nay, I appeal to all the World, whether the whole Business of this famous Revolution, from whence nevertheless we have derived so many national Blessings, ought not to be looked upon as a vile Usurpation, and be chargeable with the Guilt of robbing the good People of *England*, of *Ireland*, and of all the Colonies of their unalienable Rights, if Mr. Locke's Principles of Government are the only *true* and *just ones*. But I ask further, Was the Convention itself unanimous in its Decisions? No, very far from it. On the contrary, it is a well-known Fact, that the Members of it [I mean a Majority of the Members] would never have voted the Crown to the Prince of *Orange*, had it not been for his threatening Message, that he would leave them to the Resentment of King James, unless they complied with such a Demand. So that even a Majority of this very Convention would have acted otherwise than they did, had they remained *unawed*, and *uninfluenced*. And thus, Reader, it is demonstrated to thee, that this famous

Convention [and in them the whole Nation] was self-governed, and self-directed, according to the Lockian Principle, in establishing the glorious Revolution!

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## II.

### *The Reduction Of Ireland.*

The Reduction of *Ireland* about the Year 1690 is another capital Affair, which is to receive Sentence either of Justification, or Condemnation, at Mr. Locke's Tribunal. For if *Ireland* was reduced, and the Constitution thereof peaceably settled according to the Lockian Plan, the Founder of this Sect and his Followers have certainly a good deal to glory in. But if the very Reverse should prove to have been the Case, what shall we say?—And with what Front could Mr. Molineux, the Friend of Mr. Locke, dedicate his Book on the Independency of *Ireland* to King William, if King William's own Conduct in the Reduction of that Kingdom was altogether repugnant to the Principles of his Book? Now it unfortunately happens, that all the *Lockians* have precluded themselves from making Use of the very best Arguments, which could be brought in Justification of this memorable Event:—I say, they have precluded themselves, by chusing to rest the Merits of their Cause on one single Point,—*The Universality of Consent*;—that is to say, the Consent of the People,—at least of the major Part of them, *expressly* obtained, and *freely given*. For they have solemnly declared over and over, and do continue to declare, that no Title whatever in the reigning Powers can be *valid*, if this be wanting. Mr. Molineux's own Words will best speak his Sentiments, and those of his Party on this Occasion; which therefore I shall beg Leave to repeat.

“I shall venture to assert, that the Right of being subject *only* to such Laws, to which Men give their *own* Consent, is so inherent in *all* Mankind, and founded on such *immutable* Laws of Nature and Reason, that 'tis not to be *aliened*, or given up by any Body of Men whatever.” And a little lower: “I have no Notion of *Slavery*, but being bound by a Law, to which I do not consent.—If one Law may be imposed without Consent, any other Law whatever may be imposed on us without our Consent. This will naturally introduce *Taxing* us without our Consent. And this as necessarily destroys our *Property*. I have no other Notion of Property, but a Power of disposing of my Goods, *as I please*, and not as another shall command. Whatever another may *rightfully* take from me, I have certainly no Property in. To tax me without Consent is little better, if at all, than down-right *robbing me*.”

And now, Reader, having just observed, that this Mr. Molineux of *Ireland* was to all Intents and Purposes, the Precursor of the Congress of *America*, let us consider what Right had King William to invade *Ireland* at first, and what Pretensions could be have afterwards for establishing a Protestant Constitution in that Popish Country, according to the Principles of Messrs. Locke and Molineux.

King James the Second fled from *England*, and, after having made some Stay in *France*, landed in *Ireland*, and was received by the whole Body of the *Irish* Nation with open Arms. A few Protestants in the North made some Opposition; and at last, being driven to Despair, they made a most surprizing Resistance, under the Conduct

of the Rev. Mr Walker, Governor of *Londonderry*. But it is their *Number*, as having an unalienable Right to *vote*,—and not their *Courage* or *Valour*, as *Heroes*, which is the subject Matter of our present Inquiry. Now in respect to this, the Protestants were vastly the Minority of the Natives, and are so still, according to every Mode of Computation. Why therefore if the Votes or Consents of a Majority are to decide the Question,—Why, I say, did these few Protestants resist at all?—Or if a Lockian will not submit to be governed by this Rule of a Majority concluding the Minority [for sometimes he will, and at other Times he will not] Why did not the Handful of Protestants desire Leave to retire peaceably into some other Country, instead of committing Hostilities in *that*? Nay more, why did they send to *England* for Succours, to drive out King James, and establish King William? For surely according to the Lockian Hypothesis, that every Man ought to be governed *only* by Laws of his own appointing,—the great Majority of the *Irish* Nation had at least as good a Right to refuse Obedience to King William, as the Minority had to refuse it to King James. But notwithstanding all this, King William sailed with a large Reinforcement of Troops to *Ireland*; he landed, and he conquered; and in a short Space of Time the Peace of the Country was settled by the Capitulation and Treaty of *Limeric*.

Now in order to reconcile the Reduction of *Ireland* to the Lockian Standard of Right and Wrong, of just Government, and of Usurpation, we must believe first of all, that this Handful of Protestants, who appeared in Arms at *Inniskillen* and *Londonderry*, were the great Majority of the *Irish* Nation: And when we have digested this Pill, we must believe further that all Things were quite inverted, or in other Words, That the *few* Natives of *Ireland*, who were Papists [not more perhaps than ten to one Protestant] we must believe, I say, that these *few* Papist all voluntarily consented to be governed by the many, who were Protestants: And having proceeded thus far in our Credulity, we must not hesitate at swallowing the rest, viz. That the Papists of *Ireland* sent an Embassy to invite King William to come over, and offered to swear Fealty and Allegiance to him at the Battle of the *Boyne*;—yea, and that all the Laws successively made afterwards for disarming them, for taking their Estates from them, for banishing them, for exciting their own Children to rebel against them, and for subjecting them to Fines and Imprisonments, and to Pains and Penalties in Thousands of Instances;—we must believe, I say, that all these Laws were made with the whole Assent, and Consent, Will, and Agreement of the Papists of *Ireland*. O Genius of Popish Legends, confess thou art fairly outdone by Protestant Patriots! O Purgatory of St. Patrick, hide thy diminished Head!

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### III.

#### *The Cafe Of The Present Congress In America.*

It has been observed at the Beginning of this Treatise, that the Lockian System is an universal Demolisher of all Civil Governments, but not the Builder of any. And it has been distinctly shewn, that this Observation has been sound to be remarkably verified in two memorable Instances, [those very Instances which were pretended to correspond the most with the Plan of Mr. Locke] the Revolution in *England*, and the Reduction of *Ireland*. Come we now therefore to a 3d Instance, the Revolt of the Colonies in *North America*.

When it is seriously enquired, what were the chief *Grievances* which the Colonies had to complain of against the Mother Country, the Answer is, and must be, that she governed, or attempted to govern them in such a Manner as was not agreeable to the Lockian System. For the imposing Laws on them of any Kind, whether good or bad in themselves, and whether for the Purposes of Taxation, or for other Purposes, without their own Consent, is, according to this hypothesis, a most intolerable Grievance! a Robbery! and an Usurpation on the unalienable Rights of Mankind. Nay, we are repeatedly told, that the very Essence of Slavery consists in the being obliged to submit to be governed by such Laws as these. Therefore if you want to know the very Root and Foundation of the present *American* Rebellion, it is this very Principle: And the Fact is so far from being denied, that it is gloried in by Dr. Price, and others their warmest Advocates. In short, the brave *Americans* were resolved not to be Slaves; but Slaves, it seems, they must have been (according to the Lockian Idea) had they acknowledged the Right of the Mother Country, even in a single Instance, to make Laws to bind them without their Consent:—I say, even in a *single* Instance; for the Lockian Mode of Reasoning is, that there is no Difference between being vested with discretionary Power, and with despotic Power. “Inasmuch as, if a Government has any Right to rule me without my Consent in *some* Cases, it has a Right to rule me in *every* Case; consequently it has a Right to levy every Kind of Tax, good or bad, reasonable, or exorbitant upon me, and to inflict all Sorts of Punishments whatever.”

But Dr. Price himself, the great Champion of the *Americans*, has so expressly applied this Train of Reasoning to the *American* Cause, that I think myself happy in coinciding with him in Sentiments on this Occasion. “Our Colonies in *North America*, faith the Doctor, appear to be now\* determined to risque, and suffer every Thing under the Persuasion, that *Great-Britain* is attempting to *rob* them of that Liberty, to which *every Member* of Society, and all civil Communities have a natural, and unalienable Right.”

Here therefore the Case is plain: For every Member of Society, as well as the Community at large, hath, according to Dr. Price, not only a natural, but an *unalienable* Right to be self-governed, and self-directed. Be it so: And then comes the important Question, “Is this the Case at present with every Member of Society in

*North-America*, now groaning under the Dominion of the Congress?" And as Dr. Price has taken such Pains to extoll the *American* Mode of Government to the Skies,—a most happy Mode, without Bishops, without Nobles, without Kings! I wish he would return a plain Answer to the plain Question here propounded. In Honour and Conscience he is certainly called upon so to do. But tho' the Doctor loves to set Controversies on Foot, we learn from his own Words, that he loves his Ease too well, to clear up the Objections arising from them. Consequently being deprived of the Doctor's Assistance, unless he should think proper to change his declared Resolution, we must do the best we can without him.

Here therefore be it observed, that without taking any Advantage from the Arguments that may be deduced from the tarring and feathering of their numerous Mobs; and without insisting on the burning and plundering of the Houses, and destroying the Property of the Loyalists by the *American* Republicans, even before they had openly thrown off the Masque, and set up for Independence;—I say, without bringing these Instances as Proofs that they would not grant that Liberty to others, for which they so strenuously contended for themselves;—let us come to that very Period, when they had established various Civil Governments in their respective Provinces, and had new-modelled their several Constitutions according to their own good Liking:—I ask therefore, Was any one of these Civil Governments at first formed, or is it now administered, and conducted according to the Lockian Plan? And did, or doth any of their Congresses, general or provincial, admit of that fundamental Maxim of Mr. Locke, that every Man has an *unalienable* Right to obey no other Laws, but those of his own making? No; no;—so far from it, that there are dreadful Fines and Confiscations, Imprisonments, and even Death made use of, as the only effectual Means for obtaining that Unanimity of Sentiment so much boasted of by these new-sangled Republicans, and so little practiced. In one Word, let the impartial World be the Judge, whether the *Americans*, in all their Contests for Liberty, have even once made use of Mr. Locke's System for any other Purpose, but that of *pulling down*, and destroying; and whether, when they came to erect a new Edifice of their own on the Ruins of the former,—they have not abandoned Messrs. Locke, Molineux, Priestly, and Price, with all their visionary Schemes of universal Freedom, and Liberty of Choice.



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## CHAP. IV.

### On The Abuse Of Words, And The Perversion Of Language, Chargeable On The Lockian System.

THE Importance of this Subject requires a distinct Chapter; but it need not be a long one; for the chief Point here to be attended to, is to six and explain the Meaning of certain Terms and Phrases, and to guard against Misrepresentation or Mistake.

It is observeable, that in every Government, from that of a petty Schoolmaster to that of a mighty Monarch, the respective Rulers must be invested with two Sorts of Power;—the one is that which *may be* fixed and limited by written and positive Laws; but the other, being unlimitable in its Nature, must be left to the Discretion of the Agent. The Order and Course of Things require the Use of both these Kinds of Power in every Instance where *Authority*, properly so called, is to be exercised. In respect to the first of these, it is unnecessary at present to consider it in any separate, or independent View; because it is not the Subject now immediately before us. But with regard to the second, it is the very Thing here to be attended to; and by explaining the Nature of this, we shall eventually explain the other.

When the Founder of a School [and the same Observation, *mutalis mutandis*, would hold good for Things in a much higher Sphere;—I say therefore] when the Founder of a School is about to establish Rules and Constitutions for the Discipline, and good Government thereof;—he finds himself able to establish certain Statutes and Ordinances in respect to some Things, but unable in respect to others. He can, for Example, fix the Salary of the Master by a positive Law;—he can limit the Hours of School, and the Hours of Recreation;—he can ordain, if he think proper, what Authors shall be read in his School, and may prescribe likewise a Regimen of Diet to be observed by the Youths, who shall be maintained on his Foundation;—with a few other Things of the like Nature. But much farther than this he cannot go, were he ever so desirous. He cannot, for Instance, lay down Rules aforehand, how many Periods or Paragraphs *each* Youth is to learn at *each* Lesson, or how many Lines or Verses he is to get by Heart on a Repetition Day; and in Cases of Neglect, or Misdemeanor, he cannot determine the Force or Momentum, with which the Ferula or Rod is to fall on the offending Culprit;—nor yet can he prescribe, or limit the Tone of Voice, or Looks, or Gestures of Displeasure, or Words of Reprimand, which are to be used on such Occasions. For as all these Affairs are not, and cannot be, subject to any fixt Regulations, the Master must be vested with a *discretionary*, alias an *unlimited* Power in respect to such Things. [Need I add, that the very Institution of a School is (according to the Lockian System), a Contradiction to the social Compact? Because, if every one is to be accounted a Slave, who is obliged to submit to Laws not of his own making,—or to Governors not of his own chusing, then School-Boys and Slaves are synonymous Terms: Hard Measures these! And what Inroads are the Doctrines of Passive Obedience, and Non-Resistance daily making in our *English* Schools on *English* Liberty! But to return] The Powers of this Magistrate, [the School-Master]

being thus shewn to be partly circumscribed, and partly indefinite;—I here ask, Doth his *indefinite* Power thereby become *infinite*? Or is he vested with arbitrary and despotic Power, because he is entrusted with that which is *discretionary*? Surely no: And the very putting such a Question, one would think, is sufficient to confute every Lockian Cavil on this Head. \* Yet, strange to tell, the whole Weight of their Arguments rests on this single Point. For [according to them] if you admit *discretionary* Power, you must admit it to be *arbitrary*: If you allow the Power of your Magistrate to be in any Case *indefinite*, you must allow it to be *infinite*. Now it so happens, that Experience and common Sense, no bad Judges to appeal to, entirely confute these confident Assertions. For were the Master of any School to treat his Scholars with wanton Cruelty, to beat them unmercifully, or to inflict any unnecessary Severity upon them,—all the World would soon distinguish such Abuses of Power from necessary Chastisement, and moderate Correction; and they would not hesitate in giving their Opinion, that such a Wretch deserved the severest Punishment. So much easier it is, to discern the Use of Things from the Abuses of them, after the Fact has happened, than it is to make Laws in *all Cases* aforehand for the Prevention of Abuses.

The King and both Houses of Parliament, that is, the supreme Legislature of this Country, have a general, unlimited Right to make Laws for binding the People, in *all Cases whatsoever*. They have this Right, because it is impossible to define exactly in what particular Instances) they ought *not* to be entrusted with such a Right, or how far their Power ought to extend in every Case, and every Circumstance, which might occur, and where it ought to be stopped. I say, it is impossible to define these Points before-hand, or to draw the Line between *Trust*, and *Distrust* in these Respects. Yet can any Man in his Senses pretend to say, that the King and the Parliament would be *justifiable*, or even *excusable*, were they to abuse this discretionary Power of *making Laws in all Cases whatsoever*;—I mean wilfully and designedly abuse it, so as to enslave the People by cruel, unjust, and tyrannical Laws? Surely no: For even Sir Robert Filmer, and the Jacobites, do not say that such Rulers are at all *excusable*;—nay, they expressly say the contrary; and are as ready at denouncing Hell and Damnation against such *wicked Tyrants*, as the Lockians themselves:—Indeed they protest against any Punishment whatever being inflicted on Tyrants, especially on royal Tyrants, during the present Life, by the Hands of Men: For which ill-judged Tenderness, and mistaken Points of Conscience, they are highly to blame: And therefore their Tenets of *absolute* and *unlimited* Passive Obedience and Non-Resistance are deservedly had in Detestation: But nevertheless they make no wrong Judgment concerning the Nature of, and the Punishment due to, the Crimes of Tyranny; tho' they are so weak as to maintain, that this Punishment ought to be deferred, 'till the Criminals themselves are removed into another World, when the Punishment due to such Offences can be no Terror to those Evil-Doers who survive, and who therefore ought to be deterred by such Examples from attempting to do the like.

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## CONCLUSION.

UPON the whole, if this new political System of Mr. Locke and his Followers hath not received a full and ample Confutation in the preceding Sheets, I must ingenuously acknowledge, that nothing could have prevented it, but the Inability or Incapacity of the Author. For surely a more pernicious Set of Opinions than the Lockian.—[I mean, with regard to the Peace and Tranquility of the present Life] could hardly be broached by Man. And it is but small Consolation to reflect, that probably the original Author, and several of his Disciples never meant to draw Conclusions so horrid in their Nature, and so full of *wanton* Treason and Rebellion, as the Congresses have actually drawn from it in *America*, and as the Republican Factions are daily endeavouring to draw from it here in *England*, had they Power equal to their Will.

Moreover what greatly aggravates the Crime of every Attempt of this Nature, and renders it utterly inexcusable, is, that there is no Manner of Need of having Recourse to such Measures, or to such Principles, for the Sake of confuting either the patriarchal Scheme of Sir R. Filmer, or the *absolutely* passive Obedience Creed of the Jacobites; Insomuch as both these erroneous Systems may be, at least, as fully and effectually confuted without Mr. Locke's Principles, as with them. Nay, if the Lockians had been content with their own Set of Opinions, and had left others undisturbed in the quiet Enjoyment of theirs, something might have been pleaded in their Favour. For though one may easily see, that theirs is an impracticable Scheme in any Society whatever, great or small; yet, if they think otherwise, and are firmly persuaded that the Affair is of such Importance as to merit a fair and open Trial;—Let a fair Trial be given it; and let those unpeopled Regions of *America*, those *vacua loca*, mentioned by Mr. Locke, be the Theatre for exhibiting this curious Phœnomenon, a Lockian Republic! Where all Taxes are to be *Free-Gifts!* and every Man is to obey *no farther*, and *no otherwise*, than he himself *chuses* to obey! In such a Case, inconsiderable as I am, I will venture to promise [or to use the Language of an Arch-Patriot, I will pledge myself to the Public] that all the Sons and Daughters of *genuine* Freedom shall be at Liberty to remove thither as soon as they please;—and that Thousands and Tens of Thousands of their Fellow-Citizens will be heartily glad of their Departure.

But if not content with this Liberty for themselves, they will be indefatigable in disturbing the Repose of others, and will incessantly excite the Subjects of every State to rebel, under the shameful Pretence, that their Governors are *Usurpers* of their *unalienable* Rights;—they must expect to have their Sophistry detected, and themselves exposed in their proper Colours. Indeed, happy it is for *them*;—happy it is for *us all* [notwithstanding some petty Inconveniencies] that we live in such an Age, and such a Country, where Men may dare to say and do such Things with Impunity. I own, the very Contemplation of this Circumstance always gives me Pleasure: For rejoice to find, that on every Comparison between the Liberty pretended to be enjoyed under the patriotic Congress in *America*, and the Slavery, which it seems, we daily suffer here in *England*, every Instance is a Demonstration that *English* Slavery is infinitely preferable to *American* Liberty: So that in short, while I find, that here in

*England*, a Man may say or do, may write or print, a thousand Things with the utmost Security, for which his Liberty and Property, and even his Life itself would be in the most imminent Danger, were he to do the like in *America*, I want no other Proofs, that *Englishmen* are still a Nation of *Freemen*, and not of *Slaves*. Sorry I am, that any of my Fellow-Subjects should misapply so great a Blessing as Liberty is, both civil and religious: But at the same Time, I am sincerely glad, that they themselves are such undeniable Evidences of the Existence of Liberty among us, by the Security they enjoy in their manifold Abuses of it. May they grow wiser and better every Day; But may we, on our Parts, never attempt to weed out these Tares from among the Wheat, lest by so doing, we should root out the Wheat also.

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## PART II.

### CONTAINING THE TRUE BASIS OF CIVIL GOVERNMENT,

In OPPOSITION To The SYSTEM Of Mr. LOCKE And His Followers, By JOSIAH TUCKER, D. D. DEAN Of GLOCESTER.

#### THE PREFACE TO THE SECOND PART.

*THE Author imagines, that he has confuted the Lockian System in the fore-going Part of this Work. And he is supported in this Opinion by the Judgment of many Persons, not only distinguished for their Learning and good Sense, but also for their zealous Attachment to the Civil, and Religious Liberties of this Country. If this be the Case, that is, if he has really confuted Mr. Locke, he may now, he hopes, with some Propriety, venture to submit to Public Consideration, a System of his own; which he is inclined to think, may serve as a Basis for every Species of Civil Government to stand upon.—At the same Time he is well aware, that it doth not follow, that his must be true, because Mr. Locke's may have been proved to be false: He is also very sensible, that it is much easier to pull down, than to build up; and that many a Man can demolish the System of another, who cannot defend his own.*

*For these Reasons he is the more desirous of proceeding with due Reserve and Caution;—not expecting, that this Plan should be adopted, as soon as proposed,—nor yet supposing, that it will be totally rejected, before it shall have undergone some Kind of Examination. In order to give it a fair Trial, he has added a Series of Objections, partly as they occurred to himself, in reasoning on the Case, and partly as they were suggested to him in the Conversation he had with others. In respect to all which it will be readily allowed, that not one Objection has lost any of it's Force and Weight in passing through his Hands: And as to their respective Answers, every Reader will judge for himself.*

*He is very willing to allow, that some Parts of his System are weaker than others: For this must happen more or less, to all human Compositions. Therefore he doth not pretend to lay before the Public a faultless Piece, free from all Objections, but only such a Plan for a political Edifice, as may serve all the good Purposes of real and rational Liberty, and at the same Time be more practicable, and better accommodated to the State of Mankind in every Age and Country, than Mr. Locke's confessed to be.*

*The Author doth not build much on the Authority of great Names,—not that he rejects human Authority, when it can be properly introduced in Matters of doubtful Disputation; but because he cannot find that the Point was ever brought into*

*Controversy'till of late, whether the Inclinations of Mankind are naturally and spontaneously turned towards Society and the Subordinations of Civil Government, or towards living in a State of perfect Equality, and Independence. Therefore it is in vain to look for long Argumentations in the Works of political Writers of former Times, relative to this Question, either pro or con, before the Question itself was supposed to exist.*

*However, as it may be a Satisfaction to some Persons to know, What were the genuine Opinions of the Sages of Antiquity on this Subject, before the Arts of Sophistry, and the Rage of Party-Disputes, had blinded Men's Eyes, and corrupted their natural good Sense;—such Persons will, I hope, be sufficiently gratified, when they come to peruse the third Part of the ensuing Treatise. They will also there find the judicious Hooker now rescued out of the disagreeable Company of modern Republicans, with whom he has been made to associate for some Time past, much against his Will, and restored to his true Friends both in Church and State.*

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## CHAP. I.

### Concerning Those Principles In Human Nature, Which May Serve As A Basis For Any Species Of Civil Government To Stand Upon, Without The Actual Choice, Or Personal Election Of Every Member Of The Community Either Towards The First Erection, Or The Continuation Of Such A Government.

AS Mr. Locke, and his Followers have objected to our deducing Kingly Government, or indeed any Kind of Civil Government from the Authority of Parents over their Children [though the Out-Lines, and first Rudiments of all Governments had probably no other Origin,] and have taken such Pains to shew the Disparity of the Cases; we will gratify them to their Hearts Content in this particular: For we will endeavour to shew, that were Numbers of the Human Species to be brought together, (tho' no otherwise connected than by being of the same Species) they would soon fall into some Kind of Subordination among themselves, and consequently into some Kind of Government;—and that too without that personal, and particular Election, for which Mr. Locke and his Followers have so strenuously contended.

In order therefore to keep at a sufficient Distance from the *Patriarchal System*, and the *indefeasible Right Lined Monarchy* of Sir Robert Filmer;—Let us suppose, that, instead of one Pair, an Hundred Pair of Men and Women were at first created: And let us contemplate the various Instincts, Qualities, and Propensities (as far as the present Subject is concerned) with which this Tribe of Animals would be found to be endowed;—supposing them to be made of the same Sort of Materials, which we see Mankind to be of, at present.

And as we are now setting out on our Inquiries, be it carefully remembered, that the *first* Difference between the Lockians, and others seems to be this;—The Lockians maintain, that Mankind have a *Capacity* for becoming Members of a Civil Society;—but no *natural* Desire, or Inclination for entering into such a State of Life: [Indeed they do not say the latter in express Terms, but they do by necessary Consequences:] Whereas we maintain, that Human Nature is endowed with both Capacity, and Inclination:—And that the natural *Instinct* precedes the *Capacity*, much in the same Manner, tho' not with the same Strength, or in the same Degree, as the innate Instincts of Individuals towards Food, or of the Species towards each other, precede the *Arts* of Cookery, and Brewery, of Marriage-Ceremonies, and Marriage-Settlements.

This therefore being the Question, we are now to endeavour to find out, how far *Nature* herself hath led the Way towards the Formation of Civil Government by means of various Instincts, Biasses, and Propensities implanted in Mankind before *Art* was introduced either to mend or mar her Handywork.



1. Therefore, the first Thing observable in the Class of Animals above-mentioned [the hundred Pair of adult Men and Women] is, That they are formed by Nature to be of the *gregarious* Kind. For most certainly the Individuals of the Human Species are so far from seeking Solitude, as their *natural* State, that such a Course of Life would be one of the forest Punishments which could be inflicted on them: And nothing can be a clearer Proof of a contrary Bias in Nature; than the strong Desire which not only Children manifest to associate together, but which adult Persons feel, to be acquainted even with Strangers, differing from themselves in Language, Manners, and in almost every Thing, excepting their being of the same Species, *rather than not to enjoy any Company at all*. Now this Disposition in Human Creatures to associate with their *Like*, is a leading Step towards Civil Society; because no Animals whatever, but the *gregarious*, can be *fit* to form a Community, or a Common-Wealth.

2. A second Thing observable is, That there is a prodigious Variety even in the *natural* Endowments, both of Body and Mind belonging to the several Individuals of the human Species: So that probably no two among them are altogether, and in every Respect alike. Far therefore, very far it is from being true, that all Mankind are naturally equal, or on a *Par*, respecting their several Endowments either mental, or corporeal. Indeed had this been the Case, it is hard to say, how any Kind of Subordination, and consequently Government, could have been introduced among such a Tribe of equal, independent, unconnected Beings: Wherefore

3. A third Observation is, that these Differences of Genius and Talents, these several Excellencies and Defects, these Capacities and Incapacities are found, for the most Part, to be relative and reciprocal; so that wheresoever one abounds, another is defective, and vice versa: By which Means all these Animals stand in Need of each other's Assistance in some Respect, or in one Degree or other:—Surely this is another plain Proof, that they were not framed by Nature for an equal, independent, unconnected State of Life.

4. A fourth Remark is, That *as* these Animals mutually want each other's Help and Assistance; *so* are they naturally endowed with a Power of making known their Wants to each other, and their mutual Willingness to relieve them. Now, as this is a Fact, which cannot be controverted, it is very immaterial to decide, whether the Manner of making known such mutual Wants, or Intentions, was at first by Means of dumb Signs and Gestures, and inarticulate Sounds, or thro' the Medium of some primæval Language infused in, or communicated to them at the Time of their Creation. Therefore be that as it may, it is more material to observe in the

5th and last Place, That each of these human Animals feels, generally speaking, a strong Instinct to succour and relieve the Wants and Distresses of his Fellow-Creatures:—Inasmuch as, next to providing what is necessary for his own Preservation, and removing Pain from his own Person, he is prompted and spurred on to do the like good Offices for others. And he finds, that he receives great Pleasure both in the immediate Gratification of this benevolent, sympathizing Instinct, and in his subsequent Reflections on it.



Now from a Contemplation of this Sketch, or Out-line, if I may speak, of the Portrait of Human Nature, it is, I think, not very difficult to determine, what would be the probable Result of an Assemblage of an Hundred Pair of such Animals as these, after a short Acquaintance, respecting Society and Civil Government. For

1. They would not be long before they endeavoured to gratify the first, and the quickest in Succession, of all the Calls of Nature, the Appetites of *Hunger* and *Thirst*; and that too without having any distinct Knowledge, perhaps without the least Ideal that such a Gratification was necessary for the Preservation of the Individual. Nay, it is highly probable, that Nature at the first Creation of the Human Pairs, proceeded much farther in her instinctive Instructions, than she need do at present. For at the first, Men were not only impelled by the Appetites of Hunger and Thirst to seek for Meat and Drink, but were also taught, either by some Guardian Angel sent on purpose to instruct them, or were led by some extraordinary Impulse to discover and chuse what were proper Eatables and Drinkables in their peculiar Situation.—To suppose the contrary, would be to suppose, that this Hundred Pair of adult Men and Women, were left to themselves to make Experiments, as they could, on every thing around them,—by endeavouring to swallow perhaps Sand or Gravel, instead of Water, towards quenching Thirst, and to gnaw a Stone, or a Stick, instead of chewing a Root, a Fruit, or a Berry for appeasing Hunger. It cannot therefore reasonably be doubted, but that the first Race of Men were taught by Nature, or rather by Nature's God, to distinguish, without the tedious Process of uncertain Experiments, the proper from the improper, the wholesome from the unwholesome in such a Situation.

[As to the Instinct between the Sexes for the Renovation of the Species (as the former was for the Preservation of the Individual) suffice it just to put the Reader in Mind, that as we have supposed the Creation to have been made in *Conjugal Pairs*, we have thereby avoided, at least for the present, all the Difficulties, that might otherwise have arisen in the Choice and Preference of Objects;—only this much is necessary to observe on this Head, as well as on the former, that 'till they had been taught by Experience, it was impossible for the wisest of them to have guessed what would have been the Consequence, at the Expiration of a certain Term, of such an Intercourse of one Sex with the other.]

2dly. These human Animals, when herding together, and beginning to eat and drink, would soon discover a vast Superiority, and Inferiority of *Talents* among themselves, in respect of making Provision for satisfying the Cravings of Thirst and Hunger. For some would be found to be much more ingenious, and perhaps more industrious and provident than others, either in the gathering of Viands, and the procuring and portage of drinkable Liquids;—or in storing them up, and preserving them sweet and wholesome. This Man would excel either in turning the Ground in search after Roots, or in climbing Trees for Fruit;—another in swimming and diving for Fish, or in the Pursuit of Game;—a third in the taming certain Beasts and Birds for domestic Use, or in the planting of such Vegetables, as were found to be good for Food, and so quick of Growth as soon to come to Maturity;—whilst a fourth perhaps would display a Dexterity and Genius in the Preparation of several Kinds of Victuals, and in the first Rudiments of the Arts of Cookery. Now in all these Cases, it is obvious to conceive, That the less ingenious, or adventurous, the less provident and frugal would naturally

become, without any formal Contract, dependent on, and subservient to their Instructors and Benefactors, in one Degree or other.

3dly. The like Superiority of Parts and Talents would necessarily appear, tho' at somewhat a later Period in the Cases of procuring Rayment, and of constructing Habitations. For no Man can pretend that all the Human Species are endowed with equal Powers, or equal Capacities in these Respects. And therefore in Proportion as the less adroit, or less provident, felt themselves incommoded by the Extremes either of Heat, or of Cold, and wished to free themselves from their Evils;—in nearly the same Proportion would they become the Ministers of those, who could, and would relieve them from their Distresses. For here it must be remembered once for all, that in such a Situation as we are now describing, and before Commerce and Money were introduced, the Person who felt himself inferior in any of these Respects, could make no other Compensation to his Superior, but by some Kind of *personal Service*.

4th. The Advantage arising from a peculiar Genius to abridge Labour by Means of Machines,—or to divide, and subdivide it into distinct Parts, or Portions for the Sake of greater Ease, Expertness, and Expedition, is another Cause, why some Men must rise in Society, without any Compact, or Election, and others as naturally sink;—and consequently, why Subordination at first, and Government afterwards, must take Place. For had there been no Difference of natural Genius between Man and Man;—and no Distinction of Talents and Powers both mental, and corporeal, between Males and Females,—it is hardly possible to conceive, how there could have existed any Distinction of Trades, or Diversity of Employments. And without them a regular Plan of Government cannot be supported.

To illustrate this Matter, be it observed, that tho' Horses, and horned Cattle naturally herd together, as well as Men, being all of the *gregarious* Kind;—yet as none of these Individuals display any Genius either to abridge Labour, or to divide it into separate Parts or Portions,—so there is nothing approaching towards a Distinction of Trades, or a Diversity of Employments to be found among them;—consequently they are total Strangers to any Forms of Government, Republican, or Monarchical; and they know nothing of the Rules of Justice or Equity, or of any Laws, but those of brutal Force. Whereas Bees, Ants, and Beavers, who are remarkable for dividing the Labour of the *Whole* into distinct Portions, assigning to each Individual a proper Share, become of Course a regular Community among themselves, wherein some preside, and others must obey. All Authors, who have favoured us with the natural History of these three Tribes of Animals, speak with Raptures of their admirable Police, Discipline, and Economy. Yet not one Writer, that I know of, hath once suggested the most distant Thought, that these Things are owing to any social Compact, or popular Form of Government:—No, not one hath hitherto dared to maintain, that each Bee, Ant, or Beaver is his own Law-giver, Governor, and Director.

[There are other Causes which might be mentioned, as greatly contributing towards the first Formation of Government, without any explicit Compact, or mutual Stipulation. And these are the *Power of Language*,—and the *Power of saving*, or *protecting* from impending Dangers. In regard to Language, some striking Observations might have been made, had we the Time, and Abilities to have done

Justice to the Subject:—Suffice it for the present just to declare my Opinion, That at the first Creation of the human Kind, the Adams and Eves, spoke some certain Language (whatever it was) by mere *Instinct*, without any previous Teaching (excepting the instantaneous Teaching of Nature) and without Education, or Instruction. I know indeed, that the contrary is the prevailing Opinion, That all Words, and the Meaning of all Words were originally settled by mutual Consent, and at some certain Congress held for that Purpose. But here I should be glad to know, what particular Language was spoken by Adam and Eve, and their Sons and Daughters,—or by this hundred Pair of Adams and Eves, *before* they met in Congress?—In what Language or Dialect were they summoned to meet?—And even after they, had met, how came they to understand one another so readily before they had learnt to speak?—And how came they to speak at all, to define, and to agree about the Meaning of certain Words, before these, or any Words whatever had been known among them?—Away therefore with this absurd Notion: And let us believe, as we ought to do, that Nature was more benevolent to her Children at their first Appearance on the Theatre of the World, than this and such like Schemes represent her to be. She certainly *infused* the first Rudiments of Language,—she *instilled* the first Knowledge of Things proper for Meats and Drinks,—and she *implanted* the constituent Principles of Government into Mankind, without any previous Care or Thought on their Parts. But having done this, she left the rest to themselves; in order that they might cultivate and improve her Gifts and Blessings in the best Manner they could.

As to the Power of protecting from impending Danger,—if that should mean only the Power of rescuing, or preserving from the Injuries of the Weather, from the Attacks of wild Beasts, or from some other natural Evils, it is included, at least in Part, under some of the former Heads.—But if it is to signify a Power of protecting the Weak from the intended Violence of the Strong, it will include likewise the Right of Retaliation and Reprisal,—and in its Consequences, the Right of Conquest. Therefore if this should be the Thing meant, I shall not insist on such a Subject at present;—because I wish to shew, That Government can date its Origin from other Causes, besides those of popular Elections, or popular Defeats;—and because a Government founded on Conquest, however justifiable the Occasion of it might have been, is at first very odious, and requires a Length of Time to reconcile Men to it.]

Lastly, there is yet another Consideration, which when properly developed, greatly corroborates all the former. And that is this, That there is found to exist in Human Nature a certain Ascendency in some, and a Kind of submissive Acquiescence in others. The Fact itself, however unaccountable, is nevertheless so notorious, that it is observable in all Stations and Ranks of Life, and almost in every Company. For even in the most paltry Country Village, there is, generally speaking, what the French very expressively term, *Le Coque de Village*;—A Man, who takes the Lead, and becomes a Kind of Dictator to the rest. Now, whether this arises from a Consciousness of greater Courage, or Capacity,—or from a certain overbearing Temper, which assumes Authority to dictate and command,—or from a greater Address, that is, from a Kind of instinctive Insight into the Weaknesses, and blind Sides of others,—or from whatever Cause, or Causes, it matters not. For the Fact itself, as I said before, is undeniable, however difficult it may be to account for it. And therefore here again is

another Instance of great Inequalities in the original Powers and Faculties of Mankind:—Consequently this natural Subordination (if I may so speak) is another distinct Proof, that there was a Foundation deeply laid in Human Nature for the political Edifices of Government to be built upon;—without recurring to, what never existed but in Theory, universal, social Compacts, and unanimous Elections.

Here therefore I will fix my Foot, and rest the Merits of the Cause. An hundred Pair of Adams and Eves are supposed (for the Sake of Argument in this Debate) to have been created at once, and to have been endowed with the various Instincts and Inclinations above described, all tending in one Degree or other, to the Formation of Civil Government. As soon as they see each other, they associate and converse. [*N. B.* Infants and Children do still the same in their Way.] The next Step they take, is to gratify those Desires and Inclinations towards which *\* Nature* has most powerfully incited them. But they find almost instantaneously, that they are hardly able to satisfy any one of these Desires without the Help and Assistance of others of their Kind. And they feel also, that in whatsoever Sort of Talents, Geniusses, or Capacities they are deficient, others are generally abounding, and vice versa:—They perceive likewise that in receiving good Offices from others, there is a certain pleasing Temper of Mind excited, now called *Gratitude*,—and that in conferring good Offices, there is another very pleasing Sensation raised, now termed *Benevolence*.—And thus it came to pass, that a mutual Dependence and a mutual Connection were originally made by the wise Creator of all Things to pervade the Whole:—Yet with this remarkable Diversity, that the Power and Talents of winning and obliging, of influencing, persuading, or commanding, were imparted to some in a much greater Degree than they were to others.

Surely therefore in such Circumstances as these, every human Creature would fall into that Rank in Society, and that Station in Life, to which his Talents and his Genius spontaneously led him,—as *naturally*, I had almost said, as Water finds its Level. And be it ever remembered, that distinct Ranks and different Stations, would produce a Civil Government, of some Kind or other, in a *new* World much sooner than they could in an *old* one.—I said much sooner; because in a new World, there could be no Complaints made against former Mismanagements, no Fears about the Incroachments of Power on the one Hand, or the Intrigues and Declamation of Faction on the other, and consequently no *Distrust* arising from the Abuses either of former Governors, or of former Demagogues. In short, as in such a World there could be no Manner of Experience, there could hardly be any such Things as Caution and Reserve; and therefore all the Disputes of later Times about social Compacts, Contracts, and Conventions, about positive Stipulations, reciprocal Engagements, and Reservations of Rights, would have been probably as little understood at that Juncture, as the Terms of Art in Cookery, before Cookery became an Art, or the Orders in Building, before a single Building was erected. In short, and to sum up all in one Word, where *Nature* alone was the Guide, the Terms of *Art*, and the Additions, or Alterations of subsequent Times, whether for the better, or for the worse, must have been absolutely unknown, and consequently could not have been attended to, at the first Formation of Civil Government.

But after all, perhaps some will say, “We do not differ from you in real Sentiments, tho’ we express ourselves somewhat differently. We mean to say, that no Part of the human Species, has a Right to enslave the other; and we mean no more.” Very well, be it so, and we are agreed: But let us first know, what do you mean by *Slavery*? And what Ideas do you include under that Term?—For if you mean to say, that every Man is a *Slave*, who has not the Power of electing his own Lawgiver, his own Magistrate, his Colonel, Captain, or Judge, I deny the Position, and call on you to prove it by better Arguments, than your own bare Assertion. But if you only meant to say, that bad Laws, if any, ought to be repealed, and good Laws enacted, and faithfully and impartially executed;—and that when Governors shall abuse their Power to the Detriment of the People, they ought to be stopped in their Career, and even to be called to an Account for their Misconduct, in Proportion to the Detriment received.—If this be all you meant to say, when you talked about original, unalienable Rights, social Compacts, &c. &c. we are agreed again: But surely, surely, this is a very odd, and intricate Way of expressing the plainest, and most obvious Truths imaginable.

Moreover, if you intended to say, that tho’ Government in *general* did not derive its Existence from any *personal* Contract between Prince and People, between the Governors and the Governed;—yet, that it hath so much of what a Civilian would term a *Quasi-Contract* in the Nature of it, that the Duties and Obligations on both Sides of the Relation, are altogether to the same Effect, as if a particular Contract, and a positive Engagement had been entered into;—If this be your Meaning, we are ready to join Issue with you once more;—and this the rather, because the Ideas of a *Quasi-Contract* contain our own on this Head, and those of every Constitutional Whig throughout the Kingdom.

However, though we are ready to grant you all these Things, yet it is plain, that you meant a great deal more;—else, why do you cavil at the Phrases, *implicit Consent*, *tacit Agreement*, *implied Covenant*, *virtual Representation*, and the like?—All which naturally and necessarily imply the Idea of a *Quasi-Contract*. Moreover why so loud in your Exclamations, and bitter in your Invectives against supposing, that a Government may be good and lawful in itself, tho’ the People are not represented in it, according to your Mode of Representation? Recollect the several Extracts from Messrs. Locke, Molineux, Priestly, and Price, already produced in the former Part of this Work: And then you must maintain, in Conformity to the leading Principles of your Sect,—That throughout this whole Dispute, your grand Objection lies not so much against the mere Laws themselves, or against any supposed Culpability in the Manner of administering them,—as against the Right, Title, or Authority to make, or to execute any Laws at all, be they in themselves good, or bad. In one Word, according to your Doctrine, *that* Man is a *Slave*, who is obliged to submit to the best Laws that ever were made, and to the mildest Government, that ever existed, if he did not give his previous Consent towards establishing the one, and enacting the other: And that Man is free, who submits to no other Government but that which he himself hath chosen, and obeys no other Laws, but those, which he himself hath helped to make; tho’ they should be in themselves as tyrannical and cruel, as unjust, and unreasonable, as can be conceived. So that the great Good of political Liberty, and the intolerable Evil of political Slavery, are according to this blessed Doctrine, resolved at

last into the single Words—CONSENT, or not Consent, What astonishing Absurdities are these!—And yet, alas! how prevalent, and contagious!

The Idea of a *Quasi-Contract*, instead of an *actual* Contract [which never existed] between any Sovereigns, and *all*, or even the *major Part* of their Subjects, would have prevented Men of good Intentions, and honest Minds, from falling into these gross Absurdities, and dangerous Mistakes. Therefore as the Term itself *Quasi-Contract* may be new to some Readers, tho' the Sense it obvious to every one, when properly explained, I will beg Leave to beslow some Words upon it, before I conclude this Chapter.

In all human *Trusts* whatever, from the highest to the lowest, where there is a *Duty* to be performed, which is not actually expressed, specified, or contracted for,—but nevertheless is strongly implied in the Nature of the Trust;—the Obligation to perform that implied Duty, is of the Nature of a *Quasi-Contract*;—a Contract as binding in the Reason of Things, and in the Court of Conscience, as the most solemn Covenant that was ever made. This I think is a plain Case; at least I cannot make it plainer, and therefore tho' I might illustrate this Matter by appealing to the Proceedings of the Courts of Equity, which are little more than the enforcing of the Performance of *Quasi-Contracts*, yet I will confine myself to Subjects, that are altogether political;—because I wish to meet the Lockians on their own Ground, and to confute them by their favourite Principles.

Be it therefore allowed, for Argument's Sake, that there is an *actual*, and not a *Quasi-Contract*, this Day subsisting in *Great-Britain* between Prince and People. The Question then is, When was this Contract made? And the Answer must be [for no other can be given] that it was made at his Majesty's Coronation, when he took a solemn Oath to govern his People according to Law; and when they on their Parts expressed their Consent to his Accession to the Throne by loud Huzzas, and Shouts of Joy.—Well: To take no Advantage of one material Omission among many, that the Spectators on this Occasion were *not a thousandth* Part of the People of *Great Britain* and *Ireland* [not to say a Word about the Colonies.] Let it be granted, that this was a good Contract, fair, valid, and reciprocal.—Yet the difficulty is still to come,—What was the Case *before* this Contract was made? And how stood Matters during the long Interval, which elapsed between his Accession, and Coronation? Or suppose, that he had not yet been crowned, Was the Prince in that Case, and during these nineteen Years of his Reign, not obliged to govern his People according to Law? Or were the People, on their Parts, not obliged to become his dutiful and loyal Subjects, 'till they had shouted and huzzaed at his Coronation? Resolve this Difficulty, if you can, on the Lockian Principle of an *actual* Contract: But if you will admit of a *Quasi-Contract*, the Difficulty vanishes at once: So that Reason and Common Sense, and the *known* *Laws* of the Land all co-incide in perfect Harmony: I said the *known* *Laws* of the Land, because it is notorious to all the World, that there was not one political Duty incumbent on either Prince, or People, *after* the Solemnity of a Coronation, but was equally incumbent *before* that Ceremony was performed.

Again: The Lockians stiffly maintain, that every Civil Government must be an Usurpation of unalienable Rights, if the People are neither permitted to assemble

together in their personal Capacities, for the Purposes of making Laws, for seeing them executed, and the like,—\* nor allowed to elect Deputies to represent them, and to act as their Attornies or Proxies. Well: Be this Position admitted for the present:—Nay, be it likewise admitted, that whenever the Freeholders or Freemen of any County, City, or Borough do appoint such Parliamentary *Attornies*, they have a Right to insist on their renouncing their own private Judgement (at least in Practice) in order to act in Conformity to the Instructions of their Constituents, and not according to the Dictates of their own Consciences. Such a Contract as this [for a Contract it must be of the Lockian Principle, if it be any thing at all] methinks, founds a little *odd*.—especially when considered as the diseriminating Characteristic of the professed Friends of Liberty! But let it pass at present among other *odd* Things.—And then comes the main Question to be resolved:—What Contract or Covenant have these Electors made with the other Members of Parliament, chosen by other Freemen or Freeholders, and for other Places, where they have no Concern, and no Right to interfere,—who nevertheless make Laws to bind *them*?—“Laws to bind them!” Yes to bind them *in all* [reasonable] *Cases whatsoever*, as much as the Members of their own electing. “Surely this is strange to tell:” And yet not more strange than true.—Therefore I ask again. What express Covenant or Stipulations have Mess. Priestly. or Price, made with the *rest* of the Members of Parliament,—perhaps not so few as 550 in Number, whom they did *not* elect,—and for whom they had *no Votes* to give?—I ask this Question even on a Supposition, that they had expresly covenanted with their own Members to act agreeably to those Instructions, which from Time to Time they were to have received from them?—Or do they indeed pretend to have an Authority to instruct *all* the Representatives of the united Kingdom, as well as their own?

But to return to the principal Subject. On the whole, and turn which Way you will, the Upshot of the Matter must come to this, that Civil Government is *natural* to Man;—and that at the Beginning, before the Human Heart was corrupted by the Tyranny of Princes, or the Madness and Giddiness of the People, by the Ambition of the Great, or the Crafts and Wiles of scheming Politicians, Civil Government as naturally took Place among Mankind, according to their respective Talents and Qualifications, as the Marriage Union between Adam and Eve so elegantly described by Milton.

In after Times we will readily allow, That the Scenes were greatly changed in both Cases:—But to argue from the present State of Things, occasioned either by the Mal-Administration of Governors on one Side, or by the false Pretensions of Demagogues on the other, or by the still greater Evils which the Public suffers by the Struggles and Conflicts, and Counter-Machinations of both;—to argue, I say, from these Corruptions and Adulterations to the Origin of Civil Government in its pure and uncorrupted State,—would be just as preposterous, as it would be to maintain, that Adam and Eve did not begin their domestic Government till the Marriage Portion was fixt and ascertained, till the Marriage-Articles were signed and sealed, the Jointure, Dowry, Pin-Money, &c. &c. all previously settled, and Trustees appointed for the due Execution of these several Contracts.

Therefore, to sum up all in one Word, let a thousand Revolutions happen in the Forms or Modes of Government, and ever so many Changes take Place in the Persons or Families of the Regents of the State, still Civil Government itself is no other than a public Trust, in whatever Shape it may appear, or in whose Hands soever it may be placed. In some few Instances [very few indeed] the Terms and Conditions of this important Trust may perhaps be ascertained and specified: But in Multitudes of others they cannot, tho' of the highest Concern: Yet wherever they cannot, they are *implied*: And this Implication may be very justly termed a Quasi-Contract.



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## CHAP. II.

### OBJECTIONS ANSWERED.

HAVING in the preceding Chapter humbly submitted to the Consideration of the Public, my own Opinion concerning the Origin of Civil Government, in Opposition to the Notion of Mr. Locke and his Followers, I esteem it my Duty in the next Place to endeavour to answer such Objections, as seem to militate the strongest against what has been advanced.

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## OBJECTION I.

“According to the foregoing Hypothesis, the higher Powers in every Country should be Heroes of the first Magnitude;—or if not Heroes in War, they should at least be endowed with the greatest Genius, the most distinguished and useful Talents in the Arts of Peace. For we are told, that it is their Superiority of natural Endowments, which, like Water finding its Level, laid the Foundation of Civil Government. Whereas, were we to turn from this ideal Perfection, to the plain, simple Fact, we shall find that few of the ruling Powers, especially crowned Heads, are wiser, or better, or braver, or more usefully employed than other Mortals. Moreover, according to the foregoing Representation of the Matter it should also follow, That on the Demise of any of these super-eminent, exalted Beings, a Kind of Dissolution, or at least a Suspension of Government ought to ensue, ’till another *Non-pareil* could be found out, in order to fill [worthily and properly] the vacant Throne.”

## ANSWER.

This Objection, smart and plausible as it may appear, is wholly grounded on a Mistake, which being removed, the Objection vanishes. The Mistake is this, That what was necessary, or expedient at first, must continue to be necessary, or expedient ever after. Whereas the Course of Nature in almost every Instance plainly proves the contrary.

Sir Isaac Newton and Mr. Boyle had most extraordinary natural Talents and Sagacities in their respective Provinces; which they improved by almost incessant Industry and Application. Their Discoveries in Astronomy, Mathematics, Optics, Natural Philosophy, Mechanics, Chemistry, &c. &c. &c. are wonderfully great and curious. But doth it follow, that every Man must have the Genius of a Boyle, a Newton, in order to be benefited, or enlightened by their Discoveries? And now, that they have led the Way, may not Men of very moderate Capacities, be able to tread in their Steps? Nay I will go farther, and even ask, may not an illiterate Mechanic [illiterate, comparatively speaking] by dint of mere Use and Practice, and by the Advantage of having good Models before his Eyes;—may not even such an one be able to construct, or to manage some of their most curious Machines in a much better Manner than the great Philosophers themselves could have done, had they been alive? Surely he may: For nothing can be more obvious, than that the Man, who cannot invent, may nevertheless by Means of daily Use, and Habit, be able to improve on a former Invention, greatly to his own Advantage, and that of others.

The Case in Politics is much the same; or rather it is a still stronger Confirmation of the foregoing Remark. For tho’ it may be necessary to have an Hero to found an Empire;—or [to come still nearer to the Plan of the preceding Chapter] tho’ it may at first require some extraordinary Efforts of an uncommon Genius, to form an Hundred Pair of independent Savages into a regular Community, and to bind them together with the Bonds of Civil Society,—yet when this is once done, and good Order and

Harmony well established,—Things will then go on, in a Manner, of their own accord, if common Prudence be not wanting. Nay, what is still more to our present Purpose, it is observable, that great Geniusses are likely to do more Harm than Good, if there should happen to be a Succession of them in the same Government, for two, or three Generations. The active Spirits of such Men, and their excentric Dispositions will not suffer them to remain in a neutral State; so that they will certainly be employed either for the better, or for the worse. And as Ambition, and the Lust of Power are the reigning Vices of the Great, it is therefore but too probable, that they will become bad Neighbours to other States, in Proportion, as they shall have less Occasion for exerting their Abilities at Home: Or if they should confine their Attention chiefly to their own Territories;—can it be a Doubt which Course they will take. Whether to encrease, or diminish the Privileges of their own Subjects?—In short. Woe be to the Country, which happens to be cursed with a successive Race of Heroes: Long Experience hath too fatally confirmed this Observation. And the Misfortune is, that the Subjects of these victorious Princes, are, generally speaking, so blinded with the Glare of Glory, and so intoxicated with the Fumes of Conquest, that they will be content to be enslaved themselves, provided they shall be so happy as to be employed in the glorious Work of enslaving others.—It must, I think, be allowed, that a Romulus was necessary to found *Rome*, and to bring that Set of Banditti, which he first drew together, into some Degree of Order and Regularity, by obliging them to submit to the Rules of Justice among themselves, and the Laws of Civil Government.—But after those good Ends were in Part accomplished, the mild, pacific Disposition, and the steady and temperate Conduct of a Numa, were much fitter to constitute a Successor, than the dangerous Abilities of another Romulus.

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## OBJECTION II.

“The Account given in the preceding Chapter of the Origin of Civil, or Political Government, must be liable to great Exceptions, because it confounds those Ideas, which ought always to be kept distinct and separate. Thus for Example, there is a Society, which may be called *natural*, and there is another which is *political*. And tho’ Man is formed by Nature to become a Member of both Societies; yet it is a very great Mistake to say, that he has the same Inducement, or that he is influenced by the same Motives in both Cases. As a gregarious Animal, he loves to associate with his like, and to herd with them. This is mere *natural* Society, and cannot be called *political*. And even after it had been perceived, that there are many Inequalities between the respective Powers, Talents, and Capacities of the several Members which compose this Society:—Perhaps indeed so great as would necessarily introduce some Kind of Difference, or Distinction among them; still it doth not follow, that these Distinctions should change natural Society into political. For no mere Meeting together, or Assemblage of the People, no Contiguity of Habitation, or Vicinage of Inhabitants ought to be allowed to constitute a State politic, till *Legislation* hath been actually introduced, and *Jurisdiction* exercised among them:—Which it is apprehended, could not be done without common Consent, or at least the Consent of the major Part.”

“In Fact, the Motives for entering into these two distinct Societies. the *natural* and the *political*, are not only different, but in a Manner *opposite*. For if Men are drawn to herd together as gregarious Animals, by a Kind of *instinctive Love*;—they may be justly said to be compelled to form political Associations by a Sort of *instinctive Fear*: That is, dreading the Approach of some alarming Danger, or desirous of retaliating some Injury received;—they collect their scattered Forces together, and put them under the Direction of one Man, or of one Set of Men, in order to be employed for the public Good and Safety. Now this being the proper Cause or Motive, and therefore the only true Origin of *political Union*, it is plain, that the very Description of it implies both universal Caution, and mutual Distrust. For in this Case, every Man acts from a Principle of Self-Interest, or Self-Preservation. And therefore it is *not credible*, that any Number of Men, in order to guard against one Danger, would rush headlong into another: It is not, it cannot be supposed, That rational Creatures would surrender up their natural Liberty and Independence, and with it, in some Sense, their Lives and Fortunes, without demanding any Security for the right Use and faithful Application of so great a Trust.”

## ANSWER.

When Mr. Locke was a very young Man, it was the Custom of the Pastors of his Time to make the junior Part of their Congregations to undergo the following strange Examination, “At what Day or Hour did you feel the Influxes of Saving Grace, and receive the Seal of your Election and Justification?” Something like the same Question is couched under this Objection, founded on Mr. Locke’s System, relating to the [supposed] Time of our first Entrance into a political Union, or Conserderacy with

the State, under which we live. For it seems, there cannot be any such Thing as a *natural-born* Subject: It is, according to the Lockian Doctrine, a Solecism in Language, and a Contradiction to common Sense. Surely therefore we have a Right to ask a Lockian this plain Question: As you say you are not a *natural-born Subject*, tho' born and bred here in *England*, be pleased to tell us. Are you *now* a Member of the *British* Constitution? Or are you not?—And if you are, When? Or from what Day or Hour did your Membership commence? Moreover what Ceremony of Adoption, Admission, Matriculation, or whatever else you will please to call it, was used by you, or by others on that solemn Occasion? The Answer to these Questions, it is apprehended, would be rather embarrassing; and might draw on Consequences, which a prudent Man would willingly avoid.

Indeed the whole Objection, tho' seemingly a new one, is nothing more than a Position of Mr. Locke and his Followers already considered and confuted. However, as it is here revived, and appears in something like a new Dress, let us bestow a Remark or two upon it.

“The Incredibility of sliding *insensibly*, and *without any previous Contract*, from that Society, which is merely natural, into that which is political!” But why, I pray, is this incredible?—“Because [says a Lockian] the Motives, or Inducements are not only different in themselves, but even contradictory. Inasmuch as the Inducement to form the one is instinctive Love, but to create the other is evidently Caution, Apprehension, or the Fear of Danger.” Now this is taking that very Thing for granted, which ought to be proved. And indeed it is one of those Arguments, which destroys itself. For if Caution is supposed to operate so strongly as to prevent the Formation of political Society, till Men had previously settled the Terms of this intended Association,—and had given, and received Securities for reposing a Trust and Confidence in each other;—it ought to operate still more strongly for the Prevention of natural Society, least the *strongest*, or the most *vicious* of these *ungoverned* Human Animals, when herding together, should bite, or kick, should seize on his Prey, and devour the *Weakest*:—A Circumstance this, which we must allow, might *possibly* happen. Therefore, according to this System, neither the Society which is called *natural*, nor that which is *political* can exist at all, till there has been a previous Contract entered into for the Safety and Preservation of all Parties. And yet methinks, it is rather difficult to conceive, how a Connection could be formed, how Terms could be settled, and a solemn Contract entered into, for binding all Parties, before Men had once met together, or indeed before they could *prudently*, or *safely* trust themselves in the Company of each other for this, or any other Purpose.

The Thing to be proved was this, that there must be some certain Period in each Person's Life, when he or she first commenced a Member of political Society.—A Period, when he or she surrendered up those Liberties, and that Independence which belonged to him or her, in a State of Nature, in order to receive from the Government of the Country, that Protection, and those Advantages, which result from Civil Society. Now such a Covenant as this, so peculiarly marked and circumstanced, could not easily have been forgotten, if it had ever happened. And therefore we must call upon the Lockians once more [each to answer separately for him or herself] to name

the Year, Month, Week, Day, or Hour, when this Contract was made between the Government of *Great-Britain* on the one Part, and A. B. or C. D, or E. F, on the other.

In the mean Time [as they will not be in Haste to inform us on this Head] let us endeavour to trace this, as well as other dangerous Errors of modern Republicanism, to their proper Source, in order to put the Friends of real and constitutional Liberty on their Guard against such Delusions.

The arguing from particular Exigences to general Practice, and from extraordinary Events to the usual, and (for the most Part) uninterrupted Course of Things, seems to have been the *Ignis fatuus*, which misled Mr. Locke, and all his Followers. Thus, for Instance, if there happened at any Time to be so much Discord, and such a Dissention between Sovereign and Subject, Prince and People, as could not be healed, without the Help of a written Compact, and a formal Treaty between Party and Party:—Then this *excentric* Emergence is urged as a proper Precedent for requiring the constant Use of formal Compacts in all Cases, and at all Times and Seasons whatsoever. Now this Reasoning is just as sound and judicious, as it would be to maintain, that if a most violent Remedy was deemed necessary to be prescribed in the last Stage of a most acute Disease, it would be right to prescribe the same Remedy in all Cases, and in every Circumstance that could happen, let a Person be sick, or well, and whatever his Complaint might be, or even if he had no Complaint at all.

Again, when any Number of independent Persons are incorporated into one Society by Means of a parliamentary Law, or of a Royal Charter;—it would be a very easy Matter not only to tell the Year, the Month, and the Day of such a *new* Incorporation, but also to assign the public Reasons or Motives for establishing such a Body Politic: Nay more, it is apprehended, that it would be no very difficult Task, even to point out the respective Views of Self-Interest and private Advantage, which some at least of these independent Persons proposed to themselves, by giving up their natural Independency, and putting on the Shackles (if they must be so called) of political Concatenation and Dependence. But in the Name of common Sense, what have such Cases as these to do with Civil Government at large? And what Affinity hath any political Institution of this Sort, where the Act of Incorporation is in a Manner *instantaneous*, with that *progressive* Course of Civil Society, which like the infant State of Man, [*moral* and *intellectual* as well as natural] grows up gradually from small Beginnings to Maturity?—As well might you pretend to define, where the Night ends, and the Day begins, as to assign the exact Period when that Society which is *natural*, puts on the Dress and assumes the Form of the *political*.—Besides, if it hath been already shewn in the first Chapter, that Mankind would insensibly slide into some Kind of Subordination or other, in Consequence of the Difference between their respective Talents, Genius, and Capacities;—I would here ask, How could they stop at any given Point of natural Society, and proceed no farther?—How indeed when 'tis also considered, that at the first Creation of the above-mentioned hundred Pair of Patriarchs, those Members of natural Society would be entire Strangers to every Kind of Fear and Jealousy, and to all that Apprehension of Danger, which the *Experience* of after Ages hath suggested to Mankind.

To make this Matter still plainer, if possible, I would hear observe, That in the Infancy of States and Empires, political Societies were not formed at once, as Guilds of Trades, or Companies of mercantile Adventurers, or Bodies Politic are formed at present, by Means of Paper, Parchment, and Wax, Signing and Sealing. But Civil Societies grew up by Degrees from small, and in a Manner, imperceptible Beginnings, according as the Numbers of Mankind increased, or as their Wants and Exigencies required. Nay, it is exceedingly probable, that neither the first Governors, nor the first Governed [or if you please, neither the Men of of superior Qualifications, nor those of inferior] had conceived the whole of the Plan, which they were afterwards to pursue through the rest of their Lives. But they were like Men groping in the dark, and feeling their Way by little and little. As new Lights broke in upon them, they still advanced: But it is very absurd to suppose that at first, they saw clearly into those Consequences or Relations of Things, which the present Science of Politics, raised on the Experience of Ages, hath discovered to us. Indeed, whenever new Cases did arise, it is natural to suppose, that such new Powers, both of Legislation and Jurisdiction, would be exerted, as those Cases required: But certainly the Society itself had an Existence before the Exertion of those Powers, or even before it could be known that they were wanted. So that in Fact, and in every View, this second Objection must be deemed to be as groundless as the former.

That which the Lockians ought to have said, is probably to this Effect. That tho' it be absurd to suppose, that Civil Government *in general* took its Rise from previous Conventions, and mutual Stipulations *actually* entered into between Party and Party;—and tho', whenever such a Contract as here supposed did take Place, *at some very extraordinary Conjunction*,—[a Contract, by the by, which could only bind the *contracting Parties*.]—Yet as Civil Government in general is in Reality a *Public Trust*, be the Origin, and the Form of it whatever they may;—there must be some Covenant or other *supposed* or *implied* as a Condition necessarily annexed to every Degree of Discretionary Power, whether expressed or not.—Had they said only this, they would have said the *Truth*; and their Doctrine would have exactly coincided with the Ideas of a *Quasi-Contract* before mentioned. Nay more, they would have avoided all those Paradoxes, which attend their present System, and render it one of the most mischievous, as well as ridiculous Schemes that ever disgraced the reasoning Faculties of human Nature.

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### OBJECTION III.

“Whatever Difficulties in Theory may be supposed to attend the Idea of a Contract *actually* [not *virtually*] subsisting between Prince and People; the Fact itself is so decisive in Favour of an *actual Contract*, that the bare mentioning of it, with its concomitant Circumstances, is enough to silence any Plea, or Pretence to the contrary. For Example,—even among the most unenlightened Nations, whether ancient, or modern, it is remarkable, that the Powers and Prerogatives of their Kings and Leaders were very limited, and circumscribed.—Sometimes extending little farther, than was just necessary for the carrying on a War, or conducting an Expedition with Secrecy and Success;—at other Times consisting of but little more than a bare Sufficiency to act the Part of powerful Judges and Mediators in civil Disputes;—and at all Times, so balanced by counteracting Powers, as never to be, in a *legal* Sense, unlimited, or despotic. The Case of the antient *Gauls*, as described by *Cæsar*, and of the *Germans* by *Tacitus*, strongly confirms what is here advanced. To which we may add that amazing Uniformity of Government so visible in the Feudal System of the barbarous Nations, which overspread all Europe, and exhibited every where a *limited* Constitution. If we wanted historical Examples of this Sort, our own Country might furnish enough. For surely the Mode of obtaining the famous Magna Charta here in *England*, and the History of the Wars between the Houses of Stuart and Douglass in *Scotland*, afford such flagrant Instances of a limited Monarchy, and a *conventional Constitution* (if I may use the Term) that more could not possibly be desired, or expected.”

### ANSWER.

These Objectors are very unfortunate in appealing to the Example, or Practice of *unenlightened* Nations for Proofs of actual [not virtual] Contracts subsisting between Prince and People, if by actual they suppose *written* Contracts. For it is hard to conceive, how written Contracts could have been in Use among Barbarians, before they had learnt to read and write. But if by *actual* the Objectors mean *verbal* Contracts, the Difficulty is indeed removed in one Respect, and as much encreased in another. For it exceeds even the Powers of Credulity itself to believe, That the Prince of any Country entered into a *verbal*, and *personal* Contract with every one of his Subjects,—or even with the thousandth Part of them, if his Territories were at all populous and extended. And yet there certainly is such a Thing as an *implied* Covenant [I say implied, not expressed] between every Prince, and every Subject throughout his Dominions, be the People many, or few in Number, and his Empire great or small. For every Trust implies a Covenant, or Condition of some Kind, or other, according to the Nature of the Case; and therefore these Trusts may with great Propriety be termed *Quasi Contracts*. So much as to *this* Part of the Objection.—Need any Thing more be added?

The other Part of the Objection is, “That all the Kingdoms in Europe, erected on the Basis of the Feudal System, were limited Monarchies.” Granted: For the Fact was



really so.—But what Inference can be deduced from this Circumstance?—Not surely, that these Limitations arose either from *written* Contracts, or from *verbal* Covenants, and *personal* Conferences made with each Individual, or even with the Majority of the Individuals of any of these States; [because these Things have been proved already to be impossible:]—But they arose from the aristocratical Power of the Heads of Tribes, or the Chieftains of Clans and Families, who in their military Expeditions, acted a Part more like that of Allies and Confederates with the Commander in Chief, than as his own proper Subjects: And who therefore, on the Division of the conquered Country, got so much Territory, and such Royaltic and Jurisdictions to be allotted to themselves, that they were all a Species of little Kings, each on his own Domain.

Granting therefore to these Objections every Thing they ask;—nay granting much more;—granting, I say, that the Heads of Tribes, and Chiefs of Clans of all the barbarous Nations of Antiquity, and more especially of *Gaul* and *Germany*, elected their Kings by *unanimous* Consent;—and that they bound them down to what Terms they pleased;—still the Question will return, Who elected these Heads and Chiefs?—And what Right of *fair* and *unconstrained Delegation* had they to act for others, as well as for themselves?—In fact, if the Chiefs of each Tribe, or Clan were not elected by *unanimous* Consent,—nay if they were not elected at all, What have we gained, by proving, That the Heads of these little Societies took great Care, that they themselves should be the only Tyrants?—Now, there is, I believe, not the least Vestige either in Cæsar, or Tacitus, or any other ancient Author, that the Individuals of each Tribe, or Clan, met together for Election of an Head, or Chief, in Case of a Vacancy.—No; these Chieftains acted on a quite contrary Principle respecting their own Power;—inasmuch as they considered, that they had an *inherent* and a *natural* Right to rule over their own Tribes. Clans, or Vassals, tho' none had such a Right to rule over them.—Consequently all the Parade about the Restraints and Limitations laid on the Power of Kings, according to the Gothic Constitution, and during the Continuance of the Feudal System, ends at last in this, *That the Kings were bound, but the Nobles were free.*—A Sample and Illustration of which Kind of regal Submission, and of Aristocratical Exaltation, we have, or lately had, in the Gothic Constitution of that fertile but unhappy Kingdom of *Poland*. Nay more, the History of Magna-Charta itself is a striking Proof, and Confirmation of this Point. For the Barons of *England*, in that Struggle with King John, did not sight in Defence of the general Liberties of the People of *England*, but for the particular Preservation and Continuance of their own Domination over their Vassals. And at the last, what little was granted to the People in, and by that Charter, [little, I mean, in Comparison to the Liberties they have since enjoyed] was obtained by the King himself, not only without the Assistance, but even contrary to the Good-Will and Approbation of his Barons. For when he saw himself in danger of being stript of so much feudal Power, which of Course would strengthen his Enemies in Proportion as it weakened himself,\* he obliged them to part with some of their exorbitant Claims, in Favour of their Vassals, according as they had compelled him to do the like in Favour of themselves. The Motives of his Action, it must be confessed, were not the purest, nor the most patriotic. But nevertheless the People in general reaped the Benefit. And thus it came to pass, that the Mass of the People of *England*, by a lucky Concurrence of Circumstances, and without any intentional Efforts of their own, got considerably by that famous Struggle, and thereby laid the happy Foundation of their future Greatness.

Now after having said so much in regard to England, we may be allowed to be very brief in respect to Scotland: For most undoubtedly, neither the great House of Douglas, in all their Civil Wars with the Crown, nor any of the Lords in the Lowlands, nor Chieftains in the Highlands harboured so much as a Wish to have their Power abridged over their respective Clans, Vassals, and Dependents, by their Attempts to abridge the Power of the Crown over themselves. As soon therefore should I believe that the late Mr. Beckford of famous, and patriotic Memory, in his Vociferation for Liberty, intended to set the wretched Slaves on his numerous Plantations in Jamaica free, as I could suppose, that a Gothic Baron meant to part with his Power over his own Vassals and Dependents, when he contended to abridge the regal Power over himself, and his Fellow Barons. And were the Planters in Jamaica to imitate their Brethren on the Continent, by setting up an intire Independence [Would to God, that not only they but all the Leeward-Islands were to do the like!—And that England had the Wisdom and good Sense to permit them to do it!] Were, I say, these Planters, to set up an independent Government, and to elect a King of their own,—there is no Doubt to be made, but that they would tie up his Majesty's Hands as much as possible, and make him little more than a Cypher;—at the same Time, that they would expect to be at full Liberty themselves to whip and scourge, and torture their poor Negroes, according to their own brutal Will and Pleasure. Nay, it is very observable, that the most eminent Republican Writers, such as Locke, Fletcher of *Sallowan*, and Rousseau himself, pretend to justify the making Slaves of others, whilst they are pleading so warmly for Liberty for themselves. And what is still more extraordinary, the greatest *American* Champions for the unalienable Right of Mankind, one the Generalissimo of the Republican Army, and the other lately the President of the Congress, have shewn by their own Example, that they have no Objections against Slavery, provided they shall be free themselves, and have the Power of enslaving others: For Mr. Washington, I am credibly informed, has several Slaves now on his Plantations, and Mr. Lawrens got his Fortune by acting as a Kind of Broker in the Slave Trade, buying and selling his Fellow-Creatures on Commission.

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## OBJECTION IV.

“One plain Matter of Fact is better than a thousand Arguments spun out of the Cobwebs of Metaphysics. And therefore the surest Way, in all Cases of Dispute, is to recur to the Fountain-Head, if we can; which in the present Case we may easily do, by appealing to an established Custom among the Savages of *America*. For it is an historical Fact, universally acknowledged, that the Individuals in each of their Tribes live in a State of absolute Freedom and Equality among themselves, in Times of Peace, without Subordination. Jurisdiction, or Legislation of any Kind: And that they only act in Concert, and submit to some Kind of Authority during a War. When that is over, the Power of their Chief, or Leader ceases of Course; and each returns to his original Equality and Independence. Here therefore we have the fullest Proof, and the clearest Illustration of the distinct Existence of the two Societies above-mentioned, namely, of that natural Society which is founded on the Attractions of instinctive Love,—and of that political Union, which arises from Fear, which operates by Consent, and is grounded on *actual Compact*.”

## ANSWER.

Is it fair, just, or reasonable, That any of the peculiar Customs of this savage People, [with whose History natural, moral, or political we are very little acquainted] should be urged in the present Debate, as Patterns of, or Examples to, the rest of Mankind? Before *America* was ever discovered we had the Customs and Manners of almost all *Europe, Asia, and Africa*, to descant upon;—a Field, one would have thought, large enough for every Theory of Government, and for all possible Investigations of Civil Society, without having Recourse to another Part of the World, which was discovered but as Yesterday. And now it is in \* Part discovered, we have the Mortification to find, that the original Natives, far from being the Ornament, are almost universally the Disgrace of Human Nature;—as having many Defects and Vices peculiar to themselves, with few, or no Virtues and Excellencies to counterbalance them. Surely then, our modern Patriots, and zealot Republicans might have spared both themselves and us the Trouble of going into this Part of the World in Search after *Models* of Government worthy of Imitation.

But nevertheless, as our Adversaries, after having been defeated every where else, have chosen to entrench themselves on this Spot, and to set us at Defiance, let us not avoid the Combat even on their own Ground, and let us not despair of being able to wrest the *Tomahoc*, their favourite Weapon, out of their Hands.

Now all that we know of *America*, relative to the present Subject, seems to be this, That the far greater Part of the Native Indians [Indians I mean, as they were formerly, before their Subjection, or those at present, who are not in Subjection to any European Power] may be divided into three different Ranks, or Classes, *mere Savages,—half Savages,—and almost civilized*. I do not mention these Distinctions, or Classes, as

accurate Definitions, according to logical Rules, but as Descriptions of Men, and Manners sufficiently exact for our present Purpose.

To begin therefore with those in the most perfect State of *American* Society, whom I call almost civilized. The Reason of giving them this Denomination is, because they had a permanent Government, Legislation, and Jurisdiction of their own before the *Spanish* Conquests, and enjoyed many Blessings to which the rest of the Natives of that vast Country were almost Strangers. These were the Subjects of the two great Empires of *Mexico* and *Peru*. The Question therefore is, How were these Empires formed? Did they arise from the actual and express Consent [I do not say, each Individual, but even of] the Majority of the Individuals, who composed them? Or were these Empires owing to some other Cause or Causes?—The Empire of *Mexico*, it must be owned, before Montezuma's Usurpation, was a *limited* Constitution: and therefore here, if any where, we may expect to find that solemn League and Covenant between the Sovereign and all his Subjects, which we have been so long searching after. But alas! here likewise we must be prepared to meet with a Disappointment. For the Restraints and Limitations laid upon the Emperors did not arise from any Compact solemnly entered into between the Sovereign and the People, or the Mass of the People, or even any Representatives chosen by the People,—but from the Aristocratical Power of the Nobles, or Princes of the Empire;—who, like the Barons of the *Gothic* Constitution in *Europe*, chose to have no other Tyrants than themselves: And that their \* Tyranny was very great is beyond a Doubt. Granting therefore, for Argument's Sake, that some solemn Convention had passed between the Emperor and the mighty Princes of his Empire, whereby he was bound to observe certain Conditions stipulated between them,—still the Question returns again, Who elected these Princes, alias great *Mexican* Barons? And what *social Compact* had they to shew for exercising any Authority whatever, much less despotic Authority, over their respective Slaves, and numerous Dependents? Or, are we to suppose, that these Slaves and Vassals first met to elect their respective Masters, and then told them, “We prescribe such and such Terms to you; and then you may, if you please, prescribe the like to your Master the Emperor?” Something like this must certainly be made to appear, before these Cases can be allowed to be any Kind of Confirmation of the Lockian System. In the mean Time, I will bring a Case in Point, which is a decisive Proof of the contrary in similar Circumstances. The King of *Bohemia*, for Example, and the Marquess of *Brandenburgh* (at War with each other in the Year 1777) are the two greatest Electors in the *German* Empire; the former of whom was likewise chosen Emperor a few Years before; and the latter is better known by the Stile and Title of the King of *Prussia*. Now there are extant Volumes of Imperial Bulls and Capitulars, which plainly shew, that the Electors have reduced the Powers and Prerogatives of the Emperor to little more than a Shadow. But what Benefits or Advantage can the oppressed Subjects of *Brandenburgh*, and of *Bohemia*, derive from these Limitations? And do the poor *Peasants*, and other Vassals of either of these great Princes dare to say, “You have no Right to reign over us, but what we voluntarily gave you by such and such Acts of our Assemblies? And therefore we will limit your Power over us, in the same Manner, as you limit the Power of the Emperor over you?” Dare they say these Things? Or indeed can they say with Truth, that either the *Bohemians*, or the *Brandenburghers* did ever elect the Houses of *Austria*, or *Brandenburgh* to be their respective Sovereign Lords and Masters?

But to return: The great Empire of *Peru* comes the next under our Consideration. And we read, that Manco Capac, and his Consort Mama Ocollo, were the Founders of it, by making the People believe, that they were the Children of the Sun: Which illustrious Pedigree, and imperial Title, the *Incas*, their Successors, laid Claim to ever after. Now a rank Republican may, if he pleases, spy out a social Compact even here: For he may assert, with his usual Confidence, that the *Peruvians* first met together in Congress, and after solemn Debate, and impartially scrutinizing the Matter, allowed the Proofs to be valid, which Manco and his Consort there exhibited of their lineal Descent from that glorious Luminary; and recognized their Title to the Empire. For my Part, I can discern nothing like a social Contract between equal, and independent Beings, in the Formation of this Empire: But I can see plainly enough, that Manco used, what may be called a *pious Fraud*, as Minos, Numa, and Lycurgus had done before him, in the like Circumstances. All which Examples evidently prove, that these Legislators were conscious to themselves, that their Plans even of doing Good, and of being of Service to Mankind, would have miscarried, had they trusted only to the Consent of the People, convened together *a la Monsieur Locke*, and had they not had Recourse to Measures of a very different Nature, by availing themselves of the popular Ignorance and Superstition.

So much as to the first Class of original *Americans*, the *almost civilized*.

The next is, the *half Savages*. Now these People may be so termed, because they were in a Kind of Medium State, between the more refined Inhabitants of the great Empires of *Mexico*, and *Peru*, and the gross Savages of the Woods and Deserts. They had a Property in Lands and Goods, and consequently some Sort of Industry, together with a Species of Legislation and Jurisdiction within themselves. The Countries, in which they principally dwelt, were *Florida*, and along the Banks of *Mississippi*, some Part of the great Continent, and particularly a District called *Bagota*, *Hispaniola*, *Cuba*, and all the greater Islands: Of whom in general one striking Observation may be made; that they had noble Families among them, who enjoyed *hereditary Honours*, and were possessed of ample Patrimonies, Dignities, and Prerogatives, which they transmitted from Father to Son, without any actual Consent, or Election of the People. Now whether these distinguished Personages [Some of whom claimed also to be descended from the Sun, like the *Incas* of *Peru*] Whether, I say, these great Personages, and Heads of their respective Tribes, Clans, or Vassals, ought to be called Chieftains, or Princes, or Kings, is very immaterial, and nothing to the Purpose. Evident enough it is, let them be called by what Name you please, that neither they, nor the People over whom they presided, ever dreamt of a social Compact, as the Foundation of their hereditary Power and Pre-eminence. Whether therefore their Fore-fathers acquired this Ascendency, and these Prerogatives, by Means of a certain Superiority of natural Endowments [according to the Supposition of the foregoing Chapter] which elevated them above the rest of their Species,—Or whether by Virtue of a patriarchal, regular Descent, or by what other unknown Means, is not worth the Inquiry; since it is obvious, that the Merits of the Cause cannot turn on these Points, that all of them are equally repugnant to the Lockian Hypothesis of Contracts and Conventions.

However, we may from hence take Occasion to make one very useful Remark, that the Antiquity of some Families, and the Respect and Veneration *every where* shewn

them, is another distinct Proof, that Mr. Locke and his Followers had not sufficiently studied human Nature, when they ascribed [at least their Arguments, and Train of Reasoning tend to ascribe] the general Pre-eminence of some Families over others to Contracts, Covenants, and Conventions. For it is not consistent with any Degree of common Sense to suppose, that the Dignity and Elevation of some Families, and the servile Condition and mean Estate of others, ever were, or ever could be settled by the mutual Consent of all Parties concerned, who met together in Congress for that Purpose;—each of them equal to, and all independent one of another. Moreover, what makes this Affair still the more extraordinary is, that such Respect paid to Family-Antiquity is greatest, by far, in those Countries, whose Inhabitants are the least removed from the original State of Nature. In rich Countries, for Example, such as *England* and *Holland*, the Honour of a long Pedigree is much lessened to what it formerly was, in Proportion as Riches and Opulence have encreased among the People: In *Scotland* and *Ireland* it still retains its Influence in the *poorer* Parts, but is evidently losing Ground in the *richer*, according as Manufactures and Commerce have begun to spread. In *France*, the Influence of Family is still considerable; in *Germany* much more, and in *Hungary*, *Poland*, *Moscovy*, &c. the most of all.

Now, what shall we say to these Things? For the Fact is really so, reason how you please upon it: And therefore, whether this Notion of *antient Blood* is well, or ill supported in *particular* Cases, still as it is generally so prevalent throughout the World, we ought, I think, to conclude, that it hath its Foundation in human Nature; Providence graciously intending to stimulate us to great and good Actions, and to prevent us from doing any Thing base and unworthy of our Ancestors. At the same Time, as such a Predilection in Favour of what is not properly our own, is liable to great Abuse, we ought to be the more watchful in guarding against the Abuses and Perversions of it.

Having said thus much, I leave it to every Reader to determine, towards which Extreme, that of paying too great,—or too little a Deference to the Antiquity of Family, and the Notions of high Blood, we of this Age and Country are leaning most at present.—For my own Part, I make no Secret of declaring, that had I now the Option, whether I would chuse to obey the Powers that be, or those that *wish to be*, I should have a mortal Aversion against submitting to the upstart Sway of an Adams, or a Laurens, or of any other of that Tribe. And Experience hath taught us long ago, that such Sort of newly exalted Beings grow to be the most insolent of Men, and prove the worst of Tyrants.

But to return: It is said, that besides these Aristocratical, or Patriarchal Governments in *America*, there were others subsisting [that of the *Thlascallans* in particular] which bore a nearer Resemblance to a Republic, than to any other Form. But even of Republicks, there are so many different Species, that it is hard to say, to which of our *European* Common-Wealths, the *American* could be supposed to bear the nearest Resemblance. Suffice it therefore to observe once for all, that neither in the old, nor in the new world, in antient, or in modern Times, was there ever, as far as appears, any one Republic, which was literally *democratical*, in the Lockian Sense of the Word, For even at *Geneva*. the most popular of all Governments, which I can think of, a Moiety at least of the Male and adult Inhabitants [not to mention Females, and Male

Youths] are excluded from giving Suffrages by the Constitution of the Place:—None but *Citizens* being permitted to enjoy that Privilege; mere *Commorantes*, and *Sojourners*, though of ever so long standing, and Natives of the Place, being all excluded. And were we to mount up into high Antiquity, and ransack the most celebrated Republics of *Greece*, for Proofs and Illustrations of this Matter, we should find that their Exclusions and Rejections were still greater,

Having now, it is to be hoped, had tolerable Success in this Part of our *American* Warfare, let us at last have the Courage to face that fell Monster himself with his Scalping Knife; the mere Savage;—of whom we have heard so much from Mr. Locke, and all his Followers, that in Times of Peace he bravely disdains all Subordination, because he is duly sensible of his natural Rights, and (to use Dr. Priestly's emphatic Words) feeling his own Importance, he considers himself as fully equal to any other Person whatever.

Well: The Scalping Knife, if you please, we will here lay aside, as having nothing to do with such an Instrument in this Dispute: Nor yet need we describe the canibal Feasts which these celebrated, independent Beings used to make on their Prisoners, after having roasted them alive. For as Mr. Locke and all his Followers not only allow but even insist, that the Savages generally elect a Chief, and submit to his Authority during a War, but return to their original Equality after it is over,—our Business is to find out, if we can, how it comes to pass, that they live in a State of absolute Independance, and without the Controul of Authority in Times of Peace;—those very Times, when the Advantages arising from Government and Law would have been productive of the most Good, and the least Evil, both to themselves, and others.

Now, in order to prosecute this Inquiry in such a Manner as would bring us the nearest to the Truth, we ought to compare these human Beings with others of their Kind, in every Point, which can give us any Light. For by so doing we have a better Chance of discovering the real Cause of this surprising Phænomenon, this grand Omission of a Civil Government for Ages upon Ages;—after the rest of the World, all Nations, People, and Languages, had established one every where, of some Kind, or other. If, for Example, this capital Defect is, in a great Measure, owing to some radical Weakness, or Imbecility in the corporeal and mental Powers, or moral Tempers of this singular People,—it is a Disease the more difficult to be cured, in Proportion as it proceeds from those natural Imperfections, which human Art and Instruction may correct in some Degree, but cannot totally remove. But then, if this be the Case, surely the Lockians have not dealt very ingenuously by us, in holding forth this defective Race, as a Sample of the Progenitors of other Men in their original State of Nature: And the Inferences and Conclusion, which they draw from this Instance of the *American* Savages, must pass for nothing.

1st. Bodily Constitutions: We will begin with these, because all Men, as well as Rousseau, are led almost naturally to suppose, that a Savage is a brawny Creature, healthy, vigorous, and long lived. His simple Diet, his Way of Life, and continual Exercise in the open Air;—and above all his happy Ignorance of the Delicacies, Luxuries, and Debaucheries of populous Towns and Cities, seem to indicate, that he must have a Constitution such, or nearly such as here described. How great therefore

is our Disappointment, when we are informed by the united Voice of History, that the Savages of *America* are in general, a loose-jointed, and weakly Race of Men, frequently afflicted with various Kinds of Diseases, and the least capable of undergoing any Degree of *hard*, and *constant* Labour, of any Human Creatures upon Earth: And moreover, that they are, in general, very far from being long-lived. Add to this, that their *beardless* Faces, and smooth Skins betray evident Symptoms of a cold Habit, and a lax Frame; inasmuch as they are destitute of the usual Signs and Characteristics of Vigour and Robustness in other Men. All this is surely ominous at first setting out: And yet every Tittle of it is true. Multitudes of Authorities might here be adduced to corroborate these Points. But I shall content myself with two, both of which for their Singularity, and for the Opening they give to various Speculations, eclipse all the rest.

The first is, the total Ineptitude of the Savages in general for Labour and Toil.

Every *European* Nation, which in their Wars with the native *Indians* has taken any of them Prisoners, hath attempted to make them work; but to very little Purpose. For after repeated Trials, and after using them smoothly, as well as roughly, it has been found, that the weakly Frame of an *Indian* would sink under that Portion of Labour, which was no more than Exercise to another Man. An old Planter from *South Carolina* told me about 35 Years ago, that the *Carolinians* being at War with a Tribe of *Indians*, had made the Experiment on some of their Prisoners; and found this Observation to be strictly true. “It appears to me, said he, that the *Indians* have the Agility of a Beast of Prey, but not the Strength of a Beast of Burden. They are light and nimble, and can march at a vast Rate for two or three Days; provided they have no heavy Burdens to carry: They can also subsist without Victuals for as many Days, and perhaps longer, by drawing their Belts closer and closer. But here ends all their Excellence. For when you take them out of this fauntring Life, and put them to any Kind of Labour, their Spirits droop, and they soon die.” Now, this strange Debility of Body was the very Circumstance, which gave rise to that most inhuman Custom of making Slaves of the Negroes of *Africa*, in order to spare the *Americans*:—of which detestible Practice the *English*, those prosessed Patrons, and Guardians of the unalienable Rights of Mankind, are, alas! more guilty than any Nation under Heaven: For they carry on a greater Slave-Trade than any others.

Las Casas. the *Dominican* Missionary, afterwards Bishop of *Chiapa*, was the first who began this Practice. And what is really astonishing, he began it from a good Motive. Shocked at the prodigious Numbers of native *Americans*, who were salling Victims to the Cruelty of the *Spaniards* in *Mexico* and *Peru*, by being made to work beyond their Strength, he conceived a Plan for hiring robust Labourers from *Old Spain*. But the Landed Interest both of the new, and the old World violently opposed this Scheme, through different Motives;—the former, lest their Country should be drained of its useful Hands by such prodigious Emigrations; and the latter, lest they should be obliged to give up that Power over the Natives, which they had so unjustly usurped, and of which they had made an Use barbarous, and cruel beyond Example. Being therefore defeated in this Project, he conceived another, in which he had none of his former Antagonists to oppose him:—Nay, unhappily for Mankind, he found them ready enough to join him; as soon as they perceived that his Scheme was



practicable, and attended with much Profit and Advantage: That was, To purchase Slaves on the Coast of *Africa*, and transport them to *America*. And thus it came to pass, that this misguided Zealot became the Author of that very Slavery, of those innumerable Murders, and Calamities to Millions and Millions of his Fellow-Creatures born on one Part of the Globe, which he was endeavouring to prevent, and exclaiming against, in another.—As if the black Inhabitants of *Africa* had not as good a Title to Life, and Liberty, as the copper-coloured Natives of *America*, or even the Whites of *Europe*.

The other Thing remarkable is the *sickly Habit* of these *Indians*. Indeed a sickly Habit, and a weak and tender Frame, are very often both the Cause and Effect of each other. But, to pass over this, let it be observed, that there were various Disorders to which the Savages were subject from their Mode of Living. For not having that constant Supply of Food, which is to be found in a civilized State, by Means of Agriculture, and regular Markets; but depending altogether on the precarious Events of their Fishing, and Hunting Expeditions, they sometimes abounded, and then they gorged most voraciously, eating their Fish and Meat almost raw: At other Times they suffered great Want, and were forced to fast for several Days. Hence Palsies, Pleurisies, Consumptions, and all other Diseases, which date their Origin from Indigestions, Repletions, and Inanitions, were very rife among them. Not to mention that terrible Malady, which once was peculiar to *America*, but now is diffused over every Part of the Globe, to the farthest Part of *Siberia*, and *Tartary*. [See the Abbè Chappè's Account of his Journey into *Siberia*.] But what is stranger still, these Diseases, and others of the same Stock, continued to make Havock among several of them, even after they had altered their former Modes of Living (at least in Part) by their Conversion to Christianity, thro' the indefatigable Zeal of the *Jesuit* Missionaries of *Paraguay*.

Muratori\* is the Author to whom I appeal on this Occasion: And his Testimony is the more to be depended on, as he is reputed not only a very faithful and exact Historian, but also as he particularly endeavoured in this Treatise, to set forth the Contrast in the strongest Point of Light, between the *Indians* of *Paraguay* in their converted, and unconverted State. His Words are these: "Hitherto it has been impossible to moderate their ravenous Appetites. Custom, and a craving Stomach, which has a great Power over them, have *prevailed constantly* against all the Instructions they have had, with regard to the Advantages for the Preservation of Health: And so they continue to eat without Moderation.—This Irregularity is the Cause of many *Infirmities*, that descend from Father to Son. What is worse, the *Indians*, when indisposed, cannot take the least Care of themselves. A Reduction [This is a Name given to a Number of Savages converted to Christianity by the Missionaries, and incorporated in one Politico-Ecclesiastical Community] of seven or eight Thousand Souls is esteemed very happy, that has only two Hundred sick at once, or reduced to keep their Beds." Now, I say, this Circumstance is a very strange one, and not to be accounted for according to the common Vicissitudes of Health, and Sickness here in *Europe*. For even in those Sinks of Vice, Debauchery, and Disease, *London* and *Paris*, there hardly ever is an Instance, unless during the Violence of some epidemical Distemper, that out of a Parish consisting of seven or eight Thousand Souls, two Hundred of them, at an Average, are always sick, and obliged to keep their Beds. And were we to compare this *American*

Account, with the Bills of Health of our large and populous Parishes in Country Towns and Villages, we should find that there are not sixty Persons always sick, out of eight Thousand, taking the whole Year together. Thus much as to the *Bodily Constitutions* of these poor miserable People.

In respect to the intellectual Powers of these Savages,—very narrow and confined they are, according to the Relation of all Historians. Muratori observes, “That the Indians, before they were taught Christianity, had no Word to signify any Number above four: If they would signify five, they held up one Hand, if ten, both: To express twenty, they pointed to both hands and feet: Any number above twenty was expressed by a generical Word, that signified many. They could not distinguish a Number of Years, Persons, or Things, that should be told exactly. But now they learn Arithmetic from their Infancy. Nor is this all: On *Sundays*, after Divine-Service, the Numeration-Table is repeated to the People in the Church, that the Indians may retain better what they learned in their Infancy.”—Surely a more convincing Proof need not be given of a slow and dull Understanding, than what is here mentioned. Indeed Dr. Robertson takes Notice, that the very Negroes consider themselves as a Race of Men much superior to the Indians in Point of mental Endowments; and therefore treat them with no small Scorn on that Account. In short the original Natives can hardly be said to discover either a fertile Genius, or a solid Judgment, in any thing they either say or do:—At the same Time, that they are remarkable for Patience, and Perseverance almost invincible in prosecuting such things, as they have undertaken to accomplish, be they what they may. But the worst Part of their Character is yet to come,—Namely,

*1st,—Their Want of Tenderness, Sympathy, and Affection;*

*2dly,—Their astonishing Laziness and Improvidence;*

*And 3dly,—Their Gloominess, Sullenness, and Taciturnity.*

With respect to the first Class of these bad Qualities, all Historians agree, without one Exception, that the Savages in general are very cruel and vindictive, full of Spite and Malice; and that they have little, or no Fellow-feeling for the Distresses even of a Brother of the same Tribe,—and none at all, no not a Spark of Benevolence towards the distressed Members of an hostile Tribe. But the Missionaries, to their eternal Praise be it spoken, have converted these bloodthirsty, unfeeling Animals, into a very different Sort of Beings: So that if the Accounts given of them are true, or even near the Truth, there can be hardly a more liumane and benevolent People upon Earth, than the *Indian Converts of Paraguay*.

But in Regard to the second Class, namely, Their Indolence, Laziness, and astonishing Improvidence,—here alas! it may be asked, Can the Ethiopian change his Skin, or the Leopard his Spots? For with respect to these Evils, the Missionaries, with all their Zeal and Emulation, with all their Arts of alluring the Passions, and captivating the Imaginations of an ignorant, and simple People, have not been able to work a radical Cure;—if indeed it can be called any Cure at all. Muratori’s Observations are very striking on this Head; and after him I will refer to others.

“After having assigned, says he, (Page 141,) a Parcel of Land, more than sufficient to maintain each Family, they [the Missionaries] distribute among them the Quantity of Grain that is necessary to sow their Ground, but on this Condition, that after Harvest, they shall bring to the public Stores as much Grain as they have received, that the common Fund of Seed-Grain may be always kept up. ? Without this Precaution the Indians would certainly eat all their Grain, and leave themselves even without Hopes of another Harvest.

“Every Family has a Pair, or two of Oxen *lent* them for their Husbandry. ? If they were the *Property* of the *Indians*, the poor Animals would soon be passed all Service. For it has often happened, that some *Indians*, to spare themselves the daily Trouble of putting the Yoke on their Cattle, never took it off. Others would knock them down, and soon eat them up, without giving any Reason, but that they were hungry. Now indeed they are more careful of them, as they are *obliged* at the Expiration of a certain Term, to restore them in good Plight. Whatever Care is taken, Provisions are wanted by many about the *Middle* of the Year, either through Sickness, or some private Misfortune they have suffered; or it is owing to their *imprudent Profusion*,—To sence against these Inconveniencies, they [the Missionaries] take this Method. Besides the Lands assigned to Particulars, there is a considerable Extent of Ground, the best, and most fruitful that they can find, which the *Indians* call *Tupambae*, that is, the *Possession of God*. The Management is committed to some understanding laborious *Indians*. This is cultivated under their Direction, by the Children of the Reduction, who to the Age of fifteen are employed in this Work, and who supply by their Numbers, what they want in Strength—All Grains. Fruit, and Cotton gathered from the *Tupambae*, are deposited in the public Granaries and Store-Houses, in order to be distributed in the Course of the Year to the Sick, the Orphans, the Handicraft’s Men, who have no Profit from their Labour but being fed and maintained at the public Cost; in a Word to all such as are any Ways *dispensed* from Tillage by their Employment and Business, and even to those, who thro’ their *own Negligence*, or some Casualty reach the End of their Provisions before that of the Year.”

“Keeping the Indians in Clothes does not require less Attention. Were this left to them [the converted Indians] *they would soon go naked like the Savages*.” Pages 143, 144, 145. Thus far Muhatori: To whom we might add Abundance of other Authorities, were we not apprehensive of having been too tedious already. Suffice it therefore, briefly to observe, from Dr. Robertson, and other Historians, that this inbred Laziness, and unaccountable Indolence, so visible throughout all the original Natives of America, do not arise from the Want of *Mementoes* of every Kind, were this Class of Men but wise enough to take the proper Warning. Thus for Example, the *Indians* dwelling in the higher Latitudes both in *North* and *South America*, feel the Colds, and Frosts, and Snows of Winter, as sensible as any People whatever: Indeed perhaps more so, as their smooth Skins are evident Symptoms of a cold Constitution: Yet all this is not enough to teach them to get a Stock of *warm Cloathing* in Readiness, against the Approach of cold Weather. The same Observations may be made with respect to *Dwelling*. For the return of every Autumn might put them in Mind, that *that* is the Season for them to repair their Cabins, and to make them strong, warm, and comfortable, before the Rains, and Snows fall, and Frost sets in;—yet the lazy Indian puts off these necessary Repairs from Day to Day, ’till it becomes too late, or at least

so late in the Season, that he cannot do it effectually, if he would. In short, he seems to be incapable of using any Forecast: For even the Example of the provident, and industrious Beaver, in a like Situation, tho' continually before his Eyes, is lost upon him. Lastly, if any Teaching could suffice, respecting Food, one would think that the voracious Stomach of an *Indian*, and his frequent Disappointments, might tell him, that it would be much better to cultivate some Spots of Ground near his Cabin, and to tame some Animals for domestic Use (which he might do by Way of Amusement and Recreation) than to depend on the uncertain Events of Fishing and Hunting, which he knows must cease at some Seasons of the Year, and which so often fail, that hundreds of *Indians* are annually obliged to live on the bad Food of wild Roots, Plants, and Berries, and even of the most nauseous Reptiles, for a considerable Time, till Death itself puts an End to their Misery.—Yet alas! plain, and instructive as this Voice of Nature is, it is ineffectual to work a *practical* Conviction on the Minds of this stupid, and unthinking People. Nay more; the Missionaries themselves, who according to the Faith of the converted *Indians*, are invested with the Keys both of Heaven and Hell, and can dispense either Happiness or Misery both in this Life and the next;—these Missionaries, I say, who have civilized the Savages, and have wrought great, and happy Changes in them in several Respects; who are therefore beloved almost to Adoration—yet even they are not able to work any tolerable Reformation respecting the capital Points of Laziness and Improvidence, so deeply rooted in the Constitution of an Indian: So that the utmost they can do, is to palliate an unhappy, hereditary Disorder, instead of performing a radical Cure.

Hence therefore it comes to pass, that when the Savages in their natural State, are destitute of the Benefit of such faithful Monitors, such wise and able Governors, as the Missionaries have proved themselves to be, they frequently kill their infant Children, because they are not provided with the Means of rearing them up. Thus for Instance, if a Mother should die before her Child is weaned, the Child must be destroyed, there being no Nurse for it: And then it is buried in the same Grave with its Mother. A like Circumstance happens, when a Woman is delivered of Twins; for one, or other of these Innocents must be put to Death, because she cannot rear them both. And as she receives no Assistance from her Consort, or next to none, towards the Support of their common Offspring [he on the contrary always using her as his Drudge, and expecting, when he kills the Game, even at the Distance of several Miles from their Cabin, that his Squaw should go to fetch it Home.] She herself frequently procures Abortion, in order to be freed from the excessive Fatigue of rearing up Children, and of providing for their Sustenance by her own Toil. Nay, we are informed, that there have been Instances of Mothers having murdered their female Infants, through mere Tenderness, foreseeing the perpetual Misery to which they would be exposed, after they were grown up. For this, and for other Reasons it is observable, that savage Nation, ? never increase, and multiply like other Men. Nay more, Muratori, and all the Historians agree, that when the Savages have been unsuccessful in their hunting Expeditions, and are extremely pinched with Hunger, they hunt, kill, and eat one another. See particularly the Lord Bishop of *Oxford* [Secker's] Sermon preached before the Society for propagating the Gospel, 1740-1. Page 8.

Now, as one Evil follows another, all these horrid Consequences, and perhaps many more, derive their Origin from that almost unconquerable Aversion to Labour, which prevails so universally in this defective Race. For were they but frugal, and industrious, even in a moderate Degree, they might not only prevent those Calamities, with which they are often so grievously afflicted, but also abound in all the Necessaries, and in many of the Conveniencies, and Elegancies of Life. But alas! industrious, and provident they will not be: Indeed their very Natures seem to be repugnant to it: For we find, that the Missionaries themselves would have failed of Success, had they urged no other than *rational* Motives to induce the Indians to Labour; and then had they left it to their own Choice, whether they would work, or not, without using any Sort of Compulsion.

This being the Case, can we want a Reason, why Civil Government is not introduced among the Tribes of Savage *Indians*?—Yea rather, might it not be very properly asked, How can it be introduced among such a Sort of People?—that is, How can the Expences of Government be supported by a Race of Men, who will not work enough to support themselves? Besides; Of what Use, would it be to them? For as to \* Property, that great Source of Litigation among other Men. They have nothing to contend about; because they have no Labour, which is the Foundation of Riches: So that they are all equal, because equally poor. Having therefore no special Right to Lands, Woods, or Waters, one more than another, there can be no Disputes concerning them. And as to their Wives and Children, the mere Savages seem to be quite careless and indifferent about such Sorts of Chattels. In short, their general Mode of Life is this: They fish, and hunt wherever they think it most likely for them to get Plenty of Fish, or Game: Then they greedily devour what they have caught: After this they sleep; and when they are hungry, they fish, or hunt again; giving themselves little, or no Concern, what is to become of them, or how they are to subsist, when these Resources shall fail. Now, whilst they remain in this Situation, and follow such a Course of Life, Civil Government must be almost, if not altogether an *useless Thing*:—In fact, it never can be of any real Service, unless it causes them to forsake their savage Manner of living, and to become civilized. Then, indeed, notwithstanding the Ravings of Rousseau, it must be owned that it would be of signal Advantage to them, and a great Blessing. But in order to accomplish these good Ends, there are very great Difficulties to be encountered. For first, you must either change and alter the whole Frame of their Constitutions, if I may so speak, in order to render them fitter for receiving a good and liberal Plan of Civil Government: Or, 2dly. You must oblige them to submit to those Terms which you shall prescribe, by the mere Dint of *absolute Power*, according to the fundamental Maxims of the great Empires of *Mexico*, and *Peru*:—Or 3dly. You must win them to cooperate with your Measures, by such Combinations of Force and Persuasion, happily blended together, as the Jesuit Missionaries have devised and practiced in the Countries of *Paraguay*. The first of these is, I think, beyond the Reach of any human Power to effect.—The second is certainly no actual Compact, voluntarily entered into between equal and independent Beings;—the Lockians themselves being Judges: And as to the third,—If these enlightened, and benevolent Philosophers will undertake the Province of Missionaries to *Paraguay*, or to any other *American* Country, now the *Jessuits* are expelled, may good Success attend them! And may no one detract from the Merits of their Labours!

In the mean Time, and 'till they shall have returned from this Expedition, let them learn a little Modesty here at Home; and not boast of Victories, which they never won. Let them in short, be silent for the future, on this Topic: And let them not din our Ears with the Examples of the Savages of *America*, as being any Proofs and Illustrations of their Hypothesis;—which, when thoroughly discussed, and accurately examined, prove and illustrate just the contrary.

Respecting the third Class of *bad* Qualities, their native Sullenness and Taciturnity;—It has been frequently observed by Travellers, that the Savages of *North-America* are, in general, a joyless Race, seldom discovering any Symptoms of Gladness, unless when exulting over a vanquished Foe, and contriving to inflict some new Torture. Moreover, it has been noted, that they are such Strangers to the Pleasantries of Conversation, and so sparing of Speech, [except, when haranguing in Public, in order to prepare for, or to give an Account of, some hostile Expedition] that they will spend whole Days without uttering a Word, contenting themselves with dumb Signs and Nods.

Surely, surely Mr. Locke and his Followers either did not know what they were about, when they ventured to produce these unhappy, defective Beings, as the Prototypes of Mankind in all other Countries;—or they must have acted a very disingenuous Part, if they knew better, and yet wished to serve their Cause at the Expence of Truth.

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### CHAP. III.

#### ***A Comparison Of The Different Forms Of Government With Each Other,—A Preference Given To The Mixt, And The Reasons Why,—The Republics Of Sparta, Athens, And Rome, Proved To Be Improper Models For A Commercial State,—The Supposed Unalienable Right Of Each Individual To Be Self-governed In The Affairs Of Legislation, Examined, And Refuted.***

ACCORDING to the Lockian System there ought to be no other Legislators but the People themselves,—or those at least whom the People had expressly commissioned for that Purpose;—nor ought there to be any Magistrates, Judges, Justices of the Peace, civil or military Officers, or any executive Powers whatever, but such only, as either mediately or immediately receive their Commissions from the People. Every other Species of Legislation or of Government is, it seems, a manifest *Usurpation* of the *unalienable* Rights of Mankind, let the Antiquity of it be ever so remote, or the System and Administration of it ever so productive of public Peace and Happiness.

It is to be hoped, that these idle Notions have received a full and satisfactory Confutation in the former Part of this Work. However, though we must reject the absurd Doctrine of personal Contracts between Prince and People, as a Thing which never existed in any State, and which never can (except perhaps in a very small Village for a few Days, or rather Hours) yet as all Governments whatever are so many public Trusts for the Good of the Governed;—therefore there is a Contract *implied*, though not express, a *quasi*, tho' not an *actual* Contract always subsisting between all Sovereigns, and every one of their Subjects. The Consequence of which is, as hath been afore observed, That these *Quasi-Contractors* ought to be made responsible to each other, for the due Performance of their respective Engagements.

This being the Case, we are now to consider which is the best Method of *obliging* these reciprocal Contractors to perform their respective Duties;—the best I mean, as being the safest and easiest, as well as the most effectual.

In respect to one Side of the Obligation, viz. The Duty and Obedience of the People,—the Rulers themselves are to enforce this Part of the Covenant, and no others. For as they are to enact the Laws, and as they likewise, or their Deputies, are to put them in Execution, it is their Duty, as well as their Interest, to see, that none but good Laws are made, and when made, that they are impartially and universally obeyed. Therefore, if they should permit the People wantonly to trample upon legal Authority, and to transgress with Impunity, the Blame must rest upon themselves. For Lenity in such a Case is only another Name for Timidity; and Timidity and Government, where the public Good is concerned, are inconsistent Things. Only let

me add, that those Laws are the readiest obeyed, and therefore the easiest to be executed, which are plain and simple, and obviously calculated for the general Good,—not to serve a present Turn, or gratify a Faction. Therefore great Care should be taken to enact such only as will stand the Test, and bear to be examined by this Rule. For when any of the Laws in being are of such a Nature, that it would be better to connive at their Infraction, than to enforce their Observance, it is high Time that such Laws should be repealed. Indeed every Plea or Pretence for their Continuance, is only so many Evidences, that Mankind had much rather find out Excuses to gloss over that System, which they know they cannot defend, than ingenuously to acknowledge themselves in the wrong, and alter their Conduct. Thus much as to the *Governing* Part in all Societies, let the Form of the Government be whatever it may.

We are now to turn to the opposite Side, the Case and Circumstance of the *Governed*.—Here therefore we must set out with this Inquiry, How shall the People receive a *reasonable* Security, that the Powers, wherewith their Governors are entrusted for their Good, both in making Laws, and in executing them, shall not be misapplied?—That there is a Danger of Misapplication is, alas! a Case too apparent to admit of any Doubt. And therefore the Question comes to this;—First, What is to be done, in order to prevent, as far as human Foresight can reach, the Misapplication of such a Trust? And 2dly. What Methods should be taken to cure those Evils, or redress those Abuses, which either were not, or could not be prevented at the first, so that Government in general may be restored to its original Ends and Uses, the Good of the Governed?

To solve these Questions in any Manner, that can bear some Proportion to the Importance of the Subject, several Points ought to be previously considered:

As *1st*. What are those essential Principles, on which every Government must be founded, and by Virtue of which it doth actually subsist?

*2dly*. What are those Forms, or exterior Modes of Administration, which give distinct Denominations to different Governments?

And *3dly*. Which Form affords the best, and most reasonable Security to the People, that they shall be well and happily governed?

With respect to the first Branch of the Inquiry, there must be *Power*, *Wisdom*, and *Goodness*, subsisting in one Degree or other, in every Government worthy to be so called, let the exterior Form of it be whatever it may.

For Example, without *Power* the very Idea of Government is annihilated; and there are no Traces of it left.

Without *Wisdom* to conduct this Power towards some certain End, or Object, the Thing itself would not be *Power*, in a *moral* Sense, but blind Impulse, or mechanic Force.

And without *Goodness* to influence and incline the Operations both of Wisdom and Power towards some benevolent Uses, conducive to public Happiness, the Efforts of



Wisdom would in effect be Knavery, Trick, and Cunning; and the Display of Power mere Tyranny and Oppression. There must therefore be a Coalition, or Co-operation of all three, in order to form a Government fit to rule over such a Creature as *Man*.

Secondly, as to the several *Forms*, or external Modes of Government, they are almost as complicated and various, and their Origins as different, as the Degrees of parental Authority may be supposed to vary in different Cases,—or as the Skill and Foresight of discerning and good Men may be found to be greater or less in others,—or as the Caprice and Humour of the giddy Populace,—or lastly, as the Intrigues, Wiles, and Address of popular Leaders, or daring Usurpers, may happen to prevail. But notwithstanding this great Variety, and these different Origins, all Sorts of Governments may be reduced to four Classes,—the Monarchical,—the Aristocratical, the Democratical, and the Mixt. Let us therefore endeavour to investigate the *Quasi-Contracts* contained or implied in each of these Forms, in order to discover their respective Excellencies or Imperfections.

Now this very Attempt will usher in the third grand Inquiry, namely, which of the several Modes of Government affords to the People the best and most reasonable Security against the Misapplication of the Trust reposed in the Governors for the Sake of the Governed.

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## I.

### MONARCHY.

Of all the Forms of Government, *Monarchy*, according to all History sacred and profane, is the most antient: It is likewise the most extensive and universal, for a very obvious Reason. For as it is neither clogged in its Motions, nor counteracted in its Schemes by rival Factions, it can exert more Power both offensively and defensively, and with greater Ease and Expedition, than either of the other Forms. Consequently it would be the very *best*, were there a Certainty, that it would be endowed with *Wisdom* and *Goodness* proportionably to the Advantages it receives from united Strength and combined Power. But here, alas! lies the great and incurable Imperfection of all human Monarchies. An earthly Monarch cannot see every Thing with his own Eyes, nor hear with his own Ears, even were he ever so well disposed to do what is right, and to make his People happy. Moreover he is continually subject to strong Temptations to abuse his Power through various Motives, some of them of a pitiable Nature, and others highly blameable. Add to this, That the very Persons, who ought to inform him better, and dissuade him from pursuing wrong Courses, are, generally speaking, the most intent in keeping him ignorant of what is right, and to divert his Thoughts from the real Welfare of his People. Hence it is, that they study his Weaknesses with a View to flatter his Vanity, gratify his Vices, inflame his Passions, and to instigate him to divert that very Power towards accomplishing some By-ends of their own, which ought to have been consecrated to the Promotion of public Happiness. For these Reasons an absolute Monarchy in the Hands of such a frail, imperfect, and peccable Creature as *Man*, is by no Means a desirable Species of Government.

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## II.

### On ARISTOCRACY.

Nor is an *hereditary* Aristocracy much more preferable than an absolute Monarchy. For it is subject to several of the same Inconveniences, without that Glare of Glory, which surrounds a Throne, and which, by amusing the Bulk of Mankind, captivates their Imaginations, and attaches them strongly to that Form of Government. However, it must be allowed, that there are Advantages attending an Aristocracy, *provided it be a numerous one*, which serve to mitigate some of its greatest Evils, and to provide an Antidote against others. For its very Numbers, which occasion so much Faction and Contention, serve as a preventive Remedy against their conniving at each other's Tyranny and Oppression: So that out of mere Spite to each other, they become a mutual Check on the Conduct of Individuals. Likewise they often enflame each other with an Emulation of doing Good: Hence therefore it is, that in Matters of mere civil Concern, where the Disputes are only between Man and Man in private Life, there we find, that Justice is administered under an Aristocratical Government impartially enough, and that Life, Liberty, and Property, are as well secured under that Form, as under any other. Indeed it must be confessed, that wherever the Aristocratical Power is supposed to interfere with some particular Branch of the People's Rights, there the whole Body of the *Nobles* will immediately oppose the Demands or Expectations of the *Commons*, and act as one Man in keeping them still in Subjection. [Moreover, wherever the Lords have such a personal Jurisdiction over their Vassals, as is distinct and separate from the general Jurisdiction of the State (which is still the unhappy Case in *Poland*) there Despotism and Tyranny prevail to a shocking Degree, without the Hopes of any Thing to counter-balance, mitigate, or correct them. And I will add, that there cannot be a worse Constitution upon Earth than an Aristocracy of Barons tyrannising over their Vassals;—or, what comes to nearly the same Thing, of Planters amusing themselves with the infernal Pleasure of whipping and slashing their Slaves.]

Therefore, were it to be asked in general, what Degree of *Power*, *Wisdom*, and *Goodness*, naturally belong to an Aristocratic Government,—I think it would not be difficult to give an Answer clear and satisfactory enough.

For as to Power, it is *externally* very weak, even on the *defensive* Side, where it ought to have been the strongest, being hardly able to protect itself against Invaders. This Weakness is owing to its numerous Factions and Divisions caballing against, and thwarting each other:—The secret Springs of which are more frequently to be ascribed to foreign Gold successfully applied to the pretended patriotic Leaders of each Party, than to any other Cause. But *internally* all those Factions and Divisions cease; inasmuch as the poor Subjects are destitute of the Means of making the like Application. Moreover, as they have no Persons particularly appointed to represent them in this Form of Government, they have none to stand forth as their Guardians and Protectors, being left in a Manner without Defence. Here therefore an Aristocracy

is the strongest: Because the Nobles will of Course unite against the Plebeians, in maintaining, and perhaps extending, the Dignity and *Power* of of their own Order.

As to the *Wisdom*, which may be supposed to be contained in this Institution, it has certainly some Advantages over a Government merely monarchical, or merely popular. For all the Members, of which it is composed, are by then Education, their Rank in Life, and other Circumstances, better qualified than most others, to enact Laws with Judgment, with Prudence, and a Knowledge of the Subject. The Independence of their Station, and Distance from mercantile Connections, prevent them from making Laws respecting Trade and Commerce with a View to some present dirty monopolizing Job: And being Sovereigns themselves, they are not compellable to submit to the arbitrary Will of an ignorant or absurd Tyrant, nor yet to obey the imperious Dictates of a foolish, headstrong, conceited Populace,\* who are almost universally bent on gratifying some present destructive Whim, at the Expence of their future Happiness. Moreover as to the executive Part of an Aristocratical State, that, as I observed before, is tolerably free from very gross Abuses;—because it is under little Temptation to act amiss, except in those unfortunate Cases, where the peculiar Interests, Honour, or Dignity of the Patrician Order happen to interfere with the general Welfare of the People.—There indeed, it is much to be feared, that the *Quasi-Contract*, on the Part of the Nobles, would be made a Sacrifice to their Lust of Power, their Pride, and Ambition.

Having said thus much as to the *Power* and *Wisdom* of an Aristocracy, the Reader will of his own Accord suggest to himself every Idea that is necessary, concerning the *Goodness* or *Benevolence* of such an Institution.

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### III.

#### A MERE DEMOCRACY.

The third Class of Civil Government is the *Democratical*.—I mean, a Democracy literally such, unmixed with any other Form: Where therefore all the adult *Males* [and why the adult *Females* should be excluded, is impossible to say] are supposed to assemble together, whenever they will, in order to deliberate and vote on all public Affairs, to change and alter, to pull down, and build up, without Controul, and as often as they please.—Consequently, where every adult Individual is to consider himself as his own Legislator, his own Governor, and Director in every Thing.—Happily for Mankind, this wild and visionary Plan of a *free and equal* Republic is absolutely impracticable in any District of larger Extent than a common Country Parish! And happily again, even there it could not subsist for any Length of Time, but must be transformed either into a petty Sovereignty or Aristocracy, or at least into an Oligarchy, much after the same Manner, and for the same Reasons, that the Business of populous and extensive Parishes here in *England*, devolves at last into the Hands of a *few*, and is managed by a *select Vestry*.

But waving all Considerations respecting the several Changes it may probably undergo;—let us, since so much Stress is laid upon it by our modern Republicans,—let us, I say, consider it in its own Nature, as either abounding, or deficient in the three Qualities afore mentioned, of *Power, Wisdom, and Goodness*;—Qualities, so essential for the Formation and Establishment of all Civil Governments, that none can subsist without them in one Degree or other.

And 1st as to *Power*;—Scanty indeed must the Pittance of Power be, which is to result from the Union of 40, 50, or even 100 Savages, issuing forth from their Dens and Caverns, and assembled together *for the first Time*, in order constitute a *Body Politic*. We will not now enquire, *Who* among this Herd of equal and independent Sovereigns had the Right of appointing the Time and Place of Rendezvous for the rest of his brother Sovereigns to meet at and *consult* together: Nor will we presume so much as to ask, *How* or *Why* such a Superiority came to be vested in him alone, or how long this extraordinary exclusive Privilege was to last:—Or what *corporal* Punishment [it being to be presumed that they could not be *fin'd* in their *Goods* and *Chattels*, before *meum* and *tuum* was established.] Therefore, I say, what *corporal* Punishment was to be inflicted on those independent Sovereigns, who either would not, or did not obey the Summons. But not to boggle at little Matters, let us suppose all these Difficulties happily got over:—And then the first Question at this first Meeting is, What are they to do? And wherefore were they called together?—Perhaps the very Appearance of such a Body of Savages might be sufficient to fray away a few Eagles, or Vultures, Wolves, or Tygers, if they were too near them: But most certainly it would not be adequate to the Purposes even of a *defensive*, not to say an offensive War, if this *genuine* Republic should happen to exist in the Neighbourhood of any State, whose Union was more perfect, and consequently whose Skill and

Dexterity were superior to their own. Therefore this Insect Common-wealth, this Grub of a free, equal, and Sovereign Republic would be swallowed up, as soon as hatched, by some devouring political Animal of a firmer Texture, and stronger Stamina;—unless these lately independent Sovereigns would condescend either to fly away to remote Woods and Deserts, or to submit to the Terms which their Conquerors should think fit to impose upon them.

After this Specimen of the *Power*, it will be unnecessary to say a Word about the *Wisdom* or *Goodness* of such a reptile, democratical Institution. But here, methinks, some of the enthusiastic Admirers of Antiquity will be apt to say, “What? Do you compare the famous Republics of *Greece* and *Rome* to Insects, Grubs, and Reptiles? Do you dare to say, That either of these were of short Continuance? Or that they were at all remarkable for the Want of Power, Wisdom, or Goodness?”

To this smart Objection I have the following Reply to make:

1st. That neither of the Common Wealths above mentioned, were pure Democracies in the Sense here set forth:—For they had other Magistrates, and other Institutions besides those which were merely popular;—and even in respect to the most popular Part of their Government, they excluded much greater Numbers from enjoying a Share in the Privileges and governing Part of the Constitution than they admitted: So that this whole Objection falls to the Ground.

2dly. The Subjects of these Republican Governments were so far from enjoying greater Liberty than the Subjects of other States, that they were known to be more oppressed, and more enslaved, than any others: So that no Proofs can be drawn from hence concerning the *Wisdom* and *Goodness*, that is, the Justice and Benevolence, of such Republics, whatever may be said of their great Power, and despotic Sway.

But 3dly, Granting more than can be required, even granting [what is absolutely false in Fact] that each of these Republics were modelled and administered, according to the Heart’s Desire of a true Disciple of Mr. Locke, had he been then in being.—Still even on this Supposition, there was nothing so inviting in the *fundamental* Maxims, and *distinguishing* Practices of either of these Institutions, to make us so much in love with it, as to wish to copy it into our own.

### ***The* SPARTAN REPUBLIC.**

The fundamental and distinguishing Maxim of Sparta was, to lead a military Life in the City, as well as in the Camp, and never to enjoy any of those Comforts and Conveniences which Peace and Plenty naturally bestow. Consequently, the Police of their \* Legislator was, to forbid Improvements of every Kind (excepting in the Science of War) to banish all Trades and Manufactures whatsoever, which related to the Arts of Peace, to prescribe every Part of a learned and ingenuous Education, and more particularly, and above all the rest, to expel the Use of Gold and Silver from the State of *Lacedemon*. But as these military Heroes must eat, as well as fight, it was contrived that they should have Slaves [the *Helotes*] for the Purposes of Agriculture, and other menial Offices, whom they used much worse, and with more *wanton*

Cruelty, than the Planters do the Negroes in the *West-Indies*:—And that is saying a great deal. Now I ask, are these Measures proper to be adopted in *Great-Britain*? And is this the Plan of a Republic, which some future patriotic Congress is to set up, in order to correct the Evils of our present unhappy Constitution?

### ***The* ATHENIAN REPUBLIC.**

The distinguishing Practice of *Athens*, or at least, that which made the Conduct of the *Athenians* to appear different from that of most other States, was the Use of the *Ostracism*. Nothing could have been better calculated for gratifying the Caprice and Licentiousness of a Mob, or for indulging the Spleen and Jealousy of a Rival, or for concealing the Wiles and Intrigues of a pretended Patriot, than this very Project. For by Virtue thereof, any Man, even the best and most deserving in the State, was liable to be banished for ten Years, whenever the Citizens should have a public Assembly (which they often had) consisting of 6000 Suffrages and upwards;—and when any one of this Number should write, or cause to be written on a Shell, or a Leaf, the Name of the Person he chose to doom to destruction, then this upright, sagacious, and impartial Sentence immediately took Place: And the *accused* [if that Person can be called *accused*, against whom no Crime was alledged] was not permitted to say a Word in his Defence, or to expostulate on the Hardships of his Case, but must go instantly into Banishment, there to remain 'till the ten Years were expired.

By Means of a Condemnation of this Sort. Aristides, who had born some of the highest Offices in the Common-wealth, and who had obtained the Surname of the *Just*, from his great Integrity and inflexible Honour,—even this Aristides was banished from his native Country, and dearest Connections, and was reduced to such abject Poverty, that his only \* Daughter was maintained by public Charity after his Death. The Story of this unhappy Victim to democratical Insolence well deserves to be repeated as a Memento to the present Times.—On a Day of public Assembly he was accosted by a Citizen, whom he did not know, desiring him to write the Name of Aristides on his Shell. Aristides, surprized at such a Request, asked him whether he knew Aristides, and whether he had ever offended him? No, says the other, I should not know him, were I to meet him. But I hear such an universal good Character of him, that I am resolved to banish him, if I can, from the Athenian State. Aristides wrote his Name on the Shell as the Patriot had desired: And as there happened to be no other Names than his then proposed to be proscribed, he was banished of Course, according to the fundamental Law of this celebrated Republic. The Truth is, [and this explains the Matter] Aristides was a remarkably *just Man*, by much too honest to cajole the Populace, and to gratify their Follies at the Expence of their own Interest; therefore he was not popular; as indeed few honest Men really are: \* Whereas Pericles, who laid the Foundation of their Ruin, and deserved Banishment an hundred Times, was the Idol of the Athenians.

Another Instance of the great Sagacity of this People as *Politicians*, and Benevolence as *Men*, is observeable in the Methods they took for narrowing and contracting the Foundations of their Republic, instead of making them broader and firmer. For in the *Times of their Prosperity*, they shut up every Avenue against the rich, or ingenious, the industrious, deserving, or oppressed of other Countries, from partaking in the



common Rights of Citizens of Athens. No Invitations, or general Naturalizations were so much as thought of: But on the contrary, the whole Tenor of their Laws ran in a different Strain. [See particularly Potter's Greek Antiquities, and Taylor on Civil Law] Nay, they contrived to exclude as many as they could, even of their own natural-born Subjects, from enjoying the common Rights and Privileges of Citizens. And as to their Slaves, tho' almost twenty in number to one free Man, they were excluded of Course. So that in Fact, had this People been always successful in their Wars, and had they made great and extended Conquests, or had their State been of very long Duration, their Republic would have become an *hereditary Aristocracy*, similar to that of Venice; for it was strongly verging that Way.

Indeed in Times of universal Calamity, when their Losses by Sea and Land were so great that they were in Danger of being annihilated, *as a People*, then they naturalized Foreigners, and manumitted Slaves. But it was their Necessity that compelled them, and not their Benevolence, Penetration, or Wisdom, which prompted them to adopt such patriotic Measures.

But above all, the Probity and Rectitude of this celebrated People will be displayed in the strongest Light, by setting before the Reader their Mode of dispensing Justice. In order to do this, let us suppose a parallel Case existing in our own Times. The present Livery-Men of *London* answer very nearly, if not altogether, to the Idea of the antient [Andres Athenaion] the Men of Athens. Let us therefore imagine, that these select Citizens, were the only Legislators in the State;—not only making Laws for themselves and for *Great-Britain*, but also for *Ireland*, and for all our Colonies and Settlements abroad. This is something: but what is to come, is still more extraordinary: For we are to suppose farther, That these *Law-giving* Liverymen, are also the *supreme Judges* both of Law and Equity, constituting the *only* sovereign Court of Judicature for all the Provinces of the British State. Hence it becomes necessary for every Suitor to this High Court of Justice,—*every Suitor*, I say, whether *English, Scotch, or Irish*, whether *Armenian, West, or East-Indian*, to slatter and cajole all the Members thereof, as much as he can,—bowing and scraping to the highest, and *taking the meanest by the Hand*, as he is entering Guildhall to hear the Cause, and to pronounce the final Sentence. The Court being now assembled, let us attend also to some of the Pleadings of the Council on such an Occasion.

*Gentlemen of the Livery,*

“My Client is a rich and generous Man. If you will decree for him, he shall treat his Judges with splendid Entertainments at *Ranelagh, Vauxhall, and Sadler's Wells*, and at other Places of Diversion. Moreover he will give you Tickets to go for several Nights to both the Theatres, &c. &c. &c.

Now what shall we say to such an Oration? The Parallel here supposed, is either just or unjust in the *principal Features*, for there can be no Medium. I am therefore content, that the learned Reader should sit in Judgment on me relative to this Point. Only let me add, that I would have produced the very Passages from the original Authors, as Vouchers for the general Truth and Justness of the Parallel, [*mutatis mutandis,*] if I had had the Convenience of *Greek* Types at the Place where I am



printing. One Thing more, I must beg Leave to suggest, namely, that every Man of Learning must be sensible, that, so far from exaggerating Matters,—I have taken the Words of Xenophon concerning the *Athenian* Polity, in the most advantageous Sense, of which they are capable. For I have allowed him to say, that the supreme Court of *Athens* was a Court of Appeal from inferior Jurisdictions; whereas his Words, and the Context strongly imply, that the *Athenians* would not suffer any Court whatever, to exist in any Part of their Empire but their own. Nay, Xenophon expressly declares, that the Allies of the *Athenians*, or their Auxiliaries, or Fellow Soldiers, or Colonies, or by whatever Name you will please to call them [Symmachoi is the Term in the original] were *enslaved* by the *Athenians* by these Means. Many other curious Observations might yet be made; and some of them of Importance to *Great-Britain*, by Way of *Caution*.—But surely enough has been said already, to give every true Friend to Liberty an Abhorrence of the Idea of an *Athenian* Common-Wealth.

## The ROMAN REPUBLIC.

Come we now to the *Roman State*, whose Citizens were the great Masters of the World. But here an unlucky Observation arises at first setting out, viz. That the *Roman* Citizens, for the most Part, were not Tradesmen: For Trades of all Kinds were held at *Rome* in sovereign Contempt. Therefore its Tradesmen and Mechanics, its Shop-keepers and Retailers of all Sorts, were almost all either actual Slaves, or Slaves, lately made free, or the very Scum of the People. This was the original State of Things. But in the Time of Cicero, the Condition of Tradesmen, and the Idea affixed to Trade were a good Deal advanced in Reputation. Yet even he represents the Matter in such a Light, as would make, I should think, those consummate Politicians, the learned Liverymen of *London*, not very desirous of seeing a Return of such Times. \*Cicero expresses himself to this Effect: “That according to antient Tradition, and as far as he can learn, Trades and the Gains thereof may be distinguished into the reputable and disreputable, after the following Manner. In the first Place, these Professions must be reckoned infamous, which are odious to Mankind, such as the Business of Toll Gatherers, at the Ports and Gates of Cities, also of Usurers, or Pawn-Brokers. In the next Place, all those Person, should be considered as a base and servile People who work for Hire, or Wages, because they are paid for their *Labour*, and not for their Skill or Ingenuity. For the very receiving of Wages is a Badge of Servitude. Those also who buy of the Merchants to sell again directly, must be ranked in a dishonourable Class; for they can get nothing thereby unless they cheat and lye abominably; and nothing can be baser than cheating. Moreover all Artificers whatever are a base Order of Men: Indeed it is hardly possible, that a Shop and Work-House should have any Thing of an ingenuous Nature belonging to them: And least of all, are those Professions to be approved of, which are subservient to Luxury, such as the Trades of Fish-mongers, Butchers, Cooks, Pastry-Cooks, and Fishermen: To whom you may add, if you please, Persumers, Dancers, and Tumblers, and the whole Tribe of such, who administer to gaming.

“But those Arts, which require much Study and Knowledge, or are of great Use to Mankind, such as Medicine, Architecture, and teaching the liberal Sciences, these, if exercised by Men of a *certain Rank*, [that is under the Degree of Patricians] do not dishonour their Profession. As to Merchandize, if in a little low Way, it is mean; but if

great and extensive, importing Goods from various Countries, and dealing them out again to various Persons, without Fraud, *it is not altogether to be discommended*. Nay, if the Persons who follow it, could be satiated, or rather be content with their Profits, *not making long Voyages, but returning speedily to their Farms, and landed Estates*, they would deserve to be rather commended. But after all, in Things of this Nature, nothing is better, more profitable, more pleasant, or more *honourable* than the Cultivation of Land.”

What a strange Jumble of Things is here! And how little did this great Man understand the Nature of the Subject, about which he was writing! But leaving our City Patriots to censure Cicero, and to settle the Points of Precedency, and the Punctilios of Honour between the different Companies of Trades, as they shall think proper, I hasten to observe.

2dly. That there is another essential Difference between the Freemen of *Rome*, and the Freemen of *London*. For the Freemen of *Rome* voted very often by Classes, Tribes, or Companies; which I am well persuaded the Freemen or Livery-men of *London* would consider as a manifest Infringement of their Rights and Privileges. And indeed very little can be said in Defence of such a Practice. For if one Tribe, or Company should have 1000 Voices, and the other not a tenth Part of the Number, it seems very unreasonable, that the larger Tribe should be deprived of nine-tenths of its Suffrages, [which it is in Effect by this Mode of voting] merely because the smaller Tribe had not an equal Number.—However such was the Practice of those Lords of the World, the Citizens of *Rome*.

A 3d capital Difference between their Case and ours, consisted in their Method of enacting or repealing Laws. For when a Law was propounded to the whole Body of the People in their public Assemblies, to be either confirmed, or repealed, they had not the Choice of mending, or altering any Part, by correcting this, or rejecting that, by adding any thing to it, or substracting from it, but were obliged either to approve all, or refuse all. This was a very great Defect in the Constitution of the *Roman* Common-wealth, but it was unavoidable in their Situation. For as the People did not send Deputies from certain Districts, or particular Classes, to represent them in the Senate, similar to our Members of Parliament, they could no otherwise transact the Business of the State, in their numerous and tumultuous Assemblies [convened together for a few Hours] than by a simple Affirmation, or Negation. Therefore the only Part, which this Mob of Voters had to act, or could act, in the grand Affair of Legislation, wherein the *Majestas Populi Romani* was so immediately concerned, was to pronounce a single Yes or No. [The *sovereign* Council, that is the Body of Citizens, at *Geneva*, do the same at this Day.] A mighty Matter truly, and greatly to be envied by us *Britons!*

But 4thly, and above all, the Propensity of the *Romans* for War, and their Aversion to any lasting Peace, constituted, or ought to constitute the most direct Opposition between their Conduct, and ours. A Nation, whose only Trade was to conquer and subdue, might with some Propriety, or at least with no Inconsistency, seek every Occasion of following their destructive, bloody Occupation. But how a commercial Nation, such as ours, whose continual Aim it should be to increase the Number of its

Friends, and to attract Customers from every Part of the Globe, by promoting the mutual Interests of Mankind, and by giving no just Alarms to their Fears and Jealousies:—I say, how such a Nation should entertain that Fondness for War, and should espouse so many Quarrels as the *English* have eagerly done for almost half a Century last past, is, I own, beyond my Comprehension. Nor can I find, even if we had come off Conquerors in every Engagement, which we had, or\* wished to have, whether by Sea or Land, and had triumphed over all the People upon Earth, that these shining Victories would have reduced the Price of our Manufactures, or have rendered them one Jot the better, or cheaper, or fitter to be exported to foreign Markets. In fact, there is something so preposterous, and indeed so ridiculous in the Farce, were any Shop-keeper to try to *bully* all his Customers in order to compel them to deal with him against their own Interest and Inclination, that one can hardly treat it in a serious Manner. Yet alas! *mutato nomine de te Fabula narratur*. [See the Case of going to War for the Sake of Trade among my *American* Tracts, printed for Cadel.] Moreover our affecting the Dominion of the Ocean, in the Manner we do, greatly prejudices all Mankind against us. For the Ocean, and all open Seas, are the bountiful Gifts of Providence, like the Winds and Atmosphere, wherein all the World have a common Right; and ought to enjoy it unmolested.

I have now, I think, cleared off a great deal of those vast Heaps of Rubbish, which lay in my Way; and therefore might proceed to erect a Super-Structure on the Foundation already laid. But there is one Objection still remaining, which though a very false one, and supported by no Proof, is yet of so popular, and plausible a Nature, that it must not be passed over unnoticed.

### The OBJECTION Is This:

“The People, that is, every individual moral Agent among the People,” [for it must mean this, if it means any Thing, it being impossible to admit some, and refuse others the Right of Voting, with any Face of Justice, where all have an equal, indefeasible Right: Therefore the Objection means, that] “every individual Moral Agent among the People has an *unalienable Right* to be *self-governed*, that is to chuse his own Legislator, Governor, and Director. Consequently to take from, or to deny any of them the free Exercise of this natural and fundamental Right, is to act the Tyrant, and to be guilty of the worst Kind of Robbery that can be committed. It is such an atrocious Violation of the just Rights of Mankind, as will authorise every Man to use the most speedy and efficacious Methods in his Power, to assert and recover his native Freedom, by redressing his Wrongs, and *punishing* the Tyrants and Usurpers.”

Now, if the Case be really such, as is here supposed, all that we have hitherto said, must pass for nothing. And therefore we must first examine into these strange Pretensions of our modern patriotic Objectors, which tend to unhinge all Society, before we can propose any Scheme for regulating the Mode of electing Deputies or Representatives.

There are two Kinds of Rights, and only two belonging to human Nature which are strictly and properly *unalienable*. These are the Functions of Nature, and the Duties of Religion. And they are in no other Sense unalienable, but because they are

*inseparable* from the Subject to which they belong, and cannot be transferred to another.

A Man, for Instance, must perform his animal Functions for himself alone; there being no such Thing as Eating and Drinking by Means of a Proxy, or Deputation. Neither can one Man discharge the Duties of Religion in another's Stead: For these are personal Acts, which become null and void the Moment that one Man shall pretend to give, or another undertake to execute a Commission to act for him. In short, no Man can believe for another: Every Man do this for himself. And no Man can substitute another to repent, or obey in his Stead: For the Repentance and Obedience must be his own, otherwise it will not be valid. So far the Cases are clear: Indeed they are self evident.

But will any Man dare to affirm, that the Affairs of Government and Legislation, and all the Concerns of Civil Society relative both to Peace and War, are under the same Predicament, and incapable of being performed by Proxies or Deputations Surely no: Nothing less than Insanity could excuse the uttering of such a Paradox. Indeed the Lockians themselves, to give them their Dues, are conscious that the Cases are not parallel. They are obliged to make this Confession, notwithstanding all their Parade about their unalienable Rights to be *self-governed* (as Dr. Price phrases it) that is, to elect their own Legislators, Governors, and Directors. For all of them [except honest Rousseau, who is generally consistent, whether in Truth, or Error, and *perhaps* also except Dr. Priestly;—I say, all of them] scruple not to maintain, that the Minority ought, for the most Part, to be concluded by the Majority; and that it is their Duty to acquiesce under such Determinations, tho' those Decrees may happen to be very contrary to their own private Judgments. Now this is a Thing impossible to be complied with in the Functions of Animal Life: For no Man can, even if he would, consign over his own Privilege of eating and drinking; or depute another to act in his Stead: In this Respect the Minority cannot compliment the Majority with their unalienable Rights. Moreover as to the Affairs of Religion, and the Performance of moral Duties,—in these Cases also the Rights of Conscience cannot be transferred either from the few to the many, or from the many to the few, by any Covenant or Compact whatsoever: Because they are truly and literally unalienable. Therefore no Majority of Votes can bind in these Cases.—

What then becomes of this boasted Demonstration, this unanswerable Argument, whereby the Lockians have undertaken to prove, That all the Governments and Legislatures upon Earth are so many Robberies and Usurpations, (yea too, and all their Subjects *Slaves*) such only excepted, if any such there be, as are administered according to the Lockian System?—Why truly, this same Confidence of boasting, when sifted to the Bottom, dwindles into nothing: And the Mountain in Labour is brought forth of a Mouse. However, one Thing must be acknowledged on their Part, That this very Argument of *unalienable Rights*, weak and trifling as it is, may nevertheless become a formidable Weapon, in the Hands of desperate *Catalinarian* Men, for establishing a real and cruel Tyranny of their own (according to the Example which the *American* Rebels have already set) instead of that harmless, imaginary Tyranny, of which they so bitterly complain at present.

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## CHAP. IV.

### Of A Limited Monarchy, And Mixt Government. Its Component Parts, Monarchy, Aristocracy, And Democracy. Of The Comparative Influence Of Each:—On Which Side The Greatest Danger Is Now To Be Apprehended.—The Remedy Proposed, And Proper Regulations.

HAVING at last, it is to be hoped, got over every *material* Difficulty, let us return to the main Point, from which we have been detained so long.—Deputies from, or Representatives of the People, though not *absolutely* necessary to the very Being and Existence of *every legitimate* Government, might nevertheless be of great Use and Benefit to them all. For though we dare not join with that unhappy Principle which denounces open War, or meditates Conspiracies and Assassinations against all who should presume to govern without an *actual* Election, Nomination, or Consent of the People;—yet we would by no means derogate from the singular Advantage, which might arise from a proper Choice of Representatives, to act as their Trustees and Guardians. But above all, be it ever acknowledged, and for ever gloried in, that the Election of Persons to represent the People of *Great-Britain* in Parliament, is a fundamental Part of the *British* Constitution. Here in *Britain*, the important Distinctions, so often mentioned, of actual Contracts and of Quasi-Contracts, enter into the very Essence of our Government. For every Voter or Elector, by giving his Vote, makes himself an *actual* Contractor: And every Non-Voter, whether Male or Female, young or old, by living peaceably and securely amongst us, and enjoying the Protection of the State, is a *Quasi-Contractor*. By means of that actual Contract, which is made between the Representatives in Parliament, and a certain Number of Electors or Voters in *every District*, the Abuse of delegated Power may be in a great Measure guarded against;—perhaps as effectually as can be expected in the present imperfect State of Things. And by means of that Quasi-Contract, which always subsists between the Governing Powers of a State, and the whole Body of the People, and every Individual thereof; the Evils of democratical Anarchy and Confusion are prevented, and Government itself is rendered an useful, practicable Thing, instead of being either a visionary Scheme, or an Engine of the blind Fury of a mad Populace.

Towards the Beginning of the former Chapter, we set out with the following Enquiry, “How shall the People receive a reasonable Security, that the Powers wherewith their Governors are entrusted, both in making Laws, and in executing them, shall not be misapplied?” And in the Progress of the Work, we examined into those constitutional Principles [*Wisdom, Power, and Goodness*] on the Exexercise of which, in one Degree or other, all moral and civil Governments must depend.—In the next Place, we took a View of those several Forms, or exterior Modes of Administration, which give distinct Denominations to different Governments, the Monarchical, the Aristocratical, and the Democratical. The chief Defects and Imperfections of each of which were then endeavoured to be pointed out. [And besides this, particular

Exceptions were made to the Governments of *Sparta*, *Athens*, and *Rome*, as being altogether improper for our Case and Circumstances, and indeed very repugnant to that Provision for general Safety, and social Happiness, which ought to be the End and Aim of every political Institution.]

From this Survey of Things, it evidently follows, That as neither of the above Forms is desirable in itself, a Government compounded of all three, and partaking of so much of the Nature of each, as shall make every Part be a Check and Counter-balance to the others, [without impeding the Motion of the whole] seems to be the *best*: It is indeed the fittest to give a reasonable Security to the People, that they shall be well governed. And such a Constitution, Thanks to kind Providence, is that under which we now live;—did we but attend properly to it, by correcting those few Errors, which Time has introduced; and did we but improve every Circumstance belonging to it to the most Advantage.

Now, as the *British* Government is compounded of three distinct Parts, the Regal, Aristocratical, and Popular; the first Inquiry should be, which of these wants rectifying the most? Or, in other Words, Which of them seems to preponderate so much at present, as to threaten Destruction to the other two?

It hath been a Practice of many Years standing with those Gentlemen who chuse the Road of Opposition, (instead of pursuing other Methods) for obtaining Honours, Places, and Preferments, to alarm and terrify well-meaning People with incessant Cries, that the *Constitution is in Danger*, through the corrupt Influence of the Crown:—And that *they* are the only Persons who can save a sinking State.—This was the Watch-Word always made use of during a very long Contest against Sir Robert Walpole. But no sooner were these uncorrupt Patriots got into Power, and had gratified their Ambition and Revenge, than they changed their Note. They then happily discovered, what was hid from their Eyes before, that each of the component Parts of a mixt Government, ought to have a certain Influence on the others;—and that the Influence of the Regal on the Aristocratical and Democratical Branches, was neither more, nor greater than it ought to be. Nay, these new-enlightened quondam Demagogues then deigned to instruct us in their celebrated Treatise, *Faction detected by the Evidence of Facts*, in how many several Respects the ancient feudal Prerogative had been abridged and curtailed, and how much greater Security we enjoy for the Preservation of our Liberties, than our Fore-Fathers had before us. There is no Doubt to be made, were our present Race of Patriots ever to become victorious, either by the Subversion of the Ministry, or the Subversion of the State, and the Erection of a Common-Wealth, but that they too would wish to mimic their Predecessors in displaying the vast Advantage which their Country have reaped from their Labours for the public Good.—The plain *English* of which is, That *they ought to be well paid*. In the mean Time, as this Event is perhaps not so near its Accomplishment as they could wish;—and as neither the *Inns* nor the *Outs* are to be relied upon for giving a fair and impartial State of the present Influence of the Crown [neither Side being willing to discover the real Truth:] It is not impossible but that a Person of infinitely less Abilities than those who have undertaken to give an Account of this Matter, may succeed better; because he is enlisted under no Man's Banners, has no Party to serve, has nothing but the Truth in View, none to fear, and none to flatter.

What is generally understood by the Influence of the Crown, must arise either from an open and avowed Exertion of some undoubted Prerogative of the Crown;—or from some secret Artifice, not authorised by Law, and therefore not to be justified, which the Crown is supposed to make use of, in order to obtain some certain End.

If the former is here meant by the Assertion, that the Influence of the Crown has rapidly encreased of late Years;—it is saying in other Words, that the legal or constitutional Prerogative of the Crown has been *extended*, instead of being curtailed,—has been enlarged instead of being abridged;—and that the Power of the Prince is more absolute and unrestrained, and less confined by Law since the Revolution, than it was before. Will any Man in his sober Senses dare to maintain such a Paradox?—

But if the Term *Influence* is to be taken in the latter Sense; that is, if by it is meant such clandestine Practices as the Law condemns, and therefore would punish, if legally detected;—this is an Accusation, which must first be proved before Sentence can be past on the Offenders. For tho' it is very probable, that the best of human Governors have, in all Ages, shewn themselves not much averse to the Use of bad Means for the attaining such Ends as they wish to accomplish, and not otherways attainable;—yet it is much to be questioned, whether the particular Vices of *Bribery* and *Corruption*, [I mean in the gross Sense of the Word] have been practiced by the Agents of the Crown, to a greater Extent of late Years than they used to be.—Far therefore from suggesting a Thought, that our present Ministers, any more than their Predecessors, are perfectly immaculate;—I only say, that it has not yet appeared, that they are worse in this Respect than former Ministers;—much less has it been proved, that *Bribery* and *Corruption* have of late Years made such a rapid and alarming Progress, as to deserve a peculiar Stigma. My Reasons are the following: First, in the greatest Electioneering Contests, which perhaps this Country ever saw, when every Species of undue Influence was put in Practice, with shameful Notoriety:—Yet it was not so much as attempted to be proved, that the public Treasury had been opened to bribe the Electors in any of those Disputes.—For the Truth of this, I appeal to those, who remember all, or any of the most violent Contests which have been raised within the last 30 Years;—particularly the three great ones at *Bristol* within that Period,—the great Contest in *Oxfordshire*, at *Northampton*,—in *Cumberland*,—and lately in *Glostershire*. In all which there can hardly be a Suspicion, much less a direct Proof, that the Bribery and Corruption, (but too much practiced) whether in Money, or by other Means, were owing to the Sums issued from the Treasury. My second Reason is, That by means of that quick Vicissitude of Things, to which perhaps this Country is more subject than any other, it has often happened, that many of the *Outs* have come *in*, and many of the *Ins* have gone out;—yet no Side, notwithstanding their mutual Rancour, hath impeached the other, when they had the Books of the Treasury in their own Hands, of having been guilty of those Mal-Practices, and of that Bribery and Corruption which are here surmised.—Now this they most probably would have done, had any such Proofs been upon Record;—or even could they have brought any Thing suspicious from the Minutes in the Treasury-Books, of such a Misapplication of public Money.—Thirdly, the Sums generally spent at such contested Elections, is another strong Evidence, that Place-Men and Pensioners are not the principal Actors in these modern Tragedies. A Place-Man [or, if you please, a Pensioner] has perhaps



1000l. or 1500l. or even 2000l. a Year: This is accounted to be his *Summum Bonum*, his Conscience, his Country, and his God. Now, can it be imagined, that such a Man, who is thus characterized to have no Regard to any Thing but his own Interest, would spend, if *he could*, 10,000l.—perhaps 20,000l.—nay, 30,000l.—or even more, for obtaining a Seat in Parliament to secure his Place, or his Pension? No: The Supposition is foolish and absurd: It consutes itself. Any Book of Calculations may suffice to inform us, that such *precarious* Things as Places or Pensions, are not worth a tenth Part of such Purchase-Money.—Lastly, in almost all vehement Electioneering Struggles, where vast Sums are expended, the Ground of the Contest is seldom or never about any national Affair:—But about the important Question,—Who shall be uppermost?—Whether this great Family, or that, in such a County, or such a Borough?—What Party Connection, or Party Colour shall have the Ascendent? And whether this Leader, or that Leader, this Club, or that, in such a County, City, or Borough, shall poll the most Votes?—Points, which concern the Public, or even the Minister for the Time being, just as much as the Big-endians, or Little-endians of the facetious Dean Swift.

Well then; if the great Influence of the Crown, that *dangerous* Influence, which is every Day encreasing, and ought to be diminished, doth not arise from such Causes as these, at least in any considerable Degree;—from what doth it arise? and how is the Growth of it to be prevented?—The Causes of this encreasing Influence, are the vast Territories abroad, and those ruinous Wars, and immense Expences which they occasion; and ever will occasion whilst we are connected with them, under one Pretence or other. Can any Man make a Doubt of this?—If he doth, let him try, even in Thought and Imagination, to substitute a System for the Government, or Reduction of such remote Countries, which would stand clear of those Evils, which we now feel, and continually deplore. Suppose, for Example, a certain Event, which most probably is approaching with hasty Strides; viz. That the *English* settled in *Bengal*, and in the other Provinces of the Indian Empire, should take it into their Heads, that they too have unalienable Rights as well as the *Americans*;—and that, like them, now they are freed from the Apprehensions of a *French* Domination, they will no longer receive Laws from a little, poultry Spot in *Europe*, distant by Sea almost 10,000 Miles. Fired therefore with the glorious Thought of native Freedom, the Birth-right of every *Englishman* [though not of other Men; for by the by, the most zealous of our *English* Independents, are the least inclined to make other Men independent: And therefore I say] sired with the glorious Thought of their own Independence, and of Self-Government, they bravely desy not only the Gentlemen and *\*Ladies* of *Leaden-Hall* Assembly, but also the King, Lords, and Commons of *Great-Britain* in Parliament assembled. Now here I ask, How is this Rebellion to be suppressed? And who is to have the Appointment, and the Payment of all the Troops, and of all the Squadrons, Transports, &c.; also of the several Officers, Commanders, Contractors, Purveyors, Surveyors, Examiners, Store-keepers, Deputies, Clerks, and of numberless other Beings to be employed for the Suppression of it? The Crown undoubtedly,—for it is the undoubted Prerogative of the Crown,—as the supreme executive Power: Otherwise there will be two Supremes within the same State;—a Solecism this, which even our modern political Refiners have not yet attempted to propose. This being the Case, how will you prevent the Crown from gaining a prodigious Influence by the Creation of such a Multitude of new Appointments, and by the annual Expenditure of



of the many Millions which will be wanted for the Payment of them? How will you prevent it, I say, whilst it has such gainful Things to give;—even supposing (which no Man in his Senses can suppose) that not a single Place would be created, nor a Farthing expended, beyond what the Nature of the Case required? Yet, even on this Supposition, and without Jobs or Embezzlements of any Kind, so many lucrative Places and Employments, [all necessarily in the Disposal of the Crown] must create a Dependence, call it by what Name you please, as long as human Nature shall continue to be what it has ever been since Government began. And this is the very Influence which now too much preponderates in our public Councils. Here then the Secret is out at last. The legal and constitutional Prerogative of the Crown is not to be blamed: But our distant, unwieldy Colonies, and our ruinous Wars for their Sakes are the real Causes of all our Complaints.—It is these which involve us in thousands of Distresses, of which we should have been happily ignorant, had it not been for such Connections. They therefore, and they only, are the Authors of our present Misfortunes; and will involve us in still greater, if we shall obstinately persist in retaining these remote, unmanageable Possessions:—? For the Governing of which, I will be bold to say, the *English* Constitution was not calculated, and *is not fit*. This is so plain a Case, that no Man of Reason will pretend to deny it, or undertake to prove the contrary. How then comes it to pass, that neither Ministers, nor Anti-Ministers have ever assigned the true Cause of those Evils, which we daily feel, and of which we are perpetually complaining?—The Reason is this, Neither Ministers, nor their Opponents ever meant to serve the Public, at the Risque of their own Interest.—The uttering of disagreeable, unpopular Truths might be attended with certain Consequences to themselves which they wish to avoid: And therefore they desire to be excused.

Should, for Example, the Minister for the Time being, have the Honesty and Sincerity openly to declare, that extended Commerce, and extended Territorial Acquisitions are repugnant to each other: That Industry, Probity, and Frugality are much more serviceable to the Promotion of Agriculture and Manufactures than all the Glare of War and military Glory;—and that the Boast of conquering *America* in *Germany*, or any where else, was, an improper, idle, Bravado, fitter to raise the Resentment of other Nations, than to serve ourselves. Should, I say, a Minister have the Honesty and Sincerity openly to avow these unpopular Truths, and venture to declare, that the proper Way of diminishing *that Influence* of the Crown which is really dangerous, would be to diminish our Expences,—by renouncing all foreign Possessions, and cultivating the Arts of Peace in the two fruitful Islands of *Great-Britain* and *Ireland*: Should any oftensible Minister have the Courage to utter these honest, unwelcome Truths;—Who would support him?—Who would thank him?—Who would not persecute him.

Again, Were any of our Demagogues to tell their best Friends, the Mob, that *Gibraltar* and *Portmahon* are very expensive, and very useless Things;—that the Ocean is the great *Common of Nature*, which belongs to no Nation, Language, or People, in any exclusive Sense; but ought to be free, like the Air, for the Use of all; and that the keeping up any Pretensions to the contrary, is as impolitic, as it is unjust; serving no other End, but to irritate all the World against as:—Also should he observe, that Colonies of every Sort or Kind are, and ever were, a *Drain* to, and an

*Incumbrance* on the *Mother-Country*, requiring perpetual and expensive Nursing in their Infancy;—and becoming headstrong and ungovernable, in Proportion as they grow up,—and never failing to revolt, as soon as they shall find that they do not want our Assistance:—And that even at the best, those commercial Advantages, which are vulgarly supposed to arise from them, are more imaginary than real;—because it is impossible to compel distant Settlements to trade with the parent State, to any great Degree beyond what their own Interest would prompt them to: [And Self-Interest needs no Compulsion.]—Moreover, should any Orator of this Stamp proceed to shew, that since the Laws for governing the Colonies, have from the Beginning proved nugatory and vain, attended with vast Expence, and no proportionable Profit;—therefore should he propose a total Separation, and recommend the shaking them entirely off;—in Consequence of which Multitudes of Places would be abolished, Jobbs and Contracts effectually prevented, Millions of Money saved, universal Industry encouraged, and the Influence of the Crown reduced to that Mediocrity it ought to have:—Should, I say, any of our modern Demagogues dare to recommend these salutary Truths, what would his Brother-Demagogues say to him?—Would they assist him in this good Work?—No; they would not,—though conscious to themselves, that nothing better, or more seasonable, could be recommended.—On the contrary, they would open in full Cry against such an *Apostate* from the common Cause,—would persecute him in every Shape, and excite the Populace to pour forth the bitterest Execrations against him;—if not to proceed to still greater Extremities.

What Course is he then to take? And how is he to act, in order that he may *seem* to aim at a national Reformation, and a Redress of Grievances, without intending any Thing real? The public Good requires one Conduct: But Popularity and Party another. Pressed by this Dilemma, it is but too obvious which his Choice would be. Such a Man would warmly recommend a Reform in the K—g’s Kitchen, in his Cellar, in his Houshold Servants, and his Houshold Furniture;—nay, I had almost said, in his Dog-Kennel.—In short, he would propose to save and to retrench in every Article, except that grand one, a Separation from the Colonies, which is worth a thousand of the rest.—So that in order to gratify the perverse Humours of these unhappy Times, Majesty must be sacrificed to a republican Faction, and the Power of the Prince in the Management of his own private Concerns, be reduced to a Condition much more abject than that of any of his Subjects.

As long as the Temper and Intellects of Mankind shall remain in this wretched and disordered State, nothing truly good is likely to be done. We must therefore wait with Patience for better Times; hoping, that kind Providence will inspire one Part of the Community with sounder Understandings, and the other with better Hearts.

### §. *The Aristocratical Part Of The Constitution.*

Respecting this Branch very little need be said. For the present Aristocracy is very far from being formidable. Indeed it can hardly be said to have Weight enough in the political Scale, so as to maintain a proper Balance between the two other great Powers of the Constitution.—’Tis true, the Baronage in former Times was a dreadful Engine of Tyranny and Oppression. A few great Lords combining together, often shook the

Throne, often trampled on Law and Justice, and oppressed the common People at their Pleasure. But these Times are no more: A Peer of the Realm has no Jurisdiction annexed to his Barony; he is entitled to no Privilege or Prerogative authorising him to treat his Tenants, as Slaves and Vassals; but is as amenable to the regular Courts of Law, as any private Subject. Moreover as to the landed Estates of Peers, they being as divisible into small Shares as the Estates of Commoners; therefore the Power of the Peerage is so far from encreasing, that it is greatly on the Decline, if compared with what we find on Record in former Times.

**§. *The Democratical Part Of The Constitution;—Wherein The Power Of Electing Deputies To Represent The People Is Particularly Considered.***

That Government was ordained for the Good of the People; and that this is the great Object which ought always to be attended to in every political Institution, are Points, which I shall take for granted. The only Matter worthy our present Inquiry is, How shall this public Good be most effectually promoted? And, if divers Means should be proposed, which is the best?—Deputies from, and Representatives of the People, not only bid the fairest of any others, for this Purpose; but are likewise made an essential Branch of the British Constitution. Therefore the Benefits and Advantages thence arising, are the Subjects which come next to be considered.

The best of human Institutions cannot be supposed to be so absolutely perfect, as to want no Correction or Amendment. Nay, Time, and an Alteration of Circumstances will introduce some Disorders into the best, and point out Desects, which could not be foreseen at first. This is the Case with Respect to the democratical Part of our Government. Disorders undoubtedly there are, and Defects not a few, which call aloud for a Remedy; if any can be found, which will not increase the Discase, instead of curing it, or will not introduce new, and worse Evils, by attempting to remove the old ones.

The Remedies which have been of late Years most warmly proposed, by those Gentlemen, who glory in the Title of being the Disciples of Mr. Locke, are the following:

1st, That there shall be a more equal Representation of the People, respecting their *Numbers*:

2ndly, That there shall be a more equal Representation of them, respecting their *Property*.

And 3dly, That these Representatives shall not continue longer than one Year, or at most than three Years, without a new Election.

Let us begin with the first of the Remedies here proposed for the Cure of our political Disorders. This Notion of the Necessity of an equal Representation, is grounded on that Lockian Idea of the *unalienable Right of each Individual to be Self-governed*;

Notions, which I hope, have been sufficiently confuted. However, as Truth will bear to be seen in various Lights, and what is wrong never can become right, I will now pursue this Deception, through a new Disguise, and endeavour to present the Reader with a second Confutation of it.

Therefore in Conformity to the Lockian Plan of equal Representation, I will state the following Case: [A Case sufficiently exact for our present Purpose] Let us suppose that the Island of *Great-Britain* contains seventy Millions of Acres, and seven Millions of Inhabitants;—and that it is proposed by the Lockian Politicians, [something similar to which is done almost every Day] That these seven Millions of Inhabitants ought to send nearly seven hundred Deputies to represent them in Parliament: So that each Million shall elect an hundred Representatives. So far the Scheme looks plausible; but mark the Consequences:—One Million out of the seven are crowded together, inhabiting a small Spot, perhaps not more than twenty thousand Acres; whilst the remaining six Millions are scattered over the Face of the Country; also several Millions of Acres lie waste, without any Inhabitants at all. Now this *central* Million, as it may be called, [alias *London, Westminster, Southwark*, and their Environs] with an hundred Deputies, all of their own electing, and continually under their Influence, and always ready at Hand, will be an over-match for the Rest of the Kingdom in every Contest, and become every Day more and more predominant.—Can any Man doubt of this?—He cannot, if he either knows, what human Nature is in general, when armed with Power;—or can reflect on the many Monopolies and Exclusions, which *London* in particular hath already obtained both by Sea and Land. For even at present, when *London, Westminster, and Southwark*, have but eight Representatives, they have encroached on the Liberties and Trade of their Fellow-Subjects in Hundreds of Instances, have had the Appropriation of vast Sums of the public Money, for building of Bridges, &c. &c. and have engrossed several Advantages, which ought to have been left common to all. Now, if the Metropolis has the Balance of Power already so much in its Favour, would you wish to make it preponderate upwards of twelve Times more than it doth?

Again: All over-grown Cities are formidable in another View, and therefore ought not to be encouraged by new Privileges, to grow still more dangerous; for they are, and ever were, the Seats of Faction and Sedition, and the Nurseries of Anarchy and Confusion. A daring, and desperate Leader, in any great Metropolis, at the Head of a numerous Mob, is terrible to the Peace of Society, even in the most despotic Governments:—But in *London*, where the People are the most licentious upon Earth,—In *London*, where the Populace are daily taught, that they have an unalienable Right to be self-governed;—and that their Rulers are no other than their Servants:—In *London*, where nothing is held sacred, but the Will of the People [blasphemously called, the *Voice of God*] what are you to expect from an Addition of Privilege and Power, but an Encrease of the most daring Outrages, and the Subversion of Law and Government? The audacious Villanies recently committed in *June*, 1780, are sufficient, one would think, to give any Man a Surfeit of the very Idea of adding still greater Influence and Power to a *London* Mob.

Once more, If a Man has any Sense of Rectitude and good Morals, or has a Spark of Goodness and Humanity remaining, he cannot wish to entice men into great Cities by

fresh Allurements. Such Places are already become the Bane of Mankind in every Sense, in their Healths, their Fortunes, their Morals, Religion, &c. &c. &c. And it is observable of *London* in particular, that were no fresh Recruits, Male and Female, to come out of the Country, to supply those Devastations which Vice, Intemperance, Brothels, and the Gallows are continually making, the whole human Species in that City would be soon exhausted: For the Number of Deaths exceed the Births by at least 7000 every Year.—So much as to the 1st Remedy proposed by the Lockians for the Cure of our political Disorders.

The 2d is, That there shall be a more equal Representation of the Inhabitants of this Island respecting their *Property*.

Mr. Locke himself strongly leans towards the Doctrine of representing *Property*;—and many of his Followers directly maintain it.—Though the Notion itself is little less than a Contradiction to their favourite grand Principle of unalienable Rights belonging to each Individual, whether poor or rich. For if such Rights do belong to any Beings whatever, they must belong to *Person*, not to *Property*. Moreover, according to this Doctrine, every Man, who has *no Property*, ought to have *no Vote*, notwithstanding the supposed unalienable Rights of his Nature. And a rich Man, with large and extensive Property, ought to have many Votes in Proportion to his Riches. Consequently the Grand *Turk*, and every other Despot, who is the only rich Man, being the Proprietor and Lord of all, is justly entitled to every Vote within his Dominions:—Or rather, he is the only rightful Voter, and therefore represents all Property in his own Person. What a Revolution is this! For hence it comes to pass, that the *Ottoman* Empire, the very Quintessence of Tyranny, is all of a sudden transformed into a mild, just, and equitable Government; exhibiting a most perfect Model of fair Representation.

The last Remedy proposed for the Cure of our political Disorders, is the Frequency of general Elections, which it seems ought to be triennial,—if not annual: And then all would be well. Never did Mountebank Doctor puff off his sophisticated Drugs with more rhetorical Flourishes, than our State Doctors have celebrated the Virtues of their *insallible Nostrum* of annual or triennial Parliaments. Nay, they have assured the Populace in some of their Harangues, that they have an unalienable Right to require us to swallow this Prescription.—But let us enquire a little before we swallow.—The first Benefit, we are told, which is to accrue from annual General Elections, is, “That we shall be restored to our antient Constitution of annual Parliaments.” What? Doth not the Parliament now meet annually? And hath it ever failed to meet annually since the Revolution? “Oh, no: “It meets, ’tis true: But it is not a *new* Parliament, [a *new* House of Commons] which meets; but only a Continuation of the old one; whereas there ought to have been a new House of Commons every Time that there is a new Sessions of Parliament. And the People have an unalienable Right to demand a Restoration of their antient Privileges.”—How doth it appear, that annual General Elections ever were an antient Privilege of the People?—And what Authority do you produce in support of this extraordinary Assertion?—“There was a Law made the 4th of Edward III. C. 14.—which enacts, that Parliaments shall be held once a Year, or more often, if need be: This Law was confirmed in the 36th Year of the same Prince, and still remains unrepealed. Therefore”—Therefore what?—“Therefore, the holding

of a Parliament once every Year, or more often if need be,—signifies the same Thing, [in patriotic Language] as that there shall be a General Election of the House of Commons once every Year, or oftener.”—Surely the candid and impartial Reader doth not expect a formal Consutation of so wild an Argument.—Taking therefore for granted, that the holding of a Parliament, and a General Election of the Commons, are *not synonymous Terms*, I will endeavour to employ the Reader’s Time and my own to better Purposes, by stating the Fact, from which this strange Notion of the constitutional Right of annual General Election seems to have taken its Rise.—When the Commons of *England* were excessively poor, and when the Members of the House of Representatives were, almost to a Man, either the Tenants of the Crown, or the Vassals, Dependents, and Retainers of the great Barons [there being hardly such a Person then existing, as what we now call an *independent Country Gentleman*] two Things were deemed great Favours at that Juncture, which would be looked upon in these Times in a very different Light. The one was, The excusing of the poorer Boroughs (especially the Tenants of the Crown) from sending Members to Parliament: And this was so frequent a Practice, that even the Sheriffs would sometimes make Returns, that this or that Borough was in such a pauper State, as not to be able to bear the Expence of sending Representatives. The other was, That the Elected themselves [for small Cities and Towns Corporate] did not consider the Office of a Member of Parliament in that high and honourable Light in which it stands at present. Men, who have not much to give, and no Favours to bestow, and who stand more in need of the Protection of others, than others do of them, are not much courted and caressed at any Time. \* Now this was the very Case with the Representatives in Parliament, I mean for small Cities and Borough-Towns, during all the Reigns of the *Plantagenets*, and the *Tudors*; (as shall be more fully made to appear in the ensuing Chapter] therefore many, if not most of such Members, thought it a greater Favour to be excused from serving a burthensome Office, than to be elected to it. As to the Wages they received from their Constituents, every one must know, that at any Time, and according to the most frugal Mode of Living, the Sums received could not be sufficient for defraying the Expences incurred. Hence therefore it was natural for them to consider the Dissolution of the House at the End of every Sessions as a Matter of Grace and Favour; in order that they might have a Chance of not being elected a second Time. So that from this Circumstance we may trace the true Cause, how it came to pass, that at the End of every Sessions of Parliament, the House of Commons was generally dissolved:—I say *generally*: For there were some Exceptions: And most assuredly the Prince was not then under the Obligation of any *positive Statute Law* [as he now is] for dissolving it at any particular given Time. It was wholly at his own Option, when to do it. The *Irish* House of Commons, copied from the *English* Model, puts this Affair beyond Dispute. For in that Kingdom, when an House of Representatives was elected, at the Accession of a new King, it was to remain undissolved [’till the late octennial Act altered the Case] during the Life of the reigning Prince, if he thought proper:—If not, he might dissolve it as often as he pleased, and command new Elections to be made.—So much as to the boasted constitutional Rights of annual Elections.

However, though our Modern-Patriots have failed most egregiously in this Point; yet, if they can make it appear, that annual or triennial Elections would be productive of

more Good than Evil, every real Patriot will wish Success to their Endeavours, whatever may have been their Motives.

And 1<sup>st</sup>. They assure us, “that annual Elections would put an End to all Bribery and Corruption.” Good News indeed! But are you *really* sure of that? “We are; for when General Elections were annual, there was no “Bribery.”—Probable enough; and if you intend to reduce the Power of the House of Commons to the like *insignificant State* it was in during the Reigns of the *Plantagenets* and the *Tudors*, that very Insignificance would effectually remove all the Evils of which you now complain. As a Proof of this, take the following Example in modern Times.—The Clergy are no longer taxed by their Representatives in Convocation, but by Laymen in the House of Commons.—And what is the Consequence?—The Election of Convocation-Men is now become one of the most peaceable Things in Nature. No Bribery, no Corruption are even suspected, not a Treat, not an Intrigue is heard of, and Calumny herself is dumb. Now do you really wish to have our State-Diseases cured, and our political Complaints removed after the same Manner? and is this one of those *insallible Nostrums*, of which such Boastings have been lately made?—However, let us hear what you have further to propose.

2<sup>dly</sup>. You say “Were Elections to become annual, Bribery would cease; because it would be worth no Man’s while to bribe so often, as every Year.” To this I answer, that there is an Ambiguity in the Phrase *worth no Man’s while*, which must be first explained: And then the Merits of the Cause will soon appear. Among the many Motives which induce Men to stand Candidates for a Seat in Parliament, some good, and some bad, two of the most predominant are, Avarice, and Ambition. Now, as far as *mere Avarice* or the Thirst of Gain is concerned, no Man in his sober Senses would think it worth his while to give 20,000l.—or 10,000l.—or 5000l.—or 2000l.—or even 1000l. annually, in Bribes, in order to procure a Place, or a Pension of 1000l.—2000l.—or at the most 3000l.—without any Security of holding it a Day:—I say, no Man in his Senses would think it worth his while to risque such a certain Sum on such an Uncertainty. And so far I agree most cordially with you. But remember that I have already proved [Page 247.] that no Man doth act after this senseless Manner, even at present. But as to Ambition, and Vain-Glory, and the Lust of Power, the Stings of Envy, Hopes of Revenge, Religious Bigotry, and Party-Rage, &c. &c. &c.—are these Evils to be cured by having Recourse to annual Elections? No, no: You cannot suppose any Thing so foolish and absurd. As soon might you undertake to quench Fire with Oil, as to cool and moderate the Passions of Mankind, by keeping them in a perpetual State of Strife, Jealousy, and Rancour. It has ever been the Advice of medical People, to keep sore Places from being fretted;—but it seems, our modern State-Doctors prescribe the Use of continual fretting, as an infallible Means of Cure.

Besides, if Experience is to be our Guide, let the Experience of former Times decide the Question. During the long Contest between the Houses of *Lancaster* and *York*, annual Elections were according to this Hypothesis, the constant Practice. Whether that was the Case, or not, is immaterial. If it was, what Good did these annual Elections then produce? And how much of the Fury and Madness of the Combatants did they restrain?—If annual Elections were then set aside, what was their Efficacy, if not used, when most wanted?—That Parliament upon Parliaments were held during

those troublesome Times, is an undoubted Fact:—And therefore if annual Elections are such a sovereign Remedy, as here supposed, this was the Time for them to have produced their salutary Effects. Yet alas! the only Effect which we can learn from History, was, That the victorious Side always reversed what the vanquished had enacted, and added new Confiscations, and Attainders of their own.—Could any Thing better have been expected from the annual Revivals of civil Discords?

But above all, if you will view the Matter in a commercial Light, you must acknowledge, that annual, or even triennial Appeals to the whole Mass of the People, [each of whom, it seems, hath an equal and an indefeasible Right to be represented, and to be self-governed, &c.] would bring swift Ruin and Destruction on all our Trade and Manufactures. The Clubs and Combinations of Tradesmen to raise the Price of Goods, and of Journeymen to raise their Wages, have a bad Effect on national Commerce even at present;—judge therefore what would be the Consequences, were every Tradesman, and every Journeyman, to be annually *authorised* [as he would be in effect] to make his own Terms with the Candidate, before he would promise him his Vote! Most undoubtedly *Birmingham* and *Manchester*, *Leeds*, and *Halifax*, and many other populous Towns and manufacturing Places would soon be reduced to mere Villages, when blessed with equal Representations, and frequent Elections: And the Trade and Manufactures, the Shipping and Navigation of *England* would soon migrate into *Scotland*:—Into *Scotland*, I say, where the common People have no Concern in County Elections, and not much in most of their Cities and Boroughs; and therefore they suffer but very little from the Drunkenness and Intemperance, the Idleness and Dissipation, and other Vices, which generally prevail in Consequence of contested Elections.

But be that as it may, enough hath surely now been said to prove the Inefficacy of the Remedies hitherto proposed. And if what I have to offer in their Room should be found on Examination to be equally defective, I can only say that these Defects must be charged either on the Nature of the Disease, which will not admit of a Cure,—or on the Incapacity of the Author, who cannot discover one. [For as to Care and Attention in considering, and reconsidering the Subject, nothing has been wanting in that Respect] If therefore the Disease is really incurable, Patience and Resignation is the only Prescription. But if a great Part of the Evils now complained of, might be rectified, and others so far redressed as to be of small Importance,—it is to be hoped that some happy Genius may yet arise, who will propose a Plan more efficacious in itself, and free from those Difficulties, which perhaps may be objected to what I have now to offer.

Having premised thus much. I would now beg Leave to observe, that the following Points appear to me of such Consequence, that every Man, who would propose any Remedy either for removing, or palliating the present Evils, ought to have them constantly in View, as the Scope and End of all his Endeavours.

1st. True Policy requires, that every Part of a compact [middle-sized] State, such as *Great-Britain*, ought to be well cultivated, and fully settled;—Therefore every Scheme, Plan, or System, which has a contrary Tendency, ought to be discouraged and opposed, as much as possible.



*2dly.* True Policy requires, that in the well peopling of a Country, Abundance of single Farm-Houses and Cottages, numerous Country Seats, Villages, and Towns, and not a few Cities of a moderate Size are much preferable to large, unwieldy Capitals in, or near the Centre, with Wastes and Deserts, or Districts thinly inhabited, at or near the Extremities:—Consequently every good and really patriotic Scheme should have an Eye towards promoting the former, and checking the Increase of the latter, as much as the Nature of the Case will permit.

*3dly.* Though it would be highly absurd, to admit indiscriminately every individual Moral-Agent to be a Voter, yet true Policy requires that the Voters should be so numerous, and their Qualifications respecting Property be so circumstanced, that the actual Voters could not combine against the Non-Voters, without combining against themselves, against their nearest Friends, Acquaintance, and Relations.

*4thly.* Good Policy also requires, that in the Matter of electing Representatives, or sending Deputies to the great Council of the Nation, the general and particular, the national and personal Interests both of the Electors, and of the Elected, should be made to harmonize as much as possible.

Lastly, it also requires, that the proposed Alterations from the present System, should deviate as little as may be, from the present Forms of Government, and cause no *remarkable* Changes in the external Police, and long established Customs of the *English* Nation.

On these Positions, which I hope the candid, and judicious Reader will *readily* allow, I will venture to proceed in my intended Scheme of Amendment or Improvement.

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## ***The* QUALIFICATIONS *Of* VOTERS.**

Let me therefore previously remark, that the Qualification for voting both as Freeman, and as Freeholders, ought to be raised a little. The public Good, as well as private Happiness, calls aloud for a Reformation in this Point; and none can reasonably object to such a Measure, but those who maintain the absurd, and often confuted Notion of the unalienable Rights of each Individual to be his own Legislator, and his own Director. But, I would beg Leave to observe, that this Qualification ought to be placed in such a Mediocrity of Condition, between the two Extremes of great Riches, and of wretched Poverty, that no sober, diligent, and frugal Man could well fail of raising himself by his Industry, in *a Course of Years* to the honourable Distinction of a Voter;—and that almost every idle, vicious, and abandoned Spendthrust would be in Danger of sinking beneath, and of being degraded from the Privilege of voting. How different from this is the Case at present!

*1st.* Then, the Qualification for voting as a Freeholder for the County should still be no more *nominally* than that of Forty Shillings a Year above all Reprisals. But in order that this Qualification might not be subject to any Fraud or Collusion, it would be necessary to insist that the Voter, or intended Voter should be assessed to the Taxes both of King and Poor, for no less a Valuation of the Premises, than the whole Sum of forty Shillings;—and that he himself ought to be in full Possession of them, and to have paid the Tax or Taxes arising from such Assessments, [Reference being had to the Books of the Collectors] a full Year before he could be entitled to give his Vote. This single Regulation would cut off three-fourths of the bad Votes usually obruded on Sheriffs at contested Elections;—nay, it would put an End to the whole Trade of splitting Freeholds on such Occasions.

*2dly.* Though all Persons ought to be free as to the Exercise of any handycraft Trade, or Calling, both in Town and Country [and all Laws, and Bye-Laws to the contrary ought to be repealed] yet none but *Residents* in Cities and Borough Towns ought to be allowed to vote at Elections as *Freemen*. And the legal Qualification of a *Resident*, to entitle him to be considered as a *voting* Freeman, ought to be the having paid *Scot* and *Lot* in such Town or City in his own Person, and for his own Property, [Reference being had to the Collectors Book] for one clear Year, preceding the Time on which he tenders his Vote. Nevertheless all Men, free or not free, resident, or Absentees, who have *Freeholds* within the Precincts, Liberties, or Boundaries of such Cities, or Borough Towns, ought likewise to be entitled to the Privilege of voting for Representatives in Parliament;—provided that their Freeholds come within the Description of the full Sum of forty Shillings above-mentioned:—It being very evident that the Interest of such Freeholder, generally speaking, is more permanent, and local, than that of a mere Freeman paying *Scot* and *Lot*. Now here again, the whole System of electioneering Bribes, and of Borough-Brokage, would in a Manner be annihilated by this single Regulation;—and the remaining Evils be so very few in Comparison, as hardly to deserve our Notice.—So much as to the Qualification of Voters.

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## ***The* QUALIFICATION *Of* CANDIDATES.**

Respecting the Gentlemen to be elected Representatives, their Interest, it is presumed, would best be connected with that of the Public in general, and of their Constituents in particular, by the following Arrangement.

*1st.* Let the Person offering himself a Candidate for a County, cause to be delivered to the Sheriff, or returning Officer, ten Days at least before the Commencement of the Poll, a List, or Schedule of his *landed* Qualification:—Shewing, that he has *not less* than 1,000 Acres of Land in such a Parish, or Parishes, according as the Lands may lie contiguous, or dispersed, within the said County; on which are erected ten Dwelling Houses *at least*, which are, and which have been for 12 Months last past inhabited by ten distinct Families; and that he himself hath enjoyed the said Estate in his own full Right, and hath been the Landlord of the said Tenants for at least twelve Months preceding, having paid, either by himself, or by them, every Kind of Tax, which hath been legally charged upon the same. Moreover, he should be obliged to cause a printed Copy of the said List or Schedule to be affixed on the Market-House, Sessions-House, Town-Hall, Church Doors, and every other public Building of, and in every Market-Town within the said County:—And should also cause Duplicates of the same to be inserted twice, or oftener, in the Journals or News-Papers of the said County, if any such shall be published;—if not, of some neighbouring County or City, the most read by, and circulated among the Electors.

*2dly.* The Candidates for Cities, or Boroughs, should be obliged to deliver similar Lists, or Schedules, and to give equally long Notice to their respective returning Officers, and indeed to all the Inhabitants of such Cities, or Boroughs, by causing printed Copies to be affixed on the Market-Houses, and on every public Building whatsoever, ten Days at least before the Poll begins: Nor should the Insertion of such List or Schedules in the public Papers (as related in the former Article) ever be omitted; in order that Freeholders at a Distance, as well as Freemen on the Spot, may be made perfectly well acquainted with the Pretensions, and landed Qualifications of each intended Candidate:—Only respecting the *Quantum* of the Qualification, it may be necessary, [in order to approach nearer to the present Law] that no more Acres should be required than 500,—and five Dwelling Houses, occupied or inhabited by five distinct Families. But nevertheless, that this Qualification may be a real one, and not pretended, or a borrowed, [which alas! is too often the Case at present] it may be necessary to insist, that *no Part* of this landed Estate should be thirty Miles distant from the City, or Borough, for which he offers himself a Candidate, so that many of the Inhabitants might be able to detect the Cheats if any should be attempted:—The Miles to be measured along the King's Highway, and public Roads, and not as the Crow flies. But it is immaterial in what County or Counties the Estate itself should happen to be situated, the Vicinity being the main Point to be regarded.

*3dly.* The Penalties or Forfeitures for contravening, or not duly performing any of the above Rules and Conditions, should be the following.

[1st.] Though it would not be right to debar the accused, before his Guilt is legally proved, the Liberty of standing a Candidate;—yet as soon as the Election was ended, and for nine Months afterwards, it might be lawful for any Person whatever to prosecute him in the King's-Bench for the [supposed] Breach of this intended Law;—provided, that the Plaintiff previously gave Security for paying 1000l. Damages in the Case of a County Election, and 500l. in that of a City or Borough, to the Defendant, if he did not, according to the Verdict of a Jury, make good his Charge:—But in Case he did, then the Defendant should forfeit the Sum of 1000l. for a County, and 500l. for a City or Borough, with treble Costs to the Plaintiff; and the *Onus probandi*, that he was actually and *bone Fide* possessed of such an Estate, and that he had performed all the Conditions required by this intended Law, should rest on the Defendant, because it would always be in his Power to prove his Innocence, if he was falsely accused.

[2dly.] In Case the Defendant should be cast, then, if he was returned Member, his Seat should be declared vacant, *ipso facto*, and a Writ be made out for a new Election:—But he himself should be rendered incapable of standing a Candidate for that, or for any other County, or Place, for at least three Years to come.

[3dly.] If any Thing else can be supposed yet to be wanting towards putting a total End to the numerous Frauds and Forgeries of *unqualified* Candidates, [now, alas! so very common] and of their Adherents, Co-adjutors, or Abettors,—It may be thus supplied:—Let every Person who can be proved to have been an Accomplice, or Assistant in making up false Accounts, or publishing the same, (knowing them to be false) respecting the Property of, or Title to the Lands,—the Quantity of Acres which they contain,—the Number of Dwelling Houses erected on them,—the Families actually inhabiting them,—the Length of Time, in which the Candidate may have been in the Possession of them in his own Right;—I say, let every such convicted Accomplice, Agent, or Assistant, be judged by this intended Law to have incurred the same Guilt as a Principal, and be subject to the like Penalties, and Disqualifications in every Respect whatever.

Having laid down these several Regulations for ascertaining the Qualifications both of those, who are to *elect*, and of the Candidates to be *elected*; it is humbly conceived, that, were they duly executed, they would prove such a sufficient Guard to the Freedom of Elections, and such a preventive Remedy against almost every Kind of Fraud and Imposition, that more, or greater need not be required. Indeed, it may be questioned, whether in the present State of Things, more or greater would not embarrass the main Design, instead of promoting it. Let us therefore take a View of the whole Plan, as it lies before us.—Supposing, that it was fairly set in Motion, and when all the Parts are co-operating with each other.

But in order to do this, I must premise, that such an important Bill ought not to be attempted to be introduced into Parliament, at or near the Dissolution of an old one, but about the beginning of a new one. Those, who know any Thing of the Spirit of Electioneering, which is ready to burst forth, as a Flood, when a Parliament is drawing near the Time of its Dissolution, and of the vile Arts and Stratagems usually

practised on such Occasions, to inflame the Populace with Names, and Noise, and Nonsense, can easily comprehend my Meaning.

This being premised, I am therefore to observe,

First of all, That when such a regulating Bill shall have passed into a Law,—even the lowest of the People, and those, who perhaps might be deprived thereby of their present Privilege of voting [a Privilege alas! which is now their greatest Misfortune] would soon find, that they would be Gainers by it in Reality, instead of Losers;—*Gainers*, I say, unless the Removal of the Power of doing Mischief to others, and of ruining themselves, can be called a *Loss*. In fact, all the great Blessings of Society, Life, Liberty, and Property, would be as much ensured to them under this Circumstance, as to any Set of Men whatever.

Nay 2dly, They would also soon find, that the Honor or Privilege of becoming a British Voter [it would then indeed be a *real* Honour, and a great Privilege] lay within their own Reach to obtain;—provided they were so much their own Friends, as to live a Life of Industry, Sobriety, and Frugality for a few Years;—I say, for a *few* Years; it being almost demonstrable that any common Day-Labourer, or common Mechanic, acting uniformly on a Plan of Industry, and Economy, might raise himself [unless particularly unfortunate] to the Degree of a Voter, before he arrived at the middle Stage of Life;—Yes, he might raise himself to it by his own good Conduct, without applying to any one for Interest, or using any Sort of Solicitations.—Now, when the Road to public Prosperity, and to private Happiness, to external Honours, and to internal Virtue, is thus made straight and easy, without any Turnings or Labyrinths whatsoever.—What can any People upon Earth reasonably desire more?

3dly. Those, who should feel themselves either elevated to, or confirmed in the Rank of Voters, by Means of these new Regulations, would prize this Privilege so much the more, and contend for it with the greater Zeal, in Proportion, as they found that it would be an *honourable Distinction*, not conferred indiscriminately, as at present, on the very Dregs of the People, or the most worthless of Mankind; but bestowed on the more deserving, both as a Reward for their own exemplary Conduct, and also as an Incitement held forth to others to copy after. Men in such a Situation will value that Constitution, which distinguishes them from others, so much to their Credit and Reputation, for the same Reason that they love and value themselves. And the Lockian Doctrine of *unalienable Rights* will necessarily fall to the Ground.

4thly. When the Time of electing Representatives shall draw near, the Electors for Cities and Towns, as well as for Counties, will be tolerably well secured by these new Regulations from the Solicitations of those bribing Mushroom Candidates, who always mean to *sell*, having no Chance to succeed, unless they *buy*. Therefore, generally speaking, neither the Plunderers of the *East*, nor the Slave-Drivers of the *West*, nor the Privateering, trading Buccancers of the *American* Continent, nor our *English Newmarket* Jockeys, nor *London* Gamblers, nor *Change-Alley* Bulls and Bears, &c. &c. will be able to shew their Heads, when such *terra firma* Qualifications shall be required, before they offer themselves as Candidates. Yet these landed Qualifications are so low and moderate in themselves, and the Time required to be in

Possession of them so very reasonable, that no Man in the Neighbourhood, who has any Title to the Character of a Gentleman, would be excluded from being a Candidate, if he pleased.

Hence therefore *5thly*, it is very apparent that all Candidates for Boroughs, answering to this Description, would have a real Interest in the Welfare of the Neighbourhood of the Place they intended to represent. A Circumstance this, in which our present System is too often very defective: For when an Adventurer of the former Stamp, (as mentioned in the *3d*. Article) whose Wealth lies in far distant Countries, or in the Funds (if indeed it is any where) happens to be elected, he has no personal Motive to concern himself at all in the Prosperity of the Borough, or in the Improvement of the Estates, situated in its Neighbourhood. Nay, indeed it may so happen, that his own private Interest as a Planter, a Monopolizer, a Jobber, or Contractor, &c. &c. may be directly opposite to the true Interest of that Place, or District, which he represents in Parliament: And therefore, if he can attach to his electioneering Views two, or three leading Men of the Borough, either by pecuniary Bribes, or by the Promise of Places to them, their Relations, or Dependents,—his End is answered, and he looks no farther;—unless it be to assist these dirty Tools to oppress and harrass those, their fellow Burgesses, who should dare to oppose them.

*5thly*. When the general and particular Interest both of the Electors, and Elected, of the Constituents, and of their Representatives, are thus made to con-center, Parliament-Men become in fact, what they are always supposed to be in Theory, and Speculation, both *Guardians*, and *Guarantees*: Guardians of the Rights of the People, and of their own Property against the Encroachments or Innovations either of the Crown, or of the Aristocracy—if any should be attempted;—and *Guarantees* to both the Crown and the Nobility, that the People shall not abuse the Liberty they enjoy, by aiming at too much, so as to overturn the Constitutional Balance; which indeed would sooner or later prove their own Ruin:—For a turbulent, factious Democracy is quickly, and easily converted into the Tyranny of a single Despot.

It has been often said by certain Writers on Politics, that Wealth and Power naturally, and even necessarily infer each other. In a qualified Sense this may prove true, but not universally. It would be true, were none but Persons of some Property in Counties, Cities, and in Borough-Towns, [that is, were *substantial* Freeholders, and all Persons paying *Scot* and *Lot*, and not the lowest of Mankind, though frequently a Majority as to Numbers] were those, I say, and *none but these* to elect their own Representatives, and to empower them to act in their Stead. In such a Case the Wealth of Individuals thus considered together under proper Heads to direct and govern the whole, would become its Strength;—And Strength so circumstanced would be only another Name for Wealth.—Suppose, therefore, that in the Vicissitudes of human Affairs, our Body Politic should be threatened with such a violent Shock as would greatly disorder it:—As soon as the Danger was perceived, every Voter or Elector, every Freeman and Freeholder, would immediately unite with their respective Representatives to guard against the approaching Evils, and repel the Blow. All little Divisions and Animosities would then be forgot: The general Solicitude would swallow up every inferior Consideration, and unite all Parties in the common Cause. Suppose again, that thro' Want of Attention in some, and from a much worse Cause in others, the Blow was

actually given; and that the Wound was almost mortal;—yet even then, as long as Life remained, and any Hopes were left, the whole Mass of the [voting] People, as well as their Representatives, would struggle hard to get the better of this dangerous Convulsion, and to restore the Body-Politic to its antient Vigour. These Efforts they would certainly make, because they would then directly feel, that the Loss of such a Constitution as ours, would be their own Loss, and that they themselves could never be of so much Importance, either in their private, or their public Capacity, under any other Form of Government, as they are under the present.

Here therefore, it may be highly necessary to observe, that the democratical Branch of our Constitution has more to fear from its own internal Tendency, than from any external Cause whatever.—I have, I hope, already proved, that neither the Crown nor the Peerage, according to the present State of Things, could either attack or undermine the Liberties of the People, with any Prospect of Success. We may therefore consider ourselves as safe on that Side. But I own, I am not without Apprehensions, that the People themselves are strongly inclined to do those Things, which would in the Event prove a *Felo de se*. Too many among them are always disposed to think, that because Liberty is a good Thing, *therefore they can never have too much of that good Thing*.—This fatal Mistake has been the Ruin of every free Government, both in antient, and modern Times; and will, if persisted in, prove the Ruin of ours. The new Regulations here proposed, bid the fairest of any that I know of [consistently I mean, with the Spirit of our Constitution, and a due Regard to *real* Liberty] to check that strange Propensity so observable in our common People towards *Levelling*, and *Licentiousness*, and to give their Minds a better and more reasonable Turn. It is indeed a melancholy Reflection, that in most Cities, and Borough-Towns, and perhaps in Counties, the far greater Number of Voters are such, whose Circumstances lead them to wish for a new Division of Property, because they have little, or nothing to lose, but may have much to get in Times of Confusion, and by a general Scramble. Therefore every Rule of sound Policy, not to say Religion and Morality, suggests the Necessity of raising the Qualification of voting to such a Mediocrity of Condition, as would make it the Interest of the Majority of Electors, to assist in the Support and Preservation of Order and good Government, and not to wish their Overthrow.

*7thly* and *lastly*. The new Regulations here proposed, if carried into Execution, would cause every Part of the Kingdom, the Extremities, and intermediate Places. [as well as the Centre, or Seat of Government] to be better represented than they are at present. The Complaint usually brought against *Cornwall* and *Wiltshire*, is, that they return too many Members in Proportion to the rest of the Kingdom: Whereas these Counties might justly retort the Accusation, by saying, that though they have *nominally* more Members than *London*, *Westminster*, and *Southwark*, yet in *Reality* they have fewer. For most of the Members for the *Cornish* and *Wiltshire* Boroughs have their chief Residence in the Metropolis, with Country-Seats perhaps in its Environs:—None of which Villas, generally speaking, are at a greater Distance than 20 or 30 Miles from it:—And what is still worse, most of such Members have not a Foot of Land *in*, or any where *near* the Places for which they were elected: So that having no personal Interest in the Premises, they might with much greater Propriety, be stiled the Representatives of *London*, *Westminster*, and *Southwark*, and of the several Districts in that Neighbourhood [where their Estates and Fortunes are supposed to be] than the

Representatives of the Boroughs in *Wiltshire* and *Cornwall*, where they have no Property at all.

When Men are determined to support a favourite Hypothesis, it is curious to observe, what Pains they take, to make every Thing, however discordant in its Nature, to bend and ply towards their beloved System. The Boroughs of the two Counties just mentioned return more Members to Parliament than any others: This is a Fact which cannot be denied. But how is it to be accounted for?—The Disciples of Mr. Locke, who maintain, that all Persons have an unalienable Right to choose their own Legislators, Governors, and Directors, gravely tell us, that these Boroughs, now fallen into Decay, were once very large, and extremely populous, and the Seats of various extensive Manufactures:—And then the short Inference is, that as the Trade is gone, and the Inhabitants become very few, the Right of sending Members to Parliament ought to be transferred to more populous and flourishing Towns. [*Birmingham, Manchester, Leeds, Halifax, Stroud, Bradford, Trowbridge*, and many such like Places, would not think themselves at all obliged to the Author of such a Proposal, and would certainly remonstrate strongly against it] But waving the Matter, let us, if we can, trace the real Origin of this Difference between the State of Representation of the Boroughs in the two Counties of *Wilts* and *Cornwall*, if compared with those of other Counties. \**Wiltshire* was long the Residence of the Kings of the *West-Saxons*, who in Process of Time conquered all the rest. Now where the Royal Residence was, there of Course would be the chief Domain: For the stated Revenue of our antient Princes, both *Saxon* and *Norman*, consisted chiefly in Landed Estates, that is, in Castles, with their Territories, Manors and Honours, and Towns and Villages, held by various Services, some of them military or noble, and others base and servile. *Cornwall* was in like Manner, and for the same Ends and Purposes the Domains of the Earls and Dukes of *Cornwall*. Hence therefore it naturally followed, that as the great Tenants of the Crown were obliged to attend *in Person* at the Courts of their Sovereign [thereby constituting an House of Peers] so the smaller Tenants, and inferior Vassals, were to do the same by, Deputation; which Circumstance gave the first Idea of an House of Commons. Indeed there was a stronger Reason for the Attendance of the Deputies from those Towns and Villages, which belonged to the Crown, *if their Poverty did not prevent them*;—I say, there was a stronger Reason for their Attendance in some Respects, than for that of others;—because the Quantum of those Acknowledgments, Services, and Quit-Rents, which they were to pay to their great Landlord, the Crown, as well as their Free-Gifts and Benevolences, if they are disposed to make any, were to be fixed and apportioned at such Meeting. Moreover, when the Duchy of *Cornwall* escheated to the King, the Tenants, and Borough-Towns, and Villages of the Duke became a Part of the Royal Patrimony; in consequence of which, they were obliged to do the same Suits and Services at the King's Courts, which they had done before to their ducal Masters, or great feudal Lords. I own indeed, that several of the *Cornish* Boroughs were not *chartered* to send Members to the General Parliament of the Realm 'till the Reign of King James I.—But nevertheless they were such Places as were supposed to have sent Deputies to the Courts of the Earls, or Dukes of *Cornwall*, and therefore were considered as having a Kind of *equitable* Right to send Members to the General Council of the Nation, now that their own particular Courts were suppressed, or rather swallowed up. Therefore, to return:—



Surely there is nothing forced, or unnatural in this Account of the Matter;—nothing, but what is perfectly analogous to the Customs and Manners of antient Times, and correspondent to the Genius of the Gothic System. Why therefore should we have Recourse to an imaginary Hypothesis of the great Commerce, great Population, and extensive Manufactures of these two single Counties of *Wilts* and *Cornwall*, to the Prejudice of all the rest of *England*, without any Foundation in History for such a Supposition?—Why indeed, when it is farther considered, that such an Hypothesis can answer no other End, than to confirm, by forged Accounts, that false Notion of every Man having an unalienable Right to be self-governed;—a Notion which was not so much as dreamed of in those Times?

There is but one Objection, as far as I can perceive, which can be made to the Account here given of the Reason, why a greater Number of Members are sent by the *Wiltshire* and *Cornish* Boroughs, than by the Towns and Villages of other Counties:—And that is this; “Were the Case as here stated, it would be natural to expect from the Analogy of the Thing, that the Dutchy of *Lancaster*, now united to the Crown, would have furnished Examples similar to those of the Dutchy of *Cornwall*:—But it doth not.”—This Objection, it must be owned, looks plausible at first Sight:—But the whole Force of it is built on a Mistake.—The Dutchy of *Lancaster* is, and ever was a scattered Thing, composed out of the forfeited Estates of four great Barons, besides other Accessions, which lay dispersed in almost every County both of *England* and of *Wales*. It was therefore impossible, that the same Phœnomenon could have occurred in the one Case, as in the other. Had indeed those forfeited Estates been situated altogether in *Lancashire*, or in any one single County, there is hardly a Doubt to be made, but that the same, or nearly the same Circumstance would have taken Place, on the Union of that Dutchy with the Crown.—And if it had, what ill Consequences would have ensued,—supposing, I mean, that the Regulations here proposed, had been adopted, as a Part of the System?—For my Part, I can see none:—Nay, I will not scruple to declare, that it would be a much more rational Plan, that the Deputies from *Cornwall*, or *Westmoreland*, *Cumberland*, or *Northumberland*,—or, if you please, from *Sutherland* and *Caithness*, (now these Kingdoms are united) should out-number those of *London*, *Westminster*, *Southwark*, and the adjacent Parts, than that these latter should be more numerous than the former:—Because the Centre and the Residence of the Legislative, and executive Powers;—or in one Word, the Metropolis will never fail to take Care of itself:—Not so, *vice versa*.

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## PART III.

### Divers Collateral Circumstances CORROBORATING THE FOREGOING SYSTEM, AND CONFUTING THE LOCKIAN

#### CHAP. I.

#### ***The General Nature Of The Gothic Constitution Described, Which The Barbarous Nations Introduced And Settled In Every Part Of Europe, And Particularly In England.—Various Antiquated Customs And Laws Explained Relative Thereto.—These Laws Either Not Understood, Or Wilfully Misrepresented By Our Modern Lockians.***

THOUGH I have in the preceding Work endeavoured to illustrate several antient Laws and Customs, the Knowledge of which are totally unknown to the Generality of News-Paper Politicians;—yet I find myself under a Kind of Necessity of giving a still more general Sketch of the Out-lines, of our former *Gothic* Constitution, in order to guard against the Misrepresentations of certain late Publications, circulated and dispersed with incredible Industry;—whose Authors must have had an uncommon Share either of Ignorance or of Disingenuity, intending only to give the Out-lines of the *Gothic* System, which once universally prevailed. I will endeavour to be as brief, as the Nature of the Subject will permit.

Setting aside the Clergy, whose Office and Character created them a distinct Consideration, there were but three *general* Classes of Men in this, and in every other Kingdom in Europe;—The Villains,—the Tradesmen,—and the Gentlemen.

#### I.

#### The VILLAINS.

The Villains were the lowest Class, but they were by far the most numerous: For there was hardly any Kind of laborious, or servile Work in all Branches of Husbandry performed by any other Class of Men. Nevertheless, they too had their Gradation of Servitude. For some of them were Villains in gross, other Villains regardant Manors [not to mention the Bordarii, Cottarii, &c. &c.] and the Rest were Copy-holders;—of which latter also there were various Kinds, and different Degrees.

The Villains in gross seem to have been on the same Footing with the Negro Slaves at present in the *West-Indies*. And as one of the chief Articles of Export from *England* to

other Countries [even to *Ireland*.] during the Times of the *Angle-Saxons*, was this horrid Trade of selling their Fellow Creatures,—it is probable that such Slaves were Villains in gross.

The next Species were Villains regardant, or appendant to Manors. Being attached to the Soil [*Globae ascriptitii*.] They could not *regularly* be separated from it, without their own Consent: Consequently they passed with the Manor from Lord to Lord, as often as the Land changed its Master or Proprietor by Purchase, Donation, Devise, or Descent. However, Slaves they were in every Sense: For their Lord and Masters might use their own Discretion in imposing upon them, what Burdens or Tasks they pleased; and might punish them also very severely, without being accountable to any one;—provided they did not maim or kill them. Moreover these poor Wretches were not capable of acquiring any Property for themselves; for all theirs were their Masters.

The Severity of this Bondage became milder in Process of Time, by the Institution of Copyhold Tenures. The Villains of this Denomination were comparatively happy: because they had certain Portions of Land assigned them, which in some Respects they might call their own, provided they performed the Conditions annexed thereto. These Services were at first so much manual Labour, or so many Days' Work, according as their Lord should appoint: Also the Copy-holders were generally obliged to furnish him with certain Quantities of Provisions of different Kind, of Corn, Cattle, Poultry, Meal for his Dogs, &c. &c. &c. Moreover there were often added to these Services, various other Stipulations, some of them not amiss, and others very ridiculous and absurd, to say no worse. But all, or most of them, as they took their Rise from the mere Will and Pleasure, or *Caprice* of the first Granter, became afterwards a Kind of Law to both Parties, that is, both to the Lord, and his Vassal; and were therefore called the Customs of the Manor, and held to be sacred for a long Season. However as the seudal System was evidently more the Work of present Necessity, than of cool and provident Deliberation, these Tenures were softened by little, and little, into more liberal Holdings, according as the Times became more peaceable and settled. The Services were often changed into annual Quit-Rents, and the Herriots, Escheats, Forfeitures, Admittances, and Reliefs, were turned into Fines certain, and fixed Sums of Money. Moreover, several of these Holdings were made perpetual, according to the Custom of the Manor: And the Nature or Condition of most of the Rest was so changed, as to differ little from Lands held in Soccage. Indeed Soccage itself was a base, or servile Tenure: For whatever was not military, was base, according to the Ideas which then prevailed. The worst Part of this Institution, and what drew after it real Tyranny on the one Side, and Slavery on the other, was, that the Copy-holder seemed to be without a Remedy, in Case he was oppressed by his Lord: For he had no other Jurisdiction, at least in the first Instance, and in Civil Causes, to appeal to, but the Court Leet, or Court Baron of that very Man, his Steward, Bailiff, &c. who was his Oppressor. Happily at present all these Evils are effectually removed: And indeed the Institution itself, as far as it carries an Idea of Slavery, is vanishing away. For, as no new Copy-holds can now be erected, and as there are so many Ways of turning the old ones into different Holdings [which are putting in Practice every Day] it is probable, that this Kind of Tenure will be extinct. [The whole Manor of *Taunton-Dean* in *Somersetshire*, containing so many Thousands of Inhabitants, is Copy-hold of Inheritance under the Bishop of *Winchester*, and might

be turned into distinct Freeholds for a trifling Consideration.] The several Tenures of base Condition [including Borderers, and Cotters, also Copy-hold and Soccage] were once so numerous, as to sustain a far greater Number of Inhabitants, than the noble, or military;—and the Peasantry and Yeomanry of this Kingdom, and perhaps several other Orders of Men, who now figure away in high Life, can trace their Pedigree from no other Origin, than that of Villainage, in one or other of its Branches.—Be it also remembered, that Villains of any Sort, were never considered as Citizens at large, or as Members of the State,—but rather as Goods and Chattels of a superior Kind, belonging to their respective Owners or Proprietors. Nay, Magna Charta itself considered these human Beings in no better Light than as so many Head of Cattle, or other live Stock, upon an Estate; ordaining [see Article the 5th.] That, whilst the Estate of a Minor was in Wardship, the Guardian should make *no Destruction or Waste of the Men, or Things* belonging to it. Such were the Ideas of Humanity, and its Rights, which then prevailed. In short, Slaves of any Sort were never allowed to vote. They were not represented in Parliament, and they had no Share in the Legislature. Therefore,—Whether Parliaments were to be held annually, or not,—and what was to be the Qualification either of a Freeholder, or of a Freeman, in order to entitle him to vote; was a Question in which they were not concerned; nor was it of any Consequence to them how these Matters were to be determined.—In one Word, the Majority of the Nation, as to Numbers, were not *Electori ab Initio*. This is Fact.

Under the present Head the following Observations may be ranged, as they tend to throw a general Light on the Subject;—namely, That formerly almost every Lord of a Manor had three Sorts of Lands within the Boundaries of his Lordship. The first Sort was for his own peculiar Use, that is, for the Support of himself and Family, and for the keeping of what was then called great Hospitality. This Lot of Land was generally large and extensive, lying compact, and convenient round his Castle, or Court-House, and not intersected by, or intermixed with the Property of others. The second Sort was for his military Tenants, or Freeholders, who were to pay him annually some small Acknowledgment in Money, or perhaps none at all, the Estate being only subject to Reliefs, Wardships, Heriots, the furnishing of so many Pieces of Armour, warlike Stores, and the like. But all these Tenants were to do Suit and Service at the Court of his Manor-House, according to their respective Holdings; which Attendance was then equivalent, or nearly equivalent to what the calling over the Muster-Roll of Soldiers is at present.—But it is remarkable, that the Estates granted to these Warriors, or second-rate Gentlemen, were not only of less Extent than the former (which is natural enough to suppose) but also greatly interspersed and intermixed with the Estates of other Tenants; so that (excepting the mere Homesteads, or Lands surrounding the Mansion-Houses) the chief Part lay confusedly dispersed in Common Fields, and Common Meadows.—However these were not scattered in any Degree so much as the last Class to be mentioned and the most numerous, viz: The Estates of Copyholders; for these Men had hardly five Acres lying together; on the contrary an Holding of 40, or 50 Acres might be found to be divided into Bits and Scraps, called Langlets, Headlands, Gores, Ridges, Lands, &c. &c. perhaps to the Number of Fourscore, or an Hundred Pieces.—It is difficult to discover what could have been the Policy of such a Contrivance:—For that a *Contrivance* it was, [and not what happened by mere Chance or Accident] is evident beyond Dispute: The very Universality of it, were there no other Proof, being sufficient to shew, that some End or other was

intended to be answered by it.—I acknowledge myself at a Loss to guess what that End could be;—unless it was to keep both Sorts of Tenants the more dependent on their original Lords, by Means of those frequent Appeals, which must be made to his Courts, in order to settle the Disputes, which such an Intermixture of Property, and mutual Encroachments, (some perhaps voluntary, and others involuntary) would necessarily create.—Such a Motive as this for the Institution was certainly a very bad one;—and yet bad as it was, it is hard to assign a better.—[If it was to increase the Fees and Profits of the Court for the Benefit of the Steward, or Court-Keeper, that was certainly a worse.] Be that as it may, Fact it is, that it has cost this Nation already many Scores of Acts of Parliament, and almost as many Thousands of Pounds to undo those Mischiefs which have sprung from this Intermixture of Property, the Confusion of Interests, and the Discord of Inclinations of different Landholders.

## ARTIFICERS And TRADESMEN, The Second Class.

As no Trade was honourable among barbarous Nations but the Trade of War, it is therefore highly improbable, that a Gentleman-Soldier should so far degrade himself, as to take to any other Employment, than that of the Sword. Nevertheless there was a Necessity that other Trades, besides that of destroying Mankind, should subsist even in Times of the greatest Simplicity. Villains of different Kinds were to furnish the Warrior with Victuals:—But how was he to be supplied with *Raiment*, and *Dwelling*? and who was to serve him with all the Articles whatever of Profit, or of Pleasure, of Use, or of Ostentation belonging to Cloathing and Habitation? Things these, which require many Hands, and infinitely more Skill and Judgment, and much larger Capitals, than are necessary for the bare Preparation of coarse Food.—To get over these Difficulties, both the Prince and his great Lords condescended to invite as many Tradesmen and Artizans as they could collect, or as they thought necessary, to settle in some commodious Spot on their principal Domains, near their Castles and Places of Residence, under their own immediate Patronage and Protection.—And for their greater Security and Encouragement, they granted them Charters, which were originally designed to answer much the same Ends to Artificers in Towns as Copies of Court Rolls were to those poor Dependants, who were called Villains in the Country.—For as the lesser Lords of Manors did not chuse that any should tyrannize over their own Vassals but themselves; so likewise the Magnates, the *Proceres Regni*, and the Sovereign, took especial Care to guard their Traders and Mechanics from any Insults but their own. At first these Charters of Protection were very sparingly granted, and contained little more than general Promises of Favor and Good Will.—During this Period, these Collections, or little Nests of Pedlars and Artificers, were not considered as Members of the State; for they had no Representatives in the national Councils; and of course had no Share in the Legislature. On the contrary, they were regarded as the private Property of their respective Patrons and Protectors, the King, and the great Barons, who were to answer to the Public for their good Conduct and Behaviour. But a Circumstance arose, which gave them much greater Weight and Importance in the Community, than otherwise they would have acquired, perhaps for Ages.—This remarkable Revolution in their Favour came to pass in the following Manner: When there were no more Countries in Europe for the Northern Barbarians and Free-booters to subdue, these Heroes by Profession would have been greatly at a Loss, how to have employed their Time, had not a certain enthusiastic

Monk, whose Name I think, was Peter, hit on an Expedient to employ vast Numbers of them, in the military Line, and assuring them at the same Time, that the more Throats they cut, the greater would be their Reward in Heaven. The Scheme proposed was to undertake Pilgrimages to *Jerusalem*, and to fight for the Recovery of the *Holy Land*, out of the Hands of the Infidels. Joyful News indeed! For no sooner had this Fanatic announced his Commission, and got the Pope and some Councils to ratify the Promises of eternal Happiness, than the whole Host of *idle Warriors* throughout most Parts of *Europe* were seized with an epidemical Madness to engage in this Holy War [The Cause of God, as it was called]; and to purchase Heaven on such soldier-like Terms. So great was their Phrensy, that they never reflected that in passing from *Europe* to *Palestine* they would be under a Necessity of laying in great Quantities of Provisions, Hay, Straw, &c. in order to form Magazines, and of storing up Medicines for the Use of Hospitals, to accommodate not only the Troops of \* God, but also the prodigious Numbers of other Pilgrims [among whom were Swarms of Females of Quality] during so long a March, or so long a Voyage. But furious and frantic, they rushed headlong on the Expedition expecting to be sed and cured by Miracles. The first Host of these pious Mad-Men and Women miserably perished, some few excepted, who brought home with them that loathsome Disease called the *Lepresy*, and likewise the Knowledge and Experience, that long Marches and long Voyages require many other Things besides enthusiastic Zeal, and brutal Courage.

Therefore whilst the blood-thirsty Zealots, the Monks, were preaching up a Revival of the Crusade, with Crosses in their Hands, the second, and third, and fourth Swarms were collecting together, various Ways and Means were suggested towards raising Money for defraying the enormous Expence of these frantic Expeditions. Among other Expedients, it was conceived, that the emancipating those little Societies of Tradesmen, who were settled in different Parts of the Kingdom, and empowering them to elect their own Magistrates, and to make Bye-Laws for their own internal Government; also exempting them from all arbitrary Impositions. Tolls, or Taxes, would bring good Sums of Money to the King, and to the great Lords, on whose Estates they were settled,—at the same Time, that the Measure itself would be highly acceptable to the Purchasers of such Charters. Therefore it is not improbable, but that William II. Henry I. Stephen, and Henry II. availed themselves, as did likewise some of the greater Barons, of this Mode, this very *popular* Mode of raising Money. But above all, our glorious Richard I. [that Lion-hearted Man, *Cœur de Lion*, who went in Person to the Holy War, and who had great Need of this Kind of Merit, to atone for the Want of almost every *moral* Virtue.] I say, it is not to be doubted, but that Richard I. sold as many Charters as he could find Purchasers. Which Example was most probably followed by John, by Henry III. and the three first Edwards. [Indeed Charters of Exemption were to be had in such Plenty on all Occasions, in those Times, that even private Persons used to purchase them to be freed from being *impannelled in Assizes' Juries, and Inquests*: [See 52d of Henry III. Chap. 14.] Nay, I believe, it would be found on Examination, that almost all the old Charters to Cities, or Towns-Corporate, were granted during the Phrensy of the several Crusades, which lasted from the Time of William II. to Edward III. or thereabouts, that is, during the Space of upwards of 200 Years! Astonishing Insatuation! and utterly incredible—had we not Instances of as great, or even greater national Infanity in our own Times, in fighting for Countries still farther off, and of much less intrinsic Value than *Palestine*

or *Syria*,—yet who knows, but that Providence may in this, as in the former Case, bring much Good out of Evil?—But to return. Certain it is, that in the Reign of Edward I. not a few of these trading Places were grown up into so much Consequence, as to be thought worthy to be summoned to send Representatives to Parliament: Which Summons, as far as appears, was the *first* they ever had; for there are no \* Records extant of their sending Representatives before the 23d of Edward I.—or even of their being required to send them.

However these newly-erected Corporations were so far from esteeming the being obliged to send Deputies to Parliament as an Honour conserred upon them, that the Generality considered it as a sore Burden, from which they wished most heartily to be released. So little had the Idea of *unalienable Rights* prevailed in those Days! Nay, several Boroughs, after having once obeyed the Sheriff's Precept, desisted from making Returns for a long Time afterwards, till they were *compelled* to do it by the 5th of Richard II. Stat. 2d. C. 4. [The Clause respecting the Returns made, or to be made by the Sheriffs, is so much in Point to the Case here before us, that it would be almost unpardonable to omit it, viz. “And if any Sheriff of the Realm be from henceforth negligent in making his Returns of Writs of the Parliament; or that he *leave out of the said Returns any Cities or Boroughs, which be bound,* and of old Time were wont to come to the Parliament, he shall be amerced, &c.” Be it likewise remembered, that there are Instances of some Boroughs being summoned, and of appearing at first, which nevertheless got themselves released afterwards; which Releases or Exemptions remain valid to this Day; by what Authority, or on what Ground this was done after passing the above Act of Compulsion, is not my Business to enquire. Nay more, when the two famous Acts were made in the Reign of Edward III. for requiring that Parliaments should be held once a Year, or more often, if need be, they [the Boroughs] shewed plainly by their Actions, what were their Sentiments concerning this Privilege; for, according to the Account given in the Appendix just mentioned, not one of those, which had omitted or neglected to make Returns during the two former Reigns, embraced the Opportunity of recovering their unalienable Rights, by complying with the Laws lately made for annual Parliaments;—On the contrary, and—(what is still more extraordinary) some other Boroughs, which had not omitted to make Returns before, chose to be refractory or negligent on the Occasion, till they were compelled.—So that, it is evident, that the Laws, which required even *annual Meetings* of Parliaments [without saying a Word about annual Elections of Citizens or Burgesses to be present at such parliamentary Meetings] were unpopular at the Time to one Part of the Community, tho' perhaps very popular to another. They were generally unpopular to Tradesmen, Shopkeepers, and Artificers, because such frequent Meetings put their Corporations to an Expence which many of them could ill bear, and because also they detained some of the principal Inhabitants, chosen to represent the rest, from their proper Trades and Business,—by obliging them to attend on Assemblies, where they had but small Influence, and less Respect. For not only the great Barons beheld them with Disdain, and treated them with Contempt, but also the \* Representatives of the lesser Barons, (the Knights of Shires) looked on them as an Order of Men much inferior to themselves. Hence it came to pass, that the Deputies from Towns and Boroughs were very often in great Haste to depart, and to retire to their respective Homes, whilst the Barons and Knights of Shires wished to stay longer, and complete the Schemes they had in Contemplation. The Fact was, to speak

the Truth at once, the *landed* Interest, as it was *then erroneously* understood, was supposed to be directly opposite to the *trading* Interest of the Kingdom. For the personal and immediate Interest of the Barons, great and small, was to preserve their own Importance in the State, and their Authority and Jurisdiction over their Vassals and Dependents, in Contradistinction to the regal Power. Whereas Shopkeepers, Traders, and Mechanics, could have had no such Views. Therefore the former were always desirous of having frequent Meetings of Parliament, in order to consult and associate together against the Crown, whom they regarded as their common Enemy: [Magna Charta itself was owing to this very Principle.] Whereas the latter, the Corporate-Towns and Boroughs, which had Reason to esteem the Crown more their Protector than their Oppressor, had no such Motives, either offensive or defensive, for associating together. In one Word, the Crown, and the Law-Courts of the Crown, were then the only Security and Defence which trading Corporations could have had against the Power and Insults of the feudal Baronage.—The great Barons having attempted several Times to bring almost all Causes into their own Courts, to be judged by themselves, or by Deputies, Stewards, Bailiffs, &c. &c.

To confirm what I have here advanced, I will relate two very curious Facts. The first is, that though the Towns and Boroughs had gained their Liberty, and were no longer in a State of Slavery either to King or Barons,—yet they still retained such a Jealousy of the encroaching Nature of the feudal System, and such a Dread of being brought again into Bondage, that many of them caused every new Member of their Body, when he took up his Freedom, to promise upon Oath, that he would not take one who was *bound in Blood*, to be his Apprentice. This Clause is continued in the Oath of a Freeman of *Bristol* to this Day, and I think was formerly in that of *London*, and of several other Places: Though most undoubtedly not one in a Thousand know its antient Meaning, or to what it referred. The Case, of which they are at present so happily ignorant, I will endeavour to explain, because it throws great Light on the Subject now before us. When the trading Towns, and especially the Metropolis, were grown into such Importance as to afford some Sort of Shelter to those miserable and distressed Objects, who were in a State of Slavery, many of them [Male and Female, Villains and Neifs] fled to these Places, as to an Asylum, to be protected from the Tyranny of their cruel Masters. When there, they entered into the Service of such Persons as would employ them, in order to get a Livelihood. And it is very probable that they offered to work or serve on lower Terms than others. In short, the Towns found their Account in this Affair; and therefore espoused the Cause of such Refugees, as far as they dared,—by granting them the Privileges of defending themselves in the Law Courts of these local Jurisdictions.—In these Courts they alledged, when claimed by their Lords, that they were the Servants or Apprentices of such, or such Citizens, or Burgesses, and therefore owed no Submission or Subjection to any others. This Plea, it must be owned, was not strictly justifiable, being little better than a prevaricatory Subterfuge, However, as the Tradesmen were willing that these Fugitives should urge it against their former Masters,—the Barons and great Men got two remarkable Laws to pass, which enabled them to pursue their Slaves, and to seize and take them, as well within the Liberties of Cities and Towns, as without. The first was made the 25th of Edward III. Stat. 4. Chap. 18. and the other, which is still more express, the 9th of Richard II. Chap. 2. The Words of this latter Act are the following,



“Whereas divers Villains and Neiffs, as well of great Lords, as of other People, as well spiritual as temporal, do fly within Cities, Towns, and Places *enfranchised*, as the City of *London*, and other like, and seign divers Suits against their Lords, to the Intent to make them free by the Answer of their Lords: It is accorded and assented, that the Lords, nor other, shall not be forebarred of their Villains, because of their Answer in the Law.” Had the Cities and Towns persisted in their Designs of protecting the Fugitives, it is easy to conceive, that this Affair would have embroiled them with every great Lord, and with the whole landed Interest of the Kingdom: For which Conflict they were, by no Means, a Match at that Time of Day. Therefore they gave up the Cause with a good Grace; for they passed a Bye-Law, obliging all the Members of their respective Fraternities, not to harbour or employ any of these poor Runaways for the future;—at least not to employ them in such a Manner, as would give them any Colour or Pretence to demand the Franchise of the Place: For every Man at the Admission to his Freedom, was to swear, that he would take no Person as an Apprentice, who was *bound in Blood*. By this Regulation, they not only avoided numberless Quarrels with the Lords of Manors, but also preserved the Credit of their own Body, by refusing to mix or incorporate with Persons of a base Condition, or Slaves by Birth.

*2dly.* The other Anecdote is, that the corporate Towns required every Member at his Admission, to bind himself by an Oath, that he would wear no Man’s Livery, except Mr. Mayor’s, or the Master of his Craft. This is another Regulation, which, if understood according to the modern Practice of wearing Liveries, must appear a most ridiculous Thing, and a very improper Covenant. Nevertheless, at the Time it was made, I will be bold to say, it was a wise, and even a necessary Caution.—But as the right Explanation of this Prohibition will fall more properly under the next Head, I shall defer it for the present, ’till we shall come to an Opportunity of ascertaining its true and original Signification.

Before I conclude this Article, perhaps it may not be amiss to mention a Circumstance or two, which, though not immediately connected with the Subject now before us, yet will give us such a Picture of the Manners and Modes of thinking and acting in antient Times, as may serve to correct many Mistakes, which modern Politicians are too apt to commit, either through Inattention, or through Ignorance,—if not from Motives of a much worse Nature.

It has been observed already, That the Baronage, or Landed Interest, during the feudal System looked down on the Trading with sovereign Contempt, hardly allowing them the Rank of Fellow Subjects,—and very unwilling to suppose, that they were entitled to equal Law and Liberty with themselves. Now, would not any one have inferred from this Treatment that the several Cities and Boroughs of the Kingdom would on their Parts endeavour to form themselves into some Kind of League or Union, like the Hanseatic Cities of *Germany*, in order to repel the Insults, and defend themselves against the Oppressions of so formidable a Body? Certainly this is a natural Supposition:—Yet the Fact was far otherwise. For the *Londoners* were continually attempting to engross all the little Trade of the Kingdom to themselves; treating the other trading Corporations with as little Ceremony as if they had been their Slaves and Vassals: And these latter, instead of being the more firmly united, carried on a Kind

of Hostility against each other. It was thought lawful at that Time for the Inhabitants of one Town to make Reprisals on those of another, like the Subjects of different States, when at open War. Thus, for Example, if a Tradesman of *Glocester* was a Debtor *to*, or had committed an Offence *against* a Tradesman of *Bristol*, the *Bristolian* thought himself warranted to seize on any other Burgess of *Glocester* by Way of Reprisal, and to oblige him to make Reparation for the Offence or Debt of his Brother-Burgess. [See Cokes Institute, Page 204, and Statutes at large, 27th Edward III. Stat. 2, C. 17.] Now, can any Thing be more repugnant to Order and Government, not to mention Honesty, Industry, and commercial Intercourse than such Proceedings? Yet this was the Case: For, as the Barons were continually plaguing one another with their Robberies and Inroads, their Quarrels, and private Wars; [as I shall fully shew under the next Head] so these *tiny* Heroes chose to mimic then Betters, by being as mischievous as they could.—In short, the Spirit of Envy and Jealousy was so predominant in these trading Bodies, that they could hardly agree about any Thing, except in their mortal Aversion to Foreigners: In that they were unanimous; as most of their Successors continue to be to this Day. Indeed they also considered their Fellow-Subjects in the Light of Strangers, stiling them such in all their public Acts;—because forsooth they were not of the same Guild, Fraternity, or Corporation with themselves: And the above Quotation shews in what Manner they treated them. But though they used their Fellow-Subjects ill, yet their Conduct was mild and gracious, in Comparison to the Fury with which they persecuted *outlandish* Strangers: For in respect to them, their Antipathy knew no Bounds. Edward III. was a sagacious Prince, as well as a great Warrior. His Laws for the Extention of Commerce, and Increase of Manufactures, indicate a liberal Mind, much more enlightened than could be expected in those Times of general Darkness. In the 11th Year of his Reign [Anno. 1337] he caused four Statutes to be made for the Encouragement of the Woollen Manufacture, then in its Infancy among the *English*. In one of which Laws, Foreigners are invited to come in by the Offer of large Privileges. “It is accorded, that all the Cloth-Workers of strange Lands, of whatsoever Country they be, which will come into *England, Ireland, Wales, and Scotland, within the King’s Power*, shall come safely and surely, and shall be in the King’s Protection and safe Conduct, to dwell in the same Lands, chusing where they will. And to the Intent the said Cloth-Workers shall have the greater Will to come, and dwell here, our Sovereign Lord the King will grant them Franchises as many, and such as may suffice them.” Yet, notwithstanding this Protection of an express Law, Complaint was made against the Mayor and Bailiffs of *Bristol*, that they greatly obstructed the Execution of it, by extorting Money from the Undertakers under various Pretences, and by molesting them in different Ways;—the King therefore required them by a special Mandamus, under heavy Penalties, to desist from such Practices for the future. This was about two Years after passing the above excellent Law. [See Rymer’s *Fæd.* Vol. v. Page 137.] And this, one would have thought, would have been Warning sufficient to the rest of the trading Corporations to desist from such scandalous Practices; but it was not.—For about five Years afterwards, and seven Years from the first passing of the Law, the Freemen of *London* were so far from being intimidated by the Reprimand sent to *Bristol*, that they became so much the more outrageous, threatening, that they would *knock these Foreigners on the Head, and break their Bones, [de vita, & membris minitantur]* if they should dare to exercise their Trades of Cloth-making within the Liberties of the City of *London*.

On which Account the royal Authority was obliged to interpose, by issuing another Mandamus more strict, and penal than the former. [Rymer's Fæd. Vol. v. Page 429.]

Now from the Behaviour of Tradesmen on this, and similar Occasions, and particularly from the Conduct of the City of *London*, which always takes the Lead, and which generally obstructs the most public national Good, through narrow monopolizing Views,—let the Reader judge, whether the modern Doctrines of unalienable Rights,—of Self Government,—Self Legislation, &c. &c. &c. are fit Doctrines to be inculcated into large Mobs, and the Mass of Mankind?—And whether the Bulk of ignorant, short-sighted People, Men, Women, and Children, [would not do, both themselves and others, much greater Harm than Good, were they to be left at Liberty to put such Plans into Execution according to their Wishes and Caprices?—But alas! those who know better, and yet inculcate these pernicious Doctrines, have the more to answer for.

### GENTLEMEN. *The Third, Or Highest Class.*

It has been observed already, that amongst all barbarous Nations, and before Civilization has been sufficiently introduced, there are never found more than three Classes of Men in Civil Life, the *Slaves*,—*Mechanics*,—and *Warriors*. These latter are of Course the Men of Consequence, or the *Gentlemen* of that Country. For they hold the others under great Subjection, and therefore esteem themselves, and are esteemed, as Persons of a superior Rank.

Now, whether our *Saxon* Ancestors were utter Strangers to the feudal System, or whether they were in Possession of the *Substance*, without the Terms of Art belonging to it (which is the more probable Opinion) is a Matter of no Consequence in the present Case. For it is an undoubted Fact, that the Chiestains of the several Tribes of *Angles*, *Jutes*, *Saxons*, &c. &c. seized on vast Tracts of Country, according as they drove the antient Inhabitants before them; and that they afterwards divided these Districts into smaller Shares among their numerous Relations, Followers, and Dependents. It is also equally certain, that *Lands*, and *Jurisdiction* originally went together. So that the same Person, who was the *Landlord*, or the *Lord* of the *Land*,—was also the *Judge* over the Inhabitants of that Land in Times of Peace,—and their *Leader* in Times of War. For these three Offices, now so separate, were in Times of great Simplicity, and before the Refinement of Government, hardly supposed to be capable of a Separation. The only Distinction necessary to be observed in those Times, was the different Nature of the Tenure, whether it was base, or noble,—servile or military,—by the Soc, or by the Sword. If the Lands in Question were held by *antient* Soccage, that is, by a servile or ignoble Tenure, the Occupiers were *Slaves*, and bound to *work* for their *Masters*:—But, if by the Service of the Sword, that is, by a military, a frank, or noble Tenure, the Occupiers were the *Frankmen* of the Realm. *Liberi Homines Regni*, were Freeholders, Warriors, Gentlemen; whose Duty it was to *fight* for their *Chief*. And these Distinctions were thought to be so important, as not only to influence all the Rules of Conduct and Decorum, and to settle the Claims of Rank and Precedency in the Departments of Civil Life;—but also to deserve a Place in the fundamental Constitutions of the Realm. For even in Magna Charta it is enacted, in the 7th Clause, that *Heirs shall be married without Disparagement*: which

Words were understood then to mean that all *Minors*, Male or Female, who were the Wards of the Crown, or the Wards of any great Baron, should not be married to Persons below their Rank. Money was not then the greatest Object: For the greatest Wealth or Fortune with *ignoble Birth*, was a *Degradation*; and therefore a Breach of Magna-Charta.—Whereas, to have married the Ward to a Beggar of high Blood, was no *legal* Objection. In a subsequent Statute, made the 20th of Henry III. C. 6. the Word *Disparagement* is more particularly explained: It is there made to signify, the causing of a Ward to be married either to a *Villain*, or to a *Burgess*: For either of those would be a Disparagement. The same Rules prevail throughout almost every Part of Europe to this Day. In *Germany* in particular (from whence our Ancestors originally came) if a poor *Count of the Empire*, not worth a Shilling, should marry a rich Burgher's Daughter of *Amsterdam*, worth Half a Million sterling, the Children cannot inherit the Family-Titles, but must be reputed as no other than the *Bastards of the Empire*, though born in lawful Wedlock. And if a Lady of this high *German* Quality, tho without a Penny of Fortune, should condescend to give her Hand in Marriage to a rich Merchant or Mechanic, the Friends and Relations of this *illustrious* Spouse, may prosecute the lowborn, presumptuous Husband, even to Death, if they please, for a *Rape*,—not indeed of Violence, but of *Seduction*.—[And this latter Law likewise takes Place in *France*, with very little Alteration.] However, we find that here in *England*, the Case was somewhat different even in the most antient Times. For long before the Institution of a Lord Mayor, the *principal* Citizens of *London* were stiled *Barons*, by Way of Eminence and Distinction; so that they were plainly distinguished from common Burgesses; and therefore we may naturally conclude, that an Intermarriage with any of these *London* Barons was no legal Disparagement. But be that as it may, one Thing is certain, that the Exception here mentioned is so far from invalidating the Observation respecting Mechanics and Tradesmen, that it strongly confirms it.

We have now seen what it was to be a Gentleman, and what was his original Occupation, let him be rich, or poor, a Prince, or a Beggar, in regard to outward Circumstances. His Trade was *Fighting*: And it would have been a Blot in his Eschutcheon to have taken to any other Employment. But the Misfortune was, That Fighting was not a constant Trade: For there are so many Intervals in it, that a Man who has nothing else to do, and is fit for nothing else, is at a Loss how to employ his Time. Besides, the Number of these Heroes greatly encreased during the Continuance of a long Peace, at the same Time that the Means of subsisting them on their own frank Estates were as much lessened by their Multiplication.—Not to mention, that the younger Brothers of prolific Families, and the Decay of others, through private bad Management, public Misfortunes, and various other Causes, added to the Distresses of this Order of Men, without pointing out any effectual Means for their Relief. In short, till the Pride of Family, and the Notions of Birth and Blood can be, in some Degree, got over, perhaps a more miserable Being cannot exist, than a poor Gentleman,—without any visible honest Means of mending his Condition.

I mentioned under a former Article, [Page 311] that Peter the Hermit found out Employment for great Numbers of those idle free People, by sending them to the Holy Land, to be knocked on the Head. But still, those who stayed at home, on various Accounts,—and those who were born between one Crusade and the other, also the

rising Generation, after the Crusades were out of Fashion:—All these had nothing to do, unless they would employ themselves in doing Mischief. And a very little Insight into human Nature may enable us to judge, that Mischief of some Sort or other would become their principal Employment.—The only Question therefore is, What Sort or Kind it would probably be?—

All the superior Barons, and many of the smaller, had great Royalties, and extensive Jurisdictions, besides Possessions intermixed with each other, and rival Claims. These Things naturally occasioned intestine Quarrels and Disputes; so that when the Grandees of the Realm were not leagued together against their Sovereigns, they were hardly ever free from Broils and Contentions with each other, which were sure to *end in Blood*. Here then was created a Sort of Necessity of imploying many of these Gentlemen Bravos;—and that too in their own Way. For if any one of the great Barons should entertain a Band of such Desperadoes in his Castles, or about his Person,—his Neighbours, or his Rivals were obliged to do the like, merely from a Principle of Self-Defence or Self-Preservation. So that every Castle, of which there were then such Multitudes, and every great House, especially if trenched or moated round, became of Course little better than a Den of Thieves and Robbers. A modern *English* Reader may possibly be surprised to hear, that in Times of profound *public* Peace, such strange Proceedings should be permitted; but strange as they were, they were not only permitted, but countenanced in every Part of *Europe*, in spite of the sovereign Power, according to the Ideas of those Times. Nay, they were dignified by the Name of *Private Wars*. Those who wish to see a true and faithful, and at the same Time an elegant, Account of these barbarous Transactions, may consult the preliminary Discourses of Dr. Robertson’s instructive History of Charles V.—But as my Business is confined to *England*, I shall chuse to borrow my Account from the very Words of *English* Acts of Parliament, rather than indulge myself in the Pleasure of transcribing Passages from an Author, whom I will dare to pronounce excellent, though a *Scotchman*.

In the Reigns of Henry III. Edward I. II. III. and IV. Richard II. and Henry IV. V. VI. and VII. many Laws were expressly made either to prevent or suppress such Outrages.—the Opprobrium of Common Sense, as well as the Destruction of all Order and good Government. [And besides these, many other Statutes were enacted, which occasionally referred to the same Affair.] One of the most antient, tho’ not the oldest of all, exhibits such a curious Picture of those blessed Times of *Old England*, which some of our modern Patriots wish us to prefer to our own, that I shall produce it at full length, and then quote some Passages out of other Statutes, as Comments upon it.

**“*A Desinition Of Conspirators Made Anno 23. Edward I. Stat. 2. Anno Dom. 1304. [Pickering’s Edition.]***

*Who be Conspirators, and who be Champertors.*

“*Conspirators* be they that do confeder or bind themselves by Oath, Covenant, or other Alliance, that every of them shall aid and bear the other falsly and maliciously to indite, or falsly to move, or maintain Pleas: And also such as cause Children within Age to appeal [accuse] Men of Felony, whereby they are imprisoned and sore grieved;

and such as retain Men in the Country [in the Country is not in the original *Norman-French*] with Liveries or Fees for to maintain their malicious Enterprises; and this extendeth as well to the Takers, as the Givers. And Stewards and Bailiffs of great Lords, who, by their Seignory, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates that concern other Parties, than such as touch the Estate of their Lords, or themselves. This Ordinance and final Desinition of Conspirators was made and accorded by the King and his Council in his Parliament, the 33d Year of his Reign. And it was further ordained, that Justices assigned to the hearing and determining of Felonies and Trespases, should have the Transcript hereof.

“*Champertors* be they that move Pleas and Suits, or cause to be moved either by their own Procurement, or by others, and sue them at their own proper Costs, for to have Part of the Land in Variance, or Part of the Gains.”

It is a Pity, that the very learned and ingenious Commentator on the more ancient Statutes, had not made his Observations upon this, which so much wanted the Assistance of his able Hand; being wrote, (short as it is) in three different Languages, the Beginning in old Norman French, the middle Parts in Law-Latin, and the Conclusion in *English*; and not without some Difficulties in each. To supply this Defect to the best of my Power, and to make Use of his Authority as far as I can, I would observe in the first Place, that though the *poor Gentleman* of every Country looked upon Trade with Horror and Disdain;—yet it was *no* Disparagement to him to serve a rich Brother-Gentleman in the meanest Capacity, especially if he was a great Baron. In that Case it was no Disgrace to wear a Livery, and to serve at Table,—and even to make Beds in the Castles, or great Men’s Houses, and to sweep the Rooms, if *they were to be swept at all*. The same Customs still prevail in *Poland*; which is a Country that exhibits a true Picture of what *Old England* was.—N. B. The Croisade never got much Footing in *Poland*; therefore the *Polish* Nobles still remain in *Statu quo*.

Respecting the giving, taking, and wearing of Liveries and Hats [*Chaperons*, Kind of Caps or Bonnets; Hats being not then in Use] also Badges, and of using Watch-Words, Signs, or Signals;—these Practices were grown to such an enormous Height, that Multitudes of Statutes were made to prevent, or punish them. For there was hardly a Session of Parliament from the Time of Henry III. to Henry VIII. but Laws were enacted for restraining the Feuds, Robberies, and Oppressions, of the Barons and their Dependants, on the one Side,—and to moderate and check the Excesses and Extortions of the royal Purveyors on the other:—These being the two capital Evils then felt. Respecting the Tyranny of the antient Baronage (the only Evil I am now considering) even Squires as well as others were not ashamed to wear the Liveries of such Leaders, and to glory in every Badge of Distinction, whereby they might be known to be *retained* as the Bullies of such or such great Men, and to engage in their Quarrels, just or unjust, right or wrong. In fact, the *Old English*. Hospitality so much boasted of, and so little understood, was for the most Part dedicated to the very Purposes of retaining and feeding, in the great Halls, Numbers of these unhappy People, to be the general Pests of Society, and a Torment to each other. The Histories of those Times, together with the Statutes of the Realm inform us, That they *associated*, (or, as they called it, *confederated* together) in great Bodies, parading on

Horse-back in Fairs and Markets, and clad in Armour, with Lances or Javelins in their Hands, to the great Terror of all peaceable Subjects;—Nay, that they attended their Lords to Parliament, equipped in the same Military Dress;—and even dared sometimes to present themselves before the Judges of Assize, and to enter the Courts of Justice in a hostile Manner, whilst their Principals sat with the Judges on the Bench, intimidating the Witnesses, and influencing the Juries by Looks and Nods, Signs and Signals. And as one Species of Iniquity generally begets another, it was no unusual Thing with the weaker Party [weaker I mean, in *these Kinds of Arguments*] to apply to the King in Council for a Commission of Inquiry, Whether the Prosecutor commenced the Suit out of a sincere Desire of obtaining Justice? or from Motives of Revenge, Avarice, or Oppression? \* And as the Appellant was allowed to name his own Commissioners, it is no difficult Matter to guess, on which Side these impartial Commissioners would determine. This Method of proceeding was therefore considered as a Kind of previous Question; so that the Logic of the Times was,

— Nec lex est justior ulla,  
Quam necis artifices arte perire sua.

But amongst the strangest of these Doings, perhaps nothing would more surprise a modern Reader, than to be told, That Gentlemen of the long Robe made a Part of the Retinue of the great Men of those Days; that they lived in their Houses or Castles, and wore their Liveries. Yet this was the Fact. Their Employment, besides that of being Stewards of the Courts, and keeping the Records, and Title Deeds of the Baron, [who, generally speaking, could himself neither write, nor read] was to find out Flaws in the Titles and Conveyances of some rival Baron,—or (what answered the same End) in the Titles or Claims of some of his Adherents, Partizans, or Dependents. The next Step was to suborn Witnesses, of which, it seems, there was a very great Plenty to be had on all Occasions, and then to undertake the Cause by sharing in the legal Plunder, if they succeeded;—or else by making an absolute Purchase thereof, and taking the Chance of the Suit to themselves.

This accounts for the many severe Prohibitions in the old Statutes against such horrid Abuses of the Law, especially by the \* Professors of it. One of the most remarkable of these Prohibitions has never been translated from the *Norman-French*. It is the 13th of Richard II. Stat. 3. I will endeavour to give the general Sense of one Passage in it, without attempting to explain all the Law-Terms, or making myself answerable for the Justness of the Translation in every *technical* Part.

“The King to the Sheriff of *Kent*, Health.” [The like Writ was directed to all the Sheriffs in *England*.]

“Whereas by the Laws and Customs of our Realm, which we are bound to observe, by our Coronation Oath, all our Liege Subjects within the said Realm, as well poor as rich, ought freely to sue, defend, receive, and obtain Justice and Right, and the Accomplishment and Execution of the same, in all our Courts, and elsewhere, without being disturbed, or oppressed by *Maintenance*, [see Jacob’s Law-Dictionary for the Explanation of all these Terms] *Menace*, or by any other Manner;—and whereas also in many of our Parliaments held in Times past, and particularly in the Parliaments

lately held at *Canterbury* and *Westminster*, grievous Complaints, and great Lamentations have been made, as well by the Lords Spiritual and Temporal, as also by our Commons of our said Realm, of the great and outrageous Oppressions and Maintenance committed, to the Damage of us, and our People, in different Parts of the said Realm, by divers Maintainers, Menors, Baratters, Procurers, and Embracers of Quarrels and Enquests, in the perpetrating of which, many are the more emboldened and hardened;—? because they are of the Retinue of Lords, and others of our said Realm, by [Means of] Fees, Robes, and other Liveries, stiled the Liveries of Company [Association.] Therefore We ordain and enjoin by the Advice of our great Council (the Parliament) that no Prelate, nor any other of Holy Church, nor Batchelor, nor Squire, nor any other of inferior Rank shall give the Livery, called the Livery of Association: And that no Duke, Earl, Baron, or Banneret shall give such Livery of Association to a Knight or 'Squire,—unless he be *retained for Life*, as well in *Peace* as *War*, by Indenture, without Fraud, or evil Engine:—Or that he be an Officer in his Family, and that he resides in his House:—Neither shall any Duke, Earl, Baron. &c. grant any Livery (whatever) to a Valet, or Yeoman, an Archer, or to any Person of a Degree lower than a Squire, unless he be his menial Servant, or Domestic, making a Part of his \* Household.

Thus stood the Case with the higher Ranks in Society: And as Vice and Wickedness are generally contagious, in Process of Time, the very Cities and Boroughs began to ape their Betters in doing Mischief. They too had their Associations, their Liveries, and Retainers. Therefore a Law was made to restrain them,—at least so far as to prevent them from biring themselves out to be the Bullies and Retainers of the Great Barons. They might indeed associate, and parade in Armour and Military Array among themselves, as the proper Garrisons of their own Franchises, but were to proceed no farther (see particularly 7th of Henry IV. C. 14.) Moreover Care was taken by the Magistrates of several of these incorporated Places, and particularly by those of *Bristol*, that every Person, when he came to take up his Freedom, should engage by an Oath, that he would wear no Man's Livery (the Livery of Association, Maintenance, or Retaining) except Mr. Mayor's, or the Master's of his Company.

But perhaps some may say, “During all this while, there is not a Word about the Complaint and Grievance of the present Day, Bribery and Corruption.” To this I answer, that respecting the Prevalence of Corruption, there surely has been a great deal said,—and also *proved*: Respecting Bribery there has not. And the Reason is obvious. The most corrupt could not bribe, unless they had the Means;—and even then, they would not, unless there was some End to answer. But, generally speaking, neither of these was the Case in those Times. Indeed, if any Bribery was at all introduced, it is most natural to suppose, that it was among the Cities and Boroughs:—Among them, I say, not to obtain the Election, as at present,—but to avoid being elected. For when none but *resident* Citizens and Burgesses were *eligible* by Law,—also when almost every one of these Tradesmen or Mechanics deemed the Office of a Deputy to Parliament a *sore Burden*, not attended with a proportionable Degree of Honour or Profit to counterbalance it, the likeliest Thing to have happened in such a Case, was for the Persons in Danger of being elected, to make private Applications to the Electors, to be set aside;—or if elected, to the Sheriffs, or Returning Officers to be excused, or omitted, and others to be sent in their Room.



Moreover Application was made sometimes to the Crown, for Letters Patent to be exempted [See 29th Henry VI. C. 3.] Abuses of this Nature, we find, did frequently happen: For there are many severe Penalties in the old Statutes against the Partiality of Sheriffs, and Returning Officers for *excusing*, as well as against the Patents of Exemption granted by the Crown.

The Knights of Shires, the Representatives of Freeholders, or of the lesser Barons, were on a much more honourable Footing. Their very Institution required them to be of the Order of Knighthood, and consequently to be *girt with Swords* as *Milites*, or military Men;—by which Circumstance, as well as by their Rank, they were greatly elevated above the Representatives of Tradesmen and Mechanics. Not to mention that their Pay or Wages in some Counties was a *considerable Object*. Moreover, as they were to be of the honourable Order of Knighthood;—this required a certain Qualification in Land, to be held, not by a base, but by a noble Tenure [See particularly the Statute for Knights, made 1st Edward II. Stat. 1.] which must have amounted, as far as I perceive by comparing different Accounts together, to an Income of about 400l. a Year of modern Rent.—Whereas no such Qualification was ever required from the Representatives of Citizens, and Burgesses. They were eligible, though not worth a Groat. Nay, in Process of Time, when the Requisition of *actual* Knighthood was a good deal dispensed with, as appears by the 23d of Henry VI. C. 15.—yet still it was thought necessary, that Candidates for Counties should be, if not respectable Knights, at least respectable Squires, and Gentlemen by their *Nativity*, who were *able* to take upon them the Order of Knighthood, whenever required so to do: And it was added, that no \* Person of the Degree of a *Vadlet*, [a Varlet, or Serving-Man] much less a Plebeian, or Mechanic, should be permitted to be the Knight of a Shire, or to represent the lesser Barons.

Now taking all these Circumstances together, the Elections of the Representatives of the lesser Barons must have become a most turbulent and bloody Affair, in which, *Might* would be sure to overcome *Right*; and the strongest Sword, as in *Poland*, be the *Returning Officer*;—or else such a Number of the poorest, and most dependent of these *Gentleman-born* Electors must be excluded, as would render Elections a reasonable and practicable System. Therefore, as the Evils of Associations, Liveries, and Maintenance were risen to such an alarming Height, as to become more and more intolerable, the Legislature chose the latter; that is, they wisely resolved to strike at the Root at once, by excluding all those diminutive Gentlemen-Barons from voting, who had little or nothing to lose in any Contest, but might have something to get by stirring up Riots and Batteries in every public Meeting, and breaking the Peace of Society. See the 8th of H. VI. C. 7.

But let the Preamble of the Statute speak for itself.

Item “Whereas the Elections of Knights of Shires to come to the Parliament of our Lord the King in many Counties [most Countries] of the Realm of *England*, have now of late been made by a very great and excessive Number of People dwelling within the said Counties, of the which most Part was of People of small Substance, and of *no Value*, [no Property] whereof every of them pretended to have a Voice equivalent, as to such Elections to be made, with the most worthy Knights and Squires (that is,

Knights and Squires of the greatest Property, *les plus Valants*) dwelling within the same Counties, whereby Manslaughters, (Murders) Riots, Batteries, and Divisions among the *Gentlemen*, and other People of the same Counties, shall very probably rise, and be, unless convenient and due Remedy be provided in this Behalf:—Our Lord the King, considering the Premises, hath provided and ordained by the Authority of this Parliament, that the Knights of Shires to be chosen within the Realm of *England* to come to the Parliaments hereafter to be holden, shall be elected in each County by People abiding and residing therein, of whom each shall have a *Frank Tenement* of the Value of 40s. a Year at least, (or over and above) Reprisals, or Out-goings.”

These are the Words of the Statute, rendered as literally, as perhaps they well can be, from one Language to another. The Things which deserve our more attentive Regard, are principally these:

1st. The Nature of the Tenure itself: It was to be a *frank Tenement*; that is, such as was fit for a *Frank*, a *Liber Homo*, a Freeman of the Realm, a Gentleman, or a lesser Baron to hold, *without Disparagement*.—So that the *Suit* and *Service* belonging to it (Words which imply, to *follow*, and to *serve*) were to be of the *noble* Kind, and not *base* or *servile*; therefore would not have degraded him into the State and Condition of a Villain, or a Slave, by performing them.

2dly. The Value of such a *Frank Tenement*, is another Consideration.—It was to be 40s. at least, above all Out-goings. Here therefore be it remembered, that originally, eleven Ounces of Silver of Troy-Weight (with a Fraction) together with a certain Quantity of Copper sufficient to harden it, were cut into 20s. now into 62s.—So that a Pound Sterling, and a Pound Troy were then of equal Weight. But in Process of Time, such very dishonest Arts were practised at the Mints, that the just Proportion, between *Weight* and *Currency*, could not easily be ascertained. When this Law was made (Anno 1429) I think the Weight of One Shilling was equal, or nearly equal to the Weight of 2s. 6d. of modern Coin: So that 40s. at that Juncture must have been nearly as heavy as 5l. in Silver is now: And if to this you take into Consideration the Difference between past and present Times, respecting bot’ the Rents of Lands, and the Prices of Provisions, surely, it must be allowed, That a Mass of Silver of that Weight was equal to at least 40l. Value of present Income.—Besides, the Framers of this Law seem to have had in their Eye a certain Proportion proper to be observed between the Gentlemen *Electors*, and the Knights to be *elected*. The Qualifications for a Candidate to be elected, (that is, for a respectable Knight girt with a sword, to represent the lesser Barons) was, that he was to be in Possession of a *Freehold* Estate of at least 20l. a Year in *Tale* (See the Statute for Knights, 1st of Edward II. Stat. 1.) And probably about 50l. in Weight of present Silver; which we may well suppose was then equal to 400l. a Year of modern Rent. So that the Proportion between the respective Qualifications of the *Electors* and the *Elected*, was intended to be as one to ten, or nearly thereabouts: That is, as 40l. to 400l. a Year.

3dly. The Evils proposed to be prevented by these Regulations, are a farther Proof of the Use and Advantage of this Law. The Preamble assures us, that it was made to prevent Murders, Riots, Batteries, and Divisions among Gentlemen, &c. assembled to

elect the Knights of Counties, or the Representatives of the lesser Barons residing in such Counties. Motives good, and very commendable! But how could these Evils have been restrained at *that Juncture* by any other Method, than by that which this Act prescribes? Liveries and Associations every where prevailed; Maintainers and Retainers were the Appellations, by which all the Barons might have been known and described from the highest to the lowest, either as *Givers*, or *Takers*. And the whole Class of them had a Right to assemble themselves together, and to give their Votes for Knights of Shires, 'till this Law thinned their Numbers: For none were excluded but Villains, Copy-holders, Burgesses, and Mechanics. In short, the Number of Pauper-Gentlemen-Barons was become so public a Nuisance, continually encreasing, that it called aloud for speedy Reformation. Nay, the very Laws, which both preceded, and followed the present Act in the same Statute [for it is a capitular Statute, composed of various Articles] I say the very Laws both preceding, and subsequent thereto, plainly point out those Evils then intended to be redressed. In the 4th Chapter we read, That notwithstanding the many Laws which had been made (I might say *Multitudes* of Laws, during the Space of upwards of 300 Years) to prevent the giving of Liveries, forming Conspiracies, or Associations, maintaining of Quarrels, riding in Armour, and the like;—the Evils still remained uncorrected, and were likely to encrease;—therefore it is ordained, “that if any Person after the Feast of Christmas (1429) shall buy or wear for his Clothing any Cloths, or Hats called *Liveries*, of the Sort, or Suit of any Lord, Lady, Knight, Esq; or other Person, for to have *Supportation, Succours, or Maintenance*, in any *Quarrel*, or in any *other Manner*, if he be thereof duly convict by Examination, or otherwise, before by the Statutes declared, he shall incur the Pain before limited of them that take Liveries of Lords, or other Persons aforesaid, and moreover shall have a whole Years' Imprisonment without being let to Bail or Mainprise, for their Falsity, and subtil Imagination in this Part.”

This was a preceding Law;—a subsequent one (Chap. 9.) in the same Statute was to this Effect, That whereas the “Statutes and Ordinances made, and not repealed, of them that make Entries with *strong Hand* into Lands, Tenements, or other Possessions whatsoever, and them hold with *Force*;—likewise of them that make Insurrections, Riots, Routs, Ridings [Chivaches] or Assemblies in Disturbance of the Peace of the Common-Law, or in Affray of the People, should be holden and fully executed;”—And, after having recited divers others grievous Complaints, it adds also, Whereas it was a common Practice with those who had forced themselves into the Possession of other Men's Estates, without just Title of Law, to make over such usurped Possessions by *Deeds, or Feoffments, ? to Lords, and other puissant Persons*;—or even to Persons utterly unknown, whereby the legal Recovery of such Estates or Possessions was rendered the more difficult, tedious, and expensive:—Therefore it enacts, That all the former Laws should be reinforced with new Penalties, and new Provisions. One of the new Provisions was, that for the Recovery of the usurped Possessions, the Justices of Affize, or Justices of the Peace, might direct the Sheriff to impanel a Jury of the Vicinage to enquire into the Truth of the Premises: And every Juror thus to be impanelled was to have Lands or Tenements of the *clear* yearly Value of at least 40s. or about 40l. of modern Rents, the better to support the Character of a creditable Man. But, N. B. the Act is silent as to the Nature of this Tenure, whether it was to be military, or servile: So that a Villain,

a Copy-holder, or a Yeoman, if possessed of an Income of 40s. might have been impanelled on such a Jury, yet he could not have voted as one of the lesser Barons at a County Election, because he held by a *base*, or *servile* Tenure. But what Need of multiplying Proofs?—Every Instance serves to shew that the Legislature meant at this Juncture to cooperate with, and render effectual, those good Laws, which had been made from Time to Time against Liveries, Badges, Signs, Signals, Conspiracies, Riots, Ridings, Maintenance, &c. &c. &c.;—Evils, which it was impossible to have prevented by any other Means, than by discarding the numerous beggarly Gentlemen-Barons from having any Thing to do with electioneering Contests, and by vesting the Right of voting in Men of Weight and Property. N. B. The modern Doctrine of *unalienable* and *indefeasible* Rights had not then been discovered.—This was reserved for the Honour of the present Age! And great Blessings are likely to attend it! some of which we very lately felt.—One Thing more is necessary to be observed, namely, That during all the Times under our present Consideration, that is, about the Space of 400 Years, and upwards, no Mention is made of any Disturbances at Elections in Cities and Boroughs,—the very Places where the greatest Disorders are now committed:—And the Reason is plain: A Candidate even in our Days for a burdensome, disagreeable Office, attended with no Honour, and less Profit, would be sure to have a peaceable Election.

This was beyond Dispute the Case with almost all Cities and Boroughs in antient Times. Nay, what is still more extraordinary, we learn from Prynne, as quoted by Mr. Cartwright [Page 71 of the People's Barrier, Note at the Bottom] “That the *elect*ed Person was compellable to find Manucaptors, or Sureties, sometimes four, five, or six, for his executing the Office of Representative; and, if he failed, his Goods were distrained.” Can a better Proof be ever given of the Truth of the Facts here insisted on, than what may be drawn from this Quotation? Would any Man wish or desire a stronger?

From a View and Retrospect of all these Things, it is natural for every honest Man to think, that had he lived in those corrupt Days, he would have acted a better, a more consistent, and a more honourable Part. A Thought which ought to be cherished in every virtuous Breast. But at the same Time, let the *real* Patriot reflect, that we have Abuses in our Days, which approach too nearly to those of our Fore-fathers; and therefore cannot be viewed by an honest Man, but with Horror and Indignation.—’Tis true, our modern Champions do not wear Liveries, or stalk about in Caps of Maintenance: Tis true, we have none at present, who parade in Armour, and ride in Harness at Fairs and Markets, tilting against each other, Badge against Badge, and Colour against Colour. But alas! What we have left off in the Field, we have too much adopted in the Senate. For there we have something, which is too much a Kin to the former Badges, Signs, and Signals:—There we find too much of an *East-India* Livery:—too much of a *West-India*,—of an *American*,—of an Opposition,—of a Ministerial Livery:—And alas! a great deal too little of that, which ought to be the only Badge of a *British* Senator, The Constitutional Livery of his Country.

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## CHAP. II.

### Certain Objections And Cavils Answered And Confuted.

THE Man who embarks in the Cause of Truth, without any Party Views, must be an entire Stranger to the Ways of the World, if he expects to be better treated on that Account.—It is well, if his Treatment will not be worse: For, as his Conduct is a Reproach to both Sides, he will not find any Favour from either: So that his very Impartiality will be considered as his most unpardonable Crime. I was not ignorant of these Things when I undertook the present Work; nevertheless I wished to persevere in the Pursuit of Truth, in Spite of all Discouragements. Two Antagonists have appeared already; and others have threatened to commence Hostilities, as soon as the Publication of my Work shall enable them to erect their Batteries. I therefore here dedicate one Chapter for the Purpose of replying to the Objections which have been already made, in order that the Reader may have some Sample of what he is to expect from the Productions of such Kind of Adversaries.

#### *The 1<sup>st</sup> Of These Is John Cartwright, Esq.*

An Author, whose indefatigable Zeal and Industry would deserve great Commendation, were they employed to more rational Purposes, and were he less attached to a System which cannot be defended. To do him Justice, his \* Integrity and Fair-dealing are more conspicuous than what is discoverable in many of his Brother-Patriots. For in general he misrepresents but little through Wilfulness and Design: What he doth through Ignorance or Inattention, ought to be ascribed to the Errors of the Head, and not to the Corruptions of the Heart. Respecting Lockianism, he is a very just and consistent Writer, advancing nothing but what is fairly deducible from his Master's Principles. If in doing this he falls into palpable Contradictions, he doth no more, than what his Master did before him. Thus, for Example, he is so inconsistent with himself, that he will not allow that Right to Females of the Human Kind, which he expressly declares in many Places, to be a Right *inseparable* from Human Nature. "I have demonstrated [says he, Page 127 of the People's Barrier] that Representation,—[he means the Right of chusing Representatives,]—"depends on *Personality* alone: And that all Regulations for making it depend on Property, must be capricious, arbitrary, and unconstitutional." In other Places, he allows, that Women are *Persons*, and Moral Agents, as well as Men; and that they have Souls to be saved. Yet in spite of all these Concessions, he maintains, that it is absurd to suppose, that Women have those Rights of voting at parliamentary Elections, which belong to, and are, according to him, unalienable from human Personality. But why, good Mr. Cartwright, is this absurd,—I mean, on your Principle?—He is sure it is absurd: And he refers the Dean of *Glocester* (see Page 46 of Legislative Rights) "to the Scriptures,—to the Laws of Nature, and the common Law of *England*,—and to the fair Sex themselves, in order to settle this Point." Authorities fully sufficient, I allow, were they as decisive in this Gentleman's Favour as he imagines them to be. But that is the Question.

1st. My kind Instructor refers me to the Scriptures:—So far I am obliged to him.—In them he says [Page 27. of the People’s Barrier] it will be found, “that God, as an Example to all other Kings, insists upon the People’s exercising their Right of *choosing* their first Magistrate (God) and of *assenting* to the Laws, under which they were to live.” [For it seems,] “God would not take upon him the Civil Government of their State, until the People had elected him, and by their *voluntary* Assent had joined in enacting the Laws of the Community, &c. &c.” This he assures us is the Doctrine of Scripture.—I do most willingly acknowledge it to be the Lockian Doctrine,—and a necessary Consequence of that rash, inconfidate, Position, ‘That all Governments whatever, antient or modern, good as well as bad, are so many Usurpations, ’till the People shall have given their actual, explicit, and positive Consent, both to the Formation and to the Continuance of them.’ But even to hint at Usurpations of any Sort, when we are speaking of the Formation or Continuance of the Government of the greatest and best of Beings, who filleth all in all:—I say, even to surmise that his Authority over us depends, in any Sense, on our own good Will and Pleasure, or that his Laws are not *binding*, till we shall have *ratified* and *confirmed* them, is a Liberty which I dare not take. Mr. Cartwright must therefore excuse me, if I decline the Discussion of such a Topic.

2dly. He directs me also to learn from the Scriptures, that the Rights of voting, chusing, or electing Delegates to Parliament, though unalienable in themselves, are all alienated from *married* Women, and transferred to their Husbands by a *positive* and *express* Law. The Wife is commanded to submit herself to her Husband in *every Thing*; Ergo;—Husband and Wife are in Scripture called one Flesh; Ergo,—(that is, from thence we must infer, else what would become of Mr. Cartwright’s Argument?) that the Husband is appointed in Scripture to vote for his Wife in all public Relations whatever, and to be her Lord and Master in Politics, as well as in domestic Concerns. [See Page 46, of Legislative Rights.]

Were it necessary to shew, that the Gentleman grossly misapplies these Texts of Holy Writ, and that he ascribes to them a Meaning, they were not intended to convey;—it would be a very easy Matter so to do. But I chuse rather to let him confute himself, as the best Way of answering such an Adversary. In this very Page, in which he condescends to correct the Dean of *Glocester*, for his Ignorance of the Scriptures, he says, that the “Sexes are *equal* in Dignity with Regard to God, and his Salvation.” By which he plainly means, that Women have an equal Right with the Men to judge for themselves in the Concerns of Religion. For the Rights of believing, of thinking and praying, and of performing all religious Duties, are *unalienable* Rights, which cannot be transferred from the Wife to the Husband, or executed by any Kind of Deputation.—Consequently in regard to these Points, the Husband cannot be authorised to represent the Wife,—nor is he her Lord and Master in this Sense.—About what then is my shrewd Antagonist now disputing?—If he intends to say, that civil, and religious Rights are Things of a very different Nature, because the former are *transferrable*, whereas the latter are not:—He would indeed assert a very capital Truth; but it is such a Truth, as destroys the whole Lockian System at once. On the other Hand, were he to maintain. [which he, and Dr. Price really do] that these two Rights are such exact Parallels to each other, “that the Persons who are to judge for themselves with respect to *religious* Salvation. equally ought to be the *Judges* of their

*political* Salvation” (which are his own Words, at Page 134, of *The People’s Barrier*, in order to prove, that the very lowest of Mankind, such as Footmen, Draymen, and Scavengers, whom he there particularises, as having an *unalienable* Right of voting) he then must allow, whether he will or not, that the Wives of these Footmen, Draymen, and Scavengers have in civil, as well as religious Concerns, the same *unalienable* Right with their Husbands.—Either therefore the Cases are parallel, or they are not:—Let him take his Choice.

3dly. In respect to Law, and more particularly the Law of the Realm;—if he means to say, that Women (whether married or single) have no *legal* Right to vote for Members, I say so too: And will add this as a plain Proof, that, in the Eye of the Legislature, the civil, and religious Rights of Mankind are very different Things; and therefore ought not to be confounded together: Which is the capital Error of Mr. Locke, and his Followers.

But 4thly. My greatest Misfortune is yet to come. For the fair Sex are to be appealed to in this Dispute. And they will—my generous Adversary doth not say, *What they will do*, But at Page 46 above-mentioned, he says, “Were the Rev. Dean to receive no greater Thanks from the Ministry than he is likely to obtain from the fair Sex for such Attempts, poor indeed would be his Reward! Women knew too well what God and Nature require of them, to put in so *absurd a Claim* for a Share in the Rights of Election.”—What Reward the Ministry intend the Dean of *Glocester* is to me a Secret. But how great soever they may be, [as I hope they will not be of an *unalienable* Nature] I do hereby freely and voluntarily make a *Transfer* of them all to Mr. Cartwright, with my grateful Acknowledgments for his kind Instructions:—I have not the Honour of his personal Acquaintance; but if he should be like the Majority of his Brother Patriots, he may stand in greater Need of ministerial Favours than the Dean of *Glocester*:—The Dean is a Man, who, with a very moderate Income, [which many People would think rather scanty] can truly say, that he has all he wishes to have, and more than sufficient to supply his Wants. Would to God, that the Majority both of the *Inns*, and of the *Outs* could say their Hands on their Hearts, and say the same Things.

As to the Judgment which the fair Sex is to pass upon us, when the Cause is to be brought before their Tribunal.—I own I am rather anxious for the Safety of us both, at such a Juncture. Because, if Mr. Cartwright, after the Example of his Brother-Patriot, Lord G. Gordon, should summon the Wives of Footmen, Draymen, and Scavengers, and *all the Ladies of their Acquaintance* to meet in *St. George’s Fields*, then and there to debate the solemn Question, Whether they should surrender up their unalienable indefeasible Rights, or insist on the free Exercise of them, I will not be answerable for the Consequences of such an Assembly of 20,000 patriotic Ladies, warmed with—Zeal for their Rights and Liberties.

One Thing more I have to add on this Subject, and I have done.—During an Experience of upwards of Fifty Years, I have observed, that in every contested Election, the Females of all Ranks, Ages, and Conditions, both in high and in low Life, married or unmarried, those of *rigid*, and those of *easy* Virtue,—so far from not concerning themselves at all in such Matters,—have entered into the Spirit of

Electioneering with much greater Zeal, and keener Appetites than the Males.—And let Mr. Cartwright himself be the Judge, if he pleases, whether he thinks they would chuse Lovelaces, or Hickmans to be their favourite Representatives, had they the Privilege of voting. [See Richardson's *Clarissa* for the Explanation of these opposite Characters.]

### *The Cavils Of Mr. Professor Dunbar, Of Aberdeen.*

WHEN I first undertook the Task of answering Mr. Locke, I thought it necessary to proceed with the greater Caution, as I had so many popular Prejudices to encounter with. Mr. Locke's Writings on Government had obtained a Reputation and Character little short of political Infallibility; therefore any Man who dared to depart from this Standard of Orthodoxy, was deemed a State-Heretic, and condemned of Course, as an Enemy to the just and unalienable Rights of Mankind. Finding myself oppressed by this Weight of undeserved Censure, I caused the Press to strike off about 50 or 60 Copies of the principal Parts of the present Treatise. My View therein was to consult the Learned and Judicious both far and near, concerning the Plan of the Work, and the Nature of the Undertaking;—likewise to entreat the Benefit of their Corrections and Amendments, in Case they should judge so favourably of this Specimen, as to encourage me to proceed.

Among other respectable Personages to whom I applied on that Occasion, I mention with singular Pleasure and Esteem, the Reverend Dr. Campbell, Principal of Marischal College at *Aberdeen*; a Gentleman to whom the whole Republic of Letters is greatly indebted; and from whom the Dean of *Glocester* has received more Assistance, than from all others. I glory in the Declaration; and am much afraid, that the critical Reader will too soon discern those Portions of the Work which received the Benefit of his judicious Corrections and Amendments, from those, which were never sent, because I ceased to take off Copies of the remaining Parts.

When these Papers were at *Aberdeen*, it is probable, that a Mr. *Professor Dunbar* got a Sight of them. A Gentleman, who appears from his late Publication, *The History of Mankind*, to be capable of making an useful Writer, could he add a little more sound Sense, and logical Consistency to his *florid Periods, and high dressed Stile*. Be that as it may, the Impatience of this Gentleman, and his patriotic Zeal, were so ungovernable, that he could not stay 'till the Book was published, but hurried his Confutation of the poor Dean of *Glocester* into Print, before the Dean's *confuted* Book was itself published. This is rather a *new Case*. But, that the Reader may not be deprived of the Benefit so kindly intended by Mr. *Professor*, I will here beg Leave to quote, first my own Words, and then his Censures upon them, in the Order in which he himself was pleased to place them, that the Reader may make his own Reflections; and if Mr. *Professor* should be dissatisfied with this Mode of Proceeding,—I must submit to his Displeasure.



I.

***The Dean Of Gloucester [See Page 171 Of The Present Treatise.]***

All that we know of *America*, relative to the present Subject, seems to be this, That the *far greater* Part of the Native Indians [Indians I mean, as they were *formerly*, before their Subjection,—or those at present, who are *not* in Subjection to any *Europeun* Power] may be divided into three different Ranks, or Classes, *mere Savages,—Half Savages,—and almost civilized.* ? I do not mention these Distinctions, or Classes, as accurate Definitions, according to logical Rules, but as Descriptions of Men and Manners sufficiently exact for our present Purpose.

***Mr. Professor Dunbar's Censure On The Preceding [See His Note To His History Of Mankind, Page 204.]***

“A well known Writer in Politics affects to have Ideas of the State of Mankind so *mathematically* precise, that he divides the Indians of *America* into three Classes, *mere Savages,—Half Savages,—and almost civilized.*”

II.

***The Dean Of Gloucester [See Page 190 Of The Present Treatise.]***

With respect to the first Class of these bad Qualities (*their Want of Tenderness, Sympathy, and Affection*) all Historians agree, *without one Exception*, that the Savages in *general* are very cruel and vindictive, full of Spite and Malice; and that they have little or no Fellow-feeling for the Distresses even of a Brother of the same Tribe,—and none at all, no not a Spark of Benevolence towards the distressed Members of an hostile Tribe. But the Missionaries (of *Paraguay*) to their eternal Praise be it spoken, have converted these blood-thirsty, unfeeling Animals into a very different Sort of Beings: So that if the Accounts given of them (by Muratori, and others) are *true*, or even *near the Truth*, there can hardly be a more humane and benevolent People upon Earth, than the Indian Converts of *Paraguay*.

***Mr. Professor Dunbar's Censure On The Preceding.***

“The Savages he (the Dean of *Gloucester*) describes, in *all* respects, as a blood-thirsty, unfeeling Race, destitute of *every* human Virtue. But Miracles have not yet ceased. The Missionaries of *Paraguay*, we are told, can transform these *infernal* Savages into the most benevolent Race under Heaven. A Metamorphosis which, though celebrated by a Dignitary of the Church, will hardly command Belief in this sceptical Age: Yet it serves to support a new Theory of Government, which is founded on a *total*

*Debasement of Human Nature*, and is now opposed to a Theory that asserts its Honour, and derives from an happier Origin the Image of a free People.”

### III.

#### ***The Dean Of Gloucester [See The Preface To The 2D Part Of The Present Work.]***

The Author imagines, that he has confuted the Lockian System in the foregoing Part of this Work. And he is supported in this Opinion by the Judgment of many Persons, not only distinguished for their Learning and good Sense, but also for their zealous Attachment to the civil and religious Liberties of this Country. If this be the Case, that is, if he has really confuted Mr. Locke, he may now, he hopes, with some Propriety, venture to submit to public Consideration, a System of his own; which he is *inclined to think*, may serve as a Basis for every Species of Government to stand upon.—At the same Time he is well aware, that it doth not follow, that his must be true, because Mr. Locke’s may have been proved to be false: He is also very sensible, that it is much easier to pull down than it is to build up; and that many a Man can demolish the System of another, who cannot desend his own. For these Reasons he is the more desirous of proceeding with due Reserve and Caution;—not expecting that his Plan should be adopted, as soon as proposed,—nor yet supposing, that it will be totally rejected, ? before it shall have undergone some Kind of Examination.

#### ***Mr. Professor’S Censure On The Preceding, Is As Follows:—***

“See a Work by Dean Tucker, Part II. containing, as the Writer *modestly* declares, the *true Basis* of Civil Government, [*True Basis* was the running Title at the Top of the Leaf, which gave Offence] in Opposition to the System of Mr. Locke and his Followers.”

This third Blow of Mr. Professor is so well aimed, and sent with so much Good-Will, that it may be considered as the *Executioner’s Coup de Grace*, to put the *condemned* Anti-Lockian out of his Misery. However, as the Malefactor, though executed in his *Manuscript-State*, might come to Life again under the Shape of an Author in public Print, and by that Means do the more Mischief to the Lockian Cause; Mr. Professor seems to have been desirous of preparing some further Punishment for such a Criminal, as soon as he should revive, and appear in his former Character. With this View it is probable, that he added the following Clause.

“When the Benevolence of this Writer [the Dean of *Gloucester*] is exalted into Charity, when the Spirit of his Religion corrects the Rancour of his Philosophy, he will learn a little more Reverence for the System to which he belongs, and acknowledge in the most untutored Tribes some Glimmerings of Humanity, and some decisive Indications of a moral Nature.”

The Words *Benevolence*, *Charity*, *Religion*, are undoubtedly very good Words. And (as I do not set up for a Judge of fine Writing) perhaps I might likewise allow, that the

Period which contains them, is well turned. Nevertheless, what Reference all this can have to the Conduct of the Dean of *Glocester* in the present Dispute, is a Thing which surpasses my Comprehension. And I do freely acknowledge, that I am myself so far one of the untutored Tribes, notwithstanding the Professor's great Pains to *tutor* me, that I have not the least Idea of having transgressed the Bounds of Benevolence, Charity, or Religion, in what I have said concerning the Savages of *America*. The Relation, it seems, has incurred the high Displeasure of the Professor of Philosophy at *Aberdeen*.—Be it so.—But did the Dean forge this Relation? No. Did he falsify the Accounts he had received from others? No. Did he misquote, or misrepresent any of his Authors? No. What then was his Offence? And what Provocation has he given to this Lockian Champion?—He has dared to contute the Lockian System.—A most unpardonable Crime indeed! For the Punishment of which, the Rules of Decorum are to be violated, and the Modes of dark Attack to be practiced. Surely, if the Lockian Cause is no otherwise to be defended, it is high Time that such a System should be banished from the Society of Men.

Had this Gentleman cited but one Author of Note, who had given an Account different from those of Dr. Robertson, Muratori, and others, to whom I referred, something like the Shadow of an Excuse might have been framed for the Rancour of his Invective. But as he has not, I will help him to a Writer as full of Romance, and as paradoxical as himself. The *Jesuit* Lafitau in his *Mœurs des Sauvages*, has said more to apologize for the Conduct of the Savages, than any Writer that I have seen. Nevertheless, the general Character which he gives of them, tallies so exactly with the Relation of other Historians, that plain Men of common Sense, like myself, cannot see the Difference. The *Jesuit's* Words are these, 'Leur bonnes Qualités (which he had been enumerating in the preceding Paragraph) 'sont mêlées sand doute de plusieurs defautes: Car ils sont legers et volages, faineans au dela de toute expression, ingrats avec excess, soupçonneux, traitres, vindicatiss, et d'autant plus dangereux qu'ils scavent mieux couvrir, et ils couvrent plus long temps leur resentiments: ils sont cruel a leur ennemis, brutaux dans leur plaisirs, vitieux par ignorance, et par malice.' (Tom 1, P. 106.)

Such is the Portrait, which their own Apologist has drawn of this unhappy People. But nevertheless, though it is much to be feared, that this is too truly their general Character, yet we will charitably suppose, and do most willingly hope, that many Exceptions are to be found among them. St. Paul in his first Chapter to the *Romans*, presents us with a Picture of the degenerate Heathens not much unlike this of the benighted Indians. But no Man ever understood the Apostle in that rigid Sense, as if he intended to say, that there was not one single Exception to the Description he had given of Men and Morals, to be found in all *Rome*.

For my Part, I think it reasonable and right, that Exceptions should be made to all general Characters. Sometimes indeed I am obliged to make them with Regret: This is my present Case.—I have admired and respected the Literati of *Scotland* for upwards of 30 Years: The present is certainly their shining Period, their Augustan Age. They are now become not only a Credit to themselves, but an Honour to enlightened *Europe*. And were some of them to attend more to *Facts* than to *Theories*, and to pay a greater Regard to the Strength of an Argument, than to the Arrangement of Periods,

or the Choice of Words, their Excellence and Usefulness would still be greater.—Unconnected as I am with them, and unbiassed in my Judgment, I pay this free-will Offering to their distinguished Merit.—Nor shall the unprovoked, and unjustifiable Behaviour of one of their Members lessen my Esteem for so illustrious a Body.

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### CHAP. III.

#### ***An Enquiry How Far The Authorities Of Great Names, And Particularly How Far The Opinions Of Aristotle, Cicero, Grotius, And Hooker Can Be Serviceable To The Lockian Cause.***

HAVING proceeded mostly in the argumentative, or controversial Way in the preceding Parts of this Treatise, it may not be amiss here to alledge the Authority of respectable Writers in Confirmation of what has been already advanced. I know, indeed, that the Gentlemen, with whom I have the Misfortune to differ, disdain the very Thought of paying a Deference to any human Opinion whatever. But I know likewise, that there are not a Set of Men under Heaven, who make more Parade with the Honour of a great Name, than they do, if they are able to quote any Passage from his Writings, only *seeming* to be favourable to their Cause:—A striking Proof of which will be given in the Course of this Chapter, respecting the great and judicious Mr. Hooker.

Meer Authority, it must be confessed, is not sufficient in many Cases to determine our Assent: But Authority, added to other Arguments, in those *peculiar Circumstances*, where the Mind is equipoised between opposite Reasonings, ought certainly to turn the Scale. And indeed it generally will; for many of the most capital Affairs in human Life, are often conducted on no other Principle. [Those, who wish to see this important Subject handled more at large, and properly exemplified, may consult my two Letters to the Rev. Dr. Kippis, printed for Rivington.]

The Disciples of Mr. Locke differ from the rest of Mankind, antient and modern, in two essential Points.

#### I.

They often maintain in express Terms, and the Tenor of their Argument always doth, that Mankind have no natural Biass, no innate Instinct or Propensity towards Civil Society, as an *End*, or *Object*. Nay, many of them have not scrupled to declare, That were Men left to follow their own spontaneous Inclination, they would never have incorporated at all; but would have led a Life of absolute Freedom and Independence. Mr. Locke's own Expression is, That Men are driven into Society.—But why driven? And who drives them? Their own *Wants* and *Fears*, he tells us. For, it seems, that after having deliberated on the Matter, *pro* and *can*, Men at last resolved to abandon the Charms of native Liberty, in order to guard against those Dangers and Inconveniencies, which they found to be unavoidable in their natural and solitary State. Hence therefore it necessarily follows, according to the Lockian Idea, that Government itself, even in its best Estate, and when best administered, is no other than a *necessary Evil*, which must be endured, for the Sake of escaping from such other Evils as are still more intolerable.

## II.

In Conformity to this leading Principle, they infer very logically, and indeed very justly. [reasoning right from wrong Principles] that no Man, tho' born within the Confines of some certain State, and all along protected by it, ought to be deemed a Member thereof, 'till he himself hath made an *actual Choice*; that is, 'till he has voluntarily entered into a *solemn Contract* with that, or with some other State, by an *express, positive, and personal* Engagement.—For 'till that is done, he is in fact an independent, unconnected Being, the Subject of no State whatever.

Now, to combat these two erroneous Opinions, which would in Practice be attended with the most fatal Consequences, I might observe, first of all, that all the Notices, which we have from profane History relative to Government, are about the *Improvements, or Alterations* of those Societies, which were already formed, and not about the original, or *impulsive Cause*, which first gave them an Existence, and brought them into Being. *Minos, Solon, Lycurgus, Numa*, and many others, who were justly honoured with the Title of Legislators, were only so in this secondary Sense of the Word: That is, they either improved, or reformed, or new modelled some of those Societies, which already existed in a rude, and imperfect State. But they did not erect new ones among a Set of human Creatures, who were before totally independent of each other;—that is, who were *utter Strangers* to any Kind of Subordination whatsoever. This is a weighty Matter, and deserves to be well considered. But as it would carry us too far from the Points now *immediately* before us, if pursued to its full Extent, I shall wave it for the present;—and content myself with producing only four Authorities in Opposition to the Lockian System:—But these four are such, as are worth Thousands of others, the Lockians themselves being Judges, were their Testimonies to be weighed, and not numbered. The four I mean are no less than Aristotle, Cicero, Grotius, and Hooker;—the three first of whom were born, and educated under Republican Governments; and the fourth is the very Person to whom Mr. Locke and his Followers always appeal in disputed Cases.

## ARISTOTLE.

This first of Men in the Pagan World delivers himself in the second Chapter of his first Book of Politics to the following Effect,—That Man is by Nature a *political* Animal, much more so than Bees, or any other Animals of the *gregarious* Tribes;—because he is endowed with the Use both of *Speech* and *Reason*:—Of Speech, to make known his Wants, his Feelings, and Intentions;—and of Reason to judge, what is right, and what is wrong, and to discern Good from Evil. Therefore *as Nature makes nothing in vain*, any Man, who, through Choice, and not from Necessity, is not a Member of some Civil Society, must be supposed to be either much better, or much worse than the common Lot of Human Nature. Consequently, if any Being in a human Shape either has no Propensity for the *politico-social* Life, or has such a Sufficiency of all Things within himself, as not to want it, that Being is either a *God*, or a Beast of Prey. For Nature hath implanted in all Men a strong Instinct [*Ormé*] for this Kind of social Life.

Such is the Substance of Aristotle's Argument, in a free Translation, when the different Parts of it are brought together, and cleared from some metaphysical Niceties, foreign to the present Subject. On which I must beg the Reader's Indulgence to make a few Remarks.

In the first Place, it is evident, that this first of Philosophers [as Mr. Hooker, by using a Greek Term (Arch Philosopher) justly calls him] was not here delivering an Opinion, which he thought would ever have been called in Question, or so much as doubted of. He took it for granted, that no Man would be so very absurd as to suppose, that Mankind had not a natural Instinct, Impulse, or Inclination towards forming political Unions or Connections of some Sort or other. Had he suspected that this Point would ever have been controverted, he would certainly have done more ample Justice to his Subject.

For 2dly. Whereas he barely affirms, that Men are Animals *much more* political in their Nature than Bees, or any of the gregarious Tribes, he might have corroborated his Assertions with such Reasons, as would have been unanswerable. Meer gregarious Animals are not political simply on that Account;—as I have shewn before in the Instances of Sheep, Horses, Cattle, &c. [See Pages 131 and 132.] But gregarious Animals then become political, when they divide their common Labour into separate Shares or Portions, each Individual having a distinct Occupation, and acting within his own Sphere. For such a Police evidently inserts a certain Subordination and Government, wherein some are to act in Obedience or Subserviency to others:—Or, to speak still plainer, some are to direct, and others to be directed. Hence it follows, that not only Swarms of Bees, whom Aristotle mentions, but also Ants and Beavers, and every other Tribe of Animals in like Circumstances [if any such there are] must have a Plan or Regulation, or a fixt Mode for the Distribution of Labour;—that is, they must have a general Law, and Constitution of Government settled amongst them.

Now, if this be the Case among the inferior Animals, Aristotle might have observed with great Justice, that the Reasons or Motives for implanting such Instincts in human Animals, as would cause them, not only occasionally to *herd* together, but to form *lasting Connections*, are so much the stronger in Proportion to the greater Exigencies of their Condition: For even the *natural* Wants of Men, *Food, Raiment, and Dwelling*, are a thousand Times more numerous, and diversified than the natural Wants of either of the Tribes of Animals above-mentioned:—And if to these we should add the *artificial*, which comprehend all the Elegancies, Comforts, and Conveniences of Life,—(not to mention the infinite Number of fantastic, and imaginary Wants) it must appear next to a Demonstration, that Mankind were formed with much stronger Propensities for Society, than any Tribe of Animals whatever. And Aristotle's favourite Maxim, that *Nature doth nothing in vain*, thus returns with more than redoubled Force.

Nay, 3dly. Whereas Aristotle observes, that Mankind are endowed with *Language*, and *Reason*,—(Gifts, which he apprehends are appropriated to the human Species, in order to enable them to form political Associations) he might have added another Circumstance, which is still more peculiar to the Human Race:—The Circumstance I mean is the Power of captivating the Passions by Means of public Declamations, or

solemn Harangues; for this is a Thing quite distinct from the mere Use of Speech, or of Reason. And it is observable, That when those Geniusses, whom Nature has formed to be great Orators, harangue the lissening Crowds, they are frequently able to enchant their Audience in such a Manner, as to cause them to move and act, to resolve, or to rescind former Resolutions, just as they would have them. Marvellous Talents these! And happily for Mankind, they are not common: For, as in a free State, such as ours, they are more frequently employed in doing Mischief, than in doing Good, we do not so often experience their salutary Effects, as we do their fatal Consequences.—But however that may be, these Talents are so much the Prerogative of Man, that we are not able to discover the least Traces of them either in Herds of Cattle, or Flocks of Sheep, or in any other Animals whatever.

Upon the whole, though Aristotle gave his Opinion after a transient or cursory Manner, and without any previous Study to investigate the Nature of the Subject;—yet it is such an Opinion, as leaves not the least Doubt in any Man’s Mind, how fully he was persuaded, that Mankind were formed by Nature to be *political Animals*, and that civil Government, of some Form or other, was the State or Condition which was most natural to Man. The next great Man is

## CICERO.

This eminent Statesman and Philosopher was much in the same Situation with his Predecessor. For he too was a total Stranger to the Paradoxes of modern Days respecting Government. Therefore his Observations can be but short, being, as it were, occasionally uttered. In his *First Book of Offices*, §. 44, he had been comparing different Duties or Offices together; and he gave the Preference, very justly, to that Duty, or to that Employment of a Man’s Time, which was dedicated to the Service of his Country,—and not to mere scientific Speculations, or abstract Theories. He placed the Contrast between *Communitas*, or the Duty owing to the Community, and *Cognitio*, or the Manner of entertaining one’s self in private with literary Amusements [Which perhaps was intended as a gentle Reproof to his Friend Atticus.] And then observes, “\* That as Bees do not form themselves into Communities for the Sake of making their Honey-Combs; but being naturally united into Communities, called *Swarms*, they therefore set about this Work: So Men, who are formed with much stronger Instincts [than Bees] for a political Life, use, that is, ought to use, their Powers both of Action, and of Thought [for the public Good.”]

The Construction of the latter Part of this Sentence seems to be a good deal embarrassed; probably because a Word or two are missing. But be that as it may, there is no Manner of Obscurity in the Words, *sic homines, ac multo etiam magis Naturâ congregati*. For they are as clear as the Day: And it was for their Sakes alone, that the Passage was quoted.

Again, in his Treatise concerning the Boundaries between Good and Evil, towards the Close of the third Book, where he is summing up the principal Dogmata of the *Stoics* concerning Morals, Politics, Religion, &c. &c. which he highly (and in general very justly) extolls, he expresses himself after this Manner, \* “As we also use our Limbs [in Childhood] before we have been able to learn for what Use, or with what Intent



they were given us; so we are mutually connected, or joined together by Nature herself into a Civil Community, or Body Politic.”

Once more, In his *First Book concerning Laws*, §. 9, where he is enumerating the superior Gifts and Advantages, which Nature or Providence has bestowed on Man, he mentions, among others, the Power of Speech, as particularly serviceable in the Formation, and Conservation of human Society. [Orationis vis, quæ conciliatrix est humanæ maxime societatis.]

Indeed in his Oration for P. Sextius he has a Passage, which seems (and perhaps only seems) to contradict these two Quotations. The Passage is to the following Purport:—

\*Which of you, my Lords Judges, needs be told, that, according to the natural Progression of Things, there was a Period, not characterised by an Obedience either to the Law of Nature, or to Civil Jurisdiction, when Men ran wild in the Woods, subsisting by Rapine and Plunder, and having nothing which they could call their own, but what the strongest could either snatch from, or keep from the weakest? Therefore those who excelled in Wisdom and Virtue, having observed a certain Docility, and innate Disposition in human Nature, gathered these wandering Savages together, and brought them out of their former Ferocity, to have a Regard for Justice, and the Duties of a social Life. Hence a Concern for the public Good may date its Origin; hence those little Congregations, which afterwards grew up into civil Communities, or Bodies politic; and hence also Men were not afraid to build their Huts nearer to each other, which afterwards became Towns and Cities, and were surrounded with Walls, under the Sanction both of divine, and human Law.

Now, though it must be acknowledged, that this Passage seems to clash with the three preceding, yet the following Considerations may perhaps reconcile the seeming Contradiction.

First then, it may be observed, that no great Stress ought to be laid on what is here advanced; because it is the Orator, and not the Philosopher, the meer Pleader at the Bar, and not the moral Instructor, or faithful Historian, who is here speaking. And Cicero’s avowed Principles, as an Academic, (indeed perhaps they are the Principles of all Pleaders, and in all Courts whatever) led him to study *Plausibilities*, [*Verisimilia*] more than Truths, in order to make the best of his Client’s Cause.

2dly. The latter Part of this Paragraph weakens the Authority of the former. For if there ever was such a Time as above described, when every Savage was independent of, or unconnected with, the rest, subsisting like a Beast of Prey on Rapine and Plunder; it is inconceivable, how so much *Docility* and *good Disposition* as Cicero mentions, should be discoverable in an Animal so very unsocial, fierce, and cruel;—especially, if the pretended Discoverer was himself (according to the Hypothesis) no other than a Brother-Savage of the very same Sort.—The Truth therefore seems to have been this: On the Dispersion of Mankind, which, according to the Scripture-Account, came to pass after the Attempt to build the Tower of *Babel*, it is very probable, that the Multitude were scattered abroad *far* and *wide*, by breaking themselves into very small Societies, if not single Families. For not only the sacred

Historian, who is likewise the most antient of Writers, favours this Conjecture, but also the local Traditions of almost every Country seem to corroborate it. These little Nests of Men, or single Families, afterwards so encreased and multiplied, as to become large Clans, Tribes, or Hordes; each of whom had an *internal* Form of Government of some Sort or other, probably of the *patriarchal* Kind, distinct from the rest, and peculiar to itself:—A Government, which answered all the general Ends of being a Terror to evil Doers, and for the Praise of them that did well. And if ever there was such a Time, as the *Golden Age*, this was the Period for it,—I mean, as far as their own internal Modes of Living were concerned. Horace is also of the same Opinion;

Beatus ille, qui procul negotiis,  
Ut prisca gens mortalium.

But nevertheless, as the People of these several Clans, Tribes, or Hordes, raised also the Necessaries of Life within their own Districts, and had no Intercourse or Communication with other Countries, unless by Accident, or in order to carry on some bad Design,—they very soon mutually conceived both a Contempt for, a Jealousy of, and an Aversion to each other (The same is but too prevalent among the common People of most Countries to this very Hour) So that *Stranger* and *Enemy* became convertible Terms. It was therefore deemed lawful, and not only lawful but *honourable* for one People to make Incursions into the Territories of their Neighbours, and to commit those Violences and Depredations, which Cicero mentions;—only with this Difference, that the Pillages, which he complains of, as the Outrages of Individuals against Individuals, were (at least for the most Part) the Hostilities of one Tribe against another. For, like the Pirates or Banditti, or the roving Arabs both of antient and of modern Times, they observed the Rules of Justice, Equity, and Humanity among themselves at the same Time that they robbed, and plundered, and perhaps massacred those unhappy Strangers, who became the Victims of their Power.

Now this State of the Case reconciles Cicero with himself; and, what is still better, with the Truth of History, and with Matter of Fact. Therefore the Orator's Observation seems to be a very just one, that such Men as excelled in Wisdom and Sagacity, and were eminent also for Goodness of Heart, endeavoured to reconcile these jarring Tribes, by explaining to them the Folly and Absurdity of their Conduct, and by exposing the horrid Nature of their Crimes, in thus violating that natural Sense of Justice, and those very Instincts of Humanity, which they themselves mutually recognized, and revered in each other. And one would hope, for the Honour of our common Humanity, that such good Men, and *real Patriots*, did frequently so far succeed, as to persuade many of the *Heads* and *Leaders* of these hostile Bands to lay aside their ill-grounded Antipathies, to look on each other as Friends and Brothers, and to acknowledge the Ties of Nature in a wider Extent. Hence therefore it was possible, indeed it was very probable, that the original narrow Circles of Civil Polity became so widened and extended, as to comprehend many lesser ones within their Bounds. For by these Means, every Tribe, Clan, or Hord, might so far join, or coalcsce with others, as to have one common Interest, one common Head, or Government, in the greater Concerns of State, and yet retain its own Peculiarities, its

own Customs, and Traditions in other lesser Matters. Now this will account (which perhaps no other System can do) for the vast Variety of different Laws and Customs that prevail in different Parts of the same Common-wealth, the same Kingdom, or Empire throughout the World.

Upon the whole, take Cicero in what Light you please, and it must follow from his Principles, than an Inclination for Government is *natural to Men*. For in the three Instances, where he is instructing us in the true Principles of Morality and Philosophy, he directly asserts it: And in the fourth, where, in the Exuberance of his Eloquence, he deviates a little from the right Path, he affords us such a Clue, as might easily serve to bring him back, and to make the latter Part of his Assertion harmonise with the former. So much as to the first Head, in Opposition to the Lockians.—We come now to the second grand Point, Whether Children are the *natural-born* Subjects of that State, to which their Parents were subject at the Time of their Birth? Or whether they are such perfectly independent, unconnected Beings, as to belong to no State whatever, 'till their own *free* and *unconstrained* Choice hath fixt their political Relation? This is a Point, which cannot admit of a long Discussion.—For not only Aristotle and Cicero, but the Antients to a Man, *Greeks* and *Romans*, were so far from favouring the Lockian Notion, that they carried the contrary Doctrine of an implicit Veneration for the Institutes, Rites, and Customs of their Ancestors to very great Excesses. They bred up their Children from their Infancy, with such enthusiastic Conceits concerning the Goodness, the Superiority, and even Sacredness of what their Fore-fathers had ordained, and established, both in civil and religious Concerns, that it was deemed a Kind of Impiety or Sacrilege, to set up any thing else in Opposition to them. Happy therefore was that Youth, who should expose his Life in their Defence: And *Dulce et decorum est pro patriâ mori*, or Expressions of the same Import, whether in *Greek* or *Latin*, were Maxims to be inculcated on all Occasions. Hence that contracted Love for their own Country, its Customs, and Constitutions, which caused them not only to despise, but even to *detest* almost all others; and consequently to persecute them when in their Power.—And hence also, that false and spurious Patriotism, which in many Instances, blotted out the very Ideas of Justice and Humanity, towards the rest of the Human Species. But as this is a Subject of a most important Nature, opening the Way to many others, both in religious, as well as civil Concerns, and highly deserving a more thorough Discussion, than can here be given it, I must refer it to some others, who have more Leisure, and greater Abilities, than I can pretend to, to do Justice to it.

Pass we on therefore at present to another great Authority, namely

## GROTIUS.

This learned Writer, and experienced Statesman is my third *Republican* Voucher. In the Prolegomena, to his celebrated Work, *De Jure Belli ac Pacis* [A Work which cannot be too much admired, notwithstanding a few Slips and Imperfections.] He tells us, that he was entering upon an important Task, wherein he was to explain and vindicate the Rights of War and Peace;—Rights, which derive their Obligation [not from actual Compact, but] partly from the Voice of Nature,—partly from the Commands of God.—partly from the Nature of moral Duties,—and partly from the

tacit or implied Consent of Mankind: He then delivers himself after the following Manner:—"Not a few there are who doubt, whether any such Law of Nature [prior to some Compact, Regulation, or Agreement] can possibly exist, especially in Time of War; and others, who positively deny the Existence of it." Some of these he particularly mentions, and then refers us to many others, as acting according to the same mistaken Principles.

\* "Seeing therefore, says he, it would be in vain to compose a Treatise about *Natural Right*, or the *Law of Nature*, if no such Right, or Law exists, it will be incumbent on us in the first Place, and in order to protect and defend the ensuing Work, briesly to consute this most pernicious Error. And that we may not contend with a Multitude of anonymous Adversaries, let us assign some Person, or other, as the Advocate for, or the Patron of such an Opinion. And who so proper, as Carneades, the Academic, or rather the Sceptic? for he carried the Maxims of his disputatious Sect so far, as to maintain that the Powers of Eloquence ought to be employed as much in the Defence of Falshood, as of Truth. Therefore when he undertook to oppose the general Idea of Justice, especially of that Branch of of it now before us, he found no Argument more plausible than the following: That Men had from Time to Time made various Laws relating to Morals, meerly from a Principle of Self-Interest, or Convenience;—and had changed such Laws as often as these Circumstances had varied. Consequently there was no such Thing as an invariable Rule, or Standard for Morals, because Men, like all other Animals, are guided by Nature to gratify their own Appetites:—If so, there can be no Justice in opposing Nature;—or if there be, it must be the Height of Folly, to promote the Happiness of another, at the Expençe of our own.

"But this philosophic Delusion is by no Means to be admitted. For though Man is indeed an Animal as well as others:—Yet he is an Animal of a superior Class in the Scale of Being;—and placed at a much greater Distance from other Tribes of Animals, than they are from each other. In Proof of this, many Actions or Qualities might be mentioned, as the distinguishing Prerogatives of the Human Race: Among others, that Appetite for Society, or for a political State, which is so peculiarly human. For this Inclination is of a particular Sort [not like the Instincts of other Animals, barely to herd or flock together, but] to live in a *regular and peaceable Community* with those of his own Species, according to the Nature of a rational Creature, &c. &c."

The first Head of this Enquiry being thus established beyond the Possibility of Doubt, namely, that, according to the Testimony of Grotius, Mankind are *naturally* inclined [not to live unconnected with, or independent of each other, but] to join in a social State, and to partake of the Blessings of a Body Politic:—Let us now proceed to the second Point of Inquiry, Whether it was his Opinion, that Men are under any Obligation to obey those *civil* Laws, to which they never gave, and in most Cases never could have given, their personal Consent, or positive Approbation?—Now this is in fact to ask the Question, Whether Grotius wrote such a Book, or not?—For every Page, and every Line of his Treatise, concerning the *Rights of War and Peace*, tend either mediately, or immediately to establish this momentous Truth. And he demonstrates in various Parts of his Book, that private Subjects, *young* as well as old, are bound in Duty to pay a prompt and willing Obedience to all the Laws of that State,

under which they live, and by which they are protected, except in those unhappy Cases (if any such should happen) where the Laws of the State are manifestly and directly repugnant to the Laws of Nature, and of God.

Thus therefore it appears, that the Authority of the three most eminent Writers, that perhaps ever lived, all born and bred in Republics, Aristotle, Cicero, and Grotius;—[of whom the Poet who wrote the Epitaph upon upon Milton, might likewise have justly said,

Three Writers in three distant Ages born,  
*Greece, Italy, and Holland* did adorn.]

Thus, I say, it appears, that their Authority is as opposite to the Lockian System of Government, as the Sentiments of any Writer whatsoever.

## HOOKER.

It remains now, that we attend to what Mr. Hooker has said on the same Subjects. This excellent Man has obtained the Epithet of judicious by a Kind of universal Consent;—a Consent, by the by, tacitly given, never voted, or ballotted for in any Respect whatever. But waving that Point, he certainly deserved those Honours in every Sense, which the grateful Public have bestowed upon him. For his superior Judgment appeared not only in what he professedly treated of and largely expatiated upon, but also in what he more briefly hinted at, and did not so amply express: Would to God, that one of his Cautions contained in his second Book, had been better attended to!—That Caution, I mean, which was levelled at a very weak Notion entertained by too many Protestants at the Beginning of the Reformation, concerning the Use of the Bible. For they conceived it to be a Book, which was intended to furnish them with every Plan, every System, every Mode, and Species of Reformation, which their distempered Fancies wished to introduce both into Church and State. Full of this absurd and dangerous Persuasion, they found, or thought they found, all their own crude and visionary Reveries authorized by the Word of God. Consequently having *Divine Right* on their Side, what could they do less than contend for it even unto Death, by appealing to the God of Battle for the Justice of their Cause? They did appeal; and in the Contest they deluged their Country with Seas of Blood, by fighting and fighting so long, 'till at last they reared up a bloody Tyrant, to serve them in the same Manner as they had served others.—It is well, if the modern Doctrine of *unalienable* Rights, which seems to be a Kind of a Successor to the former, be not attended with the like fatal Consequences.

But to return,—

The first Lockian Error mentioned at the Beginning of this Chapter, is, that Mankind are *driven* into Society, as having no *natural* Inclination of their own to become the Members of a civil State. Now, what says the judicious Hooker concerning the natural Disposition of Mankind in this Respect? He says, [Book I. Sect. 10, Page 17,] that they *have* a natural Disposition; and a strong one too; so very strong, as to become one of the great Foundations on which Civil Society was originally built, and is now

supported. “Two Foundations there are which *bear up* public Societies; the one a natural Inclination, whereby all Men desire sociable Life and Fellowship; the other an Order *expressly*, or *secretly* agreed upon, touching the *Manner* of their Union in living together.”

Can any Words express my own Sentiments more clearly and emphatically than those? Or can any Testimony more strongly corroborate the whole System of my Book? I own, when I first entered upon this Work, relying on the Testimony of Mr. Locke, and others, I took for granted that Mr. Hooker was not favourable to my Opinion: This I signified in a short Note at the Bottom of the Page of that *printed Specimen*, which I dispersed among my Friends—*Aliquando bonus dormitat Homerus*. But, having found Cause to distrust the Truth of certain Assertions, though uttered with amazing Confidence, I began to suspect, that too much Art and Colouring had been used in the present Case; and I was confirmed in the Suspicion, by the Consideration, that as the whole Scope and Tenor of Mr Hooker’s Writings were to censure the Republican Rant, and to chastise the factious Behaviour of Cartwright and Travers, it was not credible that such a Man as he, one of the best Reasoners in the World, should be so far overseen as to favour the very Schemes he was confuting and condemning. For these Reasons I determined for the future to see with my own Eyes, and to trust no longer to such Guides; and my earnest Request to every Reader is to do the same by me.

2dly. Another grand Principle of the Lockian System, and a necessary Consequence of the former, is—That no Man ought to be reputed the Subject of any State (tho’ born and protected by it) ’till he has acknowledged his Subjection by some particular, positive, and express Engagement. Now this comes to the same Thing with that other Lockian Declaration,—That Laws cannot bind us without our own Consent, either given in Person, or by some Representative, or Proxy, *chosen* by us for that Purpose.

In Contradiction to these Positions, hear Mr. Hooker. He has already said in the former Quotation, that one of the Foundations which bear up public Societies, is an Order [or Rule, a Plan, or Constitution] either expressly, or *secretly agreed* upon, touching the *Manner* of Man’s Union in living together. Now here I ask, What is this *express Agreement* but the same with my *actual Contract*? And what is Mr. Hooker’s *secret Agreement* but my *Quasi-Contract* in other Words? Find out a Difference if you can.—But further: In the same 10th Section (Page 19 of Fol. Edit. 1723) is this remarkable Paragraph;

“Approbation not only they give, who *personally* declare their Assent, by Voice, Sign, or Act, but also when others do it in their Names by Right, *originally at least*, derived from them as in Parliaments, Councils, and the like Assemblies, although we be not personally ourselves present, notwithstanding our Assent is [present] by Reason of other Agents there in our Behalf. And what we do by others no Reason [can be assigned] but that it should stand as our Deed no less effectually to bind us than if ourselves had done it in Person. ? In many Things Assent is given, they that give it not imagining they do so, because the Manner of their assenting is not apparent. As for Example, when an absolute Monarch commandeth his Subjects that which seemeth good in his own Discretion, hath not his Edict the Force of a Law, whether

they approve, or dislike it? Again, that which hath been received long since, and is by *Custom* now established, we keep as a Law, which we may *not transgress*; yet what Consent was ever thereunto sought, or required at our Hands? Of this Point therefore we are to note, that sithence [seeing] Men naturally have no full and perfect Power to command whole political Multitudes of Men; therefore *utterly* [altogether] without our Consent, [expressed or implied] we could in such Sort be at *no Man's* Commandment living. And to be commanded we do consent [that is, we consent to be commanded] when that Society whereof we are Part, hath *at any Time before consented*, without revoking the same after by the like universal Agreement. Wherefore as any Man's Deed past is good as long as he himself continueth it; ? so the Act of a public Society of Men done 500 Years since, standeth theirs who presently are [who are at present] of the same Society, because Corporations are immortal: We were then alive in our Predecessors, and they their Successors do live still. Laws therefore human of what Kind soever are available by Consent, [either expressed or implied."']

I have ventured to add a few Words within Crotchets [NA] by Way of Explanation. Let the Reader judge whether the Sense doth not require *some* of these Additions, in order to accommodate the Author's Stile to modern Ears;—and whether the least Injury has been done to his true Sense and Meaning in any of the rest. In short, this whole Paragraph is so full an Illustration of, and doth so effectually corroborate, all that I have said concerning the Nature of an actual Contract and of a Quasi Contract, and of the peculiar Uses and Advantages attending each of them,—That I am in no Pain on that Account.—Nay, I repeat it again, let the keenest of my Adversaries discover, if he can, wherein Mr. Hooker's Opinion, *in these Respects*, differs from mine.

But further, I had said throughout my Work, That Civil Government was so *natural* to Man, that *hardly* an Instance could be given of a People, Hord, Tribe, or Clan living together for any Length of Time, without a Civil Institution of some Sort or other. Mr. Locke and his Followers do not controvert this Assertion, as far as relates to all the Regions of *Europe, Asia, and Africa*: At least, I never found that they did. But they say, that there are a few Exceptions to this general Rule among some of the Savages in the more interior Parts of *America*: Savages who live, especially in Times of Peace, without any Degree of Civil Rule, or Power, or Subordination. Whether this be the Case or not, is very immaterial to determine; because I have assigned Reasons at large from Page 181, to Page 200 of the present Treatise, why such Exceptions (if indeed any such there be) are no Prejudice to the general Rule. But as drowning Persons will catch at a Straw, so it has happened with our Disputants in the present Case. Mr. Hooker, they tell us, befriends their Cause; and helps them in Time of Need. For he says in the same Section of the 1st Book,—“That there is *no Impossibility in Nature*, considered in itself, but that Man might have lived without any public Regimen.”—Therefore they infer, that what is not *naturally* impossible is perhaps *probable*:—And what is *perhaps* probable, is *very* probable:—And what is *very* probable, must be a Matter of Fact. Most curious Reasoning this! And worthy of such a Cause!

But the Misfortune is, that this very Matter of Fact, on which so much is built, is not only controverted, but absolutely denied. For Lafitau, who says he was five Years a Missionary among the Savages of *North America*, and had had a personal Acquaintance with many, and even a Friendship with some of them, positively denies the Charge, and is very angry with those, who surmise any thing so much to the Disadvantage of the native Indians. His Words are these:—"On n'a pas fait une moindre *Injustice* aux Sauvages de l'*Amerique*, en les faisant passer pour des Barbares sans *Loix et sans Police*, qu'en disant, qu'ils n'avoient aucun Sentiment de Religion, et qu'on n'en trouvoit chez eux aucun Vestige," &c.—See the whole Chapter *Du Gouvernement Politique* Tom I. p. 456.

Now, whether Father Lafitau is right, or wrong in these Assertions, is of no Consequence to the present Argument. If he is right, then the whole Lockian Objection to the Universality of Civil Government falls at once to the Ground. But if he is wrong, surely one single Exception to the Practice of all the Nations, and in all the Ages of the World, (and for which very probable Reasons have been assigned) ought to be considered in no other Light, than as some *monstrous Production*; which in every other Case is never esteemed to be an Objection of Weight against the regular, standing, permanent Course of Nature. Either Way therefore the Conclusion is much the same: And Mr. Professor Dunbar, Mr. Cartwright, &c. &c. &c. may take their Choice.

In the mean Time it is of much more Importance, to the Friends of Truth, to find that the judicious Hooker has been rescued out of the Hands of our modern Republicans, and restored to his own proper Province, the Defence both of Church and State. He certainly was no Favourer of the debasing Doctrine of *absolute* and *unlimited* passive Obedience, and Non-resistance. And if that is sufficient to denominate a Man, a Lockian, I too must humbly request to be enrolled among their Number. For I maintain the Right of resisting in certain Cases of *extreme Necessity*, as warmly as any modern Patriot whatever. But be it ever remembered, that when Mr. Hooker avoided one Extreme, he did not run into the other. On the contrary, he rightly distinguished between Liberty and Licentiousness, keeping at an equal Distance from the Machinations of factious Demagogues, and the servile Submission of cringing Slaves. In short, though the Terms Whigg and Tory were not then in Use, yet his Principles and Writings were of such a Nature, that he might have been characterised (as soon as the Meaning of those Terms was known) as a true Friend to a limited Monarchy, and a Constitutional, (though not a Republican) *Whigg*.



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## CHAP. IV.

### The Doctrine Of Scripture Relative To The Obedience Due From Subjects To Their Sovereigns; Together With The Grounds Of, And Reasons For The Duty.

IT is evident, that all those Circumstances, on which relative Duties are founded, must be *prior*, in the Order of Things, to the Duties resulting from them. It is no less evident, that such Relations or Connections ought to be Matters of *public Notoriety*, before their respective Duties can be enjoined, and enforced. The Relations between Parent and Child, between Husband and Wife, Master and Servant, Sovereign and Subject, must not only exist,—but the Existence of them ought to be publickly known, before the several Duties of Honour, Fidelity, and Obedience on the one Hand,—and of Protection, affectionate Regard, and providential Care on the other, can be pressed on the Consciences of Mankind with due Force. For the Holy Scriptures do not inform us, who are Parents, and who are Children,—who are Husbands, Masters, or Sovereigns,—nor yet, who are Wives, Servants, or Subjects:—No; this is not their Province, and it would be absurd to expect such Information from them:—But, after these several Relations are become sufficiently known from other Sources of Intelligence, then the Holy Scriptures proceed to inculcate the Duties respectively belonging to each Relation, with proper Motives.

There is, indeed, one Exception, and but one, as far as I can perceive, to this general Observation. It became an excepted Case, because it was plainly a Deviation from the common Course of Things.—The Circumstance I refer to, was that *peculiar* Relation, which subsisted between the Children of *Israel* and their Prince, Jehovah. For after the Lord God of *Israel* had brought his People out of *Egypt*, by a mighty Hand, and a stretched out Arm, it pleased him to bind them to himself by a peculiar Covenant, condescending to be their temporal King and Governor, and exalting them to the Honour of being his immediate and political Subjects. Now as this was a supernatural Connection, it could have been made known to them only by Means of a supernatural Revelation.

However, thus it came to pass, that the political Constitution of the Sons of Jacob differed from the Polity of all other States upon the Face of the Earth. Consequently, as their State, or Kingdom, under their King Jehovah, was very literally of *Divine Appointment*, the *Israelites* first, and the *Jews* afterwards could say, with strict Justice, as well as with great Propriety, that they had received a political Constitution, and a temporal Kingdom, *ordained of God*: Which no other Nation could say, besides themselves, in the same Sense.

But alas! whilst this Theocracy, or Divine Government lasted, we do not find, that the Subjects of it were more loyal, dutiful, and submissive than those, who lived under other Forms.—On the contrary, the Scriptures are every where filled with Relations of the Perverseness, Ingratitude, Rebellions, and Apostacies of this very People.—Yet,

when this Theocracy had ceased, and when they were reduced to a Level with the rest of Mankind, respecting the Nature of their Government, then they became sensible of their Error,—though indeed not from the best of Motives; and then they most earnestly wished (certainly not with the purest Intentions) for a Return or Restoration of that very Government, which they had so frequently despised, and offended,—Hence therefore they became so very impatient in their Subjection to any other Power, and were continually longing, and attempting to free themselves from every foreign Yoke.

This appears, as from the general Expectation, which every where prevailed among them, that their Messiah was shortly to appear (to whose triumphant Standard the whole *Jewish* Nation intended to resort);—as also from the particular Emulations, and mutual Jealousies of the Apostles themselves,—ever contending, *which of them should be the greatest*, that is, which should be the most in Favour with their victorious Prince. Nay, it was this very Persuasion of a temporal Messiah, which induced the *Pharisees* to join with the *Herodians* (whom they mortally hated) to put certain ensnaring Questions to our Lord. *Matt.* Chap. xxii. 15, 22. “Then went the *Pharisees*, and took Counsel, how they might *entangle* him in his Talk. And they sent out unto him their Disciples with the *Herodians*, saying, Master, We know that thou art true, and teachest the Way of God in Truth, neither carest thou for any Man; for thou regardest not the Person of Men. Tell us therefore, What thinkest *thou*, Is it lawful to give Tribute unto Cæsar, or not, [shall we give or shall we not give? says another Evangelist] but Jesus perceived their Wickedness and said, Shew me the Tribute-Money, and they brought unto him a Penny” [A Piece of Money somewhat larger than our Sixpence] “And he saith unto them, whose is this Image and Superscription? They say unto him, Cæsar’s. Then saith he unto them, render therefore unto Cæsar, the Things which are Cæsar’s; and unto God, the Things that are God’s. When they had heard these Words, they marvelled, and left him and went their Way.” St. Luke also farther informs us, “That they could not take hold of his Words before the People, and that they marvelled at his Answer and *held their Peace*.”

Indeed to hold their Peace, in their Situation, was the wisest Thing the *Pharisees* could do: For had they proceeded to have raised Objections to the Sentence which our Lord had pronounced, concerning the Payment of Taxes, they would have fallen into the very Pit they had dug for him. Had they acknowledged the Lawfulness of paying Tribute unto Cæsar, they would have lost their Popularity and Credit with the Multitude, who expected the Appearance of a temporal Prince to conquer Cæsar; and had they maintained the Unlawfulness of such a Compliance, the *Herodians* themselves would have been the first to have impeached their Loyalty, and to have informed the *Roman* Governor of their seditious Conduct: Therefore they marvelled and held their Peace.

Again, when our Lord was brought to his Trial before Pilate, the *Roman* Governor the same Question was revived, only under somewhat of a different Form. St. John informs us, that Pilate asked him, whether he was a King? and particularly whether he was the King of the *Jews*?—Meaning thereby, whether he was that great Personage, whom the whole Nation of the *Jews* had so eagerly expected, and for whose Cause

they were all ready to revolt. To which Question our Lord replied, “My Kingdom is not of this World: If my Kingdom were of this World, then would my Servants fight, that I should not be delivered to the *Jews*: But now is my Kingdom not from hence.” [See John xviii. 36.] This Answer was sufficient to convince the Governor, that he had nothing to apprehend from Jesus, as a dangerous Enemy to the State: And most certain he was, that the *Jews* were not at all disposed to make an Insurrection in his Favour. Therefore he seemed to be quite satisfied as to the only Point, which he wished to know, concerning the *Messiah* of the *Jews*.

After our Lord’s Resurrection, the drooping Hopes, and continual Longings of the Apostles after a temporal Kingdom revived again. For having found, that their Master was brought to Life, contrary to all their Expectations, they from hence concluded, that the Scene of Power was at last going to begin, and that an astonishing Display of Prodigies and Wonders would soon take Place. “Therefore when they were come together, they asked him saying, Lord wilt thou at this Time restore the Kingdom to *Israel*?” To which he returned an Answer, by no Means satisfactory as to the Point of their Inquiry, and yet sufficiently explicit to intimate to them, that there were certain Secrets in the Dispensations of Providence relative to a future Kingdom of the *Messiah*, which it was their Duty at present not to pry into; because they were not proper for them to know. “He said unto them, it is not for *you* to know the Times and the Seasons, which the Father hath put in his own Power. But ye shall receive Power, after that the Holy Ghost is come upon you: And ye shall be Witnesses unto me, both in *Jerusalem*, and in all *Judea*, and *Samaria*, and to the uttermost Part of the Earth.”—*Acts* I. 6, 7, and 8 Verses.

Now in all these Conversations, which our Lord had both with the *Jews*, and with his own Apostles,—with those who considered him as a vile Impostor, and those who believed him to be the true *Messiah*, and that very King of the *Jews* so long expected [so that they need not look for another.]—I say, in all these several Conversations, set on Foot not only from different, but from *opposite* Motives,—not a Word is hinted about *national Grievances*, or national Complaints of any Kind. For the Question about the Payment of Tribute was not, Whether it was an unreasonable Tax, immoderate, or oppressive,—whether it was unequally laid, or would be squandered away, or improperly applied [the usual Topics in our Days] but whether they ought to pay *any* Tax at all, *much* or *little*, to a Government, against whose Title they objected, as founded on Violence and Usurpation. In answer to which, the Words of our Lord are as express and determinate as Words can be.—“If you allow, that Cæsar is now the Master of your Country (which you plainly do, by submitting to the Circulation of his Coin, an evident Proof of his sovereign Power!) you must allow, that he has a Right to some Tribute or other in that Coin, which bears his own Image and Superscription. He is now in actual Possession; his Government is peaceably established; it is the Government under which you live, and under which you are protected. Render therefore to Cæsar the Things that are Cæsar’s: For this is a sufficient Warrant for, and Justification of your Conduct; by what Means soever he may have acquired the sovereign Dominion over you.”

Almost 30 Years after the Resurrection of our Lord, the same Controversy concerning the Legality, or rather the Validity of Cæsar’s Title, broke out a fresh. The *Jews* could

not bear the Thought of submitting with Patience to a Title, whose only Recommendation was actual and peaceable Possession. The *Judaizing Christians* were of course of the same Way of Thinking. And there is no Doubt to be made, but that the other *Christian* Converts, and indeed that the whole *Roman* Empire, *Jews*, *Christians*, and *Pagans*, were no Strangers to the Manner, by which the first Cæsars mounted the Throne, and subverted the antient Constitution.

Under these Circumstances, it became of the utmost Consequence to the *Christian* Cause, to have it determined, what Part the *Christian* Converts, and more especially its Teachers and Professors, were to take. And I will add, that in every Age of Christianity to the present Hour, it is of the utmost Importance to know, that the Religion of the Gospel is “first pure, then peaceable, gentle, and easy to be entreated, full of Mercy, and good Fruits, without Partiality, and without Hypocrisy.” Consequently its Professors and Teachers should ever represent it, as a Religion peculiarly calculated, not to disturb the Repose and Happiness of Mankind, but on the contrary, to cement them together, and to promote Unity, Peace, and Love, where ever it can.—And surely, as far as the mere Titles of the reigning Powers are concerned, this it can, and therefore this it actually doth, do. “Render therefore to Cæsar the Things that are Cæsar’s.”

As to public Grievances, and well founded national Complaints,—what would have been the Gospel Doctrine concerning *the Extent* of passive Obedience, or *that Degree* of patient Submission, which ought to be paid to the higher Powers, in Case they were to be notoriously guilty in the Abuse of their Trust: This Question was never started: Therefore the Gospel of Christ is totally silent on that Head. And perhaps it would always be the better, and the safer Course, to leave these Points, as the Gospel has left them, totally undecided.—I say, it would be the *better* and the safer Course; because, as Obedience is a general Duty, and Disobedience or Resistance only an excepted Case, on some extraordinary Emergence, the natural Sense and Feelings of Mankind are seldom or ever wanting to apprize them in any Point where a Duty is to be relaxed. Nay, it is well if they are not too quick-sighted, and more officious than they ought to be in suggesting Exceptions, and Dispensations.

It is true, the Precepts in Scripture, which require Obedience to the higher Powers, urge such Motives, as by a natural Construction may imply, that where such Motives are wanting, there lies no Obligation to obey. And I freely grant, that such an Inference may be fairly made: But nevertheless the Scriptures are silent about it: They make no such Inference, but leave the Relaxation of this Duty to those whom it may concern. Thus, for Example, the Reasons for obeying the civil Magistrate, as alledged by St. Paul, are, “Because he is a Terror to Evil-Doers, and for the Praise of them that do well; because he is the Minister of God for Good, attending continually on this very Thing: For which Purpose he beareth not the Sword in vain, being a Revenger to execute Wrath on them that do Evil.” Now this being supposed as the Basis of his Administration, the Duty of Obedience follows of Course: And therefore the Apostle adds, in the very next Verse: “Wherefore we must needs be subject, not only for Wrath, but also for Conscience Sake.”

On this Principle it is, that Kings and Magistrates are reputed God's Vicegerents: On this Principle it is that their Authority is derived from him: And consequently that their Subjects cannot even *fear* God, in the Manner they ought to do, without *honouring* his Ministers and Representatives here on Earth.

But supposing that these Vicegerents should act contrary to their Commission: Supposing that they should no longer conduct themselves, as the Ministers of God for *Good*: In such a Case, what is to be done? I answer, it is very apparent from the Terms of their Commission, That they are no longer entitled to the Obedience of the Subject, as a Point of Duty and Conscience. But nothing farther can be inferred from the mere Words of Scripture; all the rest being left to Men's natural Feelings, and Discretion to do the best they can in such an unhappy Situation: Only we should always bear in Mind this necessary Caution, that tho' we are *free*, "we ought not to use our Liberty as a Cloak for Maliciousness, but to behave as the *Servants* of God."

And as the Holy Scriptures are thus averse to the giving any Countenance to popular Tumults and Insurrections,—it is very observable, that the *English* Constitution acts with the like Caution and Reserve. For the boundary Line between Resistance and Obedience is no more marked out by the Laws of *England*, than it is in the Gospel of Christ:—Cases and Exceptions there undoubtedly are, in which it would be right not to obey, and even to repel Force by Force. But nevertheless the *English* Constitution doth not point out those Cases, for fear Mankind should make a bad Use of such an Interpretation;—for fear crafty and designing Men should mislead the giddy Populace to deem that to be legal Liberty, which in Truth and Reality is no better than a rampant Licentiousness, and lawless Anarchy;—and which therefore must, in the Course of Things, end in the Despotism and Tyranny of some cunning, bold Usurper. [See my Vol. of Sermons, Pages 321, 324, printed for Rivington.]

There is but one Difficulty of Consequence, as far as I can see, which attends this Scripture Doctrine [or perhaps, as some would say, *this Interpretation* of a Scripture Doctrine] concern-the Obedience due to our civil Governors; a Difficulty in my poor Judgement much more plausible than real.

The Objection may thus be urged: According to the present Hypothesis, a *vile Usurper*, if once established in quiet and peaceable Possession, and behaving well in his public Capacity, hath as good a Title to the Loyalty, and Obedience of the Subject, as the most lawful Prince, though invested with the best hereditary Right, or even elected by the general Voice of the People.—It is admitted that this Consequence must follow from the Premises; nor are we afraid to meet it in its full Force. For *Julius Cæsar*, *Augustus*, *Tiberius*, *Caligula*, *Claudius*, and *Nero*, were all Usurpers, yet every one of them was, in Effect, declared by the Scriptures to be the *Ordinance* of God; as far, I mean, as the Duty of Allegiance and Subjection was concerned.

This Matter wants some Illustration; and to set it in a clear and just Light, the following Considerations ought to be attended to: That civil Government is *natural* to Man;—and that political Subordinations of some Kind, or under some Form or other, must necessarily take Place:—Moreover, let the Contenders for Empire be whosoever they will, and their Titles (real or pretended) whatsoever they may (that is, whether

founded on Consent, Election, Descent or Conquest):—Still the actual Possession of Government is no other than an Office held in Trust for the Good of the Governed. Consequently such an Office, or Trusteeship, must be subject to all those Vicissitudes, Casualties, or Accidents, to which every other public Charge is necessarily exposed. Now, were a Guardian, a Tutor, a Steward, or any other fiduciary Agent to be rendered *incapable* of executing his Trust, whether by the afflicting Hand of God, or thro' the Wickedness of Man, it is obvious to common Sense, that [supposing the Office ? necessary to be continued] recourse must be had to other Persons, and to other Agents to fill up the Vacancy.—Apply now this Reasoning, *mutatis mutandis*, to the Case of Sovereigns and their Subjects.—Government there must be: This Point is assumed as a self-evident Principle, from which no Departure can be made. And *Power, Wisdom, and Goodness* are such necessary Qualifications, for the Exercise of Government, at least in some Degree, that no public Regimen, much less a good one, can subsist without a Mixture, or Combination of them. Suppose therefore that *Wisdom*, through some unhappy Defect, should be wanting, [and that instead thereof gross *Idiotism* or *Infanity* should supervene] this is so total a Disqualification, that all the World will unanimously agree in declaring such unhappy Persons to be entirely unfit to govern; and therefore *they* must be governed, have Guardians appointed for themselves. Suppose also that *Goodness*, the next essential Article, be wanting;—if notoriously wanting, and to a very great Degree, a like Sentence of Deprivation ought to be pronounced against such unworthy Governors, who forfeit all Pretensions to be continued in an Office, the End and Design of which they manifestly pervert. Lastly, suppose that *Power* be wanting: This, we will allow, may sometimes be a Misfortune; and not a Fault. But nevertheless the *Want of Power* in the Sovereign to protect, must extinguish the reciprocal Duty of Allegiance in the Subject, as much as the Want of Wisdom, or of Goodness. Cases indeed may be put, proper to excite Compassion, and draw forth Pity; but they cannot alter the Nature of Things. For after all, the Affair must come to this.—That if the higher Powers in any Country, whose Administration answers to the apostolic Description of being a Terror to evil Doers, and for the Praise of them that do well;—if, I say, such Powers should be in Danger of being removed, deposed, or subdued, either through the Machinations of some internal Faction, or by the Arms of a Rival, or the Invasion of a foreign Enemy,—then, the first and *immediate* Duty of every good, and conscientious Subject is, to succour and assist them to the utmost of his Ability, and never to give the least Encouragement to the Adversary. This, most undoubtedly, is the first and immediate Duty of every Subject. But suppose that, after the most faithful Discharge of his Duty in these Respects, the foreign, or domestic Enemy should nevertheless so far prevail, as to be established in quiet and peaceable Possession, What is the next Duty? The next, one would think, is so clearly set forth in the Writings of the New Testament, that it would be impossible to mistake it: “Let every Soul be subject to the higher Powers, the *Powers that be*: For if Cæsar is become the Master of your Country, and if he protects you in the Enjoyment of your Life and Property, render to Cæsar the Things that are Cæsar’s; and learn from these Circumstances to become his good and faithful Subjects for the future, without Equivocation, or Reserve. The Guilt of such a Revolution doth not fall upon *you*: For you did every Thing in your Power to have prevented it. Therefore you are no more responsible for the Injuries or Injustice thereby occasioned, whatever they may be, than you are for the Consequences of any other successful Villainy, which Providence hath permitted, and doth daily permit, in the Course of human

Affairs. The Claims you make on this *new* Government, are only the Preservation of Life, Liberty, and Property. These are just Claims, which you have a Right to make, let who will be the ruling Powers: Because Government itself was instituted on purpose, to preserve them.” In one Word, you have a Right to be *Quasi-Contractors*, “if not *actual Contractors*, whatever Government shall prevail.”

However, if this Casuistry should not be deemed satisfactory, or if any one hath a Mind to criticise upon it, let him try, if he can, to substitute a better. “Cæsar is the actual and peaceable Possessor of the Throne. This is the Point to be supposed, and allowed: But it is also consessed, that his Title is sounded in Bloodshed and Usurpation. What therefore is a private Person to do in such a Case?” He hath but three Things to chuse: That is, he must either refuse to yield to the Conqueror, and obstinately resolve to accept of no Protection and no Quarter from him;—or he must submit in Appearance, with an Intention nevertheless to rise up and rebel as soon as an Opportunity shall offer:—Or lastly, he must submit in Sincerity, and conscientiously resolve to be faithful and obedient to the Power which presides over, and protects him. Let us therefore now see, which of these deserves the Preference.—The first, I believe, is what no Man, in his Senses, would espouse, or dare to recommend either as humane, just or practicable.—The Second is the Doctrine of the Jacobites on the one Extreme, and of our modern Republicans on the other: For these two Extremes meet at last in the same Point. The Jacobite maintains an unalienable and indeseasible Right in one single Family, and indeed in one single Person of that Family:—The Republican extends this wild Paradox, so as to comprehend every Individual, and the whole human Species: So that both these Factions, if they are consistent with their own Principles, must be the natural and irreconcilable Enemies to every Government but their own. For according to their Ideas of their respective *unalienable Rights*, all Cessions, all Promises, Oaths, Declarations, Abjurations, &c. &c. are void, and null of Course, when either the *right Heir* on the one Side, shall appear; or when the People shall have an Opportunity on the other of assembling to assert their unalienable Birth-rights, and to chuse their own Governors and Legislators.—What Scenes, first of Hypocrisy, Perfidy, and Treachery!—and afterwards of Bloodshed, Massacres, and Horror, are these two Systems, the Jacobitical and the Republican, capable of producing, were they left to operate unrestrained, and uncontrolled!

*Thirdly*, There is but one Choice more to make, namely, That every Individual, if in the Situation above described, ought to be subject in Christian Sincerity, without Guile, or Fraud, to the higher Powers, the Powers for the Time being; notwithstanding any Defect of Title imputed to them.—Of this third Choice therefore I shall say the less, as every Part of the foregoing Treatise has a Reference thereto.—Only let me be permitted to remind my Readers at the Close of the whole, that notwithstanding any little Cavils and Objections which may be made against this Doctrine,—It is the only Scheme that ever was, or ever can be reduced to practice;—And it is also the Law of the Land.

THE END.

[\*] I have added the Words *individually, or collectively*, as being Terms absolutely necessary for making the Cases of Religious, and Civil Liberty to tally with each other, according to the Doctor's System. In the Concerns of Religion, every Man must act for himself, and not by a Deputy: He has a Conscience *of his own*, which he cannot delegate to, or entrust with any Proxy or Representative whatsoever. If therefore the Cases are parallel, as the Doctor supposes them, there can be no such Thing allowed as *Representatives* in Parliament; but every Voter must attend in Person,—This is an important Point; therefore more of this hereafter.

[\*] See an express Dissertation towards the Close of this Work on the three Orders of Men formerly in *England*, Slaves,—Tradesmen,—and Gentlemen.

[\*] Matters of strict Right are undoubtedly very different from Matter merely prudential: and in the Reason of Things a Line ought always to be drawn between them. Every peaceable and useful Subject has a Right to the Protection of the State under which he lives, in order to enjoy the Fruits of his Industry: And it would be an Act of flagrant Injustice to debar him of that Protection either in whole, or in Part. But he cannot have the same just Pretensions to demand to be created a Magistrate or Judge, or to be raised to Posts of Honour, Power, or Profit of any Kind; because these Offices do not belong to him of *Right*, in the mere Capacity of a Subject. Therefore as they are Matters of a prudential Nature, they must be disposed of according to the Discretion of the ruling Powers in every State, and not according to the Ambition, or Expectation of the Candidates. There may be many Things, in respect of Capacity, Education, outward Circumstances, Party-Attachments, &c. &c. which may disqualify from certain Office: those, who, in other Respects, are useful Subjects, and therefore entitled to Protection. It belongs ultimately to the Prudence of the Legislature to settle the Boundaries.

[\*] Discours sur la Question, proposée par l'Academie de Dijon; *Quelle est l'Origine de l'Inegalité parmi les Hommes; et si elle est cutorisee par la Loi naturelle?*—Second Partie. Le Premier, qui ayant enclos un Terrain, s'avisa dire, *Ceci est a moi*, et trouva des Gens assez simples pour le croire, *sut le vrai Fondateur de la Societé civile*. Que de Crimes, de Guerres, de Meutres, que de Miseres, et d'Horreurs n'eut point epargnès au Genre Humain celui qui arrachant les Pieux, ou comblant les Fossé, eut crié a ses semblables; *Gardez vous d'ecouter cet Imposteur. Vous etes perdues, si vous oubliez, que les Fruits sont a tous, et que la terre n'est a personne*.

[\*] It will be distinctly shewn in the first Chapter of the second Part, that a social State among such Creatures as *Men* must necessarily produce a Government of some Kind or other.

[\*] This Circumstance of the Dearness of the French Freight [more than 30 per Cent. dearer than the English] renders the Conduct of the French Court, in supporting the Independency of *America*, and granting a Freedom of Navigation (at least in part) between *Old France*, the *French Islands*, and the *American Continent*, one of the most impolitic Measures that ever that Nation adopted. For, as the very *Fortè* of the *Americans* consists in the Cheapness of their Navigation, and as they are a People more addicted to Chicane of every Kind, to Quirks and Quibbles in the Law, and have



greater *Invention* that Way, than any People upon Earth (even according to the Confession of their best Friends); they, with the Assistance of their new Allies, the *French* Planters of *Martinico*, *Guadaloupe*, &c. all united in one common Interest, will evade the restraining Laws of *Old France*, in Spite of every Effort of a French Ministry to the contrary. This, I will venture to predict, will be the Consequence in Process of Time. And then the *Americans* will engross almost the whole of that Carrying-Trade to themselves, which used to be the best Nursery of Seamen for the *French* Navy. What Infatuation is this? But I forbear—The silly groundless Notion, that the Separation of *America* would be the Ruin of *England*, hath done more to advance the real Interests of *England*, than we could, or, at least, would have done for ourselves. May we profit by these Blunders of others, and see our own real Interests, before it be too late!

[\*] Of a like Nature is that other Assertion of our modern Patriots, that in former Times, there was no such Thing as a Standing-Army; but that this is a modern Invention, to enslave Mankind. Indeed, if they meant to say, that the Term itself was not in use in former Times, they are right; for the Word *Standing-Armies* is of modern Date. But if they wish to propagate a Notion, (which they certainly do) that the Thing itself, the *Substance*, was not in Being 'till very lately, they are guilty of a wilful Misrepresentation; for they *do* know, that the Gothic Constitution necessarily created a Standing-Army in *Fact*, tho' not in *Name*, in every Kingdom, wherever it prevailed. They know also, that the essential Difference between antient and modern Standing-Armies consists in this, that ours are paid in *Money*, and the *Gothic* Troops were paid in *Land*: And that consequently their Forces were much more dispersed, much worse disciplined, much more subject to the Wills and Caprice of their respective Generals and subaltern Officers, *alias* the Barons, and Lords of Manors; and, in short, in every View much more unfavourable to civil Liberty than ours are.—Not many Miles distant from the Place where I now write, the two great Barons, Lord Berkeley and Lord Lisle, fought a bloody Battle on *Nibley Common*, Anno. 1470 [See Atkyns's *Hist. Glocestershire*, Page 577] with 400 Men on a Side, raised in less than 48 Hours, from among their respective Vassals and Dependants. The famous Battle of *Chevy Chace*, is still a more extraordinary Circumstance, according to the antient Song: For in that we are told, that Earl Percy had made a Vow, that he would be the Aggressor in breaking the Peace between the two Kingdoms, by hunting in a Wood that belonged to the House of Douglas. Yet rash and unjustifiable as such a Vow was, the Event shews, that his Pleasure alone was a sufficient Reason for the very Flower of his Vassals and Dependants to attend him in that frantic bravading Expedition. Now here I ask, Were any two modern great Men, any two Dukes, Earls, or Barons, or any two Generals, or Colonels, in the Army, to have a Quarrel with, and to send Challenges to each other (as we are assured was the Case between the Lords Berkeley and Lisle, and the Earls Percy and Douglas) would they be able to prevail on any of their Tenants to take up Arms in such a Quarrel? and could they engage, I do not say a Regiment on a Side, but even a single Troop, or Company, to draw a Sword, or fire a Musket in their Defence? Surely no: Yet we are told, that these were the Days in which our brave Fore-fathers enjoyed that glorious Liberty of thinking and acting for themselves, which we, their degenerate Sons, have lost!

[\*] See a very ingenious and instructive Pamphlet, intituled. The Rights of the *British* Legislature to tax the *American* Colonies vindicated, printed for T. Becket. I differ from this Author in nothing very materially, but in his Calculation of the present Rental of *England*, which he seems to me to have set a great deal too low. Had he attended to the vast Improvements in Agriculture throughout *England* and *Wales*, partly by Skill and good Husbandry, partly by the Enclosure of common Fields, and by the enclosing and cultivating of above a Million of Acres of Commons, Wastes, Forests, Chases, Mountains, Moors, Fens, Marsnes, &c. &c. And above all by the prodigious Encrease of Buildings in *London, Bristol, Bath, Birmingham, Liverpool, Manchester*, and in almost every manufacturing Town and District whatever, for these last 40 Years: I say, had he duly attended to the Advance of Rents on these, and on other Accounts, he would have found that the Rack-Rental of *England* and *Wales*, independently of *Scotland*, cannot be so little as 30,000,000l. a Year; a Fifth of which is 6,000,000l.

[\*] Happy would it have been for *Great Britain*, had the Colonies come to this Determination 50 or 60 Years ago; for then we should have avoided two most expensive and bloody Wars, and, to speak the honest Truth, very *unjust* ones, entered into for their Sakes. But better late, than never. *America* ever was a Mill-Stone hanging on the Neck of this Country; and is we would not cast it off, the *Americans* have done it for us.

[\*] Dr. Price and the Congress ground all their Outcries against the declaratory Law, for binding the Colonies in all Cases whatsoever, on this very Plea, weak and illogical as it is.

[\*] The Appetite between the Sexes can have no Place in this Question; because it is not of that Sort, or Kind, which renders Mankind *gregarious*. Indeed it is observable, that the most solitary Animals, which are not fond of *herding* together, yet, at certain Periods, converse in *Pairs*.

[\*] The proper Use, and great Advantages of Deputies from, or Representatives of the People, will be set forth at large in the 4th Chapter of the ensuing Work.

[\*] It was a great Mistake in a late noble Author to assert, That the Army of the Barons at Running-Mead was an Assembly of the People, demanding a Restitution of their Rights from a tyrannical Prince.—No: The Fact was just the contrary. For it was this tyrannical Prince, who took the People's Part, even whilst they themselves were ignorant of the Matter, in order to raise a Power towards counter-balancing the Aristocracy of his great Barons.—I am credibly informed, That there is a Copy now extant of the very Magna-Charta, which the Barons intended should have passed, had their Plan succeeded in all Respects, in which there are none, or next to none of those great Advantages in Favour of the Bulk of the People, which the real Magna-Charta now contains. But it was hardly possible for them to withstand the Force of that Argument urged by the Royal Party, [and that too in the Presence of their own Vassals, then in Arms for their Sakes,] which was to this Effect:—"As you, who are the Vassals of the Crown, demand such and such Concessions from your Prince, you

must grant the like Concessions to your own Vassals, to be inserted in the same Magna-Charta.”—See particularly the 69th Clause of Magna-Charta.

[\*] See Dr. Robertson’s excellent and impartial History of *America*, Vol. I. Book IV. viz. Condition and Character of the *Americans*, Pages 281—409. I myself have heard Mons. Condamine at *Paris* confirming almost all the Particulars mentioned in these Pages. He added likewise one Circumstance, which I ought not to omit: Speaking of the Indians in the Empires of *Mexico* and *Peru*, whom the *Spaniards* had converted to Christianity for several Generations past. “They make, says he, excellent Catholics; for they are charmed with the Pomp and Ceremonies of Religion, and *never think*. Indeed it appears to me, that they are incapable of much Thought: For they are Children all their Lives.—*Toujours Enfants*.”

[\*] See Robertson’s History of *America*, Vol. I. Book 7, concerning the State of the *Mexican* Empire before the Invasion of the *Spaniards*.—See also the same concerning the State of the Empire of *Peru*.

[\*] Muratori’s Relation of the Missions of *Paraguay*. The *English* Translation printed for J. Marmaduke, 1759. P. 101—102:

[\*] The Savage *Indians* occupy no Lands in *severalty*: Therefore there is neither Tillage, nor Planting among them; except perhaps what their Wives may do in little Spots near their Cabins. In fact, as the whole Country lies open before them, in the Nature of a great Common, they hunt and fish wherever they please. But tho’ these Lands, Woods, and Waters are considered as common to all the Individuals of the same, Tribe;—yet, in their public Capacity, or as a collective Body, they claim an *exclusive Right* to vast Tracts of Country against other Tribes. In this respect they are so greedy, that perhaps an Extent of *Wastes*, *Forests*, and *Deserts* as large as *England*, is hardly judged sufficient for a few Hundreds of these Vagabonds to roam about. And it is the Invasion of this [supposed] *public Property*, which furnishes them with Pretences for their frequent, bloody, and scalping Wars: For the better Management of which, they elect a Chief, or Governor. Hence therefore we see, even from this imperfect State of Things, that wherever the Idea of Property prevails, Government must follow, as a necessary Consequence for the Preservation of it. N. B. Since their Commerce with the *Europeans*, the *Indians* have begun to use Horses, not for the Purposes of Husbandry, but for their Journies. They treat these Creatures with shocking Inhumanity; and indeed they seem to exhibit very little Fondness or Affection for any Sort of Beings whatever, but for self. In this they are quite the Reverse of the wild *Arabs*, who are as remarkable for their Kindness and Attachment to all their domestic Animals, and particularly to their Horses, as the *Indians* are for the contrary.

[\*] During an attentive Observation, and the Experience of 50 Years, sorry I am to say, but Truth obliges me to do it, that I hardly ever knew an unpopular Measure to be in itself a bad one, or a popular one to be truly salutary. *Internally* the People violently opposed the best of all Schemes for a commercial Nation,—That of warehousing Goods on Importation, and paying the Duties by Degrees. They were also as bitterly averse to the making of Turnpike Roads, to the Use of Broadwheel Waggons, to the

enclosing and improving of Lands, to the Freedom of Trade in Cities and Towns corporate, to the Introduction of Machines for abridging Labour, and also to the Admission of industrious Foreigners to settle among them. Nay, they very lately were so absurd as to raise loud Clamours against the Execution of the Act for preserving the public Coin, and their own Property from Debasement and Adulteration.

*Externally*, they are perpetually calling out for new Wars (though against their best Customers) on the most frivolous or unjustifiable Pretences. Moreover, if there was any Convention or Treaty to be broken through or disregarded, (the Observance of which would have restored Peace or prevented Bloodshed) or if there was any new Colony to be planted in a desert Country, or Conquest to be undertaken in a populous one, even in the most distant Part of the Globe.—All these Measures, though totally opposite to a Spirit of Industry at Home, and though the Bane of a commercial Nation, were sure to receive the Applauses and Huzzas of the unthinking Multitude. Such was the *Vox Populi* for 50 Years last past, which some Persons blasphemously stile *Vox Dei*.

[\*] Quere,—Whether this famous Legislator was not guilty of a gross Equivocation in the very Act of making his social Contract with the People of *Lacedemon*? It is said, that he bound them by an Oath to observe his Laws and Regulations, till he should return from a Voyage to *Crete*, where he then purposed to go. He went, but never returned: And lest they should bring back his Bones after his Death, and thereby suppose themselves released from the Obligation he had laid them under, he ordered his Body to be thrown into the Sea. Few Moralists, I believe, would judge such a fraudulent Contract as this, to be good and valid. And no Court of Equity upon Earth would pronounce such a palpable Deception to be binding in any other Case. The learned Reader is requested to consult Xenophon's Account of the Policy of the *Lacedemonians* in the Original. He will there find, that many of the Institutions of Lycurgus were very whimsical and absurd, (notwithstanding Xenophon's Endeavours to gloss them over) that some of them were very criminal, others obscene, that few were worthy to be adopted into that benevolent and liberal Plan of Government, where *true national Liberty* was to be the Basis.

[\*] Plutarch doth not mention this Circumstance of the Daughter of Aristides, exactly after this Manner, but other Authors do.

[\*] The most unpopular Man in all *France* in his Day, was the Duke de Sully; the most popular the Duke de Guise: The most unpopular Ministers in *England*, were the Earl of Clarendon, and Sir Robert Walpole, during their respective Administrations; the former a true, a steady, and equal Friend to a limited Monarchy, and the just *civil* Rights of the People; and the latter the best commercial Minister this Country ever had, and the greatest Promoter of its real Interests:—The most popular in their Turns, were Mr. Pulteney, and Mr. Pitt. *Sed Opiniorum Commenta delet Dies*.

[\*] Jam de artificiis & quæstibus, qui *liberales* habendi, qui *fordidi* fint, hæc fere accepimus. Primum improbantur ei quæstus, qui in odia hominum incurrunt; ut portitorum, ut fœneratorum. Illiberales autem, & sordidi quæstus mercenariorum, omniumque, quorum operæ, non quorum artes emuntur. Est enim illis ipsa merces auctoramentum Servitutis. Sordidi etiam putandi, qui mercantur a Mercatoribus, quod

statim vendant; nihil enim proficiunt, nisi admodum mentiantur. Nec vero quidquam turpius est Vanitate. Opificesq; omnes in sordida arte versantur. Nec enim quidquam ingenuum potest habere officina. Minimæque artes hæ probandæ, quæ ministræ sunt voluptatum, cetarii, lanii, coqui, fartores, piscatores. Adde huc, si placet, unguentarios, saltatores, totumque ludum talarium. Quibus autem artibus aut prudentia major inest, aut non mediocris utilitas quæritur, ut medicina, ut architectura, ut doctrina rerum honestarum, hæ sunt iis, quorum ordini conveniunt, honestæ. Mercatura autem, si tenuis est, *sordida* putanda est: Sin magna, et copiosa, multa undique apportans, multisque sine Vanitate impariens, non est *admodum vituperanda*. Atque etiam si satiata quæstu, vel contenta potius, ut sæpe ex alto in portum, sic ex ipso portu se in agros, possessionesque contulerit, videtur jure optimo posse laudari. Omnium autem rerum, ex quibus aliquid acquiritur, nihil est agricultura melius, nihil uberius, nihil duleius, nihil homine, nihil libero dignius.—Vide Ciceronem de Officiis, Liber 1. § 42.

In the above Quotation there some Things very difficult to be explained, at least I know not how to explain them. I think I see the Reason, why Cicero classed Fish-mongers and Fishermen among the Number of those, who administred to Luxury; for in his Time, Fish was not used as a common Food, but only as an expensive Dainty for the Tables of the Great: And as soon as the *Romans* understood that Oysters were to be procured in *Britain*, they sent as far as *Colchester* to fetch them. At present Fish, or Bacalao, that is *Newfoundland* Cod Fish, is the cheapest Provision which the Poor of *Italy* can purchase in the Spring of the Year. And while that continues to be the Case, the *Roman Catholics* will eat Fish in Lent, but no longer. As to Butchers and Cooks, why they should be proscribed, as peculiarly subservient to Luxury at that Time, surpasses my Comprehension. [De Noordt has a Passage relative to the Subject, but it is not satisfactory.] In respect to Usurers and Pawn-brokers, a good popular Reason may be given, why they were so odious to the Populate. After the *Romans* had subdued the World, and robbed it of its Treasures, the Mass of the People of *Rome* were some of the poorest and most wretched Mortals in the State, hardly ever being able to procure Money at lower Interest than 12l. per Cent. per Annum; and at the same Time so very indigent, and perhaps dishonest, that their Creditors (who had severe Laws on their Side) would not trust them but from Month to Month. Such were the Fruits of a Series of Victories, and such the Difference between Conquests and Commerce! This ought to be a Lesson to *Great-Britain*.

[\*] One Time the People were very clamorous for assisting the Queen of *Hungary*; and nothing else could content them.—Then the Tide turned, and they were equally clamorous to assist the King of *Prussia*. At one Time that miserable Island *Corsica* was the favourite Object, at another a Set of Rocks, absolutely barren, in the midst of a most inhospitable Sea, and in a most wretched Climate, called *Falkland Island*, engrossed their Attention. In short, any Thing, and every Thing, excepting that one Thing the most needful for a Commercial State, To *study to be quiet, and do our own Business*.

[\*] The Ladies have Votes at the *East-India House*.—Let the Lockians give a Reason consistently with their Principles, if they can,—Why Women are debarred from



voting for *Directors* in Parliament, and yet allowed to vote for Directors at the *India House*.

[\*] An Observation of the very learned and Hon. Daines Barrington, Esq; corroborates what is here advanced. In his useful Annotations on ancient Statutes, Page 417, of 3d. Edition, he remarks, That “Henry [the VII.] had the Merit either from Reasons of Policy, or perhaps more humane Motives, to render the lower Class of People less dependent upon the rich and powerful.” And adds at Page 419, “This *Protection* of the inferior Classes of his Subjects, produced, as a natural Consequence, a greater Freedom and Independency in the lower House of Parliament. Sir Thomas More opposed a Subsidy with Success, in the last Year of this King’s Reign; which is, perhaps, ? the first Instance of Opposition to a Measure of the Crown by a Member of the House of Commons.”

But though the Representatives of the People began to acquire Consequence in Proportion as the People themselves became less dependent on the Prince, or on his Barons;—yet they hardly felt their full Strength till a much later Period. In the succeeding Reign a most remarkable Instance occurs of their Non-importance, even in their own Eyes. One Richard Strode [see Statutes at large, 4. H. VIII. C. 8.] a Tinner and Member for *Plimton* in *Devonshire*, had very properly, as it seems, joined with other Members of the House of Commons in promoting Bills for preventing his Brother-Tinners from monopolizing the Tin Trade. This was Crime enough in their Eyes. They therefore called a Parliament of the Stannaries to condemn the Culprit for what he had done in the Parliament at *Westminster*. And having fined him by Processes in their Law-Courts to the Amount of 160l. they “imprisoned him in a Dungeon, a deep Pit under Ground in the Castle of *Lidsord*, the which Prison is one of the most heinous, contagious, and detestable Places within this Realm, and put Irons upon him to his more greater Pain and Jeopardy, and gave him but Bread and Water only.” In which Situation he continued till he was released by a “Writ of Privilege out of the King’s Exchequer” [N. B. A. Privilege, not as being a Member of Parliament; for that it seems, gave him then no protection; but] “as being one of the King’s Collectors in the said County for the first of the two *Quindeims* granted at, and in this Parliament:—Wherefore the said Richard humbly prayeth, that it may be ordained, established, and enacted by the King our Sovereign Lord, and by the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, that the said Condemnations, and Condemnation of the said 160l. &c. &c. be utterly void, and of none Effect.”

The Legislature having granted this most reasonable Request, added a farther Security to Members of Parliament, viz. “That all Suits, Accusements, Condemnations, Executions, Fines, Amerciaments, Punishments, Collections, Grants, Charges or Impositions put, or had, or hereafter to be put, or had unto, or upon the said Richard, and to every other of the Person or Persons afore specified, that now be of this present Parliament, or that of any Parliament hereafter shall be, for any Bill, Speaking, Reasoning, or declaring of any Matter or Matters concerning the Parliament to be communed and treated of, be utterly void, and of none Effect.”

To which Protection the Legislature added also a Penalty on such Offenders, for this

farther Security of the Liberty of Members of Parliament: Namely, that the Members might bring Actions on the Case, if moisted for the future, and recover treble Damages and Costs.—Such was the boasted Privileges of the Representatives of the People at this Period of Time! Reader, compare those Times with these.

Again, during the long Reign of Queen Elizabeth, the Language of Parliament, I mean of the House of Commons, was, That the Queen was absolute, and her Prerogative unlimited;—consequently, that no Act of the Legislature could curtail or abridge it. See Townshend’s Collections of the many Debates for abolishing Monopolies; and D’Ew’s Abridgement. On which Occasion, the Speaker received a severe Reprimand from the Secretary of State, Sir Robert Cecil, for suffering the Heads of a Bill even to be read in that House, which seemed to limit or confine the regal Power. *You, Mr. Speaker, ought to have known your Duty better:*—And in another of his Speeches he said, Hear what Bracton saith, *Prærogativam meam nemo audeat disputare*. Once more: The same Author, if my Memory doth not greatly fail me, mentions another curious Fact, namely, That one Archer, who stood and carried the Election for the Borough of *Reading*, in Opposition to a Candidate recommended by the Queen’s *Deputy Vice Chamberlain*, was imprisoned for this atrocious Deed: Nor could he gain his Liberty, till the whole House of Commons had petitioned for his Release. Surely, surely, the Reader will not dismiss these historical Facts, without making his own Reflections upon them. The Influence of the Crown! The *encreasing* Influence of the Crown in these degenerate Days! O Liberty! O my Country!

[\*] *Somersetshire* was originally much under the same Predicament with *Wiltshire*, being a Western County, where the Kings of the *West Saxons* had great Demesnes. William the Conqueror gave large Possessions in this County to some of his Favourites, and Followers, and particularly to William Malet, to whom he granted several Towns, which were called after the Name of Malet, such as *Shipton-Malet*, *Curry-Malet*, &c. The other Towns and Villages in Demesne, namely, *Axbridge*, *Charde*, *Dunster*, *Langport*, *Monterate*, *Stoke-Curry*, *Watchet*, and *Were*, sent their Deputies to Parliament in very early Times: But in Proportion, as these Estates were aliened from the Crown, or as the Inhabitants could get themselves excused from that heavy Burden and Expence, they sent no longer. The same Observation will extend to several Towns and Villages in *Devonshire* [and to some Places in other Counties] such as *Lidford*, *Bradnick*, *Crediton*, *Fremington*, *Modbury*, *South-Moulton*, and *Torrington*;—all which returned Members during the Reigns of one or more of the three first Edwards;—but not afterwards. Dr. Brady’s Rule for distinguishing Towns of antient Demesne from those which were not, is here worth inserting, “That wherever the Mayor, Bailiffs, or Burgesses are chosen by a Jury in a Court-Baron, or at the Leet; or what the Return of Parliament Members have been, or are now made, by the Lord or Lady of the Manor, or their Steward, such Towns are Towns in antient Demesne.”—For a further Confirmation of these Points, see Squire’s *Enquiry into the Foundation of the English Constitution*, &c. Dedicated to the Duke of Newcastle, London, 1753.

[\*] *Gestæ Dei apud Francos* was the Title of a famous Treatise recording the Exploits of those holy Murderers, the *Croises*.

[\*] The Authority I make Use of, on this Occasion, is the Appendix, No. 2, to the Enquiry into the Foundation of the *Constitution* above mentioned. The Title of the Appendix is, An Accounts of all the Cities, Towns, and Boroughs in *England* and *Wales*, which have been ever summoned to send Members to Parliament, with the Date of their first Returns: Extracted chiefly from the three Vols. of Dr. Brown Willis's *Notitia Parliamentaria*.—Many Vouchers from Brady and Madox are likewise produced in the Notes annexed.

[\*] The Stile of Parliament as low down as the Reign of Edward III. plainly proves, that there was a Distinction then existing in Point of Dignity and Honour, between the Knights of Shires and the more Citizens and Burgesses chosen to represent their respective trading Societies. Statutes made at *Westminster* Anno 10. Edward III. Stat. 1. Anno Dom. 1336. Because our Lord the King, Edward III. after the Conquest (which sovereignly desireth the Maintenance of his Peace, and Safeguard of his People) hath perceived as the *Complaint* of the Prelates, Earls, Lords, Barons,—and also as the *shewing* of the Knights of the Shires,—and his Commons, &c.—hath ordained and established by the *Assent* of the said Prelates, Earls, Barons, and other Nobles of his Realm,—and at the Request of the said Knights and Commons, &c. &c.—By the Words of this Preamble, it is evident to a Demonstration, that the Representatives of the lesser Barons [the Freeholders of Counties] were of a superior Rank, and not to be confounded, as they are now, in the same Class with the Representatives of Cities and Boroughs. Before the Admission of Citizens and Burgesses, the greater Barons, and the Deputies from the lesser, sat in the same Room.—But the Deputies from the trading Places never did. In short, the one were Knights Milites, Soldiers, or Gentlemen,—the others more Commoners, that is, common People, Tradesmen, or Mechanics; who were only one Step above the Villains or Slaves.

[\*] Many Examples of this Nature occur in Rymer's *Fæd*.

[\*] Perhaps there never existed a greater Contrast between the Proceedings in the Courts of Law in antient Times, and in those of the present. It is really a Matter of Astonishment (and surely ought to be of Thanksgiving) that such *pure* Streams should flow from so *very impure* a Fountain.

[\*] As this Translation is not warranted to be *technically*, but only *substantially* just, I would here observe once for all, after the judicious Mr. Barrington, that the common Translation, printed in a Column opposite to the Original in the Statute-Books, is miserably defective and incorrect. In a very short Paragraph from a Statute, which I am going to quote, there are two very capital Mistakes in almost as many Lines. The Words of the first are these, *Notables Chevillers, et Notables Esquiers*, which are rendered notable Knights, and notable Esquires: Whereas the Sense itself, as well as the original Language, requires, that they should be translated, *respectable* Knights, and *respectable* Esquires, that is, Men of Eminence and Property in their Country. In this Sense, the Duke de Sully says in his Memoirs, that when he was the Baron de Rhoni he assisted at an Assembly of the *Notables of Brittany*. The other Sense is perfectly ludicrous. Falstaff was a *very notable* Knight in that Sense: But surely he was not a *respectable* one. Apropos; the Humours of Falstaff, *extravagant* as they may



now appear, were the Humours of those Times. He was not the first Knight by a great many, whose Profession it was, to enroll a Band of poor ragged Gentlemen Adventurers, and to rob on the Highways. The other Mistake is a capital Omission, *Gentil-hommes del Nativité*, that is, *Gentlemen by Birth, or Gentlemen born*; whereas the Words *del Nativité* is totally left out in the Translation, as if of no Consequence, though the Sense of the Passage, and the Contrast of what follows, lay a particular Stress upon it. Here I will also note a remarkable Change in the Signification of some Words in our Language. We now say, *I signed my Name*, meaning thereby, *I wrote my Name*: Whereas it originally signified, when very few People, even of the Grandees, could write a Letter, I made a *Mark* or *Sign* [generally the Sign of the Cross] for my Name. Those that were such Scholars, as to be able to write, frequently added, *Ego A. B. propria manu* [*Editor: illegible word*].

[\*] The *Vadlet*, *Varlet*, *Valet*, or *Serving-Man* mentioned in this Statute of Henry VI. seems to explain the whole Drist and Intention of the Law. Evidently there was some shameful Abuse about that Time committed in the Choice of a Knight of a Shire, which this Statute was intended to correct. And the most probable Account is the following: When some great Baron, such as an Earl of Warwick, of Lancaster, Gloucester, Northumberland, Norfolk, &c. &c. had perhaps more than Half a County his own Property, and when the Freeholders of most Part of the rest were in Dependance on him, wearing his Livery on all public Occasions; he might nominate whom he pleased to represent the County. For none dared to oppose him openly, or contest the Election. If therefore the Great Baron had a Favourite Valet to recommend, he must be obeyed, and the favourite be elected. But most undoubtedly the Knights of the other Counties could not be pleased with being classed in such Company. Therefore, they caused a general Law to be made, requiring that for the future the Candidate should be not only a Gentleman born, which it was no uncommon Thing for a Valet to be at that time of Day, but also a *respectable* Gentleman, a Man of Character and Fortune, even such an one as was *able* to support the Expence of Knighthood, if required. This effectually disqualified all *Vadlets*, *Varlets*, or *Valets* from being Candidates for Knights of Shires, Some Anecdotes concerning the insolent Behaviour of the great Nobility towards the inferior Gentry in former Times render this Conjecture very probable. And hence also a much better Reason may be assigned for the Anxiety which the House of Commons, have expressed of old, as well as in modern Times against any Peer of the Realm interfering in the Election of their Members, I say a much better Reason than that which is usually given.

[\*] Mr. Cartwright's Quotations from the Dean of *Glocester*, are from Works already printed, and *published*. This was fair and honourable. He did not have Recourse to a Manuscript, or, what was the same Thing, to a Copy printed for the Use of a few select Friends, and their Acquaintance, in order to obtain the Benefit of such Correction;—to which an Advertisement was prefixt, that the Press was no other than an expeditious *Amanuensis*.—Mr. Cartwright, I dare believe, would have acted a Part very different, on such an Occasion, from what Mr. Professor Dunhar, of *Aberdeen*, has thought proper to do in his late Publication: *The History of Mankind*.

[\*] Ut apud examina non fingendorum favorum causâ congregantur, sed, cum congregabilia naturâ sint, singunt, suos; sic homines, ac multo etiam magis *naturâ congregati*, adhibent agendi, cogitandique solertiam.

[\*] Quemadmodum etiam membris utimur, priusquam didimus cujus ea utilitatis causâ habeamus; sic inter nos naturâ ad civilem communitatem conjuncti, et consociati sumus.

[\*] Quis vestrum, iudices, ignorat, ita naturam rerum tulisse, ut quodam tempore homines nondum neque naturali, neque civili jure descripto, fusi per agros, ac dispersi vagarentur, tantumque haberent, quantum manu, ac viribus per cædem ac vulnera aut eripere, aut retinere potuissent? qui igitur primi virtute et consilio præstanti extiterunt, ii perspecto genere humano docilitatis, atque ingenii dissipatos unum in locum congregarunt, eosque ex feritate illa ad justitiam, atque mansuetudinem transdixerunt. Tum res ad communem utilitatem, quas publicas appellamus, tum conventicula hominum, quæ postea civitates nominatæ sunt, tum domicilia conjuncta, quas urbes dicimus, invento divino et humano jure mœnibus sepserunt.

In the above Passage, whether the Adjective *descripts* should be joined with the Substantive *tempore*, or with the Substantive *jure*, is perhaps a doubtful Point. But the Sense, in the subsequent passage, seems to require, that *perspecto genere humane docilitatis, atque ingenii*, should be altered into *perspectâ generis humani, docilitate, atque ingenio*. However, either of these Senses or Constructions will serve in the present Case.

[\*] Cum vero frustra de Jure suscipiatur disputatio; si ipsum jus nullum, et ad commendandum, et ad præmuniendum opus nostrum pertinebit, hunc gravissimum errorem breviter refelli. Cæterum ne cum turba nobis res sit, demus ei advocatum. Et quem potius quam Carneadem, qui ad id pervenerat, quod academix suæ summum erat, ut pro falso, non minus quam pro vero vires eloquentiæ possit intendere? Is ergo cum suscipisset justitiæ, hujus precipuæ de qua nunc agimus oppugnationem, nullum invenit argumentum validius isto: Jura sibi homines utilitate sanxisse varia pro moribus, et apud eosdem pro temporibus sæpe mutata: Jus autem naturale esse nullum: Omnes enim et homines, et alios animantes ad utilitates suas natura ducente ferri: Proinde aut nullam esse justitiam, aut si aliqua, summam esse stultitiam, quoniam sibi noceat alienis commodis consulens.

Verum quod hic dicit Philosophus, [Carneades] admitti non debet. Nam homo animans quidam est, sed eximium animans multoq; longius distans a cæteris omnibus, quam cæterorum genera inter se distant: Cui rei testimonium perhibent multæ actiones humani generis propriæ. Inter hæc autem, quæ homini sunt propria est appetitus societatis, id est communitatis non qualiseumq; sed *tranquillæ*, et pro sui intellectus modo ordinatæ, cum his qui sui sunt generis, &c. &c.